

A BILL

FOR

AN ACT TO REPEAL AGRICULTURAL RESEARCH COUNCIL OF NIGERIA ACT 1999 (CAP. N156 LFN 2004) AND RE-ENACT THE AGRICULTURAL RESEARCH COUNCIL OF NIGERIA ACT 2019 AND FOR RELATED MATTERS

Sponsored by Hon. Munir Babba Dan Agundi

[] Commencement

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

1 PART I - ESTABLISHMENT, ETC., OF THE AGRICULTURAL RESEARCH
2 COUNCIL OF NIGERIA

3 1. There is hereby established a body to be known as the Establishment of
4 Agricultural Research Council of the Council
5 Nigeria (in this Act referred to as the Council ") which under that name
6 shall be a body corporate with perpetual succession and a common seal, and
7 may sue or be sued in its corporate name.

8 2.-(1) There is hereby established for the Council a governing Governing Board
9 board which shall consist of the following members to be appointed by the of the Council
10 President:

11 (a) the Chairman who shall be a person in any of the fields of
12 agricultural sciences with cognate wide knowledge and experience;

13 (b) the Permanent Secretary of the Federal Ministry of Agriculture
14 and Rural Development;

15 (c) the Permanent Secretary of the Federal Ministry of Industry,
16 Trade and Investment;

17 (d) the Permanent Secretary of the Federal Ministry of Science and
18 Technology;

19 (e) the President of the Farmers Association of Nigeria;

20 (f) the Chairman of the Agric Business Group of the Manufacturers

1 Association of Nigeria;
 2 (g) a technical expert each with wide knowledge and experience in:
 3 (i) crops,
 4 (ii) livestock,
 5 (iii) fisheries; and
 6 (h) the Executive Secretary of the Council who shall be the Secretary
 7 to the Council.

First Schedule

8 (2) The supplementary provisions set out in the First Schedule to this
 9 Act shall have effect with respect to the proceedings of the Board and the other
 10 matters contained therein.

Tenure of office

11 3.-(1) A member of the Board, other than an ex-officio member, shall
 12 hold office for a term of four years in the first instance and may be re-appointed
 13 for a further term of four years and no more.

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

15 (a) he resigns his office by a letter addressed by him to the Minister; or

16 (b) the Minister is satisfied that it is not in the interest of the Council
 17 for the person to continue in office as a member, in which case, the Minister
 18 shall, with the approval of the President, notify the member to that effect.

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

Allowances

23 4. The members of the Board shall be paid such sitting allowances as
 24 the Federal Government may, from time to time, determine for the chairmen
 25 and members of statutory boards generally.

26 PART II - FUNCTIONS OF THE COUNCIL

Functions of the Council

27 5. The functions of the Council shall be to:

28 (a) advise the Federal Government on national policies and priorities
 29 in agricultural research, training and extension activities;

30 (b) manage, plan, conduct and promote research, human resource

1 development and technology generation, assessment and adoption for the
2 advancement of all aspects of agriculture in Nigeria;

3 (c) prepare periodic master plans for agricultural research, training
4 and extension and advise the Federal Government on the financial
5 requirement for the implementation of such plans;

6 (d) ensure the implementation of the approved master plans by the
7 appropriate research institutes, colleges, universities and other bodies;

8 (e) participate in the process of the appointment of Directors of
9 agricultural research institutes established under university statutes, by Vice
10 Chancellors;

11 (f) prescribe and give policy direction to the Federal Colleges of
12 Agriculture, established under section 15 of this Act, on their training and
13 extension activities;

14 (g) supervise research, training and extension activities of research
15 institutes established under section 14 of this Act;

16 (h) prepare the annual budget for agricultural research, training and
17 extension programmes of the institutes and colleges under its aegis and
18 receive grants for allocation to the institutes and colleges for the
19 implementation of the annual programmes and to universities and other
20 bodies for special research or training projects;

21 (i) maintain an up-to-date record of all existing facilities for
22 research, training and extension in the agricultural sciences in Nigeria and
23 advise the Federal Government on their adequacy and efficient utilization;

24 (j) advise the Federal Government on the re-organisation of
25 existing institutes and colleges, including the creation of new ones, as are
26 required to implement or further the efficiency of research, training and
27 extension in the agricultural sciences;

28 (k) promote collaboration between scientists engaged in research
29 in the agricultural sciences in Nigeria and their counterparts in other
30 countries or international bodies;

1 (l) establish and maintain a National Agricultural Science Library and
2 Documentation Centre and publish or sponsor the publication of research
3 results in the agricultural sciences; and

4 (m) carry out such other activities as may, in the opinion of the
5 Council, further the advancement of research, training and extension in the
6 agricultural sciences.

7 PART III - STAFF OF THE COUNCIL

Executive
Secretary and
other staff of the
Council

8 6.-(1) There shall be appointed by the President, on the
9 recommendation of the Minister, an Executive Secretary.

10 (2) The Executive Secretary shall:

11 (a) be a person with relevant qualification and experience;

12 (b) be the chief executive and accounting officer of the Council;

13 (c) hold office:

14 (i) for a period of five years in the first instance and may be re-
15 appointed for a further term of five years and no more; and

16 (ii) on such terms and conditions as may be specified in his letter of
17 appointment.

18 (3) The Executive Secretary shall, subject to the general direction of
19 the Council, be responsible for:

20 (a) the day-to-day administration of the Council;

21 (b) keeping the books and proper records of the proceedings of the
22 Council;

23 (c) the administration of the secretariat of the Council; and

24 (d) the general direction and control of all other employees of the
25 Council.

26 (4) (a) The Board shall, subject to the approval of the Minister,
27 appoint the following and such other Deputy Executive Secretaries it may
28 deem fit from time to time:

29 (i) a Deputy Executive Secretary (Crops),

30 (ii) a Deputy Executive Secretary (Livestock, Fisheries & Marine),

1 (iii) a Deputy Executive Secretary (Training & Extension),

2 (iv) a Deputy Executive Secretary (Technical Cooperation and
3 Communication),

4 (v) a Deputy Executive Secretary (Administration and Finance).

5 Who shall each be persons with requisite experience and academic
6 qualifications and assigned such responsibilities as are determined by the
7 Board and Council;

8 Provided that the Deputy Executive Secretary (Administration and
9 Finance) shall be a member of any of the professional accountancy bodies in
10 Nigeria with no less than five (5) years cognate experience.

11 (b) In addition to the powers of the Board exercisable under
12 subsection (1) of this section, it shall have power to appoint such number of
13 Assistant Executive Secretaries as it may deem fit from time to time;

14 (c) The persons appointed by the Board shall each be:

15 (i) persons with requisite academic qualification and experience,

16 (ii) persons who, in the opinion of the Board, will assist the Council
17 in the effective discharge of any of its functions.

18 (5) The Council shall:

19 (a) appoint such number of directors and other employees as may,
20 in the opinion of the Council, be required to assist the Council in the
21 discharge of any of its functions under this Act; and

22 (b) pay to such persons so appointed such remuneration (including
23 allowances) as the Council may, after consultations with the National
24 Salaries and Wages Commission, determine.

25 (6) Notwithstanding subsection (5) of this section, the staff of the
26 Agricultural Sciences Department of the Federal Ministry of Agriculture
27 and Rural Development shall be deemed to have transferred to the
28 employment of the Council on the commencement of this Act.

29 (7) Any staff mentioned in subsection (6) of this section who does

1 not wish to transfer to the employment of the Council shall remain with the
2 Ministry.

3 (8) The Council shall have the power to make, with the approval of the
4 Minister, staff regulations governing conditions of service of its employees.

Application of
Pensions Reform
Act

5 7.-(1) Service in the Council shall be approved service for purposes of
6 the Pensions Reform Act.

7 (2) Employees of the Council shall be entitled to pensions, gratuities
8 and other retirement benefits as are enjoyed by persons holding equivalent
9 grades in the universities

10 (3) Nothing in subsections (1) and (2) of this section or in this Act
11 shall prevent the appointment of a person to any office on terms which preclude
12 the grant of pension and gratuity in respect of that office.

(Cap. P4.)

13 (4) For the purposes of the application of the provisions of the
14 Pensions Reform Act, any power exercisable there under by a Minister or other
15 authority of the Government of the Federation, other than the power to make
16 regulations under section 23 of the Act, is hereby vested in and shall be
17 exercisable by the Council and not by any other person or authority.

18 PART IV - ESTABLISHMENT OF THE NATIONAL AGRICULTURAL
19 DEVELOPMENT EXTENSION FUND.

Establishment
of the National
Agricultural
Development
Extension Fund

20 8.-(1) There is hereby established a fund to be known as the National
21 Agricultural Development Extension Fund (in this Act referred to as "the
22 Fund").

23 (2) There shall be paid and credited into the Fund established under
24 subsection (1) of this section:

25 (a) one per cent of the duties, levies and charges on agricultural
26 imports and exports;

27 (b) a levy of one per cent of the profit before tax of companies and
28 enterprises enumerated in the Second Schedule to this Act with an annual
29 turnover of N100,000,000 and above and such paid by the companies shall be
30 tax deductible;

1 (c) grants-in-aid and assistance from bilateral and multilateral
2 agencies;

3 (d) all other sums accruing to the Fund by way of gifts,
4 endowments, bequest or other voluntary contributions by persons and
5 organizations;

6 Provided that the terms and conditions attached to such gifts,
7 endowments, bequest or contributions will not jeopardize the functions of
8 the Council;

9 (e) such monies as may be appropriated for the Fund by the
10 National Assembly; and

11 (f) all other monies or assets that may, from time to time, accrue to
12 the Fund.

13 9. All monies accruing to the Fund and account of the Council
14 from the Sources specified in section 8 of this Act shall be exempted from
15 income tax and all contributions to the Fund and the accounts of the Council
16 shall be tax deductible.

Exemption from
Tax

17 10. The Board may, in accordance with the Investments Trustees
18 Act, invest any surplus funds in profit yielding ventures and the net incomes
19 so generated shall be paid into the treasury.

Investment
Cap. 449 LFN

20 11.-(1) The Executive Secretary of the Council shall keep proper
21 records of the accounts sources and use of the monies and assets of the Fund
22 and shall render accounts to the Board, from time to time.

Accounts and
Report of the
Fund

23 (2) The accounts of the Fund shall be audited not later than 3
24 months after the end of the year to which it relates by external auditors
25 appointed by the Board from the list and in accordance with the guidelines
26 supplied by the Auditor General of the Federation.

27 12.-(1) (a) The Nigeria Customs Service shall assess and collect
28 the duties and levies imposed under 8(2)(a) of this Bill; and

Nigeria Customs
Service and
Federal Inland
Revenue Service
to collect duty and
levy respectively
and pay into the
Fund

29 (b) The Federal Inland Revenue Service shall assess and collect the
30 levy imposed under section 8(2)(b) of this Bill.

1 (2) (a) The Nigeria Customs Service shall upon assessment and
2 collection from any company or individual, either customs or excise duty
3 and/or levy, immediately deduct and credit to the Fund the duty or levy due
4 under section 8(2)(a) of this Bill; and

5 (b) The Federal Inland Revenue Service shall while assessing any
6 company listed under the Second Schedule to this Bill for either company or
7 income tax for an accounting period, also assess such company for the levy or
8 tax due under section 8(2)(b) of this Bill.

9 (3) The duty and levy imposed under section 8 of this Bill shall be due
10 and payable within 60 days after the Federal Inland Revenue Service has
11 respectively served notice of the assessment on a company in a such a form as
12 the Federal Inland Revenue Service may, from time to time, determine;

13 (4) Where a levy imposed under section 8(2)(b) of this Bill is not paid
14 within the time specified in this section, the Federal Inland Revenue Service
15 shall serve on the company, a demand note for the unpaid tax plus a sum which
16 is equal to 5 percent of the levy.

17 (5) Any company, agency or organization that fails within two months
18 after a demand note, to pay the levy imposed under section 8 of this Bill has
19 been served on it, commits an offense and is liable on conviction to a fine of not
20 less than N2,000,000 or 20% of the levy (whichever is higher); and the Chief
21 Executive Officer of the company, agency or organization shall be liable to be
22 prosecuted and punished for the offense in like manner as if he/she had
23 himself/herself committed the offense, unless he/she proves that the act or
24 omission constituting the offense took place without his/her knowledge,
25 consent or connivance.

26 (6) The institution of proceeding or imposition of a penalty under this
27 Bill shall not relieve a company, agency or organization from liability to pay
28 the Federal Inland Revenue Service such levy or levies that may become due
29 under this Bill.

1 13.-(1) Except as otherwise provided in this Bill, any person or Offences
2 corporate body who contravenes or fails to comply with the provisions of
3 this Bill commits an offence.

4 (2) Where a body corporate fails to make payment within two
5 months of after a demand note for unpaid levy plus 5 percent of this levy has
6 been served on the body corporate, the body corporate commits an offence
7 under this Bill.

8 (3) Where an offence under this Bill is committed by a body
9 corporate or firm or other association of individuals:

10 (a) Every Chief Executive Officer of the body corporate or any
11 Officer acting in that capacity or on his/her behalf; and

12 (b) Every person purporting to act in any capacity mentioned under
13 paragraph (a) of this subsection commits an offence, unless he/she proves
14 that the act or omission constituting the offence took place without his
15 knowledge, consent or connivance.

16 (4) Where a person or body corporate fails to comply with the
17 guidelines and standards prescribed by the Council in the discharge of its
18 duties under this Bill, such person or body corporate commits an offence.

19 (5) The Council shall collaborate with the Standards Organization
20 of Nigeria and other relevant agencies to enforce the guidelines and
21 standards formulated by the Council in the discharge of its duties under the
22 Bill.

23 14.-(1) Except as otherwise provided in this Bill, a body corporate
24 or person who commits an offence under this Bill where no specific penalty
25 is provided, is liable on conviction:

26 (a) For a first time offence, to a fine of N500,000 or imprisonment
27 for a term of one year or to both such fine and imprisonment, and

28 (b) For a second and subsequent offence, to a fine of N1,300,000 or
29 to imprisonment for a term of 3 years or to both such fine and imprisonment.

30 (2) The institution of proceedings or imposition of a penalty under

Offences relating
to Corporate Bodies

1 this Bill shall not relieve a body corporate or person from liability to pay the
2 Federal Inland Revenue Service such levy or tax which may become due under
3 this Bill.

4 PART V - FINANCIAL AND RELATED PROVISIONS

Accounts of the
Council

5 15. The Council shall establish and maintain an account into which
6 shall be paid and credited:

7 (a) All subventions and budgetary allocations from the Federal
8 Government;

9 (b) Gifts, loans, grants-in-aid from national, bilateral and multilateral
10 organizations and agencies;

11 (c) Rents, fees and other internally generated revenues from services
12 provided by the Council; and

13 (d) All other sums accruing to the Council from time to time.

Expenditure of
the Board

14 16. The Council may, from time to time, apply the proceeds of the
15 Fund established under section 8 of this Act:

16 (a) To the cost of or Agricultural Research, Training and Extension.

17 (b) To the cost of administration of the Council;

18 (c) To the payment of the emoluments, allowances and benefits of
19 members of the Board and for reimbursing members of the Board or of any
20 committee set up by the Board and for such expenses as may be expressly
21 authorized by the Boards;

22 (d) To the payment of the salaries, fees or other remuneration or
23 allowances gratitudes ad pensions, and other benefits payable to the staff and
24 other employees of the Agency, so however that no payment of any kind under
25 this paragraph (except such as may be expressly authorized by the Board) shall
26 be made to any person who is in receipt of emoluments from the Government of
27 the Federation or of a State;

28 (e) For the development and maintenance of any property vested in or
29 owned by the Council;

30 (f) For maintaining general financial reserves subject to general or

1 special directive that may be given in that behalf by the Minister in
2 accordance with the provisions of this Act; and

3 (g) To any other expenditure in connection with all or any of its
4 functions under this Act.

5 17. -(1) The Council shall, not later than 30th September in each
6 year submit to the Minister an estimate of its income and expenditure
7 (including payments to the Council of the fund or next succeeding year);

Annual Estimates
and Accounts

8 (2) The Council shall keep proper accounts in respect of each year
9 and proper records in relation to those accounts and shall cause its accounts
10 to be audited within six months after the end of each year by auditors
11 appointed from the list in accordance with the guidelines supplied by the
12 Auditor General for the Federation.

13 18. The Council shall prepare and submit to the Minister, not later
14 than 30th June in each year, a report in such form as prescribed in this Bill on
15 the activities of the Agency during the immediately preceding year, and shall
16 include in the report a copy of the audited accounts of the Council for that
17 year and of the auditor's report thereon.

Annual Reports

18 19.-(1) The Council may accept gift of land, money or other
19 property on such terms and conditions, if any, as may be specified by the
20 person or organisation making the gift.

Power to accept
gifts

21 (2) The Council shall not accept any gift if the conditions attached
22 by the person or organisation making the gift are inconsistent with the
23 functions of the Council under this Bill.

24 20. The Council may, in accordance with the general authority of
25 the Minister, borrow such sums of money as the Council may require in the
26 exercise of its functions under this Bill or its subsidiary legislation.

Power to Borrow

27 21.-(1) The Council shall be exempted from the payment of
28 income tax on any income accruing from investments made by the Board or
29 otherwise howsoever;

Exemption from
Tax

30 (2) The provision of any enactment relating to the taxation of

1 companies or trust funds shall not apply to the Council or the Board.

2 PART VI - ESTABLISHMENT OF RESEARCH INSTITUTES

Power of the
Minister to
establish Research
Institutes

3 22.-(1) The Minister may, with the approval of the President, by order
4 published in the Gazette, establish research institutes, and the provisions of the
5 Third Schedule to this Act shall apply in relation to any institute so established.

Third Schedule

6 (2) An order establishing a research institute under this Act may
7 contain supplementary or incidental provisions, including provisions for:

8 (a) the designation of the institute;

9 (b) the matter or matters on which the institute is to conduct research,
10 including training and extension where appropriate;

11 (c) the transfer to the institute of the assets and liabilities of any
12 existing Federal research establishment;

13 (d) the establishment, constitution and proceeding of a governing
14 board to manage the affairs of the institute;

15 (e) a suitable association or other forms of relationship of the institute
16 with any university or institution of higher learning in Nigeria.

17 PART VII - ESTABLISHMENT OF FEDERAL COLLEGES OF AGRICULTURE

Establishment
of Federal Colleges
of Agriculture

18 23.-(1) The Minister may, with the approval of the President, by order
19 published in the Gazette, establish Federal Colleges of Agriculture under this
20 Act (in this Act referred to as "Colleges of Agriculture").

Fourth Schedule

21 (2) The Colleges of Agriculture specified in paragraph (1) of the
22 Fourth Schedule of this Act shall be deemed to have been established under this
23 Act.

24 (3) The provisions of paragraphs (2)-(10) of the Fourth Schedule of
25 this Bill shall apply in relation to any Federal College so established.

26 (4) The Colleges of Agriculture shall provide training for middle level
27 manpower for the agricultural sector.

28 (5) The statutory functions, rights, interests, obligations and liabilities
29 of the Colleges of Agriculture in subsection (2) of this section, existing before
30 the commencement of this Act under any contract or instrument, or in law or in

1 equity shall, by virtue of this Act, be deemed to have been assigned to and
2 vested in the Council established by this Act.

3 (6) Any such contract or instrument as is mentioned in subsection
4 (4) of this section shall be of the same force and effect against or in favour of
5 the Council established by this Act and shall be enforceable as fully and
6 effectively as if instead of the Colleges of Agriculture in subsection (2) of
7 this section existing before the commencement of this Act, the Council
8 established by this Act has been named therein or had been a party thereto.

9 (7) The Council established by this Act shall be subject to all the
10 obligations and liabilities to which the Colleges of Agriculture in subsection
11 (2) of this section existing before the commencement of this Act were
12 subject immediately before the commencement of this Act and all other
13 persons shall have the same rights, powers and remedies against the Council
14 established by this Act as they had against the Colleges of Agriculture
15 specified in subsection (2) of this section and existing before the
16 commencement of this Act.

17 (8) Any proceeding or cause of action pending or existing
18 immediately before the commencement of this Act, by or against the
19 Colleges of Agriculture specified in subsection (2) of this section and
20 existing before the commencement of this Act in respect of any right,
21 interest, obligation or liability of the Colleges of Agriculture specified in
22 subsection (2) of this section and existing before the commencement of this
23 Act may be continued or as the case may be commenced and any
24 determination of a court of law, tribunal or other authority or person may be
25 enforced by or against the Council established by this Act to the same extent
26 that such proceeding or cause of action or determination might have been
27 continued, commenced or enforced by or against the Colleges of Agriculture
28 specified in subsection (2) of this section and existing before the
29 Commencement of this Act.

30 (9) All assets, funds, resources and other movable or immovable

1 property which immediately before the commencement of this Act were vested
2 in the Colleges of Agriculture existing before the commencement of this Act
3 shall by virtue of this Act and without further assurance, be vested in the
4 Council established by this Act.

5 (10) Any person who immediately before the coming into force of this
6 Act is the holder of any office in any of the Colleges of Agriculture specified in
7 subsection (2) of this section and existing before the commencement of this Act
8 shall, on the commencement of this Act, continue in office and be deemed to
9 have been appointed to his office by the Council established by this Act unless
10 authority by which the person was appointed terminates the appointment."

11 PART VIII - MISCELLANEOUS PROVISIONS

Offices and
Premises

12 24.-(1) For the purpose of providing residential accommodation for
13 its staff and such offices and premises as may be considered necessary for the
14 performance of its functions under this Act, the Council may:

15 (a) purchase or take on lease any interest in land; and

16 (b) build, furnish, equip and maintain residential quarters, offices and
17 premises.

(Cap. L5.)

18 (2) Subject to the Land Use Act, the Council may, with the approval of
19 the Minister, sell or lease any residential quarters, land, offices or premises held
20 by it and no longer required for the performance of its functions.

Incorporation
of Spin-off
Companies and
Intellectual
Property Rights

21 25.-(1) The Council, Institutes and Colleges referred to in sections 22
22 and 23 of this Act and such other institutes and colleges as may be established
23 by order of the Minister pursuant to sections 22(1) and 27(1) of this Act, shall
24 have power, subject to regulations to be issued; from time to time, by the
25 Council to incorporate spin off companies or enter into public private
26 partnerships in the agricultural research system in Nigeria.

27 (2) The spin off companies or public private partnerships
28 incorporated or entered into pursuant to subsection (1) of this section shall be
29 charged with the responsibilities of providing the platform for the
30 commercialization, privatization and marketing of scientific, agricultural and

1 technological discoveries, innovations and findings of products developed
2 by the Council, Institutes and Colleges referred to in this Act.

3 (3) For the avoidance of doubt, the scientific, agricultural and
4 technological discoveries, innovations and findings of the Council,
5 Institutes and Colleges established under this Act shall have intellectual
6 property rights attached to them as prescribed and protected under the
7 Nigeria Copyright Commission Act 2004 and the National Office for
8 Technology Acquisition and Promotion Act 2004.

9 26. The Minister may the Council or the Executive Secretary such
10 directives of a general nature or relating generally to particular matters of
11 policy with regards to the exercise of its or his functions as he may consider
12 necessary and it shall be the duty of the Council or the Executive Secretary to
13 comply with the directives or cause them to be complied with.

Directives by
the Minister

14 27.-(1) Any research institute established for the agricultural
15 science sector under the National Agency for Science and Engineering
16 Infrastructure Act shall be deemed to be established under this Bill.

Saving or certain
Research Institutes

17 (2) Any research institute established for agricultural research
18 under the Nigerian Research Institutes Act 1964 and the Research Institutes
19 (Establishment, etc) Order 1975, shall each be deemed to be established
20 under this Bill.

[Cap. N3.]

21 (3) For the avoidance of doubt, the governing boards and councils
22 constituted under the Act and Order referred to in subsection (2) of this
23 section shall be deemed to have been dissolved and the staff of the Institutes
24 deemed to have transferred to the employment of the Council from the date
25 of their appointment by the respective Institutes.

26 (4) Accordingly, the Nigerian Research Institutes Act 1964 and the
27 Research Institutes (Establishment, etc.) Order 1975 are hereby
28 consequently repealed.

29 (5) The statutory functions, rights, interests, obligations and
30 liabilities of the repealed Institutes in subsection (4) of this section, existing

1 before the commencement of this Act under any contract or instrument, or in
2 law or in equity shall by virtue of this Act, be deemed to have been assigned to
3 and vested in the Council established by this Bill.

4 (6) Any such contract or instrument as is mentioned in subsection (5)
5 of this section shall be of the same force and effect against or in favour of the
6 Council established by this Act and shall be enforceable as fully and effectively
7 as if instead of the Institutes in subsection (4) of this section existing before the
8 commencement of this Act, the Council established by this Act has been named
9 therein or had been a party thereto.

10 (7) The Council established by this Bill shall be subject to all the
11 obligations and liabilities to which the Institutes in subsection (5) of this
12 section existing before the commencement of this Act was subject immediately
13 before the commencement of this Act and all other persons shall have the same
14 rights, powers and remedies against the Council established by this Act as they
15 had against the Institutes in subsection (5) of this section existing before the
16 commencement of this Bill.

17 (8) Any proceeding or cause of action pending or existing
18 immediately before the commencement of this Act, by or against the Institutes
19 in subsection (5) of this section existing before the commencement of this Act
20 in respect of any right, interest, obligation or liability of the Institutes in
21 subsection (5) of this section existing before the commencement of this Bill
22 may be continued or as the case may be commenced and any determination of a
23 court of law, tribunal or other authority or person may be enforced by or against
24 the Council established by this Bill to the same extent that such proceeding or
25 cause of action or determination might have been continued, commenced or
26 enforced by or against the Institutes in subsection (5) of this section existing
27 before the commencement of this Bill.

28 (9) All assets, funds, resources and other movable or immovable
29 property which immediately before the commencement of this Act were vested
30 in the Institutes existing before the commencement of this Act shall by virtue of

1 this Act and without further assurance, be vested in the Council established
2 by this Bill.

3 (10) Any person who immediately before the coming into force of
4 this Bill is the holder of any office in the Institutes in subsection (5) of this
5 section existing before the commencement of this Bill shall, on the
6 commencement of this Bill, continue in office and be deemed to have been
7 appointed to his office by the Council established by this Bill unless
8 authority by which the person was appointed terminates the appointment.

9 28.-(1) The National Centre for Agriculture Mechanization Act
10 1990 is hereby repealed.

