

NIGERIAN INSTITUTE OF SOCIAL AND ECONOMIC RESEARCH ACT

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NIGERIAN INSTITUTE OF SOCIAL AND ECONOMIC RESEARCH ACT

An Act to establish the Nigerian Institute of Social and Economic Research as an autonomous institution under a governing council and to confer on it, amongst other things, the functions of providing consultancy services to the Federal and State Governments in the field of economic and social development and to conduct research into the social and economic problems of Nigeria.

[1977 No. 70.]

[14th December, 1997]

[Commencement.]

1. Establishment of the Nigerian Institute of Social and Economic Research

(1) There is hereby established an institute to be known as the Nigerian Institute of Social and Economic Research (in this Act referred to as "the Institute").

(2) There shall be established for the management of the affairs of the Institute a Council to be known as the Nigerian Institute of Social and Economic Research Council (in this Act referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

(3) The Council shall be responsible for the determination of the overall policy of the Institute and in particular for the financial and operational programmes of the Institute and for ensuring implementation of such policies and programmes.

(4) The provisions of the First Schedule to this Act shall have effect with respect to the proceedings of the Council and the other matters therein mentioned.

[First Schedule.]

1. Membership of the Council

The Council shall consist of the following members-

- (a) a chairman, to be appointed by the President on the recommendation of the Minister;
- (b) the Director of the Institute;
- (c) the Permanent Secretary, Federal Ministry of Industries or his representative;
- (d) the Director, Central Planning Office;
- (e) the chief statistician, Federal Office of Statistics;
- (f) the Director of Research, Central Bank of Nigeria;
- (g) four scholars to be appointed by the Minister on the recommendation of the Director; and
- (h) two persons to represent interests not otherwise represented in this section, to be appointed by the Minister.

3. Functions of the Council

Without prejudice to the generality of section 1 (3) of this Act, it shall be the duty of the Council-

- (a) to approve the research and training programmes of the Institute;
- (b) subject to section 5 (4) of this Act, to approve conditions of service of the employees of the Institute including provisions for the payment of pensions;
- (c) to determine fees to be paid for research, consulting and training services offered by the Institute; and
- (d) to carry out such other activities as are necessary and expedient for the full discharge of any of the functions conferred on it under or pursuant to this Act.

4. Functions of the Institute

Subject to section 3 of this Act, the Institute shall have the following functions, that is-

- (a) to provide consultancy services to the Federal and State Governments, their agencies and other organisations, in the field of economic and social development;
- (b) to conduct research into the economic and social problems of the country with a view to the application of the results thereof;
- (c) to organise seminars and conferences on problems of economic and social development in the country, whether on its own account or on behalf of the governments of Nigeria or their agencies; and
- (d) to co-operate with Nigerian universities, research institutes and other institutions in the mobilisation of the country's research potential for the task of national development and dissemination of research findings for the use of policy makers at all levels.

1. The Director of the Institute and other staff

- (1) There shall be a Director of the Institute who shall be appointed by the President on the recommendation of the Minister.
- (2) Subject to the general control of the Council, the Director shall be the chief executive of the Institute and shall be responsible for the execution of the policy of the Institute and the day-to-day running of the affairs of the Institute.
- (3) The Council may appoint such other persons as employees of the Institute, either by way of transfer or secondment from any of the public services or any university in the Federation or otherwise howsoever, as it considers necessary.

(4) The remuneration and the tenure of office of the employees of the Institute (other than the Director) shall be determined by the Council after consultation with the Federal Civil Service Commission.

1. Power to accept gifts

(1) Subject to subsection (2) of this section, the Council may accept gifts of land, money or other property upon such trusts and conditions, if any, as may be specified by the person making the gift.

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

1. Offices and premises

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

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

(2) The Council may, with the approval of the Minister, sell or lease any land, offices or premises held by it and no longer required for the performance of its functions.

