

NATIONAL BIOTECHNOLOGY DEVELOPMENT AGENCY

(ESTABLISHMENT) BILL, 2019

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# A BILL

## FOR

AN ACT TO ESTABLISH THE NATIONAL BIOTECHNOLOGY DEVELOPMENT AGENCY TO CARRY OUT RESEARCH, CREATE AND DEVELOP PUBLIC AWARENESS IN BIOTECHNOLOGY IN ORDER TO ENCOURAGE A PRIVATE SECTOR PARTICIPATION IN BIOTECHNOLOGY INDUSTRY IN NIGERIA; AND FOR RELATED MATTERS

*Spocored by Hon. Dachung Musa Bagos*

[ ] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL BIOTECHNOLOGY

2 DEVELOPMENT AGENCY AND ITS GOVERNING BOARD

3 1.-(1) There is established the National Biotechnology  
4 Development Agency (in this Act referred to as "the Agency").

Establishment  
of the National  
Biotechnology  
Development  
Agency

5 (2) The Agency:

6 (a) is a body corporate with perpetual succession and a common  
7 seal;

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

9 (c) may acquire, hold or dispose of any property, movable or  
10 immovable, for the purpose of performing any of its functions under this  
11 Act.

12 (3) The headquarters of the Agency shall be in the Federal Capital  
13 Territory, Abuja.

14 2.-(1) There is established for the Agency a Governing Board (in  
15 this Act referred to as "the Board").

Establishment  
and membership  
of the Governing  
Board.

16 (2) The Board shall consist of:

17 (a) a Chairman, who shall be:

- 1 (i) appointed by the President on the recommendation of the Minister,  
2 and  
3 (ii) a person who is capable of making outstanding contribution to the  
4 field of biotechnology by reason of his ability, experience or specialised  
5 knowledge of biotechnology;
- 6 (b) a representative each of the Federal Ministries responsible for:  
7 (i) science and technology,  
8 (ii) Agriculture and Rural Development,  
9 (iii) interior,  
10 (iv) finance,  
11 (v) health,  
12 (vi) environment,  
13 (vii) industry, trade and investment, and  
14 (viii) education;
- 15 (c) a representative of:  
16 (i) Agricultural Research Council of Nigeria (ARCN),  
17 (ii) National Planning Commission,  
18 (iii) Biotechnology Society of Nigeria,  
19 (iv) Biotechnology Centers of Excellence,  
20 (v) Nigeria Association of Chambers of Commerce, Industry,  
21 (vi) Manufacturers Association of Nigeria (MAN),  
22 (vii) Small and Medium Scale Industries, and  
23 (viii) Organised Private Sector;
- 24 (d) two other persons with specialised knowledge in biotechnology;  
25 and  
26 (e) the Director-General of the Agency who shall be the Secretary of  
27 the Board.
- 28 (3) The members of the Board other than ex-officio members shall be  
29 appointed by the President on the recommendation of the Minister.

1 (4) The supplementary provisions set out in the First Schedule to First.Schedule  
 2 this Act shall have effect with respect to the proceedings of the Board and  
 3 other matters as set out.

4 3. A member of the Board, other than an ex-officio member and Tenure of office  
 5 the Director-General, shall hold office for such term as may be specified in  
 6 his letter of appointment or approved by the President.

7 4.-(1) Notwithstanding the provisions of section 3, a member of the Cessation of  
 8 Board ceases to hold office if he: office

9 (a) resigns his appointment by notice under his hand addressed to  
 10 the President;

11 (b) becomes of unsound mind;

12 (c) becomes bankrupt or makes a compromise with his creditors;

13 (d) is convicted of a felony or of any offence involving dishonesty  
 14 or corruption; and

15 (e) becomes incapable of carrying out the functions of his office,  
 16 either arising from an infirmity of mind or body or any other cause.

17 (2) Where the President is satisfied that it is not in the interest of the  
 18 Agency or the public for a member to continue in office, the President may  
 19 remove that member from the Board.

20 (3) Where a vacancy occurs in the membership of the Board, it  
 21 shall be filled by the appointment of a successor to hold office for the  
 22 remainder of the term of office of his predecessor and the successor shall  
 23 represent the same interest as his predecessor.

24 5. The Chairman and members of the Board are paid such Remuneration  
 25 emoluments, allowances and benefits as may be determined by the Revenue of members of  
 26 Mobilization, Allocation and Fiscal Commission. the Board

27 6. The Board shall have power to:

28 (a) formulate policies for the Agency;

29 (b) approve annual estimates, reports and statements of Accounts  
 30 of the Agency;

Powers and  
 Functions of  
 the Board

1 (c) determine the terms and conditions of service of the employees  
2 of the Agency;

3 (d) set up a National Biotechnology Technical Committee to serve as  
4 the body of experts that will advise the Board on such matters as may be  
5 assigned to it;

6 (e) approve the creation of such Departments, Centres and Units as  
7 may be required for efficient performance of the functions of the Agency; and

8 (f) carry out such other activities as may, in the opinion of the Board,  
9 be necessary for the advancement of biotechnology research and development  
10 in Nigeria.

#### 11 PART II - FUNCTIONS OF THE AGENCY

Functions of  
the Agency

#### 12 7. The Agency shall:

13 (a) carry out a research and development on biotechnology in priority  
14 areas of food, agriculture, health, industry, environment and other strategic  
15 sectors for national development, and draw up programmes and policies for  
16 biotechnology utilisation in Nigeria;

17 (b) promote, co-ordinate and deploy cutting edge biotechnology  
18 research and development activities in Nigeria;

19 (c) initiate and encourage capacity building in all aspects of  
20 biotechnology required for the implementation of the national biotechnology  
21 programme;

22 (d) publish and disseminate research findings and recommendations  
23 of the Agency on biotechnology;

24 (e) promote sustenance in the development and application of  
25 acceptable and profitable technologies through strategic investments in  
26 biotechnology research and development, to support innovation and economic  
27 development and ensure Nigeria becomes self-reliant in the development and  
28 application of biotechnology-based products and services;

29 (f) encourage private sector participation in the biotechnology  
30 industry;

- 1 (g) ensure sustainable mechanism for adequate funding of  
2 biotechnology activities through national and international funding  
3 agencies;
- 4 (h) establish and supervise relevant centres for the purpose of  
5 executing the national biotechnology programmes;
- 6 (i) create public awareness and participation in biotechnology  
7 development activities through strong advocacy programme, seminars,  
8 conferences and workshops;
- 9 (j) collaborate on biotechnology with international research  
10 centers, non-governmental organisations, industries, national and  
11 international biotechnology agencies and institutions;
- 12 (k) stimulate biotechnology entrepreneurship schemes to effect  
13 rapid commercialisation of biotechnology research and development  
14 products;
- 15 (l) collaborate with and provide support for universities and other  
16 academic institutions in the country for research and development projects  
17 relevant to the national biotechnology programme;
- 18 (m) promote sustainable utilisation of biological resources and  
19 develop novel products to improve the production of our indigenous plants  
20 and animals;
- 21 (n) promote exploration, collection, identification, evaluation,  
22 characterisation, storage and conservation of rich stock of both animal and  
23 plant germplasm materials;
- 24 (o) encourage acquisition, maintenance, utilisation, exchange and  
25 dissemination of information on genetic materials of plants, animals and  
26 microbes;
- 27 (p) foster national co-ordination of genetic resources programme  
28 and its sustainable utilisation;
- 29 (q) foster relationship with other national satellite genetic research  
30 centres located in research institutes, universities and polytechnics as well

- 1 as other international organisations and centres on programmes concerning  
2 genetic resources and biotechnology application;
- 3 (r) coordinate the activities of the National Committee on Naming,  
4 Registration and Release of Crop Varieties, Livestock Breed and Fisheries;
- 5 (s) arrest rapid erosion and loss in the country's crop and animal  
6 genetic resources caused by cultivation, urbanisation rural development,  
7 grazing, desertification, pest outbreak, national catastrophes etc.;
- 8 (t) document appropriately the germplasm stocks held by the centre,  
9 research institutes and relevant organisations;
- 10 (u) co-coordinate all biotechnology activities and ensure easy access  
11 to stakeholders in matters relating to bioresources and biotechnology;
- 12 (v) serve as national bio informatics and biotechnology data center;
- 13 (w) be the national focal point for bioethics to which Nigeria  
14 subscribe; and
- 15 (x) undertake other activities as are necessary or expedient in the  
16 performance of the functions of the Agency and promotion of biotechnology in  
17 Nigeria.

### 18 PART III - STRUCTURE OF THE AGENCY

Department  
of the Agency

- 19 8.-(1) There is established for the Agency the:
- 20 (a) Departments of:
- 21 (i) Agricultural Biotechnology,  
22 (ii) Environmental Biotechnology,  
23 (iii) Medical Biotechnology,  
24 (iv) Genomic, Genetics resources and Bioinformatics, and  
25 (v) Food and Industrial Biotechnology;
- 26 (b) Human Resource Management;
- 27 (c) Finance and Accounts; and
- 28 (d) such other departments as the agency may deem necessary to  
29 establish for the efficient performance of its functions under this Act.
- 30 (2) Each Department shall be headed by a Director.



1 (3) The Departments referred to in subsection (1) are the Technical  
2 Departments of the Agency.

3 9.-(1) The Agency shall, with the approval of the Board, establish:

4 (a) Bio-resources Development Centres (BIODECS) which shall  
5 be located in the geo-ecological zones in Nigeria as contained in the Second  
6 Schedule to this Act;

Bio-resources  
Development  
Centres (BIODEC),  
Biotechnology  
Centres of  
Excellence and  
Specialised Centres

7 (b) Biotechnology Centres of Excellence which shall be located in  
8 the premier universities established in each of the geopolitical zones in  
9 Nigeria as contained in the Second Schedule to this Act; and

Second Schedule

10 (c) Specialised Centres which includes:

11 (i) National Centre for Genetic Resources and Biotechnology  
12 (NACGRAB), Ibadan, Oyo State, and

13 (ii) other specialised Centres which the Agency may deem  
14 necessary to establish for the efficient performance of its functions under  
15 this Act.

16 (2) An approval to establish a Centre under this Act may contain  
17 supplementary or incidental provisions relating to:

18 (a) the designation of the Centre;

19 (b) the fields where the Centre will carry out its activities;

20 (c) man-power training where required;

21 (d) the transfer to the Centre, by mutual agreement, of any existing  
22 Federal, State and Local Government facilities; and

23 (e) a suitable association and collaboration of the Centre with  
24 relevant institutions including academic institutions and commercial sector.

25 (3) The supplementary provisions set out in the Second Schedule  
26 to this Act shall apply to the Centres established under this Act.

Second Schedule

27 10.-(1) There is established for the Board a National  
28 Biotechnology Technical Committee (in this Act referred to as "the  
29 Committee").

Establishment  
of the National  
Biotechnology  
Technical  
Committee

30 (2) The Committee shall consist of:

- 1 (a) the Director-General of the Agency who shall be the Chairman;  
2 (b) the Technical and Research Directors of the Agency  
3 (c) five eminent Nigerian biotechnologist to be appointed by the  
4 Board;  
5 (d) a representative of Centers of Excellence;  
6 (e) two persons who shall represent the universities;  
7 (f) one person who shall represent the polytechnics; and  
8 (g) a representative of biotechnology company from the private  
9 sector.

10 (3) The members of the Committee, other than the Chairman and  
11 members specified in subsection (2) (b) - (d), shall be appointed by the Minister  
12 on the recommendation of the bodies they represent.

13 (4) The Committee may co-opt persons from other Federal  
14 Ministries, extra-ministerial departments and other relevant bodies to serve on  
15 the Committee to ensure the efficient performance of the functions of the  
16 Agency under this Act.

Functions of  
the Committee

- 17 **11.-(1)** The Committee shall:  
18 (a) serve as the body of experts that will advise the Board;  
19 (b) assist the Director-General when requested, in the preparation and  
20 implementation of the any function of the Agency;  
21 (c) assist the Director-General when requested by the Board, in the  
22 preparation of the annual, medium- term, and long- term research and  
23 development programmes of the Agency;  
24 (d) on the directive of the Board, receive and consider research  
25 proposals from the various Technical Departments of the Agency and from the  
26 Centres;  
27 (e) appoint from its own members or otherwise such sub-committees  
28 as it may consider expedient and delegate to such sub-committees any  
29 functions which the Committee is competent to perform;  
30 (f) furnish the Board with reports of its proceedings; and

1 (h) perform any other function that may be assigned to it by the  
2 Board.

3 (2) The Committee shall have power to regulate its proceedings  
4 and may make standing order with respect to its meetings, notices to be  
5 given, recording, custody and production for inspection of the minutes of  
6 such meetings.

7 (3) The Committee shall meet at least twice in a year and at such  
8 other time as may be approved by the Board.

9 (4) A Director from one of the Technical Departments of the  
10 Agency shall serve as the Secretary of the Committee.

11 12.-(1) A member of the Committee ceases to hold office if he:

Cessation from  
office of a member  
of the Committee

12 (a) becomes of unsound mind or incapable of carrying out his  
13 duties;

14 (b) becomes bankrupt or makes a compromise with his creditors;

15 (c) is convicted of a felony or any offence involving dishonesty;

16 (d) is guilty of serious misconduct in relation to his duties; or

17 (e) resigns by notice in writing under his hand addressed to the  
18 Board.

19 (2) Where the Board is satisfied that it is not in the interest of the  
20 Agency or the public for a member of the Committee to continue in office,  
21 the Board may remove that member from the Committee.

22 PART IV - STAFF OF THE AGENCY

23 13.-(1) There shall be for the Agency a Director-General who shall  
24 be appointed by the President on the recommendation of the Minister. Director General

25 (2) The Director-General shall be:

26 (a) the Chief Executive and Accounting Officer of the Agency;

27 (b) a person with a minimum of 15 years demonstrable research  
28 experience in science and technology and knowledgeable in the field of  
29 biotechnology;

1 (c) a holder of at least a PhD in biological sciences or other related  
2 field;

3 (d) responsible for the execution of the policy, programmes and  
4 administration of the Agency;

5 (e) responsible for general direction and superintendence of the  
6 affairs of the Centers established under this Act; and

7 (f) the Secretary to the Board, and in this regard, shall:

8 (i) prepare minutes of meetings of the Board and its Committees,

9 (ii) keep and secure the records of the Board, and

10 (iii) issue notices and other correspondence as may be directed by the  
11 Board.

12 (g) ensure proper dissemination of the decisions of the Board to the  
13 appropriate persons, institutions or authorities; and

14 (h) perform such other functions and discharge duties as the Board  
15 may assign to him.

16 (3) The Director-General shall hold office:

17 (a) for a term of four years and may be re-appointed for a further term  
18 of four years and no more; and

19 (b) on such terms and conditions as may be specified in his letter of  
20 appointment.

Directors of  
Technical  
Departments

21 14.-(1) The Board shall, on the recommendation of the Director-  
22 General appoint Director:

23 who shall be in charge of the Technical Departments provided under section 8  
24 (1).

25 (2) A Director who is in charge of a Technical Department shall have:

26 (a) a degree or its equivalent in the relevant discipline; and

27 (b) relevant expertise and experience required for the efficient  
28 performance of the functions of the Department.

29 (3) A Director in a Technical Department shall:

1 (a) be the head of the Technical Department of the Agency which  
2 he directs;

3 (b) supervise other staff of the Department;

4 (c) prepare draft expenditure estimates and development plan of  
5 the Department he heads; and

6 (d) perform such other functions as may be assigned to him by the  
7 Director-General.

8 15.-(1) The Board shall, on the recommendation of the Director-  
9 General, appoint a person with a university degree or its equivalent and a  
10 minimum of 12 years' experience in the field of finance, account, as the  
11 Director of Finance and Account.

Director of  
Finance and  
Account

12 (2) The Director of Finance and Administration shall:

13 (a) be the head of the Finance and Accounts Department of the  
14 Agency;

15 (b) prepare draft expenditure, estimates and budget; and

16 (c) perform other functions as may be assigned to him by the  
17 Director-General.

18 16.-(1) The Board shall, on the recommendation of the Director-  
19 General, appoint a Director to head each of the Centres established under  
20 this Act.

Director  
Bioresource  
Development  
Centres

21 (2) A Director of a Centre appointed under this section shall  
22 superintend the activities of the Centre and shall have expertise and a  
23 minimum of 10 years practical experience in addition to a degree or its  
24 equivalent in any discipline that is relevant to the activities in the Centre he  
25 superintends and:

26 (a) monitor, evaluate and review the performance of the Centre;

27 (b) ensure that the Centre perform its functions in an efficient  
28 manner;

29 (c) prepare and submit quarterly reports on the activities of the  
30 Centre to the Director-General; and

1 (d) perform other functions as may be assigned to the Director by the  
2 Director-General.

Director  
Research

3 17.-(1) A Director appointed as head of a Technical Department under  
4 section 14 shall:

5 (a) cease to hold office as Director when he has held that office for  
6 period of eight years; and

7 (b) be designated as Research Director where he has not attained the  
8 mandatory age of retirement.

9 (2) A Director of Research shall perform such functions as may be  
10 assigned to him by the Director-General.

Other staff of  
the Agency

11 18.-(1) The Agency may, subject to the approval of the Board, appoint  
12 other staff as it may deem necessary:

13 (a) for the efficient performance of the functions of the Agency; and

14 (b) on such terms and conditions as may be specified by the Board.

15 (2) The provisions of the Public Service Rules or any other  
16 subsequent enactment shall apply to staff regulations, removal and disciplinary  
17 measures of staff of the Agency.

Remuneration  
of employees  
of the Agency

18 19. The salaries, allowances and benefits of the staff of the Agency  
19 shall be in accordance with the conditions of service of the Agency as may be  
20 approved by the Board in consultation with the National Salaries, Income and  
21 Wages Commission.

Pensions  
Act No. 4,  
2014

22 20. Service in the Agency shall be subject to the Pension Reformed  
23 Act, and accordingly, officers and the employees of the Agency shall be  
24 entitled to pensions and other retirement benefits as are prescribed under the  
25 Pension Reform Act.

#### 26 PART V - FINANCIAL PROVISIONS

Funds of the  
Agency

27 21.-(1) The Agency shall establish and maintain a fund (in this Act  
28 referred to as "the Fund") into which shall be paid and credited:

29 (a) such sums as may be appropriated by the National Assembly;

30 (b) any grant from the Federal, State or Local Governments;

- 1 (c) such money as may be granted or received from:  
2 (i) an organised private sector, or  
3 (ii) foreign aid or assistance from bilateral and multilateral  
4 agencies;  
5 (d) all fees and charges for services rendered by the Agency;  
6 (e) other internally generated revenues by the Agency; and  
7 (f) all other sums accruing to the Agency by way of gifts, grants,  
8 emoluments or bequest.
- 9 (2) The Agency may receive, charge or generate revenues by  
10 (a) fees and charges for services rendered by the Agency; an  
11 (b) other internally generated revenues by the Agency; o  
12 (c) profits from investment entered into by the Agency; and  
13 (d) such other sums that may accrue to the Agency by way of gifts,  
14 emoluments or bequest.
- 15 (3) All monies so collected shall be paid into the Fund not later than  
16 ninety days from the date of receipt of the money by the Agency.
- 17 **22.** The Agency shall apply the Fund for:
- 18 (a) the administration of the Agency;  
19 (b) payment of salaries, wages, fees, allowances, retirement  
20 benefits including pensions and pay other remuneration payable to the  
21 members of the Board and staff of Agency;  
22 (c) publicising and promoting the activities of the Agency;  
23 (d) purchasing property, make other approved capital expenditure  
24 and maintain any property so purchased;  
25 (e) meeting the investment need of the Agency;  
26 (f) cost of maintaining the head office and operating the Centres  
27 provided under this Act;  
28 (g) training of members of staff of the Agency;  
29 (h) support of national scientific bodies;  
30 (i) payment of contributions to international scientific organisation

Expenditure  
of the Agency

1 to which the Agency may subscribes; and

2 (j) undertaking any other activity in connection with the functions of  
3 the Agency under this Act.

Exemption  
from tax

4 23.-(1) Incomes derived by the Institute from the sources specified  
5 under section 22 shall be exempted from income tax.

6 (2) The provision of any enactment relating to the taxation of  
7 companies or trust funds shall not apply to the Agency.

Investment of  
income

8 24. Subject to the approval of the Board, the Agency may invest its  
9 income in profitable production of goods by joint venture, partnerships, or  
10 shareholding as the case may be, and the net income so generated shall be paid  
11 into the Fund.

Annual estimates,  
income and  
expenditure

12 25. The Agency shall, not later than 30th September in each year,  
13 submit to the Board for approval, its programme of work and estimate of its  
14 income and expenditure including payments into the Agency's fund for the next  
15 succeeding year.

Accounts and  
Audits

16 26. The Agency shall:

17 (a) keep proper accounts and records of its receipts, payment, assets  
18 and liabilities and prepare in respect of each financial year a statement of  
19 accounts in such forms as may be directed by the Auditor-General for the  
20 Federation; and

21 (b) cause its accounts to be audited within six months from the end of  
22 each financial year by auditors whose appointment shall be approved by the  
23 Board from the list of auditors approved by the Auditor-General for the  
24 Federation.

Annual Reports

25 27.-(1) The Agency shall prepare and submit to the Board, not later  
26 than 30th September in each year, a report on the activities of the Agency, the  
27 audited accounts of the Agency and the auditor's report for the immediate  
28 preceding year.

29 (2) The Agency shall, not later than 31st October in each year, submit  
30 to the Board the annual report of each of its Centres for the immediate



1 preceding year.

2 (3) The Board shall submit the annual report referred to in  
3 subsection (2) to the Minister within two months after the Board receives the  
4 report.

5 28. The Agency may accept gifts, endowments and testamentary  
6 dispositions upon such terms and conditions, if any, as may be specified by  
7 the donor of the gift, provided that the terms and conditions are not contrary  
8 to the objectives and functions of the Agency and the Financial Regulations.

Power to accept  
gifts

9 PART VI - LEGAL PROCEEDINGS

10 29.-(1) A suit shall not be commenced against the Agency, before  
11 the expiration of one month, after written notice of intention to commence  
12 the suit have been served upon the Agency by the intending plaintiff or his  
13 agent, and the notice shall clearly state the:

Commencement  
of suits or service  
of notice

- 14 (a) cause of the action;
- 15 (b) particulars of claim;
- 16 (c) name and place of abode of intending plaintiff; and
- 17 (d) relief which he claims.

18 (2) The notice referred to in subsection (1) and any summons,  
19 notice or other documents required or authorised to be served upon the  
20 Agency under this Act, any other enactment or law, may be served by:

- 21 (a) delivering same to the Director-General; or
- 22 (b) sending it by registered post addressed to the Director-General  
23 at the head office of the Agency.

24 30.-(1) In any action or suit against the Agency, execution or  
25 attachment of process shall not be issued against the Agency except:

Restriction on  
execution against  
property of the  
Agency

26 (a) a three month notice of the intention to execute or attach has  
27 been given to the Agency; and

28 (b) a written consent of the Attorney-General of the Federation and  
29 Minister of Justice is obtained in not less than three months.

30 (2) Any sum of money which by the judgment of any court has been

1 awarded against the Agency shall, subject to the directives given by the court,  
2 where notice of appeal against the judgments has been given, be paid from the  
3 Funds of the Agency.

4 PART VII - MISCELLANEOUS

5 Power to  
6 purchase or take  
7 on lease property  
8 Cap. L5, LFN,  
9 2014

5 31. The Agency may, subject to the Land Use Act, purchase, lease any  
6 interest in land, building or property, or build, equip and maintain such other  
7 offices and premises for the efficient performance of its functions under this  
8 Act.

9 Power to sell  
10 or lease property  
11 Cap. L5, LFN,  
12 2004

9 32. The Agency may, subject to the Land Use Act, sell or lease out  
10 any land, office or premises held by it, which is no longer required for the  
11 performance of its functions under this Act.

12 Indemnity

12 33. The Director-General, any officer or employee of the Agency  
13 shall be indemnified out of the assets of the Agency against any liability  
14 incurred by him in defending any proceeding, whether civil or criminal, if the  
15 proceeding is brought against him in his capacity as a member, Director-  
16 General, officer or other employee of the Agency.

17 Power of the  
18 Minister to give  
19 directives

17 34. The Minister may give to the Agency such directives as he may  
18 consider necessary for the effective performance of the functions of Agency  
19 under this Act and the Agency shall comply with.

20 Power to make  
21 regulations

20 35.-(1) The Board may, with the approval of the Minister, make such  
21 regulations generally for the purpose of giving full effect to the provisions of  
22 this Act, and in facilitating the performance of the functions of the Agency.

223 (2) The Board may issue guidelines to give full effect to the relevant  
24 provisions of this Act.

25 (3) Regulations made shall be published in the Federal Government  
26 Gazette.

27 Repeals  
28 Cap. N3, LFN,  
29 2004

27 36. This Act repeals:

28 (a) section 6 (2) (d) (ii) of the National Agency for Science and  
29 Engineering Infrastructure Act;

30 (b) paragraph 2 G) (iv) of the Second Schedule to the National

1 Agency for Science and Engineering Infrastructure Act; and

2 (c) National Centre for Genetic Resources and Biotechnology No. 33 of 1987  
3 (NACGRAB) Act.

4 37. From the commencement of this Act: Savings

5 (a) all assets, rights, liabilities and obligations which immediately  
6 before the commencement of this Act, were assets, rights, liabilities and  
7 obligations of National Centre for Genetic Resources and Biotechnology  
8 (NACGRAB) or any other body related to Biotechnology shall, by virtue of  
9 this Act, be taken over by the Agency; and

10 (b) anything made or done or having effect under the repealed Act,  
11 shall be treated, as if it were made or done by the Agency.

12 38. In this Act: Interpretation

13 "Agency" means the National Biotechnology Development Agency  
14 established under section 1;

15 "Biotechnology" means a field of applied biology that involves the use of  
16 living organisms, plant cells and bio processes in engineering, technology,  
17 medicine, agriculture and other fields requiring bio products;

18 "Board" means the Governing Board of the Agency established under  
19 section 2;

20 "Center" means all bioresources development centers, biotechnology  
21 centers of excellence, specialised centers and other relevant centers as the  
22 Agency may establish;

23 "Chairman" means the Chairman of the Governing Board of the Agency;

24 "Committee" means the National Biotechnology Technical Committee  
25 established under section 10;

26 "Director-General" means the Director-General of the Agency;

27 "Fund" means the Fund of the Agency established under section 22;

28 "geo-ecological" means the ecological zones as reflected in the National  
29 geography;

1 "geopolitical zones" means the six geopolitical zones as it exists in the country;  
2 "Member" means a member of the Board of the Agency including the  
3 Chairman;  
4 "Minister" means the Minister charged with the responsibility for science and  
5 technology;  
6 NABDA" means National Biotechnology Development Agency established  
7 under this Act;  
8 "President" means the President of the Federal Republic of Nigeria;  
9 "public officer" means any person working in the Public Service of the  
10 Federation or a State as defined in the 1999 Constitution of the Federal  
11 Republic of Nigeria;  
12 "research and development" means creative work undertaken on a systematic  
13 basis in order to increase knowledge in biotechnology and the use of this  
14 knowledge to devise new biotechnology applications; and  
15 "technical department" means sections involved in scientific activities.

Citation

16 39. This Bill may be cited as the National Biotechnology  
17 Development Agency (Establishment) Bill, 2019.

18 SCHEDULES

19 FIRST SCHEDULE

20 *Section 2 (4)*

21 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

22 *Proceedings of the Board*

23 1. Subject to this Act and section 27 of the Interpretation Act, the  
24 Board shall have power to regulate its proceedings and may make standing  
25 orders with respect to the holding of its meetings and those of its committees,  
26 notices to be given, the keeping of minutes of its proceedings, the custody and  
27 production for inspection of such minutes and such other matters as the Board  
28 may determine.

29 2. The Chairman shall preside at every meeting of the Board, and in  
30 his absence, the members present at the meeting shall appoint one of their

1 members to preside at the meeting.

2 3. The quorum at a meeting of the Board shall consist of the  
3 Chairman or, in an appropriate case, the person presiding at the meeting  
4 under paragraph 2 of this Schedule, and six other members.

5 4. The Chairman shall, in the case of an equality of votes, have a  
6 casting vote.

7 5. A question put before the Board at a meeting shall be decided by  
8 consensus and where this is not possible, by majority of votes of members  
9 present and voting.

10 6. The Board shall, for the purpose of this Act, meet at least three  
11 times in each year and the Board shall meet whenever it is summoned by the  
12 Chairman, and if required to do so, by notice given to him by at least five  
13 other members, summon a meeting of the Board to be held within 14 days  
14 from the date on which the notice is given.

15 7. Where the Board desires to obtain the advice of any person on a  
16 particular matter, the Board may co-opt the person to be a member of the  
17 Board for such period as it deems fit, and the person while so co-opted shall  
18 have all the rights and privileges of a member, except that he is not entitled to  
19 vote at any meeting of the Board and shall not be counted towards a quorum.

20 *Committees*

21 8.-(1) Subject to its standing orders, the Board may set up such  
22 number of standing and ad-hoc Committees as it deems fit to consider and  
23 report on any matter with which the Agency is concerned.

24 (2) A committee set up under this paragraph shall:

25 (a) consist of such number of persons (not necessarily members of  
26 the Board) as may be determined by the Board; and

27 (b) be presided over by a member of the Board.

28 (3) A person other than a member of the Board who is appointed  
29 under this paragraph, shall hold office on the Committee in accordance with  
30 the terms of his appointment.

1 (4) The quorum of any Committee set up by the Board shall be as  
2 determined by the Board.

3 (5) A decision of a Committee of the Board shall be of no effect until it  
4 is confirmed by the Board.

5 9. The validity of any proceeding of the Board or any of its  
6 Committee is not affected by:

7 (a) any vacancy in the membership of the Board, or committee;

8 (b) any defect in the appointment of a member of the Board or  
9 committee, or

10 (c) reason that a person not entitled to do so took part in the  
11 proceedings of the Board or committee.

12 10. A member of the Board or Committee who has a personal interest  
13 in any contract or arrangement entered into or proposed to be considered by the  
14 Board or Committee shall:

15 (a) immediately disclose his interest to the Board or committee; and

16 (b) not vote on any question relating to the contract or arrangement.

17 11. No member of the Board shall be personally liable for any act or  
18 omission done or made in good faith while engaged in the business of the  
19 Agency.

20 *Fixing of Seal*

21 12. The affixing of the seal of the Agency shall be authenticated by the  
22 signature of the Director-General and witnessed by the Legal Adviser of the  
23 Agency.

24 13. A contract or an instrument which, if made or executed by a  
25 person not being a body corporate, would not be required to be under seal may  
26 be made or executed on behalf of the Agency by the Director-General and  
27 witnessed by the Legal Adviser of the Agency or by any other person  
28 specifically authorised by the Board to act for that purpose.

29 14. A document purporting to be a contract, instrument or other  
30 document duly signed or sealed on behalf of the Agency shall be received in

1 evidence and shall, unless the contrary is proved, be presumed without  
2 further proof to have been so signed or sealed.

3 SECOND SCHEDULE

4 *Section 9 (1) (a) and (b) and (3)*

5 SUPPLEMENTARY PROVISIONS RELATING TO THE CENTRES

6 *Bioresources Development Centres*

7 1. A Centre established under this Act shall have a Director  
8 appointed by the Board on the recommendation of the Director-General and  
9 shall be located in:

- 10 (a) NABDA Headquarters, Abuja, FCT;  
11 (b) Odi, Bayelsa State;  
12 (c) Isanlu, Kogi State;  
13 (d) Katsina, Katsina State;  
14 (e) Owode, Ogun State;  
15 (f) Jalingo, Taraba State;  
16 (g) Arochuku, Abia State;  
17 (h) Ogbomoso, Oyo State;  
18 (i) Kano, Kano State; and  
19 (j) such other zone as the Agency may deem necessary to establish  
20 for the efficient performance of its functions under this Act.

21 2. Zonal Biotechnology Centres of Excellence shall be located  
22 within the universities across the geopolitical zones:

- 23 (a) University of Maiduguri, Maiduguri - North-East Zone;  
24 (b) University of Port Harcourt, Port Harcourt - South-South  
25 Zone.;  
26 (c) University of Nigeria, Nsukka - South-East Zone;  
27 (d) Ahmadu Bello University, Zaria - North-West Zone;  
28 (e) University of Ibadan, Ibadan - South-West Zone;  
29 (f) University of Jos, Jos - North-Central Zone; and  
30 (g) any other centre of excellence which the Agency may deem

1 necessary to establish for the efficient performance of its functions under this'  
2 Act.

