

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF NATIONAL TEA AND COFFEE DEVELOPMENT COUNCIL TO DEVELOP AND PROMOTE GROWING, PRODUCTION AND MARKETING OF TEA AND COFFEE IN NIGERIA AND OTHER MATTERS CONNECTED THEREWITH

Sponsored by Senator Yusuf Abubakar Yusuf

[] Commencement

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

1 PART 1 - ESTABLISHMENT AND GOVERNING BOARD OF THE NATIONAL 2 TEA AND COFFEE DEVELOPMENT COUNCIL

3 1.-(i) There is hereby established an Authority to be known as the
4 National Tea and Coffee Development Council (in this Act referred to as
5 "The Council").

Establishment
of National Tea
and Coffee
Development
Council

6 (ii) The Council shall:

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

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

10 (iii) The headquarters of the Council shall be located at Gembu in
11 Sardauna Local Government Area of Taraba State with branches in such
12 other parts of the Country as the Board of the Authority may decide from
13 time to time.

14 2.-(i) There is hereby established a Board for the National Tea and
15 Coffee Development Council (hereinafter in this Act referred as "The
16 Board").

Establishment
and Composition
of the Board

17 (ii) The Board shall consist of:

18 A Chairman who shall be appointed by the president and Commander-in-
19 Chief of the Armed Forces of Nigeria and one Representative each of the

1 following Federal Ministries and Institutions:

- 2 (a) Federal Ministry of Agriculture;
- 3 (b) Federal Ministry of Commerce, Industries, Trade and Investment;
- 4 (c) Federal Ministries of Finance;
- 5 (d) International Institute for Tropical Agriculture;
- 6 (e) The Organized Private Sector;
- 7 (f) Nigerian Export Promotion Council;
- 8 (g) National Association of Tea and Coffee Growers / Farmers;
- 9 (h) Two Representatives each of the governments of:
- 10 (i) Taraba State;
- 11 (ii) Plateau State;
- 12 (iii) Cross River;
- 13 (iv) One of such Representatives Mentioned 2(ii)(ix) from the core
- 14 Tea producing community of each of the States Mentioned above.

15 (ii) The Managing Director of the Authority.

Qualification for
appointment into
the Board

16 (iii) (a) The Chairman and Members of the Board of the Council shall
17 be appointed by the President upon recommendations made to it by the
18 Minister in charge of Federal Ministry of Agriculture;

19 (b) The Chairman and Members of the Board apart from ex-officio
20 members shall be persons of proven track record, integrity and knowledgeable
21 in the act of production, marketing and/or research in Tea and Coffee Farming
22 and Management;

23 (c) The Chairman and Members of the Board shall hold their
24 appointments on part time basis except the Managing Director who shall be on
25 full-time assignment.

Supplementary
Provisions

26 3. The supplementary provisions set out in the schedule to this Act
27 shall have effect with respect to proceedings of the Board and the other matters
28 contained therein.

Term of office
of the Board

29 4. Subject to the provisions of section 5 of this Act, the Chairman and
30 Members of the Board shall each hold office:

1 (a) For a term of four years and may be reappointed for a further
2 term of four years and no more; and

3 (b) On such terms and Conditions as may be specified in the
4 Member's letter of appointment.

5 5.-(1) A person shall cease to hold office as member of the Board on
6 the occurrence of any of the following;

Disqualification,
Removal from
office, etc

7 (a) He becomes an undercharged bankrupt;

8 (b) He is convicted of a felony or any offence involving dishonesty
9 or fraud;

10 (c) He becomes of unsound mind or is incapable of carrying out his
11 duties;

12 (d) He is guilty of a serious misconduct in relation to his duties;

13 (e) He resigns his appointment by a letter address to the President.

14 (2) Notwithstanding, the provisions of section 4 of this Act,
15 member shall be relieved of his appointment by the President of the Federal
16 Republic of Nigeria.

17 (3). Where a member of the Board ceases to hold office for any
18 reason whatsoever, before the expiration of the term for which he is
19 appointed, another person representing the same interest as that member
20 shall be appointed to the board for the unexpired term.

21 PART II - FUNCTIONS AND POWERS OF THE BOARD

22 6.-(i). The function of the Board are:

Functions of the
Board

23 (a) To formulate policy and guidelines relating to Tea and Coffee
24 farming growth, development, processing and marketing of high quality Tea
25 and Coffee in Nigeria;

26 (b) Review from time to time the socio-economic effects of Tea and
27 Coffee growing and production in stimulating agricultural growth and by
28 extension the nation's economy;

29 (c) Determine from time to time the areas of the Country that will
30 be suitable for Tea and Coffee cultivation and refer mapping and other

1 feasibility studies of such areas to the Council;

2 (d) Set and formulate standards to be met by various Tea growers,
3 Management of tea factories and processes for Tea production and marketing
4 throughout the Country;

5 (e) Review and consider for approval, the Council's audited account
6 and appropriate directive;

7 (f) Receive regular and periodic reports from the Authority on the
8 implementation of the government's Tea and Coffee Development/Farming
9 programs located across the country;

10 (g) Receive and approve the appointment of Management Staff of the
11 Council except the Managing Director;

12 (h) Collect, analyze data on consumption, import, downstream
13 sectors like Tea and Coffee packaging, branding, etc, with a view to advising
14 government on Tea and Coffee policy and Control;

15 (i) Subject to the application of any Act relating to remuneration of
16 staff of the Authority, give directives on staff emoluments, salaries and
17 allowances;

18 (j) Perform such other functions as the President may from time to
19 time direct in the execution of their functions as expressed by this Act or by any
20 Act of the National Assembly.

Directorates of
the Council

21 7.-(1) The Managing Director who shall be a seasoned Tea and Coffee
22 grower/horticulturalist or Tea and Coffee processor shall be the Chief
23 Executive of the Council and shall oversee the running and administration of
24 all the Directorates of the Council.

25 (2) There shall be established for the Council the following
26 Directorates:

27 (a) Directorate of finance and administration;

28 (b) Directorate of Agriculture;

29 (c) Directorate of Operations/Technical and Extension Services;

30 (d) Directorate of Human Resources and Development;

- 1 (e) Directorate of Special project/planning/ out grower;
2 (f) Directorate of Tea and Coffee Research located in a separate Tea
3 Research Institute.

4 8.-(1) The Board of the Council shall not withstanding the
5 provisions of S. 7 (1) above appoint such number of employee/staff as may
6 be expedient or necessary for the proper and efficient discharge of its
7 functions.

Other employees
of the Authority

8 (2) The terms and conditions of service (including remuneration,
9 allowances, benefits and pensions) of officers and employees of the Council
10 shall be determined by the Board with the approval of the Minister.

11 9. The staff of the Council shall be entitled to pensions, gratuities
12 and other retirement benefits as are enjoyed by persons holding equivalent
13 grade in the civil service of the federation and the said employees shall be
14 entitled to pension, gratuities and other retirement benefits as are Prescribed
15 under the Pension Act.

Pension
CAP 346 LFN

16 PART III

17 10. The Function of the Council Shall be to:

Functions of the
Authority

18 (i) Implement the policy and guidelines on Tea and Coffee farming,
19 Growing, development, processing and marketing throughout the
20 federation;

21 (ii) Make recommendations to the Board for approval on firms or
22 companies to be appointed as consultants marketers or export advisers to the
23 Council;

24 (iii) Coordinate the establishment of and management of out
25 grower Tea farm schemes and Tea and Coffee processing factories across the
26 tea and coffee producing areas of Nigeria or such other Tea belt that shall be
27 established from time to time;

28 (iv) Establish out grower cooperatives and development credit
29 schemes as a strategy towards national Tea and Coffee growth and
30 development;

1 (v) Encourage the development, growth and production and
2 Marketing of Tea and Coffee products in Nigeria via facilitating the grant of
3 access to local and overseas credit or other means of funding (multilateral
4 agencies) to tea farmers and/or factories;

5 (vi) Promote the setting up of out grower Tea and Coffee farms, Tea
6 processing factories and provide technical management and training support or
7 assistance to such farmers and/or factories;

8 (vii) Arrange and co-ordinate the commercial sale of periodic Tea and
9 Coffee auctions or such local and international markets as may be identified by
10 the Council from time to time;

11 (viii) Liaise with Tea and Coffee development Agencies and other
12 International development organizations and securing assistance from these
13 organizations to Tea growers, farmers, exporters and persons or firms in allied
14 industry;

15 (ix) Assist in procuring funding assistance to Tea and Coffee factory
16 owners to set up more tea factories and grower Tea and Coffee farms;

17 (x) Encourage the conduct and/or organization of research, workshop
18 and seminar that shall focus on the production of quality Tea and Coffee in
19 Nigeria;

20 (xi) Undertake periodic training of the Authority's personnel or staff
21 both locally and overseas;

22 (xii) Provide necessary information, logistic support and assistance to
23 corporations, individuals or firms desiring to venture into Tea and Coffee
24 production, processing, packaging and marketing;

25 (xiv) Perform such other functions as may be from time to time be
26 assigned to it by the board of the Authority or the Act of the National Assembly;

27 (xv) Coordination of International Organizations relating to Tea and
28 Coffee production.

Powers of the
Council

29 11.-(a) To demand and obtained all relevant information, data report
30 and statistic on Tea and Coffee related matters from anybody or individual on

1 the research, development and funding of Coffee and Tea growing research,
2 processing, packaging, importation and marketing;

3 (b) Liaise with relevant local bodies or non- governmental
4 organizations that may wish to support the Authority's initiative as it relates
5 to its functions under this Act;

6 (c) Carry out such activities as are necessary or expedient for the
7 performance of its function under this Act.

8 PART IV - FINANCIAL PROVISIONS

9 12. The Authority shall establish and maintain a fund from which
10 shall be defrayed all reasonable expenses or expenditures incurred by the
11 Council.

Financial
Provisions

12 (1) There shall be paid into the said fund established pursuant to
13 sub-section (1) of this section such money as may be made available to it by
14 the Federal government via appropriation by an Act of the National
15 Assembly for the take off and running of the expenses of the Council and all
16 the assets accruing to the Authority from time to time.

Funds of the
Council

17 (2) Levy of 10% of total cost, insurance and freight of the bulk and
18 packed Tea and Coffee imported into the country which shall be collected
19 and lodged in this fund.

20 13.-(1) 20% of the fund shall go for coffee and tea research and
21 development of techniques in Tea and Coffee growing, processing,
22 packaging and marketing to ensure high quality coffee and tea in the
23 federation.

Application of
Fund

24 (2). The Council shall from time to time apply the proceeds of the
25 fund mentioned in S.12 of this Act in the following manner:

26 (a) To pay for the daily cost of administration of the Council;

27 (b) To pay allowances and such other expenses that may be
28 incurred by the Board within the approved rate;

29 (c) To pay salaries, fees or other remuneration, allowances,
30 pensions and gratuities payable to Contractors, Consultants, officers and

1 employees of the Authority;

2 (d) Maintain any property or assets of the Council that may be located
3 in any part of Nigeria;

4 (e) Publicized and promote the activities of the Council through any
5 medium;

6 (f) Support and secure membership of national and international
7 Agricultural or scientific organizations relevant to Tea and Coffee Research
8 and cultivation and pay membership annual dues as may be appropriate;

9 (g) Fund through international and local sources, small and medium
10 scale tea farms and establish out-growers tea farms.

Receipt of gift
of land etc.

11 14.-(1) The Council may accept gift of land, money or other property
12 on such terms and conditions, if any, as may be specified by the person,
13 organization or group making the gift.

14 (2) The Council shall not accept any gift if the conditions attached by
15 the person, organization or group making the gift are inconsistent with the
16 functions of the Council under this Act.

Revenue, income,
borrowing powers
etc,

17 15.-(1) The Council may from time to time borrow by overdraft or
18 otherwise such sums as it may require for the performance of its functions
19 under this Act.

20 (2) The Council shall not, without the approval of the Minister borrow
21 money which at any time exceeds the amount set in a regulation approved by
22 the Minister.

23 (3) Notwithstanding subsection (1) of this section, where the sum to
24 be borrowed is in foreign currency, the Council shall not borrow the sum
25 without the approval of the Minister and due compliance with such other
26 procedures and guidelines that may be set out by a relevant Act of the National
27 Assembly.

28 (4) Such money as may from time to time be lent, deposited with or
29 granted to the Authority by the government of the Federation, of a State or
30 Local Government or other international agencies or institutions.

1 (5) All subventions fees and charges for services rendered or
2 publications made by the Council; and

3 (6) All other assets which may from time to time accrue to the
4 Council.

5 (7) The Council's fund shall be managed in accordance with the
6 rules made by the Board.

7 16.-(1) The Council shall cause to be prepared and submit to the
8 supervising Ministry through the Board, not later than September so" of
9 each year, an estimate of the expenditure of the Council for the following
10 Year and submitted to the National Assembly.

11 (2) The Board shall in liaison with the Council keep proper Account
12 account and other financial records of the Council and shall cause the
13 account to be audited not later than six months after the end of each year by
14 the Auditors from the list and in accordance with the guidelines supplied by
15 the Auditor- General of the Federation.

16 17. The Board shall not later than June 30th in each year, prepare Council 's report
17 and submit to the supervising Ministry and the National Assembly, a report
18 on the activities and administration of the Council during the immediate
19 proceeding year and shall include in the report, a copy of the audited
20 accounts of the authority for the year and the Auditors' report thereon.

21 18. The Council may subject to the land Use Act acquire any land
22 for the purposes of discharging its functions under this Act.

23 PART V - MISCELLANEOUS

24 19.-(i) The provisions of the public officers protection Act shall
25 apply in relation to any suit instated against any officer or employee of the
26 Council;

27 (ii) No suit shall be commenced against a member of the Board, the
28 Managing Director. Officer or employee of the Council before the
29 expiration of one month after written notice of intention to commence the
30 suit shall have been served upon the Council.

1 20. A notice of summons or other documents required or authorized
2 to be served upon the Council under the provision of this Act or any other law or
3 enactment may be served by delivering it to the Managing Director or by
4 sending it by registered post to the principal officer of the Council.

5 21. A member of the Board, the Managing Director or any officer or
6 employee of the Council shall be indemnified out of asset of the Council
7 against any proceedings whether civil or criminal in which he is acquitted, if
8 any such proceeding is brought against him in his official capacity as a member
9 of the board, Managing Director or employee of the Council.

10 22. The Minister in charge of the supervising Ministry may give to
11 the Board of the Council general or specific directives with respect to any of its
12 functions.

13 23. The Board of the Council may with the approval of the Minister
14 makes regulations for the purpose of carrying out or giving full effect for the
15 provisions of this Act.

16 PART VI - INTERPRETATIONS

17 24. In this Act:

18 "Council" means the National Tea and Coffee Development Council
19 established Under Section 1 of this Act;

20 "Function" Includes power and duty;

21 "President means the President, Commander- in- Chief of the Armed Forces of
22 the Federal Republic of Nigeria;

23 "Minister" means the Minister charged with responsibility for matter relating
24 to Tea and Coffee Agriculture;

25 "Minister" means the Ministry charged with responsibility for matter relating
26 to Tea and Coffee Agriculture;

27 "Board" means the Governing board established for the Council under Section
28 2 of this Act;

29 "Tea and Coffee Processing" means the act of grinding the tea leaves,
30 fermenting, Drying and sorting;

1 "Tea and Coffee Growing' is same as coffee and tea farming because tea is a
2 tree and keeps Growing for 40 - 50 Years;

3 "Out grower Tea and Coffee Farms" means tea and Coffee farms established
4 to provide green tea leaves and Coffee fruit to tea factories located within the
5 farm area;

6 "Tea, and Coffee!" refers to black tea as opposed to green teas, etc.

7 "Power" includes functions.

8 **25.** This Bill may be cited as the National Tea and Coffee Short Title
9 Development Council Bill, 2017.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of National Tea and Coffee
Development Council to develop and promote growing, production and
marketing of tea and coffee in Nigeria.

