

FEDERAL INSTITUTE OF FISHERIES RESEARCH

(ESTABLISHMENT) BILL, 2021

ARRANGEMENT OF CLAUSES

Clause:

PART I - ESTABLISHMENT OF THE FEDERAL INSTITUTE OF FISHERIES
RESEARCH, OGRIDIGBEN, WARRI SOUTH-WEST LOCAL GOVERNMENT
AREA OF DELTA STATE

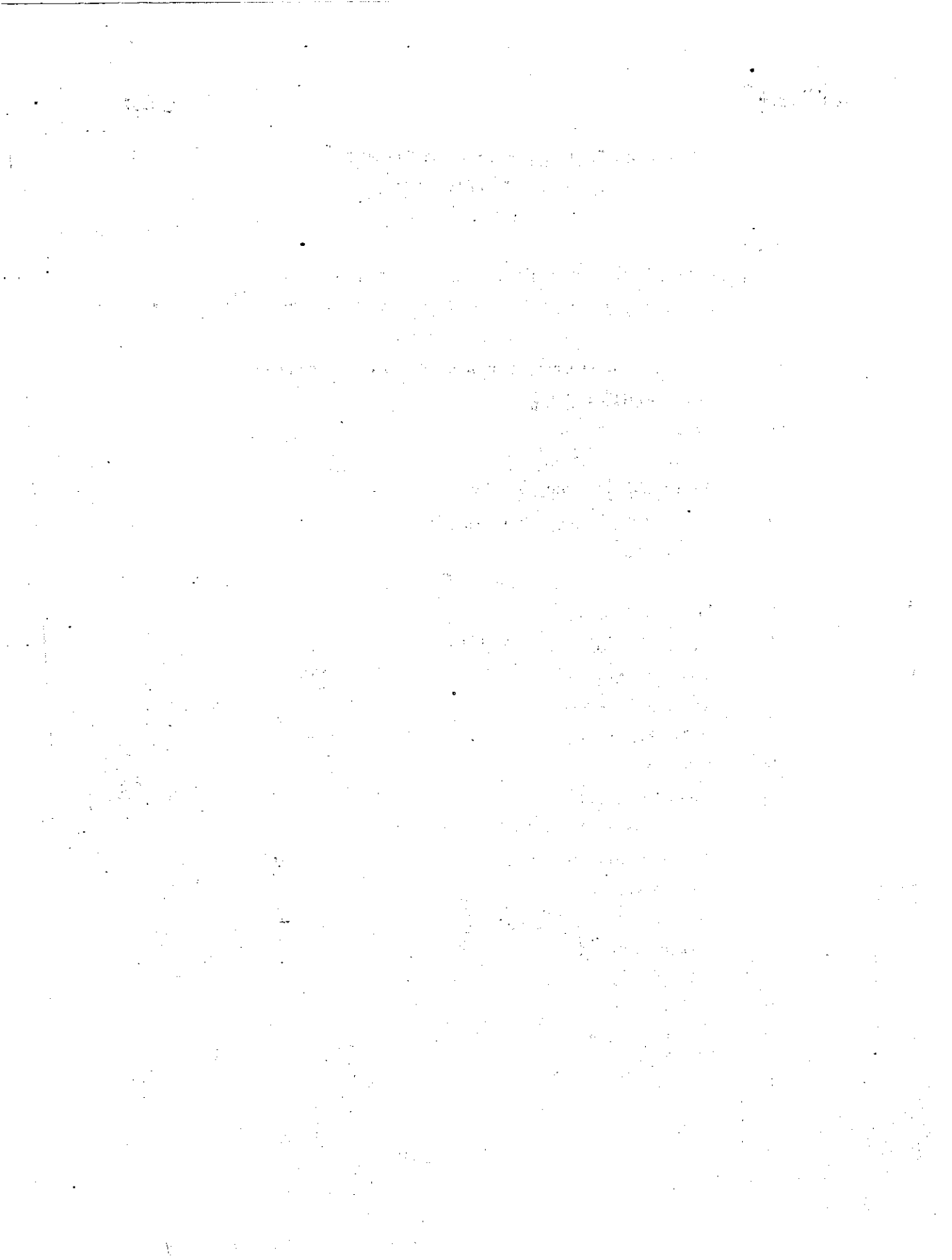
1. Establishment of the Federal Institute of Fisheries Research
2. Functions of the Institute
3. Powers of the Institute
4. Governing Board of the Institute
5. Powers of the Governing Board
6. The Director-General of the Institute
7. The Provost

