

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL
AGRICULTURAL MACHINERY SUPPLY AND MANAGEMENT AGENCY

Sponsored by Hon. Abdullahi Umar Faruk

[] Commencement

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

1 PART 1 - ESTABLISHMENT OF THE NATIONAL AGRICULTURAL
2 MACHINERY SUPPLY AND MANAGEMENT AGENCY

3 1.-(1) There is hereby established a body to be known as the
4 National Agricultural Machinery Supply and Management Agency (in this
5 Act referred to as "the Agency") which shall be a body corporate with
6 perpetual succession and a common seal and may sue and be sued in its
7 corporate name.

Establishment of
the National
Agricultural
Machinery Supply
and Management
Agency

8 (2) The supplementary provisions in the schedule to this Act shall
9 have effect with respect to the proceedings of the board or its committees
10 and other matters.

11 2. There shall be established for the agency a governing board (in
12 this Act referred to as "The Board") which shall consist of a Chairman, who
13 shall be appointed by the President and the following other members, that is:

Governing Council
of the Board

14 (i) one person to represent the Ministry responsible for Agriculture
15 and Rural Development;

16 (ii) two persons to represent the Ministries of Agriculture of the
17 states of the federation;

18 (iii) one person to represent the Farmers Association of Nigeria;

19 (iv) two persons to represent the Universities, one of whom shall
20 represent the Universities of Agriculture;

21 (v) two persons to be represent the Association of Agricultural

1 Engineers in Nigeria;

2 (vi) two persons to be appointed on individual merit on a nationwide
3 basis who shall have wide experience of service in the public or private sector;
4 and

5 (vii) the Executive Secretary, who shall be an ex-officio member of
6 the Board but shall not have the right to vote at the meetings of the Board.

Tenure of Office

7 3.-(1) A member of the Board other than an ex-officio shall hold office
8 for a term of four years and no more.

9 (2) Members of the Board shall be paid allowances as may be
10 determined by the Board in consultation with the National Salaries, Wages and
11 Income Commission.

Resignation of
members of the
Board

12 4. A member may resign his appointment by a notice in writing,
13 addressed to the President.

Cessation of
membership

14 5. A member ceases to hold office if he:

15 (a) becomes of unsound mind;

16 (b) is withdrawn by the body he represents;

17 (c) is convicted of felony or any offence involving dishonesty;

18 (d) is guilty of misconduct in relation to his duties.

Removal from
office of a
member

19 6. Notwithstanding the provisions of section 3 of this Act, the
20 President may remove a member from the board if any circumstance arises
21 which would require the removal of the member from the board.

Functions of
the Agency

22 7. The functions of the agency shall be to:

23 (a) co-ordinate the supply, provision and management of agricultural
24 machinery and equipment in order to enhance agricultural production in the
25 country;

26 (b) ensure sufficient supply of agricultural machinery and equipment
27 by importing or procuring same from certified indigenous manufacturers,
28 institution or agencies;

29 (c) provide agricultural equipment hiring services for farmers in all
30 local government areas of the country;

1 (d) sell any agricultural machine or equipment that has been in use
2 for some time to any willing buyer or organization;

3 (e) co-ordinate the effective utilization of all agricultural machines
4 and equipment in its possession;

5 (f) provide information on imported and locally designed
6 agricultural equipment and machines;

7 (g) collaborate with the National Centre for Agricultural
8 Mechanization for the purpose of achieving increased agricultural
9 production;

10 (h) carry out such activities as are necessary or expedient for the
11 performance of its functions under this Act.

12 PART II - STAFF OF THE AGENCY

13 8.-(1) There shall be appointed by the President on the
14 recommendation of the Minister, a Director-General to the Agency, who
15 shall have appropriate qualification and experience in agricultural
16 engineering.

Appointment of
the Director-
General of the
Agency

17 (2) The Director-General shall be the Chief Executive of the
18 Agency and shall be responsible for the execution of the policy of the
19 Agency and the day-to-day running of the affairs of the Agency.

20 (3) The Director-General shall hold office in the first instance for a
21 period of four years and shall be eligible for re-appointment for one further
22 term of two years and no more.

23 9.-(1) Notwithstanding the provisions of subsection 3 of section 8
24 of this Act the Director-General may be removed from office by the
25 President if he deems it necessary for the attainment of the objectives of the
26 Board.

Removal of the
Director-General

27 (2) A person appointed as the Director-General after such removal
28 in subsection (1) shall serve the unexpired period of the term of his
29 predecessor-in-office.

Appointment of
other staff

1 10.-(1) The Agency may, from time to time, appoint such other staff as
2 it may deem necessary to assist the Director-General in the performance of the
3 functions of the Agency.

4 (2) The remuneration and tenure of office of the other employees of
5 the Agency shall be determined by the Agency after consultation with the
6 Minister.

7 (3) Notwithstanding the provisions of sub-section (1) of this section,
8 employees of the Agency may be appointed by the Board by way of transfer
9 from the public service of the Federation.

Application of
Pensions Act

10 11.-(1) It is hereby declared that service in the Agency shall be
11 pensionable under the Pensions Act and accordingly, employees of the Agency
12 shall, in respect of their services in the Agency, be entitled to pensions,
13 gratuities, and other retirement benefits as are prescribed there-under.

14 (2) Notwithstanding the provisions of subsection (1) of this section,
15 nothing in this Act shall prevent the appointment of a person to any office on
16 terms which preclude the grant of pension and gratuity in respect of that office.

17 (3) For the purposes of the application of the Pensions Act, any power
18 exercisable there-under by the Minister or authority of the Federal Government
19 (not being the power to make regulations under section 23 thereof) is hereby
20 vested in and shall be exercisable by the Agency and not by any other person or
21 authority.

