

NATIONAL INNOVATION AGENCY BILL, 2020

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A BILL

FOR

AN ACT FOR THE ESTABLISHMENT OF THE NATIONAL INNOVATION AGENCY FOR THE FACILITATION OF DEVELOPMENT, IMPROVEMENTS, PROMOTION, CO-ORDINATION, EXPLOITATION, COMMERCIALISATION AND REGULATION OF RESEARCH OUTPUTS, DISCOVERIES, INNOVATIONS AND INVENTIONS ; TO ENTRENCH RESEARCH AND INNOVATION IN OUR ECONOMIC SYSTEM AND FOR RELATED MATTERS

Sponsored by Hon. Chris Emeka Azubogu

[] Commencement

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

- 1 NATIONAL INNOVATION AGENCY.
- 2 1.-(1) There is established for the Federation the National Establishment of
- 3 Innovation Agency (in this Bill referred to as "the Agency"). the Agency
- 4 (2) The Agency:
- 5 (a) shall be a body Corporate with perpetual succession and a
- 6 common seal and may sue and be sued in its corporate name; and
- 7 (b) acquire, hold, mortgage, purchase and deal howsoever with
- 8 property, whether movable or immovable, real or personal.
- 9 2.-(1) There is established for the Agency the National Innovation Establishment
- 10 Council, which shall be the Governing Authority of the Agency (in this Bill and Constitution
- 11 referred to as "the Council?"). of Governing
- 12 (2) The Council shall consist of: Authority of the
- 13 (a) The President of the Federal republic of Nigeria as the Agency (The
- 14 Chairperson; National
- 15 (b) the Secretary to the Government of the Federation, or the Innovation Council)
- 16 representative;

- 1 (c) the Head of the Civil Service of the Federation, or a representative;
- 2 (d) the Director General National Space Research and Development
- 3 Agency, or a representative not below the rank of Director;
- 4 (e) the Director General Ethics and Corporate compliance Institute of
- 5 Nigeria, or a representative not below the rank of Director;
- 6 (f) the Executive Secretary Nigerian Investment promotion
- 7 Commission, or a representative not below the rank of Director;
- 8 (g) A representative each of the following:
- 9 (i) Nigerian Academy of Science;
- 10 (ii) Intellectual Property Institute of Nigeria;
- 11 (iii) National Universities Commission;
- 12 (iv) Association of Vice-Chancellors of Nigerian University - who
- 13 shall not be below the rank of a Professor in a Science Field.
- 14 (h) The Minister or a representative not below the rank of a Director of
- 15 the Ministries in charge of-
- 16 (i) Science;
- 17 (ii) Technology;
- 18 (iii) Education;
- 19 (iv) Health;
- 20 (v) Finance;
- 21 (vi) Agriculture;
- 22 (vii) Water Resources;
- 23 (viii) Internal Affairs;
- 24 (ix) Defense; and
- 25 (x) the Director-General of the Agency who shall also be the Secretary
- 26 of the Council.
- 27 (4) The members of the Council shall be appointed by the
- 28 President.
- 29 (5) The Council shall from time to time elect from among its members
- 30 a vice-chairperson who shall in the absence of the chairperson have all the

1 powers and duties of the chairperson, and if neither the chairperson nor the
2 vice-chairperson is available, the Council shall nominate a person from their
3 own ranks to preside at that meeting.

4 (6) The supplementary provision set out in the schedule to this Bill
5 shall have effect with respect to the proceeding of the Council and other
6 related matters.

7 3.-(1) A member of the Council, holds office for a term of 5 (five)
8 years.

Tenure of office
of members of
Council

9 (2) A member of the Council may be re-appointed at the expiry of
10 his or her term of office for a second term of 5 (five) years and no more.

11 (3) No person shall be appointed as a member of the Council if he
12 or she:

13 (a) is an un-discharged bankrupt;

14 (b) fails to comply or is not capable of fully complying with a
15 judgment or order, including an order for costs, given against him or her by a
16 court of law in a civil case;

17 (c) in the preceding 10 years has been convicted of an offence of
18 which fraud, violence, dishonesty, extortion or intimidation is an element; or

19 (d) is not permanently resident in the Federal Republic of
20 Nigeria.