PART II - PROFESSIONAL DISCIPLINE

8. Professional discipline
9. Penalties for unprofessional conduct

PART III - MISCELLANEOUS AND GENERAL PROVISIONS

10. Provision of library
 11. Rules and regulations
 12. Offences
 13. Funds of the Institute
 14. Bank accounts of the Institute
 15. Power to accept gift
 16. Power to borrow
 17. Annual estimate accounts and audit
 18. Annual report
 19. Indemnity of members
 20. Legal proceedings and service of summons
 21. Seal of the Institute
 22. Interpretation
 23. Citation
- Schedule



A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL INSTITUTE OF FISHERIES RESEARCH, OGDIGBEN, DELTA STATE, FOR FISHERY RESEARCH, EDUCATION AND COOPERATIVE TRAINING IN NIGERIA AND TO MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT AND ADMINISTRATION; AND FOR RELATED MATTERS

Sponsored by Hon. Thomas Ereyitomi

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria:

1 PART I - ESTABLISHMENT OF THE FEDERAL INSTITUTE OF FISHERIES
2 RESEARCH, OGDIGBEN, DELTA STATE

3 1.-(1) There is established the Federal Institute of Fisheries
4 Research, Ogidigben, Delta State (in this Act to as "the Institute").

Establishment of
the Federal Institute
of Fisheries Research,
Ogidigben, Delta
State

5 (2) The Institute:

6 (a) shall be a body corporate with perpetual succession and a
7 common seal which shall be kept in such custody as the Institute may
8 authorize;

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

10 (c) may hold, acquire and dispose of any property, moveable or
11 immovable, in carrying out its mandate.

12 (3) The Headquarters of the Institute shall be domiciled in
13 Ogidigben, Warri South-West Local Government Area of Delta State.

14 2.-(1) The broad functions of the Institute shall be:

Functions of the
Institute

15 (a) research, experimentation, sample application and patenting;

16 (b) education and training by the Colleges;

17 (c) innovation and technology dissemination through farming
18 systems and extension services;

- 1 (d) the improvement of the genetic resources of fishery and the
2 ecosystem for economic development;
- 3 (e) the improvement of aquatic practices relating to new species of
4 fishes of economic importance;
- 5 (f) the mechanization and improvement of the methods of cultivating,
6 harvesting, processing, domestication and biotechnological mass production
7 of fishes and seafood stocks of economic importance;
- 8 (g) research into the utilization strategies of fish products,
9 improvement of same, inclusive of fish and processed products;
- 10 (h) studying the ecology of pests and diseases of fishes and their
11 control;
- 12 (i) research into the development of agro-fishery systems for the
13 integration of fishes of economic importance into farming systems in different
14 ecological zones and its socio-economic effects on the rural populations;
- 15 (j) fishery education and training to facilitate entrepreneurial skills
16 and capacity building for persons in the business of fishing;
- 17 (k) fishery extension and dissemination;
- 18 (l) research into the:
- 19 (i) bio diversity of Nigerian fishes in relation to its flora and fauna,
20 (ii) different suitable bio diversity and appropriate methods of control
21 of ecological and environmental problems of the country with respect to oil
22 pollution, soil erosion, including the conservation, protection and management
23 of the coastal mangrove, watershed and sand-dunes, and
- 24 (iii) appropriate application of remote sensing and geographical
25 information systems (GIS) for climate change monitoring and adaptation, as
26 well as aqua-cultural studies;
- 27 (m) making suitable arrangements for the application of the results of
28 the research work under paragraph (l) (i) by the Federal and State Ministries,
29 Agencies and the private sector for the economic development of Nigeria;
- 30 (n) co-operating with relevant Nigerian and international

1 Universities, Research Institutes and other institutions in the mobilization of
2 the country's research potential on Fishery for the task of national
3 development and dissemination of research findings on the issues relating to
4 Fishery for the use of policy makers at all levels;

5 (o) providing training in the use of modern fishing craft, nets gear
6 and other equipment intended for use in fishing;

7 (p) providing training on the dangers of using explosive
8 substances, noxious or poisonous matter or the use of electricity in fishing;

9 (q) providing cooperative training for persons engaged in the
10 business of fishing on developing fishing clusters;

11 (r) training manpower for fish industry in Nigeria on methods of
12 fish production, cultivation, processing and preservation.

