

AGRICULTURAL RESEARCH COUNCIL OF NIGERIA ACT

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Supplementary Proceedings relating to the Board, etc.

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Provisions relating to Research Institutes

An Act to establish the Agricultural Research Council of Nigeria and to provide for the establishment of research institutes by the Council.

[Commencement]

[26th May, 1999]

PART I

Establishment, etc., of the Agricultural Research Council of Nigeria

1. Establishment of the Council

There is hereby established a body to be known as the Agricultural Research Council of Nigeria (in this Act referred to as "the Council") which under that name shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name.

2. Governing Board of the Council

(1) There is hereby established for the Council a governing board which shall consist of the following members to be appointed by the President-

(a) the Chairman who shall be a person with wide knowledge and distinction in one or more fields of the agricultural sciences;

(b) the Vice-Chancellor of one of the Universities of Agriculture on rotation for 2 years at a time;

(c) the Chairman of the Committee of Deans of the Faculties of Agriculture of the Universities in Nigeria;

(d) the Chairman of the Committee of Deans of the Faculties of Veterinary Medicine of the Universities in Nigeria;

(e) the Chairmen of the Governing Boards of Research Institutes established under section 14 of this Act;

(f) the Chairman of the Committee of Directors of Research Institutes established under section 14 of this Act;

(g) the Directors of the Departments of Agriculture, Fisheries, Forestry and Live-stock of the Federal Ministry of Agriculture and Rural Development;

(h) one representative of the Federal Ministry of Science and Technology, not below the rank of Director;

(i) one representative of the Federal Ministry of Water Resources, not below the rank of Director;

(j) four persons from the private sector with wide knowledge and experience of crops, livestock, fisheries and forestry, respectively; and

(k) the Executive Secretary of the Council who shall be an *ex-officio* member with no voting right.

(2) The supplementary provisions set out in the First Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.

[First Schedule.]

3. Tenure of office

(1) A member of the Board, other than an *ex-officio* member, shall hold office for a term of four years in the first instance and may be re-appointed for a further term of four years and no more.

(2) The office of a member of the Board shall become vacant if -

(a) he resigns his office by a letter addressed by him to the Minister; or

(b) the Minister is satisfied that it is not in the interest of the Council for the person to continue in office as a member, in which case, the Minister shall, with the approval of the President, notify the member to that effect.

(3) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest and shall be appointed by the President.

4. Remuneration and allowances

The members of the Board shall be paid such remunerations and allowances as the Federal Government may, from time to time, determine for the chairmen and members of statutory boards generally.

PART II

Functions

5. Functions of the Council

The functions of the Council shall be to -

(a) advise the Federal Government on national policies and priorities in agricultural research, training and extension activities;

(b) prepare periodic master plans for agricultural research, training and extension and advise the Federal Government on the financial requirement for the implementation of such plans;

(c) ensure the implementation of the approved master plans by the appropriate research institutes, universities and other bodies;

- (d) supervise and co-ordinate the research, training and extension activities of research institutes established under section 14 of this Act;
- (e) prepare the annual budget for agricultural research, training and extension programmes of the institutes under its aegis and receive grants for allocation to the institutes for the implementation of the annual programmes and to universities and other bodies for special research or training projects;
- (f) maintain an up-to-date record of all existing facilities for research, training and extension in the agricultural sciences in Nigeria and advise the Federal Government on their adequacy and efficient utilisation;
- (g) advise the Federal Government on the re-organisation of existing institutes, including the creation of new ones, as are required to implement or further the efficiency of research, training and extension in the agricultural sciences;
- (h) promote collaboration between scientists engaged in research in the agricultural sciences in Nigeria and their counterparts in other countries or international bodies;
- (i) establish and maintain a National Agricultural Science Library and Documentation Centre and publish or sponsor the publication of the research results in the agricultural sciences; and
- (j) carry out such activities as may, in the opinion of the Council, further the advancement of research, training and extension in the agricultural sciences.

PART III

Staff of the Council

6. Executive Secretary and other staff of the Council

- (1) There shall be appointed by the President, on the recommendation of the Minister, an Executive Secretary.
- (2) The Executive Secretary shall-
 - (a) be a person with relevant qualification and experience;
 - (b) be the chief executive and accounting officer of the Council;
 - (c) hold office-
 - (i) for a period of five years in the first instance and may be re-appointed for a further term of five years and no more; and
 - (ii) on such terms and conditions as may be specified in his letter of appointment.
- (3) The Executive Secretary shall, subject to the general direction of the Council, be responsible for-
 - (a) the day-to-day administration of the Council;
 - (b) keeping the books and proper records of the proceedings of the Council;
 - (c) the administration of the secretariat of the Council; and
 - (d) the general direction and control of all other employees of the Council.
- (4) The Council shall -

(a) appoint such number of directors and other employees as may, in the opinion of the Council, be required to assist the Council in the discharge of any of its functions under this Act; and

(b) pay to persons so appointed such remuneration (including allowances) as the Council may, after consultation with the Federal Civil Service Commission, determine.

