

NIGERIAN BUILDING AND ROAD RESEARCH INSTITUTE BILL, 2020

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SCHEDULE

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN BUILDING AND ROAD RESEARCH INSTITUTE (NBRI) TO BUILD CAPACITY, CONDUCT INTEGRATED APPLIED RESEARCH AND DEVELOPMENT IN ROADS, BUILDINGS, AND ENGINEERING MATERIALS SECTORS AND FOR RELATED MATTERS

Sponsored by Senator Uche Ekwunife

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NIGERIAN BUILDING AND ROAD

2 RESEARCH INSTITUTE AND ITS GOVERNING BOARD

3 1.-(1) There is established an Institute to be known as Nigerian
4 Building and Road Research Institute (in this Act referred to as "the
5 Institute").

Establishment
of the Nigerian
Building and Road
Research Institute
(NBRI)

6 (2) The Institute:

7 (a) shall be a body corporate with perpetual succession and a
8 common seal;

9 (b) may sue and be sued in its corporate name; and

10 (c) may acquire, hold and dispose of any movable or immovable
11 property and enter into a contract or any other transaction for the purpose of
12 its functions under this Act.

13 2.-(1) There is established for the Institute a Governing Board (in
14 this Act referred to as "the Board").

Establishment
and Composition
of the Governing
Board of the
Institute

15 (2) The Board shall consist of:

16 (a) The Chairman who shall be person with requisite knowledge
17 and experience in matters relating to the road sector and built environment'
18 to be appointed by the President;

19 (b) a representative, who shall not be below the Directorate Cadre,

1 of the following Federal Ministries responsible for:

2 (i) Science and Technology,

3 (ii) Power, Works and Housing; and

4 (iii) Industry, Trade and Investment.

5 (c) President of the Council for the Regulation of Engineering in
6 Nigeria (COREN);

7 (d) President or Chairman of one of the following professional
8 bodies, who shall serve for two years only, on rotational basis:

9 (i) Council of Registered Builders of Nigeria (CORBON),

10 (ii) Architect Registration Council of Nigeria (ARCON),

11 (iii) Quantity Surveyors Registration Council of Nigeria,

12 (iv) Town Planners Registration Council (TOPREC),

13 (v) Land Surveyors Registration Council of Nigeria, or

14 (vi) Estate Surveyors Registration Council of Nigeria;

15 (e) Two persons to be appointed by the President; and

16 (f) The Director-General of the Institute who shall be Secretary to the
17 Board.

18 (3) The supplementary provision set out in the Schedule to this Act
19 shall apply with respect to the proceedings of the Board and other matters
20 contained therein.

Tenure of office

21 **3.-(1) Members of the Board:**

22 (a) other than the Director General/CEO shall hold office on part-time
23 basis; and

24 (b) who are not ex-officio members shall hold office for a term of
25 three years and may be eligible for re-appointment on satisfactory performance
26 for another term of three years and no more.

27 (2) Subject to any other provisions of this Act, a member of the Board
28 shall hold office on the terms and conditions specified in his letter of
29 appointment.

1	4. The Chairman and members of the Board shall be paid such	Emolument,
2	emoluments, allowances and benefits as the Federal Government may from	allowances and
3	time to time approve.	benefits
4	5. A person shall cease to hold office as a member of the Board	Cessation of
5	where:	membership
6	(a) his term of office expires;	
7	(b) he resigns from office by a notice in writing under his hand	
8	addressed to the President;	
9	(c) in case of an ex officio member, he ceases to hold the office on	
10	the basis of which became a member;	
11	(d) he is removed from office; or	
12	(e) he dies.	
13	6. A person shall be removed as a member of the Board where:	Removal from
14	(a) he becomes bankrupt,	the Board
15	(b) he is convicted of a felony or any offence involving dishonesty	
16	or fraud;	
17	(c) he becomes of unsound mind or his incapable of carrying out	
18	his duties;	
19	(d) he is guilty of a serious misconduct in relation to his duties;	
20	(e) he possesses professional qualification and he is disqualified or	
21	suspended from practicing his profession in Nigeria by an order of a	
22	competent authority; or	
23	(f) the President is satisfied that it is not in the interest of the	
24	Institute or of the public for the person appointed to continue in office.	
25	7.-(1) Where a vacancy occurs in the Board pursuant to the	Filling of
26	provision of section 5 or 6 or any other provision of this Act, the President	Vacancies
27	shall appoint a person to fill the vacancy.	
28	(2) A person appointed pursuant to subsection (1) of this section to	
29	replace a member who is not an ex-officio member, shall hold office for the	

1 remainder of the term of office of his predecessor whose exit created the
2 vacancy.