1. Application of Pensions Act, etc.

(1) The Federal Civil Service Commission may by order published in the Federal *Gazette* declare the office of the Director or of any person employed by the Council to be a pensionable office for the purposes of the Pensions Act.

[Cap. P4.]

(2) Subject to subsections (3) and (4) of this section, the Pensions Act shall, in its application by virtue of the foregoing subsection 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. P4. Cap. C23.]

(3) For the purposes of the application of the provisions of the Pensions Act in accordance with subsection (2) of this section, 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 thereof, is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

(4) Nothing in the foregoing provisions of this section shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

1. Financial provisions

(1) The Council shall submit to the Minister not later than the 31st of October in each financial year an estimate of its revenue and expenditure.

(2) The Council shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Council.

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

(a) such sums as may, from time to time, be granted to the Council by the Federal Government;

(b) all monies raised for the purposes of the Institute by way of gifts, grants-in-aid, testamentary disposition and sales of publications; and

(c) all subscriptions, fees and charges for services rendered by the Institute and all other sums that may accrue to the Institute from any source.

10. Accounts and audit

(1) The Council shall keep proper accounts and proper records in relation thereto and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may direct.

(2) The Council shall as soon as may be after the end of the financial year to which the accounts relate cause its accounts to be audited by qualified auditors approved by the Minister from the list and in accordance with guidelines supplied by the Auditor-General for the Federation.

11. Annual reports

(1) The Institute shall prepare and submit to the Minister not later than the 30th of June in each financial year a report in such form as the Minister may direct on the activities of the Institute during the immediately preceding financial year, and shall include in the report a copy of the audited accounts of the Institute for that year and of the auditors' report on the accounts.

(2) The Minister shall submit the report and any recommendations made by him thereto to the President.

12. Power of the Minister to give directions to the Council

The Minister may give to the Council directions of a general character or relating generally to particular matters (but not to any individual or case) with regard to any of the functions of the Council or the Institute under this Act, and it shall be the duty of the Council to comply with such directions or cause them to be complied with.

13. Transitional provisions

The transitional provisions in the Second Schedule to this Act shall have effect notwithstanding any other provisions of this Act or any provisions of the University of Ibadan Act or statutes made thereunder.

[Second Schedule. Cap. U6.]

14. Interpretation

In this Act, unless the context otherwise requires-

“**Council**” means the Council established by section 1 (2) of this Act;

“**Director**” means the Director appointed pursuant to section 5 of this Act;

“**Institute**” means the Nigerian Institute of Social and Economic Research established by section 1(1) of this Act;

“**Minister**” means the Minister responsible for economic development.

15. Short title

This Act may be cited as the Nigerian Institute of Social and Economic Research Act.

FIRST SCHEDULE

[Section 1 (4).]

Supplementary provisions relating to the Council, etc.

Terms of service

1. (1) A member of the Council holding office by virtue of section 2 (g) and (h) of this Act shall hold office for a term of three years and subject to the provisions of sub-paragraph (2) of this paragraph shall be eligible for reappointment.

(2) The office of a member of the Council mentioned in sub-paragraph (1) of this paragraph shall become vacant if-

- (a) he resigns his office by notice in writing under his hand, addressed to the Minister; or
- (b) the Minister is satisfied that it is not in the interest of the Institute for the person appointed to continue in office and notifies the member in writing to that effect.
2. Members of the Council not being *ex-officio* members may be paid such travelling and other allowances as may, from time to time, be approved by the Minister.
3. The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

Committees

4. (1) The Council may appoint one or more committees to advise it in the exercise and performance of its functions.
- (2) Every such committee shall consist of-
- (a) a chairman who shall be appointed by the Council from among the members of the Council;
- (b) not more than five persons (who may not all be members of the Council), so however that any non-member of the Council co-opted to serve on any committee shall enjoy all the rights and privileges of a member except the right to vote and to count towards a quorum.
- (3) In this paragraph "**chairman**" means the chairman of a committee.

