

NATIONAL RESEARCH AND INNOVATION BILL, 2016

ARRANGEMENT OF SECTIONS

Section

PART I

*National Research and Innovation Council, Technical Advisory
Committee Establishment, Etc.*

1. Establishment of the National Research and Innovation Council
2. Membership of the Council
3. Proceedings of the Council
4. Functions of the Council
5. Establishment, Composition, etc., of the Technical Advisory
Committee

PART II

*Establishment of the National Research and Innovation Foundation, the
Governing Board, Etc.*

6. Establishment of the National Research and Innovation
Foundation
7. Functions of the Foundation
8. Appointment of Executive Secretary
9. Directorates of the Foundation
10. Other staff of the Foundation
11. Remuneration of Employees of the Foundation
12. Establishment and membership of the Governing Board of the
Foundation
13. Tenure of office
14. Cessation of Membership
15. Remuneration of Members of the Foundation
16. Powers and Functions of the Board

PART III

Financial Provisions

17. Establishment of the National Research and Innovation Fund
18. Expenditure of the Foundation
19. Exemption from Tax
20. Investment of Income
21. Annual estimates, income and expenditure
22. Accounts and Audit
23. Annual Reports
24. Borrowing Powers
25. Power to accept gifts

PART IV

Legal Proceedings

26. Commencement of suits or action and service of notice
27. Restriction on execution against property of the Foundation

PART V

Miscellaneous

28. Power to purchase or take on lease property
29. Power to sell or lease out property
30. Indemnity
31. Power to make regulations
32. Interpretation
33. Short Title

SCHEDULES

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL RESEARCH AND INNOVATION COUNCIL, NATIONAL RESEARCH AND INNOVATION FOUNDATION; AND MATTERS RELATING THERETO

Sponsored by Senator David Umaru

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

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PART I

*National Research and Innovation Council, Technical Advisory
Committee Establishment, Etc.*

1. There is established the National Research and Innovation Council (In this Bill referred to as "the Council").

Establishment of the National Research and Innovation Council

2.-(1) The Council shall consist of the President of the Federal Republic of Nigeria, as the Chairman and the following other members-

Membership of the Council

(a) Vice President of the Federal Republic of Nigeria as the Vice Chairman;

(b) All Ministers of the Federal Republic of Nigeria appointed in accordance with the provisions of the 1999 Constitution;

(c) a representative of the Manufacturers Association of Nigeria (MAN);

(d) President, Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture (NACCIMA);

(e) Executive Secretary, National Research and Innovation Foundation as the Secretary of the Council; and

(f) such other number of persons not exceeding five appointed by the President on the joint recommendation of the Governing Board of the Foundation and the Technical Advisory Committee to further assist the Council in the discharge of its functions.

1 (2) The persons recommended for appointment under subsection 1 (f)
2 shall be persons who have -

3 (a) a minimum qualification of a university degree or its equivalent in
4 relevant disciplines;

5 (b) a proven track record of contribution to research and
6 development;

7 (c) necessary skills and abilities;

8 (d) cognate experience, professional or specialized knowledge, to
9 make special contributions to the work of the Council.

Proceedings
of the Council

10 3.-(1) The Council shall have power to regulate its own proceedings
11 and may make standing orders for that purpose and, subject to such standing
12 orders, may function notwithstanding any vacancy in its membership or the
13 absence of any member.

14 (2) The Council shall meet at least twice every year for the due
15 performance of its functions under this Bill.

16 (3) Nine members shall form a quorum at any meeting of the Council.

17 (4) Where the Council desires to obtain the advice of any person on
18 any particular matter, the Council may co-opt that person to be a member for as
19 many meetings as may be necessary and that person while so co-opted shall
20 have all the privileges of a member except that he shall not be entitled to vote
21 and shall not be counted in forming the quorum.

Functions of
the Council

22 4.-(1) The functions of the Council are to-

23 (a) set national priorities on research, innovation and development;

24 (b) set directions to coordinate research and innovations
25 generally (including research and development) in line with national priorities;

26 (c) establish new research institutes and strengthen existing ones as
27 may be necessary;

28 (d) facilitate fund raising activities to support innovation activities in
29 areas of national needs and priorities;

30 (e) facilitate sectoral, state and local level innovations by encouraging

1 Federal Ministries, State and Local Governments to establish Sectoral, State
2 and Local Innovation Councils respectively;

3 (f) explore new strategies and alternatives for innovations and
4 collaborations;

5 (g) identify ways and means to scale and sustain innovations;

6 (h) encourage States, Local Governments and MDAs to innovate;

7 (i) encourage universities, research and development institutions
8 to innovate;

9 (j) encourage all important sectors of the economy to innovate;

10 (k) encourage innovation in public service delivery;

11 (l) encourage multi disciplinary and globally competitive approach
12 to innovation;

13 (m) set up the International Advisory Board (in this Bill referred to
14 as the " Advisory Board") of seasoned personalities from at least top six
15 leading Innovation countries of the world and representatives of
16 development partners on such matters that may require international
17 collaboration from time to time.

