

- 1 (ii) livestock;
- 2 (iii) fisheries; and
- 3 (h) the Executive Secretary of the Council who shall be the Secretary
- 4 to the Council."

Amendment of
Section 4

- 5 3.-(1) Section 4 of the principal Act is amended by:
- 6 (i) substituting for the heading the following new heading
- 7 "Allowances"; and
- 8 (ii) substituting for the words "remuneration and allowances" the
- 9 words "sitting allowances".

Amendment of
Section 5

- 10 4. Section 5 of the principal Act is amended by substituting therefor a
- 11 new section 5 as follows:
- 12 "The functions of the Council shall be to:
- 13 (a) advise the Federal Government on national policies and priorities
- 14 in agricultural research, training and extension activities;
- 15 (b) manage, plan, conduct and promote research, human resource
- 16 development and technology generation, assessment and adoption for the
- 17 advancement of all aspects of agriculture in Nigeria;
- 18 (c) prepare periodic master plans for agricultural research, training
- 19 and extension and advise the Federal Government on the financial requirement
- 20 for the implementation of such plans;
- 21 (d) ensure the implementation of the approved master plans by the
- 22 appropriate research institutes, universities and other bodies;
- 23 (e) participate in the process of the appointment of Directors of
- 24 agricultural research institutes established under university statutes, by Vice
- 25 Chancellors;
- 26 (f) prescribe and give policy direction to the Federal Colleges of
- 27 Agriculture on their training and extension activities;
- 28 (g) supervise research, training and extension activities of research
- 29 institutes established under section 14 of this Act;
- 30 (h) prepare the annual budget for agricultural research, training and

1 extension programmes of the institutes under its aegis and receive grants for
2 allocation to the institutes for the implementation of the annual programmes
3 and to universities and other bodies for special research or training projects;

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

7 (j) advise the Federal Government on the re-organisation of
8 existing institutes, including the creation of new ones, as are required to
9 implement or further the efficiency of research, training and extension in the
10 agricultural sciences;

11 (k) promote collaboration between scientists engaged in research
12 in the agricultural sciences in Nigeria and their counterparts in other
13 countries or international bodies;

14 (l) establish and maintain a National Agricultural Science Library
15 and Documentation Centre and publish or sponsor the publication of
16 research results in the agricultural sciences: and

17 (m) carry out such activities as may, in the opinion of the Council,
18 further the advancement of research, training and extension in the
19 agricultural sciences.”

20 5. Section 6 of the principal Act is amended by:

21 (i) inserting immediately after the existing subsection (3) the
22 following new subsection:

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

26 (i) a Deputy Executive Secretary (Crops);

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

28 (iii) a Deputy Executive Secretary (Training & Extension);

29 (iv) a Deputy Executive Secretary (Technical Cooperation and
30 Communication);

Amendment of
Section 6

1 (v) a Deputy Executive Secretary (Administration and Finance) who
2 shall each be persons with requisite experience and academic qualifications
3 and assigned such responsibilities as are determined by the Board and Council;

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

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

8 (i) persons with requisite academic qualification and experience;

9 (ii) persons who, in the opinion of the Board, will assist the Council in
10 the effective discharge of any of its functions.”;

11 (ii) renumbering the existing subsections (4), (5), (6) and (7) as
12 subsections (5), (6), (7) and (8) respectively;

13 (iii) amending subsection (5) as renumbered by substituting for sub-
14 paragraph (b) the following new sub-paragraph:

15 “(b) pay to such persons so appointed such (including allowances) as
16 the Council consultations with the National Salaries Commission, determine.”

Amendment of
Section 7

17 6. Section 7 of the principal Act is amended:

18 (a) by substituting for the heading the following new heading
19 “Application of the Pensions Reform Act”;

20 (b) in subsection (2) by substituting therefor the following new
21 subsection:

22 “(2) Employees of the Council shall be entitled to pensions, gratuities
23 and other retirement benefits as are enjoyed by persons holding equivalent
24 grades in the universities.”

Amendment of
Section 8

25 7. Section 8 of the principal Act is amended:

26 (a) by substituting for the heading the following new heading:

27 “Establishment of the National Agricultural Research & Extension
28 Fund”;

29 (b) by inserting the following new subsections (1), (2), (3) and (4):

30 “(1) There is hereby established a fund to be known as the National

1 Agricultural Research & Extension Fund (in this Act referred to as “the
2 Fund”).

3 (2) There shall be paid into the Fund the following:

4 (a) 1 per cent of duty on agricultural imports and exports;

5 (b) 1 per cent of annual profit of agricultural producers in Nigeria;

6 and

7 (c) such other monies as may be determined by the Federal
8 Government from time to time.

