

FEDERAL AGRICULTURAL LOAN FACILITY REGULATORY AGENCY

BILL, 2021

ARRANGEMENT OF CLAUSES

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A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL AGRICULTURAL LOAN FACILITY REGULATORY AGENCY, TO BE SADDLED WITH THE RESPONSIBILITY OF COORDINATING AND REGULATING ALL FORMS OF AGRICULTURAL LOAN FACILITY TO ALL FARMERS ASSOCIATION, CORPORATIVE SOCIETIES COMPRISES OF MEN AND WOMEN IN PARTNERSHIP WITH THE RELEVANT MINISTRY FROM FEDERAL, STATES TO LOCAL GOVERNMENT LEVEL IN ACTUALIZATION FOR RURAL DEVELOPMENT AND ACCESSIBILITY OF PEST CONTROL MECHANISM, INCLUDING PROVISION OF AGRICULTURAL EQUIPMENTS TO COMMENCE MECHANIZE AGRICULTURE IN ORDER TO SUSTAIN FOOD SECURITY AND HUGE HARVEST IN NIGERIA, AND OTHER RELATED MATTERS

Sponsored Hon. Mohammed Atwal Jatau

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria:

PART 1 - ESTABLISHMENT OF THE FEDERAL AGRICULTURAL, LOAN FACILITY REGULATORY AGENCY AND ITS GOVERNING BOARD

1.-(1) There is established Federal Agricultural Loan Facility Regulatory Agency (in this Bill referred to as "the Agency").

Establishment of
the Agency

(2) The Agency shall be a corporate body with a perpetual succession and a common seal, may sue and be sued in its corporate name and shall operate under the presidency.

2.-(1) There is established for the Agency a Governing, Board ("in this Bill referred to as "the Board") which shall consists;

Governing Board
of the Agency

(a) chairman, who shall be an experienced person(s) in Agricultural Expert Agriculturalist and Administration, shall be appointed by the President of the Federal Republic of Nigeria "FRN".

	1	(b) A representative of:
	2	(i) Ministry responsible for Agriculture and Rural Development;
	3	(ii) Ministry responsible for Finance, budget and National planning;
	4	(iii) CBN;
	5	(iv) EFCC;
	6	(v) NDIC;
	7	(vi) National Food Security Council;
	8	(vii) National seed development council;
	9	(viii) IGP's office.
	10	(c) the Chairman of the Agency, who shall serve as a member and
	11	secretary of the Board.
	12	(2) Members of the Board shall not be below the rank of a Director.
Schedule	13	(3) The supplementary provisions contained in the schedule to this B
	14	ill, shall have effect with respect to the proceedings of the board and other
	15	Matters.
Tenure of members of the Board	16	3.-(1) The Chairman and members of the Board, shall hold office for
	17	the term of four "4" years and renewable, subject to satisfactory performances,
	18	for further term of four "4" years and no more.
	19	(2) The members of the Board shall be paid such remunerations and
	20	allowances as the President of the FRN, on recommendation of salaries and
	21	wages Agency, may from time to time determine.
Resignation, Cessation or removal of some members of the Board	22	4.-(1) The members of the Board may resign the appointment, by
	23	notice in writing addressed to the chairman, while the chairman shall address
	24	his/her letter of resignation to the President of the FRN.
	25	(2) A member of the Board, may cease membership if the member:
	26	(a) dies or becomes of unsound mind;
	27	(b) becomes bankrupt;
	28	(c) is convicted of a felony or of any offence involving dishonesty;
	29	(d) is guilty of serious misconduct in relation to the office;
	30	(e) in the case of a member holding professional qualification, if the

1 person(s) is disqualified or suspended from practicing the profession; or

2 (f) cease to be a staff of the Agency he is representing.

3 (3) A member of the Board may be removed, at any time, from the
4 office by the president of the "FRN", if the President of the "FRN" is
5 satisfied that it is not in the interest of the Agency or the public that the
6 member should continue to hold office.

7 PART II - FUNCTIONS OF THE BOARD

8 5. The Agency shall be responsible for:

Functions of the
Agency

9 (a) Coordinating and regulating all forms of Agricultural loan
10 Facility to the farmers Association, cooperative societies comprises of men
11 and women and other farmers interested in obtaining and accessing the
12 facilities for the purpose of food production security and huge harvest to
13 sustain Nigerians;

14 (b) Providing guidelines in which the Loan Facility can be
15 accessed by the farmers in order to achieve the utmost desired results.

16 (c) Ensuring proper distribution of the loan facility to the farmers
17 including agricultural equipment in order to stem food Shortage in the
18 Nation;

19 (d) Ensuring farmers low interest rate, and provision of pest control
20 mechanism as to improve food security, in cushioning the effect of COVID-
21 19 pandemic in the country;

22 (e) Determining all necessary sustainable food production
23 strategy, to enhance food sufficiency and security as to curb food crisis
24 annually in the federation;

25 (f) Approving loan facilities to farmers Association on their farms
26 eapacity, with evaluation and monitoring to actualize the core mandate of
27 the Agency; and

28 (g) Performing any other function that may be assigned to it by the
29 president of the FRN, or do any other thing that is incidental to the objectives
30 of this Bill.

Powers of the
Board

- 1 6. The Board shall have powers to:
- 2 (a) superintend smooth implementation of the Agency;
- 3 (b) approve guidelines in which all interested farmers Association,
- 4 cooperative societies comprise of men and women including intending fanners
- 5 should obtain and access the loan facilities to Boost huge food production
- 6 harvest in Nigeria;
- 7 (c) approve appointment, discipline, promotion and appeals of staff of
- 8 the Agency;
- 9 (d) approve additional creation of departments, divisions and units as
- 10 it may deem necessary to achieve the objectives of the Agency;
- 11 (e) perform any other function that may be assigned to it by the
- 12 President of the "FRN" from time to time; and
- 13 (f) do any other thing that is incidental to the objectives of this Bill.

14 PART III - STAFF OF THE AGENCY

Chairman and
Secretary of the
agency

- 15 7.-(1) There shall be appointed for the Agency a chairman, by the
- 16 president of the FRN, who shall possess cognate experience and qualification
- 17 as Agricultural scientist! Agriculturist and Administration, for a period of not
- 18 less than 10 years.
- 19 (2) The chairman shall:
- 20 (a) be the Chief-Executive and accounting of the Agency and shall be
- 21 charged with:
- 22 (i) matters relating to day-to-day management, and operations of the
- 23 Agency; and
- 24 (ii) determining structure of ranks, for staff of the Agency.
- 25 (b) hold office for a term of four "4" years and renewable, subject to
- 26 satisfactory performance, for further term of four "4" years, and no more; and
- 27 (c) be answerable to the Board.
- 28 (3) There shall be appointed for the Agency, by the Board on the
- 29 recommendation of the chairman, a Secretary for the Agency, who shall qualify
- 30 as a legal practitioner and was so qualified for a period of not less than 10 years.

- 1 (4) The Secretary shall be:
2 (a) a legal adviser of the Agency
3 (b) secretary to all the committees to be established by the
4 management committees; and
5 (c) answerable to the chairman of the Agency;

6 8.-(1) The staff of the Agency other than those, mentioned in this
7 Bill, shall be employed according to the procedure stipulated by the Board.

Other staff of
the Agency

8 (2) The staff can be on permanent or temporary appointment on the
9 terms which precludes the grants of pension and gratuity.

10 (3) The staff of the Agency who qualify as a legal practitioner,
11 within the meaning of legal practitioners Act, shall in addition to other
12 function, enter appearance to prosecute or defend any civil matters in any
13 court involving the Agency.

Cap. L11 LFN,
2004

14 9.-(1) The Agency may subject to the provision of this Bill, with the
15 approval of the Board, make regulations relating, generally to the condition
16 of service in the Agency such regulation may provide for the appointment,
17 promotion, discipline and appeals for the staff of the Agency;

Staff regulations

18 (2) The staff of the Agency shall be paid such salary and allowances as may
19 be determined by the president on recommendation of the Board.

20 PART VI - STRUCTURE OF THE AGENCY

21 10.-(1) There shall be established for the Agency, such number of
22 Departments, provisions an units as the Agency, with the approval of the
23 Board may deem necessary.

Departments of
the Agency

24 (2) Each Department shall be headed by a Director who shall be
25 professionally qualified to hold the office appointed through a competitive
26 process.

27 (3) Subject to the approval of the Board, the Agency may create
28 additional departments, divisions and units as it may deem necessary to
29 achieve the objective of the Agency.

Zonal offices
of the Agency

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11. The Agency shall:

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(a) divide the federation into such number of zones as it Agency may
from time to time, determine for effective organization of the Agency; and

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(b) establish in each zone, a zonal office.

