

# NATIONAL AGENCY FOR SCIENCE AND ENGINEERING INFRASTRUCTURE ACT

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### **An Act to provide for the establishment of the National Agency for Science and Engineering Infrastructure and for matters connected therewith.**

[1992 No. 33.]

[1st January, 1992]

[Commencement.]

#### PART I

*Establishment of the Agency, etc.*

### **1. Establishment of the National Agency for Science and Engineering Infrastructure**

(1) There is hereby established an agency to be known as the National Agency for Science and Engineering Infrastructure (in this Act referred to as "the Agency").

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

#### **1. Establishment of the Board of the Agency**

(1) There is hereby established for the Agency, a governing board (in this Act referred to as "the Board") which shall conduct the affairs of the Agency.

(2) The Board shall consist of-

(a) the President as chairman;

(b) a full-time executive vice-chairman, who shall be a person with good knowledge of science and technology, to be appointed by the President;

(c) the Minister of the National Planning Commission or his representative;

(d) the Governor of the Central Bank of Nigeria or his representative;

(e) the Minister of Science and Technology or his representative;

(f) the Minister of Works and Housing or his representative;

(g) the Minister of Agriculture and Rural Development or his representative;

(h) the Minister of Health or his representative;

- (i) the President or chairman, as the case may be, or a representative of-
- (i) the Nigerian Academy of Science;
  - (ii) the Nigerian Society of Engineers;
  - (iii) the Council of Registered Engineers of Nigeria;
  - (iv) the Manufacturers Association of Nigeria;
  - (v) the National Association of Small Scale Industrialists;
  - (vi) the Nigerian Association of Chambers of Commerce;
  - (vii) Industry, Mines and Agriculture; and
- (j) two other persons to be appointed on personal merit by the President.

(3) The vice-chairman shall be the chief executive and accounting officer of the Agency.

(4) 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.]

### **1. Tenure of office of members of the Board**

- (1) The vice-chairman shall hold office for a period of five years and may be re-appointed by the President, for one further period of five years.
- (2) A member of the Board, who is not an *ex-officio* member, shall hold office for three years, and shall be eligible for re-appointment for one further period of three years.
- (3) No member of the Board shall be entitled to appoint another person to represent him at a meeting.

### **1. Remuneration of members of the Board**

- (1) The vice-chairman shall be paid such emolument as may be specified in his letter of appointment.
- (2) The allowances payable to members of the Board shall be in accordance with such rates as may be approved by the Federal Government, from time to time.

### **1. Removal from office of members of the Board**

- (1) If it appears to the Board that the vice-chairman or any other member of the Board, other than an *ex-officio* member, should be removed from office on the grounds of

misconduct or inability to perform the functions of his office, the Board shall make a recommendation to the President.

(2) If the President, after making such inquiries as he considers necessary, approves the recommendation, the secretary to the Government of the Federation shall, in writing, declare the office of the vice-chairman or of such a member vacant.

(3) Notwithstanding subsection (1) of this section, the President may remove any member of the Board if he is satisfied that it is in the public interest so to do.

## PART II

### *Functions*

#### **1. Functions of the Agency**

(1) The Agency shall gear its organisation and programmes towards the practical implementation of the National Science and Technology Policy to-

(a) ensure that the national research and development system is managed outside the civil service system;

(b) enhance the development and entrenchment of a new research and development tradition in Nigeria so as to-

(i) establish in Nigeria the practice of an open, consistent, equitable, accountable and corporate research management system;

(ii) engender a high morale and discipline in staff of all categories;

(iii) ensure an efficient and cost-effective employment of available resources;

(iv) achieve a high research and development output and revenue; and

(v) make the desired impact on national economic and social development.

(2) Accordingly, the Agency shall-

(a) commission technical feasibility studies and produce plans for the establishment of science and engineering infrastructure development complexes;

(b) establish, maintain and supervise science and engineering infrastructure development complexes and centres;

(c) implement, with the active involvement of relevant Federal and State Ministries, strategies for the generation of private sector science and engineering

capital goods industries which form satellites of science and engineering infrastructure development complexes;

(d) develop facilities and capabilities, through its subsidiary institutions, universities and polytechnics, for the following activities, that is-

(i) capital goods oriented research and development work in engineering materials, chemical materials, scientific equipment, engineering accessories, power equipment, engineering tools and environmental protection;

(ii) applied and basic research and development work in new and emerging areas of science and technology, including micro-electronics, computer technology, bio-technology, including nuclear technology, space science and its applications in remote sensing and environmental monitoring, new materials;

(iii) development oriented research in agriculture and forestry environmental conservation, fisheries and animal husbandry, nutrition, human and veterinary medicine, pharmaceutical materials and building and construction materials;

(iv) collaboration with higher educational institutions and other relevant Government institutions, organisations, agencies and commercial industries in the research and development of capital goods and in scientific and engineering manpower training;

(v) such other activities, as the Agency may, from time to time, deem necessary for the purposes of this paragraph;

(e) consider applications for research and development grants made by institutions, corporate bodies and individuals for science and engineering on the basis of criteria to be determined by the Agency;

(f) encourage the growth of in-plant research and development activities in science and engineering;

(g) publicise the useful results of its research on science and engineering materials and capital equipment, and collaborate with industries to achieve their successful adoption;

(h) provide the national focal point for international scientific affiliations to which Nigeria and Nigerian scientific bodies subscribe, and pay annual and other contributions which are due to such international bodies;

(i) lend support to national scientific bodies and establish a commercial scientific press facility for the local production of scientific and technical books and journals;

- (j) through the National Council for Science and Technology and the State and Local Governments, elicit the active participation of corporate bodies, citizen groups and individuals in the establishment of a national science and engineering infrastructure;
- (k) invest surplus funds of the Agency in profit-yielding ventures;
- (l) carry out such other activities as are necessary or expedient for the performance of its functions under this Act.

## **7. Functions of the Board**

The functions of the Board shall be to-

- (a) formulate policies and advise the Federal Government on-
  - (i) the establishment, by the public and private sectors, of a national science and engineering infrastructure; and
  - (ii) the exploitation, acquisition, conservation and stockpiling of strategic materials;
- (b) receive and consider proposals, recommendations and suggestions by the Technical Advisory Committee and by other bodies and persons on subjects relating to the functions of the Agency;
- (c) consider and approve the capital development plans of the Agency, and consider and award contracts which lie within its competence;
- (d) appoint-
  - (i) employees necessary for the proper discharge of the functions of the Agency; and
  - (ii) committees as may be expedient which shall be charged with specific functions delegated by the Board;
- (e) devise strategies for attracting funds and contributions and implement mechanisms for collecting such funds and contributions and paying them into the account of the Agency;
- (f) submit to the President the annual report and audited accounts of the Agency;
- (g) carry out any other duties as the President may, from time to time, direct.

## **8. Powers of the Board**

The Board shall have power to-

- (a) open and operate ordinary and domiciliary accounts for the Agency in recognised banking institutions in Nigeria;

(b) enter into research and production partnerships with any company, firm or individual, as may be necessary, for the performance of the functions of the Agency, provided that a partnership which is of the value of N50 million or above shall require the prior approval of the President;

(c) specify the management system, including financial approval ceilings, for the officers of the Agency;

(d) devise and operate a programme of "Volunteers for National Science and Engineering Infrastructure" for securing the contributions of Nigerian experts who are resident abroad; and

(e) do such other things as are necessary for the successful performance of the functions of the Agency.

### PART III

#### *Structure of the Agency, etc.*

##### **1. Structure of the Agency**

The Agency shall have-

(a) a head office at the Federal Capital Territory, Abuja which shall have the following directorates, that is-

(i) an Administration Directorate, to be headed by the secretary to the Agency;

(ii) an Engineering Directorate, to be headed by a co-ordinating director for Engineering;

(iii) a Science Directorate, to be headed by a co-ordinating director for Science;

(iv) such other directorates as may be required for the proper performance of the functions of the Agency;

(b) science and engineering infrastructure development complexes, to be established in such places in Nigeria as may be selected by the Agency with the approval of the President;

(c) specialised research and development institutions, to be established in such places in Nigeria as may be selected by the Agency with the approval of the President.

##### **10. Establishment of technical advisory committees**

(1) The Agency may establish technical advisory committees in areas of science and engineering, to assist the Agency in various aspects of its responsibilities.

(2) The members of a technical advisory committee shall be appointed by the Agency and be persons who possess the expertise and the experience in the relevant areas of science and engineering.



## PART IV

### *Establishment of science and engineering infrastructure institutions*

#### **11. Establishment of institutions**

(1) The Agency may, with the approval of the President, by an order published in the *Gazette*-

(a) establish science and engineering infrastructure institutions (in this Act referred to as "the institutions") which shall be located in such places in Nigeria as may be selected by the Agency with the approval of the President;

(b) designate and upgrade an existing institution into a science and engineering infrastructure institution.

(2) An order establishing an institution under this Act may contain supplementary or incidental provisions relating to the institution, including provisions for-

(a) the designation of the institution;

(b) the field or fields in which the institution is to conduct its work including man-power training where appropriate;

(c) the transfer to the institution, by mutual agreement, of any existing Federal, State and Local Government facilities;

(d) the establishment and constitution of a board of directors to manage the affairs of the institution; and

(e) a suitable association and collaboration of the institution with universities, other institutions of higher learning and commercial industries.

(3) The provisions set out in the Second Schedule to this Act shall apply to an institution established under this section.

[Second Schedule.]

## PART V

### *Staff of the Agency*

#### **12. Appointment of principal officers of the Agency**

(1) The Agency shall have the following principal officers, that is-

(a) the secretary to the Agency;

(b) a co-ordinating director for Engineering;

(c) a co-ordinating director for Science;

(d) such other co-ordinating directors as the Board may determine, all of whom shall be appointed by the Board with the approval of the President.

(2) The principal officers shall hold office in the first instance for a period of five years and be eligible for re-appointment for such further periods of five years as the Board may, with the approval of the President, determine.

### **13. Secretary to the Agency**

The secretary to the Agency shall also be the secretary to but not a member of the Board and shall-

(a) head the administration directorate of the Agency and be in charge of the general administration of the Agency;

(b) prepare the minutes of meetings of the Board and its committees;

(c) keep and secure the record of the Board;

(d) issue notices of meetings of the Board as may be directed by the vice-chairman;

(e) be responsible for ensuring the implementation of the decisions of the Board, subject to the directions of the vice-chairman;

(j) prepare draft expenditure, estimates and development plans of his directorate;

(g) have custody of the seal of the Agency; and

(h) perform such other functions as may be determined by the vice-chairman or the Board, from time to time.