3 (3) Notwithstanding the provisions of subsection (2) of this section, a
4 member filling a vacancy created by the exit of a member of a professional
5 body shall:

6 (a) hold office for the unexpired term of office of his predecessor in
7 office;

8 (b) be nominated by the same professional body as his predecessor
9 where his predecessor has not completed his term of office; and

10 (c) shall represent the same interest in the Board as that of his
11 predecessor.

Powers and
Functions of the
Board

12 **8.**-(1) The Board shall have power to:

13 (a) approve rules and regulations relating to the appointment,
14 promotion and disciplinary measures of staff of the Institute;

15 (b) fix the remuneration, allowances and benefits of staff of the
16 Institute, subject to the approval of the National Salaries, Incomes and Wages
17 Commission; and

18 (d) regulate its proceedings and make standing orders with respect to
19 its meetings, notices to be given, the keeping of minutes of its proceedings and
20 such other matters as the Board may, from time to time determine.

21 (2) The Board shall:

22 (a) formulate and provide policy guidelines for discharging the
23 functions of the Institute;

24 (b) review and approve the strategic plan of the Institute in the areas
25 of:

26 (i) capacity building, research and development, in the areas
27 connected with building, road, engineering materials and allied construction,

28 (ii) methods of construction, and

29 (iii) environmental factors that affect road and building performances
30 in the Nigeria;

1 (c) ensure the implementation of policies and programs of the
2 Institute; and

3 (d) carry out such other functions that are necessary and expedient
4 for the efficient performance of the functions of the Institute under this Act.

5 **9.** The Institute shall have power to:

6 (a) formulate the guidelines for the implementation of the
7 Provisions of this Act;

Powers of the
Institute

8 (b) collaborate with relevant project implementing agencies to
9 monitor and assess the effective utilization of the construction and
10 engineering materials researched and developed by the Institute for the
11 construction sector;

12 (c) develop code of practice for locally produced and emerging
13 materials for the construction sector and to determine the most effective and
14 economic methods of their utilization;

15 (d) enter any construction site with the approval of the project
16 implementing agency for the purpose of carrying out its functions under this
17 Act;

18 (e) liaise, with relevant establishments within and outside Nigeria
19 in pursuance of its functions under this Act;

20 (f) invest surplus funds of the Institute in profit-yielding ventures;

21 (g) collaborate with relevant regulatory agencies in the
22 development of codes design criteria and specifications for conventional
23 engineering materials, roads and safety measures and;

24 (h) carry out such other activities as are necessary and expedient
25 for the performance of its functions under this Act.

26 **10.-(1)** The Institute shall build capacity and conduct applied
27 integrated research and development on building, road and engineering
28 construction materials and methods, and socio-economic aspects and
29 impacts of construction and environmental factors that affect building and

Functions of the
Institute

1 road performances in the country; and in these regards, it shall carry out
2 research on:

3 (a) the suitability or otherwise of building, road, and construction
4 materials,

5 (b) architectural design of buildings to suit Nigerian climatic
6 conditions with respect to lighting ventilation, thermal comfort and humidity,

7 (c) the design and performance of functional units in building
8 including electrical installations, plumbing, painting, drainage, ventilation and
9 air-conditioning systems;

10 (d) local construction and building operations and methods to
11 increase their effectiveness;

12 (e) structural design of buildings and bridges and the development of
13 the design criteria, specifications and codes of practice;

14 (f) transportation schemes including occurrence of accidents and
15 safety measures;

16 (g) geotechnical issues including soil conditions and recommending
17 appropriate solutions; and

18 (h) the system and processes for the conversion of raw or semi-
19 finished materials into engineering materials of various shape, gauges, forms
20 and performance.