Establishment
of managements,
and other
committees for
the Agency

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12.-(1) There is established for the Agency, a management,
committee comprising of all the Directors and the chairman of the Agency, who
shall be the chairperson of the committee.

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(2) The committee may create additional standing or Ad-Hoc
committees and give them specific function.

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PART V - FINANCIAL PROVISIONS

Establishment
of fund for the
Agency

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13. The Agency shall establish and maintain a fund, which shall be
paid and credited-

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(a) all subventions and budgetary allocation from the Federal
Government;

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(b) all sums accruing to the Agency by the way of gifts, endowments,
bequests, grants or other contributions, by person(s) and organizations;

17

(c) returns of investments;

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(d) foreign donations or aid; and

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(e) local donations or aid and assistances.

Application and
management of
the fund

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14. The Agency shall manage and apply its fund, in accordance with
the general guidelines made by the management committees, particularly on:

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(a) general operations of the Agency;

23

(b) payment of salaries and other allowances for the staff of the
Agency;

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(c) Provide and maintain of any property vested in the Agency;

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(d) provide procurement process mechanism to monitor and evaluate
the farmer's performances on the accessed loans facility if sub-sustainable, to
achieve the core mandate of the Agency; and

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(e) provide cost of procurement of goods and consultancy services for
the benefits of the Agency.

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1 15. The Agency shall not later than 30th September each year or
2 other date stipulated by law or policy, submit to the president an estimate of
3 expenditure or income of the Agency as approved by the Board for the next
4 fiscal year, for incorporation into the Federal budget.

Annual Budget
of the Agency

5 16. The Agency shall submit to the Board quarterly report of the
6 activities of the Agency and the Board shall submit annual report of its
7 activities to the president of FRN.

Reports

8 PART VI - MISCELLANEOUS PROVISIONS

9 17. A person who has a cause of action against the Agency shall:

Procedure and
Limitation of suit
against the Agency

10 (a) give the Agency one-month notice, in writing, of intention to
11 commence an action, disclosing the cause of action and relief sought to be
12 served on the Agency at its head office; and

13 (b) commence the legal action within six '6' weeks from the date the
14 cause of action emanated or arose.

15 18. Any document, summons, notices, process or any other thing
16 required or authorized to be served to the Agency, shall be served by
17 delivering same to the office of the chairman of the Agency.

Service of process

18 19. Every member of the Agency, agents or employees of the
19 Agency, shall be indemnified from the fund of the Agency, against any
20 liability incurred in defending any proceeding brought against the person(s)
21 under this clause, in the person's capacity as member or employee of the
22 Agency.

Indemnity of
members etc.

23 20. The Agency may subject to the provisions of, Land Use Act and
24 any other applicable law, have powers to lease, rent or acquire an interest in
25 land and other properties.

Acquisition of
property. Cap. L40
LFN, 2004

26 21. The Agency with approval of the Board shall have power to
27 make regulations for-effective implementation of the provisions of this Bill.

Regulations

28 22. The President may give the Agency such, directives dealing
29 with matters of general policy and maintenance of public safety and peace in
30 Nigeria.

Directives by the
President

PART III - MISCELLANEOUS

3.-(1) The Secretary of the Board shall be the custodian of the seal of the Board.

(2) Fixing of the common seal of the Agency shall be authenticated by the signature of the chairman of the Board or some other person(s) authorized to do so.

(3) Any contract or instrument, which if made or executed by a person(s) not being a corporate body, shall not require to be made under seal, shall be executed on behalf of the Agency by the chairman or any other person authorized to do so.

(4) Where the Board desires to obtain an expert opinion from a person not being a member of the board, the Board may co-opt such person for such period the Board may determine but the co-opted person shall not have the right to vote or to count in forming a quorum.

(5) The validity of any proceeding of the Board or of a committee shall not be adversely affected by any vacancy in the membership of the Board or committee or by any defect in the appointment of a member of the Board or committee or by reason that a person not entitled to take part in the proceedings of the Board or the committee took part.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Agricultural Loan Facility Regulatory Agency, to be saddled with the responsibility of coordinating and regulating all forms of Agricultural Loan Facility to all farmers Association, corporative societies comprises of men and women in partnership with the relevant ministry from federal, states to local government level in actualization for rural development and accessibility of pest control mechanism, including provision of Agricultural equipments to commence mechanize agriculture in order to sustain food security and huge harvest in Nigeria.

