

# A BILL

## FOR

AN ACT TO ESTABLISH THE NATIONAL AGENCY FOR FOOD TECHNOLOGY  
DEVELOPMENT; AND FOR RELATED MATTERS

*Sponsored by Hon. Chinedu Nweke Ogah*

[ ] Commencement

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

1 PART I - ESTABLISHMENT OF THE AGENCY

2 1.-(1) There is established a body to be known as National Agency Establishment  
3 for Food Technology Development (hereinafter in this Bill referred to as of the Agency  
4 "the Agency").

5 (2) The Agency shall be a body corporate with perpetual  
6 succession and a common seal and may sue and be sued in its corporate  
7 name.

8 PART II - COMPOSITION OF THE GOVERNING BOARD, POWERS  
9 AND FUNCTIONS

10 2.-(1) There is established for the Agency a Governing Board (in Establishment  
11 this Bill referred to as "the Board", which shall have overall control of tile and membership  
12 Agency. of the Governing  
Board

13 (2) The board shall consist of:

14 (a) A Chairman;

15 (b) A representative of each of:

16 (i) The Federal Ministry of Science & Technology;

17 (ii) The Ministry of Agriculture;

18 (iii) The Federal Ministry of Education;

19 (iv) The Standards Organisation of Nigeria;

20 (v) The Nigerian Institute of Food Science and Technology;

21 (vi) The Nigerian Society of Engineers;

1 (c) Two persons with cognate experience in Food Technology to  
2 represent the Academic Staff Union of Universities, and the Academic Staff  
3 Union of Polytechnics;

4 (e) Six persons who are experts in the area of Food Technology  
5 appointed by the President from each of the six geo-political zones of Nigeria;  
6 and

7 (f) The Director-General of the Agency, who shall be the Secretary of  
8 the Board.

9 (3) The Chairman and members of the Board, other than the ex -  
10 officio members, shall be appointed by the President on the recommendation  
11 of the Minister.

12 (4) The supplementary provisions set out in the First Schedule to this  
13 Bill shall have effect with respect to the proceedings of the Board and the other  
14 matters mentioned herein.

Tenure of Office

15 **3.** The Chairman and other members of the Board, other than ex -  
16 officio members shall each hold office:

17 (a) For a term of 4 years in the first instance and may be reappointed  
18 for a further term of 4 years and no more; and

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

Cessation of  
membership

21 **4.-(1)** notwithstanding the provision of section 3 of this Bill, a  
22 member of the Board shall cease to hold office if:

23 (a) He resigns his appointment as a member of the Board by notice,  
24 under his hand, addressed to the President;

25 (b) He becomes unsound of mind;

26 (c) He becomes bankrupt or makes compromise with his creditors;

27 (d) He is convicted of a felony or of any offence involving dishonesty  
28 or corruption;

29 (e) He becomes incapable of carrying out the functions of his office,  
30 either arising from an infirmity of the mind or of the body; or

1 (f) The President is satisfied that it is not in the interest of the  
2 Agency or of the public for the person to continue in office and notifies the  
3 member in writing to that effect.

4 (2) When a vacancy occurs in the membership of the Board, it shall  
5 be filled by the appointment of a successor to hold office for the remainder of  
6 the term of office of his predecessor provided that the successor shall  
7 represent the same interest as his predecessor.

8 5. The Chairman and members of the Board shall be paid such  
9 emoluments, allowances and benefits the Federal Government may, from  
10 time to time, direct.

Emoluments, etc.  
of members

11 6. The Agency shall:

Functions of the  
Agency

12 (a) Create a frame work for the planning, research, development,  
13 standardization, application, coordination, monitoring, evaluation and  
14 regulation of Food Technology practices, activities and systems in Nigeria  
15 and all matters related thereto and for that purpose, and which without  
16 detracting from the generality of the foregoing shall include providing  
17 universal access for food processing technologies in rural, urban and under-  
18 served areas;

19 (b) Provide guidelines to facilitate the establishment and  
20 maintenance of appropriate facilities for food technology and development  
21 in Nigeria for public and private sectors, urban-rural development, the  
22 economy and the government;

23 (c) Develop guidelines for post-harvest handling practices,  
24 processing and nutrition technologies using indigenous raw materials  
25 suitable for adoption by farmers, cottage, small, medium and large scale  
26 food processors;

27 (d) Develop guidelines for the networking of public and private  
28 sector establishment in food production;

29 (e) Develop guidelines for the standardization and certification of

- 1 Food Science and Technology, its application and delivery Systems in Nigeria;
- 2 (f) Render advisory services in all food technology matters to the
- 3 public and private sectors;
- 4 (g) Create incentives to promote the use of technology in food
- 5 production in Nigeria including the setting up of food technology parks;
- 6 (h) Introduce appropriate regulatory policies and incentives to
- 7 encourage private sector investment in the food technology industry;
- 8 (i) Collaborate with any local or state Government, company, firm, or
- 9 person in any activity, which in the opinion of the agency is intended to
- 10 facilitate the attainment of the objective of this Bill;
- 11 (j) Determine critical areas in Food Technology requiring research
- 12 intervention and Development in those areas;
- 13 (k) Advise the Government on ways of promoting the development of
- 14 food technology in Nigeria including introducing appropriate legislation to
- 15 enhance food security and vibrancy of the industry;
- 16 (l) Perform such other duties, which in the opinion of the Agency are
- 17 necessary or expedient to ensure the efficient performance of the functions of
- 18 the Agency under this Bill.

Powers of the  
Board

- 19 **7.** The Board shall have power to:
- 20 (a) Formulate overall policy for the management of the affairs of the
- 21 Agency;
- 22 (b) Appoint, promote, terminate, dismiss and exercise disciplinary
- 23 control over the principal officers and senior staff of the Agency;
- 24 (c) Structure the Agency into such number of departments as it deems
- 25 fit for the effective discharge of the functions of the Agency; and
- 26 (d) Exercise such powers as are necessary of expedient for giving
- 27 effect to the provision of this Bill.

28 **PART III - STAFF AND STRUCTURE OF THE AGENCY**

Director General,  
Secretary and other  
staff of the Agency

- 29 **8.**-(1) There shall be for the Agency a Director General who shall:
- 30 (a) Be appointed by the President;

- 1 (b) Be the chief executive and accounting officer of the Agency;
- 2 (c) Be responsible for the execution of policy and the day to day  
3 administration of the affairs of the Agency; and
- 4 (d) Perform such other duties as the Board may, from time to time,  
5 assign to him.
- 6 (2) The Director General shall hold office for a term of 4 years in  
7 the first instance and may be re-appointed for a further term of 4 years and no  
8 more and on such terms and conditions as may be specified in his letter of  
9 appointment.
- 10 (3) The Agency may subject to the approval of the Board, appoint  
11 such other staff as it may deem necessary and expedient, from time to time,  
12 for the proper and efficient performance of the function of the Agency.
- 13 (4) The terms and conditions of service including remuneration,  
14 allowances, benefits and pensions of the staff and employees of the Agency  
15 shall be determined by the Board in such a manner as to attract and retain  
16 quality and high calibre manpower.
- 17 (5) The Board shall consider and in consultation with the National  
18 Income and Wages Commission determine and review from time to time the  
19 remunerations and allowances payable to the Agency's staff.
- 20 **9.**-(1) Service in the Agency shall be approved service for the  
21 purpose of the Pensions Act, and accordingly, officers and employees of the  
22 Agency shall be entitled to pensions, gratuities and other retirement benefit  
23 prescribed under the Pension Act.
- 24 (2) Without prejudice to the provisions in subsection (1) of this  
25 section, nothing in this Bill shall prevent the appointment of a person to any  
26 office ad conditions which preclude the grant of a pension, gratuity or other  
27 retirement benefits in respect of that office.
- 28 (3) For the purpose of the application of the provisions of the  
29 Pensions Act, any power exercisable by a Minister of other authority of the  
30 Federal Government, other than the power to make regulations under

1 section 23 thereof, is hereby vested in and shall be exercisable by the Board and  
2 not by any other person or authority.

Staff Regulations

3 **10.**-(1) Subject to the provisions of this Bill, the Agency may make  
4 staff regulations relating generally to the conditions of service of the staff and  
5 without prejudice to the generality of the foregoing, such regulations may  
6 provide for:

7 (a) The appointment, promotion, termination, dismissal and  
8 disciplinary control of staff or employees of the Agency; and

9 (b) Appeals by staff or employees against dismissal or other  
10 disciplinary measures and until such regulations are made any instrument  
11 relating to conditions of service in the Public Service of the Federation shall be  
12 applicable, with such modifications as may be necessary, to the employees of  
13 the Agency.

14 (2) The staff regulations made under subsection (1) of this section  
15 shall not have effect until approved by the Board, and when so approved the  
16 Agency shall cause a notice of the staff regulations to be issued to all affected  
17 staff in such manner as it may, from time to time, determine.