Proceedings of the Council

5. (1) The Council shall meet for the conduct of business at such times, places and on such days as the chairman may appoint but shall meet not less than three times in a year.
- (2) The chairman may at any time, and shall at the request in writing of the Minister or of not less than four members, summon a meeting and if the chairman fails so to do, the Minister may himself summon a meeting.
- (3) Particulars of the business to be transacted at any meeting shall be circulated to members with the notice of the meeting.
6. (1) Every question put before the Council at a meeting shall be decided by a majority of the votes of the members present and voting.
- (2) The quorum for meetings of the Council shall be six of whom at least two shall be persons appointed under section 2 (b), (c) and (d) of this Act.

(3) The chairman shall at any meeting, have a vote and in the case of an equality of votes, may exercise a casting vote.

7. (1) The chairman shall preside at all meetings of the Council but if he is absent from any meeting of the Council the members present shall elect one of their number to preside at that meeting.

(2) During the chairman's absence on leave or if the chairman is otherwise not available, or is unable to perform his functions, the Minister may appoint any member of the Council to act as chairman for a specified period.

8. The validity of any proceedings of the Council or of any of its committees shall not be affected—

(a) by any vacancy in the membership of the Council or any such committees;

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

(c) by reason of the fact that any person not entitled to do so took part in the proceedings.

9. Subject to the provisions of this Act, the Council may make standing orders with respect to the holding of meetings, the nature of notice to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

Miscellaneous

10. (1) Any contract or instrument which, if entered into or executed by a person not being a body corporate would not be required to be under seal, may be entered into or executed on behalf of the Council by any person generally or specifically authorised in that behalf by the Council.

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

11. (1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of the meeting.

(2) The fixing of the seal of the Council shall be authenticated by the signature of the chairman or some other member authorised generally or specifically by the Council to act for that purpose.

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

be so executed.

SECOND SCHEDULE

[Section 13.]

Transitional provisions relating to the employees, assets and liabilities of the

Nigerian Institute of Social and Economic Research, Ibadan

1. By virtue of this Act there shall be vested in the Council immediately at the commencement of this Act without further assurance all assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in the Nigerian Institute of Social and Economic Research, Ibadan (referred to in this Schedule as "the old Institute").

2. As from the date of commencement of this Act-

(a) all rights, interests, obligations and liabilities of the old Institute existing immediately before the commencement of this Act under any contract or instrument, or at law or in equity apart from any contract or instrument shall, by virtue of this Act, be assigned and vested in the Council;

(b) any such contract or instrument as mentioned in subparagraph (a) of this paragraph shall be of the same force and effect against or in favour of the Council and shall be enforceable as fully and effectively as if instead of the old Institute, the Council had been named therein or had been a party thereto; and

(c) the Council shall be subject to all obligations and liabilities to which the old Institute was subject immediately before the date of commencement of this Act, and all other persons shall as from the date of commencement of this Act have the same rights, powers and remedies against the Council as they had against the old Institute immediately before the date of commencement of this Act.

3. Any proceedings or cause of action pending or existing immediately before the commencement of this Act by or against the old Institute in respect of any right, interest, obligation or liability of the old Institute may be commenced, continued or enforced by or against the Council as if this Act had not been made.

4. Notwithstanding the provisions of the University of Ibadan Act or of any statutes made thereunder or any provision of this Act but subject to such directions as may be issued by the Council, any person who immediately before the date of commencement of this Act held office under the old Institute shall be deemed to have been transferred to the new Institute established

under this Act on terms and conditions not less favourable than those obtaining immediately before the commencement of this Act; and service under the old Institute shall be deemed to be service under the new Institute established under this Act for pensions purposes.

[Cap. U6.]

5. Within the twelve months next after the commencement of this Act, the Minister, if he thinks fit, may by order in the Federal *Gazette* make additional transitional or saving provisions for the better carrying out of the objectives of this Schedule.

NIGERIAN INSTITUTE OF SOCIAL AND ECONOMIC RESEARCH ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation