

NATIONAL DEFENSE RESEARCH AND DEVELOPMENT CENTRE  
(ESTABLISHMENT) BILL, 2016  
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# A BILL

## FOR

AN ACT TO REPEAL THE DEFENCE INDUSTRIES CORPORATION (DICON) ACT AND ENACT A NATIONAL DEFENSE RESEARCH AND DEVELOPMENT CENTRE TO COORDINATE RESEARCH, DEVELOPMENT AND DEPLOYMENT OF ADVANCED MILITARY HARDWARES AND TECHNOLOGIES FOR DEFENSE AND FOR RELATED MATTERS

*Sponsored by Hon. Aminu Ashiru Mani*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

1 PART I - ESTABLISHMENT AND MEMBERSHIP OF THE BOARD

2 1.-(1) The Defence industries corporation Act, Cap. LFN 1964 is  
3 hereby repealed.

4 (2) There is hereby established a body to be known as the National  
5 Defense Research and Development Centre (NDRDCL (herein in this Bill  
6 referred to as "Centre").

7 (3). The "Centre" shall be a body corporate with perpetual  
8 succession and a common seal; and may sue and be sued in its corporate  
9 name.

10 2.-(1) There is hereby established for the management of "the  
11 Centre" a governing board (in this Act referred to as the Board) which shall  
12 consist of-

13 (a) Chairman, who shall be appointed by the President,  
14 Commander-in-Chief of the Armed Forces of Nigeria;

15 (b) Representatives of the following Federal Establishments-

16 (i) The Presidency;

17 (ii) Three representatives of the Nigerian Army;

18 (iii) Three representatives of the Nigerian Airforce;

	1	(iv) Three representatives of the Nigerian Navy;
	2	(v) Two representatives of the Nigerian Police;
	3	(vi) Two representatives of the Federal Ministry of Defence;
	4	(vii) A representative from the Ministry of Interior
	5	(viii) A representative of the office of the National Security Adviser;
	6	(ix) A representative of Civil Society groups;
	7	(x) The Director - General shall be secretary to the Board.
Appointment of the Chairman and Members	8	3.-(1) The chairman of the Board, shall be a serving military officer on
	9	the rank of Major -General;
	10	(2) The Chairman and members of the Board shall be appointed by the
	11	President of the Federal Republic of Nigeria;
	12	(3) Members of the Board, other than the Director - General shall be
	13	appointed by the President of the Federal Republic of Nigeria
Schedule	14	4. The supplementary provisions set out in the schedule to this Act
	15	shall have effect with respect to the proceedings of the Board and other matters
	16	contained therein.
Tenure of Office	17	5. The Chairman and members of the Board-
	18	(a) shall each hold office for a period of 4 years on such terms and
	19	conditions as may be specified in their letters of appointment; and
	20	(b) May be re-appointed for an additional period of 4 years and no
	21	more.
Removal from Office	22	6. Notwithstanding the provisions of section 2(5) of this Act the
	23	chairman or any member of the Board may at any time be removed from the
	24	office by the president for inability to discharge the functions of his office
	25	(whether arising from infirmity of mind or body or any other cause).'
Emoluments & Allowances	26	7. A member of the Board shall be paid such emoluments, allowances
	27	and benefits as the President of the Federal Republic of Nigeria may, from time
	28	to time approve.
Functions of "the Centre"	29	PART II - FUNCTIONS AND POWERS OF "THE CENTRE"
	30	8. The functions of the Centre shall be to-

1 (a) Co-ordinate various programmes and projects aimed at  
2 improving and sustaining the defense capabilities of Nigeria and developing  
3 a home-grown defense technology;

4 (b) Harmonise the Defense technology research and development  
5 efforts of the Defence Industries in Nigeria (DICON etc) in other to develop  
6 and integrate defense technology research and development into our  
7 institutions of higher learning;

8 (c) Monitor advancements in defense technology capabilities in  
9 other countries of the world with a view to adopting and adapting such  
10 technologies to suit the nation's armed forces;

11 (d) Ensure and maintain a higher percentage of local content in the  
12 development of all defense technology, equipments and machineries;

13 (e) Training and development of adequate manpower in all areas of  
14 defense development, deployment and management;

15 (f) Provision of financial and material assistance to institutions and  
16 organisations involved in defense technology development in Nigeria;

17 (g) Liaise and co-operate with foreign defense related institutions  
18 and organisation in the area of information sharing, manpower training and  
19 other research related activities that do not jeopardize or endanger the  
20 national security;

21 9. The Powers of the "Centre" shall be to-

22 (a) Demand and obtain relevant information, data, statistics and  
23 report on matters relating to defense technology development across the  
24 world;

25 (b) Liaise with relevant establishments within and outside Nigeria  
26 in pursuance of the functions of the Centre;

27 (c) Initiate and implement programmes geared towards the  
28 development of the defense capacities and capabilities of Nigeria;

29 (d) Create a platform through which institutions of higher learning  
30 across Nigeria can contribute to the development of indigenous defense

Powers of "the  
Centre"

1 technologies;

2 (e) Act as government agency for catalyzing and mobilizing resources  
3 to encourage innovation in defense technology research and development, and  
4 the development of high local content in all defense or military hardwares;

5 (f) Carry out such activities as are necessary or expedient for the  
6 performance of its functions under this Act;

7 PART III - FUNCTIONS AND POWERS OF THE BOARD

Functions and  
Powers of the  
Board

8 **10.** The Board shall-

9 (a) Determine the overall policies of the Centre, including its  
10 financial and operating procedures and ensure the effective implementation of  
11 the policies and procedures;

12 (b) Establish committees, as may be expedient which shall be charged  
13 with specific functions delegated by the Board;

14 (c) Appoint, promote and discipline employees for the proper  
15 discharge of the functions of the Centre;

16 (d) Design strategies for mobilizing and synergizing resources  
17 throughout the economy to ensure the achievement of self-sufficiency in  
18 military hardwares development and deployment, to conserve foreign  
19 exchange and to ensure Nigeria plays her role as a leader in Africa and beyond;

20 (e) Relate with relevant stakeholders in the defense sector to identify  
21 areas of need so as to prioritize resources for research and development in such  
22 areas;

23 (f) Establish, encourage and promote training program for the  
24 employees of the Centre and other appropriate persons from the public or  
25 private organizations;

26 (g) Promote multi - sectored and multi-disciplinary collaboration and  
27 encourage networking among the armed forces and other security agencies;

28 (h) Assess from time to time the research, consultancy, development  
29 and training programs of the various branches of the armed forces to-

30 (i) Ascertain their sustainability, and,

1 (ii) Offering them such assistance, either alone or in co-operation  
2 with other related bodies as may improve the contents and quality of their  
3 work.

4 (i) the Board may, subject to such conditions as it may impose,  
5 delegate any of its functions under this act to any of its committees or to the  
6 Director - General;

7 (j) Nothing in this section shall prevent the Board from performing  
8 or exercising any of the functions and powers so delegated;

9 (k) Open and operate ordinary and domiciliary account for the  
10 Centre in recognized banking institutions in Nigeria; and

11 (l) enter into agreement with public or private organizations and  
12 individuals to develop, utilize, coordinate and share such information as are  
13 determined to be appropriate by the Board for the performance of its  
14 functions under this Act, and,

15 (m) Carry out such other activities which are connected with its  
16 other functions or as may be assigned to it by the President and Commander  
17 in Chief of the Armed Forces of Nigeria or other relevant authority.

#### 18 PART IV - STRUCTURE OF THE "CENTRE"

19 11. The Centre shall have-

Structure of  
the "Centre"

20 (a) A Planning, Research and Statistics Directorate to be headed by  
21 a Director;

22 (b) A Land Defense Research and Development Directorate to be  
23 headed by a Director;

24 (c) Air Defense Research and Development Directorate to be  
25 headed by a Director;

26 (d) Naval Defense Research and Development Directorate to be  
27 headed by a Director;

28 (e) Nuclear Defense Technology Research and Development  
29 Directorate to be headed by a Director;

30 (f) Missile Defense Technology Research and Development to be

1 headed by a Director;

2 (f) An Administration and Finance Directorate to be headed by a  
3 Director;

4 (g) Such other Directorates and sub-directorates as may be required  
5 for the proper performance of the functions of the Centre, such Directorates  
6 shall be determined by the Board and approved by the President and  
7 Commander in Chief of the Armed Forces of Nigeria.

8 (h) All directorates and sub-directorates shall be headed by persons  
9 with relevant academic background and expertise.

10 PART V - STAFF OF THE CENTRE

Appointment of  
Director-General

11 12.-(1) there shall be appointed for the Centre by the President of the  
12 Federal Republic of Nigeria, a Director General, who shall be a person with a  
13 background in Defence Technology any branch of the armed forces and other  
14 related disciplines.

15 (2) The Director General shall be -

16 (a) The Chief Executive of the Centre;

17 (b) Be responsible for the day-to-day administration of the Centre.  
18 keep the books and records of the Board; and

19 (c) Be subject to the supervision and control of the Board

Tenure of  
Director-General

20 (3) The Director - General shall hold office for a term of 5 (five) years  
21 and may be renewed for another term and no more.

Appointment of  
other staff

22 13.-(1) The Board may from time to time, appoint for the Centre such  
23 other, staff, as it may deem necessary to assist the Director-General in the  
24 performance of the function of the Centre and the Board.

25 (2) The Terms and Conditions of service (including remuneration,  
26 allowances, benefits and pensions) of officers and employees of the Centre  
27 shall be determined by the Board on the recommendation of the Federal Civil  
28 Service Commission.

29 (3) The staff of the Centre shall be-

30 (a) Public Servants as defined in the 1999 Constitution of the Federal



1 Republic of Nigeria as amended; and

2 (b) Governed by the rules governing the Civil Service of the  
3 Federation.

4 (4) The Board shall set regulations and official conducts to ensure  
5 the protection of national secrets on military hardware research and  
6 development.

7 (5) The Board shall stipulate requisite penalty to erring staff in  
8 respect of subsection (4) above in line with civil service rules;

9 14.-(1) Service in the "Centre" shall be approved service for the  
10 purpose of the Pensions Act and accordingly, officers and other persons  
11 employed in the Centre shall, in respect of their services in the Centre, be  
12 entitled to pension, gratuities and other retirement benefits as are prescribed  
13 there under.

Pensions Cap.  
346 LFN

14 (2) Notwithstanding subsection (1) of this section, the Centre may  
15 appoint a person to any office on the terms, which preclude the grant of a  
16 pension, gratuity or retirement benefits.

17 (3) For the purpose of the application of the Pension Act, any power  
18 exercisable there under by a Minister or other authority of the Government  
19 of the Federation other than the power to make regulations is hereby vested  
20 and shall be exercisable by the Board and not by other persons or authority.

#### 21 PART VI - FINANCIAL PROVISIONS

22 15.-(1) The Centre shall establish and maintain a fund from which  
23 all expenditures incurred by the Centre shall be defrayed.

Funding of the  
Centre

24 (2) The Fund shall comprise fund derived from but not limited to  
25 the following sources:

26 (a) Such funds as may be appropriated to the Centre from time to  
27 time by the National Assembly;

28 (b) Gifts, loans, grants, aids, etc; and

29 (c) 1% of profit after tax of all shipping companies operating in  
30 Nigeria;

1 (d) 2% of VAT collected on all imported machineries and equipments  
2 in Nigeria;

3 (e) Contributions from Private Universities operating in Nigeria;

4 (f) Internally generated revenue (IGR);

5 (g) All other assets that may from time to time accrue to the Centre;

Gifts and Monies

6 16. The Centre may accept gifts and grants of money or aids or other  
7 property from national and multilateral organization and upon such term and  
8 conditions if any, as may be agreed upon between the donor and the Centre  
9 provided such gift are not inconsistent with the objectives and functions of the  
10 Centre under this Act.

Budget and  
Expenditure

11 17.-(1) The Centre shall not later than 30<sup>th</sup> September in each financial  
12 year prepare and present to the National Assembly through the President for  
13 approval, a statement of estimated income and expenditure for the following  
14 financial year.

15 (2) Notwithstanding the provision of subsection (1) of this section,  
16 the Centre may also, in any financial year, submit supplementary or adjust  
17 statements of estimated income and expenditure to the National Assembly  
18 through the President for approval.

19 (3) Subject to subsection (1) and (2) of this section, the Centre shall  
20 apply the proceeds of the Centre's fund-

21 (a) To meet the administration and operating costs of the Centre;

22 (b) For the payment of salaries, wages, fees and other allowances,  
23 retiring benefits such as pensions and gratuities and other remunerations  
24 payable to the Director - General and staff of the Centre.

25 (c) For the purchase or acquisition of property or other equipment and  
26 other capital expenditure and for maintenance of any property acquired or  
27 vested in the Centre; and

28 (d) For or in connection with all or any of the functions of the Centre  
29 under this Act or its subsidiary legislation.

1           18.-(1) The financial year shall start on 1st January of each year and  
2           end 31st December of the same year.

Financial Year  
and Audit of  
Centre's Account

3           (2) The Centre shall keep proper records of its accounts to be  
4           audited within six from the end of each financial year by auditors whose  
5           appointment shall be approved by the Board and shall be subjected to  
6           reappointment on annual basis provided that such Auditors are on the list of  
7           Auditors approved from time to time by the Auditor-General of the  
8           Federation.

9           19. The Centre shall prepare and submit to the National Assembly  
10          annually, through the President not later than six (6) months after the end of  
11          its financial year, a report on the activities of the Centre's audited accounts  
12          for the year under review together with auditor's report thereon.

Annual Report  
to the National  
Assembly

13          20. The provision of any enactment relating to the taxation of  
14          companies or trust funds shall not apply to the Centre.

Exemption from  
Taxation

15          21.-(1) The Centre may make regulation not inconsistent with this  
16          Act:

Miscellaneous

17           (a) Concerning any matter that-

18           (i) Mayor may not be prescribed in terms of a provision of this Act;

19           (ii) is necessary to prescribe for the effective carrying out of the  
20          objectives of the Act;

21           (b) Providing for payment, by the National Assembly for this  
22          purpose, or compensation to any person or dependents of any person, whose  
23          death, bodily injury or disablement results from any event occurring in the  
24          course of the performance of any function entrusted to such person in terms  
25          of this Act.

26          (2) The Board may, with the approval of the President make the  
27          regulations for the effective operation of this Act.

28          22. Subject to the provision of this Act, the provision of the public  
29          officers' protection Act shall apply in relation to any suit instituted against an  
30          officer or employee of the Centre.

Limitations  
against suit

Service of  
Documents

1           23. A notice summons or other document required or authorized to be  
2 served upon the Board under the provisions of this Act or any other law or  
3 enactment may be served by delivering it to the Director - General or by  
4 sending it by registered post and addressed to the Director - General at the  
5 principal office of the Board.

Restriction on  
Executive against  
properties of the  
Centre

6           24. In any action or suit against the Board, no execution or  
7 attachment of process shall be issued against the Board.

Interpretation

8           25. In this Bill unless the context otherwise requires-  
9 "Centre" means National Defense Research and Development Centre  
10 established by part I of this Bill;  
11 "Function" includes duties and powers  
12 "Hardwares" means all equipments, weapons and machineries used by the  
13 various branches of the Armed forces;  
14 "Armed Forces" includes the Army, Navy, Airforce, Police, Department of  
15 State Security, Customs, National Drug Law enforcement agency and any  
16 other arms bearing government security organization in Nigeria;  
17 "President" means President of the Federal Republic of Nigeria.

Short Title

18           26. This Bill may be cited as the National Defense Research and  
19 Development Centre (Establishment) Bill, 2016.

20           SUPPLEMENTARY PROVISION RELATING TO THE CENTRE, ETC

21                                 *Proceedings of the Centre*

22           1.-(1) Subject to this Bill and Section 25 of the interpretation Act, the  
23 Centre may make standing orders regulating its proceeding or those of its  
24 committee;

25           (2) The quorum of the Centre's Board shall be the Chairman or the  
26 person presiding at the meeting, and five other members of the Board and the  
27 quorum of any committee of the Centre shall be as determined by the Centre.

28           2.-(1) The Centre shall meet whenever it is summoned by the  
29 chairman and if the Chairman is required to do so by giving him not less than  
30 four (4) other members, he shall summon a meeting of the Centre to be held

1 within twenty-four (24) days from the date upon which the notice is given.

2 (2) Where the Centre desires to obtain the advice of any person on a  
3 particular matter, the Centre may co-opt him to the Centre for such period of  
4 time it deems fit, but a person who is in attendance by virtue of this  
5 subparagraph shall not be entitled to vote at any meeting and shall not count  
6 towards a quorum.

7 *Committee*

8 3.-(1) The Centre may appoint one or more committee to carry out,  
9 on behalf of the Centre such functions as the Centre may determine.

10 (2) The Committee appointed under this paragraph shall consider  
11 such number of persons as may be determined by the Centre and a person  
12 shall hold office in the committee in accordance with the term of his  
13 appointment.

14 (3) A decision of a committee of the Centre shall be of no effect  
15 until it is confirmed by the Centre.

16 4.-(1) the fixing of the seal of the Centre shall be authenticated by  
17 the signature of the Chairman or any other member of the Centre generally  
18 or specified by the Centre to act for the purpose and the Chief Executive.

19 (2) Any contract or instrument which, if made or executed by a  
20 person not being a body corporate, would not require to be under seal may be  
21 made or executed on behalf of the Centre by the Chief Executive or any  
22 person generally or specified authorized by the Centre to act for the purpose.

23 (3) A document purporting to be a document duly executed under  
24 seal of the Centre shall be received in evidence and shall, unless and until the  
25 contrary is proved, be presumed to so executed.

26 5. The validity of any proceeding of the Centre or of a committee  
27 shall not be adversely affected by-

28 (a) A vacancy in the membership of the Centre or committee;

29 (b) A defect in the appointment of a member of the Centre or  
30 committee; or

- 1 (c) Reason that a person not entitled to do take part in the proceedings  
2 of the Centre or committee.

EXPLANATORY MEMORANDUM

This Bill is for an Act to repeal the Dicon Act and establish a National Defense Research and Development Centre to co-ordinate research, development and deployment of advanced military hardwares and technologies for defense and other related purposes.