Removal from  
the office of the  
Director General

18 **11.**-(1) Notwithstanding the provisions of Section 8 of this Bill, the  
19 Director General of the Agency may, at any time, be removed from office by  
20 the President, on recommendation of the Minister, for inability to discharge the  
21 functions of his office (whether arising from infirmity of mind or body or any  
22 other cause) or for misconduct.

23 (2) The Director General of the Agency may resign his appointment  
24 by a notice in writing under his hand, addressed to the President, through the  
25 Minister, and shall on the date of the receipt of the notice by the President cease  
26 to hold the office of the Director General.

Secrecy

27 **12.**-(1) A member of the Board or the Executive Secretary or any other  
28 officer or employee of the Agency shall:

29 (a) not for his personal gain, make use of any information which has  
30 come to his knowledge in the exercise of his powers or is obtained by him in the

1 ordinary course of his duty as a member of the Board or as the Executive  
2 Secretary, officer or employee of the Agency;

3 (b) treat as confidential any information which has come to his  
4 knowledge in the exercise of his powers or is obtained by him in the  
5 performance of his duties under this Act; and

6 (2) Any person who contravenes the provisions of subsection (1) of  
7 this section commits an offence and is liable on conviction to a fine not less  
8 than N50,000 or imprisonment for a term not exceeding two years or to both  
9 such fine and imprisonment.

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

13 **14.**-(1) The Director-General of the Agency shall keep proper Accounts and  
14 records of the accounts, funds, sources and use of the monies and assets of report of the  
15 the Agency and shall render accounts to the Board, from time to time. Agency

16 (2) The account of the Agency shall be audited not later than 3  
17 months after the end of the year to which it relates by auditors appointed by  
18 the Board from the list and in accordance with the guidelines supplied by the  
19 Auditor General for the Federation.

#### 20 PART IV - FOOD TECHNOLOGY PARKS

21 **15.**-(1) Subject to this Bill, the Minister shall by Order, designate Food Technology  
22 and facilitate the establishment of Food Technology Parks (in this Act Parks  
23 referred to as "the Park" all over the country.

24 (2) Upon application made in that behalf by the Minister, through  
25 the Board charged with responsibility for matters relating to Commerce, the  
26 President may by Order designate the Parks as Free Zones and may specify  
27 in the Order such incentives and/or tax holidays that enterprises engaged in  
28 the Parks may enjoy.

#### 29 PART V - FINANCIAL PROVISIONS

30 **16.**-(1) The Agency shall establish and maintain a fund into which Funds of the  
Agency

- 1 shall be paid and credited:
- 2 (a) a take-off grant from the Federal Government;
- 3 (b) annual subvention from the Federal Government;
- 4 (c) such counter-part funding as may be provided, from time to time,
- 5 by a State or Local Government;
- 6 (d) gifts, loans and grants-in-aid from national, bilateral and
- 7 multilateral organisations and agencies;
- 8 (e) rents, fees and other internally generated revenues from services
- 9 provided by the Agency; and
- 10 (f) all other sums accruing to the Agency, from time to time.
- 11 **17.** The Agency may, from time to time, apply the proceeds of the
- 12 Fund:
- 13 (a) To the cost of administration of the Agency;
- 14 (b) To the payment of the emoluments, allowances and benefits of
- 15 members of the Board and for reimbursing members of the Board or of any
- 16 committee set up by the Board and for such expenses as may be expressly
- 17 authorized by the Boards;
- 18 (c) To the payment of the salaries, fees or other remuneration or
- 19 allowances gratuity and pensions, and other benefits payable to the staff and
- 20 other employees of the Agency, so however that no payment of any kind under
- 21 this paragraph (except such as may be expressly authorized by the Board) shall
- 22 be made to any person who is in receipt of emoluments from the Government of
- 23 the Federation or of a State;
- 24 (d) For the development and maintenance of any property vested in or
- 25 owned by the Agency;
- 26 (e) For maintaining general financial reserves subject to general or
- 27 special directive that may be given in that behalf by the Minister in accordance
- 28 with the provisions of this Act; and
- 29 (f) To any other expenditure in connection with all or any of its
- 30 functions under this Bill.

Expenditure of  
the Agency



1 (3) Proceeds from the Funds established under Section 12 (c) shall  
2 be remitted to the Treasury of the Federal Government.

3 18.-(1) The Agency shall, not later than 30th September in each  
4 year submit to the Minister an estimate of its expenditure and income  
5 (including payments to the Agency of the fund for next succeeding year);

Annual Estimates  
and Accounts

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

11 19.-(1) The Agency shall prepare and submit to the Minister not  
12 later than 30th June in each year a report in such form as prescribed in this  
13 Bill on the activities of the Agency during the immediately preceding year,  
14 and shall include in the report a copy of the audited accounts of the Agency  
15 for that year and of the auditor's report thereon.

Annual Reports

16 20.-(1) The Agency may accept gift of land, money or other  
17 property on such terms and conditions, if any, as may be specified by the  
18 person or organisation making the gift.

Power to accept  
gifts

19 (2) The Agency shall not accept any gift if the conditions attached  
20 by the person organisation making the gift are inconsistent with the  
21 functions of the Agency under this Bill.

22 21. The Agency may, in accordance with the general authority of  
23 the Minister, borrow such sums of money as the Agency may require in the  
24 exercise of its functions under this Bill or its subsidiary legislation.

Power to borrow

25 22.-(1) The Agency shall be exempted from the payment of income  
26 tax on any income accruing from investments made by the Board or  
27 otherwise howsoever.

Exemption from  
tax

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

## 1 PART VI - LEGAL PROCEEDINGS

Limitation of  
suits against  
the Agency

2 23.-(1) Subject to the provisions of this Bill the provisions of the  
3 Public Officers Protection Act shall apply in relation to any suit instituted  
4 against any member or officer or employee of the Agency.

5 (2) Notwithstanding anything contained in any other law or  
6 enactment, no suit against a member of the Board, Director General or any  
7 other officer or employee of the Board for any act done in pursuance or  
8 execution of this Bill or any other law or enactment, or of any public duties or  
9 authority or in respect of any alleged neglect or default in the execution of this  
10 Act or any other law or enactment, duties or authority, shall lie or be instituted  
11 in any court unless it is commenced:

12 (a) Within three months next after the act, neglect or default  
13 complained of; or

14 (b) In the case of a continuation of damage or injury, within six  
15 months after the ceasing thereof.

16 (3) No suit shall be commenced against a member of the Board, the  
17 Director General or any other officer or employee of the Agency before  
18 expiration of a period of one month after written notice of the intension to  
19 commence the suit shall have been served on the Agency by the intending  
20 plaintiff or his agent.

21 (4) The notice referred to in subsection (3) of this section shall clearly  
22 and explicitly state:

23 (a) The cause of action;

24 (b) The particulars of the claim;

25 (c) The name and place of abode of the intending plaintiff; and

26 (d) The relief which he claims.

Service of  
Documents

27 24. A notice, summons or other document required or authorized to  
28 be served on the Agency under the provisions of this Bill or any other law or  
29 enactment may be served by delivering it to the Director General or by sending

1 it by registered post addressed to the Director General at the principal office  
2 of the agency.

3 **25.**-(1) In any action or suit against the Agency, no execution or  
4 attachment of process in the nature thereof shall be issued against the  
5 Agency unless not less than three months' notice of the intention to execute  
6 or attach has been given to the Agency. Restriction on  
execution against  
property of the  
Agency

7 (2) Any sum of money which by the judgment of any court has  
8 been awarded against the Agency shall, subject to any direction given by  
9 court, where no notice of appeal against the judgement has been given, be  
10 paid from the fund of the Agency.

11 **26.** A member of the Board, the Director General or any officer or Indemnity  
12 employee of the Agency shall be indemnified out of the assets of the Agency  
13 against any liability incurred by him in defending any proceeding, whether  
14 civil or criminal, if the proceeding is brought against him in his capacity as a  
15 member, Director General, officer or employee of the Agency.

16 **PART VIII - MISCELLANEOUS**

17 **27.** The Minister may give the Director General such directives of Directives by  
the Minister  
18 a general nature or relating generally to matters of policy with regards to  
19 the exercise of its of his functions as he may consider necessary and it shall be  
20 the duty of the Agency or the Director General to comply with the directives  
21 or cause them to be complied with.

22 **28.** The Board may make such regulations as in its opinion are Regulations by  
the Board  
23 necessary or expedient for giving full effect to the provisions of the Bill and  
24 for the due administration of its provision.

