

AGRICULTURAL PRODUCE PRICE CONTROL AGENCY OF NIGERIA  
(ESTABLISHMENT) BILL, 2016

ARRANGEMENT OF CLAUSES

*Clause:*

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GOVERNING BOARD

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3. Tenure of Office of Members of Board
4. Cessation of Membership
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# A BILL

## FOR

AN ACT TO ESTABLISH THE AGRICULTURAL PRODUCE PRICE CONTROL AGENCY OF NIGERIA TO ENSURE DISTRIBUTION AND SALE OF FERTILIZERS, PLANTS, CROPS, AND OTHER AGRICULTURAL PRODUCE TO FARMERS AT SUBSIDIZED RATE AND FOR RELATED MATTERS

*Sponsor by Hon. Ali Isa J.C.*

[ ] Commencement

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

### PART 1 - ESTABLISHMENT OF THE AGRICULTURAL PRODUCE PRICE CONTROL AGENCY OF NIGERIA AND THE GOVERNING BOARD

1.-(1) There is established a body to be known as the Agricultural Produce Price Control Agency of Nigeria (in this Bill referred to as "the Agency").

Establishment of the Agency

(2) The Agency:

(a) shall be a body Corporate with perpetual succession and a common seal and may sue and be sued in its corporate name; and

(b) acquire, hold, mortgage, purchase and deal howsoever with property, whether movable or immovable, real or personal.

2.-(1) There is established for the management of the affairs of the Agency a Governing Board (in this Bill referred to as "the Board").

Establishment and Constitution of Governing Board of the Agency

(2) The Board shall consist of:

(i) fellow of the "Chairman;

(ii) one person nominated by the Minister of the Ministry in charge of Agriculture;

(iii) a representative of the Ministry in charge Agriculture, not below the rank of Deputy Director;

(iv) a representative of the Ministry in charge of Finance, not below

1 the rank of Deputy Director;

2 (v) a representative of the Farmers Association of each state of the  
3 Federation; and

4 (vi) Director General as member/Secretary.

5 (3) The Chairman shall-

6 (a) be an expert in agriculture and practitioner with not less than ten  
7 years practicing experience; and

8 (b) be a person of unquestionable character and proven integrity.

9 (4) The members of the Governing Board shall be appointed by the  
10 President subject to confirmation by the Senate.

11 (5) The Board shall from time to time elect from among its members a  
12 vice-chairman, who shall in the absence of the chairman have all the powers  
13 and duties of the chairman, and if neither the chairman nor the vice-chairman  
14 from their own ranks to preside at that meeting.

15 (6) A member of the Governing Board shall-

16 (a) be a person of proven integrity and character; and

17 (b) have 10 years cognate experience in agriculture and related  
18 matters.

19 (7) The supplementary provision set out in the schedule to this Bill  
20 shall have effect with respect to the proceeding of the Board and other related  
21 matters.

Tenure of office  
of members of  
Board

22 3.-(1) A member of the Board, holds office for a term of 4 (four) years.

23 (2) A member of the Board may be re-appointed at the expiry of his or  
24 her term of office for the second time and no more.

25 (3) No person shall be appointed as a member of the Board if he or  
26 she:

27 (a) is an undischarged bankrupt;

28 (b) fails to comply or is not capable of fully complying with a  
29 judgment or order, including an order for costs, given against him or her by a  
30 court of law in a civil case;

(c) in the preceding 10 years has been convicted of an offence of which violence, dishonesty, extortion or intimidation is an element; or

(d) is not permanently resident in the Federal Republic of Nigeria.

4.-(1) A member of the Board shall vacate his or her office if he or she-

Cessation of  
Membership

(a) becomes subject to a disqualification contemplated in section 3(3) of this bill;

(b) becomes of unsound mind;

(c) in the case of a member appointed under section 2 (2) (iv), ceases to be a member of the National Agency for Disaster Management; or

(d) is absent without the leave of the Director General for more than two consecutive meetings of the Board; or

(e) in the case of a Disaster Management Practitioner, has been found guilty of improper conduct.