21 4.-(1) Membership of the Council shall cease and a member shall
22 vacate his or her office if he or she-

Cessation of
Membership

23 (a) becomes subject to a disqualification contemplated in section
24 3(3) of this bill;

25 (b) becomes of unsound mind;

26 (c) is absent without the leave of the Secretary for more than four
27 consecutive meetings of the Council.

28 5. There shall be paid to every member of the Council such
29 allowances as the Agency may from time to time determine.

Allowances of
Members of
Council

1 (e) Provide guidance and advisories to the Government, research
2 and educational institutions, business communities, organized private
3 sector, and other stakeholders on any matter relating to or affecting the
4 commercial application of research and innovation products, scientific
5 knowledge or technology;

6 (f) Promote and encourage public awareness and understanding of
7 the importance of research, innovation, science and technology among
8 youths; and the need for collaboration between the business community,
9 universities and other research institutions and government for the
10 exploitation and commercialization of end products of research and
11 innovation;

12 (g) increase awareness of intellectual property rights among
13 researchers and innovators;

14 (h) Establish, maintain and regularly update a database on research
15 and innovation;

16 (i) Develop and implement the National innovation and
17 commercialization policy;

18 (j) Receive, collate, evaluate and publish information and records
19 on research, innovation and entrepreneurship;

20 (k) Perform such other functions as may be necessary to the
21 effective implementation of this Bill.

22 (2) The Agency shall have the power to do all things that are
23 necessary or expedient for the performance of its functions and, in
24 particular, may-

25 (a) provide or facilitate the provision of financial and other
26 assistance to any institution, person, group, corporation or enterprise for the
27 purpose of enabling that institution, person, group, corporation or enterprise
28 to develop any research, discoveries, innovation or invention;

29 (b) establish or invest in, or facilitate the establishment or
30 investment in, alone or in conjunction with any person or persons, any

Powers of the
Agency

1 enterprise or corporation for the purpose of developing, exploiting or
2 commercializing any research, discoveries, innovation or invention, and to that
3 end acquire such interest in and such control over such establishment as may be
4 necessary;

5 (c) acquire any interest, in any institution, person, group, corporation
6 or enterprise undertaking the development, exploitation or commercialization
7 of any research, discoveries, innovation or invention;

8 (d) apply for patents or the revocation thereof, oppose the grant of
9 patents and institute any action in respect of any infringement of patents;

10 (e) acquire any right in or to any research, discoveries, innovation or
11 invention; or patent from any institution, person, group, corporation or
12 enterprise, or assign any institution, person, group, corporation or enterprise
13 any right in or to any technological innovation or invention or patent;

14 (f) co-ordinate, monitor and evaluate, as appropriate, activities
15 relating to scientific research, innovation and technology development;

16 (g) promote and encourage private sector involvement in scientific
17 research, innovation and development;

18 (h) Prioritize and fund research programs;

19 (i) Act as the national contact Agency for all international bodies on
20 issues of science, research, innovation, technology, discoveries and related
21 initiatives, programs and frameworks;

22 7.-(1) The Council of the Agency shall have powers to-

23 (a) manage and superintend the affairs of the Agency;

24 (b) subject to the provisions of this Bill, make, alter, and revoke rules
25 and regulations for carrying out the functions of the Agency;

26 (c) Approve and ensure enforcement of regulations relating to
27 effective implementation of this Bill;

28 (d) appoint either on transfer, secondment or leave of absence from
29 any public service of the federation or private sector, such number of
30 employees as may, in the opinion of the Council be required to enable the

1 Agency discharge any of its functions under this Bill;

2 (e) Approve the payment to employees remunerations including
3 allowances as the Council may from time to time determine;

4 (f) Determine the terms and conditions of service including
5 remunerations of employees;

6 (g) subject to the provisions of this Bill, make staff regulations
7 relating generally to the conditions of service of employees of the Agency
8 and without prejudice to the generality of the foregoing, such regulations
9 may provide for:

10 (i) The appointment, promotion and disciplinary control including
11 dismissal of employee of the Agency; and

12 (ii) Procedure for appeals by such employees against dismissal or
13 other disciplinary measures.

14 (h) do such other thing which in the opinion of the Council are
15 necessary and expedient to ensure the efficient functions of the Agency.

16 (2) Notwithstanding anything contained in this Bill or in any other
17 enactment, where the Council is unable to perform its functions or exercise
18 its powers, for whatever reason, or where there is no Council in place, the
19 Director General or a person acting in that capacity, shall assume the powers
20 of the Council and act in that behalf.

Director General
to act in place of
the Council and
or where there
is no Council

21 STRUCTURE OF THE AGENCY

22 8.-(1) For the purposes of effective administration:

23 (a) The Agency is structured into directorates, operational
24 departments and offices as the Agency shall from time to time determine;

25 (2) The administrative and operational manual of the Agency shall
26 spell out the functions, structure and operations of the directorates,
27 operational departments, and offices of the Agency

Structure of the
Agency

28 STAFF OF THE AGENCY

29 9.-(1) here shall be for the Agency, a Director General who shall be
30 appointed by the president.

The Director-
General of the
Agency

1 (2) The Director General is the Chief Executive and the Chief
2 Accounting Officer of the Agency.

3 (3) The Director General is responsible for the general administration
4 of the Agency.

5 (4) The Director General shall be-

6 (a) a fit and proper person, being a member of the Agency with
7 suitable degree of skill and experience in the administration and management
8 of service delivery; and

9 (b) of proven integrity and ability.

10 (5) The Director General shall keep the records of proceedings and
11 decisions of the Council and such other functions as the Council may from time
12 to time direct.

13 (6) The Director-General shall hold office on such terms and
14 conditions as are specified in his or her letter of appointment.

Other staff of
the Agency

15 10.-(1) The Council shall appoint for the Agency such number of
16 employees as may in the opinion of the Council be expedient and necessary for
17 the proper and efficient performance of the functions of the Agency.

18 (2) The terms and conditions of service (including remuneration,
19 allowances, benefits and pensions) of the employees of the Agency shall be as
20 determined by the Council.

Staff pension

21 11. Service in the Agency is pensionable under the subsisting
22 Pensions Act.

23 FINANCIAL PROVISIONS

Fund of the
Agency

24 12.-(1) There is established for the Agency, the National Innovation
25 Fund (in this Bill referred to as 'the Fund') to be maintained and
26 managed by the Agency, into which shall be paid and credited-

27 (a) all allocations from the Federal Government;

28 (b) such monies as may, from time to time, be lent, deposited or
29 granted to the Agency by the Government of the Federation or of a State;

30 (c) Proceeds of Investments made by the Agency;

1 (d) all Grants received from both local and international
2 organizations for the purposes of the Agency;

3 (e) all monies received by the Agency as gifts, loans, testamentary
4 deposition or donations; and

5 (f) all other monies and assets which may accrue to the Fund from
6 time to time.

7 (2) The Fund shall be managed in accordance with rules and
8 guidelines approved by the Council, which shall in particular include
9 provisions-

10 (a) Specifying the manner in which the assets of the Fund are to be
11 held and regulating the making payments into and out of the Fund; and

12 (b) Requiring the keeping of proper accounts and records for the
13 purposes of the Fund in such form as may be specified in the rules.

14 13. The Agency shall apply the proceeds of the fund -

Expenditure of
the Agency

15 (a) to the cost of administration of the Agency;

16 (b) to the payment of salaries, fees, remuneration, bills, rent;

17 (c) to investments and undertakings contemplated by this Bill;

18 (d) allowances, pensions and gratuities payable to the members of
19 the Council or any Committee of the Council and the employees of the
20 Agency, so however that no payment of any kind under this paragraph
21 (except such as may be expressly authorized by the Council) shall be made
22 to any person who is in receipt of emolument from the government of the
23 Federation or a State;

24 (e) the payment for all contracts, including mobilisation,
25 fluctuations, variations, legal fees and cost on contract administration;

26 (f) to the payment for all purchases; and

27 (g) to undertaking such other activities as are connected with all or
28 any of the functions and powers of the Agency and the Council under this
29 Bill.