13 (s) entering into all professional transaction that will enhance
14 proper performance of its functions.

15 3.-(1) The Institute may, with the approval of its supervising
16 Ministry or Board, enter into association or agreement with the competent
17 authorities of any University or other institution of higher learning or
18 recognized international institutions for the purpose of promoting or
19 furthering mutual co-operation in the field of scientific research in respect of
20 which the Board has responsibility under this Bill.

21 (2) The Institute may, at the written request of any government
22 agency, local government authority or private organization, train laboratory,
23 field ecology extension and other categories or descriptions of workers
24 relative to their specified fields of research.

25 (3) Without prejudice to its research functions, the Institute may
26 produce improved seedlings and other planting materials as part of its
27 research and experimental programs for use of farmers in different
28 ecological zones of the Federation.

29 (4) The Institute shall, when so requested by the Federal
30 Government, government agencies or any of the State or Local Government

Powers of the
Institute

1 authorities or any authorized body, provide information or give advice relating
2 to their specified fields of research.

Governing Board
of the Institute

3 4.-(1) There shall be for the Institute, a governing body (in this Bill
4 referred to as "the Board") charged with the administration of government
5 policies.

6 (2) The Board shall be established by the President of the Federal
7 Republic of Nigeria on the recommendation of the supervising Minister and
8 shall be evenly distributed among the six geo-political zones of the Federation.

9 (3) The Board shall consist of:

- 10 (a) a Chairman, knowledgeable in Fishery or related discipline;
- 11 (b) a representative of the Ecological Funds office;
- 12 (c) a representative of the supervising Ministry charged with the
- 13 supervision of fishery matters;
- 14 (d) two other members nominated by the President; and
- 15 (e) the Director-General of the Institute, who shall be the Secretary to
- 16 the Board.

17 (4) with the exception of the Director-General; membership of the
18 Board shall be on part-time basis.

19 (5) a member of the Board may resign his appointment by a letter
20 addressed to the President, through the Minister, and, if accepted, the
21 resignation shall take effect from the date the President receives the letter of
22 resignation.

23 (6) members of the Board shall, unless otherwise provided, hold
24 office for a term of four (4) years and may be eligible for another term of four
25 (4) years and no more.

Powers of the
Board

26 5.-(1) the Board shall have the powers to:

- 27 (a) perform all functions conferred on the Institute by this Bill;
- 28 (b) formulate policies for the Institute;
- 29 (c) make rules to govern the procedures of its meetings; and
- 30 (d) make recommendations to the Minister on the establishment of

1 specialized colleges in other parts of the country as the need arises.

2 (2) the provision of the Schedule to this Bill shall apply with
3 respect to the proceedings Schedule of the Board.

4 6.-(1) The President shall, on the recommendation of the Minister,
5 appoint the Director-General of the Institute.

The Director-
General of the
Institute

6 (2) The Director-General shall be-

7 (a) a Research Professor with vast experience in Fishery or related
8 discipline;

9 (b) charged with the day-to-day management of the affairs of the
10 Institute in accordance with such instructions as may be given to him by the
11 Minister, through the Board of the Institute;

12 (c) the Accounting Officer of the Institute.

13 (3) the Director-General of the Institute shall hold office for a term
14 of four (4) years and may be eligible for re-appointment for another term of
15 four (4) years and no more.

16 (4) The Board may appoint such other persons as employees of the
17 Institute either by way of transfer or secondment from any of the public
18 service or any University in the Federation or otherwise as it considers
19 necessary.

20 (5) The Institute shall operate research professorial cadre system
21 for researchers or lecturers and directorate equivalent system for support
22 services staff such as:

23 (a) the Institute's Secretary for Administrative Cadre System;

24 (b) the Institute's Librarians for Library Cadre System;

25 (c) the Institute's Accountant for the Account and Finance Cadre
26 System;

27 (d) the Institute's Auditor for the Audit Cadre System; and

28 (e) the Head of Procurement for the Procurement Cadre System.

29 (6) The remuneration, conditions of service and tenure of office of
30 the employees of the Institute shall be determined by the National Income,

1 Salaries and Wages Commission and the Federal Civil Service Commission.

The Provost

2 7.-(1) the Minister shall, on the recommendation of the Board,
3 appoint a Provost for each of the Colleges of the Institute.

4 (2) The Provost shall:

5 (a) be a Ph.D. holder and shall possess a minimum experience as a
6 Senior Lecturer in the field of Fishery or related disciplines;

7 (b) be charged with the day-to-day management of the College in
8 accordance with such instructions as may be given to him by the Board or
9 Director-General of the Institute;

10 (c) design research programs, the formulation and implementation of
11 research proposals relevant to the institute;

12 (d) coordinate the training programs or research and provisions of
13 intellectual leadership;

14 (e) be responsible for the collation and interpretation of research data
15 and the preparation of scientific reports;

16 (f) prepare annual and quarterly reports in respect of his College;

17 (g) be responsible for College development programs and planning;

18 and

19 (h) hold office for a non-renewable term of five years.

20 (3) The Board shall recommend the removal of the Provost to the
21 Minister if he is found incompetent or incapacitated.

22 PART II - PROFESSIONAL DISCIPLINE

Professional
discipline

23 8. Every staff shall be well acquainted with the disciplinary procedure
24 entrenched in the Public Service Rules, and any other regulations as may be
25 made by the Board.

Penalties for
unprofessional
conduct

26 9. Where a staff-

27 (a) is judged to be guilty of infamous conduct in any professional
28 respect,

29 (b) is found to have contravened the provisions of the Public Service
30 Rules, or

1 (c) contravenes directives issued as government circulars from the
2 supervising Ministry, Federal Civil Service Commission, Office of the
3 Secretary to the Government of the Federation, Office of the Head of
4 Service and other Federal Government offices with authority to issue
5 circulars and directives, the staff shall be subjected to disciplinary measures
6 in accordance with the regulations contained in the Public Service Rules.

7 PART III - MISCELLANEOUS AND GENERAL PROVISIONS

8 10. The Institute shall-

9 (a) provide and maintain a Library comprising of books and
10 publications for the advancement of the knowledge of Fishery and such
11 other books and publications the Board may deem necessary for that
12 purpose; and

Provision Library

13 (b) encourage research into Fishery and allied subjects to the extent
14 that the Board may consider necessary.

15 11.-(1) the Minister shall have powers to make rules and
16 regulations under this Bill.

Rules and
Regulations

17 (2) The regulation made under this Bill shall be published in the
18 Federal Government Gazette as soon as they are made.

19 (3) The rules made for the purpose of this Bill (other than rules
20 made by the Minister) shall:

21 (a) be subject to confirmation by the Institute at its next annual
22 meeting or at any special meeting of the Institute convened for the purpose;
23 and

24 (b) if not confirmed, cease to have effect on the day after the date of
25 the confirmation but without prejudice to anything done in pursuance or
26 intended pursuance of such rules.

27 12. -(1) If a staff, for the purpose of procuring the registration of
28 any name, qualification or other matter:

Offences

29 (a) makes a statement which he believes to be false in a particular
30 matter, or

1 (b) recklessly makes a statement which is false in a particular matter,
2 the staff commits an offence.

3 (2) If a member or any other person employed by or on behalf of the
4 Institute willfully makes any falsification on any matter, the member or person
5 commits an offence.

6 (3) Any staff who commits an offence under this section shall, after
7 being found guilty by a properly constituted Disciplinary Committee, be
8 subjected to relevant punishment stipulated under the Public Service Rule.

9 PART IV - FINANCIAL PROVISIONS

Funds of the
Institute

10 13.- (1) the Institute shall establish and maintain a fund into which
11 shall be paid:

12 (a) Annual subvention from the Federal Government;

13 (b) Monetary gifts, research grants or aids and contribution from
14 national and international organisations;

15 (c) Internally generated revenue from research breakthroughs, and
16 products and services provided by the Institute;

17 (d) The internally generated revenue which shall be shared at the ratio
18 of 75% - 25% for the Federal Government and the Institute, respectively;

19 (e) The 25% revenue for the Institute which shall be expended on
20 areas that will promote the Institutes mandate;

21 (f) Loans and other solicited funds received by the Institute; and

22 (g) All other sums accruing to the Institute from time to time.

23 (2) The Institute shall prepare a detailed annual budget of its
24 programmes and activities for the approval of the Board and the Minister.

