

# NIGERIAN RESEARCH INSTITUTES ACT

## ARRANGEMENT OF SECTIONS

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### SCHEDULE

*Constitutions, etc., of the Councils*

## NIGERIAN RESEARCH INSTITUTES ACT

**An Act to establish research institutes in respect of cocoa, coffee, cola, oil palm, rubber and trypanosomiasis; to provide for the transfer to those institutes of certain assets and liabilities of existing bodies (if any) established for similar purposes and for the winding up of those bodies; and for purposes connected with the matters aforesaid.**

[1964 No. 33.]

[1st December, 1964]

[Commencement.]

### **1. Establishment and functions of research institutes**

(1) There shall be established four bodies corporate by the following names, that is-

- (a) the Cocoa Research Institute of Nigeria;
- (b) the Nigerian Institute for Oil Palm Research;
- (c) the Rubber Research Institute of Nigeria; and

(d) the Nigerian Institute for Trypanosomiasis Research,

Which bodies are hereinafter in this Act referred to collectively as "the Institutes", and severally as "the Cocoa Institute", "the Oil Palm Institute", "the Rubber Institute", and "the Trypanosomiasis Institute", respectively.

(2) The institutes shall be charged with the general duty of undertaking research into and providing information and advice relating to—

(a) the production and products of cashew, cocoa, coffee, cola and of such other as the Minister may, from time to time, determine, in the case of the Cocoa Institute;

(b) the production and products of oil palm and of such other palms as the Minister may determine, in the case of the Oil Palm Institute;

(c) the production and products of rubber, in the case of the Rubber Institute; and

(d) trypanosomiasis, in the case of the Trypanosomiasis Institute.

(3) Subject to the following provisions of this section, each of the institutes shall have power to do anything which, in the opinion of the institute, is calculated to facilitate the carrying on of the activities of the institute.

(4) Except with the prior approval in writing of the Minister, an institute shall not have power to—

(a) incur expenditure outside approved estimates under this Act; or

(b) borrow money.

(5) The Minister may, from time to time, give to an institute directions of a general nature in writing with respect to the performance of its functions; and it shall be the duty of the institute to comply with the directions.

### **1. Management of affairs of institutes**

(1) There shall be established for each institute a governing council (in this Act referred to, in relation to the relevant institute, as "the Council"), and the provisions of the Schedule to this Act shall have effect, so far as applicable, with respect to the constitutions of the Councils and the other matters there mentioned.

[Schedule.]

(2) The affairs of each institute shall be managed by the Council, and references in this Act to the institutes shall be construed accordingly; and without prejudice to the generality of the foregoing provisions of this subsection—

(a) anything falling to be done by or to an institute shall be done by or to the Council on behalf of the institute, or by or to such person acting as the representative of the Council as the Council may determine; and

(b) in particular, any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the institute by any person generally or specially authorised to act for that purpose by the Council.

(3) It shall be the duty of the Council of each institute-

(a) to prepare a programme of research within the field for which that institute is responsible for such periods of not less than three years as the Council may, with the approval of the Minister, determine, together with detailed estimates of the expenditure which will be required to carry out the programme;

(b) each year to review, and if necessary revise, the programme approved under paragraph (a) of this subsection for the following year, together with the estimates of expenditure for that year;

(c) to submit the programmes and estimates of expenditure and any annual revisions, for approval by the Minister;

(d) to carry out the programmes of research approved by the Minister.

(4) There shall be a director for each institute, who shall be appointed by the Minister on the advice of the Council and shall be a person with wide experience of the matters with which the relevant institute is concerned; and the director shall-

(a) be charged with the day-to-day management of the affairs of the institute in accordance with such instructions as may, from time to time, be given to him by the Council; and

(b) hold office, subject to the provisions of section 5 of this Act, in accordance with the terms of the instrument by which he is appointed (including terms as to the payment of his remuneration by the Council).

## **1. Financial provisions**

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

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

(a) such sums out of moneys provided by the National Assembly as the National Assembly may, from time to time, determine;

(b) in the case of any institute other than the Trypanosomiasis Institute, such sums out of moneys to be provided by the House of Assembly of each State or by the appropriate statutory agency of each State, in accordance with a formula agreed by the several Governments and the Government of the Federation;

(c) such assets of the relevant institute and committee mentioned in section 8 of this Act as are transferred to the institute in pursuance of that section; and

(d) all other assets, from time to time, accruing to the institute.

(3) The fund shall be managed in accordance with the rules made by the Minister and the Minister responsible for finance, acting jointly; and, without prejudice to the generality of the power to make rules conferred by this subsection, the rules shall in particular include provision-

(a) specifying the manner in which the assets of 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 purposes of the fund in such form as may be specified by the rules;

(c) for securing that the accounts are audited periodically by an auditor appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation, acting jointly;

(d) requiring copies of the accounts and of the auditor's report on them to be furnished to the Minister as soon as may be after the end of the period to which the accounts relate; and

(e) requiring the Minister to lay before each House of the National Assembly copies of all accounts and reports received by him in pursuance of paragraph

(d) of this subsection and, in the case of accounts or reports relating to the Cocoa Institute, the Oil Palm Institute, or the Rubber Institute, to send a copy to the Governor of each State.

### **1. Compulsory acquisition of land for institutes**

(1) For the purposes of the Land Use Act, the purposes of each of the institutes shall be public purposes of the Federation within the meaning of that Act.

(2) The Registrar of Deeds may, by an instrument under his hand and seal, vest in the relevant institute any property acquired by the President by virtue of subsection (1) of this section; and the institute shall pay to the Minister responsible for finance a sum equal to the aggregate amount of any expenses (including compensation) incurred on behalf of the President by virtue of the said subsection in respect of any property vested in the institute by such an instrument.

### **1. Application of Pensions Act to employment in the service of institutes, etc.**

(1) The Federal Civil Service Commission may by order declare that the office of the director of an institute or of any person employed by an institute shall be a pensionable office for the purposes of the Pensions Act; and any order made under an enactment repealed by virtue of this Act declaring that an office under an institute or committee abolished by virtue of this Act is a pensionable office for the purposes of that Act, or of pensions enactments superseded by that Act, shall be deemed to have been duly made in pursuance of this subsection, with effect from the day (if any) specified by the order, in respect of any corresponding office in the service of an institute established by this Act.

[Cap. P4.]

(2) The Pensions Act shall, in its application by virtue of the foregoing subsection to any office, have effect as if—

[Cap. P4.]

(a) the office were an office in the civil service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria;

[Cap. C23.]

(b) the references to the Minister of the Government of the Federation responsible for pensions in paragraph (1) of section 21 of that Act were references—

(i) in the case of the office of director of an institute, to the Minister within the meaning of this Act; and

(ii) in any other case, to the Council of the relevant institute; and

(c) section 4 of that Act (which relates to compulsory retirement) were omitted.

(3) Nothing in subsection (1) or (2) 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.

(4) So much of section 3 of the Pensions Act as prevents the grant of benefits under that Act in respect of a person retiring before a specified age shall not apply in relation to the retirement of an expatriate officer within the meaning of that Act who-

[Cap. P4.]

(a) retires, either before or after the commencement of this Act, from an office which was or is a pensionable office by virtue of any such order as is mentioned in subsection (1) of this section; and

(b) held, on or before 1 October, 1962, any such office as is mentioned in paragraph (a) of this subsection.

### 1. **Annual report**

It shall be the duty of each of the institutes to furnish to the Minister, as soon as may be after the end of each year, a report on the activities of the institute during that year; and the Minister shall-

(a) submit to the President a copy of each report received by him in pursuance of this section; and

(b) send a copy of each report to the Governor of each State.

### 1. **Regulations**

(1) The Council of each institute may make regulations generally for its purposes under this Act; and without prejudice to the generality of the foregoing, regulations may provide for the disciplinary control over the staff of the institute concerned.

(2) Regulations made under subsection (1) of this section shall not have effect until they are approved by the Minister and have thereafter been published in the *Federal Gazette*.

### 1. **Winding up of existing research institutes and their committees**

(2) The Minister shall by Order provide for-

(a) the winding up of the affairs of the institutes and committees established by the West African Institute for Oil Palm Research Act and the West African Institute for Trypanosomiasis Research Act, respectively; and

[Cap. 218 and Cap. 219 1958 Edition.]

(b) the winding up as respects Nigeria of the affairs of the institute and committee regulated by the West African Cocoa Research Institute (Nigerian Status) Act, 1950, and for the transfer of the assets and liabilities of each such institute and committee as aforesaid to the corresponding institute established by this Act; but nothing in this sub-

section shall be construed as affecting the assets or liabilities of the institute or committee regulated by the said Act of 1950 except to the extent that they arise within Nigeria or by reason of activities carried on or formerly carried on within Nigeria.