Repeal and
Savings of
Cap. N13 LFN,
2004, etc.

11 (2) The National Centre for Agriculture Mechanization, the
12 National Centre for Genetic Resources and Bio-technology, the Federal
13 College of Co-operatives and the Federal College of Land Resources
14 Technology, respectively operational under the Departments of Co-
15 operatives and Agricultural Land Resources of the Ministry, shall be
16 deemed to be established under this Act.

17 (3) Accordingly, the provisions of section 23(4) - (9) of this Act
18 shall apply *mutantis mutandi* to the Centers and Colleges specified under
19 subsection (2) of this section with such modifications as are applicable."

20 29. The Council may make regulations as in its opinion are
21 necessary or expedient for giving full effect to the provisions of this Bill and
22 for the due administration of its provisions.

Regulations

23 30. In this Bill, unless the context otherwise requires:

Interpretation

24 "agricultural sciences" includes crop science, fisheries, forestry and
25 veterinary science;

26 "Board" means the Governing Board of the Council;

27 "chairman" means the chairman of the Board;

28 "Council" means the Agricultural Research Council of Nigeria established
29 under section 1 of this Act;

30 "Fund" means the National Agricultural Development Endowment Fund

1 established under section 8 of this Act;
2 "Executive Secretary" means the Executive Secretary appointed for the
3 Council under section 6 of this Act;
4 "member of the Board" includes the chairman;
5 "Minister" means the Minister charged with responsibility for Agriculture.

Short title

6 31. This Bill may be cited as the Agricultural Research Council of
7 Nigeria (Repeal and Re-enactment) Bill, 2019.

SCHEDULES

FIRST SCHEDULE

[Section 2 (2)]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

13 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the
14 Board may make standing orders regulating its proceedings and those of any of
15 its committees.

[Cap. 123.]

17 (2) The quorum of the Board shall be the Chairman or the member
18 presiding at the meeting and not less than one-third of all the members of the
19 Board and the quorum of any committee of the Board shall be determined by
20 the Board.

Meeting of the Board

22 2.-(1) The Board shall meet not less than three times in each year and
23 subject thereto, the Board shall meet whenever it is summoned by the
24 Chairman and if the Chairman is required to do so by notice given to him by not
25 less than one-third of all the members of the Board, he shall summon a meeting
26 of the Board to be held within fourteen days from the date on which the notice is
27 given.

28 (2) At any meeting of the Board, the Chairman shall preside but if he
29 is absent, the members present at the meeting shall appoint one of their number
30 to preside at that meeting.

1 (3) Where the Board desires to obtain the advice of any person on a
2 particular matter, the Board may co-opt him to the Board for such period as it
3 thinks fit; but a person who is in attendance by virtue of this sub-paragraph
4 shall not be entitled to vote at any meeting of the Board and shall not count
5 towards a quorum.

6 *Committees*

7 3.--(1) The Board may appoint one or more committees to carry out,
8 on behalf of the Board, such of its functions as the Board may determine.

9 (2) The Board shall appoint a standing Agricultural Scientific and
10 Technological Research Committee of the Board to be known as "the
11 Technical Committee" which shall be charged with the responsibility of
12 advising the Board and the Council on research and innovation matters;

13 (3) A committee appointed under this paragraph shall consist of
14 such number of persons (not necessarily members of the Board) as may be
15 determined by the Board and a person other than a member of the Board
16 shall hold office on the committee in accordance with the terms of his
17 appointment.

18 (4) A decision of a committee of the Board shall be of no effect until
19 it is confirmed by the Board.

20 *Miscellaneous*

21 4.--(1) The fixing of the seal of the Council shall be authenticated by
22 the signature of the Chairman, the Executive Secretary or of any other
23 person authorised generally or specifically to act for that purpose by the
24 Board.

25 (2) Any contract or instrument, which, if made or executed by a
26 person not being a body corporate, would not be required to be under seal
27 may be made or executed on behalf of the Council by the Chairman or any
28 person generally or specially authorised to act for the purpose by the Board.

29 (3) Any document purporting to be a document duly executed
30 under the seal of the Council shall be received in evidence and shall, unless

1 and until the contrary is proved, be presumed to be so executed.

2 *Validity of Proceedings*

3 5. The validity of any proceeding of the Board or of a committee
4 thereof shall not be adversely affected by any vacancy in the membership of the
5 Board or committee, or by any defect in the appointment of a member of the
6 Board or of a committee, or by reason that a person not entitled to do so took
7 part in the proceedings of the Board or committee.

8 SECOND SCHEDULE

9 *[Section 8(2)(b)]*

10 Businesses which section 8(2)(a) refers to:

- 11 (i) GSM Service Providers and Telecommunications companies;
12 (ii) Internet service and online companies;
13 (iii) Banks, Insurance and other Financial Institutions;
14 (iv) Agricultural inputs, produce and products companies;
15 (v) Healthcare, Food, Beverages, Entertainment, Catering, Hotel and
16 Hospitality companies;
17 (vi) Transport, Haulage, Shipping and Airline operators;
18 (vii) Breweries and Tobacco companies;
19 (viii) Building, Construction and Real estate companies;
20 (ix) Textile, Furniture, Landscaping, Decoration and Horticultural
21 companies;
22 (x) Media, Advertising and Publicity companies;
23 (xi) Merchandizing, Trading, Packaging and Courier companies.

