



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**DEFENCE RESEARCH AND DEVELOPMENT BUREAU
BILL, 2022
(HB. 1176)**

A BILL
FOR

AN ACT TO ESTABLISH THE DEFENCE RESEARCH AND DEVELOPMENT
BUREAU (DRDB) TO CONDUCT AND COORDINATE ROBUST RESEARCH
AND DEVELOPMENT IN THE ARMED FORCES OF NIGERIA; AND FOR
RELATED MATTERS, 2022

FIRST READING

TUESDAY, 12TH OCTOBER, 2021

SECOND READING

THURSDAY, 17TH NOVEMBER, 2019

THIRD READING AND PASSAGE

WEDNESDAY, 17TH NOVEMBER, 2019

DEFENCE RESEARCH AND DEVELOPMENT BUREAU BILL, 2022



Arrangement of Clauses

Clause

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A BILL FOR AN ACT TO ESTABLISH THE DEFENCE RESEARCH AND DEVELOPMENT BUREAU (DRDB) TO CONDUCT AND COORDINATE ROBUST RESEARCH AND DEVELOPMENT IN THE ARMED FORCES OF NIGERIA; AND FOR RELATED MATTERS, 2022

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

PART I — ESTABLISHMENT OF DEFENCE RESEARCH AND DEVELOPMENT BUREAU

1. (1) There is established the Defence Research and Development Bureau (in this Bill referred to as "the Bureau").
- (2) The Bureau:
- (a) is a body corporate with perpetual succession and a common seal;
 - (b) may sue or be sued in its corporate name; and
 - (c) may acquire, hold or dispose of moveable or immoveable property.

Establishment of Defence Research and Development Bureau.

2. (1) The Objectives of the Bureau are to:
- (a) conduct and coordinate robust research and development in the Armed Forces of Nigeria (AFN);
 - (b) coordinate the research and development efforts of the three Services of the Nigerian Armed Forces;
 - (c) crystallize the results of scientific and technical research on defence items and equipment for public and private institutions;
 - (d) provide scientific-technical information to the Armed Forces of Nigeria and allies;
 - (e) initiate new scientific, technological and environmental research on defence matters;
 - (f) disseminate results of scientific research which are likely to advance defence, industrial, medical and agricultural development;
 - (g) organise and coordinate research in natural and Technological sciences relating to defence matters;
 - (h) collaborate with Universities in scientific and technological research;
 - (i) collaborate with other national and international institutions in the promotion and transfer of science and technology relating to defence;
 - (j) promote science culture in the Armed Forces;
 - (k) establish study groups to examine defence research needs in existing industries such as food, diagnosis and therapy of military related diseases, plastic and pharmaceutical and propose long term research programs for them; and
 - (m) undertake all such activities or things as are necessary or expedient for carrying out the objectives of the Bureau and promotion of research and development into military science and technology, as well as social sciences and environmental related challenges affecting the AFN.

Objectives of the Bureau.

Functions of the Bureau.

(2) The Bureau shall:

- (a) enter into such agreements, liaisons memoranda of understanding, cooperation, partnership, etc.

with such institutions, agencies, corporations etc. as may be necessary from time to time or desirable, subject to the approval of the Governing Council;

- (b) be responsible for the discipline and welfare of its personnel;
- (c) deal with matters relating to the discipline of military personnel in the Bureau according to the Armed Forces Act;
- (d) conduct and sponsor studies and researches in military industrial production and related fields of studies;
- (e) engage top quality staff of international standard aimed at creating a centre of excellence in mandated fields of study;
- (f) accept gifts, legacies and donations, provided that the terms and conditions attached to such gifts, legacies or donations are not inconsistent with the objectives and purpose of the Bureau;
- (g) erect, provide, equip and maintain laboratories, workshops, libraries, lecture halls and other buildings as are necessary for the attainment of the objectives of the Bureau;
- (h) hold public lectures, symposia and seminars;
- (i) undertake printing and selling of books and journals;
- (j) subject to any limitation or condition imposed by statute, invest any money belonging to the Bureau by way of endowment, whether for general or special purposes or such other money as may not be immediately required for current expenditure in any investment or security in the purchase or improvement of land, with power to vary any such investment and deposit any money for the time being not invested with any approved bank on deposit or current account;
- (k) borrow, whether on interest or not and if need be upon the security of any of the property, moveable or immovable, of the Bureau, such money as the Council may require or it is expedient to borrow or guarantee any loan, advance of credit facilities;
- (l) do such other things as may be required for the effective and smooth running of the Bureau; and
- (m) do all such acts or things that are incidental to the powers listed in this section as are considered necessary to promote the objectives of the Bureau.