3 *Functions of the Centres*

4 3. Each Centre is charged with the responsibility for research,  
5 development and commercialisation of its results, in:

6 (a) preservation and provision of bioresources for scientific,  
7 industrial, agricultural, environmental and medical research development and  
8 applications;

9 (b) utilisation of local bioresources to perform research and  
10 development activities, including preservation of the nation's ecological  
11 biodiversity;

12 (c) promotion of technologies and databases to achieve best practices  
13 in the development of indigenous bio resources;

14 (d) application of tissue culture for plant and animal conservation,  
15 agricultural development and training people in tissue culture techniques;

16 (e) arresting rapid erosion and loss in the country's crop and animal  
17 genetic resources;

18 (f) documenting the germplasm stocks held by the center, research  
19 institutes and relevant organisations;

20 (g) establishment of repositories for developed bioresources for  
21 protection of intellectual property rights;

22 (h) provision of bio enterprises for public information and policy  
23 formulation to encourage commercial production;

24 (i) deployment of biotechnology to the grass root communities;

25 (j) training and continuous education of staff of the Centres in  
26 bioresources and bio enterprises development;

27 (k) promotion and collaboration in bioresources and bio enterprises  
28 development with private and public sectors, researchers, industry and  
29 academia; and



1 (1) such other activity as the Director of the Centre or the Agency  
2 may determine.

3 *Power of the Centre*

4 4.-(1) Each Centre shall have power to:

5 (a) prepare:

6 (i) a programme of research, development and commercialisation  
7 of results, within the field for which the Centre is responsible, for such  
8 periods, not less than three years, as the Director may, with the approval of  
9 the Director-General, determine, and

10 (ii) detailed estimates of the expenditure which shall be required  
11 for carrying out the programme;

12 (b) review and, if necessary, revise in each year, the programme  
13 approved under subparagraph (a) (i) for the following year, together with  
14 estimated budget for that year;

15 (c) carry out the programme of research, development and  
16 commercialisation of results approved by the Agency; and

17 (d) make suitable arrangements for the diffusion of research results  
18 in the economy by:

19 (i) establishing effective mechanisms in active collaboration with  
20 Federal and State Ministries of Agriculture and the World Bank supported  
21 agricultural development projects in the States, for extension work to  
22 farmers and industrialists,

23 (ii) establishing in-house pilot production units and plants to  
24 demonstrate the commercial viability of research results,

25 (iii) collaborating with the Federal and State Ministries of Trade  
26 and Investment in the generation of private sector industries as Centres; and

27 (iv) establishing systems for an effective media publicity of  
28 research results, but where expenditure of Funds is involved, the Centre  
29 shall obtain the approval of the Board.

30 (2) Subject to the provisions of this Act, each Centre shall be self-

1 accounting, have power to take such decisions and to enter into such  
2 transactions, which in its opinion ought to be undertaken in the proper  
3 performance of its functions, subject to the approval of the Director-General.

4 (3) Each Centre shall, in particular and without prejudice to the  
5 generality of the other powers conferred by this paragraph, have power to  
6 acquire and hold property and any interest in land, with the approval of the  
7 Director-General.

8 *Staff of the Centres*

9 5.-(1) There shall be for each Centre other members of staff as  
10 appointed by the Agency.

11 (2) The Director of each Centre may request from the Agency such  
12 members of staff as are deemed necessary for the proper performance of the  
13 functions of the Centre under this Act.

14 *Fund of the Centres*

15 6.-(1) Each Centre shall establish and maintain a fund from which  
16 shall be defrayed all expenditure incurred by the Centre and the signatories to  
17 the Fund shall be the Director-General and the Director of the Centre.

18 (2) There shall be paid into the Fund of the Centres:

19 (a) sums as may accrue to the Centre as revenue from its operations;

20 (b) sums as may be made available to the Centre by the Agency;

21 (c) sums as may be made available through appropriation; and

22 (d) other assets as may accrue to the Centre.

23 (3) The Fund of the Centre shall be managed in accordance with  
24 extant financial regulations.

25 *Annual estimate*

26 7. Each Centre shall submit to the Agency, not later than 31 October  
27 each year, its programme of work and estimates of income and expenditure for  
28 the succeeding year.

29 *Annual and quarterly report*

30 8. The Director of each Centre shall submit to the Agency an annual,

1 quarterly operational and financial report on the activities of the Centre not  
2 later than:

3 (a) two weeks after the end of the preceding quarter in case of a  
4 quarterly report; or

5 (b) six months after the end of each year in case of the annual  
6 report.

7 *Power to borrow money*

8 9. A Centre may borrow money with the approval of the  
9 Headquarters of the Agency.

10 *Restriction on entering into contract with foreign countries*

11 10. A Centre shall not enter into any contract or arrangement with a  
12 foreign country or body without a prior clearance and approval by the  
13 Headquarters of the Agency.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Biotechnology Development Agency for research and development, promotion, coordination and management of biotechnology in Nigeria.