24 THIRD SCHEDULE

25 *[Section 22(1).]*

26 PROVISIONS RELATING TO RESEARCH INSTITUTES

27 *Proceedings of the Board*

28 1.-(1) All references to "the governing board" in this Part of the Act
29 shall be construed as "the Council";

30 (2) For the avoidance of doubt, reference in this Part of this Act to "the

1 Council" means the Agricultural Research Council of Nigeria;

2 *Powers*

3 2.-(1) Subject to the provisions of this Act, each institute shall have
4 power to:

5 (a) prepare a programme of research within the field for which the
6 institute is responsible, under the approved master plan prepared by the
7 Council in pursuance of section 5 (b) of this Act, together with detailed
8 estimates of the expenditure which will be required for carrying out the
9 programme;

10 (b) review and, if necessary revise, each year the programme
11 approved under sub- paragraph (1) (a) of this paragraph for the following
12 year, together with the estimated budget for that year;

13 (c) carry out the programmes of research approved by the Council;

14 (d) make suitable arrangement for the application of the results of
15 the research work of the institute by Federal and State Ministries, agencies
16 and the private sector to development activities; and

17 (e) do anything and enter into any transaction which in its opinion
18 ought to be done in the proper discharge of its functions.

19 (2) Each institute shall, in particular, and without prejudice to the
20 generality of the foregoing power, have power to acquire and hold
21 immovable property.

22 (3) For the purpose of the Land Use Act, the purposes of an institute [Cap. L5.]
23 shall be public purposes of the Federation within the meaning of that Act.

24 *Director*

25 3.-(1) There shall be for each institute a Director to be appointed by
26 the Minister on the advice of the Council.

27 (2) The Director shall be:

28 (a) a person with wide experience of the matter with which the
29 institute is concerned;

30 (b) charged with the day to day management of the affairs of the

1 institute in accordance with such instruction as may from time to time be given
2 to him by the Governing Board of the institute; 311d

3 (c) appointed in accordance with the regulations and conditions of
4 service approved by the Council.

5 *Other staff*

6 4. The Board of each Institute may appoint such employees as are
7 deemed necessary for the proper discharge of the functions of the Institute
8 under this Act and pay such employees such remuneration and allowances as
9 are payable to persons of equivalent grades in the service of the Council.

10 *Fund*

11 5.-(1) Each Institute shall establish and maintain a fund from which
12 shall be defrayed all expenditures incurred by the institute or College.

13 (2) There shall be paid into the fund such sums as may be made
14 available to the Institute or college by the Council and such other assets as may
15 accrue to the Institute or college from time to time.

16 (3) The fund shall be managed in accordance with rules made by the
17 Federal Minister of Finance, and without prejudice to the generality of the
18 power to make rules conferred by this section, the rules shall include
19 provisions:

20 (a) specifying the manner in which the assets and the fund are to be
21 held and regulating the making of payments to and from the fund;

22 (b) requiring the keeping of proper accounts and records for the fund
23 in such form as may be specified by the rules;

24 (c) for ensuring that the accounts are audited annually by an auditor
25 approved by the Council.

26 *Annual Estimates and Accounts*

27 6.-(1) Each Institute shall prepare and submit its programme and
28 estimated budget and any annual revision for approval by the Council;

29 (2) Each Institute shall keep proper accounts in respect of each year
30 and proper records in relation to those accounts and shall cause its accounts to

1 be audited within six months after the end of each year by auditors appointed
2 from the list in accordance with the guidelines supplied by the Auditor
3 General for the Federation, through the Council.

4 *Annual Report*

5 7. The Board of each of Institute shall prepare and submit to the
6 Council not later than 30th June in each year a report in such form as
7 prescribed in this Bill on the activities of the Institute or College during the
8 immediate preceding year, and shall include in the report a copy of the
9 audited accounts of the Institute or College for that year and of the auditor's
10 report thereon.

11 *Power to Borrow Money*

12 8. Each Institute may borrow or lend money only with the
13 approval of the Council.

14 FOURTH SCHEDULE

15 *[Section 23(2) and (3)]*

16 PROVISIONS RELATING TO FEDERAL COLLEGES OF AGRICULTURE

17 1. List of Federal Colleges Agriculture.

18 S/NO. NAME OF COLLEGE

19 1. Federal College of Agriculture Akure, Ondo State.

20 2. Federal College of Agriculture Ibadan, Oyo State.

21 3. Federal College of Agriculture Ishiagu, Ebonyi State.

22 4. Federal College of Animal Health and Production Technology,
23 Ibadan, Oyo State.

24 5. Federal College of Animal Health and Production Technology,
25 Vom, Plateau State.

26 6. Federal College of Freshwaters Fisheries Technology, New
27 Bussa, Niger State.

28 7. Federal College of Freshwaters Fisheries Technology, New
29 Baga, Borno State.

30 8. Federal College of Fisheries and Marine Technology, Lagos,

1 Lagos State.

2 9. Federal College of Veterinary and Medical Laboratory
3 Technology, Vom, Plateau State.

4 10. Federal College of Agricultural Produce Technology, Kano,
5 Kano State.

6 11. Federal College of Horticulture, Dad in Kowa, Gombe State.

7 12. Federal Co-operative College, Ibadan.

8 13. Federal Co-operative College, Kaduna

9 14. Federal Co-operative College, Oji River.

10 15. Federal College of Land Resources Technology, Owerri.

11 16. Federal College of Land Resources Technology, Kuru-Jos.

12 *Proceedings of the Board*

13 2.-(1) All references to "the governing board" in this Part of the Act
14 shall be construed as "the Council;

15 (2) For the avoidance of doubt, reference in this Part of this Act to "the
16 Council" means the Agricultural Research Council of Nigeria;

17 *Powers*

18 3.-(1) Subject to the provisions of this Act, each College shall have
19 power to:

20 (a) provide full-time courses in teaching, instruction and training in
21 agricultural production and distribution and for research in the development
22 and adaptation of techniques in the agricultural sector;

23 (b) prepare a programme of academic training, for middle level
24 manpower for the agricultural sector, within the field for which the College is
25 responsible, under the approved master plan prepared by the Council in
26 pursuance of section 5 (b) of this Act, together with detailed estimates of the
27 expenditure which will be required for carrying out the programme;

28 (c) review and, if necessary revise, each year the programme
29 approved under sub- paragraph (1) (a) of this paragraph for the following year,
30 together with the estimated budget for that year;

1 (d) carry out the programmes of academic training approved by the
2 Council;

3 (e) make suitable arrangement for extension services to Federal
4 and State Ministries, agencies and the private sector;

5 (f) to arrange conference, seminars and workshops relative to
6 agricultural training and extension; and

7 (h) do anything and enter into any transaction which in its opinion
8 ought to be done in the proper discharge of its functions.

9 (2) Each College shall, in particular, and without prejudice to the
10 generality of the foregoing power, have power to acquire and hold
11 immovable property.

12 (3) For the purpose of the Land Use Act, the purposes of a College
13 shall be public purposes of the Federation within the meaning of that Act.

14 *Provost*

15 3.-(1) There shall be a Provost for each College to be appointed by
16 the Minister on the advice of the Council.

17 (2) The Provost shall be:

18 (a) a person with relevant qualification and wide experience of the
19 matter with which the College is concerned;

20 (b) charged with the day to day management of the affairs of the
21 College in accordance with such instruction as may from time to time be
22 given to him by the Governing Board of the institute; and

23 (c) appointed in accordance with the regulations and conditions of
24 service approved by the Council.

25 *Other staff*

26 4. The Board of each College may appoint such employees as are
27 deemed necessary for the proper discharge of the functions of the College
28 under this Act and pay such employees such remuneration and allowances as
29 are payable to persons of equivalent grades in the service of the Council.

1 *Fund*

2 5.-(1) Each College shall establish and maintain a fund from which
3 shall be defrayed all expenditures incurred by the College.

4 (2) There shall be paid into the fund such sums as may be made
5 available to the College by the Council and such other assets as may accrue to
6 the College from time to time.

7 (3) The fund shall be managed in accordance with rules made by the
8 Federal Minister of Finance, and without prejudice to the generality of the
9 power to make rules conferred by this section, the rules shall include
10 provisions:

11 (a) specifying the manner in which the assets and the fund are to be
12 held and regulating the making of payments to and from the fund;

13 (b) requiring the keeping of proper accounts and records for the fund
14 in such form as may be specified by the rules;

15 (c) for ensuring that the accounts are audited annually by an auditor
16 approved by the Council.

17 *Annual Estimates and Accounts*

18 6.-(1) Each College shall prepare and submit its programme and
19 estimated budget and any annual revision for approval by the Council;

20 (2) Each College shall keep proper accounts in respect of each year
21 and proper records in relation to those accounts and shall cause its accounts to
22 be audited within six months after the end of each year by auditors appointed
23 from the list in accordance with the guidelines supplied by the Auditor General
24 for the Federation, through the Council.

25 *Annual Report*

26 7. The Board of each of College shall prepare and submit to the
27 Council not later than 30th June in each year a report in such form as prescribed
28 in this Bill on the activities of the College during the immediate preceding year,
29 and shall include in the report a copy of the audited accounts of the College for
30 that year and of the auditor's report thereon.

1 *Power to Borrow Money*

2 8. Each College may borrow or lend money only with the approval
3 of the Council.

EXPLANATORY MEMORANDUM

*(This note does not form part of the above Bill but is intended to
explain its purport)*

The Bill seeks to amend the Agricultural Research Council of Nigeria Act 1990 to, among other things, provide for the:

1.-(a) Reconstitution of the membership of the Board of the Council;

(b) Appointment of Deputy Executive Secretaries and Assistant Executive Secretaries;

(c) Conditions of service of staff to be as applicable in the universities;

(d) Powers of the Council to advise the Vice Chancellors on the appointment of Directors of agricultural research institutes established under university statutes;

(e) Establishment of the National Agricultural Development Extension Fund for the funding of agricultural research, training and extension;

(f) Establishment of Federal Colleges of Agriculture under the Act and placing them under the control of the Council;

(g) Powers of the Institutes and Colleges, in compliance with guidelines set by the Council, to incorporate spin off companies and enter into public private partnerships, and invest intellectual property rights on such companies and partnerships;

(h) Establishment of the National Centre for Agriculture Mechanization, National Centre for Genetic Resources and Bio-technology, Federal Colleges of Co-operatives and Federal Colleges of Land Resources Technology under the Act and placing them under the control of the Council;

(i) Dissolution of the governing boards of all the Research Institutes established under the Act and for the Board of the Council to exercise control and powers over all the research institutes so established; and

(j) Repeal of the National Agricultural Research Institutes Act 1964 and the Research Institutes (Establishment, etc.) Order 1975 and the transfer of staff of the Institutes to the Council.

(2) The provisions relating to the Board of the Council shall mutantismutandi, apply to all the Research Institutes and Federal Colleges so established.