(3) Where any of the provisions of this Bill relating to matters affecting the objectives and functions of the Bureau is inconsistent with the Armed Forces Act, the provisions of the Armed Forces Act shall prevail.

PART II — ESTABLISHMENT AND COMPOSITION OF THE GOVERNING COUNCIL

3. There is established for the Bureau a Governing Council (in this Bill referred to as "the Council") charged with the responsibility for: Establishment of Governing Council.

- (a) initiating and approving the policy of the Bureau; and
- (b) giving the directions on general or specific matters.

(1) The Council shall consist of the:

Composition of the Governing Council.

- (a) Minister of Defence as Chairman ;
- (b) Minister of Science and Technology;
- (c) Minister of Communication and Digital Economy;
- (d) Chief of the Defence Staff;
- (e) Chief of Army Staff;
- (f) Chief of the Naval Staff;

- (g) Chief of Air Staff;
- (h) Director-General of the Bureau;
- (i) Deputy Director Coordination of the Bureau as Secretary;
- (j) three distinguished scientists, two of whom shall have relevant knowledge or competence in defence related research and development drawn from the National Academy of Science and Council of Registered Engineers, whilst the third person shall have distinguished himself in the private sector of Nigerian Economy whose appointment shall be made by the Minister of Defence on the recommendation of Manufacturers Association of Nigeria.

Schedule.

(2) The supplementary provisions set out in the schedule to this Bill shall have effect with respect to the proceedings of the Council and other matters as set out in the Schedule.

5. The allowances payable to non-ex-officio members of the Council shall be in accordance with such rates as may be determined by the Revenue Mobilization, Allocation and Fiscal Commission. Emoluments, etc. of members.

5. The Council shall: Functions of the Council.

- (a) grant approval for the Bureau to enter into research and development, and production partnerships with any company, non-governmental organization, firm or individual;
- (b) appoint technical consultants to advise it from time to time as the need and situation may arise;
- (c) do such other things as are necessary for the successful performance of its functions;
- (d) may, with the approval of the Council, establish other centres which shall be located in such places in Nigeria as may be selected by the Bureau;
- (e) make regulations generally for the purpose of giving effect to the provisions of this Bill, facilitating the performance of the Bureau's functions or pursuing the Bureau's objectives;
- (f) delegate any of its powers or functions to any person or persons, authority or committee except for its powers to approve statutes of the Bureau;
- (g) approve the nomination of the Director-General of the Bureau subject to there commendation of the Chief of the Defence Staff;
- (h) approve the creation of any office, directorate or committee as may be considered necessary or expedient for the smooth running of the Bureau;
- (i) exercise control and supervise the policies, finances and property of the Bureau; and
- (j) do such other things as are necessary for the effective performance of the functions of the Bureau.

7. (1) The Secretary of the Council shall be in charge of the Secretariat of the Council. Functions of the Secretary to the Council.

(2) The Secretary of the Council shall, in addition to such other functions and duties as the Council may assign to him:

- (a) prepare the minutes of meetings of the Council and its Committees;
- (b) keep and secure the records of the Council;
- (c) issue notices of meetings of the Council and other correspondence as may be directed by the Minister of Defence; and
- (d) ensure proper dissemination of the decisions of the Council to the appropriate persons, institutions or authorities.

