

A BILL

FOR

AN ACT TO ESTABLISH A MARKETING BOARD FOR AGRICULTURAL PRODUCTS AND REGULATE THE BUYING AND SELLING OF AGRICULTURAL PRODUCTS IN NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon. Lawan Shettima Ali

[] Commencement

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

Establishment of the Marketing Board, etc.

1
2 1.-(1) There is hereby established, a board by the name of the
3 Agricultural Products Marketing Board (in this Bill referred to as "the
4 Board") to be responsible for the management and regulation of Agricultural
5 Products in Nigeria.

Establishment of
Agriculture Products
Marketing Board

6 (2) The Board shall be a body corporate with perpetual succession
7 and a common seal.

8 2. The Board shall consist of a Chairman and the following other
9 members, that is:

Composition of
the Board

10 (a) one representative of each State Government which is a major
11 producer of agricultural products;

12 (b) a representative of the Federal Ministry of Agriculture;

13 (c) one representative of each of the following Federal Ministries,

14 that is:

15 (i) Agriculture and Rural Development; and

16 (ii) Commerce;

17 (d) the General Manager of the Board; and

18 (e) three persons appointed by the Minister for their special interest
19 in agricultural production:

20 (2) The chairman shall be a person of proven integrity coupled with

1 experience and outstanding ability in administration or in professional
2 agricultural production.

3 (3) The chairman shall be appointed by the President on the
4 recommendation of the Minister.

5 (4) The members specified in paragraphs (a) to (c) and (f) and (g) in
6 subsection (1) of this section are hereafter referred to as "ex-officio members".

7 (5) The provisions of the First Schedule to this Bill shall have effect
8 with respect to the constitution of the Board and other matters therein
9 mentioned,

Tenure of office
of members

10 3.-(1) The chairman or any member of the Board other than an ex-
11 officio member shall:

12 (a) hold office for such period, not exceeding four years and on such
13 terms as may be specified in his letter of appointment;

14 (b) unless he previously vacates his office, be eligible for re-
15 appointment for one further term of four years:

16 Provided that nothing in this paragraph shall be construed as entitling
17 any person who has held office as chairman for a term and who is being re-
18 appointed under this paragraph to be appointed again as chairman;

19 (c) be paid out of money at the disposal of the Board such
20 remuneration and allowances in accordance with scales approved in that behalf
21 by the President.

22 (2) The office of a member of the Board shall become vacant if:

23 (a) he resigns his office by notice in writing given to the Minister;

24 (b) the period of his appointment has expired; or

25 (c) there is passed by the Board a resolution declaring:

26 (i) that he has become incapable, by reason of mental or bodily
27 infirmity of discharging his duties; or

28 (ii) that he has become unfit for membership of the Board by reason of
29 the fact that he has an interest in a contract entered into by the Board and has not
30 disclosed that fact; or

1 (iii) that he has been absent from three consecutive meetings of the
2 Board without leave of the Board; or

3 (iv) he is convicted of an offence which involves moral turpitude.

4 (3) Soon after the office of a member of the Board has become
5 vacant, the authority by which he was appointed shall appoint another
6 person in his place in accordance with the provisions of this Bill.

7 4.-(1) It shall be the duty of the Board:

Functions of the
Board

8 (a) to secure the most favourable arrangements for the purchase of
9 relevant agricultural products and subsequent sale thereof to meet domestic
10 requirements and the evacuation to a port of shipment of any surplus to such
11 requirements intended for export; and

12 (b) to purchase all relevant agricultural products which are offered
13 for sale to the Board and which conform with the grades and standards of
14 quality prescribed under any enactment;

15 (c) to enter into contracts or partnerships with any company, firm
16 or person which in the opinion of the Board will facilitate the discharge of its
17 functions under or pursuant to this Bill;

18 (d) to train managerial and other staff for the purpose of the running
19 of its operations;

20 (e) to support and stabilise the price of agricultural products;

21 (f) to appoint licensed buying agents;

22 (g) to fix and control the allowances to be paid to licensed agents
23 for relevant agricultural products;

24 (h) to grant, renew and withhold licences to licensed agents, to
25 impose conditions upon the granting or renewal of such licences and to
26 cancel or suspend them for good cause;

27 (i) to prescribe by public notice specific periods during which the
28 buying of the relevant agricultural product for export or-for mechanised
29 processing shall be prohibited, restricted or allowed;

30 (j) to do all things necessary for and in connection with the

1 purchase, sale, cleaning, packing and transport of the relevant agricultural
2 products;

3 (k) to establish buying centres in all major producing areas for the
4 relevant commodity;

5 (l) to conduct research into the marketing of the relevant commodity;
6 and

7 (m) to do any other thing as may be necessary or expedient for giving
8 full effect to the provisions of this Bill.

9 (2) For the purpose of this section, the relevant agricultural products
10 shall be as specified by the Board and approved by the President.

11 (3) Subject to this Bill, the Board shall have power to do anything
12 which, in its opinion, is calculated to facilitate the carrying out of its functions
13 under this Bill.

Secretary to the
Board and other
staff

14 5.-(1) There shall be appointed a secretary to the Board who shall
15 have such experience and qualifications as are appropriate for a person
16 required to perform the functions conferred on the secretary by or under this
17 Bill.

18 (2) The secretary shall be appointed by the Board and shall, subject to
19 the directions of the Board, be responsible for the general administration of the
20 hospitals and shall carry out such other duties as the Board may from time to
21 time direct.

22 (3) Subject to this Bill, the Board shall have power:

23 (a) to appoint such other employees of the Board as it may determine;

24 (b) to pay its employees such remuneration and allowances as the
25 Board may with the approval of the Minister determine.

Power of Minister
to give directions

26 6. The Minister may give to the Board directions of a general
27 character or relating generally to particular matters (but not to any individual
28 person or case) with regard to exercise by the Board of its functions under this
29 Bill and it shall be the duty of the Board to comply with the directions; but no

1 direction shall be given which is inconsistent with the duties of the Board
2 under this Bill.

3 *Finance and discipline, etc.*

4 7. The funds and resources of each Commodity Board shall be:

Funds of the
Board

5 (a) such sums as may be provided thereto by the Government of the
6 Federation either by way of loans or grants or otherwise howsoever;

7 (b) moneys derived from the sale of agricultural products;

8 (c) moneys earned or arising from any property or investments
9 acquired by or vested in the Board under or pursuant to this Bill;

10 (d) all sums as may from time to time be lent to the, Board by any
11 person; and

12 (e) all sums or assets which may in any manner become payable to
13 or vested in the Board in respect of any matter incidental to its functions.

14 8. The Board may, from time to time, apply the funds at its
15 disposal:

Expenditure

16 (a) to or in connection with the purchase of the relevant agricultural
17 products;

18 (b) to the stabilisation of prices of agricultural products;

19 (c) to the cost of administration of the Board, including payments
20 to members thereof or of any committee of the Board and all salaries,
21 allowances, gratuities or pensions and loans to the staff of the Board;

22 (d) for and in connection with all or any of the functions of the
23 Board under this Bill or any other enactment.

24 9.-(1) The Board shall prepare and submit to the Minister, not later
25 than the 31st day of September in each financial year, an estimate of its
26 income and expenditure during the next succeeding financial year; and such
27 estimates shall be submitted by the Minister for approval by the President.

Annual reports

28 (2) The Board shall keep proper accounts in respect of each
29 financial year- (and proper records in relation to those accounts) and shall
30 cause the accounts to be audited as soon as may be after the end of the

1 financial year to which the accounts relate by a firm of auditors approved from
2 the list of auditors-and in accordance with the guidelines submitted by the
3 Auditor-General for the Federation as respects that year, by the Minister for
4 Finance.

5 (3) The Board shall with the approval of the Minister have power:

6 (a) to borrow money; or

7 (b) to charge fees for any facilities provided by or by arrangement
8 with the Board (including in particular the provision of treatment and
9 accommodation).

Bad debts

10 10. The Board may, with the approval of the President, write off bad
11 debts.

Removal and
discipline of
staff of the Board *

12 11.-(1) If it appears to the Board that there are reasons for believing
13 that any person employed as a Staff of the Board should be removed from his
14 office or employment, the Board shall require the secretary to:

15 (a) give notice of those reasons to the person in question;

16 (b) afford him an opportunity of making representations in person on
17 the matter to the Board; and

18 (c) if the person in question so requests within the period of one month
19 beginning with the date of the notice, make arrangements:

20 (i) for a committee to investigate the matter to the Board; and

21 (ii) for the person in question to be afforded an opportunity of
22 appearing before and being heard by the investigating committee with respect
23 to the matter, and if the Board, after considering the report of the investigating
24 committee, is satisfied that the person in question should be removed as
25 aforesaid, the Board may so remove him by a letter signed on the direction of
26 the Board.

27 (3) For good cause, any staff may be suspended from his duties or his
28 appointment or may be terminated by the Board; and for the purposes of this
29 section, "good cause" means:

30 (a) a conviction for any offence which the Board considers to be such

1 is to render the person concerned unfit for the discharge of the functions of
2 his office;

3 (b) any physical or mental incapacity which the board, after
4 obtaining medical advice, considers to be such as to render the person
5 concerned unfit to continue to hold his office;

6 (c) conduct of a scandalous or other disgraceful nature which the
7 Board considers to be such as to render the person concerned unfit to
8 continue to hold his office; or

9 (d) conduct which the Board considers to be such as to constitute
10 failure or inability of the person concerned to discharge the functions of his
11 office or to comply with the terms and conditions of his service.

12 (4) Any person suspended shall, subject to subsections (2) and (3)
13 of this section, be on half pay and the Board shall before the expiration of a
14 period of three months after the date of such suspension consider the case
15 against that person and come to a decision as to:

16 (a) whether to continue such person's suspension and if so, on what
17 terms (including the proportion of his emoluments to be paid to him);

18 (b) whether to reinstate such person, in which case the Board shall
19 restore his full emoluments to him with effect from the date of suspension;

20 (c) whether to terminate the appointment of the person concerned,
21 in which case such person will not be entitled to the proportion of his
22 emoluments withheld during the period of suspension; or

23 (d) whether to take such lesser disciplinary action against such
24 person (including the restoration of his emoluments that might have been
25 withheld), as the Board may determine, and in any case where the Board,
26 pursuant to this section, decides to continue a person's suspension or decides
27 to take further disciplinary action against a person, the Board shall before
28 the expiration of a period of three months from such decision come to a final
29 determination in respect of the case concerning any such person.

30 (5) It shall be the duty of the person by whom a letter of removal is

1 signed in pursuance of subsection (1) of this section to use his best endeavours
2 to cause a copy of the letter to be served as soon as reasonably practicable on
3 the person to whom it relates.

4 (6) Nothing in the foregoing provisions of this section shall prevent
5 the Board from making regulations for the discipline of all categories of
6 employees as the Board may prescribe.

7 (7) Regulations made under subsection (6) of this section need not be
8 published in the Federal Gazette but the Board shall bring them to the notice of
9 all affected persons in such manner as it may from time to time determine.

Miscellaneous
and supplementary

10 12. By-laws regulating behaviour of the public

11 (1) The Board may, with the approval of the Minister make by-laws:

12 (a) as to the access of members of the public either generally or of a
13 particular class, to premises under the control of the Board and as to the orderly
14 conduct of the members of the public on those premises; and

15 (b) for safeguarding any property belonging to or controlled by the
16 Board from damage by members of the public.

17 (2) By-laws under this section shall not come into force until they are
18 confirmed (with or without modification) by the Minister and published in
19 such manner as he may direct.

20 (3) By-laws made under this section may provide that a breach of the
21 by-laws or of a particular provision of the by-laws shall be punishable by a fine
22 (not exceeding N10,000) and in default of payment of the fine by imprisonment
23 for such a term as may be so specified, or exceeding seven days.

24 (4) By-laws under this section shall not apply to any member of the
25 Board.

Interpretation

26 13. In this Bill, unless the context otherwise requires:

27 "Board" means the Agricultural Products Marketing Board established by
28 section 1 of this Bill;

29 "chairman" means the chairman of the Board;

30 "functions" includes powers and duties;

1 "Minister" means the Minister charged with responsibility for agricultural
2 matters;

3 "President" means the President of the Federal Republic of Nigeria.

4 14. This Bill may be cited as the Agricultural Products Marketing Board Bill, 2021. Short title

6 SCHEDULES

7 FIRST SCHEDULE

8 CONSTITUTION, ETC., OF THE BOARD

9 *Proceedings of the Board*

10 1. Subject to the provisions of this Bill, the Board may make
11 standing orders regulating the proceedings of the Board or any committee
12 thereof

13 2. The quorum of the Board shall be five which shall include the
14 chairman and at least one other member who is not an ex-officio member,
15 and the quorum of any committee of the Board shall be determined by the
16 Board.

17 3.-(1) The Board shall elect from among its number a member to be
18 Deputy Chairman of the Board for such period as the Board may determine,
19 so however that a deputy chairman who ceases to be a member shall cease to
20 be chairman.

21 (2) At any time while the office of chairman is vacant or the
22 chairman is absent from Nigeria or is in the opinion of the Board
23 permanently or temporarily unable to perform the functions of his office, the
24 deputy chairman shall perform those functions, and references to the
25 chairman in this Schedule shall be construed accordingly.

26 4.-(1) Subject to the provisions of any standing orders of the Board,
27 the Board shall meet whenever it is summarised by the chairman; and if the
28 chairman is required so to do by notice given to him by not less than five
29 other members, he shall summon a meeting of the Board to be held within
30 fourteen days of the date of the receipt by him of the notice.

1 (b) as regard employees in whose case it may determine so to do, to
2 pay to or in respect of them such pensions and gratuities approved by the
3 Government of the Federation; and

4 (c) to give loans to its employees for purposes approved by the
5 Board.

6 *Miscellaneous*

7 7.-(1) The fixing of the seal of the Board shall be authenticated by
8 the signature of the chairman or of some other member authorised generally
9 or specially by the Board to act for that purpose.

10 (2) Any contract or instrument which, if made or executed by a
11 person not being a body corporate, would not be required to be under seal
12 may be made or executed on behalf of the Board by any person generally or
13 specially authorised to act for that purpose by the Board.

14 (3) Any document purporting to be a document duly executed
15 under the seal of the Board shall be received in evidence and shall, unless the
16 contrary is proved, be presumed to be so executed.

17 8. The validity of any proceedings of the Board "or a committee
18 thereof shall not be affected by any vacancy in the membership of the Board
19 or committee, or by any defect in the appointment of a member of any other
20 person to serve thereon.

21 9. Any member, and any person holding office on a committee of
22 the Board, who has a personal interest in any contract or arrangement
23 entered into or proposed to be considered by the Board shall forthwith
24 disclose his interest to the Board and shall not vote on any question relating
25 to the contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a Marketing Board for Agricultural Products and regulate the buying and selling of Agricultural Products in Nigeria.