### **14. Co-ordinating directors**

(1) The co-ordinating directors shall assist the vice-chairman in the management of the Agency.

(2) A co-ordinating director shall be an eminent professional with an adequate practical experience in the subject area which he co-ordinates.

(3) A co-ordinating director shall-

(a) head the professional directorate of the Agency which he co-ordinates;

- (b) implement the policies of the Agency as they apply to the directorate which he co-ordinates;
- (c) supervise the work of the scientific and technical directors and subsidiary institutions which are under his directorate, and render regular reports as may be required by the vice-chairman or the Board, from time to time;
- (d) prepare draft expenditure estimates and development plans of his directorate;
- (e) serve on technical advisory committees of the Agency; and
- (j) perform such other functions as may be determined by the vice-chairman or the Board, from time to time.

## **15. Appointment of directors and other members of staff of the Agency**

(1) The Board shall appoint for the Agency well-qualified and experienced persons as directors, to be in charge of technical departments, under the supervision of co-ordinating directors.

(2) The Board shall appoint, for the Agency, such other members of staff as it may consider necessary for the performance of the functions set out in this Act.

## **16. Remuneration of employees of the Agency**

The salaries and benefits of all the members of staff of the Agency shall be in accordance with the conditions of service of the Agency as may be approved by the President.

## **17. Staff regulations, etc.**

The Board may make staff regulations and adopt staff conditions of service which are independent of the civil service of the Federation and which may provide for-

- (a) the remuneration and tenure of office of members of staff of the Agency;
- (b) appointment, promotion, fringe benefits and productivity incentive of members of staff of the Agency; and
- (c) appeals of members of staff of the Agency against dismissal or other disciplinary measures.

## **18. Removal and discipline of senior and junior staff**

(1) The secretary to the Agency and the co-ordinating directors of the Agency may be removed from office by the Board with the approval of the President.

(2) Any other senior member of staff of the Agency may be removed from office by the vice-chairman with the approval of the Board.

(3) The removal from office of junior staff shall be with the approval of the vice-chairman.

## **19. Application of the Pensions Act**

(1) It is hereby declared that service in the employment of the Agency shall be an approved service under the Pensions Act, and accordingly, employees of the Agency shall, in respect of their services be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.

[Cap. P4.]

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act 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.

(3) For the purposes of the application of the Pensions Act, any power exercisable thereunder by the Minister or authority other than the Federal Government (not being the power to make regulations under section 23 thereof) is hereby vested in and shall be exercisable by the Agency and not by any other person or authority.

(4) Subject to subsection (2) of this section, the Pensions Act shall in its application by virtue of subsection (3) of this section to any office, have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999.

[Cap. C23.]

PART VI

*Financial provisions*

## **20. Fund of the Agency**

(1) The Agency shall establish a fund from which shall be defrayed all expenditure incurred by the Agency for the purposes of this Act.

(2) There shall be paid and credited to the fund-

(a) 1 per cent of the Federation Account in the first instance, to be increased to 3 per cent by the year 2000;

(b) levy on income or turn-over of commercial companies and firms with turn-over of **N4** million and above, which shall be-

(i) at the rate of 1/4 per cent in the first instance;

- (ii) collected by the Federal Board of Inland Revenue or by any other suitable means as may be specified by the Agency; and
- (iii) credited to the account of the Agency;
- (c) contributions from the organised private sector;
- (d) foreign aid and assistance from bilateral and multilateral agencies;
- (e) fees charged for services rendered by the Agency;
- (f) all sums accruing to the Agency by way of gifts, endowments, bequest or other voluntary contributions by persons and organisations.

## **21. Expenditure of the Agency**

The Agency shall apply the funds at its disposal to—

- (a) the cost of establishing and maintaining the head office of the Agency at the Federal Capital Territory, Abuja;
- (b) pay the emoluments and entitlements of the vice-chairman and other members of the Board and the committees of the Agency;
- (c) pay the personnel, overhead, allowances, benefits and other administrative costs of the Agency;
- (d) the cost of establishing and operating-
  - (i) the science and engineering infrastructure development complexes;
  - (ii) research and development institutions and other specialised institutions;
  - (iii) capital goods production plants; and
  - (iv) other research, development and production activities necessary for the achievement of the objectives of the Agency;
- (e) the training of members of staff of the Agency;
- (f) provide scholarships and awards for specialised training of personnel;
- (g) publicise and promote research results and locally manufactured capital goods for adoption by industry;
- (h) support national scientific bodies and pay annual and other contributions to international scientific organisations to which Nigeria subscribes;
  - (i) undertake any other activity in connection with all or any of the functions of the Agency.

## **22. Exemption from income tax**

All income derived by the Agency from the sources specified in section 20 (2) of this Act shall be exempt from income tax and all contributions to the fund of the Agency shall be tax deductible.

## **23. Capital production income**

Subject to the approval of the President, the Agency may invest in the profitable production of capital goods by joint venture, partnership, share-holding or as sole proprietor, as the case may be, and the net incomes so generated shall be paid into the fund of the Agency.

## **24. Disposal of surplus funds**

The Board may invest any surplus funds in profit-yielding ventures, and notwithstanding that power, the President may issue to the Agency directives as he may think necessary as to the disposal of any surplus funds of the Agency.

## **25. Annual estimates**

The Board shall submit to the President, not later than 31 October in each year, its programme of work and estimates of its income and expenditure for the following year.

## **26. Accounts and audit**

(1) The Board shall keep proper accounts of the Agency and proper records in relation to those accounts.

(2) The accounts of the Agency shall be audited, not later than six months after the end of the year to which it relates, by auditors appointed by the Agency from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

## **27. Annual report**

(1) The Agency shall prepare and submit to the President, not later than 30 June in each year, a report on the activities of the Agency during the immediately preceding year, and shall include in such report, a copy of the audited accounts of the Agency for that year and the auditors report thereon.

(2) The Agency shall not, later than 30 September in each year, submit to the President, the annual report of each of its subsidiary institutions for the preceding year.

## **PART VII**

### *Miscellaneous*

## **28. Offices and premises**

(1) For the purpose of providing offices and premises necessary for the performance of its functions, the Agency may, subject to the Land Use Act-

[Cap. L5.]

(a) purchase or take on lease any interest in land, building or property;

(b) build, equip and maintain offices and premises.

(2) The Agency may, subject to the Land Use Act, sell or lease out any land, office or premises held by it, which is no longer required for the performance of its functions under this Act.

## **29. Power to borrow money**

(1) The Agency may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Act.

(2) The Agency shall not, without the approval of the President, borrow money which exceeds, at any time, the limit set by the President.

(3) Notwithstanding subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Agency shall not borrow the sum without the prior approval of the President.

(4) For the purposes of this section, any money borrowed by the Agency from any of its subsidiaries shall be disregarded.

## **30. Power to accept gifts**

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

(2) The Agency shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the objectives and functions of the Agency.

## **31. Power to give directives**

The President may give to the Agency directives of a general character relating to the policies and functions of the Agency, and the Agency shall comply with such directives.

## **32. Legal proceedings**

(1) No suit shall be commenced against the Agency before the expiration 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 and the notice shall clearly and explicitly state-

- (a) the cause of action;
- (b) the particulars of the claim;
- (c) the name and place of abode of the intending plaintiff; and
- (d) the relief which he claims

(2) The notice referred to in subsection (1) of this section and any summons, notice or other document required or authorised to be served upon the Agency under the provisions of this Act or any other enactment or law, may be served by-

- (a) delivering the same to the vice-chairman; or
- (b) sending it by registered post addressed to the vice-chairman at the head office of the Agency.

(3) In any action or suit against the Agency, no execution or attachment or process in the nature thereof shall be issued against the Agency, but any sums of money which may, by the judgement of the court, be awarded against the Agency shall, subject to any directives given by the Agency, be paid from the general reserve of the Agency.

### **33. Repeals and transitional provisions**

(1) The National Science and Technology Act and the National Science and Technology Fund Act are hereby repealed.

[Cap. 276. L.F.N. 1990.]

(2) Accordingly-

- (a) any research and other institution, established under the National Science and Technology Act shall be deemed to be a research or other institution established under this Act;
- (b) the Board of Trustees of the National Science and Technology Fund, established under the National Science and Technology Fund Act, is hereby dissolved and the Fund shall cease to exist.

(3) As from the commencement of this Act-

- (a) all assets, funds, resources and other movable and immovable property which immediately before the commencement of this Act were vested in the Fund,



shall by virtue of this Act and without further assurance be vested in the Agency;

(b) all documents and commercialisation projects, research grants and other contractual undertakings of the Board of Trustees of the Fund, dissolved by this Act shall, by virtue of this Act and without further assurance be vested in the Agency;

(c) the rights, interests, obligations and liabilities of the Fund existing immediately before the commencement of this Act under any contract or instrument or at law or in equity shall, by virtue of this Act, be assigned to and vested in the Agency;

(d) any contract or instrument, as is mentioned in paragraph (c) of this subsection, shall be of the same force and effect against or in favour of the Agency and shall be enforceable as fully and effectively as if, instead of the Fund, the said Agency had been named therein or had been a party thereto.

(4) Any proceeding or cause of action pending or existing or which could have been taken by or against the Fund, immediately before the commencement of this Act in respect of any right, interest, obligation or liability of the Fund, may be continued, enforced or taken by or against the Agency as if the Agency and not the Fund had been a party thereto.

### **34. Transfer of certain property, etc., to the Agency**

(1) As from the commencement of this Act-

(a) all assets, funds, resources and other movable and immovable property which immediately before the commencement of this Act were vested in and relate to the head office of the former Federal Ministry of Science and Technology shall, by virtue of this Act and without further assurance, be vested in the Agency;

(b) all the research institutes, energy research centres, sub-stations, out-stations, colleges and other dependant projects and bodies, which immediately before the commencement of this Act were parastatals of the former Federal Ministry of Science and Technology shall by virtue of this Act and without further assurance, be subsidiaries of the Agency.

(2) The Agency may offer appointment, on such terms and conditions as it may determine, to any person employed in the former Federal Ministry of Science and Technology and the service of such person under the Federal Ministry of Science and Technology shall be deemed to have been service under the Agency for pension purposes.

### **35. Power to make regulations**

The Board may, with the approval of the President, make regulations-

- (a) to prescribe methodologies for private-sector payments into the fund of the Agency;
- (b) prescribe the fees to be paid for services rendered by the Agency;
- (c) generally for the purposes of carrying out or giving full effect to the provisions of this Act.

### **36. Interpretation**

In this Act, unless the context otherwise requires-

**“Agency”** means the National Agency for Science and Engineering Infrastructure established by section 1 of this Act;

**“Board”** means the Governing Board of the Agency established by section 2 of this Act;

**“chairman”** means the chairman of the Board of the Agency;

**“fund”** means the fund of the Agency as established under section 20 of this Act;

**“member”** means a member of the Board and includes the chairman;

**“principal officer”** means the co-ordinating directors and the secretary;

**“public service”** has the meaning assigned to it in the Constitution of the Federal Republic of Nigeria;

[Cap. C23.]

**“secretary”** means the secretary to the Agency, who is also the secretary of the Board;

**“subsidiary”** means a semi-autonomous corporate body, with its Board of Directors, which is supervised by the Agency;

**“vice-chairman”** means the vice-chairman and chief executive of the Agency.

### **37. Short title**

This Act may be cited as the National Agency for Science and Engineering Infrastructure Act.

SCHEDULE

## FIRST SCHEDULE

[Section 2 (4).]

*Supplementary provisions relating to the Board, etc.*

### *Proceedings of the Board*

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

[Cap. 123.]

**2.** At any meeting of the Board, the chairman or in his absence, the vice-chairman shall preside and in the absence of the chairman and the vice-chairman, any member duly chosen by the Board shall preside at that meeting.

**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.

**4.** The quorum for the meetings of the Board shall be six and the quorum of any committee of the Board shall be determined by the Board.

**5.** The Board shall meet for the conduct of business at such places and on such days as the chairman may appoint.

**6.** A question put before the Board at a meeting shall be decided by consensus, and where this is not possible, by a majority of the votes of the members present and voting.

**7.** The chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.

**8.** Where the Board desires to seek the advice of any person on a particular matter, the Board may co-opt the person as a member for such period as it thinks fit; but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

**9.** Subject to the provisions of the Act, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings, and those of its committees, the notice to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

### *Committees*

**10.** 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.

**11.** A committee appointed under this Schedule 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.

**12.** A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

### *Miscellaneous*

**13.** The fixing of the seal of the Agency shall be authenticated by the signature of the executive vice-chairman or of some other person authorised generally to act for that purpose.

**14.** Any contract or instrument which, if made or executed by any person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Agency by any person generally or specially authorised to act for that purpose by the Board.

**15.** The validity of any proceedings of the Board or any of its committees shall not be affected by-

- (a) any vacancy in the membership of the Board or of any committee thereof; or
- (b) reason that a person not entitled to do so took part in the proceedings; or
- (c) any defect in the appointment of a member.

**16.** Any member of the Board and any person holding office on a committee of the Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or a committee thereof-

- (a) shall forthwith disclose his interest to the Board or committee, as the case maybe; and
- (b) shall not vote on any question relating to the contract or arrangement.

## SECOND SCHEDULE

[Section 11 (3).]

### *Provisions to be applied to institutions established under this Act*

#### **1. Establishment of the institution**

An institution established under this Act shall-

- (a) be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name;
- (b) have a Board of Directors whose members shall be appointed by the Agency, with the approval of the President.

#### **2. Functions of the institution**

Each institution shall be charged with responsibility for research, development and commercialisation of its results, in anyone or more aspects of the following sectors, that is- [1999 No. 44.]

- (a) engineering materials;
- (b) chemical materials;
- (c) scientific and communication equipment;
- (d) power equipment;
- (e) engineering accessories;
- (f) mechanical engineering tools;
- (g) health science sector, comprising-
  - (i) human medicine;
  - (ii) traditional medicine;
  - (iii) pharmaceutical science;
  - (iv) nutritional science;
- (h) life science sector, comprising-
  - (i) animal bioscience;
  - (ii) plant bioscience;
  - (iii) ecological science;
  - (iv) physiological science;
  - (v) biochemical science;
- (i) physical science sector, comprising-
  - (i) remote sensing;
  - (ii) environmental conservation;
  - (iii) earth and planetary science;
  - (iv) building and roads;
- (j) high technology sector, comprising-
  - (i) micro electronics;
  - (ii) computer technology;
  - (iii) nuclear technology;
  - (iv) biotechnology;

(k) such other sectors as the Board of Directors, with the approval of the Agency, may, from time to time, determine.

### **3. Power of the institution**

(1) Each institution shall have power to-

(a) prepare-

(i) a programme of research, development and commercialisation of results, within the field for which the institution is responsible, for such periods, not less than three years, as the Board of Directors may, with the approval of the Agency, determine; and

(ii) detailed estimates of the expenditure which shall be required for carrying out the programme;

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

(c) carry out the programme of research, development and commercialisation of results approved by the Agency;

(d) make suitable arrangements for the diffusion of research results in the economy by-

(i) establishing effective mechanisms in active collaboration with Federal and

State Ministries of Agriculture and the World Bank supported agricultural

development projects in the States, for extension work to farmers and industrialists;

(ii) establishing in-house pilot production units and plants, to demonstrate the commercial viability of research results;

(iii) collaborating with the Federal and State Ministries of Industries in the generation of private-sector industries, as satellites of science and engineering infrastructure development institutions; and

(iv) establishing systems for an effective media publicity of research results.

(2) Subject to the provisions of this Act, each institution shall be self-accounting and shall have power to take such decisions and to enter into such transactions which in its opinion ought to be undertaken in the proper discharge of its functions.

(3) Each institution shall, in particular and without prejudice to the generality of the other powers conferred by this paragraph, have power to acquire and hold property and any interest in land.

### **4. Management system and committees of institutions under the Agency**

(l) Each institution shall have-

- (a) an internal management committee charged with the day-to-day management of the institution and having as its members the chief executive of the institution, as chairman and such other members as the Agency may determine; and
- (b) divisional committees charged with the management of affairs of the division's programmes.

(2) The Board of Directors of each institution 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.

## **5. Staff of the institution**

(1) There shall be for each institution, a chief executive to be known as a managing director or director to be appointed by the Agency, on the advice of the Board of Directors of the institution.

(2) The Board of Directors of each institution may appoint such members of staff as are deemed necessary for the proper discharge of the functions of the institution under this Act, and pay such members of staff such remuneration and allowances as the conditions of service for institutions under the Agency may require.

## **6. Discipline of staff**

Notwithstanding the provisions of paragraph 5 (2) of this Schedule, discipline of the various categories of members of staff of institutions under the Agency shall be as follows, that is-

- (a) in the case of junior members of staff-
  - (i) all disciplinary cases shall be enquired into in the division of the member of staff concerned by the Divisional Committee, under the chairmanship of the head of division;
  - (ii) the report of the Divisional Committee shall be forwarded to the Internal Management Committee of the institution, under the chairmanship of the managing director or director of the institution; and
  - (iii) the decision of the Internal Management Committee shall be final and binding on the institution;
- (b) in the case of senior members of staff below the rank of deputy and assistant directors-
  - (i) all disciplinary cases shall be enquired into by the Internal Management Committee of the institution, under the chairmanship of the managing director or director of the institution;
  - (ii) the report of the Internal Management Committee shall be submitted to the Board of Directors of the institution; and

- (iii) the decision of the Board of Directors shall be final and binding on the institution;
- (c) in the case of the deputy and assistant directors, and the managing director or director-
  - (i) all disciplinary cases shall be enquired into by the Board of Directors of the institution and the report of the Board of Directors shall be forwarded to the Board of the Agency; and
  - (ii) the decision of the Agency shall be final and binding on the institution.

## **7. Fund of the institutions**

(1) Each institution shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the institution.

(2) There shall be paid into the fund-

- (a) such sums as may accrue to the institution as revenue from its operations;
- (b) such sums as may be made available to the institution by the Agency; and
- (c) such other assets as may accrue to the institution, from time to time.

(3) The fund shall be managed in accordance with rules made by the Federal Ministry of Finance, and without prejudice to the generality of the power to make rules conferred by this sub-paragraph, the rules shall in particular, 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 purpose of the fund, in such form as may be specified by the rules;
- (c) for securing that the accounts are audited every year by auditors appointed by the Board of Directors of the institution from the list and in accordance with guidelines supplied by the Auditor-General for the Federation;
- (d) requiring copies of the accounts and of the auditors report on them to be forwarded to the Agency not later than three months after the end of the year to which the accounts relate.

## **8. Annual estimate**

Each institution shall submit to the Agency, not later than 31 August each year, its programme of work and estimates of income and expenditure for the following year.

## **9. Annual report**

The Board of Directors of each institution shall submit to the Agency an annual report on the activities of the institution not later than six months after the end of each year.



## 1. Power to borrow money

Each institution may borrow money with the approval of the Agency.

## 1. Restriction on entering into contract with foreign countries

No institution may enter into any contract or arrangement with a foreign country or body without a prior clearance by the Board of the Agency.

## SUBSIDIARY LEGISLATION

### *List of Subsidiary Legislation*

1. Research Institutes (Establishment, etc.) Order.

## RESEARCH INSTITUTES (ESTABLISHMENT, ET C.) ORDER

### ARRANGEMENT OF ORDERS

#### ORDER

I. Establishment of the research institutes.

1. Field of research of Institute of Industrial Research.
2. Field of research of Projects Development Institute.
3. Field of research of National Institute of Medical Research.
4. Field of research of Nigerian Stored Products Research Institute.
5. Field of research of Nigerian Building and Road Research Institute.
6. Field of research of National Technology Development Centre.
7. Vesting of assets, etc.
8. Constitution, etc., of the governing Board of each institute.
9. Co-opted members.
10. Proceedings of the Board.
11. Special disclosure by a member.
12. Board meetings.
13. Association of institutes with universities.
14. Short title.

## RESEARCH INSTITUTES (ESTABLISHMENT, ETC.) ORDER

[L.N. 54 of J 977.]

under sections 11 and 33

[29th September, 1977]

[Commencement.]

## **1. Establishment of the research institutes**

(1) There are hereby established the research institutes (hereinafter referred to as "the Institutes") designated as follows-

- (a) the Federal Institute of Industrial Research;
- (b) the Projects Development Institute;
- (c) the National Institute for Medical Research;
- (d) the Nigerian Stored Products Research Institute;
- (e) the Nigerian Building and Road Research Institute; and
- (f) the National Technology Development Centre.

(2) The Institutes shall be research institutes for the purposes of the National Science and Technology Act.

[Cap. 276. L.F.N. J 990.]

## **2. Field of research of Institute of Industrial Research**

The Federal Institute of Industrial Research shall conduct research in industrial materials and processes to pilot plant stages, including engineering design, development and fabrication, and shall in particular conduct research into-

- (a) nutritional quality of local foodstuffs and their suitability for industrial processing;
- (b) processing of local foodstuffs of economic value;
- (c) processing of vegetable oils of economic importance;
- (d) processing of local woods for pulp and paper making and other uses;
- (e) processing of textile materials and development of improved processes for the textile industry;
- (f) processing of ceramic materials and other solid based minerals for use, including development of ceramic, glass and mineral technology;

textile industry;

(g) mechanical engineering including engineering design, fabrication, machining and other processes;

(h) economic evaluation of industrial research results to establish their viability in industrial projects;

- (i) technical, analytical and consultancy services for existing and planned industries; and
- (j) any other related matters as may be determined from time to time by the Minister.

### **1. Field research of Projects Development Institute**

The Projects Development Institute shall carry out research in industrial materials and processes to pilot plant stages, including engineering design, development and fabrication, and shall in particular conduct research into-

- (a) materials science and technology, including metallurgy, foundry work, plastics and synthetic fibres;
- (b) processing of ceramic materials and other solid based minerals for industrial use, including development of ceramic, glass and mineral technology;
- (c) processing of local foodstuffs of economic value;
- (d) mechanical engineering including engineering design, fabrication, machining and other processes;
- (e) coal utilisation;
- (f) electrical and electronic elements particularly electrical generators, motors, transformers and switchgear;
- (g) science laboratory equipment development including apparatus for teaching of the physical sciences and engineering;
- (h) economic evaluation of research results to establish their viability in industrial projects;
- (i) technical, analytical and consultancy service for existing and planned industries; and
- (j) any other related matters as may be determined from time to time by the Minister.

### **1. Field of research of National Institute of Medical Research**

The National Institute for Medical Research shall conduct research into the health problems of the country generally and shall in particular, conduct research into-

- (a) parasitic and infective diseases prevalent in the country;
- (b) major non-infective diseases prevalent in the country, such as sickle cell disease;
- (c) basic, applied and operational research for the control of diseases endemic in the country in co-operation with the Federal and States' Ministries of Health;
- (d) provision of facilities for the training research scientists in medicine in

cooperation with medical schools and universities in Nigeria as well as collaboration with the Federal and States' Ministries of Health and other medical research units in the country;

(e) dissemination of the results of medical research of the Federal and States' Ministries of Health; and

(f) any other related matters as may be determined from time to time by the Minister.

### **1. Field of research of Nigerian Stored Products Research Institute**

The Nigerian Stored Products Research Institute shall carry out research into bulk storage problems of export commodities and local food crops, and in particular it shall conduct research into—

(a) improvement and maintenance of the quality of bulk export commodity crops including cocoa, groundnuts, palm produce (kernel and oil);

(b) improvement and maintenance of the quality of local food crops including cereals, grains, pulses, tubers and any other local commodity under bulk storage;

(c) special studies such as stored products pests, pesticide formulations and residues, and mycotoxin surveys;

(d) provision of advice and training of extension workers in problems associated with stored products and materials used in storage and pest control including storage structures, new insecticides, new items of equipment and new techniques; and

(e) any other related matters as may be determined from time to time by the Minister.

### **1. Field of research of Nigerian Building and Road Research Institute**

The Nigerian Building and Road Research Institute shall conduct research generally on building, road and allied construction materials and methods, socio-economics of construction and environmental factors that affect road and building performance in the country and in particular-

(a) local building and road construction materials to determine the most effective and economic methods of their utilisation;

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

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

- (d) foundation and earth works for building bridges especially on problem soils;
- (e) local construction and building operations and methods to increase their effectiveness;
- (f) the economic and social aspects of the building and construction industry;
- (g) the design and construction of roads best suited to the Nigerian environment;
- (h) road safety including the occurrence of accidents and methods of reducing the number of accidents;
- (i) the economic and social aspects of road and transportation schemes, accident and safety measures;
- (j) structural designs of buildings and bridges and the development of design criteria, specifications and codes of practice;
- (k) provision of consulting services and professional, technical and scientific data relating to buildings, roads and transport to the building and road construction industry as well as Federal and State Government Ministries responsible for buildings, roads and allied construction activities; and
- (l) any other related matters as may be determined from time to time by the Minister.