3. The Council shall meet as and when necessary for the performance of its functions under this Bill, and shall meet at least four times a year in accordance with the provisions of the Schedule to this Bill. Meetings of the Council.
3. (1) The office of a member of the Council becomes vacant if: Cessation of office.
- (a) he ceases to hold the office on the basis of which he became a member of the Bureau or Council; or
 (b) the Chairman is satisfied that it is not in the interest of the Council or public for the person to continue in office as a member of the Council of the Bureau.
- (2) The Director-General and The Three Distinguished Scientists:
- (a) shall serve for a term of 3 years in the first instance; and
 (b) may be eligible for an extension of One year and no more.

PART III — STRUCTURE OF THE BUREAU

10. (1) The Headquarters of the Bureau shall be in the Federal Capital Territory, Abuja. Headquarters, Offices, Directorates and Centres of the Bureau.
- (2) There shall be at the Headquarters of the Bureau:
- (a) Office of the Director-General and Chief Executive Officer of the Bureau;
 (b) Directorate of Research;
 (c) Directorate of Development and Production;
 (d) Directorate of Test and Evaluation;
 (e) Directorate of Liaison;
 (f) Directorate of Administration and Logistics;
 (g) Directorate of Finance and Accounts;
 (h) Directorate of Legal Services; and
 (i) Any other directorates as may be approved by the Council.
- (3) The Bureau shall have Research Centres for conducting research into various scientific fields of military technology as directed by the DG. The Research Centres shall include:
- (a) Instrument Research and Development Centre.
 (b) LASORC - Laser and Optics Research Centre.
 (c) ELOREC - Electrical and Electronics Research Centre.
 (d) CHEMARC – Metallurgical/Chemical Research Centre.
 (e) Any other research centre as may be approved by the Council.
11. (1) The Bureau shall maintain a register of defence related industries in Nigeria and abroad. Maintenance of register of defence related industries.
- (2) There shall be entered in the register particulars of such products, services and expertise as the Bureau considers appropriate with the aim of establishing liaison and partnership on matters related to defence, research and production.
12. No policy initiated in any way other than as provided for in section 6 of this Bill shall be implemented without prior reference to and approval of the Council. Implementation of policy.

PART IV — PRINCIPAL OFFICERS AND OTHER STAFF OF THE BUREAU

Appointment and
functions of the
Director-General.

13. (1) There shall be appointed for the Bureau a Director-General, not below the rank of Air Vice Marshal, whose appointment and removal from office shall be in accordance with the recommendation of the Chief of the Defence Staff (CDS) to the Council for approval.

(2) The Director-General shall:

- (a) be knowledgeable in the defence related industries;
- (b) have demonstrated experience in engineering, or science and technology; and
- (c) responsible to the Council for:

(i) giving to the Council such information as to the activities of the Bureau as the Chairman of the Council may require;

(ii) authorising programmes and plans for giving effect to policy approved by the Council or to any direction of the Council subject to all or any of the powers in this section as may be delegated to him by the Council;

(iii) preparation of programmes of work and estimates of the Bureau's income and expenditure annually;

(iv) administration of the Bureau;

(v) supervision of the activities of the Directors in the Bureau; and

(vi) co-ordinating the activities of the Centres.

(3) The powers delegated to the Director-General pursuant to subsection (1) shall not preclude the Council from exercising them in some special cases.

(4) The powers referred to in subsection (3) include:

(a) the executive control over the military and civilian staff of the Bureau;

(b) the supervision of accounts and records;

(c) the preparation for approval of programmes and plans as are necessary to carry into effect approved policy or any directive of the Council;

(d) the interpretation of such policy to other staff of the Bureau;

(e) the making of staff recommendations to the Council; and

(f) the establishment of organisational structures, committees and schedule of duties:

Provided that nothing in this Bill shall be deemed to detract from the military powers of command of the Director-General.

14. There shall be appointed for the Bureau, other members of staff, in accordance with the provisions of section 16 of this Bill.

Appointment of
other principal
officers of the
Bureau

15. Notwithstanding the provisions of section 14 of this Bill, the Council shall have power to create any office or directorate, necessary for the efficient running of the Bureau.

Power to create
offices and
directorates.

16.