5. There shall be paid to every member of the Board such allowances as the Agency may from time to time determine.

Allowances of  
Members of  
Board

#### PART II - FUNCTIONS OF THE AGENCY

6. The Agency shall:

Functions of the  
Agency

(a) set prices for agricultural produce in Nigeria;

(b) ensure provision of fertilizer to farmers in Nigeria at subsidized rate;

(c) ensure provision and accessibility to fertilizer for farmers and agricultural development agencies in Nigeria;

(d) ensure provision of agricultural and planting produce for farmers in Nigeria;

(e) ensure increase in production of agricultural produce in Nigeria;

(f) conduct training on the use of fertilizer and other agricultural and planting produce to ensure increased in food production in Nigeria;

(g) provide technical services to the Government of the Federation,

1 State or Local Government on issues relating to fertilizer production and  
2 distribution pursuant to the provisions of this Bill;

3 (h) advise the Government of the Federation through the Minister in  
4 charge of Agriculture on matters relating to production and distribution of crop,  
5 plants, and other agricultural produce; and

6 (i) perform such other functions as may be permitted by the Board  
7 pursuant to the provisions of this Bill.

Powers of the  
Board

8 7. The Board shall have powers to-

9 (a) manage and superintend the affairs of the Agency;

10 (b) subject to the provisions of this Bill, make; alter, and revoke rules  
11 and regulations for carrying out the functions of the Agency;

12 (c) regulate the provision and distribution of fertilizer and other  
13 agricultural produce by the Agency to farmers and agricultural groups, bodies  
14 and Agencies; and

15 (d) do such other thing which in the opinion of the Board are  
16 necessary and expedient to ensure the efficient functions of the Agency.

Power of the  
Minister to give  
directives to the  
Agency

17 8. Subject to this Act, the Minister may give the Agency directions of  
18 a general character or relating to particular matters (but not on an individual  
19 person or case) with regards to the exercise by the Agency, of its functions, and  
20 it shall be the duty of the Agency to comply with the directions.

### 21 PART III - STRUCTURE OF THE AGENCY

Structure of the  
Agency

22 9.-(1) For the purposes of effective administration, the Agency shall  
23 be structured into four operational departments as follows-

24 (a) Administration;

25 (b) Operations Department; and

26 (c) Corporate Services.

27 (2) The Board may create additional departments and Committees  
28 based on management recommendation and prevailing circumstances.

29 (3) Each Department shall be managed by a Director who is charged  
30 with the responsibility of coordinating the functions of such department as

spelt out in the Administrative manual of the Agency.

#### PART IV - STAFF OF THE AGENCY

10.-(1) There shall be a Director General who is the Chief Staff of the  
Agency  
Executive Officer of the Agency.

(2) The Director General is responsible for the general administration of the Agency.

(3) The Director General shall be-

(a) An expert in agricultural matters with not less than ten years experience;

(b) An agricultural trainer for not less than ten years;

(c) a fit and proper person with suitable degree of skill and experience in agriculture and related issues; and

(d) of proven integrity and ability.

(4) The Director General shall keep the records of proceedings and decisions of the Board and such other functions as the Board may from time to time direct.

11.-(1) The Board shall have power to appoint either on transfer, Additional Powers,  
etc. of Board  
secondment or leave of absence from any public service of the federation or private sector, such number of employees as may, in the opinion of the Board be required to assist the Agency in the discharge of any of its functions under this Bill, and shall have power to pay such employees remunerations including allowances as the Board may from time to time determine.

(2) The terms and conditions of service including remunerations of employees shall be as determined by the Board.

(3) The Board may, subject to the provisions of this Bill, make staff regulations relating generally to the conditions of service of employees of the Agency and without prejudice to the generality of the foregoing, such regulations may provide for:

(a) The appointment, promotion and disciplinary control including dismissal of employee of the Agency; and

1 (b) Procedure for appeals by such employees against dismissal or other  
2 disciplinary measures.

3 PART V - FINANCIAL PROVISIONS

Financial  
Provisions

4 12.-(1) There shall be paid and credited to the Fund established by this  
5 Bill-

6 (a) monies allocated to the Agency by the Government

7 (b) funds accrued from distribution and sale of Fertilizer and other  
8 agricultural produce by the Agency;

9 (c) all monies received by the Fund as gifts or donations; and

10 (d) all other assets which may accrue to the Fund from time to time.

11 (2) The Fund shall be managed in accordance with rules made by the  
12 President and without prejudice to the generality of the power to make rules  
13 under this subsection, the rules shall in particular contain provisions-

14 (a) Specifying the manner in which the assets of the Fund are to be  
15 held and regulating the making payments into and out of the Fund; and

16 (b) Requiring the keeping of proper accounts and records for the  
17 purposes of the Fund in such form as may be specified in the rules.

Expenditure of  
the Agency

18 13. The Agency shall apply the proceeds of the fund established  
19 pursuant to Section 12 of this Bill-

20 (a) to the cost of administration of the Agency;

21 (b) to the payment of salaries, fees, remuneration, bills, rent;

22 (c) allowances, pensions and gratuities payable to the members of the  
23 Board specified in section 5 of this Bill or any Committee of the Board and the  
24 employees of the Agency, so however that no payment of any kind under this  
25 paragraph (except such as may be expressly authorized by the Board) shall be  
26 made to any person who is in receipt of emolument from the government of the  
27 Federation or a State;

28 (d) to the payment for all purchases; and

29 (e) to undertaking such other activities as are connected with all or  
30 any of the functions of the Agency under this Bill.



1                   14.-(1) The Agency may accept gifts of land, money or other     Gifts to the  
2     property on such terms and conditions; considered lawful.     Agency

3                   (2) The Agency shall not accept any gift if the conditions attached  
4     by the person or organization making the gift are inconsistent with the  
5     functions of the Agency under this Bill.

6                   15. The Agency may, with the consent of the President, borrow, on     Power to borrow  
7     such terms and conditions as the Agency may require in the exercise of its  
8     functions under this Bill.

9                   16.-(1) The Board shall, not later than 30th September in each year,     Annual Estimates  
10     submit to the President, an estimate of the expenditure and     and Expenditure  
11     income(including payments to the Agency' Fund) for the next succeeding  
12     year.

13                  (2) The Board shall cause to be kept proper accounts of the Agency  
14     in respect of each year and proper records in relation thereto and shall cause  
15     the accounts to be audited not later than 6 months after the end of each year  
16     by auditors appointed from the list in accordance with the guidelines  
17     supplied by the Auditor- General of the Federation.

18                  17. The Board shall, at the end of every quarter in each year,     Quarterly Report  
19     submit to the President a report on the activities and administration of the  
20     Agency.

21                  18.-(1) The Board shall prepare and submit to the President, not     Annual Report  
22     later than 30th June in each year, a report in such form as the President, may  
23     direct on the activities of the Agency during the immediately preceding year,  
24     and shall include in the report a copy of the audited accounts of the Agency  
25     for that year and auditor's report thereon.

26                  (2) The President, shall, upon receipt of the report referred to in  
27     subsection (1) of this section, cause a copy of the report and the audited  
28     accounts of the Agency and the auditor's report thereon to be submitted to  
29     each House of the National Assembly.

## PART VI - MISCELLANEOUS PROVISIONS

Offices and  
Premises of the  
Agency

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Directives by  
the President, etc.

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Limitation of  
suits against the  
Agency

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Services of  
document

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19.-(1) For the purposes of providing offices and premises necessary for the performance of its functions under this Bill, the Agency may, subject to the land use Act-

(a) purchase or take on lease any interest land, or other property; and

(b) construct offices and premises and equip and maintain same.

(2) The Agency may, subject to the land use Act, sell or lease out any office or premises held by it, which office or premises is no longer required for the performance of its functions under this Bill.

20. The President, Federal Republic of Nigeria may give to the Agency directives of a general nature or relating generally to matters of policy with regard to the performance by the Agency of its functions and it shall be the duty of the Agency to comply with the directives.

21.-(1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit against any member or Officer or employee of the Agency.

(2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against any member of the Board, the chairman or any other officer or employee of the Agency for any Bill done in pursuance or execution of this Bill or any other law or enactment, or any alleged neglect or default in the execution of this Bill or such law or enactment, duty or authority, shall lie or be brought in any court unless-

(a) it is commenced within three months after the act, neglect or default complained of; or

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

22. A notice, summons or other document required or authorized to be served upon the Agency under the provisions of this Bill or any other law or enactment may be served by delivering it to the Director General of the Agency.

23. In any action or suit against the Agency, no execution or attachment of process shall be made against Agency unless not less than three months' notice of the intention to execute or attach has been given to the Agency.

Restriction of execution against property of the Agency

24. The Minister may make regulations generally for the purposes of giving full effect to this Bill and for the due administration of its provisions.

Power to make Regulations

25. In this Bill unless the context otherwise requires-

Interpretation

"Agency" means "Agricultural Produce Price Control Agency of Nigeria;

"Board" means the Governing Board of the Agency;

"Minister" means the Minister responsible for matters relating to Agriculture;

"Person" includes a juristic person;

"Prescribe" means to prescribed by regulation;

26. This Bill may be cited as Agricultural Produce Price Control Agency of Nigeria (Establishment) Bill, 2016.

Short Title

#### SCHEDULE

#### *Section 2 (7)*

#### SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

##### *Proceedings of the Board*

1. Subject to this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees. [Cap.123].

2. The quorum of the Board shall be the Chairman and six other members and the quorum of any committee of the Board shall be determined by the Board.

3. The Board shall meet not less than two times in each year and subject thereto, the Board shall meet whenever it is summoned by the Chairman; and if the chairman is required to do so by notice given to him by not less than four other members, he shall summon a meeting of the Board to

1 be held within fourteen days from the date on which the notice is given.

2 4. At any meeting of the Board, the chairman shall preside, but if he  
3 is absent, the members present at the meeting shall appoint one of their  
4 numbers to preside at that meeting.

5 5. Where the Board desires to obtain the advice of any person on a  
6 particular matter, the Board may co-opt such a person to the Board for such  
7 period as it thinks fit; but a person who is in attendance by virtue of this sub-  
8 paragraph shall not be entitled to vote at any meeting of the Board and shall not  
9 count towards a quorum.

10 *Committees*

11 6. The Board may appoint one or more committees to carry out, on  
12 behalf of the Board, such of its functions as the Board may determine.

13 7. A committee appointed under this paragraph shall consist of such  
14 number of persons not necessarily members of the Board) as may be  
15 determined by the Board; and a person other than a member of the Board shall  
16 hold office in the committee in accordance with the terms of his appointment.

17 8. A decision of a committee of the Board shall be of no effect until it  
18 is confirmed by the Board. Miscellaneous

19 9. The fixing of the Seal of the Agency shall be authenticated by the  
20 signature of the Chairman and the Secretary to the Board.

21 10. A document purporting to be a document duly executed under the  
22 Seal of the Agency shall be received in evidence and shall, unless and until the  
23 contrary is proved, be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Agricultural Produce Price Control Agency of Nigeria to ensure distribution and sale of fertilizer, plants, crops, and other agricultural produce to farmers at subsidized rate.

# A BILL

## FOR

AN ACT TO AMEND THE JOINT ADMISSIONS AND MATRICULATION BOARD ACT CAP J1, LAWS OF THE FEDERATION OF NIGERIA 2004, TO ESTABLISH A STEERING COMMITTEE TO BE VESTED WITH THE RESPONSIBILITY OF CENTRALIZING MANAGEMENT OF THE UNIFIED TERTIARY MATRICULATION EXAMINATIONS (UTME), THE NATIONAL BUSINESS AND TECHNICAL EXAMINATIONS (NABTE) AND THE SENIOR SCHOOL CERTIFICATE EXAMINATION (SSCE) UNDER A SINGLE ICT PLATFORM, TO REDUCE THE COST OF TAKING THE EXAMINATIONS AND FOR RELATED MATTERS

*Sponsored by Hon Mohammed A. Mahmud*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria-

1           1. The Joint Admissions and Matriculation Board Act Cap H,  
2       Laws of the Federation of Nigeria 2004 (in this Bill referred to as "the  
3       Principal Act") is amended as set out in this Bill.

Amendment of  
the Joint Admission  
and Matriculation  
Board  
(Establishment)  
Act

4           2. The Principal Act is amended by inserting, after the existing  
5       Section "4" Section "4A"-

Amendment of  
the Principal Act

6           (1) There is established a steering committee for centralization of  
7       management of the Unified Tertiary Matriculation Examinations, the  
8       National Business and Technical Examination and the Senior School  
9       Certificate Examination.

10          (2) The committee shall consist of-

11          (a) Permanent Secretary, Federal Ministry of Education who shall  
12       be the Chairman of the committee;

13          (b) a representative of the Joint Admission and Matriculation  
14       Board not below the rank of a Director;

15          (c) a representative of the National Examination Council, not