

A BILL

FOR

AN ACT TO AMEND THE NATIONAL CENTRE FOR AGRICULTURAL MECHANIZATION ACT CAP N13 LFN, 2004 TO PROVIDE FOR PRIVATE SECTOR PARTICIPATION, PROMOTION OF COMMERCIAL AGRICULTURE AND FOR RELATED MATTERS, 2019

Sponsored by Hon. Simon D. Mvadhkwon

[. . .] Commencement

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

1 1. The National Centre for Agricultural Mechanization Act
2 (hereinafter referred to as "the Principal Act") is amended as set out in this
3 Bill.

Amendment of
the National Centre
for Agricultural
Mechanization

4 2. Section 2 of the Principal Act is amended by:

Amendment of
Section 2

5 (a) to promote the carrying out of applied research designed to
6 facilitate the designing, adaptation and development of machinery and
7 equipment suitable for the use in agricultural and rural development;

8 (b) to develop and manufacture approved prototype, components
9 and cultural techniques and technologies, and evaluate their suitability for
10 adaptation and alternative use in rural agricultural production;

11 (c) to develop and adopt local design or foreign designs of
12 agricultural machinery and equipment to suit local conditions of
13 manufacture and maintenance for use in rural agriculture;

14 (d) to develop and manufacture approved prototypes, components
15 and spare-parts of agricultural machinery and equipment which are not
16 available in large quantities in the Federal Republic of Nigeria;

17 (e) to perform tests on all types of machinery and equipment
18 intended for use in agricultural and rural development in the Federal
19 Republic of Nigeria, and to publish the results of each such test;

1 (f) to formulate and conduct short courses designed to provide
2 practical training and further knowledge to rural settlements and other artisans
3 in the use and maintenance of agricultural machinery and other appropriate
4 technology machinery and equipment;

5 (g) to advise and provide support services to organizations and
6 persons undertaking the extension and implementation of programmes and
7 projects resulting from the work of the Center;

8 (h) to offer consultancy services on the designing, testing and other
9 technical aspects of agricultural and other machinery and equipment for use in
10 rural development;

11 (i) to offer consultancy services relating to the marketing, financial
12 and other managerial aspects of agricultural and rural development through the
13 adaptation and use of appropriate technology;

14 (j) to provide relevant information and advice to the agricultural
15 sector relating to the design, production, marketing, supply, use and
16 maintenance of agricultural and other appropriate technology machinery and
17 equipment;

18 (k) to formulate and execute projects and programmes designed to
19 encourage or facilitate the establishment and development of rural settlements
20 workshops and other rural production and maintenance facilities;

21 (l) to act as the national link with other national and international
22 institutions engaged in activities related or similar to the functions of the
23 center;

24 (m) to create an enabling environment for individuals, firms, private
25 sector participation in all programmes of the Center for the promotion of
26 agricultural mechanization for national development.

Insertion of a
new Section 8

27 3. The Principal Act is amended by:

28 (a) inserting a section 8; and

29 (b) re-numbering subsequent sections accordingly.

1 8.-(1) There shall be established for the center a department of
2 Research and Development which shall be responsible for the study of all
3 proposals for research and development in all aspect of agricultural
4 mechanization.

Establishment
of the Department
of Research and
Development

5 (2) The department shall take all such measures as are necessary to
6 facilitate the carrying out of the research or development project or, as the
7 case may be, to obtain the decision of the board on the proposals in question.

8 (3) In determining whether or not any proposal for a research or
9 development project be carried out by the Center the Board shall take into
10 account:

11 (a) the necessity or desirability and propriety of the research or
12 development project proposed to be carried out by the Center;

13 (b) the cost of the proposed research or development;

14 (c) the possible beneficial consequences of the proposed research
15 or development project on the programs of the Center for the promotion of
16 rural technology and mechanization of agriculture;

17 (d) a financial ability of the Center to meet the anticipated cost of
18 the proposed research or development project;

19 (e) the ability of the Center to carry out the proposed research or
20 development project having regard to other projects being carried out by the
21 Center.

22 (4) The Board may, after considering the factors specified in
23 subsection (3) in respect of any proposed research or development project
24 referred to it, approve or withhold its approval, and, in the later case, may
25 require that further information or particulars in connection with the
26 proposed particulars be provided to the Board by the Directors.

27 4. The Principal Act is amended by:

28 (a) inserting a new section 9; and

29 (b) re-arranging subsequent sections accordingly:

Insertion of
new Section 9

Testing and
Manufacturing

1 9.-(1) Subject to the provision of subsection (2) of this section, the
2 Centre shall be responsible for testing of such machinery and equipment
3 intended for use in agriculture in the Federal Republic of Nigeria as the
4 Minister may, by regulation published in the Gazette.

5 (2) The Board shall establish a system of cooperation with the
6 Standard Organization of Nigeria with a view to establishing factors to be taken
7 into account in the testing of various machinery and equipment for use in
8 agriculture in the Federal Republic of Nigeria.

9 (3) The Minister may, upon the advice of the Board, by regulations
10 published in the Gazette, make provision for regulating the exercise, the
11 manner and the procedure for testing machinery and equipment, and may, in
12 those regulations provide for the compulsory testing of certain or all
13 agricultural machinery or equipment prior to its importation or use in the
14 Federal Republic of Nigeria.

15 (4) The Center may undertake the manufacture, distribution or sale of
16 any agricultural machinery and equipment designed by it and, for that purpose,
17 the Center shall manufacture agricultural and other appropriate technology and
18 equipment designed by it with a view to meeting the demand for them and
19 securing revenue for the Center, disseminating to interested persons or bodies
20 of persons, and the exchange between them and the Center, of information
21 relating to agricultural mechanization and rural technology.

22 (5) The Center may collect, publish and disseminate literature and
23 other materials on agricultural mechanization and other related subjects, and
24 may provide facilities for the members of the public to have access to those
25 materials.

Insertion of a
new Section 10

26 5. The Principal Act is amended by:

27 (a) inserting a new section 10; and

28 (b) re-arranging the preceding sections accordingly.

Discovery farm
machine and
equipment

29 10.-(1) The Centre shall invent farm machines and equipment or other
30 discoveries which shall become the property of the Centre.

1 (2) For the purpose of the commercial agriculture, any invention or
2 discovery which the Center considers appropriate for, or incidental to, the
3 effective and efficient performance of its functions, the Center shall arrange
4 with any person or body or persons to buy, sell, take, or grant patent right in
5 the invention or discovery, subject to terms approved by the Board.

6 (3) The Center may, with the prior approval of the Minister enter
7 into any arrangement under subsection (2) one of the terms of which
8 requires the Center to provide financial assistance in the form loan or grant
9 to the person or body of persons with whom the arrangement is entered.

10 (4) Except with the consent of the Minister the Centre shall not, in
11 pursuance of any of the provisions under this section undertake to incur any
12 expenditure which exceeds one percent of the approved recurrent
13 expenditure budget of the Centre for anyone financial year.

14 (5) Every invention or discovery made as a result of research
15 carried out under this Bill shall be registered by the Centre in such form and
16 upon such condition as the Board may, by regulation made under this Bill,
17 prescribe.

18 (6) The Board shall grant to any person who makes an invention or
19 discovery, or who materially assists or contributes to the making of that
20 invention or discovery, such reward as may be approved by it.

21 6. Section 15 of the Principal Act is amended by deleting in its
22 entirety, the existing provisions and inserting to replace therein the
23 following new provisions:

Amendment of
Section 15

24 15.-(1) There shall be established a special fund which shall be
25 responsible for the research, inventions, discovery of farm machines and
26 other equipment for the promotion of commercial agriculture.

Fund of the
Centre

27 (2) The Fund shall be made up of 1 % of the sum approved for the
28 annual budget of the Federal Ministry of Agriculture for agricultural
29 mechanization and research.

30 (3) There shall be paid and credited to the fund established in

1 pursuance of subsection (1) of this section:

2 (a) all monies raised for the general purposes of the Centre;

3 (b) all money accrues to the Board on behalf of the Centre by any
4 means, including grants-in-aid, endowment and donations;

5 (c) all charges, dues, fees or amount recovered by the Board;

6 (d) all interest on monies invested by the Board; and

7 (e) such other sum as may, from time to time, accrue to the Centre or
8 the Board.

9 (4) For the purpose of defraying expenditure of the Centre there shall
10 be paid and credited to the fund all revenue and budgetary allocation to the
11 Centre."

12 (5) All sums of money received on account of the Centre by the Board
13 accruing to the fund shall be paid into the Central Bank of Nigeria for the credit
14 of the Centre.

Short title

15 7. This Bill may be cited as the National Centre for Agricultural
16 Mechanization Act (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Centre for Agricultural Mechanization Act Cap N13 LFN, 2004 to provide for private sector participation, promotion of commercial agriculture.