

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL SHEA DEVELOPMENT COUNCIL PROVIDE GUIDANCE ON THE ENTIRE SHEA SECTOR BY ESTABLISHING SHEA RESEARCH INSTITUTE, FOR THE RESTORATION OF THE SHEA TREE PARKLANDS ACROSS THE SHEA BELT, FOR VALUE ADDITION AND TO CREATE JOBS IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Saidu Musa Abdullahi

[] Commencement

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

- 1 **1.**-(1) The Bill proposes the establishment of a body to be known as Establishment
 - 2 the National Shea Development Council (Referred to as "the Council") of the National
 - 3 which shall have the functions to be assigned to it by this Bill. Shea Development
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- 2.**-(1) The Council shall consist of a Chairman to be appointed by Membership of
 - the President, on the recommendation of the Minister of Agriculture and the Council
 - Rural Development and the following other members to be appointed by the
 - Minister on the recommendation of the bodies which they represent, that is:
 - (a) Representative of the Shea Related Associations;
 - (b) Representative of the Shea Trade Clusters;
 - (c) Representative of the Shea Advocacy CSOs;
 - (d) Representative of the Existing Shea Research Institutions
 - (FRIN and NIFOR);
 - (e) Representative of the Central Bank of Nigeria;
 - (f) Representative of the Federal Ministry of Environment;
 - (g) Representative of the Federal Ministry of Agriculture, Water

1 Resources and Rural Development;
2 (h) Representative of the Federal Ministry of Industry, Trade and
3 Investment;
4 (i) Representative of the Federal Ministry of Women Affairs; and
5 (j) Executive Secretary of the Council.

6 (2) The supplementary provisions contained in the Schedule to this
7 Act shall have effect on the proceedings of the Council and the other matters
8 contained therein.

Functions of
the Council

9 **3.** The functions of the Council shall be to:

10 (a) Draw policy guidelines and programmes on the Shea sector
11 development;

12 (b) Develop Shea parklands and monitor landscape restoration across
13 the Shea belt in the country;

14 (c) Establish a dedicated Shea Research Institute for Shea research
15 and development;

16 (d) Advise on the adaptation of machinery and processes for the Shea
17 value-chain;

18 (e) Domesticate the entire Shea value chain by encouraging and
19 enforcing pre-export Shea value addition to create jobs.

20 (g) Support rural Shea women dusters in Nigeria;

21 (h) Consider and advise on any other matter which is aimed at
22 enhancing the objectives of the Council.

Tenure of office
of the Chairman
and members of
the Council

23 **4.-(i)** The Chairman and members of the Council other than ex officio
24 members shall each hold office for a single term of five years, not subject to
25 renewal;

26 (ii) Without prejudice to subsection (i) of this section the Minister
27 may appoint from among the members any person to act as the Chairman
28 during the absence or temporary incapacitation by illness or otherwise of the
29 Chairman and the person so appointed shall, while the appointment subsists,
30 have the same powers as exercised by the Chairman.

- 1 **5.**-(i) There shall be appointed by the Minister, an Executive Secretariat and
2 Secretary who shall be the chief Executive of the Council and shall be other officers of
3 responsible to the Council and the Chairman for the day-to-day the Council
4 administration of the Council;
- 5 (ii) There may be appointed from time to time by the Council, such
6 other staff as may be required for the purpose of the efficient performance of
7 the functions of the Council and the staff appointed under this section shall
8 be paid by the Council such remuneration and allowances as are payable to
9 persons of equivalent grades in the public service of the Federation;
- 10 (iii) The Secretariat of the Council shall be located in the Federal
11 Capital Territory, Abuja.
- 12 **6.**-(i) The Council shall establish and maintain a fund which shall Funding of the
13 be applied towards the promotion of the objectives for which the Council is Council
14 established;
- 15 (ii) There shall be paid and credited to the fund the following:
- 16 (a) Fifty per cent surcharge on all Shea products imports;
- 17 (b) Fees charged for services rendered by the Council;
- 18 (c) The sums appropriated by the National Assembly for running of
19 the council;
- 20 (d) Contributions from investors and the organized private sector;
- 21 and
- 22 (iii) All sums accruing to the Council by way of gifts, testamentary
23 disposition and endowments or contributions from philanthropic
24 organizations or persons.
- 25 (iv) Regulations shall be made for Council:
- 26 (a) Specifying the manner in which assets or the funds of the
27 Council are to be held, and regulating the marking of payment into and out of
28 the fund; and
- 29 (b) Requiring the keeping of proper accounts and records for the
30 purpose of the fund in such form as may be specified in the rules.