25 **29.** In this Bill: Interpretation  
26 "Agency" means the National Food Technology Development Agency  
27 established under Section I of this Bill;  
28 "Board" means Governing Board of the Agency established under this Bill;  
29 "Chairman" means the Chairman of Governing Board of the Agency;  
30 "Director General" means the Director General of the Agency appointed

1 under Section 8 of this Bill;  
2 "Government" means the Federal Government of Nigeria;  
3 "Food Technology" encompasses all forms of technology which deals with the  
4 techniques and principles involved in processing and preserving food and food  
5 substances;  
6 "Minister" means the Minister charged with the responsibility of matters  
7 relating to agriculture;  
8 "President" means the President of the Federal Republic of Nigeria;  
9 "Junior Staff" means officers of the Agency on Salary Grade Level 01 to 06 in  
10 accordance with the Federal Government Public Service Salary Structure;  
11 "member" means a member of the National Agency for the Development of  
12 Food Technology and includes the Chairman;  
13 "Senior Staff" means officers of the Agency on Salary Grade Level 07 and  
14 above in accordance with the Federal Government Public Service Salary  
15 Structure;  
16 "Food Technology Park" means a park designed to foster the creation of  
17 innovative technologies related to food and agriculture.

Short title

18 **30.** This Bill may be cited as the National Food Technology  
19 Development Agency Bill, 2020.

## SCHEDULE

## FIRST SCHEDULE

## SUPPLEMENTARY PROVISION RELATING TO THE BOARD, ETC.

*Proceedings of the Board*

24 (1) When a vote is ordered, to have a second or casting vote, the Board  
25 may make standing orders regulating its proceedings or that of any of its  
26 committees.

27 (2) At every meeting the Board, the Chairman shall preside and in his  
28 absence the members present at the meeting shall appoint one of their numbers  
29 to preside at the meeting.

30 (3) The quorum at a meeting of the Board shall be not less than one-

1 third of the total number of the Board members at the date of the meeting.

2 (4) The Board shall for the purpose of this Bill, meet not less than  
3 four times each year and subject, thereto, the Board shall meet whenever it is  
4 summoned by the Chairman, and if require to do so by notice given to him by  
5 not less than 113 of members, he shall summon a meeting of the board to be  
6 held within fourteen days from the date in which the notice is given.

7 (5) When the Board desires to obtain the advice of any person on  
8 any particular matter, the board may co-opt him to the board for such period  
9 as it thinks fit, but a person who is a member by virtue of this paragraph shall  
10 not be permitted to vote at any meeting of the board and shall not count  
11 towards a quorum.

12 *Committees*

13 (6) (1) Subject to its standing orders, the board may appoint such  
14 number of standing or ad hoc committees as it thinks fit to consider and  
15 report on any matter with which the Board is concerned.

16 (2) A Committee appointed under this paragraph shall:

17 (a) Consist of such number of persons (not necessarily members of  
18 the Board as may be determined by the Board) and a person, other than a  
19 member of the Board, shall hold office on the committee in accordance with  
20 the terms of his appointment; and

21 (b) Be presided over by a member of the Board.

22 (3) The quorum of any committee set up by the Board shall be its  
23 quorum as provided under Section 3 of this Schedule.

24 (4) The decision of any committee of the Board shall constitute a  
25 recommendation to the Board.

26 *Miscellaneous*

27 (7) The fixing of the Seal of the Agency shall be authenticated by  
28 the signature of the Chairman or any other person generally or specifically  
29 authorised by the Board to act for that purpose and that of the Director  
30 General.

1           (8) Any contract of instrument which if made by a person not being a  
2 body corporate, would not be required to be under seal may be made or  
3 executed on behalf of the Board by the Director General or any other person  
4 generally or specifically authorized by the Board to act for that purpose.

5           (9) Any document purporting to be contract, instrument or document  
6 duly signed or sealed on behalf of the Agency shall be received in evidence and  
7 shall, unless the contrary is proved, be presumed without further proof to have  
8 been signed or sealed.

9           (10) The validity of any proceedings of the Board or any of its  
10 committees shall not be affected by:

11           (a) Any vacancy in the membership of the Board, or committee; or

12           (b) Any defect in the appointment of a member of the Board of  
13 committee; or

14           (c) Reason that any person not entitled to do so took part in the  
15 proceedings of the Board or committee.

16           (11) A member of the Board of a committee who has a personal  
17 interest in any contract or arrangement entered into or proposed to be  
18 considered by the Board or committee shall forthwith disclose his interest to  
19 the Board or committee and shall not vote on any question relating to the  
20 contract or arrangement.

21           (12) No member of the Board shall be personally liable for any act or  
22 omission done or made in good faith while engaged in the business of the  
23 Board.

#### EXPLANATORY MEMORANDUM

This Bill seeks to formally establish the National Agency for the Development of Food Technology, (NADFT) and to set up other high powered intervention to coordinate the implementation of programmes for the advancement of food processing technologies in Nigeria.