



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**NATIONAL ENVIRONMENTAL RESEARCH AND TRAINING
INSTITUTE ESTABLISHMENT BILL, 2022.**

(SB. 527)

A BILL
FOR
AN ACT TO ESTABLISH THE NATIONAL ENVIRONMENTAL RESEARCH
AND TRAINING INSTITUTE FOR THE DEVELOPMENT OF
ENVIRONMENTAL POLICIES, TRAINING AND RESEARCH AND FOR OTHER
MATTERS CONNECTED THERETO

FIRST READING	WEDNESDAY 14 TH NOVEMBER, 2020
SECOND READING	WEDNESDAY 17 TH FEBRUARY, 2020
THIRD READING	WEDNESDAY 23 RD NOVEMBER, 2022

Establishment of the National Environmental Research and Training Institute



Arrangement of Clause

Clauses

1. Establishment of the National Environmental Research and Training Institute.
2. Establishment and Composition of the Governing Board
3. Tenure of the Board.
4. Objectives and Functions of the Institute.
5. Functions of the Board.
6. Powers of the Board
7. Appointment, Functions and Tenure of the Director General
8. Staff of the Institute.
9. Pensions.
10. Funds of the Institute
11. Powers to accept Gifts
12. Powers to Borrow
13. Powers to Invest
14. Estimate account and Audit
15. Annual Report
16. Regulations
17. Interpretation

A BILL FOR AN ACT TO ESTABLISH THE NATIONAL ENVIRONMENTAL RESEARCH AND TRAINING INSTITUTE FOR THE DEVELOPMENT OF ENVIRONMENTAL POLICIES, TRAINING AND RESEARCH AND FOR OTHER MATTERS CONNECTED THERETO,

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Commencement

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

1. 1) There is hereby established under this Bill a body known as the National Environmental Research and Training Institute of Nigeria (in this bill referred to as "the Institute") which shall have the functions assigned to it by this Bill.

Establishment of the National Environmental Research and Training Institute.

(2) The Institute shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

2. 1) The governance of the institute and affairs shall vest in the Board of Governors of the Institute (in this Bill referred to as "the Board").

Establishment and Composition of the Governing Board

(2) Without prejudice to the generality of subsection (1) of this section, it shall be the responsibility of the Board to consider and approve-

- (a) the programme, policy direction and activities of the Institute.

(3) *The Board shall consist of Chairman to be appointed by the President subject to the confirmation of the Senate.*

(i) The Chairman shall possess not less than 15 years experience in the field of environmental research and management;

- (i) Environment
- (ii) Education
- (iii) Aviation
- (iv) Science and Technology
- (v) Justice
- (vi) Agriculture and Natural Resources
- (vii) Niger Delta Affairs

(b) a representative each of

- (i) National Population Commission
- (ii) National Space and Research Center
- (iii) National Meteorology Agency
- (iv) National Environmental Standards and Regulations Enforcement Agency
- (v) Nigerian Conservation Society

(vi) Nigeria National Petroleum Corporation

(vii) Federal Universities

(viii) Federal Ministry of Water Resources

c) Three persons to be appointed by the President on the recommendation of the Minister to represent the following:

(i) South-South/South East

(ii) North Central/South West

North West North East

(d) The Director General of the Institute who shall serve as Secretary to the Board.

3. (1) Subject to subsection (5) of this section, a person appointed as a member of the Board (not being an ex-officio member) shall hold office for four years and shall be eligible for re-appointment for one further period of four years and no more. Tenure of the Board.

(2) The President may terminate the appointment of a member of the Board (not being an ex-officio member) if satisfied that it is not in the interest of the Institute or the Board that the person concerned should continue in office.

(3) The supplementary provisions contained in the schedule to this Bill shall have effect with respect to the proceeding of the Board and the other matters therein mentioned.

4. (1) The objectives of the Institute shall be to: Objectives and Functions of the Institute.

(a) conduct research into environmental issues;

(b) advance and disseminate the result of the research for proper conservation, protection of environment and mitigation of environmental issues.

(2) Without prejudice to the generality of the provisions of subsection (1) of Bill, it shall be the functions of the Institute to undertake research into:

(a) the improvement of integrated waste management Strategies.

(b) the improvement of pollution control through hi-tech and scientific approach method.

(c) all aspects of biodiversity and ecosystem

(d) all aspects of climate change remediation

(e) the nature of marine environment and marine safety

(f) all aspects of Environmental Impact Assessment

(g) all aspect of population control and poverty reduction

(h) erosion and flood control through hi-tech and scientific method

(i) the formulation of policy and training on Health, Safety and environment for both public and private sectors

- (j) all aspects of deforestation and control of afforestation
- (k) all aspects of desertification control and mitigation

(l) establish such department (s) within the Institute as may, from time to time, be deemed necessary or desirable

(m) do anything or enter into any transaction which in the opinion of the Board is necessary to ensure the proper performance of its function under the Bill

(3) The Institute where applicable may on a written request of any agency, state, local government or private body offer its services in the area of training of staffs or workers in any Specified area of research or training as requested.