Gifts to the Agency	1	14.-(1) The Agency may accept gifts of land, money or other property
	2	on such terms and conditions; considered lawful.
	3	(2) The Agency shall not accept any gift if the conditions attached by
	4	the person or organization making the gift are inconsistent with the functions of
	5	the Agency under this Bill.
Power to borrow	6	15. The Agency may, with the consent of the President, borrow, on
	7	such terms and conditions as the Agency may require in the exercise of its
	8	functions under this Bill.
Annual estimates and Expenditure	9	16.-(1) The Council shall, not later than 30th September in each year,
	10	or such earlier time as the circumstances may demand, submit to the President,
	11	an estimate of the expenditure and income(including payments to the Agency'
	12	Fund for the next succeeding year.
	13	(2) The Council shall cause to be kept proper accounts of the Agency
	14	in respect of each year and proper records in relation thereto and shall cause the
	15	accounts to be audited not later than 6 months after the end of each year by
	16	auditors appointed from the list in accordance with the guidelines supplied by
	17	the Auditor-General of the Federation.
Quarterly Report	18	17. The Council shall, at the end of every quarter in each year, submit
	19	to the President a report on the activities and administration of the Agency.
Annual Report	20	18.-(1) The Council shall prepare and submit to the President, not
	21	later than 30th June in each year, a report in such form as the President, may
	22	direct on the activities of the Agency during the immediately preceding year,
	23	and shall include in the report a copy of the audited accounts of the Agency for
	24	that year and auditor's report thereon.
	25	(2) The President, may, upon receipt of the report referred to in
	26	subsection (1) of this section, cause a copy of the report and the audited
	27	accounts of the Agency and the auditor's report thereon to be submitted to each
	28	House of the National Assembly.
Request for information and records	29	MISCELLANEOUS PROVISIONS
	30	19.-(1) The Agency may:

1 (i) Require any institution, person, group, corporation or
2 enterprise, MDA or Public Institution to provide any document or
3 information required by the Agency in connection with the performance of
4 its functions;

5 (ii) Specify the form in which information required from any
6 institution, person, group, corporation or enterprise, MDA or Public
7 Institution is to be provided;

8 (2) Every institution, person, group, corporation or enterprise,
9 MDA or Public Institution must provide to the Agency any document and
10 any information or records required by the Agency and in the form specified
11 by the Agency.

12 20.-(a) The Agency may endorse or cause to be endorsed any
13 product or service which comply with set criteria as an innovative product or
14 service and issue a certification under its seal evidencing such endorsement;

Endorsement and
Certification of
Innovative Products
and Services

15 (b) The endorsement shall be for a maximum period of three years;

16 (c) The agency shall cause to be published, maintained and updated
17 a list of all endorsed innovative products or service;

18 (d) No endorsement under this section shall, by itself, entitle the
19 owner of the product or service to-

20 (i) any expectation of any business benefit; or

21 (ii) any privileged treatment under any written law.

22 (e) The Agency may, at any time before the expiry of the period
23 specified in endorsement certification revoke the endorsement if the
24 innovative product or service no longer meets the criteria for endorsement as
25 determined by the Agency.

26 (f) The Agency shall not be liable in any way for any loss incurred
27 as a result of the revocation of an endorsement under this section, and no
28 cause of action shall lie against the Agency in respect of such revocation;

29 (g) All Ministries, Departments and Agencies of government shall
30 take into consideration of the innovative product and services in their

1 procurement activities; and the agency shall encourage the general public, the
2 organized private sector, business communities and other stakeholders to
3 patronize the innovative products and services.