18 (2) To facilitate the attainment of its objectives under section 1 of
19 this Bill, the Council shall formulate a roadmap for innovation and create a
20 framework for-

21 (a) evolving a Nigerian model of innovation with focus on
22 inclusive growth;

23 (b) institutionalizing innovation as a culture in Nigeria from the
24 lowest level up;

25 (c) delineating policy initiatives within the Government aimed at
26 promoting innovation;

27 (d) developing and championing innovation attitudes and
28 approaches with special focus on youths;

29 (e) creating appropriate environment to foster inclusive
30 innovation;

- 1 (f) exploring new strategies and alternatives for innovations and
2 collaborations;
- 3 (g) identifying ways and means to scale and sustain innovations;
- 4 (h) encouraging State, Local and Small and Medium Enterprises
5 (SMEs) to innovate;
- 6 (i) facilitating innovations by Small and Medium Enterprises
7 (SMEs);
- 8 (j) encouraging innovation in public service delivery;
- 9 (k) encouraging multidisciplinary and globally competitive
10 approaches for innovations;
- 11 (l) convening an annual Nigeria Innovation Round Table or Summit;
12 and
- 13 (m) carrying out such other activities connected with its functions in
14 order to give full expression to the general intendment of the Bill.

Establishment,
Composition, etc.,
of the Technical
Advisory Committee
of the Council

- 15 5.-(1) There is established a technical arm of the Council known as the
16 Technical Advisory Committee (in this Bill referred to as the "Advisory
17 Committee").
- 18 (2) The Advisory Committee shall comprise of-
- 19 (a) the Executive Secretary of the Foundation as the Chairman;
- 20 (b) professionals representing all the Federal Ministries and
21 organized private sector as may be approved by the Council;
- 22 (c) representatives of global development partners and respected
23 researchers and innovators in Nigeria, and individual Nigerian experts in the
24 diaspora;
- 25 (d) representatives of Nigerian experts, researchers and innovators in
26 the Diaspora as may be determined by the Council; and
- 27 (e) any other individual expert or group that may be appointed as a
28 member by the Advisory Committee by the Council.
- 29 (3) The Technical Committee shall provide expert advice to the
30 Council on modalities to accomplish its mandate.

PART II

*Establishment of the National Research and Innovation Foundation, the
Governing Board, Etc.*

6.-(1) There is established the National Research and Innovation Foundation (in this Bill referred to as the "Foundation") to manage competitive grants for research and carry out other functions in connection with the policies of the Council as provided in this Bill.

Establishment of
the Foundation

(2) The Foundation shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The headquarters of the Foundation shall be in the Federal Capital Territory, Abuja with such State field offices as may be approved by the Board.

7.-(1) The functions of the Foundation are to-

Functions of the
Foundation

(a) raise funds for innovation, research and development from legitimate means as stipulated under this Bill;

(b) develop robust mechanisms to attract International Funding for research and development and Innovation in Nigeria;

(c) draw up a national research agenda based on the needs of the nation, make grants from the research fund and constitute Research Proposals Evaluation Committee to process and approve applications for grants in accordance with the national research policy;

(d) to disseminate research information including landmark research achievements and breakthroughs at the local, national and international levels in the media and other fora in order to boost the nations research profile;

(e) organize Annual Research Summit and draw up and review the national research agenda;

(f) announce and publicize research calls;

(g) compile and maintain a research database, containing

- 1 information about research activities of the nation in as accurate and
2 comprehensive form as possible;
- 3 (h) publicise the activities of the Foundation on the National Research
4 website and other media platforms to be hosted by the Foundation and
5 regularly update same;
- 6 (i) compile an Annual Research Report and publish an Annual
7 Magazine containing a summary of the nature and scope of the main research
8 activities in a given year;
- 9 (j) analyze Research Management data of the nation for decisions on
10 areas of need;
- 11 (k) provide strategic pre and post award support (technical and
12 administrative) to researchers in the public and private sectors in accordance
13 with the National Research policy;
- 14 (l) provide support for applications by innovators and inventors for
15 the protection of the property rights of Innovations/inventions;
- 16 (m) identify innovations and inventions that have high potential for
17 commercialization, display operational prototypes of such innovations and
18 inventions in the National Technology Parks;
- 19 (n) source funds within the National Research, Innovation and
20 Development Fund, public or private organizations for manufacturing of
21 commercially viable prototypes to products;
- 22 (o) create markets where they do not exist to demonstrate viability of
23 innovations that others will not necessarily adopt and therefore promote sales
24 of the national intellectual properties;
- 25 (p) monitor and assess research projects and product development
26 processes to ascertain the quality and quantity of deliveries and adherence to
27 funding guidelines;
- 28 (q) facilitate and coordinate research and innovation activities in all
29 the sections of the economy;
- 30 (r) promote merit and professionalism in both academic and