25 (3) The Institute shall apply the funds at its disposal:

26 (a) To meet the cost of administration of the Institute and its Colleges;

27 (b) For the payment of fees, allowances and benefits of members of
28 the Board;

29 (c) For the payment of functions of the Institute under this Bill or any
30 matter connected to its function;

1 (d) To meet any capital expenditure of the Institute;

2 (e) To pay salaries, allowances and benefits of officers and other
3 employees of the Institute;

4 (f) To such reasonable travelling and subsistence allowances of the
5 Board, Director-General and other members of staff in respect of time spent
6 on the duties of the Institute as may be determined by the Board and other
7 guidelines of the Institute;

8 (g) To maintain any property acquired by or vested in the Institute;

9 and

10 (h) To implement all or any of the expenditure of the Institute

11 14.-(1) the Institute shall maintain a bank account in its name in
12 banks approved by the Board.

Bank accounts
of the the Institute

13 (2) any fund of the Institute in excess of an imprest to be
14 determined by the Board shall be lodged into the Institute's account.

15 15.-(1) the Institute may accept gifts of land, money or other
16 testamentary dispositions, endowments and contributions on such terms and
17 conditions, if any, as may be specified by the donor.

Power to accept
gift

18 (2) the Institute shall not accept any gift if the conditions attached
19 by the donor are inconsistent with the objectives and functions of the
20 Institute under this Bill.

21 16.-(1) the Institute may, with the consent of the Minister and on
22 the recommendation of the Board, borrow by way of loan, a specified
23 amount as it may require for meeting its obligations and performing its
24 functions under this Bill.

Power to borrow

25 (2) no consent or authority shall be required under subsection (1), if
26 the sum or the aggregate of the sums involved at any time does not exceed
27 such amount as may be, for the time being, specified in relation to the
28 Institute by the Federal Government.

29 17.-(1) The Institute shall prepare, not later than September, an
30 estimate of the expenditure and income of the Institute during the next

Annual estimates,
accounts and audit

1 succeeding year and, when prepared, they shall be submitted to the Minister for
2 approval prior to the final submission at the National Assembly.

3 (2) The Institute shall keep proper books of records and accounts
4 which shall be audited by auditors approved by the Board from the list of
5 auditors in accordance with the guidelines supplied by the Auditor-General of
6 the Federation.

Annual report

7 18.-(1) The Institute shall, not later than six months after the end of
8 each year, submit to the National Assembly, through the Minister, a report on
9 the activities and the administration of the Institute and its colleges during the
10 immediately preceding year and shall include in the report, the audited
11 accounts of the Institute and its Colleges and the report of the Auditor on the
12 accounts.

Indemnity of
members

13 19. No suit, prosecution or legal proceedings shall lie against any
14 officer, member or employee of the Institute for anything which is done in good
15 faith or is intended to be done under this Act, rules or regulations made under
16 this Act.

Legal proceedings
and services of
summons

17 20.-(1) a suit shall not be commenced against the Institute before the
18 expiration of a period of one month, after written notice of intention to
19 commence the suit shall have been served on the Institute by the intending
20 plaintiff or claimant or his counsel, and the notice shall clearly state the:

- 21 (a) cause of action;
22 (b) particulars of the claim;
23 (c) name and place of abode of the intending plaintiff or claimant; and
24 (d) relief which he claims.

25 (2) the notice referred to in subsection (1) of this section and any
26 summons, notice or other document required or authorized to be served on the
27 Institute under the provisions of this Act or any other enactment or law may be
28 served by-

- 29 (a) delivering the documents to the office of the Director-General; or
30 (b) sending it by registered post addressed to the Director-General at

1 the Headquarters of the Institute.

2 21. The seal of the Institute shall not be affixed on any instrument
3 except with the authorization of the Director-General.

Seal of the
Institute

4 22. In this Bill:

Interpretation

5 "Board" means the Board established as the governing body of the Institute
6 under section 4(2) of this Bill;

7 "Director-General" means the Director-General appointed under section
8 6(1) of this Bill;

9 "Institute" means the Federal Institute of Fisheries Research established
10 under section 1(1) of this Bill;

11 "Colleges" means the Colleges of the Institute established under this Bill;

12 "Member" means member of the Institute;

13 "Minister" means the Minister charged with the responsibility for matters
14 relating to Fishery Research;

15 "Supervising Ministry" means the Ministry charged with the responsibility
16 for matters relating to Fishery Research.

17 23. This Bill may be cited as the Federal Institute of Fisheries
18 Research (Establishment) Bill, 2021.

Citation

SCHEDULE

Sections 5 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD AND THE

INSTITUTE

Qualifications and Tenure of Office of members

1.-(1) Subject to the provisions of this paragraph, a member of the Board shall hold office from the effective date of the instrument of his appointment.

(2) A member of the Institute who ceases to be a member shall, if he is also a member of the Board, cease to hold office on the Board.

Powers of the Board

2. The Board shall have powers to do anything which, in its opinion, is calculated to facilitate the carrying-on of the activities of the Institute under this Bill.

Proceedings of the Board

3.-(1) Subject to the provisions of this Bill, the Board may, in the name of the Institute, make standing orders regulating the proceedings of the Institute or Board and, in the exercise of its powers under this Bill, may set up committees in the general interest of the Institute and make standing orders for the committees.

(2) Standing orders shall provide that decisions shall be taken by a majority of the members, and, in the event of equality of votes, the Chairman has a second or casting vote.

(3) Standing orders made for a committee shall provide that the committee is to report back to the Board on any matter not within its competence to decide.

4. The quorum of the Board shall be four and the quorum of a committee of the Board shall be fixed by the Board.

Committees

5. The Board shall convene the annual farming systems meeting of

1 the Institute every year.

2 (1) The Institute may set up one or more standing or ad-hoc
3 committees to carry out, on its behalf, such of its functions as it may
4 determine.

5 (2) A Committee set up under this paragraph shall consist of such
6 number of Persons as may be determined by the Institute and a person, other
7 than a member of the Institute, shall hold office in the Committee in
8 accordance with terms of his appointment.

9 (3) A decision of a Committee of the Institute shall be of no effect
10 until it is confirmed by the Institute.

11 *Meetings of the Board*

12 6.-(1) The Board shall meet at least twice in any financial year, and subject to
13 the provisions of any standing order of the Board, the Board shall
14 meet at other times as it is summoned by the Chairman, and if the Chairman
15 is required to do so by notice in writing given to him by at least four other
16 members, he shall summon a meeting of the Board to be held within seven
17 (7) days from the date on which notice is given.

18 (2) At any meeting of the Board, the Chairman shall preside. In his
19 absence, the members present at the meeting shall appoint one of them to
20 preside at that meeting.

21 (3) Where the Board decides to obtain the advice of any person on a
22 particular matter, the Board may co-opt him as a member for such period as
23 the Board deems fit, but a person who is a member by virtue of this sub-
24 paragraph shall not be entitled to vote at any meeting of the Board and shall
25 not count towards a quorum.

26 (4) Notwithstanding anything in the provisions of this paragraph,
27 the first meeting of the Board shall be convened by the Minister who may
28 give such directions as he deems fit as to the procedure which shall be
29 followed by the Board.

Miscellaneous

1
2 7.-(1) The fixing of the seal of the Institute shall be authenticated by
3 the Director-General of the Institute or an officer authorized by the Institute to
4 act in his place for this purpose.

5 (2) A contract or instrument, which if made or executed by a person
6 not being a body corporate would not be required to be under seal, may be made
7 or executed on behalf of the Institute or Board, as the case may require, by any
8 person generally or specially authorized to act for that purpose by the Board.

9 (3) A document purporting to be a document duly executed under the
10 seal of the Institute shall be received in evidence and shall, unless the contrary
11 is proved, be deemed to be so executed.

12 8. The validity of any proceeding of the Institute, Board or Committee
13 of the Board shall not be affected by-

14 (a) any vacancy in the membership;

15 (b) any defect in the appointment of a member of the Institute or
16 Board; or

17 (c) reason that a person not so entitled to do so took part in the
18 proceedings.

19 9. A member of the Institute or Board and any person holding office
20 on a Committee of the Board who has a personal interest in any contract or
21 arrangement being entered into or proposed to be considered by the Board or
22 any Committee, shall declare and disclose his interest in such contract or
23 arrangement to the Board and shall be disqualified to vote on any question
24 relating to such contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Institute of Fisheries Research for Fishery research, education and cooperative training in Nigeria and to make comprehensive provisions for due management and administration.