Offices and
Premises of the
Agency

4 21.-(1) For the purposes of providing offices and premises necessary
5 for the performance of its functions under this Bill, the Agency may, subject to
6 the land use Act-

7 (a) purchase or take on lease any interest land, or other property
8 anywhere within and outside the country; and

9 (b) construct offices and premises and equip and maintain same.

10 (2) The Agency may, subject to the land use Act, sell or lease out any
11 office or premises held by it, which office or premises is no longer required for
12 the performance of its functions under this Bill.

Directives by
the President, etc.

13 22. The President, Federal Republic of Nigeria may give to the
14 Agency directives of a general nature or relating generally to matters of policy
15 with regard to the performance by the Agency of its functions and it shall be the
16 duty of the Agency to comply with the directives.

Limitation of
suits against the
Agency

17 23.-(1) Subject to the provisions of this Bill, the provisions of the
18 Public Officers Protection Act shall apply in relation to any suit against any
19 member or Officer or employee of the Agency.

20 (2) Notwithstanding anything contained in any other law or
21 enactment, no suit shall lie against any member of the Council, the Director
22 General or any other officer or employee of the Agency for anything done in
23 pursuance or execution of this Bill or any other law or enactment, or any
24 alleged neglect or default in the execution of this Bill or such law or enactment,
25 duty or authority, in any court unless-

26 (a) it is commenced within three months after the act, neglect or
27 default complained of; or

28 (b) in the case of a continuation of damage or injury, within six
29 months next after the leasing thereof.

1 24. A notice, summons or other document required or authorized
2 to be served upon the Agency under the provisions of this Bill or any other
3 law or enactment may be served by delivering it to the Director General of
4 the Agency.

Services of
document

5 25. In any action or suit against the Agency, no execution or
6 attachment of process shall be made against Agency unless not less than
7 three months' notice of the intention to execute or attach has been given to
8 the Agency.

Restriction of
execution against
property of the
Agency

9 26. The Agency may, with the approval of the President, make
10 regulations, generally for the purposes of giving full effect to this Bill and
11 for the due administration of its provisions.

Power to make
Regulations

12 27.-(1) By virtue of this Bill, there shall be vested in the Agency
13 immediately at the commencement of this Bill, without further assurance,
14 all employees and staff; all assets, funds, resources and other movable and
15 immovable property; which immediately before the commencement of this
16 Bill were vested in any person, persons, institution, ministry department or
17 agency of government as may be directed by the President.

Savings and
Provisions

18 (2) The President, if he thinks fit, may, within twelve months after
19 the commencement of this Bill, by order published in the Gazette, make
20 additional transitional or savings provisions for the better carrying out of the
21 objectives of this section.

Additional Savings
and Provisions

22 28. Where any conflict arises between the provisions of this Bill
23 and the provisions of any other written law in relation to the powers and
24 functions of the Agency established by this Bill, the provisions of this Bill
25 shall prevail

Bill to Prevail

26 29. In this Act, unless the context indicates otherwise-
27 "Acquisition" means the process by which the rights to use, employ and
28 exploit a technology for the purpose of improving or renewing processes,
29 products or services are obtained;

Interpretation

30 ""Agency"" means the National Innovation Agency established by this Bill;

- 1 "Bill" includes the Schedule and Regulations made under it;
- 2 "Chief Executive Officer" means the person appointed as such in terms of
3 section;
- 4 "Commercial application" in relation to any knowledge or technology, means
5 the application, utilization or exploitation of such knowledge or technology in
6 the manufacture, production, sale, distribution or provision of goods or
7 services in the course of any trade, business, enterprise or profession, and
8 includes any business or commercial activity that is necessary for or related to
9 the promotion, development or growth of any such trade, business, enterprise
10 or profession;
- 11 "Council" means the National Innovation Council contemplated in the Bill;
- 12 "Director-General" means the Director-General of the Agency established by
13 this Bill;
- 14 "Financial assistance" includes assistance by way of grant, loan, loan
15 guarantee, the purchase or guarantee of bonds, debentures, notes or other debt
16 obligations or the purchase or acquisition of any stock, shares or other equity
17 securities;
- 18 "Fund" includes the National Innovation Fund established under this Bill;
- 19 " Innovation" includes:
- 20 (i) Any idea or knowledge in whatever form which brings about
21 changes in the form of product, service or process resulting in positive impact
22 to the economy, business, public service delivery system, social well-being or
23 the environment;
- 24 (ii) the application in practice of creative new ideas, as well as the
25 processes by which new products, businesses and services enter the market;
- 26 (iii) a product, process, service or idea which is novel;
- 27 (iv) an improved use of a new product, service or method in industry,
28 business or society;
- 29 (v) indigenous or traditional knowledge gained by people by making
30 use of natural resources, including plants, animals and the environment;

- 1 "Innovation park" means an area designed and zoned for innovation;
- 2 "Intellectual property" include copyright, patent, trademark, integrated
3 circuit layout design, geographical indication and industrial design whether
4 registered or otherwise and manifested or stored in any form whatsoever;
- 5 "Invention" means a new and useful art, process, machine, manufacture or
6 composition of matter, living or inanimate, or any invention or discovery
7 which is or may be patentable or otherwise protectable or any novel variety
8 of plant which is or may be protectable;
- 9 "MDAs" means Ministries, Departments and Agencies of Government
10 and includes Extra-ministerial Departments; "Person" includes an officer or
11 employee of any MDA and public Institution in Nigeria; as well as a natural
12 human being private employment and a corporation sole and body of
13 persons whether corporate or incorporate; acting individually or as a group;
- 14 "Personal information" means any official information held about an
15 identifiable person, but does not include information that bears on the public
16 duties of public employees and officials;
- 17 "President" means the President of the Federal Republic of Nigeria;
- 18 "Public institution" means any legislative, executive, judicial,
19 administrative or advisory body of the government, including boards,
20 bureau, committees or commissions of the State, and any subsidiary body of
21 those bodies including but not limited to committees and sub-committees
22 which are supported in whole or in part by public fund or which expends
23 public fund and private bodies providing public services, performing public
24 functions or utilizing public funds;
- 25 "National Innovation Eco system" means, the diverse nature of participants
26 and resources including organizations, institutions and people in the country
27 that coexist and function as a unit which is necessary for innovation;
- 28 "Technology" means the application of knowledge to meet the goals, goods
29 and services for sustainable development;
- 30 "Traditional knowledge" means the wisdom developed over generations of

1 holistic traditional scientific utilization of the lands, natural resources, and
2 environment;

Short title

3 30. This Bill may be cited as National Innovation Agency Bill,
4 2020.

5 SCHEDULES

6 Section 2 (6)

7 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL PROCEEDINGS
8 OF THE COUNCIL

9 1. Subject to this Bill and section 27 of the Interpretation Act, the
10 Council may make standing orders regulating its proceedings or those of any of
11 its committees.

12 2. The quorum of the Council shall be the Chairman and six other
13 members and the quorum of any committee of the Council shall be determined
14 by the Council.

15 3. The Council shall meet not less than two times in each year and
16 subject thereto, the Council shall meet whenever it is summoned by the
17 Chairman; and if the chairman is required to do so by notice given to him by not
18 less than four other members, he shall summon a meeting of the Council to be
19 held within fourteen days from the date on which the notice is given.

20 4. At any meeting of the Council, the chairman shall preside, but if he
21 is absent, the members present at the meeting shall appoint one of their
22 numbers to preside at that meeting.

23 5. Where the Council desires to obtain the advice of any person on a
24 particular matter, the Council may co-opt such a person to the Council for such
25 period as it thinks fit; but a person who is in attendance by virtue of this sub-
26 paragraph shall not be entitled to vote at any meeting of the Council and shall
27 not count towards a quorum.

28 Committees

29 6. The Council may appoint one or more committees to carry out, on
30 behalf of the Council, such of its functions as the Council may determine.

1912

Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the above mentioned matter.

The same has been referred to the proper authorities for their consideration and they will be glad to hear from you again.

Very respectfully,
[Signature]

Yours truly,
[Signature]