9 (3) The Funds referred to in subsection (1) of this section shall be
10 applied exclusively for agricultural research, training and extension.

11 (4) The Minister shall prescribe by regulations, the management of
12 the funds referred to in subsection (1) of this section.”

13 (c) by renumbering the existing subsection (2) as subsection (5).

14 8.-(1) Immediately after the existing Part V of the principal Act,
15 insert the following new Part VI:

Insertion of a
new Part VI

16 PART VI - ESTABLISHMENT OF FEDERAL COLLEGES OF AGRICULTURE

17 15.-(1) The Minister may, with the approval of the President, by
18 order published in the Gazette, establish Federal Colleges of Agriculture
19 under this Act (in this Act referred to as “Colleges of Agriculture”).

Establishment of
Federal College
of Agriculture

20 (2) The Colleges of Agriculture specified in the Third Schedule of
21 this Act shall be deemed to have been established under this Act.

22 (3) The Colleges of Agriculture shall provide training for middle
23 level manpower for the agricultural sector.

24 (4) The statutory functions, rights, interests, obligations and
25 liabilities of the Colleges of Agriculture in subsection (2) of this section,
26 existing before the commencement of this Act under any contract or
27 instrument, or in law or in equity shall, by virtue of this Act, be deemed to
28 have been assigned to and vested in the Council established by this Act.

29 (5) Any such contract or instrument as is mentioned in subsection
30 (4) of this section shall be of the same force and effect against or in favour of

1 the Council established by this Act and shall be enforceable as fully and
2 effectively as if instead of the Colleges of Agriculture in subsection (2) of this
3 section existing before the commencement of this Act, the Council established
4 by this Act has been named therein or had been a party thereto.

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

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

24 (8) All assets, funds, resources and other movable or immovable
25 property which immediately before the commencement of this Act were vested
26 in the Colleges of Agriculture existing before the commencement of this Act
27 shall by virtue of this Act and without further assurance, be vested in the
28 Council established by this Act.

29 (9) Any person who immediately before the coming into force of this
30 Act is the holder of any office in any of the Colleges of Agriculture specified in

1 subsection (2) of this section and existing before the commencement of this
2 Act shall, on the commencement of this Act, continue in office and be
3 deemed to have been appointed to his office by the Council established by
4 this Act unless authority by which the person was appointed terminates the
5 appointment.”

6 (2) Renumber the existing Part VI as "Part VII"; and

7 (3) Renumber the existing section 15 as section 16.

8 (4) Immediately after section 16 of the principal Act as
9 renumbered, there shall be inserted the following section 17:

10 “17.-(1) The Council, Institutes and Colleges referred to in
11 sections 15 and 19 of this Act and such other institutes and colleges as may
12 be established by order of the Minister pursuant to sections 15(1) and 19(1)
13 of this Act, shall have power, after consultations with the Minister, to
14 incorporate spin off companies in the agricultural research system in
15 Nigeria.

Incorporation of
spin off companies
and intellectual
property rights

16 (2) The spin off companies incorporated pursuant to subsection (1)
17 of this section shall be charged with the responsibilities of providing the
18 platform for the commercialization, privatization and marketing of
19 scientific, agricultural and technological discoveries, innovations and
20 findings of products developed by the Council, Institutes and Colleges
21 referred to in this Act.

22 (3) For the avoidance of doubt, the scientific, agricultural and
23 technological discoveries, innovations and findings of the Council,
24 Institutes and Colleges established under this Act shall have intellectual
25 property rights attached to them as prescribed and protected under the
26 Nigeria Copyright Commission Act 2004 and the National Office for
27 Technology Acquisition and Promotion Act 2004.”

Cap. C28 LFN,
2004

Cap. C62 LFN,
2004

28 (4) The existing sections 16-17 of the principal Act are renumbered
29 as sections 18-19 respectively.

Amendment
of Section 19

1 9. Section 19 of the principal Act as renumbered, is amended by
2 inserting after the existing subsection (1) the following new subsections:

3 “(2) Any research institute established for agricultural research under
4 the Nigerian Research Institutes Act 1964 and the Research Institutes
5 (Establishment, etc) Order 1975, shall each be deemed to be established under
6 this Act.

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

12 (4) Accordingly, the Nigerian Research Institutes Act 1964 and the
13 Research Institutes (Establishment, etc.) Order 1975 are hereby consequently
14 repealed.