5. The Board shall be responsible for: Functions of the Board.

- (a) managing and superintending the affairs of the Institute
- (b) the overall policy and general administration of the Institute
- (c) prepare and approve a programme of research and training for such periods not less than four years
- (d) reviewing and, if necessary, revising each year the programmes approved under subsection (c) of this Bill
- (e) approving annual report and statement of accounts of the Institute
- (f) appointing and approving fees for external auditors
- (g) working closely with the management of the Institute to ensure smooth operations of the affairs of the Institute; and
- (h) carrying out such other activities connected with or incidental to the other functions of the Board

6. The Board shall have power: Powers of the Board

- (a) to acquire offices and other premises for the use of the Institute
- (b) to fix terms and conditions of service, including remuneration of the employees of the Institute,
- (c) to do such other things as are necessary for the Successful performance of its functions under this Bill

7. *1. There shall be for the Institute a Director General who shall-* *Appointment, Functions and Tenure of the Director General*

- (a) be appointed by the President on the recommendation of the Minister subject to the confirmation by the Senate;*
- (b) posses minimum of First Degree in Environmental Studies or other related fields;*
- (c) and had minimum of 10 years work experience in the management of environmental matters.*

(2) The Director General shall be the Chief Executive of the Institute and be responsible to the Board for the general management of the affairs of the Institute.

(3) The Director General shall be responsible for the Execution of the policies

and programmes of the institute and its day-to-day administration.

(4) The Director general shall hold office in the first instance for a period of four years and shall be eligible for re-appointment for such further period as the President may determine.

(5) Subject to the provision of this section, the Director General shall hold office on such terms and condition as may be specified in his letter of appointment.

8. (1) There may be appointed from time to time by the Board, such other staffs as may be required for the purposes of the efficient performance of the functions conferred on the Institute under or pursuant to this Bill. *Staff of the Institute.*

(2) The Board may, subject to the provision of this Bill, make staff regulations relating generally to the conditions of service of the employees of the Institute and without prejudice to the generality to the foregoing, such regulations may provide for:

(a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Institute, and

(b) appeals by such employees against dismissal or other disciplinary measures and until such regulations are made, any instrument relating to the conditions of service of public officers shall be applicable, with such modifications as may be necessary, to the employees of the Institute.

(3) Staff regulations made under subsection (2) of this section, shall not have effect until approved by the President and when so approved, they need not be published in the Gazette but the Board shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

9. (1) Notwithstanding the provisions of the Pension Act, it is hereby declared that service in the Institute shall be approved service for the purposes of this Bill, and, accordingly, officers and other persons employed in the Institute shall, in respect of their service in the Institute, be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the Public Service of the Federation, so, however, that nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office. *Pensions.*

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable there under by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Board and not by any other authority.

10. (1) The Board of Governors of the Institute shall establish and maintain a fund which shall be applied towards the promotion of the objectives and functions specified in this Bill. *Funds of the Institute*

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section

(a) such sum as may be provided by the Government of the Federation or of a state for payment into the fund;

(b) fees charged for services rendered by the Institute; and

(c) such assets of the relevant research department as may be transferred to the Institute in pursuance of this Bill.

(d) subject to section 10 (2) of this Bill all sums accruing to the Institute by way of gifts, testamentary disposition, and endowment or contributions from philanthropic persons or organization or otherwise howsoever.

11. (1) The Board may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organization making the gift. Powers to accept Gifts

(2) The Board shall not accept any gift if the conditions attached by the person or organization making the gift to the acceptance thereof, are inconsistent with the functions of the Institute.

12. 1) The Board may, with the consent of the Minister or in accordance with the general guidelines approved by the President, borrow such monies as it may require on such terms and conditions as it deems fit, and if need be, upon such security of all or any of the property movable or immovable of the Institute. Powers to Borrow

(2) The Institute may, subject to the provision of this Bill and the conditions of any trust created in respect of any property, invest all or any of its funds with the like consent or general authority.

13. (1) The Board may invest any monies or surplus funds belonging to the Institute by way of endowment (whether for general or specific purpose) and any such monies of the Institute as may not be immediately required for current expenditure in any investment or securities or in purchase or improvement of land, with power to vary any such investment and to deposit any monies for the time being uninvested, with any bank on deposit or current account. Powers to Invest

(2) The Board may charge fees for courses, lectures, Seminars or any other educational activities organized by it.

14. (1) The Board shall cause to be prepared not later than 31 October in each year, an estimate of the expenditure and income of the Institute during the next succeeding financial year and when prepared, they shall be submitted to the President through the Ministry. Estimate account and Audit

(2) The Institute shall keep proper accounts and proper records in relations thereto and when certified by the Board such accounts shall be audited by auditors appointed by the Institute from the list of auditors and in accordance with guidelines supplied by the Auditor-General for the Federation and the

fees of the auditors and expenses of the audit generally shall be paid from funds of the Institute.

(3) The Director General shall on the completion of the audit of the accounts of the Institute for each financial year, prepare and submit to the Board, not later than six months after the financial year to which the accounts relate; the reports of the audit setting out

(a) general observations and recommendations of the auditors on the financial affairs of the Institute for the year and on any important financial matters which the auditors desire to bring to the notice of the Board; and

(b) detailed observations and the recommendations of the auditors on all aspects of the finances of the Institute for that year.

15. The Board shall, as soon as possible after the end of each year, submit to the Minister a report on the activities of the Institute and of any research under the administration of the Board during the last preceding year and shall include in such report the audited accounts of the Institute. Annual Report
16. The Board may make regulations generally for the purpose of this Bill and regulations made hereunder shall not have effect until they are approved by the Minister, and when so approved, they shall be published in the Federal Gazette. Regulations
17. In this Bill, unless the context otherwise requires: Interpretation

“Board” means the Board of Governors of the Institute constituted as provided in section 2 of this Bill.

“Chairman” means the Chairman of the Board.

“Institute” means the National Environmental Research and Training Institute of Nigeria established by section I of this Bill.

“Member” includes the Chairman of the Board.

“Minister” means the Minister in charge of Environment.

18. This Bill may be cited as the National Environmental Research and Training Institute Bill 2022 Short Title
- SCHEDULE SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD OF MANAGEMENT

PROCEEDINGS OF THE BOARDS

1. (1) Subject to this Bill and section 27 of the interpretation Act (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote), the Board may make standing orders regulating the proceeding of the Board or of any committee thereof.

(2) The quorum of the Board shall be 2/3 of the members and the

quorum of any committee of the Board shall be determined by the Board.

(3) The Board shall meet not less than four times in each year and subject thereto, the Board shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice given to him by not less than three other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

(4) At any meeting of the Board, the Chairman shall preside, but if he is absent, the members present at the meeting shall appoint one of their member to preside at that meeting. At no time should the absence of the chairman stop the Board from holding its statutory meetings.

(5) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Board and shall not be counted towards the quorum.

(6) Notwithstanding anything in the foregoing provisions of the paragraph, the first meeting of the Board shall be summoned by the minister.

COMMITTEES

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

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily all members of the Board) as may be determined by the Board, and a person other than a member of the Board shall hold office on the committee in accordance with the terms of his appointment.

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

MISCELLANEOUS

3. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the Chairman or of some other member authorized generally or specifically to act for that purpose by the Board.

(2) Any contract or investment which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Institute by the Director General or any person generally or specially authorized to act for that purpose by the Board.

(3) Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall, unless the

contrary is proved, be presumed to be so executed.

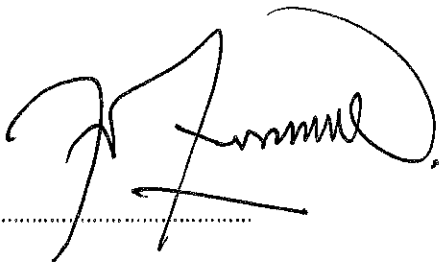
(4) The validity of any proceedings of the Board or of a committee thereof shall not be affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or by reason that a person not be entitled to do so took part in the proceedings.

(5) Any member of the Board, and any person holding office on a committee of the Board who has personal interest in any contract or arrangement entered into or proposed to be considered by the Board or a committee thereof shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

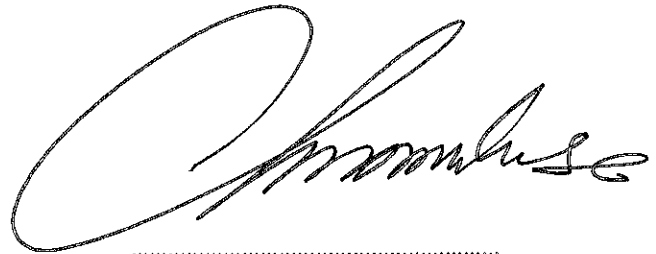
This Bill seeks to establish the National Environmental Research and Training Institute to develop environmental policies, organize training, and conduct scientific research in the Environmental Sector.

THIS BILL WAS PASSED BY THE SENATE ON WEDNESDAY 23RD NOVEMBER, 2022



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President,

Senate of The Federal Republic of Nigeria



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Clerk,

Senate of The Federal Republic of Nigeria