21 (2) The Institute shall:

22 (a) publish the results of its research on building, road and
23 engineering materials in the construction sector;

24 (b) encourage and promote the commercialization of research and
25 development innovation in the construction sector;

26 (c) promote the practice of research and development and accordingly
27 it shall:

28 (i) consider applications for research and development grants made
29 by institution, corporate bodies and individuals for building, road and

1 engineering materials on the basis of criteria to be determined by the
2 Institute, and

3 (ii) develop facilities and capabilities through its Centres for
4 research and development in building, road and engineering materials,
5 chemical materials, scientific equipment, engineering manpower training.

6 (d) collaborate with higher educational institutions and other
7 relevant Government Institutions, organizations, agencies, councils and
8 commercial industries in the research and development of building
9 materials and in scientific and engineering manpower training.

10 (3) The Institute shall:

11 (a) develop, run and manage modern laboratories in Nigeria for
12 research and development in the construction sector;

13 (b) provide consultancy and scientific services, in areas relating to
14 building, road and engineering materials in construction sector;

15 (c) establish an academy and in collaboration with other relevant
16 bodies, develop curricula for manpower development for the construction
17 sector;

18 (e) proffer advise to professional and regulatory bodies towards the
19 development of curriculum for training of artisans, craftsmen, workmen in
20 related disciplines for the construction sector; and

21 (f) Undertake such other activities which are necessary for the
22 performance of its functions under this Act.

23 PART II - STRUCTURE OF THE INSTITUTE

24 11.-(1) The Institute shall have:

25 (a) the following special Research Directorates-

26 (i) Engineering Materials Research Directorate,

27 (ii) Building Research Directorate,

28 (iii) Road Research Directorate,

29 (iv) Applied Mathematics, Computer and Pure Science Research
30 and Development Support Services Directorate,

Structure of the
Institute

1 (iv) Cement, Cement Substitutes and Alternative Construction
2 Materials Directorate; and

3 (vi) such other Research Directorates as it may consider necessary for
4 the efficient performance of its functions under this Act;

5 (b) Such Training Centres as may be established pursuant to section
6 13 of this Act;

7 (c) Zonal Offices and Laboratories to be established in such places in
8 Nigeria as may be considered appropriate by the Institute with the approval of
9 the Board;

10 (d) the following Departments, to be headed by Directors, which shall
11 be responsible for:

12 (i) Human Resources Management,

13 (ii) Finance and Accounts,

14 (iii) Planning and Information Technology,

15 (iv) Consultancy and Extension Services,

16 (v) Procurement, Development and Maintenance, and

17 (vi) Legal Services; and

18 (e) power to set up such Units, Technical Committees and Working
19 Groups as the Institute may require to assist it in the performance of its duties
20 and functions.

21 (2) There shall be appointed for each of the Units, Technical
22 Committees and Working Groups set up pursuant to subsection (1)(e) of this
23 section, an Officer-In- Charge who shall be known by such designation as the
24 Institute may determine.

25 (3) The Institute may, with the approval of the Board, make changes to
26 its structure.

Technical
Advisory
Committee

27 **12.**-(1) The Institute may establish a Technical Advisory Committee
28 in areas of Building, Road and Engineering Material Research for the effective
29 performance of its functions.

30 (2) Members of a Technical Advisory Committee appointed by the

1 Institute shall be persons with requisite expertise and experience in the
2 relevant areas of Building, Road and Engineering sectors.

3 PART III - ESTABLISHMENT OF BUILDING, ROAD AND ENGINEERING

4 MATERIALS TRAINING CENTRES

5 13.-(1) The Institute may, from time to time, on the
6 recommendation of the Director-General/CEO with the approval of the
7 Governing Board, established a Building, Road and Engineering Materials
8 Training Centre (in this Act referred to as "Training Centre") which shall be
9 located in such geo-political zones in Nigeria as may be specified in the
10 Order.

Establishment
of Training Centres

11 (2) An Order establishing a Training Centre pursuant to the
12 provisions of this Act may contain supplementary or incidental provisions
13 relating to the Training Centre, including provisions for:

14 (a) the designation of the Centre;

15 (b) the area of specialization covered by the training at the Training
16 Centre;

17 (c) transfer of any existing facility belonging to Federal, State or
18 Local Government to the Training Centre by mutual agreement;

19 (d) the establishment and constitution of senior research officers to
20 manage the affairs of the Centre;

21 (e) the Training Centre to be fully equipped to carryout training on
22 Building, Road, and Engineering Materials;

23 (f) association and collaboration of the Training Centre with
24 universities, other institutions of higher learning and commercial industries;
25 and

26 (g) The Training Centre shall report for its day-to-day operations to
27 the Director-General/CEO.

28 PART IV - APPOINTMENT OF DIRECTOR-GENERAL/CEO AND OTHER

29 STAFF OF THE INSTITUTE

30 14.-(1) There shall be appointed by the President on the

Appointment,
functions and
tenure of the
Director-General/
Chief Executive
Officer

1 recommendation of the Minister, a Director-General/CEO for the Institute,
2 who shall have not less than 15 years post qualification experience in the
3 built environment and particularly in building, road, geotechnical
4 engineering and construction sector.

5 (2) The Director-General/CEO shall be:

6 (a) the Chief Executive and Accounting Officer; and

7 (b) responsible for the day-to-day administration and execution
8 of the policy of the Institute.

9 (3) The Director-General/CEO shall, as Secretary to the Board:

10 (a) prepare minutes of the meetings of the Board;

11 (b) keep and secure the corporate record of the Board and the
12 Institute;

13 (c) issue notices of the meetings of the Board as may be directed
14 by the Board;

15 (d) be in custody of the seal of the Institute; and

16 (e) perform such other duties as the Board may, from time to time
17 assign.

18 (4) The Director-General/CEO shall hold office for a term of four
19 years and may upon satisfactory performance of his duties, be re-appointed
20 for another term of four years and no more.

Appointment
and tenure of
Principal Officers
of the Institute

21 **15.**-(1) The Institute shall have the following Principal Officers:

22 (a) a Head of Department who shall be of the rank of a Director of
23 Research in the Institute for each of the Research Directorates provided
24 under section 11 of this Act and in the absence of a person of the rank of a
25 Director, the most Senior Research Officer in the Directorate who shall not
26 be below the rank of a Principal Research Officer shall be appointed on
27 acting capacity;

28 (b) A Director to head each of the Non-Research Directorates as
29 may be established by the Institute; and

30 (c) a Coordinating Director for each Laboratory and Training

1 Centre established by the Institute under this Act.

2 (2) The appointment of the Principal Officers under this section
3 shall be made by the Board on the recommendation of the Director-General.

4 (3) A Principal Officer appointed under subsections (1) (a) or (c)
5 shall hold office for a term of two years and may be eligible for re-
6 appointment upon satisfactory performance of his duties, for another term of
7 two years after which he may be retained as an officer in the Institute where
8 he has not attain the retirement age of 65 years.

9 **16.** The Principal Officers appointed in this Act shall:

Functions of the
Principal Officers

10 (a) be answerable to the Director-General for the day to day
11 administration of their respective Directorates, Laboratories, Training
12 Centres or offices;

13 (b) implement the policies of the Institute as they apply to the
14 Directorate, Centre or office which he heads or coordinates; and

15 (c) perform such other functions as may be assigned by the
16 Director-General from time to time.

17 **17.**-(1) The Board may appoint for the Institute, directly or request
18 for the deployment from the Public Service of the Federation, such number
19 of staff as may be necessary for the proper and efficient performance of its
20 functions under this Act.

Other Staff of
the Institute

21 (2) The terms and conditions of service, including remuneration,
22 allowances and benefits of staff of the Institute shall be as determined by the
23 Board in consultation with the National Salaries, Income and Wages
24 Commission, subject to relevant extant laws.

25 (3) The employment, discipline and removal of staff of the Institute
26 shall be subject to such terms and conditions as may, from time to time, be
27 stipulated by the Board and contained in the letters of appointment of the
28 staff of the Institute.

29 **18.**-(1) Service in the Institute shall be Public Service of the

Service in the
Institute

1 Federation within the meaning of the Constitution of the Federal Republic of
2 Nigeria.

3 (2) Staff of the Institute shall, in respect of their services in the
4 Institute, be entitled to such pension and other retirement benefits as are
5 prescribed for persons holding equivalent grades in the Civil Service of the
6 Federation under the Pension Reform Act, so however that nothing in this Act
7 shall prevent the appointment of a person to an office on terms which preclude
8 the grant of pension and other retirement benefit in respect of that office.

9 PART V - FINANCIAL PROVISION

Fund of the
Institute

10 **19.**-(1) The Institute shall establish and maintain a fund (hereinafter
11 referred to as 'the Fund') for its day-to-day administration, into which shall be
12 paid:

- 13 (a) such money as may be appropriate to it by the National Assembly;
14 (b) fees charged for any consultancy service rendered by the Institute
15 and trainings at the Training Centres;
16 (c) contributions from the organized private sector;
17 (d) foreign aid and assistance from bilateral and multilateral agencies;
18 (e) fees charge in respect of commercialization of products by the
19 Institute;
20 (f) all sums accruing to it by way of gifts, endowments or
21 testamentary disposition;
22 (g) profits from investment entered into by the Institute; and
23 (h) such other funds as may from time to time accrue to the Institute.

24 (2) Every applicant for registration in the Journal of the Institute shall
25 pay a fee which shall be credited and maintained in a separate account by the
26 Institute and part of the fees shall be used for the publication of the Journal.

27 (3) The fees referred to in subsection (2) of this section shall be as
28 determined from time to time by the Board.

Budget of the
Institute

29 **20.**-(1) The Institute shall not later than 31st October in each financial
30 year or any such time as may be required under the Financial Regulations of

1 Nigeria, prepare and submit to the National Assembly, through the Minister
2 an estimate of its income and expenditure for the next financial year.

3 (2) Notwithstanding the provisions of subsection (1) of this
4 section, the Institute may also, in any financial year, submit supplementary
5 or adjusted statements of estimated income and expenditure through the
6 Minister to the National Assembly.

7 **21.** Subject to the provisions of section 20 of this Act the Institute
8 shall from time to time apply the proceeds of the Funds established under
9 section 19 of this Act to:

10 (a) meet the administrative and operating costs of the Institute;

11 (b) pay salaries, wages, fees, allowances, retirement benefits
12 including pensions and any other remuneration payable to the members of
13 the Board and staff of the Institute;

14 (c) publicize and promote the activities of the Institute;

15 (d) purchase or acquire property and make other approved capital
16 expenditure and to maintain any property acquired or purchased;

17 (e) meet the investment need of the Institute and the profit
18 generated shall be paid into the Fund of the Institute; and

19 (f) undertake any other activity in connection with all or any of the
20 functions of the Institute.

21 **22.**-(1) The Institute may, subject to the approval of the Ministry of
22 Finance Incorporated (MOFI) and the Financial Regulations of Nigeria,
23 invest any surplus funds in profit-yielding ventures

24 (2) The Board may subject to subsection (1) of this section, issue to
25 the Institute, directives as may be deemed necessary as to the disposal of any
26 such funds.

27 **23.** Incomes derived by the Institute from the sources specified
28 under section 19 of this Act shall be exempted from income tax.

29 **24.** The Institute shall:

30 (a) keep proper accounts and records of its receipts, payments,

Expenditure of
the Institute

Disposal of
Surplus Funds

Exemption from
Income Tax

Accounts and
Audit

	1	assets and liabilities and prepare in respect of each financial year a statement of
	2	accounts in such forms as may be directed by the Auditor-General for the
	3	Federation; and
	4	(b) cause its accounts to be audited within six months from the end of
	5	each financial year by auditors whose appointment shall be approved by the
	6	Board provided that such auditors are on the list of auditors approved from time
	7	to time by the Auditor-General for the Federation.
Annual Report	8	25. -(1) The Institute shall, not later than six months after the
	9	expiration of each financial year, prepare and submit to the Minister through
	10	the Board an annual report on its activities and operations during the previous
	11	year and shall include in such report, a copy of its audited accounts and the
	12	auditor's report for the year.
	13	(2) The Institute shall not later than 30th September in each year,
	14	submit to the Board the annual report of each of its Training Centre for the
	15	preceding year.
	16	(3) The Board shall submit the annual report referred to in subsection
	17	(2.) of this section to the Minister within two months after its receipt of the
	18	report.
Power to accept gifts	19	26. The Institute may accept gifts of land, money or other property
	20	upon such terms and conditions, if any, as may be specified by the donor of the
	21	gift, provided that the terms and conditions are not contrary to the objectives
	22	and functions of the Institute.
Utilization of Gifts	23	27. A gift intended by the donor of the gift to the Institute, Training
	24	Centre or project shall be made directly to the Institute which shall utilize the
	25	gift for its objects under this Act subject to any expressed wishes of the donor.
Financial year	26	28. The financial year of the Institute shall commence from 1st
	27	January of each year and end on 31st December of the same year.
	28	PART VI - LEGAL ACTIONS AGAINST THE INSTITUTE
Limitation of suit against the Institute	29	29. -(1) Subject to the provisions of this Act, the provisions of the
	30	Public Officers Protection Act shall apply in relation to any suit instituted

1 against any officer or employee of the Institute.

2 (2) Notwithstanding anything contained in any other enactment or
3 law, no suit shall lie or be instituted in any court against any member of the
4 Board, the Director-General, the Secretary or any other Officer or employee
5 of the Institute for any act done in pursuance or execution of this Act or any
6 enactment or law, public duty or authority in respect of any alleged neglect,
7 duty or authority or be instituted in any court unless it is commenced:

8 (a) within three months next after the act, neglect or default
9 complained of; or

10 (b) in the case of continuation of damage or injury, within six
11 months next after the cessation thereof.

12 (3) No suit shall be commenced against any member of the Board,
13 the Director-General secretary, any officer or employee of the Institute
14 before the expiration of a period of one month after written notice of the
15 intention to commence the suit shall have been served on the Institute by the
16 intending plaintiff or his agent.

17 (4) The notice referred to in subsection (3) of this section shall
18 clearly and explicitly state the:

19 (a) cause of action;

20 (b) particulars of the claim;

21 (c) name and place of abode of the intending plaintiff; and

22 (d) relief sought.

23 **30.** A notice, summons or other documents required or authorized
24 to be served on the Institute under the provisions of this Act or any other law
25 or enactment, may be served by delivering it to the Institute by registered
26 post addressed to the Director-General of the Institute at the principal office
27 of the Institute.

Service of Court
Process

28 **31.** In any action against the Institute, no execution or attachment
29 of any nature thereof shall be issued against the Institute without the consent
30 of the Honourable Attorney General of the Federation and Minister of

Restriction on
execution against
property of the
Institute

	1	Justice unless at least three months' notice of the intention to execute or
	2	attach has been given to the Institute.
Indemnity of the Officials of the Institute	3	32. A member of the Board, the Director-General, Secretary,
	4	Officer or employee of the Institute shall be indemnified out of the assets of
	5	the Institute against any liability incurred by him in defending any
	6	proceedings, whether civil or criminal, where the proceedings is brought
	7	against him in his capacity as member of the Board, the Director- General,
	8	Secretary, Officer or employee of the Institute.
	9	PART VII - MISCELLANEOUS
Power to give directives	10	33. -(1) The Minister may from time to time, give general policy
	11	guidelines to the Institute.
	12	(2) Notwithstanding the provisions of subsection (1) of this
	13	section, the Minister may give to the Institute directives of a general or
	14	specific nature relating generally to a particular matter or case, as the case
	15	may be.
	16	(3) The Institute shall comply with any policy guidelines or
	17	directive given to it by the Minister pursuant to subsection (1) or (2) of this
	18	section or cause them to be complied with.
Power to make Regulations	19	34. -(1) The Institute may, with the approval of the Minister make
	20	Regulations as it deems expedient for the purpose of giving full effect to the
	21	provisions of this Act.
	22	(2) The contravention of any regulation issued pursuant to any of
	23	the provisions of this Act shall constitute an offence and shall be punishable
	24	as prescribed in the particular regulation.
Amendments of the Research Institutes (Establishment, etc.) Order LN S4 of 1977	25	35. -(1) The Research Institutes (Establishment, etc.) Order LN 54
	26	of 1977 (in this Act referred to as "the Order") made pursuant to the National
	27	Agency for Science and Engineering Infrastructure Act, Cap. N3 LFN 2004,
	28	is amended by deleting sections 1 (1)(e) and 6 of the Order.
	29	(2) Section 9 of the Order shall not apply to the Institute established
	30	under this Act; and

1 (3) Any other reference to the Institute established under the Order
2 is consequently deleted.

3 36.-(1) Without prejudice to the provisions of the interpretation Act Savings provision
4 nothing in this Act shall invalidate or otherwise prejudicially after anything
5 done or purported to be done under the amended sections of the Order.

6 (2) As from the commencement of this Act all assets, rights,
7 liabilities and obligations of the Institute established under the Order shall
8 vest in the Institute established under this Act.

9 (3) Notwithstanding the provisions of this Act and subject to such
10 directions as may be issued by the Institute, any person who was an
11 employee of the Institute established under the Order shall be deemed to be
12 an employee of the Institute established under this Act.

13 37. In this Act: Interpretation

14 "Board" means the Governing Board of the Institute;

15 "Chairman" means the Chairman of the Board of the Institute;

16 "Fund" means the fund of the Institute established under Section 19 of this
17 Act;

18 "Institute" means Nigerian Building, Road and Road Research Institute
19 established under this Act;

20 "Minister" means the Minister charged with the responsibility for Science
21 and Technology; and

22 "President" means the President of the Federal Republic of Nigeria.

23 39. This Bill may be cited as the Nigerian Building and Road Short Title
24 Research Institute Bill, 2020.

1 SCHEDULE

2 *Section 2*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

4 *Proceedings of the Board*

5 1-(1) Subject to this Act and section 27 of the Interpretation Act, the
6 Board may make standing orders regulating its proceedings or those of any of
7 its committees.

8 (2) The quorum of the Board shall be the Chairman or person
9 presiding at the meeting and five other members of the Board and the quorum
10 of any committee of the Board shall be as determined by the Board.

11 (3) The Board shall meet not less than four times in each year and
12 subject thereto, the Board shall meet whenever it is summoned by the
13 Chairman or where the Chairman is required to do so by notice given to him by
14 not less four other members, he shall summon a meeting of the Board to be held
15 within twenty-eight days from the date the notice was given.

16 (4) At any meeting of the Board, the Chairman shall preside but if he is
17 absent, the members present at the meeting shall appoint one of their members
18 to preside at the meeting.

19 (5) Where the Board desires to obtain the advice of any person on a
20 particular matter, the Board may co-opt such person for such period as it deems
21 fit, but a person who is in attendance by virtue of this sub-paragraph shall not be
22 entitled to vote at any meeting of the Board and shall not count towards a
23 quorum.

24 *Committees*

25 2.-(1) The Board may appoint one or more committee to carry out, on
26 behalf of the Board, such functions as the Board may determine.

27 (2) A committee appointed under this paragraph shall consist of such
28 number of persons as may be determined by the Board and a person shall hold
29 office on the committee in accordance with the terms of his appointment.

1 (3) A decision of a committee shall be of no effect until it is
2 confirmed by the Board.

3 (4) The validity of any proceedings of the Board or of a committee
4 thereof shall not be affected by any vacancy in the membership of the Board
5 or of a committee.

6 (5) Any member of the Board or any person holding office on a
7 committee of the Board, who has personal interest in any contract or
8 arrangement shall disclose his interest to the Board and shall not vote on any
9 matter relating to the contract or arrangement.

10 *Miscellaneous*

11 3.-(1) The fixing of the seal of the Board shall be authenticated by
12 the signature of the Director-General or any person or specifically
13 authorized by the Board to act for that purpose.

14 (2) Any contract or instrument which, if made or executed by a
15 person not being a body corporate, would not be required to be under seal,
16 may be made or executed on behalf of the Board by the Director-General or
17 any person generally or specifically authorized by the Board to act for that
18 purpose.

19 (3) Any document purporting to be a document duly executed
20 under the seal of the Board shall be received in evidence and shall unless and
21 until the contrary is proved, be presumed to be so executed.

22 (4) The validity of any proceedings of the Board or of a committee
23 shall not be affected by:

24 (a) a vacancy in the membership of the Board or committee;

25 (b) a defect in the appointment of a member of the Board or
26 committee; or

27 (c) reason that a person not entitled to do so took part in the
28 proceedings of the Board or committee.

EXPLANATORY MEMORANDUM

(This note does not form part of the above Act but is intended to explain its purport)

The Bill seeks to amend the Nigerian Building and Road Research Institute for the purpose of building capacity and carrying on integrated applied research and development into building and road construction; and to amend the Research Institute (Establishment) Order 1977 made under the National Agency for Science and Engineering Infrastructure Act, Cap. N3 LFN, 2004.