1 innovative research;

2 (s) compile and publish relevant data resulting from the
3 reinforcement of the functions of the Foundation;

4 (t) sponsor such national and international conferences as it may
5 consider appropriate;

6 (u) liaise with relevant establishments within and outside Nigeria,
7 in pursuance of the functions of the Foundation;

8 (v) establish and maintain a federal innovation web portal for the
9 purpose of publicising landmark innovation activities in Nigeria;

10 (w) enter into collaborative and cooperation agreements or
11 arrangements with agencies, foundations and bodies with similar objectives
12 within and outside Nigeria;

13 (x) submit annual report of its incomes, expenditure and activities
14 to the National Assembly; and

15 (y) carry out such activities as are necessary or expedient for the
16 performance of its functions under the Bill.

17 (2) The Foundation shall have administrative and financial
18 autonomy to execute its functions independently, free from external control
19 and influence.

20 8.-(1) There is for the Foundation an Executive Secretary who
21 shall be appointed by the President on the recommendation of the Board and
22 subject to ratification by the Senate.

Appointment of
Executive
Secretary

23 (2) The Executive Secretary shall hold office for a term of five
24 years and may be re-appointed for a further term of five years and no more.

25 (3) The Executive Secretary shall be a person-

26 (a) with 15 years demonstrable research experience in either
27 Science and Technology, Engineering, Education, Medicine, Humanities,
28 Law or other related subjects preferably at doctoral level and must be
29 knowledgeable in the field of Innovation;

30 (b) who has at least ten years cognate working experience post

1 Masters Degree; and

2 (c) who has proven record of cognate experience in Research
3 Management.

4 (4) A candidate who must have won and managed research grants
5 shall have an added advantage.

6 (5) The Executive Secretary shall be-

7 (a) the Chief Accounting Officer of the Foundation;

8 (b) responsible for execution of the policies and programmes of the
9 Board and take charge of the day to day administration of the Foundation;

10 (c) responsible for general direction and superintendence of the
11 affairs of the Foundation;

12 (d) facilitate the efficient performance of the activities of the Sectoral,
13 State, Regional and Local Innovation Councils;

14 (e) carry out such other duties as may be assigned to him by the
15 Council or the Board;

16 (f) ensure proper dissemination of the decisions of the Council to the
17 appropriate persons, institutions or authorities; and

18 (g) carry out such other functions and duties as the Council may
19 assign to him.

Directorates of
the Foundation

20 9. There shall be for the Foundation the Directorates as listed in the
21 Second Schedule to this Bill for the effective implementation of its functions
22 under this Bill.

Other staff of
the Foundation

23 10. The Foundation may subject to the approval of the Board, appoint
24 such other staff as may consider necessary-

25 (a) for the efficient performance of the Foundation's activities; and

26 (b) on such terms and conditions as may be specified from time to
27 time by the Board.

Conditions of
service of
employees of
the Foundation

28 11. The Foundation shall develop and implement appropriate staff
29 conditions of service for its employees with particular regard to the issues of
30 remuneration, pension scheme, and other fringe service benefits sufficient to

1 attract and retain quality and high caliber manpower for the Foundation.

2 12.-(1) There is established for the Foundation a Governing Board
3 (in this Act referred to as "the Board").

Establishment
and membership
of the Governing
Board of the
Foundation

4 (2) The Board shall consist of-

5 (a) a chairman-

6 (i) whose appointment shall be made by President on the
7 recommendation of the panel referred to in subsection 3(a) of this section,

8 (ii) who must hold a minimum qualification of a university degree
9 in either engineering, science, technology or other related discipline, and

10 (iii) who has made outstanding contributions in the areas of applied
11 research and innovation.

12 (b) not less than nine and not more than eleven other
13 members, appointed by the Council; and

14 (c) The Executive Secretary of the Foundation.

15 (3) (a) For the purposes of appointing the members of the Board
16 referred to in subsection (2) (b), the Council shall appoint a panel
17 comprising eminent scientists which shall compile a shortlist of candidates
18 of not more than 20 persons;

19 (b) The panel shall compile the shortlist after following transparent
20 and competitive processes including advertising existing vacancies on the
21 Board of the Foundation in at least two national newspapers; receiving and
22 scrutinizing curricula vitae submitted by interested applicants in response
23 to news advertisements, and conducting oral interviews for shortlisted
24 applicants, etc.,

25 (4) Members of the Board must be persons who have achieved
26 distinction in the field of science, technology and innovation, research and
27 technology management, business and entrepreneurship, public affairs or
28 civil society.

29 (5) Without prejudice to the principle of federal character as
30 enshrined in the Nigerian Constitution, Members of the Board referred to in

1 subsection (2) (b) shall be appointed by the Council after consideration of the
2 shortlist of candidates, but the Council must ensure that they are broadly
3 representative of the following sectors-

4 (a) Universities and other higher institutions of learning;

5 (b) Agricultural and environmental sciences;

6 (c) Natural resources management;

7 (d) Information and communication technologies;

8 (e) Natural sciences and engineering;

9 (f) Social sciences and humanities;

10 (g) Business and industrial growth;

11 (h) Building and construction;

12 (i) National security;

13 (j) Nuclear science and biotechnology;

14 (k) Energy; and

15 (l) Health.

16 (6) The supplementary provisions set out in the First Schedule to this
17 Bill shall have effect with respect to the proceedings of the Board and related
18 matters.

Tenure of office

19 **13.-(1)** (a) Subject to the provisions of section 15 of this Bill, a person
20 appointed to be a member of the Board of the Foundation shall hold office for a
21 period of four years from the date of his appointment and shall be eligible for
22 re-appointment for another four years and no more.

23 (b) To ensure continuity in the leadership of the Board, at least one
24 third of the Board must at all times consist of reappointed members.

25 (c) A person appointed in accordance with section 15(3) of this Bill
26 to fill a casual vacancy on the Board shall be appointed from the same
27 constituency and interest group as that of his predecessor and shall be entitled
28 to only serve out the unexpired term of his predecessor irrespective of
29 whether the casual vacancy so filled occurred in the first or second term of his
30 predecessor's membership of the Board.

1 14.-(1).Notwithstanding the provisions of section 8 of this Bill, a
2 member of the Board shall cease to hold office if the member-

Cessation of
Membership

3 (a) resigns his appointment by notice under his hand addressed to
4 the President;

5 (b) becomes of unsound mind;

6 (c) becomes bankrupt or makes a compromise with his creditors;

7 (d) is convicted of a felony or of any offence involving dishonesty
8 or corruption;

9 (e) becomes incapable of carrying out the functions of his office
10 either arising from an infirmity of mind or body or any other cause.

11 (2) Where the Council is satisfied that it is not in the interest of the
12 Foundation or the public for a member to continue in office, the President
13 may remove that member from the Board.

14 (3) Where a vacancy occurs in the membership of the Board, it
15 shall be filled by the appointment of a successor to hold office for the
16 remainder of the term of office of his predecessor and the successor shall
17 represent the same interest, discipline or constituency as his predecessor.

18 15. The Chairman and members of the Board shall be paid such
19 emoluments, allowances, and benefits as may be determined by the
20 Revenue Mobilization, Allocation and Fiscal Commission.

Remuneration
of members of
the Board

21 16. The Board shall have power to-

22 (a) approve annual estimates, reports and statements of accounts of
23 the Foundation;

24 (b) determine the terms and conditions of service of the employees
25 of the Foundation;

26 (c) approve the creation of research institutes and laboratories to be
27 designated as National facilities for research required for efficient
28 performance of the functions of the Foundation;

29 (d) approve the award of research grants to be given by the
30 Foundation in line with national priorities;

Powers and
functions of the
Board

1 (e) consider and approve the creation of additional Directorates as
2 may be necessary and in accordance with the provisions of this Bill;

3 (f) carry out such other activities as may, in the opinion of the Board
4 be necessary for the advancement of science, technology and innovations in
5 Nigeria.

6 (g) consider and recommend to the Council, innovators and
7 outstanding Researchers deserving of award and special recognition;

8 (h) consider and approve the annual activities of the Foundation and
9 cause same to be presented to the President and National Assembly.

10 PART III

11 *Financial Provisions*

Establishment
of the National
Research and
Innovation Fund

12 17.-(1) The Foundation shall establish and maintain a Research and
13 Innovation Fund to which the following sources of funds shall be paid and
14 credited-

15 (a) 1% of the National Gross Domestic Product (GDP) to be sourced
16 from the Federal Government;

17 (b) 5% of the annual allocation to the following organizations-

18 (i) Raw materials Research and Development Council,

19 (ii) Tertiary Education Trust (TET) Fund,

20 (iii) Automotive Development Fund (ADF),

21 (iv) National Communications Development Fund (NCDF),

22 (v) Information Technology and Development Fund,

23 (vi) Agricultural Development Fund,

24 (vii) Ecological Fund,

25 (viii) Lottery Fund,

26 (ix) Sugar Development Fund,

27 (x) Industrial Training Fund,

28 (xi) Development and Donor Agencies, etc,

29 (xii) Petroleum Technology Development Fund (PTDF), and

1 (xiii) Organized Private Sector (OPS) - 0.5% of Technology
2 Transfer fee;

3 (c) 5% of loanable funds from development finance Institutions
4 such as the Bank of Industry, Nigerian Export - Import Bank (NEXIM), set
5 aside for manufacturing industries;

6 (d) foreign aid or assistance from bilateral or multilateral agencies;

7 (e) Other Internally generated revenues of the Foundation; and

8 (f) all other sums accruing to the Foundation from time to time by
9 way of gifts, grants, emolument or bequest.

10 (2) All monies standing to the credit of the Foundation shall be paid
11 directly into the Fund's Bank Account.

12 **18.-(1)** The Foundation shall apply the Fund established under
13 Section 26 of this Bill to-

Expenditure of
the Foundation

14 (a) the administration of the Foundation;

15 (b) the performance of its functions;

16 (c) the payment of emoluments and entitlements of members of the
17 Council, and the members of the Board of the Foundation.

18 (d) the payment of personnel, overhead, allowances, benefits and
19 other administrative costs;

20 (e) the cost of maintaining the head office, field offices and
21 operating the Directorates and other interventions concerning the Sectoral,
22 Regional, State, Local Innovation Councils;

23 (f) the training of members of staff of the Foundation

24 (g) the publication and promotion of research and innovation
25 results;

26 (h) the support of national research, innovation and development
27 bodies and for the payment of contributions to international organizations to
28 which the Foundation subscribes; and

29 (i) undertake any other expenditure in connection with all or any of
30 the functions of the Council Under this Bill.

Exemption from
Tax

1 **19.**-(1) The Foundation shall be exempt from the payment of tax on
2 any income accruing from investments made by the Foundation.

3 (2) The provisions of any enactment relating to the taxation of
4 companies or Trust Funds shall not apply to the Foundation.

Investment of
Income

5 **20.** Subject to the approval of the Board, the Foundation may invest
6 its income in profitable production of goods by Joint Venture, Partnerships, or
7 Shareholding as the case may be and the net income so generated shall be paid
8 into the fund of the Foundation.

Annual estimates,
Income and
Expenditure

9 **21.** The Foundation shall, not later than 30th September in each year,
10 submit to the Board for approval, its programme of work and estimate of its
11 income and payments into the Foundation's Fund for the next succeeding year.

Annual reports

12 **22.**-(1) The Foundation shall keep proper accounts in respect of each
13 year and proper records in relation thereto and cause same to be audited.

14 (2) The Accounts of the Foundation shall be audited not later than 6
15 months after the end of the year to which they relate by Auditors appointed by
16 the Foundation from a list of Auditors supplied and in accordance with the
17 guidelines issued by the Auditor-General of the Federation.

18 (3) The Foundation shall prepare and submit to the Board not later
19 than 30th September in each year, a report on the activities of the Foundation,
20 the Audited Accounts of the Foundation and the Auditor's report for the
21 immediate preceding year.

Accounts and
Audits

22 **23.** The Foundation shall prepare and submit to the Board not later
23 than 30th September in each year, a report on its activities, the Audited
24 Accounts of the Foundation and the auditor's report for the immediate
25 preceding year.

Borrowing
powers

26 **24.** The Foundation may with the approval of the Board or in
27 accordance with any general guidelines approved by the Board, borrow by
28 way of loan, or overdraft from any source, any monies required by the
29 Foundation for meeting its obligations and discharging its functions under this
30 Bill.

1 25.-(1) The Foundation may accept gifts of land, money or other Power to accept
gifts
2 property on such terms and conditions, if any, as may be specified by the
3 person or organization making the gift.

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

7 PART IV

8 Legal Proceedings

9 26.-(1) A Suit shall not be commenced against the Council, before Commencement
of suit or action
and service of
notice
10 the expiration of one month, after a written notice of intention to commence
11 the suit have been served upon the Council by the intending plaintiff or his
12 agent, and the notice shall clearly and explicitly state the-

- 13 (a) cause of the action;
14 (b) particulars of claim;
15 (c) name and place of the abode of intending plaintiff; and
16 (d) relief which he claims.

17 (2) The notice referred to in subsection (1) of this section and any
18 summons, notice or other documents required or authorized to be served
19 upon the Council under this Bill or any other enactment or law, may be
20 served by-

- 21 (a) delivering same to the Executive Secretary; or
22 (b) sending it by registered post addressed to the Executive
23 Secretary at the head office of the Foundation.

24 27.-(1) In any action or suit against the Council, execution or Restriction on
execution against
property of the
Council
25 attachment of process shall not be issued against the Foundation except-

26 (a) a three month notice of Intention to execute or attach has been
27 given to the Foundation;

28 (b) a written Consent of the Honorable Attorney - General of the
29 Federation and Minister of Justice is obtained and not less than three
30 months.

1 (2) Any sum of money which by the Judgment of any court has been
2 awarded against the Council shall, subject to the directives given by the court,
3 where notice of appeal against the judgments has been given, be paid from the
4 funds of the Foundation.

5 PART V

6 *Miscellaneous*

Power to
purchase or take
on lease property

7 28. The Foundation may, subject to the Land Use Act, purchase, lease
8 any interest in land, building or property, or build, equip and maintain such
9 other offices and premise for efficient performance of its functions under this
10 Bill.

Power to sell
or lease out
property

11 29. The Foundation may, subject to the Land Use Act, sell or lease out
12 any land, or office belonging to the Foundation.

Power to sell
or lease out
property

13 30. The Executive Secretary or any officer or employee of the
14 Foundation shall be indemnified out of the assets of the Foundation against any
15 liability incurred by him in defending any proceeding, whether civil or
16 criminal, if the proceeding is brought against him in his capacity as a member
17 of the Board, Executive Secretary of the Foundation, officer or other
18 employees of the Foundation under this Bill.

Power to make
regulations

19 31.-(1) The Foundation may with the approval of the Board , make
20 such regulations generally for the purpose of giving full effect to the Provisions
21 of this Bill, and in facilitating the discharge of the functions of the Foundation.

22 (2) The Council may issue guidelines to give effect to the respective
23 relevant provisions of this Bill.

24 (3) Regulations made shall be published in the Federal official
25 Gazette and in such other manner as the Foundation may prescribe.

Interpretation

26 32. In this Bill-

27 "innovation" means the act or process of Innovating, or introducing a new
28 product, technology, or method;

29 " research" means a process intended to create new or improved technology
30 that can provide competitive advantage at the business, development, national

1 or global level;
2 "development" systematic utilization of knowledge or understanding
3 gained from research towards the production of materials, devices, systems,
4 or methods, including design and development of prototypes and processes;
5 "Geopolitical"- means the six political zones as they exist in the country;
6 "Public officer" - means any person working in the public service of the
7 Federation or of a State as defined in the 1999 Constitution of the Federal
8 Republic of Nigeria (as amended);
9 " Science"- includes any system of knowledge attained by verifiable means
10 and the organized body of knowledge humans have gained by research;
11 "Research Institution" includes any organization practicing research as
12 recognized by this Bill or any Act of the National Assembly;
13 "National Facilities" means facilities designated as such by the Foundation
14 pursuant to the provisions of this Bill.

15 33. This Bill may be cited as the National Research and Innovation Citation
16 Bill, 2016.

17 FIRST SCHEDULE

18 *[Section 12 (6)]*

19 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

20 1. Subject to this Bill and section 27 of the Interpretation Act, the
21 Board may make standing orders regulating the proceedings of the Board
22 and any committee thereof.

23 2. Every meeting of the Board shall be presided over by the
24 Chairman and if the Chairman is unable to attend a particular meeting, the
25 members present at the meeting shall elect one of their members to preside at
26 the meeting.

27 3. The quorum at a meeting of the Board shall consist of the
28 Chairman (or in an appropriate case, the person presiding at the meeting
29 pursuant to paragraph 2 of this Schedule and six other members.

30 4. Upon any special occasion, the Board may co-opt any person to

1 be member for as many meetings as may be necessary, and that person while so
2 co-opted shall have all the rights and privileges of a member, except that he
3 shall not be entitled to vote or count towards a quorum.

4 *Committees*

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

8 (2) Every committee appointed under the provisions of sub-
9 paragraph (1) of this paragraph shall be presided over by a member of the Board
10 and shall be made up of such number of persons, not necessarily members of
11 the Board, as the Board may determine in each case.

12 6. The decision of a committee shall be of no effect until it is
13 confirmed by the Foundation.

14 *Miscellaneous*

15 7. The fixing of the seal of the Foundation shall be authenticated by
16 the signature of the Chairman and of the Executive Secretary of the Foundation
17 or such other member authorized generally or specifically by the Board to act
18 for that purpose.

19 8. Any contract or instrument which, if made by a person not being a
20 body corporate, would not be required to be under seal, may be made or
21 executed on behalf of the Foundation by the Executive Secretary or by any
22 other person generally or specifically authorized by the Board to act for that
23 purpose.

24 9. Any document purporting to be a contract, an instrument or other
25 document signed or sealed on behalf of the Foundation shall be received in
26 evidence and, unless the contrary is proved, be presumed, without further
27 proof, to have been so signed and sealed.

28 10. The validity of a proceeding of the Board or a committee thereof
29 shall not be adversely affected-

30 (a) by any vacancy in the membership of the Board;

1 (b) by any defect in the appointment of a member of the Board or
2 committee; or

3 (c) by reason that a person not entitled to do so took part in the
4 proceeding.

5 **11.** A member of the Board or committee who has a personal
6 interest in any contract or arrangement entered into or proposed to be
7 considered by the Board or committee shall declare his interest and shall not
8 vote on any question relating to the contract or arrangement.

9 **SECOND SCHEDULE**

10 *[Section 9]*

11 **SUPPLEMENTARY PROVISIONS RELATING TO THE DIRECTORATES OF**
12 **FOUNDATION**

13 **1.-(1)** The Foundation shall have-

14 (a) a Research Policy and Strategy Directorate to be headed by a
15 Director;

16 (b) a Research and Innovation Fund Directorate to be headed by a
17 Director;

18 (c) a Finance and Administration Directorate to be headed by a
19 Director who shall also be the Secretary of the Foundation;

20 (d) a Research Directorate to be headed by a Director;

21 (e) an Innovation and Product Development Directorate to be
22 headed by a Director;

23 (f) a Monitoring and Evaluating Directorate to be headed by a
24 Director;

25 (g) a Coordinating Directorate for Sectors, Regions, States, LGAs,
26 Industries and other Stakeholders to be headed by a Director;

27 (h) Legal Services Directorate to be headed by a Director; and

28 (i) such other Directorates as may be approved by the Board for the
29 proper performance of the functions of the Foundation.

30 **2.** The Board shall on the recommendation of the Executive

1 Secretary appoint Directors who shall be in charge of the Directorates provided
2 under Section 9 of this Bill.

3 3.-(1) A Director who is in charge of the Finance and Administration
4 Directorate shall possess a University degree or its equivalent and a minimum
5 of twelve (12) year experience in the field of Finance, Accounting or
6 Administration or related expertise.

7 (2) The Director of Finance and Administration shall;

8 (a) be the head of the Finance and Administration Directorate of the
9 Foundation.

10 (b) prepare draft expenditure estimates and budget;

11 (c) be the Secretary of the Board; and

12 (c) perform such other functions as may be assigned to him by the
13 Executive Secretary.

14 4.-(1) a Director who is in charge of the Research, Policy and
15 Strategy shall possess a university degree or its equivalent in either law,
16 intellectual property rights policy or other relevant qualification in policy
17 formulation and a minimum of twelve (12) year experience to hold the office
18 of Director Research, Policy and Strategy Directorate of the Foundation.

19 (2) The Director Research, Policy and Strategy Directorate shall-

20 (a) be the head of the Research Policy and Strategy Directorate of the
21 Foundation;

22 (b) formulate a National Research Policy for the country and devise
23 strategies to implement the policies and ensure compliance with the policy
24 document.

25 (c) receive feedback from Stakeholders and take same into
26 consideration in the review of the national Research Policy document.

27 5.-(1) A Director who is in charge of the Research and Innovation
28 Fund Shall possess a university degree or its equivalent in Accounting,
29 Economics or other relevant qualification and a minimum of twelve (12) year

1 experience to hold the office of Director Research and Innovation of the
2 Foundation.

3 (2) The Director of Research and Innovation Fund shall be-

4 (a) be vested with the responsibility of initiating and coordinating
5 funding raising activities for the Foundation as provided under this Bill;

6 (b) establish a unit each to attend to each source of fund.

7 (c) perform such other functions as may be assigned to him by the
8 Executive secretary.

9 6.-(1) A Director who is in charge of the Research Directorate shall
10 possess-

11 (a) 10 years demonstrable research experience in Science and
12 Technology, Engineering, Education, Medicine, humanities, Law and other
13 related subjects preferably at Ph.D level and must be knowledgeable in the
14 field of innovation;

15 (b) at least 10 years cognate working experience post Master
16 Degree;

17 (c) proven record of cognate experience in Research Management,
18 a candidate who must have won and managed research grants shall have an
19 added advantage.

20 (2) The Director of Research shall-

21 (a) draw out a national research agenda, make grants from research
22 fund, established under this Bill, constitute relevant units for the Directorate
23 and constitute the Research Proposals Evaluation Committee to process and
24 approve applications for grants in accordance with the national research
25 policy;

26 (b) perform such other functions as may be assigned to him by the
27 Executive Secretary.

28 7.-(1) A Director who is in charge of Innovation and Product
29 Development Directorate shall possess -

30 (a) 10 years demonstrable research experience in either Science

1 and Technology, Engineering, Education, medicine, humanities, Intellectual
2 Property law preferably at doctoral level and must also be knowledgeable in
3 the field of innovation;

4 (b) at least 10 years cognate working experience post Master Degree;

5 (c) proven record of cognate experience in innovation and product
6 Development. A candidate who has patented and developed research product
7 or has proven product development managerial skills shall have an added
8 advantage.

9 (2) The Director Innovation and Product Development shall-

10 (a) be responsible for formulating and reviewing a national;

11 (b) Intellectual Property right policy and ensure compliance by
12 Innovators to the document.

13 (c) provide administrative support for applications by
14 innovators/Inventors for protection of property rights of the
15 innovations/Inventions from the National Office of Technology Acquisition
16 and Promotion (NOTAP).

17 (d) perform such other functions as may be assigned to him by the
18 Executive Secretary;

19 8. -(1) A Director who is in charge of Monitoring and Evaluation
20 Directorate must be well qualified and experienced to hold the office of the
21 Director Monitoring and Evaluation of the Foundation.

22 (2) The Director Monitoring and Evaluation Shall-

23 (a) monitor and assess research projects and products development
24 processes to ascertain the quality and quantity of deliverables and adherence to
25 funding guidelines;

26 (b) submit satisfactory progress report and Monitoring and
27 Evaluation Report of evaluators to guarantee the release of funds after the first
28 installment and winning subsequent awards.

29 (c) perform such other functions as may be assigned to him by the
30 Executive Secretary;

1 9. -(1) A Director who is in charge of the Directorate for Sectors,
2 Regions, States, LGAs, Industries and other stakeholders must be well
3 qualified and experienced to hold the office of the Directorate for Sectors,
4 Regions, States, LGAs, Industries and other Stakeholders of the
5 Foundation.

6 (2) The Coordinating Director for Sectors, Regions, States, LGAs,
7 Industries and other Stakeholders shall-

8 (a) perform such other functions as may be assigned to him by the
9 Executive Secretary.

10 10.-(1) A Director who is in charge of in charge of the Legal
11 Services Directorate shall possess-

12 (a) 12 years demonstrable experience in product development
13 management and patent registration;

14 (b) a Ph.D in Law preferably in Intellectual Property Law or related
15 fields;

16 (c) at least 10 years cognate working experience post Master
17 Degree;

18 (2) The Director Legal Services Directorate shall-

19 (a) have oversight responsibility over all legal and compliance
20 related matters of the Foundation;

21 (b) serve as the Legal Adviser and Secretary of the Foundation and
22 therefore coordinate all matters having legal content including legal
23 publications,
24 Regulations. Litigations involving the Foundation;

25 (c) Provide legal advice on all matters in which the Foundation has
26 interest;

27 (d) provide legal advice regarding the making of regulations, offer
28 legal opinions and interpretation of laws relating to patents , intellectual
29 property and other related laws relevant to the mandate of the Foundation;

30 (e) drafting of regulations of the Foundation or that of its

- 1 Governing Board;
- 2 (f) drafting/vetting of all agreements in which the Foundation is a
- 3 party or an interested party;
- 4 (g) advising the Foundation on all litigations in which the Foundation
- 5 is a party Including appointment of external solicitors and coordinating and
- 6 monitoring litigations involving the Foundation; and
- 7 (h) be the Secretary of the Foundation
- 8 (i) perform such other functions as may be assigned to him by the
- 9 Executive Secretary.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the National Research and Innovation Council; the National and Research and Innovation Foundation to among other things, set national priorities on Research, Innovation and Development, promote the gains of the application of the outputs of research and innovation, set directions to coordinate innovation activities in line with national priorities, and facilitate fund raising activities to support science, technology and innovation activities in areas of national needs and priorities.