15 (5) The statutory functions, rights, interests, obligations and liabilities
16 of the repealed Institutes in subsection (4) of this section, existing before the
17 commencement of this Act under any contract or instrument, or in law or in
18 equity shall by virtue of this Act, be deemed to have been assigned to and vested
19 in the Council established by this Act.

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

26 (7) The Council established by this Act shall be subject to all the
27 obligations and liabilities to which the Institutes in subsection (5) of this
28 section existing before the commencement of this Act, was subject immediately
29 before the commencement of this Act and all other persons shall have the same
30 rights, powers and remedies against the Council established by this Act as they

1 had against the Institutes in subsection (5) of this section existing before the
2 commencement of this Act.

3 (8) Any proceeding or cause of action pending or existing
4 immediately before the commencement of this Act, by or against the
5 Institutes in subsection (5) of this section existing before the
6 commencement of this Act in respect of any right, interest, obligation or
7 liability of the Institutes in subsection (5) of this section existing before the
8 commencement of this Act may be continued or as the case may be
9 commenced and any determination of a court of law, tribunal or other
10 authority or person may be enforced by or against the Council established by
11 this Act to the same extent that such proceeding or cause of action or
12 determination might have been continued, commenced or enforced by or
13 against the Institutes in subsection (5) of this section existing before the
14 commencement of this Act.

15 (9) All assets, funds, resources and other movable or immovable
16 property which immediately before the commencement of this Act were
17 vested in the Institutes existing before the commencement of this Act shall
18 by virtue of this Act and without further assurance, be vested in the Council
19 established by this Act.

20 (10) Any person who immediately before the coming into force of
21 this Act is the holder of any office in the Institutes in subsection (5) of this
22 section existing before the commencement of this Act shall, on the
23 commencement of this Act, continue in office and be deemed to have been
24 appointed to his office by the Council established by this Act unless
25 authority by which the person was appointed terminates the appointment."

26 10.-(1) Immediately after the existing section 19 of the principal
27 Act as renumbered, there shall be inserted the following new section 20:

Insertion of a
new section 20

28 "20.-(1) The National Centre for Agriculture Mechanization Act]
29 990 is hereby repealed.

Repeal and savings
of Cap N13 LFN,
2004 etc

30 (2) The National Centre for Agriculture Mechanization, the

1 National Centre for Genetic Resources and Bio-technology, the Federal
2 College of Co-operatives and the Federal College of Land Resources
3 Technology, respectively operational under the Departments of Co-operatives
4 and Agricultural Land Resources of the Ministry, shall be deemed to be
5 established under this Act.

6 (3) Accordingly, the provisions of section 15 (4) - (9) of this Act shall
7 apply *mutatis mutandi* to the Centres and Colleges specified under subsection
8 (2) of this section with such modifications as are applicable.”

9 (2) The existing sections 19-21 as renumbered are hereby re-
10 numbered as sections 20-22.

Amendment of
First Schedule

11 11. The First Schedule to the principal Act is amended in paragraph 3
12 by:

13 (a) inserting immediately after sub-paragraph (1) a new sub-
14 paragraph (2) as follows:

15 “(2) The Board shall appoint a standing Agricultural Scientific and
16 Technological Research Committee of the Board to be known as “the Technical
17 Committee” which shall be charged with the responsibility of advising the
18 Board and the Council on research and innovation matters.”;

19 (b) renumbering the existing sub-paragraphs (2) and (3) as sub-
20 paragraphs (3) and (4), respectively.

Amendment of
Second Schedule

21 12.-(1) The Second Schedule of the principal Act is amended in
22 paragraph 1 by:

23 (a) deleting paragraph 1 and substituting therefor a new paragraph:

24 “1. All references to “the governing board” in this Part of the Act shall
25 be construed as “the Council”.

26 2. For the avoidance of doubt, reference in this Part of this Act to “the
27 Council” means the Agricultural Research Council of Nigeria.”.

28 (b) delete paragraph 3 and renumber paragraphs 4, 5, 6, 7, 8, and (9) as
29 paragraphs 3, 4, 5, 6, 7, 8 respectively.

Short title

1 14. This Bill may be cited as the Agricultural Research Council of
2 Nigeria (Amendment) Bill, 2019.

3

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 Federal Colleges of Agriculture under the Act and placing them under the control of the Council;
- (f) Powers of the Council, after consultation with the Minister, to incorporate spin off companies in Institutes and Colleges;
- (g) 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;
- (h) 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
- (i) 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 *mutatis mutandi*, apply to all the research institutes and colleges so established.