## **7. Field of research of National Technology Development Centre**

The National Technology Development Centre shall serve as a task force centre for the development and adaptation of technologies on long and short-term bases, and as a focal point for the transfer of technology to the nation and for this purpose it shall undertake research and development work, in the undermentioned fields including design and fabrication of specified technologies as may be determined from time to time by the Minister, that is to say-

- (a) physical electronics and solid state physics, solid state devices, electronic instrumentation and control, communication systems, audio-engineering, vacuum tubes, design and manufacture to pilot stages of these appliances;
- (b) applied mechanical engineering research and development including design and fabrication of prototypes of selected equipments, automobiles and engines;
- (c) petroleum and petrochemical research including pilot plant design, processes and production techniques of petrochemicals;

- (d) solar energy research for food preservation, drying of agricultural produce, refrigeration, power generation, air-conditioning including other physical and technological problems connected with solar energy conversion;
- (e) development of basic standards of mass, length, time and temperature as well as derived physical standards for electricity, electronics and optics;
- (j) provision of technical consultancy services for adoption and selection of technologies as well as on engineering design of processes and products to existing and planned industries particularly cottage industries; and
- (g) any other matters as may be determined from time to time by the Minister.

## **8. Vesting of assets, etc.**

On the coming into effect of this order, all assets, properties and rights hereinbefore vested in and exercised by the specified Federal or State research agencies, institutes or departments shall without further assurance apart from this order, vest in the respective research institutes specified hereinunder, being institutes established under this order, that is to say-

1. in the case of the Federal Institute of Industrial Research formerly of the Federal Ministry of Industries, the assets, properties and rights shall vest in Federal Institute of Industrial Research, and in the case of the Industrial Research Council of Nigeria, the assets, properties and rights thereof vested in the National Science and Technology Development Agency by virtue of the Act are hereby transferred to and shall vest in the Federal Institute of Industrial Research;
- (b) in the case of the Projects Development Agency of the former East Central State, the assets, properties and rights shall vest in the Projects Development Institute;
- (c) in the case of the Medical Research Council of Nigeria, the assets, properties and rights thereof vested in the National Science and Technology Development Agency by virtue of the Act are hereby transferred to and shall vest in the National Institute for Medical Research;
- (d) in the case of the Nigerian Stored, Products Research Institute formerly of the Federal Ministry of Trade, the assets, properties and rights shall vest in the Nigerian Stored Products Research Institute;
- (e) in the case of the National Road Construction and Research Institute of the Federal Ministry of Works and Housing, the assets, properties and rights shall

vest in the Nigerian Building and Road Research Institute.

## **9. Constitution, etc., of the Governing Board of each Institute**

(1) Subject to the provisions of the National Science and Technology Act, the affairs of each Institute shall be managed by a Board (in this Order referred to as "the Board").

[Cap. 276. L.F.N. 1990.]

(2) Each Board shall consist of-

(a) six persons (of whom not more than two shall be representatives of appropriate Federal Ministries) who shall be persons with wide knowledge and experience in the field of research of the Institute and who shall be appointed by the President;

(b) one representative of Science and Technology; and

(c) the director of the Institute concerned, who shall be an *ex-officio* member but without the right to vote.

(3) There shall be a chairman of the Board of each Institute who shall be appointed by the Minister with the approval of the President and designated as such from among the members of the Board.

(4) The chairman and any member of the Board (not being an *ex-officio* member) shall hold office for a term of three years from the date of their appointment and may be eligible for appointment for one further term of three years.

(5) Without prejudice to the foregoing provisions, the Minister may appoint any person to act as temporary chairman or member of the Board of any Institute during the absence or temporary incapacity by illness or other cause of the chairman or such member and a person so appointed shall, while the appointment subsists, have the same powers as are exercisable by the chairman or the member.

(6) The chairman or any member of the Board (not being an *ex-officio* member) may resign his appointment by a letter addressed to the Minister and if accepted, the resignation shall take effect from the date the Minister received the letter of resignation.

## **10. Co-opted members**

Notwithstanding the provisions of section 9 (2) of this order, where the Board desires to obtain the advice of any person on any matter, the Board may co-opt that person as a member of the Board for such period as it may deem necessary, so however that such a co-opted member shall not be entitled to vote or count towards a quorum.

## **11. Proceedings of the Board**

(1) The Board of each Institute may make standing orders regulating the proceedings of the Board or any committee thereof.

(2) The quorum of the Board shall be four and the quorum of any of its committees shall be determined by the Board.

(3) The validity of any proceedings of the Board or any of its committees shall not be affected-

(a) by any vacancy in the membership; or

(b) by any defect in the appointment of a member; or

(c) by reason of the presence or participation in the proceedings of the Board or any of its committees by a person who is not a member thereof.

## **12. Special disclosure by a member**

Any member of the Board of any institute or any committee thereof who has a personal interest in any contract or arrangement being entered into or proposed to be considered by the Board or any committee thereof shall forthwith declare and disclose his interest in such contract or arrangement to the Board and shall be disqualified to vote on any question relating to such contract or arrangement.

## **13. Board meetings**

The Board of each Institute shall meet not less than twice in each year and the Board may meet on such other occasions as the Board may deem necessary.

## **14. Association of Institutes with universities, etc.**

The Board of an Institute may with the approval of the Minister enter into association agreement with the competent authorities of any university or other institution of higher learning in Nigeria for the purposes of promoting or furthering mutual co-operation in transferring scientific and technological expertise to the Institute.

## **15. Short title**

This order may be cited as the Research Institutes (Establishment, etc.) Order.