A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL FOOD RESERVE AGENCY AND FOR MATTERS CONNECTED THEREWITH

Sponsored by Senator Abdullahi Adumu

Commencement

	ENACTED by the National Assembly of the Federal Republic of	
	Nigeria as follows:	•
I	PART I - C ESTABLISHMENT OF THE NATIONAL FOOD RESERVE	
2	AGENCY AND THE GOVERNING BOARD	
3	1(1) There is established a body to be known as National Food	Establishment
4	Reserve Agency (in this Act referred to as "the Agency").	of the National Food Reserve
5	(2) The Agency shall-	Agency
6	(a) be a body corporate with perpetual succession, have a common	
7	seal; and	
8	(b) capable of suing and being sued in its corporate name	
9	2(1) There shall be for the management of the Agency a	Establishment
10	Governing Board (in this Act referred to as "the Board").	and membership of the Governing
11	(2) The Board shall consist of-	Board
12	(a) a Chairman;	
13	(b) one representative each of the following Federal Ministries and	
i 4	Agencies and shall not be below the rank of a Director-	
15	(i) Agriculture and Water Resources.	
16	(ii) Finance,	
17	(iii) Commerce and Industry,	
18	(iv) Agricultural Research Council of Nigeria,	
19	(v) National Agricultural Seeds Council,	

(c) one representative each from the six geo political zones of the

all the second	1	Federation to be appointed in rotation among States of the geo political zone;
	2	and
	3	(d) the Director General.
	4	(3) Members, other than ex officio shall be appointed by the President
	5	on the recommendation of the Minister.
	6	(4) The appointment of a member shall not invalidate any decision by
	7	reason of a defect or irregularity in his appointment.
	8	(5) After consultation with the Minister, the President may vary the
	9	composition of the Board.
Schedule	10	(6) The supplementary provisions set out in the Schedule to this Act
	11	shall have effect with respect to the proceedings of the Board and other matters
	12	contained therein.
Qualifications	13	3(1) The Chairman and members shall hold the following
of Members	14	qualifications-
	15	(a) cognate experience and proven capacity in agricultural policy
	16	formulation and implementation;
	17	(b) finance and economics as it relates to agriculture, administration
	18	or organization of the affairs of any department of the Ministry of Agriculture
	19	and Water Resources; and
	20	(c) persons of proven integrity, ability and vast knowledge and
	21	experience in their respective endeavours.
Tenure of office	22	4. Subject to the provisions of section 5 of this Act, a member other
	23	than ex officio shall hold office-
	24	(a) for a term of four years and no more; and
	25	(b) on any other terms and conditions as may be specified in the letter
	26	of appointment.
Cessation of	27	5(1) A person shall cease to hold office as a member if-
membership	28	(a) he becomes bankrupt, suspend payments or compounds with his
	29	creditors;
	30	(b) he is guilty of a serious misconduct in relation to his duties; or

1	(c) he is convicted by a court of law of a felony or any offence	
2	involving dishonesty or frauds;	
3 .	(d) he becomes of unsound mind, or incapable of carrying out his	
4	duties;	
5	(e) in the case of a qualified professional, he is disqualified or	
6	suspended, other that at his own request, from practicing his profession in	
7	any part of the world by an order of a competent authority made in respect of	
8	that matter;	
9	(f) he resigns his appointment by a letter addressed to the President	
10	through the Minister; or	
11	(g) he without permission of the Board is absent for more than three	
12	consecutive meetings of the Board or without such permission is absent	
13	from the country for a period exceeding one year.	
14	(2) If a member cease to hold office for any reason whatsoever,	•
15	before the expiration of the term for which he is appointed, another person	•
16	representing the same interest as that member shall be appointed to the	
17	Board for his unexpired term.	
18	(3) A member may be removed by the President if he is satisfied	
19	that it is not in the interest of the Agency or in the interest of the public that	
20	the member continues in office.	
21	PART II - FUNCTIONS AND POWERS OF THE AGENCY	
22	6. The Agency shall-	Functions of the
23	(a) implement the overall National Food Reserve Policy to ensure a	Agency
24	reliable supply of designated commodities and meet local short falls in the	
25	supply of the designated agricultural commodities in the country;	
26	(b) reduce post harvest losses by construction and management of	
27	silos, warehouses and other suitable storage facilities to be installed at such	
28	places and ensure the maintenance, availability and functionality of all	
29	plants, equipment and ancillary facilities within the country that are, in the	
30	opinion of the Minister, strategic and suitable for storage:	

ł ,	(c) facilitate and provide guidelines for the establishment and
2	maintenance of buffer stock by all states of the federation including the Federal
3	Capital Territory in order to ensure price stabilisation and food security and
1 .	correct problems relating to the supply of designated commodities;
5	(d) meet such other food emergencies caused by drought or flood, or
6	by such other natural disaster, as may be declared by the President;
7 .	(e) promote and ensure compliance to standard and grades of
8	agricultural produce so as to encourage uniformity in quality of produce, in
9	association with the relevant agencies and as provided for in Weight and
10	Measures Act and Standards Act;
11	(f) facilitate the establishment of a National Agricultural Market
12	Information System for each designated commodity operated by the Agency
13	for the benefit of the consumer and any person engaged in the production,
14	marketing, and processing of that commodity;
15	(g) to perform fertilizer regulatory and quality assurance functions as
16	well as develop strategy to enable the private sector take full responsibility for
17	fertilizer procurement and distribution to farmers;
18	(h) build capacity of farmer groups and cooperatives to improve
19	access to agriculture support services and facilitate participation development
20	in each Local Government Area including the Federal Capital Territory;
21	(i) encourage private sector investment in agriculture produce
22	processing through establishment of cottage industries, export conditioning
23	centres and agro industrial parks;
24	(j) ensure affordable mechanisation services to Nigerian farmers
25	through improved Public Private Partnerships in the provision of tractor and
26	farm machinery services;
27	(k) collaborate with national and international agencies to promote
28	agricultural development and coordinate donor sponsored agricultural
29	development programmes and projects implementation in the 36 States of the
30	Federation and the Federal Capital Territory;

1 .	(l) enhance agriculture extension delivery service through the	· ——
2	training of unemployed graduates as Advisory Service Providers and train	
3	unemployed youths in all areas of agriculture to enable them become self	•
4	employed; and	
5	(m) promote commercialisation of agricultural production systems	
6	through Public Private Partnerships and facilitate the provision of enabling	
7	environment for sustainable commercial agricultural development.	
8	7(1) The Board shall have power to-	
9	(a) manage and superintend the affairs of the Agency and subject to	Powers of the Board
10	the provisions of this Act, make, alter and revoke rules and regulations for	
11	carrying on the functions of the Agency;	
12	(b) fix the terms and conditions for service including remuneration	
13	of the employees of the Agency in consultation with relevant Government	
14	Agencies;	
15	(c) establish such number of committees as it deems necessary for	
16	the efficient performance of the Agency; and	
17	(d) do such other thing which in the opinion of the Agency are	
18	necessary to ensure the efficiency performance of the functions of the	
19	Agency.	
20	(2) Notwithstanding anything to the contrary in this act, the	
21	Minister shall exercise all the powers of the Board where:	
22	(a) the Board has not been constituted;	
23	(b) the Board has been dissolved.	
24	(3) Any action taken or decision reached in compliance with the	
25	provisions of subsection 2 of this section shall be valid.	
26	8. The President may after consultations with the Month	General Directives
27	the Board such directives of a general nature with respect to the performance	General Directives
28	of any function of the Agency	
29	PART III - ESTABLISHMENT OF ZONAL OFFICES	
30	0 (1) (7)	Establishment

1	defineated by the Minister an office (in this Act referred to as "Zonal Office").
2	(2) The Zonal Office shall-
3	(a) be headed by a secretary who shall be responsible for
4	implementing the Agency's programmes in its area of operation;
5	(b) produce quarterly reports which shall be sent to the office of the
6.	Director General;
7	(c) be accountable to the Agency for all funds accruing to it for
8	purposes of discharging its functions under this Act; and
9	(d) perform other duties as may be assigned by the Director General.
10	(3) The secretary may delegate in writing to any employee his powers
11	or functions under this Act, as he may deem appropriate, but the delegation
12	under this section, shall not prevent the exercise by the secretary of the power
13	so delegated.
14	PART IV - APPOINTMENT OF DIRECTOR GENERAL AND OTHER STAFF
15	10(1) There shall be appointment for the Agency a Director General
16	who shall be responsible for the management of the $\Lambda gency$ and its day to day
17	administration.
18	(2) The Director General who shall be a person knowledgeable in
19	agriculture and having the requisite cognate experience shall be appointed by
20	the President on the recommendation of the Minister.
21	(3) The Director General shall be-
22	(a) the Chief Executive and Accounting officer of the Agency; and
23	(b) perform such other functions as the Board may from time to time
24	direct.
25	(4) The Director General shall hold office for a term of five years and
26	no more.
27	(5) If for any reason the Director General is unable to perform his
28	functions or carry out his duties, or there exist a vacancy in the office of the
29	Director General, the Board may designate an employee of the Agency who is
30	next in rank to the Director General to act as the Director General during the

Appointment, qualification and tenure of office of the Director-General

I	period of this inability or vacancy until a Director General is appointed in	
2	accordance with the provisions of this Act and the employee shall while so	
3	acting, have all the powers and performs all the functions of the Director	
4	General.	
5	11(1) The Board on the recommendation of the Director General	Listablishment
6		of Departments
7	discharge of the functions of the agency.	
8	(2) Each department shall be headed by a Director.	
9	(3) Every department shall be assigned responsibilities from time	
10	to time as the Director General may direct.	
11	(4) The principal officers of the Agency shall be the Director	
12	General, heads of departments and zonal secretaries	
13	12(1) The Board shall appoint for the Agency a Secretary/Legal	ppointment.
14	Adviser who shall be a legal practitioner and shall have been so qualified for	ualification and anctions of the
15	a pariod of not locally	ecretary/Legal .dviser
16	(2) The Secretary/Legal Adviser shall-	
17	(a) be Secretary to the Board;	
18	(b) be responsible for keeping the books and proper records of	
19	proceedings and correspondences of the Board and the upkeep of the	
20	records of the Agency;	*
21	(c) administer and discharge all legal obligations of the Agency;	
22	(d) administer and discharge all insurance requirements of the	
23	Agency;	
24	(e) retain external legal services on behalf of the Council as he may	
25	deem necessary or expedient; and	
26	(f) perform such other functions as the Board or the Director	
27	General as the case may be, may from time to time, assign to him.	
28	13. The Board may deploy or appoint for the	pointment of
29		er staff
30	Board.	

Service in the Agency to be	I	14. Service in the Agency shall be approved service for the purpose of
pensionable No. 2, 2004	2	the Pension Reform Act.
,	3	PART V - FINANCIAL PROVISION
Fund of the Agency	4	15(1) The Agency shall establish and maintain a fund from which
rigoney	5	shall be defrayed all expenditure incurred by the Agency.
	6	(2) There shall be paid and credited to the fund established pursuant to
	7	sub section (1) of this section-
	8	(a) any allocation to the Agency from the Federation Account:
	9	(b) such monies as may, from time to time be granted or lent to the
	10	Agency by the Federal Government or a State Government or a Local
	11	Government Council;
	12	(c) such money as may, from time to time, be granted or received
	13	from-
	14	(i) the organized private sector,
	15	(ii) international or donor organizations and non governmental
	16	organizations,
	17	(iii) all monies raised for the purposes of the Agency by way of gift,
	18	loan, grant in aid, testamentary disposition or otherwise.
	19	(iv) all other assets that may, from time to time accrue, to the Agency.
	20	(d) whole or part of the Natural Resource Development Fund as may
	21	be approved from time to time by the President.
Expenditure of the Agency	22	16. The Agency shall from time to time, apply the proceeds of the fund
	23	established pursuant to section 17 of this Act-
	24	(a) to the cost of administration of the Agency:
	25	(b) for reimbursing members of the Board or any committee set up by
	26	the Board for such expense as may be authorized by the Board in accordance
	27	with the rates approved by the Federal Government:
	28	(c) for the payment of salaries, fees or other remuneration or
	29	allowances, pension and other retirement benefits, payable to the employees of
	30	the Agency;

1	(d) for the maintenance of any property acquired or vested in the	
2	Agency; and	
3	(e) for and in connection with all or any of the functions of the	
4	Agency under this Act.	
5	17(1) The Board shall, not later than 30th September each year	Annual estimate
6	submit to the Minister an estimate of the expenditure and income of the	and expenditure
7	Agency during the next proceeding year	
8	(2) The Agency shall keep proper account in respect of each	
9	financial year and shall cause the accounts to be audited not later than 6	
10	months after the end of each financial year by auditors appointed from the	
11	list and in accordance with the guidelines supplied by the Auditor General of	
12	the Federation	
13	18. The Agency shall submit to the Minister not later than 30th	Annual report
14	June each year, a report, in such from us the Minister may direct on the	
15	activities of the Agency during the immediate proceeding year, and shall	
16	include in the report a copy of the audited accounts of the Agency for that	
17	financial year and the auditors report thereon.	
18	19. The Agency may with the consent of the Minister, borrow on	Power to borrow
19	such terms and conditions as the Agency may determine, such money	
20	required for the carry ing out its functions.	
21	20(1) The Agency may accept any gift, grant or donation from	Gift to the Agency
22	any person upon such terms and conditions specified by the person making	
23	the gift, grant or donation.	
24	(2) The Agency shall not accept any gift, grant under subsection (1)	
25	of this sections if the conditions attached thereto are inconsistent with the	
26	functions of the Agency under this Act.	
27	21(1) The Agency shall establish a Guarantee Reserve Fund into	Guarantee Reserve Fund
28	which shall be paid, from time to time such sum as will maintain the credit	Neirer ve i uno
29	balance of such Fund at an amount not less than one quarter of the total of the	
30	money which the Agency is liable for the time being to be called upon to pay	

	1	under guarantee given by the Minister.
	2	
	3	(3), the money in the Guarantee
	4	Reserve Fund shall be applied solely to meet the obligations incurred by the Agency under any guarantee.
	5	·
	6	(3) Nothing in subsection (2) shall prevent the Agency transferring
	7	from the Guarantee Reserve Fund to any of its accounts the sum by which the
General Reserve		credit from time to time maintained under subsection (1).
Fund	9	22(1) In addition to the Guarantee Reserve Fund, the Agency shall
	10	establish and maintain a General Reserve Fund and shall, subject to any
	11	given by the Minister under subsection (3), pay into such Fund any
	12	From our ned by the Agency.
	13	to indemnify any
	14	any transaction of the Agency, other than
	15	ref which the Guarantees Reserve Fund is available.
	16	(b) The Minister with the concurrence of the Auditor General of the
	17	Federation, may give direction to the Agency as to the balance to be maintained
		in the General Reserve Fund and where such directions are given, the Agency
	18	shall not be required to pay any of its net profits into the fund whereby the
	19	balance thereof would exceed the amount directed by the Minister with the
Power to invest	20	concurrence of the Auditor General.
30 117 031	21	23. Money of the Agency not immediately required for the purposes
	22	of the Agency may in consultation with the Accountant General of the
	23	Federation be invested.
Execution of documents	24	24. All deeds, instruments contract and other documents shall be duly
	25	executed by or on behalf of the Agency if-
	26	(a) if appended with the seal of the Agency and signed by two
	27	members of the Board thereof;
	28	(b) executed in that behalf by one member of the Board and a member
	29	of the Agency both of whom have been appointed by the Board for the purpose.
		in the purpose.

I	25. The Agency shall purchase food items either through open	Purchase of
2	bidding, commodity exchange or contract growers, however where the	food items
3	Government so desires, the Agency shall purchase food items through	
4	guaranteed minimum price scheme.	
5	26(1) The Agency shall release food stock under commercial	Release of food
6	purpose or Government intervention.	stock
7	(2) Release under commercial purposes shall be conducted	
8	through an open competitive bidding process and or Abuja Securities and	
9	Commodity Exchange.	
10	(3) Release under Government intervention shall be at the price	
11	determined by the Government, however, the Government shall reimburse	
12	the Agency at a price not less than the cost of stocking	
13	27(1) Any person who knowingly misrepresents the grade of	Penalties
14	designated commodity contrary to established standards shall be guilty of an	
15	offence and shall be liable upon conviction to a fine of not less that	
16	N100,000 as well as the forfeiture of the commodity.	
17	(2) Any person who fails to pay the fine imposed under subsection	
18	(1) of this section within two weeks shall in addition to that penalty be	
19	prohibited from participating in the marketing or processing of any	
20	designated commodity for a period not exceeding three years.	
21	28(1) No suit shall lie or be instituted in any court against the	Time within
22	Agency or any member of the staff of the Agency-	which to sue
23	(a) for any act done in pursuant or execution of any enactment or	
24	law or of any public duties of the Agency, or	
25 .	(b) in respect of alleged neglect or default in the execution of any	
26	enactment or law, duties or authority, unless it is commenced within three	
27	months next after the act, neglect or default complained of and in the case of	
28	a continuance of damage or injury, within twelve months next after	
29	cessation.	
30	(2) Without prejudice to the Constitution-	

of a period of one month after written notice of intention to commence the suit shall have been served upon the Agency by the intending plaintiff or his Agent: (b) the notice shall clearly and explicitly state the cause of action, the particulars of the claims. (c) the notice referred to in section 28(2) of this Act and any summons, notice or other documents required or authorized to be served upon the Agency by delivering same to the Director General of the Agency, or sending it by registered post addressed to the Director General at the headquarters of the Agency. Power to proceedite Pederation of national food emergency Declaration of authorized to the provision of this Act. Declaration of authorized to the provision of this Act. Declaration of authorized to the Director General of the provision of this Act. Declaration of authorized to the Director General of the provision of this Act. Declaration of authorized to the Director General of the provision of this Act. Declaration of authorized to the Director General of the provision of this Act. Declaration of authorized to the Director General of the provision of this Act. 13 Federation institute legal proceedings against any person that contravenes the provision of this Act. 14 June 12 June 13 Federation institute legal proceedings against any person that contravenes the provision of this Act. 15 June 14 June 15 June 16 June 16 June 17 June		[a) no suit shall be come
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1	"Chairman" means the chairman of the Board;
2	"Constitution" means Constitution of the Federal Republic of Nigeria, 1999;
3	"Director General" means the Director General appointed for the Agency
4	under paragraph (e) subsection (2) of section 2 of this Act;
5	"Function" includes powers and duties;
6	"Minister" means the minister charged with responsibility for matters
7	relating to Agriculture and Water Resources.
8	"Member of the Board" includes the chairman;
9	"President" means President of the Federal Republic of Nigeria.
10	34. This Bill may be cited as the National Food Reserve Agency Short title
11	(Establishment, etc.) Bill, 2019.
12	SCHEDULE
13	Section 2(6)
14	Proceeding of the Board
15	1(1) Subject to this Act and section 27 of the Interpretation Act,
16	the Board may make standing regulation on its proceedings or those of any
17	its committees.
18	(2) At any meeting of the Board-
19	(a) six members shall form a quorum, but in determining whether a
20	quorum has been constituted the presence of any person invited to offer
21	opinion or tender documents shall not be considered;
22	(b) the Chairman of the Board or in his absence, the member
23	elected by the members present to act as Chairman, shall preside;
24	(c) all questions shall be decided by a majority of votes of members
25	present and voting but any person invited to attend any meeting of the board
26	by virtue of paragraph (c) subsection (1) of section 24 of this Act shall not be
27	entitled to vote in such meeting; and
28	(d) the Chairman of the Board or other member presiding has a
29	deliberative vote and, in the event of equality of votes, also has a casting
30	vote.

1	(3) The Board may, if its thinks fit, transact any of the business by the
2	circulation of papers, and resolution in writing approved in writing by a
3	majority of the members thereof shall be as valid and effectual as if it had been
4	passed at a meeting of the Board by the votes of the members so approving the
5	resolution.
6	(4) Where the Board desires to obtain the advice of any person on a
7	particular matter, the Board may co opt him to the Board for such a period as it
8	deems fit, but a person who is in attendance by this subparagraph shall not be
9	entitled to vote at any meeting of the Board and shall not count in determining
10	quorum.
11	Committees
12	2(1) The Board may appoint one or more committee to carry out on
13	behalf of the Board, such functions as the Board may determine.
14	(2) A committee constituted under this paragraph shall consist of such
15	number of persons as may be determined by the Board and a person shall hold
16	office on the committee in accordance with the terms of his appointment.
17	(3) A decision of the committee of the Board shall be of no effect until
18	it is confirm by the Board.
19	Conflict of Interest
20	3(1) If any member of the Board has any beneficial interest in any
21	land or building situate in an area comprised in any project of the Agency, or
22	has any beneficial interest in any company or undertaking with which the
23	Agency proposes to make any contract, or has an interest in any such contract,
24	he shall forthwith disclose to the Board the fact and the nature of such interest,
25	and such disclosure shall be recorded in the minutes of the Board, and
26	thereafter such member shall take no further part in any deliberation or
27	decision of the Board relating to such project or contract.
28	(2) Any member disclosing any interest in any project or company or
29	undertaking in which the Agency proposes to make any contract shall be
80	disregarded for the purposes of constituting a quorum of the Board for any such

deliberation or decision.

- (3) For the purposes of subsection (1) of this section a general notice given at a meeting of the Board by a member to the effect that he is a member of a specified company or firm and is to be regarded as interested in any transaction or project of the Agency concerning the company or firm, shall be regarded as a sufficient disclosure of his interest in relation to that transaction or project.
- (4) A member of the Board need not attend in person at a meeting of the Board in order to make any disclosure which he is required to make under this section if he takes reasonable steps to secure that the disclosure is made by notice which is brought up and read at the meeting.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Food Reserve Agency for the purposes of storing food grains and other food commodities for Strategic purposes.

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