22 (4) Subject to subsection (2) of this section, the Pensions Act shall in
23 its application by virtue of subsection (3) of this section to any office, have
24 effect as if the office were in the civil service of the federation within the
25 meaning of the Constitution of the Federal Republic of Nigeria 1999.

26 PART III - FINANCIAL PROVISIONS

Fund of the
Agency

27 12.-(1) The Agency shall establish a fund from which shall be
28 defrayed all expenditure incurred by the Agency for the purpose of this Act.

29 (2) There shall be paid and credited to the fund established in
30 pursuance of subsection (1) of this section, such payments as may be made to

1 the Agency by the Federal Ministry of Agriculture and Rural Development
2 for the running expense of the Agency and all other payments or monies,
3 from time to time accruing to the Agency.

4 **13.** The Agency may from time to time, apply the proceeds of the Expenditure of
the Agency
5 fund established in pursuance of section 12 of this Act:

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

7 (b) to payment of salaries, fees or other remunerations or
8 allowances and pensions, superannuation, allowances and gratuities
9 payable to members or employees of the agency, so however that no
10 payment of any kind under this paragraph shall be made to any person who is
11 in receipt of emoluments from the Government of the Federation or of a
12 state;

13 (c) for the maintenance of any property vested in the Agency; and

14 (d) for and in connection with any of its function under this Act.

15 **14.-(1)** The Agency shall submit to the minister not later than 30th Annual estimates
and accounts
16 September in each year, an estimate of its expenditure and income during the
17 next succeeding year.

18 (2) The Agency shall keep proper accounts in respect of each year
19 (and proper records in relation thereto) and shall cause the accounts to be
20 audited by an auditor appointed from the list in accordance with the
21 guidelines supplied by the Auditor-General of the Federation.

22 **15.** The Agency shall prepare and submit to the President through
23 the Minister not later than 30th June in each year, a report in such form as he
24 may direct on the activities of the Agency, on or during the immediate
25 preceding year, and shall include in such report a copy of the audited
26 accounts of the Board for that year and the Auditor-General's report thereon.

27 **16.** Subject to the provisions of this Act, the minister may give to
28 the Board directives of a general character or relating generally to matters of
29 policy with regards to the exercise by the Agency of its functions and it shall
30 be the duty of the Agency to comply with such directives.

1 17. In this Act, unless the context otherwise requires:

2 "agency" means National Agricultural Machinery Supply and Management

3 Agency;

4 "chairman" means the chairman of the governing board of the agency;

5 "function" includes power and duty;

6 "minister" means the Federal Minister in charge of Agriculture and Rural

7 Development;

8 "president" means the President of the Federal Republic of Nigeria.

Short Title

9 **18.** This Bill may be cited as the National Agricultural Machinery
10 Supply and Management Agency Bill, 2017.

SCHEDULE

[Section 1(2)]

SUPPLEMENTARY PROVISIONS RELATING TO THE
PROCEEDINGS OF THE BOARD

15 1. Subject to this Act and section 27 of the Interpretation Act (which
16 provides for decisions of a statutory body to be taken by a majority of its
17 members and for the chairman to have a second or casting vote), the Board may
18 make standing orders regulating the proceedings of the Board or any
19 committee thereof.

20 2. Every meeting of the Board shall be presided over by the Chairman
21 or if the chairman is unable to attend a particular meeting, the members present
22 at the meeting shall elect one of their numbers to preside at the meeting

23 3. The quorum at a meeting of the Board shall consist the chairman
24 (or, in an appropriate case, the person presiding at the meeting pursuant to
25 paragraph 2 of this schedule) and six other members.

26 4. Where upon any special occasion, the Board desires to obtain the
27 advice of any person on any particular matter, the Board may co-opt that person
28 to be member for as many meetings as may be necessary, and that person, while
29 co-opted, shall have all the rights and privileges of a member, except that he
30 shall not be entitled to vote or count towards a quorum.

1 5.-(1) Subject to its standing orders, the Board may appoint such
2 number of standing and ad-hoc committees as it thinks fit, to consider and
3 report on any matter with which the board is concerned.

4 (2) Every committee appointed under the provisions of sub-
5 paragraph (1) of this paragraph shall be presided over by a member of the
6 Board and shall be made up of such numbers of persons, not necessarily
7 members of the Board, as the Board may determine in each case.

8 6. The decision of a committee shall be of no effect until
9 confirmed by the Board.

10 7. The fixing of the seal of the Agency shall be authenticated by
11 the signature of the Chairman or of the Director-General of the Agency.

12 8. Any contract or instrument which, if made by a person not
13 being a body corporate, would not be required to be under seal, may be made
14 or executed on behalf of the Agency by the Director-General or by any other
15 person generally or specifically authorized to act for that purpose by the
16 Agency.

17 9. Any document purporting to be a contract, instrument or other
18 document signed or sealed on behalf of the Agency shall be received in
19 evidence and unless the contrary is proved, be presumed without further
20 proof, to have been so signed or sealed.

21 10. The validity of any proceedings of the Board or a committee
22 thereof shall not be adversely affected:

23 (a) by any vacancy in the membership of the Board or committee;

24 (b) by any defect in the appointment of a member of the Board or
25 committee, or

26 (c) by reason that a person not entitled to do so took part in the
27 proceedings.

28 11. Any member of the Board or a committee thereof, who has a
29 personal interest in any contract or arrangement entered into or proposal to
30 be considered by the Board or committee, shall not disclose his

- 1 interest to the council or committee and shall not vote on any question relating
- 2 to the contract or arrangement.

EXPLANATORY MEMORANDUM

This bill seeks to provide for the establishment of the National Agricultural Machinery Supply and Management Agency to co-ordinate the supply and availability of agricultural machines and equipment in all parts of Nigeria in order to achieve increased agricultural production.