(2) An order made in pursuance of subsection (1) of this section may contain such incidental and supplementary provisions as the Minister considers expedient for the purposes of the order.

(3) When it appears to the Minister that the affairs of any institute mentioned in paragraph (a) or (b) of subsection (1) of this section and its committee have been wound up, he shall by order declare the institute and committee to be dissolved on such day as may be specified by the order; and the order-

(a) shall include provision repealing on that day the enactments mentioned in subsection (1) of this section so far as they relate to the institute and committee dissolved by the order; and

(b) may include provision repealing or modifying any other enactment relating to the institute or committee to such extent as the Minister considers expedient in consequence of any other provision made by an order under this section.

## 1. Interpretation

In this Act-

“**the Minister**” means-

(a) in relation to institutes other than the Trypanosomiasis Institute, the Minister responsible for agricultural research; and

(b) in relation to the Trypanosomiasis Institute, the Minister responsible for veterinary research.

## 10. Short title

This Act may be cited as the Nigerian Research Institutes Act.

## SCHEDULE

[Section 2 (1).]

*Constitutions etc., of the Councils*

*Membership of the Councils*

1. (1) Subject to the provisions of this Schedule, the Council of the Cocoa Institute shall consist of eleven members, that is-

- (a) two persons appointed by the Minister;
- (b) the Director of the institute;
- (c) five persons appointed by the Governments of Ekiti, Lagos, Ogun, Ondo, Osun and Oyo States;
- (d) one person appointed by the Governments of Abia, Akwa Ibom, Anambra, Bayelsa, Cross River, Ebonyi, Enugu, Imo and Rivers States
- (e) one person appointed by the Governments of Adamawa, Bauchi, Benue, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Nassarawa, Niger, Plateau, Sokoto, Taraba, Yobe and Zamfara States;
- (f) one person appointed by the Governments of Edo and Delta State.

(2) Subject to the provisions of this Schedule, the Council of the Oil Palm Institute shall consist of ten members, that is-

- (a) two persons appointed by the Minister;
- (b) the director of the institute;
- (c) one person appointed by the Governments of Ekiti, Lagos, Ogun, Ondo, Osun and Oyo States;
- (d) four persons appointed by the Governments of Abia, Akwa Ibom, Anambra, Bayelsa, Cross River, Ebonyi, Enugu, Imo and Rivers States;
- (e) one person appointed by the Governments of Adamawa, Bauchi, Benue, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Nassarawa, Niger, Plateau, Sokoto, Taraba, Yobe and Zamfara States;
- (f) one person appointed by the Governments of Edo and Delta State.

(3) Subject to the provisions of this Schedule, the Council of the Rubber Institute shall consist of ten members, that is-

- (a) two persons appointed by the Minister;
- (b) the director of the institute;
- (c) one person appointed by the Governments of Ekiti, Lagos, Ogun, Ondo, Osun and Oyo States;
- (d) one person appointed by the Governments of Abia, Akwa Ibom, Anambra, Bayelsa, Cross River, Ebonyi, Enugu, Imo and Rivers States;
- (e) one person appointed by the Governments of Adamawa, Bauchi, Benue, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Nassarawa, Niger, Plateau, Sokoto, Taraba, Yobe and Zamfara States;
- (f) four persons appointed by the Governments of Edo and Delta State.

(4) Subject to the provisions of this Schedule, the Council of the Trypanosomiasis Institute shall consist of eleven members, that is-



- (a) five persons appointed by the Minister;
- (b) the director of the institute;
- (c) one person appointed by the Governments of Ekiti, Lagos, Ogun, Ondo, Osun and Oyo States;
- (d) one person appointed by the Governments of Abia, Akwa Ibom, Anambra, Bayelsa, Cross River, Ebonyi, Enugu, Imo and Rivers States;
- (e) two persons appointed by the Governments of Adamawa, Bauchi, Benue, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Nassarawa, Niger, Plateau, Sokoto, Taraba, Yobe and Zamfara States;
- (f) one person appointed by the Governments of Edo and Delta State.

(5) If the Minister responsible for a particular institute is satisfied that persons who are not members ought, by reason of their experience or professional competence to be admitted to membership he may, by notice in the Federal *Gazette*, appoint as additional members not more than five persons so qualified; and any person so appointed under this sub-paragraph may attend all meetings and take part in any deliberations of the Council, but shall not be entitled to vote thereat.

