

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL FARM SETTLEMENT AND YOUTH
EMPOWERMENT AGENCY; AND FOR MATTERS CONNECTED THEREWITH

Sponsored by Senator Matthew A. Urhohide

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL FARM SETTLEMENT AND
2 YOUTH EMPOWERMENT AGENCY

3 1.-(1) There is established an agency to be known as the National
4 Farm Settlement and Youth Empowerment Agency (in this Act referred to as
5 "the Agency").

Establishment of
the Agency

6 (2) The Agency-

7 (a) shall be a body corporate with perpetual succession and a
8 common seal; and

9 (b) may sue and be sued in its corporate name.

10 (3) The Agency Headquarters shall be located in the Federal
11 Capital Territory, Abuja.

12 (4) The Agency shall maintain operational offices in each State of
13 the Federation, which shall coordinate and establish farm settlements for
14 production of food and cash crops and for the employment and
15 empowerment of youths

16 2.-(1) There shall be established for the Agency, a Governing
17 Board which shall be responsible for the policy implementation or
18 objectives for the running of the affairs of the Agency (herein after referred
19 as "the Board").

Governing Board
of the Agency

20 (2) The Board shall consist of-

21 (a) a Chairman;

- 1 (b) a representative of the Federal Ministry of Agriculture;
2 (c) a representative of the Federal Ministry of Finance;
3 (d) a representative of the Federal Ministry of Commerce;
4 (e) a representative of NDE;
5 (f) a representative of the Ministry of Labour;
6 (g) a representative of the Ministry of Youths and Sports;
7 (h) a Vice Chancellor or the representative of any University of
8 Agriculture;
9 (i) a representative from the Agro products Marketing Boards;
10 (j) a leading farmer from the private sector;
11 (k) one member from each of the six geopolitical zones;
12 (l) the Managing Director of the Agency; and
13 (m) the Director of Administration of the Agency who shall serve as
14 the Secretary for the Board.

15 (3) Members of the Board shall be appointed by the President on the
16 recommendation of the Minister in charge of Agriculture and shall be persons
17 of proven integrity and ability.

18 (4) A minimum of 2 members shall be appointed from each of the 6
19 geopolitical zones of the Country.

20 (5) A minimum of 2 women shall be appointed into the Board.

Power of the
Board

21 3.-(1) The Board shall have power to-

22 (a) provide the general policies and guidelines relating to the
23 programmes of the Agency;

24 (b) manage and superintend the affairs of the Agency;

25 (c) subject to the provisions of this Act, make, alter and revoke rules
26 and regulations for carrying on the functions of the Agency;

27 (d) fix terms and conditions of service, including remuneration of the
28 employees of the Agency;

29 (e) do such other things which in the opinion of the Board are
30 necessary to ensure the efficient performance of the functions of the Agency.

1 (2) The supplementary provisions set out in the Schedule to this Schedule
2 Act shall have effect with respect to the proceedings of the Board and the
3 other matters contained therein.

4 **4.** The Chairman and other members of the Board, other than ex- Tenure of office,
5 officio members shall hold office- etc.

6 (a) for a term of 4 years and may be specified in their letters of
7 appointments;

8 (b) on such terms and conditions as may be specified in their letters
9 of appointments.

10 **5.**-(1) notwithstanding the provisions of Section 4 of this Act, a Removal from
11 member may at any time be removed from office by the President of the office, etc.
12 Federal Republic of Nigeria on the occurrence of any of the following-

13 (a) he becomes bankrupt;

14 (b) he is convicted for a felony or any offence involving dishonesty
15 or fraud;

16 (c) he becomes of unsound mind or is incapable of carrying out his
17 duties; or

18 (d) he is guilty of a serious misconduct in relation to his duties;

19 (e) in the case of a person possessed of professional qualification,
20 he is disqualified or suspended, other than at his own request, from
21 practicing his profession in any part of the world by any order of a competent
22 authority made in respect of that member.

23 (2) A member of the Board may resign his appointment by a notice
24 in writing under his hand, addressed to the President through the Minister of
25 Agriculture or Permanent Secretary and that member shall, on the date of the
26 receipt of the notice by the President of the Federal Republic of Nigeria
27 cease to be a member of the Board.

28 (3) Where a member of the Board ceases to hold office for any
29 reason whatsoever, before the expiration of the term for which he is
30 appointed, another person representing the same interest as that member

1 shall be appointed to the Board for the unexpired term.

2 (4) A member of the Board may be removed by the President if he is
3 satisfied that it is not in the interest of the agency or the interest of the public
4 that the member continues in office.

5 (5) Members of the Board shall be paid such allowances as the
6 Government may direct from time to time.

7 PART II - FUNCTIONS AND POWERS OF THE AGENCY

Functions of
the Agency

8 6.-(1) The Agency shall set up farms and settlements for the youths
9 who shall produce the farm produce in the most productive lands in every State
10 of the Federation.

11 (2) The Agency shall provide equipment for farming and processing
12 of farm products produced from the farms and set up mechanism for the
13 marketing of the products from the farms.

14 (3) The Agency shall provide necessary infrastructure in these farm
15 settlements such as-

16 (a) potable water;

17 (b) electricity;

18 (c) recreational centres-football field, etc.;

19 (d) schools, clinics or health centres and other facilities to make life
20 comfortable;

21 (e) for the youth farmers employed at the farms.

22 (4) Without prejudice to the generality of the following, the Agency
23 shall-

24 (a) enter into contracts with suppliers of farm implements such as
25 tractors, etc.;

26 (b) plan and manage the necessary farming programme and
27 marketing strategies for the sale of produce from the farms;

28 (c) develop other strategies towards ensuring efficient and effective
29 management of the farms;

30 (d) carry out such other activities that is necessary or expedient for the

1 full and efficient discharge of its functions under this Act.

2 PART III - STAFF OF THE AGENCY

3 7.-(1) There shall be for the Agency, a Managing Director who Staff of the
4 shall be appointed by the President of the Federal Republic of Nigeria, on the Agency
5 recommendation of the Minister of Agriculture.

6 (2) The Managing Director shall be the Chief Executive and
7 Accounting Officer of the Agency and be responsible for the execution of
8 the policy and the day to day administration of the affairs of the Agency.

9 (3) The Managing Director shall hold office-

10 (a) for a term of 4 years in the first instance and may be reappointed
11 for a further term of 4 years and no more; and

12 (b) on such terra and conditions as may be specified in the letter of
13 appointment.

14 (4) The Managing Director may resign his appointment by a notice
15 in writing under his hand, addressed to the President through the Board.

16 8. The Board shall appoint for the Agency a Secretary who shall- Appointment of
17 (a) be a legal practitioner and is so qualified to practice for a period the Secretary

18 of not less than 10 years or a career civil servant who has cognate experience
19 as a Director in the Ministry of Agriculture;

20 (b) keep the records and conduct the correspondences of the
21 Agency; and

22 (c) perform such other functions as the Board or the Managing
23 Director may direct.

24 9. The Board shall appoint for the Agency, such officers and other Other employees
25 employees as it may, from time to time, deem necessary with particular of the Agency
26 attention focused on providing jobs for youths-graduates, school leavers
27 and unemployed illiterates physically strong for farm work.

28 10.-(1) notwithstanding the provisions of Sections 8 and 9, the Service in the
29 Board shall have power to appoint for the Agency either directly or on Agency
30 secondment from any public service in the Federation, such number of

1 employees as may, in the opinion of the Board be required to assist the Agency
2 in the discharge of any of its functions under this Act.

3 (2) The person so seconded under this secondment may elect to be
4 transferred to the service of the Agency, and any previous service he may have
5 rendered in the public service shall count as service to the Agency for the
6 purpose of any pension subsequently payable by the Agency.

Pensions Act,
CAP. 346 LFN

7 **11.**-(1) It is hereby declared that service in the Agency shall be
8 approved service for the purpose of the Pension Act and, accordingly,
9 employees of the Agency shall be entitled to pension, gratuities and other
10 retirement benefits as are prescribed under the Pensions Act.

11 (2) Notwithstanding the provisions of Subsection (1) of this section,
12 nothing in the Act shall prevent the appointment of a person to any office on
13 terms which precluded the grant of a pension, gratuity or other retirement
14 benefits in respect of that office.

15 (3) For the purposes of the application of the provisions of the
16 Pensions Act, any power exercisable by a Minister or other authority of the
17 Federal Government, other than the power to make regulations under Section
18 23 of the Pensions Act, is hereby vested in and shall be exercisable by the
19 Agency and not by any other person or authority;

20 **PART IV - FINANCIAL PROVISIONS**

Source of funds
for the Agency

21 **12.** The funds of the Agency shall consist of-

22 (a) the takeoff grant from the Federal Government;

23 (b) annual subvention from the Federal Government as provided for
24 in the Appropriation Act;

25 (c) loans and grant-in-aid from Federal, Bilateral and Multilateral
26 agencies;

27 (d) rents fees and other internally generated revenues from sales of
28 farm produce by the Agency;

29 (e) all other sums accruing to the agency from time to time.

- 1 **13. The Agency may, from time to time apply its funds-** Application of
funds
- 2 **(a) to the cost of administration of the Agency;**
- 3 **(b) to the paying of the emoluments, allowances and benefits of**
- 4 **members of the Board and for reimbursing members of the Board or of any**
- 5 **committee set up by the Board for such expenses as may be expressly**
- 6 **authorized by the Board;**
- 7 **(c) to the payment of the salaries, fees or other remuneration or**
- 8 **allowances, gratuities and pensions, and other benefits payable to the**
- 9 **officers and other employees of the Agency, so however that no payment of**
- 10 **any kind under this paragraph (except such as may be expressly authorized**
- 11 **by the Board) shall be made to any person who is in receipt of emoluments**
- 12 **from the Federal or State Government;**
- 13 **(d) for the development and maintenance of any property vested in**
- 14 **or owned by the Agency; and**
- 15 **(e) for and in connection with all or any of its functions under this**
- 16 **Act.**
- 17 **14.-(1) The Agency shall, not later than 30th August in each year,** Annual estimates
- 18 **submit to the Minister an estimate of its expenditure and income (including**
- 19 **payments to the Agency) for the next succeeding year.**
- 20 **(2) The Agency shall keep proper accounts in respect of each year**
- 21 **and proper records in relation to those accounts and shall cause its accounts**
- 22 **to be audited within three months after the end of each year by auditors**
- 23 **appointed from the list and in accordance with the guidelines supplied by the**
- 24 **Auditor-General of the Federation.**
- 25 **15.-(1) The Auditor-General for the Federation shall-** Audit
- 26 **(a) inspect and audit the accounts and records of the financial**
- 27 **transactions of the Agency;**
- 28 **(b) inspect records relating to assets of the Agency, and**
- 29 **(c) draw the attention of the Minister to any irregularity, which is**
- 30 **disclosed, by the inspection and audit.**

1 (2) The Auditor-General or an officer authorized by him is entitled at
2 all reasonable time to a full and free access to all accounts, records, documents
3 and papers of the Agency relating directly or indirectly to the receipt or
4 payment of money by the Agency or to the acquisition, receipt, custody or
5 disposal of assets by the Agency.

Annual report

6 **16.** The Agency shall prepare and submit to the President, through the
7 Minister of Agriculture, not later than six months after the end of each financial
8 year, a report of the activities of the Agency during the immediate preceding
9 year, and shall include in such report a copy of the audited accounts of the
10 Agency for that year and the Auditor's report on the accounts.

Power to accept
gifts

11 **17.** The Agency may accept any gift, of land, money or other property
12 on such terms and conditions, if any, as may be specified by the person or
13 organization making the gift provided that the Agency shall not accept any gift
14 if the conditions attached are inconsistent with the functions of the Agency and
15 the terms of existing laws.

Power to borrow

16 **18.**-(1) The Agency may, from time to time, borrow such sums as it
17 may require for the performance of its functions under this Act.

18 (2) The Agency shall not, without the approval of the Minister,
19 borrow money which exceeds, at any time, the amount set by the Minister.

20 (3) Notwithstanding Subsections (1) of this section, where the sum to
21 be borrowed is in foreign currency, the Agency shall not borrow the sum
22 without the prior approval of the Minister.

Investments

23 **19.** The Agency may, subject to the provisions of this Act and the
24 conditions and the conditions of any trust created in respect of any property,
25 invest all or any of its funds in any security prescribed by the Trustee
26 Investment act or in such other securities as may, from time to time, be
27 approved by the Board.

Non-exemption
from tax

28 **20.** The Agency shall not be exempted from the payment of income
29 tax on any income accruing from investments made by the Board for the
30 Agency or otherwise howsoever.

1 (2) Any person who contravenes the provisions of Subsection (1) of
2 this section commits an offence and is liable on conviction to a fine of not less
3 than N20,000.00 or imprisonment for a term not exceeding two years or to both
4 such fine and imprisonment.

Local farm
settlements

5 **26.** The Agency may establish farm settlements in each of the 774
6 Local Government Areas of the Federation of Nigeria.

Savings and
transitional
provisions

7 **27.**-(1) The statutory functions, rights, interest, obligations and
8 liabilities of the department responsible for farm settlements, if any, before the
9 commencement of this Act under any contract or instrument by virtue of this
10 Act shall be deemed to have been assigned and vested in the Agency.

11 (2) All assets, funds resources and any other movable or immovable
12 property which immediately before the commencement of this Act, were
13 vested in the department responsible for federal farm settlements, if any, shall
14 be vested in the Agency.

15 (3) Any person who immediately before the coming into force of this
16 Act is the holder of any office in the department responsible for federal farm
17 settlements, if any, shall continue in office and be deemed to have been
18 appointed to the office by the Agency.

Power to make
regulations

19 **28.** The Board may, with the approval of the Minister of Agriculture
20 make such regulations as in its opinion are necessary or expedient for giving
21 full effect to the provisions of this Act and for the due administration of its
22 provisions.

Interpretation

23 **29.** In this Act except the context otherwise requires-
24 "Agency" means the National Farm Settlements and Youth Empowerment
25 Agency established by Section 1 of this Act;
26 "Board" means the Governing Board established for the Agency by Section 2
27 of this Act;
28 "Farm Settlements" means the outfit and or unit office or farms established by
29 the Agency in agricultural lands set up by the Agency in States and Local

1 Government Areas of the Federation for the purpose of producing food and

2 cash crops;

3 "Function" includes Power and Duty;

4 "Geopolitical Zones" mean the geopolitical units of the Federation;

5 "Minister" means the Federal Minister in charge of Agriculture;

6 "Ministry" shall be construed accordingly;

7 "President" means the President of the Federal Republic of Nigeria;

8 "Power" includes functions and duty; and

9 "Youth" means young and able-bodied Nigerians.

10 **30.** This Act may be cited as the National Farm Settlements and Citation

11 Youth Empowerment Agency (Establishment, etc.) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Farm Settlement and Youth
Development Agency and other related matters.