

# SHEDA SCIENCE AND TECHNOLOGY COMPLEX ACT

## ARRANGEMENT OF SECTIONS

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### SCHEDULE

**An Act to establish the Sheda Science and Technology Complex to carry out research and development activities in the field of technology and the operation of a nuclear research facility.**

[1993 No. 95.]

[23rd August, 1993]

[Commencement.]

#### **1. Establishment of the Sheda Science and Technology Complex**

There is hereby established a body to be known as the Sheda Science and Technology Complex (in this Act referred to as "the Complex") which under that name shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

#### **2. Board of Governors**

(1) The governing body of the Complex shall be a Board of Governors (in this Act referred to as "the Board").

(2) The Board shall consist of the following members who shall be appointed by the President, on the recommendation of the Adviser, that is-

- (a) a chairman who shall be a person with a good knowledge of science and technology;
- (b) nine eminent scientists appointed from various disciplines in science and technology;
- (c) one person to represent each of the following Ministries, that is-

(i) Agriculture and Rural Development;

(ii) Defence;

(iii) Health;

(iv) Power and Steel;

(v) Petroleum Resources;

(vi) Science and Technology;

(vii) Industry; and

(d) the Director-General of the Complex.

(3) Subject to subsection (4) of this section, a member of the Board, other than an *ex-officio* member, shall hold office for a period of three years from the date of his first appointment and shall be eligible for re-appointment for a further period of three years; thereafter he shall no longer be eligible for re-appointment.

(4) Any member, other than an *ex-officio* member, may resign his appointment by a

letter addressed to the appointing authority and that member's resignation shall take effect from the date of the receipt of the letter by the appointing authority.

(5) The appointing authority may, at any time by a notice in writing remove any member from his office for inability to perform the functions of the office.

(6) In this section "appointing authority" means-

(a) in the case of the chairman, the President; and

(b) in the case of any other member, the Adviser.

(7) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the matters therein mentioned.

[Schedule.]

### **3. Functions of the Board**

The Board of Governors shall-

- (a) be responsible for the formulation of policies of the Complex in line with guidelines provided by the Federal Government in respect of administrative, scientific and technical functions of the Complex;
- (b) consider and report to the Adviser on all proposals involving finance and administration of properties;
- (c) consider and if necessary approve recommendations of the Technical Advisory Committee established by this Act;
- (d) consider reports from the works of the Complex;
- (e) appoint from its own members or otherwise such committees as may be deemed expedient, and delegate to any such committees any specific functions which the Board is competent to perform;
- (f) furnish the Adviser with reports of its proceedings;
- (g) appoint such employees as are deemed necessary for the proper discharge of the functions of the Complex under this Act, and pay such employees such remuneration and allowances as may be determined by the Board except that appointment of the junior cadre officers may be made by the Director-General subject to such guidelines as may be provided by the Board from time to time except, however, that
  - (i) appointments above the rank of senior lecturer are to be approved by the Adviser; and
  - (ii) appointments below the rank of UASS 7 may be approved by the Director-General, subject to general guidelines as may be laid down by the Board, from time to time;
- (h) meet at least three times a year and at any other time as may be deemed necessary;
- (i) prepare and submit to the Adviser an annual report on the activities of the Complex;
- (j) carry out any other functions referred to it by the Adviser within the framework of the objectives of the Complex.

#### **4. Functions of the Complex**

The Complex shall have responsibility for-

- (a) developing facilities for the effective practice of applications oriented science and technology in Nigeria;
- (b) carrying out research and development activities involving the highest level of technologies available in the world with a view to strengthening the technological base of the Nigerian economy;
- (c) in particular, operating a nuclear research reactor facility capable of providing service in the fields of agriculture, medicine, industry and the basic sciences;
- (d) operating internationally accessible and comprehensive databases in the area of science and technology;
- (e) conducting research and development activities in the field of conventional and non-conventional energy;

(f) carrying out structured manpower training to meet the growing needs of Nigeria in the areas of high technology;

(g) providing avenues through which all the institutions of higher learning in Nigeria may carry out capital intensive research on a cost effective basis.

### 5. Composition of the Complex

(1) The Complex shall be made up of the following, that is-

(a) a Nuclear Technology Centre, which shall consist of the following, that is-

(i) a Computer Centre;

(ii) a Central Mechanical and Electrical Workshop;

(iii) a Waste Treatment Plant;

(iv) a Health Physics;

(v) a Cyclotron;

(vi) a Radioisotope Plant;

(vii) a Metallurgy and Radiometallurgy Plant;

(viii) a Nuclear Sciences and Engineering School;

(ix) a Special Equipment Laboratory;

(x) a Food Irradiation Plant;

(xi) an Engineering and Safety Plant;

(xii) an Electronics Workshop;

(b) a Science and Technology Information Centre, which shall consist of the following, that is-

(i) a Science and Technology Library;

(ii) a Science and Technology Museum;

(iii) Data-basis in the basic sciences of physics, chemistry and biotechnology, energy and technology, mathematics and computer science;

(iv) Science and technology archives for retrievable storage of useful and historic documents;

(c) advanced laboratories for pure and applied research in the following subjects, that is-

(i) Physics;

(ii) Chemistry;

(iii) Biotechnology and Genetic Engineering;

(iv) Energy;

(d) conference centre, with guest house and hostel facilities;

(e) residential facilities for staff and visitors; and

(f) any other facilities or laboratories that may be added from time to time by the appropriate authority.

## **6. Establishment and membership of the Technical Advisory Committee**

There is hereby established a Technical Advisory Committee (in this Act referred to as "the Committee"). The Committee shall consist of the following members, that is-

- (a) the Director-General of the Complex who shall be the chairman;  
one person to represent the Directors of the constituent facilities of the Complex;
- (b) five eminent Nigerian scientists to be appointed by the Adviser;
- (c) two persons to represent the universities;
- (d) one person to represent the polytechnics;
- (e) two Directors representing the university-based energy research centres;
- (f) the Director-General of the Energy Commission of Nigeria or his representative.

## **7. Functions of the Committee**

(1) The Committee shall-

- (a) assist the Director-General in the preparation and implementation of the programmes in line with the policy for research and development laid down by the Board;
- (b) assist the Director-General in the preparation of the annual, medium-term, and long-term research and development programmes of the Complex;
- (c) assist the Director-General in the preparation of the annual budget estimate for the Complex;
- (d) receive and consider research proposals from the various facilities of the Complex and from other national bodies;
- (e) appoint from its own members or otherwise such committees as may be deemed expedient, and delegate to any such committee any functions which the Committee is competent to perform;
- (f) consider any other matter relating to the scientific and technical work of the Complex, and deal with any other matter referred to it by the Board, from time to time;
- (g) furnish the Board with reports of its proceedings.

(2) The Committee shall meet at least four times a year and at such other times as may be deemed necessary.

## **8. Appointment of Director-General**

- (1) The President shall appoint a person with the appropriate qualification to be the Director-General to the Complex.
- (2) The Director-General shall be the chief executive of the Complex and shall be responsible for the execution of the policy of the Complex and the day to day running of affairs of the Complex.
- (3) The Director-General shall hold office for a period of five years and shall be eligible for re-appointment for a further term not exceeding five years or any such period as the President may determine.
- (4) Subject to the provisions of this section, the Director-General shall hold office on such terms as emoluments and otherwise as may be specified in his letter of appointment, and as may from time to time be approved by the President.

### **9. Appointment of other employees of the Complex**

Without prejudice to section 3 (g) of this Act, the Board may appoint such other persons to be employees of the Complex as the Board may determine to assist the Director-General in the discharge of his functions under this Act.

### **10. Remuneration and tenure**

The remuneration and tenure of office of employees of the Complex other than the Director-General shall be determined by the Board.

### **11. Application of Pensions Act**

(1) Service in the Complex shall be pensionable under the Pensions Act and accordingly, employees of the Complex 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 the Federal Government (not being 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 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 civil service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999.

[Cap. C23.]

### **12. Removal from office of member of the Board and the Director-General**

(1) If it appears to the Board that a member of the Board (other than an *ex-officio* member) or the Director-General should be removed from office on the grounds of misconduct or inability to perform the functions of his office, the Board shall make a recom-

mentation to the Adviser and if the Adviser, after making such inquiries as he considers necessary, approves the recommendation, the Adviser shall, in writing, declare the office of such member or Director-General vacant.

(2) The Adviser may remove any member of the Board, if he is satisfied that it is not in the public interest to retain him.

### 13. Removal and discipline of senior staff

(1) If it appears to the Board that there are reasons for believing that any person employed as a member of the senior staff of the Complex other than the Director-General, should be removed from office on grounds of misconduct or inability to perform the functions of his office, the Board shall-

(a) give notice of those reasons to the person concerned;

(b) afford him an opportunity of making representations in person on the matter to the Board;

(c) if the person concerned or any three members of the Board so request within the period of one month beginning with the date of the notice, make arrangements-

(i) for the appropriate committee of the Board to investigate the matter and to report on it to the Board; and

(ii) for the person in question to be afforded an opportunity of appearing before and being heard by the Investigating Committee on the matter.

(2) If the Board after considering the report of the Investigating Committee under subsection (1) (c) of this section is satisfied that the person in question should be removed from office, the Board may remove the person concerned by an instrument in writing signed by the chairman of the Board.

(3) The Director-General may, in a case of misconduct by a member of staff which in the opinion of the Director-General is prejudicial to the interest of the Complex, suspend such member, and any such suspension shall forthwith be reported to the Board.

(4) For good cause, any member of staff may be suspended from office or his ap-

pointment may be terminated by the Board and for the purposes of this subsection, "**good cause**" means-

(a) any physical or mental incapacity which the Board, after obtaining medical advice, considers to render the person concerned unfit for the discharge of the functions of his office; or

(b) conduct of a scandalous or other disgraceful nature which the Board considers to be such as to render the person concerned unfit to continue to hold his office; or

(c) conduct which the Board considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his office or to comply with the terms and conditions of his service.

(5) Any person suspended pursuant to subsection (3) or (4) of this section shall be placed on half pay and the Board shall, before the expiration of a period of three months after the date of such suspension, consider the case against that person and come to a decision as to--

(a) whether to continue such person's suspension and if so, on what terms (including the proportion of his emoluments to be paid to him); or

(b) whether to reinstate such person to his office, in which case the Board shall restore his full emoluments to him with effect from the date of the suspension; or

(c) whether to terminate the appointment of the person in question, in which case such a person shall not be entitled to the proportion of his emolument withheld during the period of the suspension; or

(d) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Board may determine, and in any case where the Board, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Board shall before the expiration of a period of three months from such decision, come to a final determination in respect of the case concerning any such person.

(6) A person who signs the instrument of removal by virtue of subsection (1) of this section shall serve or cause it to be served on the person concerned, a copy of the instrument.

(7) Nothing in the foregoing provisions of this section shall prevent the Board from making such regulations for the discipline of other categories of staff and workers of the Complex as it may think fit.

#### **14. Discipline of junior staff**

(1) If any junior staff is accused of misconduct or inefficiency, the Director-General may suspend him for not more than three months and forthwith shall direct the matter to the appropriate committee-

(a) to consider the case; and

(b) to make recommendation as to the appropriate action to be taken by the Director-General.

(2) In all cases under this section, the junior staff shall be informed in writing of the charges against him and be given reasonable opportunity to defend himself.

(3) The Director-General may, after considering the recommendation made pursuant to subsection (1) (b) of this section, dismiss, terminate, retire or downgrade the junior officer concerned.

(4) Any person aggrieved by the Director-General's decision under subsection (3) of this section, may within a period of 21 days from the date of the receipt of the letter communicating the decision to him, address a petition to the Board to reconsider his case and the Board's decision thereon shall be final.

#### **15. Power to borrow**



The Complex may, with the consent of the Board, borrow money on such terms and conditions as the Complex may require in the exercise of its functions under this Act or any other written law.

## **16. Fund of the Complex**

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

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

(a) such money as may, from time to time, be lent or granted to the Council by the Government of the Federation or of a State;

(b) all money raised for the purposes of the Complex by way of gift, grant-in-aid, testamentary disposition or otherwise;

(c) all subscriptions or fees and charges for services rendered by the Complex (except that no charges shall be made for services performed for the Government of the Federation or State or for such other public bodies or institutions as may be exempted by the Board);

(d) all interests received in respect of money invested by the Complex; and

(e) all other money, from time to time, accruing to the Complex.

(3) The fund shall be managed in accordance with guidelines given by the Board and without prejudice to the generality of the power to give guidelines shall in particular contain such provisions-

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

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

(c) securing the accounts to be audited annually by auditors appointed from the

list approved by the Auditor-General for the Federation, and requiring copies of the accounts and of the auditor's report to be furnished to the President through the Adviser, immediately after the end of the period to which the accounts relate.

## **17. Expenditure of the Complex**

(1) The Complex may, from time to time, apply the funds at its disposal-

(a) to the cost of the administration of the Complex and of any research institute under the Complex's administration;

(b) for reimbursing a member or members of any committee set up by the Complex for expenses authorised by the Board;

(c) to the provision of scholarship and other awards for the training of persons in educational research and development;

(d) to the payment of salaries, fees or other remuneration, allowances, pensions and gratuities or superannuation payable to the employees of the Complex (including the executive secretary) or any research and development institute under its administration;

(e) for the maintenance of any property vested in the Complex or any research and development institute under its administration; and

(f) for and in connection with all or any of the functions of the Complex under this Act or any other enactment.

(2) Except as provided for in subsection (1) of this section, no other remuneration shall be paid to any member of any committee appointed by the Board pursuant to this Act.

## 18. Office and premises

(1) For the purpose of providing offices and premises necessary for the performance of its functions, the Complex may-

(a) subject to the Land Use Act, purchase or take on lease any interest in land; and

[Cap. L5.]

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

(2) The Complex 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.

## 19. Annual report

The Board shall, at the end of each year, submit to the President through the Adviser, a report on the activities of the Complex and research and development institutes under its administration during the preceding year.

## 20. Power of the Adviser to give directives to the Board

Subject to this Act, the Adviser may give the Board and the Complex directives of a general character relating to the functions of the Board and the Complex and the Board, as the case may be, shall comply with such directive.

## 21. Regulations

(1) The Adviser may make regulations for the effective implementation of this Act and may, by such regulations provide for the functions and responsibilities of the Director-General.

(2) Regulations made under subsection (1) of this section shall not come into operation until they have been approved by the President and published in the *Gazette*.

## 22. Interpretation

(1) In this Act, unless the context otherwise requires-

"Adviser" means the Adviser to the President on nuclear, energy and the Complex;

**"Complex"** means the Sheda Science and Technology Complex established by section 1 of this Act;

**"Board"** means the governing board of the Complex constituted under section 2 of this Act;

**"Director-General"** means the person appointed under section 8 (2) of this Act;

**"member"** means a member of the Board and includes the chairman;

**"Minister"** means the Minister charged with responsibility for science and technology.

### **23. Repeal**

The Sheda Science and Technology Complex Act 1991 is hereby repealed.

[1991 No. 43.]

### **24. Savings and transfer of liabilities, staff, etc.**

(1) The statutory functions, rights, interest, obligations and liabilities of the Complex existing before the commencement of this Act under any contract or instrument, shall by virtue of this Act be deemed to have been assigned to and vested in the Complex established by this Act.

(2) Any such contract or instrument as is mentioned in subsection (1) of this section shall be of the same force and effect against or in favour of the Complex established by this Act and shall be enforceable as fully and effectively as if instead of that Complex, the Complex established by this Act had been named therein or had been a party thereto.

(3) The Complex established by this Act shall be subject to all the obligations and liabilities to which the Complex was subject immediately before this Act and all other persons shall have the same rights, powers and remedies against the Complex established by this Act as they had against the Complex immediately before the commencement of this Act.

(4) Any proceedings or cause of action pending or existing immediately before the commencement of this Act, by or against the Complex, in respect of any right, interest, obligation or liability of the Complex, may be continued or as the case may be, commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Complex established by this Act to the same extent that such proceedings, cause of action or determination might have been continued, commenced or enforced by or against the Complex established under the repealed Act.

(5) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act, were vested in the Complex established under the repealed Act shall by virtue of this Act and without further assurance, be vested in the Complex established by this Act.

(6) Any person who immediately before the coming into force of this Act is the holder of any office in the Complex existing before the commencement of this Act shall, on the commencement of this Act, continue in office and be deemed to have been appointed to his office by the Complex established by this Act unless the authority by which the person was appointed terminates the appointment.

## 2S. Short title

This Act may be cited as the Sheda Science and Technology Complex Act.

## SCHEDULE

[Section 2 (7).]

### *Proceedings of the Board*

1. Subject to this Act and La section 27 of the Interpretation Act, the Board may make standing orders regulating the Board or committee thereof.

[Cap. 123.]

2. The quorum of the Board shall be seven and the quorum of any committee of the Board shall be determined by the Board.

3. At any meeting of the Board, the chairman or any person appointed to act in that office shall preside and if neither of them is present, the members present at the meeting shall elect one of their number to preside at the meeting.

4. The Board shall meet not less than thrice in each year and at other times as the Adviser or the chairman may direct to deliberate and to discuss important issues.

### *Committee*

5. (1) Subject to the Board's standing orders, the Board may appoint such other standing and *ad-hoc* committees as the Board may think fit to consider and report on any matter with which the Complex is concerned.

(2) Subject to the provisions of this section, every committee appointed by virtue of the provisions of this section shall be presided over by a member of the Board, and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.

### *Miscellaneous*

6. The affixing of the seal of the Complex shall be authenticated by the signature of the chairman or the Director-General to the Complex.

7. Any contract or instrument executed by a person other than a corporate body, which has no seal, may be made or executed by any person authorised specifically for that purpose by the Complex.

8. Any document purporting to be a document duly executed under the seal of the Complex shall be received in evidence and shall, unless the contrary is proved, be presumed to be executed.

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

(a) by any vacancy in the membership of the Board or of any committee thereof; or

(b) by reason that a person not entitled to do so took part in the proceedings.

10. Any member of the Board or any committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or any com-

mittee thereof shall forthwith disclose his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.

## **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*