16. (1) The Nigerian Army, Nigerian Navy and Nigerian Air Force shall post military officers, soldiers, rating and airmen/ from time to time, to fill administrative, command, liaison and other military vacancies in the Bureau.

Posting and
appointment of
staff to the Bureau.

(2) Each Directorate shall be headed by a Director with an establishment rank of Major General or its equivalent in other Services and shall serve for a term of 2 years only.

(3) Each Centre shall be headed by a Director with relevant academic qualification and scientific research experience, who shall be appointed by the Council on the recommendation of the DG.

(a) The Directors shall report to the DG.

(b) Each Director shall serve for a term of 3 years in the first instance and maybe eligible for an extension of one year and no more on recommendation of the DG.

(4) The Director General may appoint such persons as employable highly skilled officers of the Armed Forces or civilian members of staff of the Bureau for research, consulting and administration as it considers necessary and may approve terms and conditions of service.

(5) Newly appointed members of staff of the Bureau shall, take such oaths as to secrecy and other matters as the Minister may, from time to time, direct.

17. (1) For the military personnel serving in the Bureau, the existing law on pay, allowance and pension for military personnel shall apply.

Service in the bureau to be pensionable.

(2) Service in the Bureau shall be approved service for purposes of the Pension Reform Act and accordingly employees of the Bureau shall, in respect of their services, be entitled to pension and other retirement benefits as are enjoyed by persons holding equivalent offices in the public service of the Federation.

18. (1) No civilian personnel employed in any capacity, whether or not a member of a trade union, shall engage or take part in any union activity.

Prohibition of trade union activities.

(2) Any civilian personnel who contravenes the provisions of subsection (1), commits an offence and is liable on conviction to a fine of not less than ₦100,000 or imprisonment for a term of not less than six months or both.

PART V — FINANCIAL PROVISIONS

19. There is established for the Bureau a Fund (in this Bill referred to as "the Fund") in which 0.1% of annual profits before tax of companies and enterprises, including multi-national companies, corporations and other organisations shall be paid into and all other funds accruing to the Bureau by way of gifts, endowments, bequest or other voluntary contributions from the state Governments in Nigeria and other donors outside Nigeria.

Establishment of the Defence Research and Development Bureau Fund.

20. (1) The Bureau shall from the Fund defray all expenditures incurred by it for the purpose of this Bill.

Fund of the Bureau

(2) There shall be paid and credited to the Fund:

(a) allocations from the annual budgetary provision of the Federal Government and money as may be appropriated for the Fund by the National Assembly;

(b) trust fund from special levy or tax on all equipment, supplies and materials imported by all military and Para-military organisations in the country;

(c) foreign aid and assistance from bilateral and multilateral agencies;

- (d) fees charged for services rendered by the Bureau;
- (e) 15 percent of the Defence Sector's annual capital expenditure budget; and
- (f) all other sums accruing to the Fund by way of gifts, endowments, bequests or other voluntary contributions by persons and organizations that the terms and conditions attached to such gifts, endowments, bequest or contributions shall not jeopardize the functions and objectives of the Bureau.

1. The Bureau shall apply the funds at its disposal to: Expenditure of the Bureau.
 - (a) research, development and production activities necessary for the achievement of the objectives of the Bureau;
 - (b) undertake any other activity in connection with any of the functions of the Bureau;
 - (c) publicise and promote research and development results for adoption by industrial establishments;
 - (d) the cost of establishing and maintaining the Headquarters of the Bureau;
 - (e) the cost of establishing and operating laboratories, development centres and units;
 - (f) the training of members of staff of the Bureau and provision of scholarships and awards for specialised training of personnel;
 - (g) pay the staff, overhead allowances, benefits and other administrative costs of the Bureau;
 - (h) sponsor scientific or other research initiatives that could enhance the operational capability of the AFN;
 - (i) support scientific or other research efforts that are in line with the mandates of the Bureau;
 - (j) organisedefence research and development competitions, seminars and conferences; and
 - (k) any other matter related to the functions of the Bureau.

2. All incomes derived by the Bureau from the sources specified in sections 19 and 20 shall be exempted from income tax. Exemption from payment of tax.

3. The Bureau shall submit to the Council, not later than 30th August in each year, its programme of work and estimates of its income and expenditure for the succeeding year. Submission of programme, income and expenditure estimate to the Council.

4. The Accounts of the Bureau shall be audited not later than 6 months after the end of the financial year to which they relate by Auditors in line with the guidelines issued by the Auditor-General for the Federation. Audit and accounts.

5. (1) The Bureau shall prepare and submit to the Council not later than 30th June in each year: Annual report.
 - (a) a report on the activities of the Bureau;
 - (b) the audited accounts of the Bureau; and
 - (c) the auditors' report for each year preceding the report.

(2) The Bureau shall, not later than 30th September in each year, submit to the Council the annual report of each of its Centres for the preceding year.

6. For the purpose of providing offices and premises necessary for the performance of its functions, the Power to purchase, build or lease

Bureau may, subject to the Land Use Act:

property.

- (a) purchase or take on lease any interest in land, building or property; and
- (b) build, equip and maintain offices and premises.

7. The Bureau may, subject to the Land Use Act, sell or lease out any land, office or premises held by it, which is no longer required for the performance of its functions under this Bill. Power to sell or lease out property.

8. The Bureau may, with the consent of or in accordance with the general authority given to it by the Council, borrow by way of loan or overdraft from any source or money required by the Bureau for meeting its obligations in the performance of its functions under this Bill. Power to borrow.

9. The Bureau may accept gift of land, money or property upon such terms and conditions if any, as may be specified by the person or organisation making the gift if the conditions attached by the person making the gifts are not inconsistent with the objectives of the Bureau and the Federal Government policy. Power to accept gifts.

10. Where any of the provisions of this Bill relating to matters affecting the objectives and functions of the Bureau is inconsistent with the Armed Forces Act, the provisions of the Armed Forces Act shall prevail. Supremacy of the Armed Forces Act.

11. (1) A suit shall not be commenced against the Bureau, before the expiration of a period of one month, after written notice of intention to commence the suit have been served upon the Bureau by the intending plaintiff or his agent, and the notice shall clearly state the: Commencement of suit on action and service of notice.

- (a) cause of action;
- (b) particulars of the claim;
- (c) name and place of abode of the intending plaintiff; and
- (d) relief being claimed.

(2) The notice referred to in subsection (1) and any summons, notice or other document required or authorised to be served upon the Bureau under this Bill or any other enactment or law, may be served by:

- (a) delivering the same to the Director-General; or
- (b) sending it by registered post to the registered address of the Bureau.

(3) In any action or suit against the Bureau, no execution or process shall be issued against the Bureau, but if the judgment of the court is awarded against the Bureau, it may be paid from the general reserve of the Bureau.

12. The Council may make regulations generally for the purpose of giving effect to the provisions of this Bill, facilitating the performance of the Bureau's functions or pursuing the Bureau's objectives. Power to make regulations.

13. In this Bill: Interpretation

"Bureau" means the Defence Research and Development Bureau established under section 1 (1) of this Bill;

"Chairman" means the Chairman of the Council of the Bureau appointed under section 4 (1) (a) of this Bill;

"Council" means the Governing Council, Defence Research and Development Bureau established under section 3 of this Bill;

"Fund" means the Fund of the Bureau established under section 19 of this Bill;

"Member" means a member of the Council and includes the Chairman;

"Minister" means the Minister responsible for Defence and any other Minister mentioned under this Bill;

"principal officer" means the Director-General and any of the Director appointed under this Bill;

"Public Service" has the meaning assigned to it in the Constitution of the Federal Republic of Nigeria;

"Secretary" means the Secretary of the Council appointed under section 4 (1) (i) of this Bill; and

"Technical officer" include scientists, engineers and lawyers working in the Bureau.

4. This Bill may be cited as the Defence Research and Development Bureau Bill, 2022.

Citation.

SCHEDULE

Section 4 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

1. Subject to this Bill and section 27 of the Interpretation Act, the Council may make standing orders regulating its proceedings or any of its committees.
2. At any meeting of the Council, the Chairman shall preside or in his absence, the Minister of Defence shall preside at the meeting and in his absence, the members present at the meeting shall appoint one of them to preside at the meeting.
3. The Council shall meet not less than 4 times in each year and the Council shall meet whenever it is summoned by the Chairman.
4. The Quorum for the meetings of the Council shall not be less than 5 members of the Council.
5. The Council shall meet for the conduct of business at such places and on such days as the Chairman may appoint.
6. Any question put before the Council at a meeting shall be decided by consensus and, where this is not possible, by a majority of the votes of the members present and voting.

7. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.

8. Where the Council desires to seek the advice of any person on a particular matter, the council may co-opt the person as a member for such period as it deems fit, but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards the quorum.

9. Subject to the provisions of this Bill, the Council shall have power to regulate its proceedings and may, make standing orders with respect to the:

- (a) holding of its meetings and those of its committees;
- (b) notice to be given;
- (c) proceedings of the Council;
- (d) keeping of minutes of such proceedings; and
- (e) custody and production for inspection of such minutes.

Committees

10. The Council may set up one or more committees to carry out on its behalf such functions as it may determine.

11. A Committee set up under this Schedule shall consist of such number of persons, not necessarily all members of the Council, as may be determined by the Council, and a person other than members of the Council shall hold office on the Committee in accordance with the terms of the person's appointment.

12. A decision of a Committee of the Council is of no effect until it is confirmed by the Council.

Miscellaneous

13. The fixing of the seal of the Bureau shall be authenticated by the signature of the Director-General or of any other person authorised by the Council to act for a particular purpose.

14. A contract or instrument, which if made or executed by any person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Bureau by any person generally or specially authorised by the Council to act for that purpose.

15. The validity of any proceeding of the Council or its Committees is not affected by:

- (a) any vacancy in the membership of the Council or its Committee;
- (b) reason that a person not entitled to do so took part in the proceedings; or
- (c) any defect in the appointment of a member.

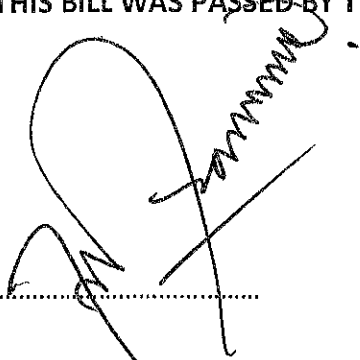
16. A member of the Council and any person holding office on a Committee of the Council who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a Committee shall:

- (a) disclose his interest to the Council or Committee, as the case may be; and
- (b) not vote on any question relating to the contract or arrangement.

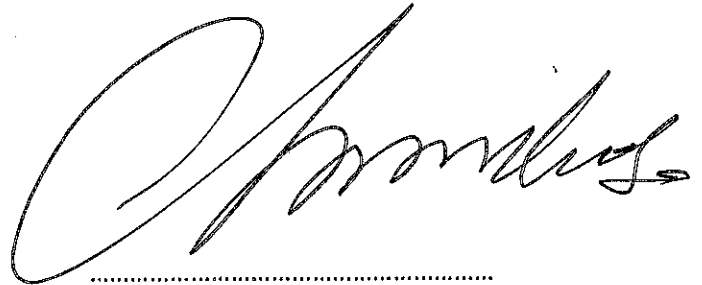
EXPLANATORY MEMORANDUM

This Bill seeks to establish the Defence Research and Development Bureau, propose a realistic Defence Policy for basic and applied research on defence items and equipment, initiate and coordinate the scientific, technological and environmental research activities of the Armed Forces, provide strategic direction for self-reliance in defence and security needs, evaluate needs and liaise with private and government research institutions on defence related items and equipment.

THIS BILL WAS PASSED BY THE SENATE ON WEDNESDAY, 13TH APRIL, 2022



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President,
Senate of the Federal Republic of Nigeria



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Clerk,
Senate of the Federal Republic of Nigeria