1 (v) The Council shall, from time to time, apply the proceeds of the
2 fund for:

3 (a) The cost of administration of the Council;

4 (b) The payment of salaries, fees and other remuneration, employee
5 of the Councilor experts or professionals appointed by the Council;

6 (c) The maintenance of any property acquired by or vested in the
7 Council; and

8 (d) Any matter or expenditure connected with all or any functions of
9 the council under this Act.

Power to accept
gifts

10 7.-(i) The Council may, with the approval of the Minister, accept gifts
11 of land, money or other property upon such terms and conditions if any, as may
12 be specified by the person or organization making the gift;

13 (ii) The Council shall not accept any gift if the conditions attached by
14 the person or organization making the gift to the acceptance thereof are
15 inconsistent with the functions of the Council.

Power to borrow

16 8.-(i) The Council may, with the consent of the Minister of
17 Agriculture and Rural Development or in accordance with any general
18 guidelines as may be approved by the President, borrow by way of loan or
19 overdraft from any source any money required by the Council for meeting its
20 obligations and discharging its functions under this Act. So however that where
21 the sum or the aggregate of the sum involved at any onetime does not exceed
22 one third of the Council's income no such consent or authority shall be
23 required;

24 (ii) The Council may, subject to the provisions of this Act and the
25 conditions of any trust created in respect of any property, invest all or any of its
26 funds with the consent of the Minister or in accordance with any general
27 guidelines approved by the President;

28 (iii) The Council may invest any surplus in such securities as may be
29 approved by the President.

- 1 **9.**-(i) The Council shall cause to be prepared not later than 30th Annual Estimates
2 October, in each year, an estimate of the expenditure and income of the and Accounts
3 Council during the next succeeding year and when prepared they shall be
4 submitted to the Minister of Agriculture and Rural Development;
- 5 (ii) The Council shall cause to be kept proper accounts of the
6 Council and proper records in relation thereto and when certified by the
7 Council such accounts shall be audited as provided in subsection (3) of this
8 section;
- 9 (iii) The accounts of the Council shall be audited not later than six
10 months after the end of the year to which the accounts relate by Auditors
11 appointed by the Council from the list and in accordance with the guidelines
12 supplied by the Auditor-General for the Federation.
- 13 **10.** The Council shall, not later than 30th June, in each year, Annual Report
14 submit to the Minister of Agriculture and Rural Development a report on the
15 activities of the Council and its administration during the immediate
16 preceding year and shall include in such report a copy of the audited
17 accounts of the Council for that year and the Auditor's report thereon.
- 18 **11.**-(1) The Council may, subject to the provisions of this Act, make Staff Regulations
19 staff regulations relating generally to the conditions of service of the staff of
20 the Council and without prejudice to the generality of the foregoing, such
21 regulations may provide for:
- 22 (a) The appointment, promotion, termination, dismissal and
23 disciplinary control of the staff of the Council; and
- 24 (b) Appeals by such staff against dismissal or other disciplinary
25 measures, and until such regulations are made; any instrument relating to the
26 condition of service of the office in the civil service of the Federation shall
27 be applicable with such modifications as may be necessary to the staff of the
28 Council.
- 29 (2) Staff regulations made under subsection (1) of this section shall
30 not have effect until approved by the Minister, and when so approved the

1 same shall not be published in the Federal Gazette but the Council shall cause
2 them to be brought to the notice of all affected persons in such manner as it may,
3 from time to time, determine.

Procedure in
respect of suit
against the Council

4 **12.**-(1) No suit shall be commenced against the Council before the
5 expiration of a period of one month after written notice of intention to
6 commence the suit shall have been served on the Council by the intending
7 plaintiff or his agent and the notice shall explicitly state-

- 8 (a) The cause of action;
9 (b) The particulars of the claim;
10 (c) The name and place of abode of the intending plaintiff;
11 (d) The relief which he claims.

12 (2) The Chairman of the Council, its officers, employees or agents
13 shall not personally be subject to any action, claim or demand by, or any person
14 in respect of anything done or omitted to be done in exercise of any functions or
15 power conferred by this Act upon the Bureau.

16 (3) A member of the Bureau or the Chairman or any officer or
17 employee of the Bureau shall be indemnified out of the assets of the Bureau
18 against any liability incurred by him in defending any proceeding, whether
19 civil or criminal, if the proceeding is brought against him in his capacity as a
20 member, Director- General, officer or other employee office or other employee
21 of the Bureau.

22 (4) service of documents The notice referred to in section 12 of this
23 Act and any summons, notice or other document required or authorized to be
24 served upon the Council under the provisions of this Act or any other
25 enactment or law may be served by delivering the same to the Chairman or the
26 Executive Secretary of the Council by sending it by registered post addressed
27 to the Executive Secretary at the principal office of the Council.

Restriction on
execution against
the property of
the Council

28 **13.** In any action or suit against the Council, no execution or
29 attachment or process in the nature thereof shall be issued against the Council,
30 but any sum of money which may, by the judgment of the court, be awarded

1 against the Council shall, subject to any directions given by the Council, be
2 paid from the general reserved fund of the Council.

3 **14.** The Minister of Agriculture and Rural Development may make Regulations
4 regulations generally for the purpose of giving effect to the provisions of this
5 Act.

6 **15.** Subject to the provisions of this Act, the Minister of Power of the
7 Agriculture and Rural Development may give the Council directives of Minister to give
8 general nature or relating generally to matters of policy with regards to directives
9 exercise by the Council of its functions; and it shall be the duty of the
10 Council to comply with such directives.

11 **16.** In this Act, unless the context otherwise requires- Interpretation
12 "Council" means the National Shea Development Council to be established
13 by section 1 of this proposed Bill;
14 "Chairman" means the chairman of the Council;
15 "Member" means a member of the Council and includes the chairman;
16 "Minister" means the Minister charged with responsibility for environment.

17 **17.** This Bill may be cited as the Shea Council Bill, 2020. Short title

18 SCHEDULE

19 *Section 2 (2)*

20 PROCEEDINGS OF THE COUNCIL

21 1.-(a) The Council shall meet for the conduct of its business at such
22 timer place and on such day as the chairman may appoint, but shall meet not
23 less than twice in a year;

24 (b) At every meeting of the Council the chairman shall preside but
25 if he is absent, the members present at the meeting shall appoint one of their
26 members to preside at that meeting.

27 2. The Council shall have power to regulate its proceedings or
28 those of any of its committees and may make standing orders for that
29 purpose and subject to any such standing orders and to paragraph 3 of this
30 Schedule, may function notwithstanding-

1 (a) Any vacancy in its membership or the absence of any members;

2 (b) Any defect in the appointment of a member; or

3 (c) That a person not entitled to do so took part in its proceedings.

4 3. The quorum at any meeting of the Council shall be a simple
5 majority of the members.

6 4. Where standing orders made under paragraph 2 of this Schedule
7 provide for the Council to co-opt persons who are not members of the Council,
8 such persons may attend meetings of the Council and advise it on any matter
9 referred to them by the Council but shall not count towards a quorum and shall
10 not be entitled to vote at any meeting of the Council.

11 *Committees*

12 5. The Council may appoint one or more Committees to advise it on
13 the exercise and performance of its functions under this Act and shall have
14 power to regulate the proceeding of its Committees.

15 6.-(a) Any contract or instrument which, if entered into or executed by
16 a person not being a body corporate would not be required to be under seal, may
17 be entered into or executed on behalf of the Council by any person generally or
18 specifically authorized in that behalf by the Council;

19 (b) Any member of the Council or a Committee thereof, who has a
20 personal interest in any contract or arrangement entered into or proposed to be
21 considered by the Council or a Committee thereof, shall forthwith disclose his
22 interest to the Council or the Committee, as the case may be, and shall not vote
23 on any question relating to such contract or arrangement.

24 7.-(a) The common seal of the Council shall not be used or affixed to
25 any Document except in pursuance of a resolution duly passed at a properly
26 constituted meeting of the Council and recorded in the minutes of the meeting;

27 (b) The fixing of the seal of the Council shall be authenticated by the
28 signature of the Chairman or some other member authorized generally or
29 specifically by the Council to act for that purpose.

30 (c) Any document purporting to be a document duly executed under

- 1 the seal of the Council shall be received in evidence and shall, unless the
2 contrary is proved, be deemed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Shea Development Council provide guidance on the entire Shea sector by establishing Shea Research Institute, for the restoration of the Shea tree parklands across the Shea belt, for value addition and to create jobs in Nigeria.