#### *Tenure of office of members*

**2.** (1) Subject to the provisions of this paragraph, a member of a Council shall hold office for the period of five years beginning-

- (a) in the case of a member appointed to fill a vacancy which has not previously been filled, with the day when this Act comes into force as respects the relevant institute;
- (b) in any other case, with the day next following that on which the term of office of his predecessor expires by the effluxion of time or, where the predecessor has previously vacated office, on which it would have so expired.

(2) With a view to securing the retirement in rotation of members appointed as additional members of each Council, the Minister may by order provide that the term of office of any three of such members shall be such shorter period as the Minister may, from time to time, approve, but not less in any particular case than three years.

(3) Where a member ceases to hold office at a time when more than three months of his term of office remain unexpired, the authority who appointed him shall as soon as may be appoint a successor who shall, subject to the following provisions of this paragraph, hold office for the residue of that term.

(4) Without prejudice to the provisions of section 11 of the Interpretation Act, (which among other things; provides for the removal of appointees by the persons who appointed them), a member of the Council shall cease to hold office if he resigns his office by a notice in writing signed by him and served on the Minister.

[Cap. 123.]

(5) A person who ceases to hold office as a member of a Council shall be eligible for re-appointment as such a member.

(6) References in the foregoing provisions of this paragraph to members of a Council do not include references to the director of the relevant institute.

### *Proceedings of Councils*

**3.** Subject to the provisions of this Act and of section 27 of the Interpretation Act, (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), each Council may make standing orders regulating the proceedings of the Council or any committee thereof.

[Cap. 123.]

**4.** The quorum of the Council shall be five provided that at the meeting there are at least two members present to represent other Governments on the Council; and the quorum of any committee of a Council shall be determined by the Council.

**5.** (1) The Minister after consultation with the State Governments shall appoint the chairman of a Council from among its members and every Council of its own motion shall elect some other member to be the deputy chairman of the Council; so however that notwithstanding the period for which the appointment or election is to have effect, if a chairman or deputy chairman ceases to be a member of the Council he shall cease to hold the office to which he was so appointed or elected, as the case may be.

(2) At any time while the office of chairman is vacant or the chairman is in the opinion of the Council permanently or temporarily unable to perform the functions of his office, the deputy chairman shall perform those functions, and references in this Schedule to the chairman shall be construed accordingly.

**6.** (1) Subject to the provisions of its standing orders, a Council shall meet whenever it is summoned by the chairman; and if the chairman is required so to do by notice given to him by not less than four members of the Council he shall summon a meeting of the Council to be held within 28 days from the date on which the notice is given. If the chairman fails to summon any meeting when so required, the Minister in his discretion may exercise such power.

(2) At any meeting of a Council the chairman or in his absence the deputy chairman shall preside, but if both are absent the members present at the meeting shall elect one of their number to preside at that meeting.

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

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of each Council shall be summoned by the Minister, who may give such directions as he thinks fit as to the member who shall preside and the procedure which shall be followed at that meeting.

### *Committees*

**7.** (1) Each Council may appoint one or more committees to carry out, on behalf of the Council, such of its functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council, and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a committee appointed under this paragraph shall be of no effect until it is confirmed by the Council.

### *Officers and servants*

**8.** Without prejudice to the generality of subsection (3) of section 1 of this Act but subject to subsections (4) and (5) of that section, each Council shall have power to—

(a) appoint such officers and servants of the institute as the Council may determine; and

(b) pay to any officers and servants of the institute such remuneration as the Council may determine.

### *Miscellaneous*

**9.** Standing orders made by a Council may provide for the payment to any member of the Council or other person appointed to a committee of the Council of such travelling and subsistence

allowances in respect of any periods spent on the business of the Council as the Council may determine; but, notwithstanding anything in section 1 of this Act, no other remuneration

shall be paid by the Council to any such member or other person.

**10.** (1) The fixing of the seal of each institute shall be authenticated by the signature of the director or of some other member of the Council authorised generally or specially by the Council to act for that purpose.

(2) Any document purporting to be a document duly executed under the seal of an institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

**11.** The validity of any proceedings of a Council or a committee thereof shall not be affected by any vacancy in the membership of the Council or committee, or by any defect in the appointment of a member of the Council or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

**12.** Any member of a Council or of a committee of a Council 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 and shall not vote on any question relating to the contract or arrangement.

## **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*