

A BILL

FOR

AN ACT TO REGULATE THE PROFESSION OF AGRICULTURE AND TO MAKE PROVISIONS FOR THE ESTABLISHMENT, FUNCTIONS AND ADMINISTRATION OF NIGERIAN INSTITUTE OF AGRICULTURISTS, AND FOR RELATED MATTERS 2016

Sponsors:

Hon. Mohammed Monguno

Hon. Munir Dan Agundi

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 PART I - ESTABLISHMENT OF THE NIGERIAN INSTITUTE OF
2 AGRICULTURISTS AND ITS GOVERNING COUNCIL

3 1.-(1) There is hereby established for the profession of agriculture,
4 an Institute to be known as the Nigerian Institute of Agriculturists (in this
5 Act referred to as "the Institute").

Establishment of
the Nigerian
Institute of
Agriculturists

6 (2) The Institute shall be a body corporate with perpetual
7 succession and a common seal and shall have power to sue and be sued in its
8 corporate name and to own, hold and dispose of property whether movable
9 or immovable.

10 2. The objects of the Institute are:

Objects of
Institute

11 (a) to prescribe and regulate the standards of academic
12 qualifications and practical skills to be attained by persons seeking to
13 become registered as members, Associates or fellows of the Institute, as the
14 case may be;

15 (b) to prescribe the code of conduct for agriculturists;

16 (c) to regulate the practice of the profession of agriculture;

17 (d) to promote and co-ordinate the farming systems, production

1 types and technological innovations as well as the food security, agricultural
2 services and agro-processing activities for the advancement of all the aspects
3 and branches of agriculture;

4 (e) to encourage and promote among farmers the utilization and
5 application of the findings of agricultural research and other studies for
6 increased food production and food security in Nigeria;

7 (f) to establish a national net-work for the dissemination of
8 information relating to packages on agricultural production and methodologies
9 arising from new discoveries and modern agricultural skills and techniques;

10 (g) to encourage up-to-date training of extension workers and
11 effective linkage of research stations to farms to enhance agricultural
12 productivity;

13 (h) to ensure that the curricula and courses of studies in agriculture in
14 the Faculties, Colleges and Universities of Agriculture are of theoretical and
15 practical relevance to the development and growth of agricultural science and
16 technology;

17 (i) to determine and advise on safety standards for the use of
18 Agricultural chemicals and new biotechnological products;

19 (j) to contribute towards ensuring that Government Policies on
20 agriculture deal effectively with emerging problems in agriculture and natural
21 resources management;

22 (k) to publish journals, magazines, newsletters and other publications
23 of professional standard in agricultural business and industry;

24 (l) to establish, update and maintain a Register of Professional
25 Agriculturists under this Act according to their various ranks and to regulate
26 the prerogatives and privileges pertaining to those ranks and;

27 (m) to do such other acts as may be conducive to the attainment of the
28 functions of the Institute.

29 3.-(1) There is hereby established for the Institute a Governing
30 Council to be known as the Council of the Nigerian Institute of Agriculturists

1 (in this act referred to as "the Council ") which shall have overall control of
2 the Institute as specified under this Act.

3 (2) The Council shall consist of:

4 (a) a President who shall be the Head of the Institute and preside
5 over all council meetings;

6 (b) a Vice President who shall act for the President in his absence;

7 (c) The president, Agricultural Society of Nigeria;

8 (d) Ten persons shall be elected by the Institute, to represent each of
9 the following disciplines/group of disciplines of agriculture:

10 (i) Agricultural business and agricultural economics;

11 (ii) Agricultural Extension and Rural Sociology;

12 (iii) Agronomy and Agricultural Technology;

13 (iv) Institute of Food Science and Technology, and Home
14 Economics;

15 (v) Agricultural Bio-Technology, Applied Genetics and Breeding;

16 (vi) Representative of Institute of Animal Scientists;

17 (vii) Crop Science and Plant Protection/Horticulture;

18 (viii) Soil Science;

19 (ix) Forestry, Wildlife and Fisheries; and

20 (x) Agricultural Engineering.

21 The following shall be ex-officio members:

22 (e) the Minister of agriculture and water resources or his
23 representative;

24 (f) the Minister of Education or his representative;

25 (g) the Minister of Environment or his representative;

26 (h) the Minister of Science and Technology or his representative;

27 (i) one representative of Nigerian Chamber of Commerce,
28 Industry, Mines and Agriculture, to be elected by the Chamber;

29 (j) one person to be elected by the organized Agro-Allied
30 Industries;

1 (k) The Executive Secretary, Agricultural Research Council of
2 Nigeria (ARCN);

3 (l) The Chairman, Association of Deans of Faculties of Agriculture of
4 Nigeria Universities (ADAN);

5 (m) The Chairman, National Association of Head of Colleges of
6 Agriculture (NACHCARD);

7 (n) The Chairman, Committee of Deans of Faculty of Veterinary
8 Medicine of Universities in Nigeria.

9 (o) The Executive Director, National Food reserve agency.

10 (p) The Executive Director National Seed Council of Nigeria.

11 (3) The Council shall have power to recommend the amendment of
12 the provisions of the schedule to the National Assembly as it may deem
13 necessary.

Election of
members of
council

14 4. The President, Vice President and other members of the Council
15 other than ex-officio members, shall be elected by the Institute from amongst
16 the members, at an annual general meeting of the Institute:

17 Provided that, the first of such members, shall be elected at a Special general
18 meeting convened by the Agricultural Society of Nigeria and Association of
19 Deans of Agriculture of Nigerian Universities immediately after the
20 commencement of this Act, for the purpose of electing such members.

Tenure of Office

21 5. The President and members of the Council, other than ex-officio
22 members shall each hold office:

23 (a) for a period of three years in the first instance and may be eligible
24 for another term of three years and no more; and

25 (b) on such terms and conditions as may be specified in the letter of
26 appointment.

27 6. Notwithstanding the provision of section 5 of this Act, a member of
28 the Council including the President and Vice President shall cease to hold
29 office as a member of the Council if:

30 (a) he/she is relieved of his position by the Council pursuant to any

1 regulations made under section 42 of this Act, on the grounds of ill health,
2 misconduct or if it is in the interest of the Institute or of the public that the
3 member, the President or the Vice President should removed from office;

4 (b) In writing under his hand resigns his/her appointment by
5 communicating notice of his intention to the Council through the body
6 which he represents and on receipt and approval of the notice by the council.
7 The resignation shall be deemed to have taken effect and the body shall then
8 elect another representative to complete the tenure of the resigning member
9 of the Council; and

10 (c) he/she absents him/herself from three consecutive meetings of
11 the Council, without leave of the Council.

12 7. The President and members of the Council shall be paid such
13 emoluments, allowances and benefits as the Council, in consultation with
14 the general assembly may from time to time to approve.

Emolument etc
of members

15 PART II - POWERS AND FUNCTIONS OF THE COUNCIL AND

16 THE INSTITUTE

17 8. The Council shall have power to:

Powers of
Council

18 (a) Provide the general policy guidelines relating to the functions
19 of the Institute;

20 (b) approve the acquisition of offices and other premises for the use
21 of the Institute;

22 (c) review and approve the strategic plans of the Institute,
23 including plans for manpower development;

24 (d) appoint officers, employees, agents and Consultants which in
25 the opinion of the Council are required for carrying out the objectives of the
26 Institute;

27 (e) fix the remuneration, allowances and benefits of the staff and
28 employees of the Institute;

29 (f) make regulations relating generally to appointment, promotion

1 and disciplinary control (including dismissal) of employees of the Institute;
2 and
3 (g) do such other things and enter into such transactions which in the
4 opinion of the Council are necessary to ensure the efficient performance of the
5 Institute's objectives.

Functions of the
Institute

6 9. The Institute shall have following functions:

7 (a) carry into effect the powers of the Institute;

8 (b) govern the affairs of the Institute;

9 (c) effect proper management of the Institute; and

10 (d) do such other acts and things as the Council may consider
11 necessary for carrying out the functions and powers of the Institute.

12 PART III - STAFF OF THE INSTITUTE

Appointment of
the Registrar of
the Institute

13 10.-(1) There shall be appointed a Registrar for the Institute who
14 shall:

15 (a) be appointed by the Council and shall be the Chief Administrative
16 Officer and he shall discharge his duties According to the terms of his
17 employment and be paid a determined salary;

Functions of
the registrar

18 (b) be the Head of Administration of the Institute and be responsible
19 for the day-to-day administration of his office and any other assignment that
20 may be given to him by the Council and the President of the Council;

21 (c) be responsible for the implementation of all functions of the
22 general secretariat and be responsible to the Council for the employment of the
23 staff who work within and see to the management of the secretariat;

24 (d) Keep custody of the Register and the common seal of the Institute
25 and make such entries in the Register, and affix the common seal to such
26 documents, as the Council may direct from time to time;

Appointment of
Assistant Registrar

27 (e) serve as Secretary to the Council; and carry out such other duties as
28 the Council or the President may from time to time direct; and

29 (f) The Registrar shall present a quarterly report at each quarterly
30 meeting of council and an annual report at each general meeting of the Institute

1 (2) The Institute may appoint such other persons to be Employees
2 of the Institute as the Council may from time to time, determine to assist the
3 Registrar in the exercise of his functions under the Act.

4 (3) The Registrar shall attend the meetings of the Council and other
5 Committee meetings and may take part in the discussion but shall not have
6 the right to vote.

7 (4) The remuneration, tenure of office and conditions of service of
8 the Registrar and other employees of the Institute shall be determined by the
9 Council.

10 (5) The Registrar, on the directives of the President of the Council,
11 shall call meetings of the Council.

12 11. The Registrar may at any time be relieved of his office by the
13 President of the Council acting on an address supported by a two-third
14 majority of the Council praying that he/she be removed for his/her inability
15 to discharge the function of the office (whether arising from infirmity of
16 mind or body or any other cause or for misconduct).

Removal of the
Registrar of the
Institute

17 12. Employment in the Institute shall be subject to the provisions
18 of the Pension Reform Act and accordingly, officers and employees of the
19 Institute shall be entitled to pensions and other retirement benefits as are
20 prescribed under the Pension Reform Act.

Pensions 2004
No. 2

21 13. Subject to the provisions of this Act, the Council may issue
22 staff regulations relating generally to the conditions of service of the staff
23 and, in particular, such regulations may provide for:

Conditions of
Service

24 (a) the appointment, promotion, termination, dismissal and
25 disciplinary control of staff or employees of the Institute; and

26 (b) appeals by staff or employees against dismissal or other
27 disciplinary measures, and until such regulations are made, any instrument
28 relating to the conditions of service in the public service of the Federation
29 shall be applicable, with such modification as may be necessary to the
30 employees of the Institute.

PART IV - FINANCIAL PROVISIONS

Funds of the
Institute

1
2 14. The Institute shall establish and maintain a fund which shall
3 consist of:

4 (a) contributions, levies, subscriptions, fees and other dues paid by
5 the members;

6 (b) revenue accruing to the Institute from its investments, activities
7 and services;

8 (c) grants, endowments and donations from Government and other
9 donors; and

10 (d) revenue accruing to the Institute from any other source approved
11 by the Council.

Expenditure of
the Institute

12 15.-(1) The Institute shall defray from the fund established Pursuant
13 to section 14 of this Act all amounts payable under or in pursuance of this Act
14 being sums representing:

15 (a) amounts payable to the President and other members of the
16 Council (including allowances);

17 (b) reimbursement to members of the Council or any other committee
18 set up by the Council for such expenses as may be expressly authorized by the
19 Council;

20 (c) remunerations and other costs of employment of the staff of the
21 Institute;

22 (d) costs of acquisition and upkeep of premises belonging to the
23 Institute and any other capital expenditure of the Institute;

24 (e) amounts payable as pensions and other retirement benefits under
25 or pursuant to this Act or any other enactment;

26 (f) investments, maintenance of utilities, staff promotion, training,
27 research and similar activities;

28 (g) costs necessary for the day-to-day operations of the Institute; and

29 (h) any other payment for anything incidental to the foregoing
30 provisions or in connection with or incidental to any other function of the

1 Institute under this Act.

2 (2) The Institute may invest such surplus fund as it may have, from
3 time to time, from its day-to-day operations in treasury bills or other
4 government securities.

5 16. The Institute shall cause to be prepared, not later than 30th day
6 of September of each year, an estimate of its income and expenditure for the
7 succeeding year. Estimates

8 17. The Institute shall cause to be kept proper account and records,
9 and such account shall not later than 6 months after the end of each year, be
10 audited by auditors appointed by the Council from the list and in accordance
11 with the guideline supplied by the Auditor-General of the Federation. Account and
Audits

12 18. The Institute shall prepare and submit to the Council every
13 year a report of the preceding year in such form as the Council may direct on
14 the activities of the Institute. Such report shall include a copy of audited
15 accounts of the Institute for that year and of the Auditors report therefrom. Annual report,
etc.

16 19.-(1) The Institute may accept gifts of land, money or other
17 property on such terms and conditions, if any, as may be specified by the
18 person or organization making the gift. Power to accept
gift

19 (2) The Institute shall not accept any gift if the conditions attached
20 thereto are inconsistent with the functions of the Institute.

21 20. The Institute may, with the approval of the Council, borrow by
22 way of loan, overdraft from any source such sum as it may require for the
23 performance of its function and meeting its obligation under this Act. Power to borrow

24 21. The Registrar as the Chief Administrative/Accounting Officer Accountability
25 of the Institute, shall:

26 (a) keep proper accounting records, in a manner as may be
27 determined, from time to time by the President in respect of:

28 (i) all revenues and expenditure of the Institute,

29 (ii) all its assets, liabilities and other financial transactions; and

30 (b) all other revenues collected by the Institute, including income

1 on investments;

2 (c) prepare an annual report, including financial statements, in
3 accordance with generally accepted accounting principles and practices; and

4 (d) ensure that the available accounting resources of the Institute are
5 adequate and used economically in the most effective and efficient manner, and
6 that other financial records properly safe-guarded.

7 PART V - REGISTRATION OF MEMBERS OF THE INSTITUTE

Register of the
Institute

8 22. The Institute shall keep and maintain a register of all members
9 including Associates, Fellows and Honorary Fellows.

Registration of
members and
fellows

10 23. The Institute may, subject to the provisions of this Act, and such
11 rules as the Council may make in that regard, admit and register:

12 (a) any regular members;

13 (b) any member as an associate;

14 (c) any member or associate as a fellow; or

15 (d) a person with qualifications mentioned in Section 28 (a and b) as
16 an Honorary fellow.

Eligibility for
membership

17 24. A person shall be eligible to be admitted and registered as a
18 member if that person is:

19 (a) a holder of a degree or equivalent qualification in agriculture or
20 agricultural sciences or related science from any accredited institution and has
21 in addition 3 years postgraduate or post qualification working experience;

22 (b) a member of any equivalent professional agricultural body or
23 institute, recognized by the Council.

24 (c) a holder of a postgraduate degree or postgraduate diploma in any
25 agricultural discipline from an institution accredited by the Council and has in
26 addition had not less than 2 year working experience;

27 (d) a holder of a Higher National Diploma or equivalent qualification
28 in agriculture and related disciplines mentioned in section 3 (2) c) of this Act
29 has in addition had 3 years of such relevant experience as the Council may
30 approve.

- 1 **25. Corporate Membership:** Registered
- 2 (a) Companies or Corporate, Institutions shall be eligible to be members
- 3 registered as a corporate member if such organization is contributing to
- 4 Agricultural to the satisfaction of the council growth and development in
- 5 Nigeria to the satisfaction of the council;
- 6 (b) If the organization is found fit to be registered as determined by
- 7 the council.
- 8 **26. A member shall be eligible to be registered as an Associate if:** Associates
- 9 (a) That person has contributed significantly by research efforts,
- 10 publications and experience, to the growth and development of progress of
- 11 agriculture or related areas; and
- 12 (b) the Council is satisfied that, the member is a fit and proper
- 13 person to be elevated to the rank of an Associate.
- 14 **27. A person who is a member may be eligible to be registered as a** Fellow
- 15 fellow if:
- 16 (a) that person has by research efforts, publications and experience
- 17 in any area of agriculture, contributed significantly to the growth and
- 18 development of agriculture or related areas; and
- 19 (b) the Council is satisfied that, that person is a fit and proper
- 20 person to be elevated to the rank of Fellow.
- 21 **28. A person may be registered as an Honorary Fellow if:** Honorary Fellows
- 22 (a) the person is distinguished in any area of agriculture or related
- 23 industry; and
- 24 (b) the Council is satisfied that, that person is a fit and proper
- 25 person to be elevated to the rank of Honorary Fellow.
- 26 **29. The Council may subject to its rules in that regard, award** Certificates and
- 27 distinctive certificate and other honours to any person, member, Associate, honours
- 28 Fellow or Honorary Fellow as the case may be, for any distinctive
- 29 achievement in any discipline or area of agriculture.

1 PART VI - APPROVAL OF CURRICULA AND COURSES OF
2 AGRICULTURAL INSTITUTIONS

Accreditation
on Institutions

3 30.-(1) Every Faculty, College or University of Agriculture in Nigeria
4 shall on demand by the Council, submit to the Council, details of its curricula
5 courses of study in agriculture and related programmes for the consideration
6 and approval of the Council.

7 (2) the Council shall there upon ,delegate a committee of the Council
8 to evaluate the contents of such curricula and courses and ensure that they
9 sufficiently endow any person pursuing them with the requisite knowledge,
10 skill and working experience for the practice agricultural profession.

11 (3) The Council shall where such curricula and courses are approved,
12 thereafter by instrument, accredit such Faculty, College or University as the
13 case may be, as a fit and proper institution for the training of prospective
14 members.

15 (4) The Council shall monitor the academic programmes in
16 agriculture and relate disciplines to maintain an acceptable standard.

17 (5) Subject to this Act, a person who has obtained his first degree or
18 other academy the Institute.

19 PART VII - ESTABLISHMENT OF THE NIGERIAN INSTITUTE OF
20 AGRICULTURISTS DISCIPLINARY TRIBUNAL

Establishment
of the Nigerian
Institute of
Agriculturists
disciplinary
tribunal

21 31.-(1) There shall be Disciplinary established for the Institute, a
22 disciplinary tribunal to be known as the Nigerian Institute of Agriculturists
23 Disciplinary Tribunal (in this Act referred to as "the Tribunal").

24 (2) The duty of the Tribunal is to hear and determine any case of
25 professional misconduct against any member in the discharge of his duties as
26 Agriculturist.

27 (3) The Tribunal shall consist of the President and six other members
28 appointed by the Council.

29 (4) There shall be in attendance, a Legal Adviser to be nominated by
30 the Attorney-General of the Federation.

1 32.-(1) There shall, for purposes of the proceedings before the
2 Tribunal, be established a panel to be known as the Investigating Panel of the
3 Nigerian Institute of Agriculturists.

Rules of proceeding
of the Tribunal
and Investigating
Panel. Second
Schedule

4 (2) the duties of the panel are:

5 (a) to conduct preliminary investigations into any allegation or
6 complaint of professional misconduct against any regular or Associate
7 member or Fellow of the Institute; and

8 (b) to determine, whether or not there is a prima, facie case against
9 the person and to refer such case to the Tribunal for hearing and
10 determination.

11 (3) The Panel shall consist of a Chairman and four members
12 appointed by the Council.

13 33. The Council may make rules to regulate the proceedings of the
14 Tribunal and the Investigating Panel; but until such rules are made, the rules
15 contained in the second Schedule to this Act are applicable.

16 34.-(1) Where:

Penalties

17 (a) a member is adjudged by the Tribunal to be guilty of a
18 professional misconduct;

19 (b) a member is convicted of an offence by any court in Nigeria or
20 elsewhere, having power to sentence an offender to imprisonment (whether
21 or not the offence is punishable with imprisonment) and the offence in the
22 opinion of the Tribunal derogates his membership the Institute; or

23 (c) the Tribunal is satisfied that any person has been fraudulently
24 registered in the register members.

25 (2) The Tribunal shall give directives to the Registrar either to
26 reprimand that member or strike his name off the register and the Registrar
27 shall comply with such directives.

28 35. Notwithstanding the provisions of section 24 of this Act, or
29 any other Act, a member who is found guilty by the Tribunal shall have right

Right to Appeal

1 of appeal to the Court of Appeal against any pronouncement made by the
2 Tribunal.

Professional
misconduct

3 36. In this part, "professional misconduct" means any action or
4 behaviour considered by the Council to be unprofessional conduct and include
5 acts unbecoming of agriculturists which may include but not limited to unjust
6 enrichment by any person, abuse of office or corrupt practice in the conduct of a
7 member.

8 PART VIII - LEGAL PROCEEDINGS

Limitation of
suit against the
Institute, etc.
Cap. P4 LFN,
2004

9 37.-(1) Subject to the provisions of this Act, the provisions of the
10 Public Officers Protection Act shall apply in relation to any suit instituted
11 against any member, officer or employee of the Institute.

12 (2) Notwithstanding anything contained in any other law or
13 enactment, no suit against a member of the Council, the President or any other
14 officer or employee of the Institute for any act done in pursuance or execution
15 of this Act or any other law or enactment, or any public duties or authority or in
16 respect of any alleged neglect or default in the execution of this Act or any other
17 law or enactment, duties or authority, shall lie or be instituted in any Court
18 unless it is commenced:

19 (a) within three months next after the act, neglect or default
20 complained of; or

21 (b) in the case of a continuation of damage or injury, within six
22 months next the ceasing thereof.

23 (3) No suit shall be commenced against a member of the Council, the
24 President or any other officer or employee of the Institute before the expiration
25 of a period of one month after written notice of the intention to commence the
26 suit shall have been served on the Institute by the intending plaintiff or his
27 agent.

28 (4) The notice referred to in subsection (3) of this section shall clearly
29 and explicitly state:

30 (a) the cause of action;

- 1 (b) the particulars of the claims;
 2 (c) the name and place of abode of the intended plaintiff; and
 3 (d) the relief which he/she claims.

4 38. A notice, summons or other document required authorized to Service of
 5 be served on the Institute under the provisions of this Act or any other law or documt
 6 enactment may be served by delivering it to the President or by sending it by
 7 registered post addressed to the President at the principal office of the
 8 Institute.

9 39.-(1) In any action or suit against the Institute, no execution or Restriction on
 10 attachment of process in the nature thereof shall be issued against the execution against
 11 Institute unless not less than three months notice of the intention to execute property of the
 12 or attach has been given to the Institute. institute

13 (2) Any sum of money which by the judgment of any Court has
 14 been awarded against the Institute shall, subject to any direction given by the
 15 Court, where no notice of appeal against the judgment has been given, be
 16 paid from the fund of the Institute.

17 40. A member of the Council, the President or any officer or Indemnity
 18 employee of the Institute shall be indemnified out of the assets of the
 19 Institute against any liability incurred by him in defending any proceeding,
 20 whether civil or criminal, if the proceeding is brought against him/her in
 21 his/her capacity as a member, President, officer or other employee of the
 22 Institute.

23 PART IX - MISCELLANEOUS PROVISIONS

24 41. The Ministers may jointly or severally give to the Institute or Directives by
 25 The President such directives of a general nature or relating generally to the Minister, etc.
 26 matters of policy with regards to the exercise of its or his/her functions as
 27 they may consider necessary and it shall be the duty of the Institute or the
 28 President to comply with the directives or cause them to be complied with.

29 42. The Council may, with the approval of the Ministers, make Power to make
 30 rules and regulations as in its opinion are necessary or expedient for giving regulation: The
 President signs the
 regulations after
 getting approval
 of the Minister

1 full effect to the provisions of this Act and for the due administration of its
2 provisions and may in particular, make regulations.

Interpretation

3 43. In this Act:

4 "Council" means Council established by section 30);

5 "Ex-officio" members in this Act means the Ministers of Agriculture,
6 Environment, etc.;

7 "Institute" means Nigerian Institute of Agriculturists established by Section of
8 this Act;

9 "member" means member of the Institute and includes a regular or Associate
10 member of the Institute;

11 "Ministers" means Ministers charged with the responsibilities referred to
12 Section 3 (2) (d) to (g) of this Act;

13 "President" means President of the Institute;

14 "rank" mean status of members, Associates or Fellows;

15 "Register" means Register created and maintained under section;

16 "Tribunal" means Tribunal established under Section 23;

17 "Vice President" means Vice President of the Institute.

Short Title

18 44. This Bill may be cited as the Nigerian Institute of Agriculturists
19 Bill, 2016.

20 FIRST SCHEDULE

21 *Section 3 (3)*

22 *Proceedings of the Council*

23 1. The Council may make standing orders regulating its proceedings
24 of the Council or of any committee thereof; and shall meet at least once in every
25 quarter in a year;

26 2. The quorum of the Council shall be seven which shall include at
27 least three elected members representing their agricultural disciplines, two
28 representatives of the Ministers, and one elected representative of one the
29 tertiary Institutions mentioned in this Act.

30 3.-(i) Subject to the provisions of paragraph 1 above and applicable

1 standing order, the Council shall meet whenever summoned by the
2 President; and if the President is required so to do by notice given to him in
3 writing by not less than five elected members, shall summon a meeting of
4 the Council to be held within fourteen days from the date on which the notice
5 is given;

6 (ii) At any meeting of the Council, the President shall preside or in
7 his absence the Vice President shall preside;

8 (iii) Where the Council wishes to obtain the advice of any person
9 on a particular matter, the Council may co-opt such a person as a member for
10 such period as it thinks fit; but a person who is a member by virtue of this
11 sub-paragraph shall not be entitled to vote at any meeting of the Council and
12 shall not count towards a quorum.

13 4.-(i) The Council may appoint one or more committees to carry
14 out on its behalf, such functions as it may determine;

15 (ii) A committee appointed under this paragraph shall consist of the
16 number of persons determined by the Council and not more than one-third of
17 those persons may be persons who are not members of the Council; and a
18 person other than a member of the Council shall hold office on the
19 committee in accordance with the terms of the instrument by which he is
20 appointed;

21 (iii) A decision of a committee of the Council shall be of no effect
22 until it is ratified by the Council.

23 *Miscellaneous*

24 5.-(1) The fixing of the seal of the Council shall be authenticated by
25 the signature of the President or the Vice President and the Secretary of the
26 Council.

27 (2) Any contract or instrument which is made or executed by a
28 person not being a body corporate, would not be required to be under seal but
29 may be made or executed on behalf of the Council by any person generally
30 or specially authorized to act for that purpose by the Council.

1 SECOND SCHEDULE

2 *Section 34*

3 NIGERIAN INSTITUTE OF AGRICULTURISTS DISCIPLINARY TRIBUNAL RULES

4 *Proceedings before the Tribunal*5 *Parties*

6 1.-(i) The parties to any proceedings before the Tribunal shall be:

7 (a) the complainant;

8 (b) the respondent;

9 (c) any other person required by the Tribunal to be joined, or joined by
10 leave of the Tribunal;11 (ii) Subject to paragraph (3) of this rule, parties to the proceedings
12 may enter an appearance in person, or by their respective legal practitioners
13 acting as counsels;14 (iii) The Tribunal may require the attendance of the complainant or
15 respondent in person if that is necessary in the interest of justice.16 *Notice of hearing*17 2.-(i) When a complaint is referred by the Panel to the Tribunal, the
18 Registrar shall, after consultation with the Chairman, appoint a time and place
19 for the hearing, and shall in the form in the third Schedule hereto; give notice to
20 all interested parties (including members of the tribunal and the assessor) as
21 directed or required by the Chairman;22 (ii) If directions are for any reason not so given, it shall be sufficient
23 compliance with this rule if the notice is:

24 (a) handed to the party concerned or affected, personally; or

25 (b) sent by registered post to the last known place of abode of the
26 party.27 *Hearing in absence of party*28 3.-(i) Subject to paragraph (2) of this rule, the Tribunal may hear and
29 determine a case in the absence of any party. (ii) Any party to any proceedings
30 before a Tribunal who fails to appear or be presented may apply within one

1 month after the date when the pronouncement of the findings and directions
2 of the Tribunal were given, for a re-hearing on the ground of want of notice
3 or other good and sufficient reason; and the Tribunal, in appropriate cases
4 may grant the application upon such terms as to costs or otherwise as it
5 thinks fit.

6 *Hearing of witnesses*

7 4. The tribunal may in the course of its proceedings hear witnesses
8 and receive any documentary evidence necessary in its opinion to assist it in
9 arriving at a conclusion as to the truth or otherwise of the allegation of
10 misconduct in the complaint referred to it by the panel; and in the application
11 of this rule, the provisions of the Evidence Act shall apply to any such
12 proceedings.

13 *Amendment of complaint*

14 5. If in the course of the proceedings it appears to the Tribunal that
15 the complaint before it requires to be amended in any respect, the Tribunal
16 may, on such term as it thinks fit, allow the amendment to be made and the
17 complaint as amended shall there upon be dealt with accordingly.

18 *Public Hearing*

19 6. The proceedings of the Tribunal shall be held, and its findings
20 and directions shall be delivered, in public unless otherwise directed by the
21 Tribunal.

22 7. The Tribunal may, on its own motion, or upon the application of
23 any party, adjourn the hearing, on such terms as to costs or otherwise as the
24 Tribunal deems fit.

25 *False evidence*

26 8. If any person willfully gives false evidence on oath before the
27 Tribunal during the course of any proceedings, or willfully makes a false
28 statement in any affidavit sworn for the purposed of such proceedings, the
29 Tribunal may refer the matter to the attorney-General of the Federation for
30 such action as the Attorney-General may deem fit.

1 Findings and costs in certain cases.

2 9. If after the hearing, the Tribunal adjudges that the charge of
3 professional misconduct has not been proved, the Tribunal:

4 (a) shall record the findings that the respondent is not guilty of such
5 misconduct in respect of which the charge was preferred; and

6 (b) may, nevertheless order any party (except the complainant) to pay
7 the costs of the proceedings, having regard to his conduct and to all the
8 circumstances of the case.

9 *Publication of findings*

10 10. Any finding made or direction given by the Tribunal shall be
11 published in the Federal Government Gazette immediately after such finding
12 or direction, as the case may be.

13 *Record of proceedings*

14 11. The Chairman shall during the hearing, take the minutes of the
15 proceedings which shall be open to inspection by the parties and shall be made
16 available to any party upon the payment of such charges as the Registrar may
17 be instructed to publish in the Federal Government Gazette.

18 *Powers of Tribunal*

19 12. The Tribunal may dispense with any requirements of these rules
20 regarding notices, affidavits, documents, service or time for doing or omitting
21 any thing, in any case where it appears to the Tribunal to be just or expedient so
22 to do; and the Tribunal may in any particular case extend the time for doing
23 anything under these rules.

24 *Power to retain exhibits pending appeal*

25 13. Books and other exhibits whatsoever produced or used at the
26 hearing shall, unless the Tribunal otherwise directs, be retained by the
27 Registrar until the expiry of the time for filing an appeal against any finding or
28 direction of the tribunal or, if notice of any such appeal is given until the
29 hearing and disposal of the appeal.

1 *Assessors*

2 *Appointment and duties of Assessors*

3 14.-(i) An assessor, shall be appointed by the Council by
4 instrument, and the assessor shall hold and vacate office as provided in his
5 instrument of appointment; and where the appointment is not a general one,
6 it shall have effect only in respect of a particular proceeding of the Tribunal;

7 (ii) subject to the terms of his appointment, an assessors shall
8 attend the proceedings of the Tribunal whenever required so to do by notice
9 in writing given to him by the Registrar not later than 3 days before the date
10 fixed for the hearing of such proceedings; and he/she shall therefore advise
11 the Tribunal on question of law only.

12 *Miscellaneous*

13 *Interpretation*

14 15. In these Rules:

15 "complainant" means a person or body alleging before the Tribunal,
16 professional misconduct against a member of the Institute;

17 "respondent" means the person required to answer to any charge of
18 professional misconduct.

19 *Short Title*

20 16. These rules may be cited as the Nigerian Institute of
21 Agriculturists (Disciplinary Tribunal) Rules.

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THIRD SCHEDULE

Rule 2 (1)

HEARING NOTICE

IN THE MATTER OF THE NIGERIAN INSTITUTE OF
AGRICULTURISTS TRIBUNAL

IN THE MATTER OF A CHARGE OF PROFESSIONAL MISCONDUCT AGAINST

.....of
.....

a member/Associate/Fellow of the Institute TAKE NOTICE that the Nigerian
Institute of Agriculturists Disciplinary Tribunal sitting
at.....at..... on.....,20.....

Will commence its hearing of charge(s) to be there preferred against
..... aforesaid of professional
Misconduct in his office as a Professional Agriculturist and that the Tribunal
shall thereafter deliver its finding and give its directions accordingly.

This notice is given to as a.....
(Here state whether a party or a member, etc)

And a copy of the chargers) to be preferred is to hereto annexed.

DATED this.....day of.....20.....

Registrar

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Institute of Agriculturist as a body
responsible for regulating the practice of the profession of agriculture in
Nigeria and with power to prescribe a code of conduct for agriculturists.

The Bill also seeks to ensure that agriculturists in Nigeria assume the same
relevance and responsibility for the systematic growth of the agricultural sector
as their counterparts in any advanced country.

AGRICULTURAL RESEARCH COUNCIL OF NIGERIA (REPEAL AND RE-
ENACTMENT) BILL 2016
ARRANGEMENT OF SECTIONS

Section

PART 1 - ESTABLISHMENT OF THE COUNCIL

1. Establishment of the Council
2. Governing Board
3. Tenure of Office
4. Allowances

PART II - FUNCTIONS OF THE COUNCIL

5. Functions of the Council

PART III - STAFF OF THE COUNCIL

6. Staff of the Council
7. Application of Pensions Reform Act

PART IV - ESTABLISHMENT OF THE NATIONAL AGRICULTURAL
DEVELOPMENT AND EXTENSION FUND

8. Establishment of the National Agricultural Development
Extension Fund
9. Exemption from Tax
10. Investment Cap.449LFN
11. Accounts and Report of the Fund
12. Nigeria Customs and Federal Inland Revenue Service to collect
duty and levy respectively and pay into the fund
13. Offences
14. Offences relating to Corporate Bodies

PART V - FINANCIAL AND RELATED PROVISIONS

15. Accounts of the Council
16. Expenditure of the Council
17. Annual Estimates and Accounts
18. Annual Reports
19. Power to Accept Gifts

20. Power to Borrow

21. Exemption from Tax

PART VI - ESTABLISHMENT OF RESEARCH INSTITUTES

22. Power of Minister to Establish Research Institutes

PART VII - ESTABLISHMENT OF FEDERAL COLLEGES OF AGRICULTURE

23. Power of the Minister to Establish Federal Colleges of Agriculture

PART VIII - MISCELLANEOUS PROVISIONS

24. Offices and Premises

25. Incorporation of Spin-off Companies and Intellectual Property Rights

26. Directives by the Minister

27. Saving of certain Research Institutes

28. Repeal and Savings of CAPN13 LFN 2004, etc

29. Regulations

30. Interpretation

31. Short Title

SCHEDULES

FIRST SCHEDULE [Section 2(2)]

Supplementary Provisions relating to the Board, etc

SECOND SCHEDULE

Businesses which section 8(2)(b) refer

THIRD SCHEDULE

Section 22(1)

Provisions Relating to Research Institutes

FOURTH SCHEDULE

Section 23(1)

Federal Colleges of Agriculture