(5) Notwithstanding subsection (4) of this section, the staff of the Agricultural Sciences Department of the Federal Ministry of Agriculture and Rural Development shall be deemed to have transferred to the employment of the Council on the commencement of this Act.

(6) Any staff mentioned in subsection (5) of this section who does not wish to transfer to the employment of the Council shall remain with the Ministry.

(7) The Council shall have the power to make, with the approval of the Minister, staff regulations governing conditions of service of its employees.

7. Application of Pensions Act

(1) Service in the Council shall be approved service for purposes of the Pensions Act.

(2) Employees of the Council shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.

(3) Nothing in subsections (1) and (2) of this section or in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

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

[Cap. P4.]

PART IV

Financial and related Provisions

8. Establishment of the National Agricultural Research and Extension Endowment Fund

(1) There is hereby established a fund to be known as the National Agricultural Research and Extension Endowment Fund (in this Act referred to as the "Endowment Fund").

(2) The Council shall invest such monies as may be made available to the Endowment Fund by the Federal Government or by other donors and apply the proceeds to finance research in pursuance of paragraph (e) of section 5 of this Act.

9. Fund of the Council

(1) The Board shall establish and maintain for the Council a fund from which shall be defrayed all expenditure incurred for the purposes of the Council.

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

(a) such money as may be made available by the Federal Government for the running expenses of the Council;

and

(b) all other money which may, from time to time, accrue to the Council.

(3) The Council shall, from time to time, apply the funds at its disposal-

(a) to the cost of the administration of the Council;

(b) to the payment of fees, allowances and benefits of members of the Board;

(c) to the payment of salaries, allowances and benefits of officers and employees of the Council;

(d) for the maintenance of any property vested in the Council or under its administration; and

(e) for and in connection with the functions of the Council under this Act.

(4) The Council shall invest any money not immediately required by it in Federal Government securities or in such other securities as the Council may, with the approval of the Minister, from time to time, determine.

10. Power to borrow

(1) The Council may, with the consent of the Minister in accordance with the general authority given by the Federal Government, borrow by way of loan or overdraft from any source any money required by the Council to meet its obligations and its functions under this Act.

(2) No consent or authority shall be required under subsection (1) of this section if the sum or the aggregate of the sums involved at any time does not exceed such amount as is for the time being specified in relation to the Council by the Federal Government.

11. Power to accept gifts

(1) The Council may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.

(2) The Council shall not accept any gift if the conditions attached by the person or organisation offering the gift are inconsistent with the objectives and functions of the Council under this Act.

12. Annual estimate, accounts and audit

(1) The Board shall cause to be prepared, not later than 30 September in each year, an estimate of the expenditure and income of the Council during the next succeeding year and when prepared, they shall be submitted to the Minister for approval.

(2) The Board shall cause to be kept proper accounts of the Council and proper records in relation thereto and when certified by the Board, the accounts shall be audited by auditors appointed by the Council from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

(3) Any member, agent or employee of the Council who fails, without reasonable cause, to comply with a requirement of an auditor under subsection (2) of this section, commits an offence and is liable on conviction to a fine not exceeding N10,000.00 or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

13. Annual report

The Council shall, not later than six months immediately following the end of a year, submit to the Minister a report on the activities and the administration of the Council and the research institutes under its administration during the immediately preceding year and shall include in the report the audited accounts of the Council and the auditor's report on the accounts.

PART V

Establishment of Research Institutes

14. Power of the Minister to establish research institutes

(1) The Minister may, with the approval of the President, by order published in the *Gazette*, establish research institutes, and the provisions of the Second Schedule to this Act shall apply in relation to any institute so established.

[Second Schedule.]

(2) An order establishing a research institute under this Act may contain supplementary or incidental provisions, including provisions for-

- (a) the designation of the institute;
- (b) the matter or matters on which the institute is to conduct research, including training and extension where appropriate;
- (c) the transfer to the institute of the assets and liabilities of any existing Federal research establishment;
- (d) the establishment, constitution and proceeding of a governing board to manage the affairs of the institute;
- (e) a suitable association or other forms of relationship of the institute with any university or institution of higher learning in Nigeria.

PART VI

Miscellaneous Provisions

15. Offices and premises

(1) For the purpose of providing residential accommodation for its staff and such offices and premises as may be considered necessary for the performance of its functions under this Act, the Council may-

- (a) purchase or take on lease any interest in land; and
- (b) build, furnish, equip and maintain residential quarters, offices and premises.

(2) Subject to the Land Use Act, the Council may, with the approval of the Minister, sell or lease any residential quarters, land, offices or premises held by it and no longer required for the performance of its functions.

[Cap. L5.]

16. Directives by the Minister

Subject to this Act, the Minister may give to the Council directives of a general nature or relating generally to particular matters, but not to any particular individual or case with regard to performance by the Council of its functions under this Act and it shall be the duty of the Council to comply with the directives.

17. Saving of certain research institutes

(1) Any research institute established for the agricultural science sector under the National Agency for Science and Engineering Infrastructure Act shall be deemed to be established under this Act.

[Cap. N3.]

18. Regulations

The Council may, with the approval of the Minister, make regulations for giving effect to the provisions of this Act.

19. Interpretation

In this Act, unless the context otherwise requires-

"agricultural sciences" includes crop science, fisheries, forestry and veterinary science;

"Board" means the Governing Board of the Council;

"chairman" means the chairman of the Board;

"Council" means the Agricultural Research Council of Nigeria established under section 1 of this Act;

"Endowment Fund" means the National Agricultural Research and Extension Endowment Fund established under section 8 of this Act;

"Executive Secretary" means the Executive Secretary appointed for the Council under section 6 of this Act;

"member of the Board" includes the chairman;

"Minister" means the Minister charged with responsibility for Agriculture.

20. Short title

This Act may be cited as the Agricultural Research Council of Nigeria Act.

SCHEDULES

FIRST SCHEDULE

[Section 2 (2).]

Supplementary Provisions relating to the Board, etc.

Proceedings of the Board

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

[Cap. 123.]

(2) The quorum of the Board shall be the Chairman or the member presiding at the meeting and not less than one-third of all the members of the Board and the quorum of any committee of the Board shall be determined by the Board.

2. (1) The Board shall meet not less than three 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 one-third of all the members of the Board, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

(2) 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 number to preside at that meeting.

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

Committees

3. (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 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

4. (1) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman, the Executive Secretary or of any other person authorised generally or specifically to act for that purpose by the Board.

(2) Any contract or instrument, 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 Council by the Chairman or any person generally or specially authorised to act for the purpose by the Board.

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

5. The validity of any proceeding of the Board or of a committee thereof shall not be adversely 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 of a committee, or by reason that a person not entitled to do so took part in the proceedings of the Board or committee.

SECOND SCHEDULE

[Section 14 (1).]

Provisions relating to Research Institutes

1. Governing boards

(1) Any research institute established under this Act shall have a governing board and shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) The members of the governing board of each institute shall be appointed by the Minister with the approval of the President on the advice of the Council.

2. Powers

(1) Subject to the provisions of this Act, each institute shall have power to -

(a) prepare a programme of research within the field for which the institute is responsible, under the approved master plan prepared by the Council in pursuance of section 5 (b) of this Act, together with detailed estimates of the expenditure which will be required for carrying out the programme;

(b) review and, if necessary revise, each year the programme approved under sub-paragraph (1) (a) of this paragraph for the following year, together with the estimated budget for that year;

(c) carry out the programmes of research approved by the Council;

(d) make suitable arrangement for the application of the results of the research work of the institute by Federal and State Ministries, agencies and the private sector to development activities; and

(e) do anything and enter into any transaction which in its opinion ought to be done in the proper discharge of its functions.

(2) Each institute shall, in particular, and without prejudice to the generality of the foregoing power, have power to acquire and hold immovable property.

(3) For the purpose of the Land Use Act, the purposes of an institute shall be public purposes of the Federation within the meaning of that Act.

[Cap. L5.]

3. Committees

The Board of each institute may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Board is concerned.

4. Director

(1) There shall be for each institute a Director to be appointed by the Minister on the advice of the Council.

(2) The Director shall be-

(a) a person with wide experience of the matter with which the institute is concerned;

(b) charged with the day to day management of the affairs of the institute in accordance with such instruction as may from time to time be given to him by the Governing Board of the institute; and

(c) appointed in accordance with the regulations and conditions of service approved by the Council.

5. Other staff

The Board of each Institute may appoint such employees as are deemed necessary for the proper discharge of the functions of the Institute under this Act and pay such employees such remuneration and allowances as are payable to persons of equivalent grades in the service of the Council.

6. Fund

(1) Each Institute shall establish and maintain a fund from which shall be defrayed all expenditures incurred by the institute.

(2) There shall be paid into the fund such sums as may be made available to the Institute by the Council and such other assets as may accrue to the Institute from time to time.

(3) The fund shall be managed in accordance with rules made by the Federal Minister of Finance, and without prejudice to the generality of the power to make rules conferred by this section, the rules shall include provisions -

(a) specifying the manner in which the assets and the fund are to be held and regulating the making of payments to and from the fund;

(b) requiring the keeping of proper accounts and records for the fund in such form as may be specified by the rules;

(c) for ensuring that the accounts are audited annually by an auditor approved by the Council.

7. Annual estimate

Each Institute shall prepare and submit its programme and estimated budget and any annual revision for approval by the Council.

8. Annual report

The Board of each Institute shall prepare and submit to the Council an annual report on the activities of the Institute.

9. Power to borrow money

Each Institute may borrow or lend money only with the approval of the Council.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation