

Raw Materials Research and Development Council Act

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SCHEDULE

Tenure of office of members and proceedings of the Council

An Act to establish a council known as the Raw Materials Research and Development Council to develop local raw materials and co-ordinate research efforts especially in relation to raw materials acquisition, exploitation, conservation and development.

[1987 No. 39.]

[17 th December, 1987]

[Commencement.]

1. **Establishment of the Raw Materials Research and Development Council**

(1) There is hereby established a body to be known as the Raw Materials Research and Development Council of Nigeria (in this Act referred to as "the Council") which shall have the functions assigned to it by this Act.

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

2. **Membership of the Council**

(1) The Council shall consist of a chairman to be appointed by the President, on the recommendation of the Minister, and the following other members to be appointed by the Minister, on the recommendation of the body they represent, that is-

- (a) one representative of the Manufacturers Association of Nigeria;
- (b) one representative of the Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture;
- (c) one representative of the Nigerian Association of Small Scale Industries
- (d) one eminent and knowledgeable Nigerian to be appointed from professional bodies capable of making contributions to the Council;
- (e) one representative appointed from the university community on the recommendation of the Nigeria University Commission;
- (f) four representatives of the relevant research institutes selected through their co-ordinating agency;
- (g) one representative of the Nigerian National Petroleum Corporation;
- (h) one representative of the Federal Ministry of Science and Technology;
- (i) one representative of the Federal Ministry of Industry;
- (j) one representative of the National Planning Commission;
- (k) one representative of the Ministry of Defence;
- (l) one representative of the Ministry of Power and Steel;
- (m) one representative of the Federal Ministry of Agriculture and Rural Development;
- (n) one representative of the Federal Ministry of Commerce;
- (o) one representative of the Polytechnics and Colleges of Technology;
- (P) one representative of the Defence Industries Corporation; and
- (q) one representative of the Raw Materials Society of Nigeria.

(2) The provisions contained in the Schedule to this Act shall have effect with respect to the tenure of office of members and proceedings of the Council and the other matters mentioned therein.

[Schedule.]

3. **Functions of the Council**

The functions of the Council shall be--

(a) to draw up policy guidelines and action programmes on raw materials acquisition, exploitation and development;

(b) to review from time to time, raw material resources availability and utilisation with a view to advising the Federal Government on the strategic implication of depletion, conservation or stock-piling of such resources;

(c) to advise on adoption of machinery and processes for raw material utilisation;

(d) to encourage publicity of research findings and other information relevant to local sourcing of industries;

(e) to encourage growth of implant research and development capabilities;

(f) to advise on and devise awards or systems for industries that achieve any break-through or make innovations and inventions;

(g) to organise workshops, symposia and seminars, from time to time, designed to enlighten people on new developments and solutions discovered;

(h) to consider and advise on special research grants for specific objectives; and

(i) to consider and advise on any other issue capable of enhancing the objectives of the Council.

4. **Tenure of office, etc., of chairman**

(1) The chairman of the Council shall hold office for a fixed term of four years, subject to renewal by the President for only one more term of the same duration.

(2) Without prejudice to the foregoing provisions, the Minister may appoint from among the members any person to act as temporary chairman during the long absence or temporary incapacitation by illness or other cause of the chairman, and the person so appointed shall, while the appointment subsists, have the same powers as exercised by the chairman.

5. **Secretariat and staff of the Council**

(1) There shall be for the Council a secretariat which shall be under the control of a Director.

- (2) The Director shall be responsible for the day to day administration of the Council.
- (3) There may be appointed from time to time by the Council such other staff as may be required for the purpose of the efficient performance of the functions conferred on the Council under or pursuant to this Act and the Council shall pay such staff such remuneration and allowances as are payable to persons of equivalent grades in the civil service of the Federation.

6. Fund of the Council

- (1) The Council shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in this Act.
- (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-
- (a) one per cent surcharge on imports;
 - (b) fees charged for services rendered by the Council;
 - (c) contributions from the organised private sector; and
 - (d) all sums accruing to the Council by way of gifts, testamentary disposition and endowments or contributions from philanthropic persons.

7. Power to accept gifts

- (1) The Council may, with the approval of the Minister, 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 Council shall not accept any gift if the conditions attached by the person or organisation making the gift to the acceptance thereof are inconsistent with the functions of the Council.

8. Borrowing power

- (1) The Council may, with the consent of the Minister or in accordance with any general guidelines approved by the President, borrow by way of loan or overdraft from any source any moneys required by the Council for meeting its obligations and discharging its functions under this Act, so however that where the sum of the aggregate of the sums involved at anyone time does not exceed one third of the Council's income, no such consent or authority shall be required.
- (2) The Council may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds with the consent of the Minister or in accordance with any general guidelines approved by the President.
- (3) The Council may invest any surplus funds of the Council in such securities as may be approved by the President.

9. **Annual estimates and accounts**

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

(2) The Council shall cause to be kept, proper accounts of the Council and proper records in relation thereto and when certified by the Council, such accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the Council shall be audited within six months after the end of each year by an auditor appointed by the Council from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation.

10. **Annual report**

The Council shall, not later than 30th September in each year, submit to the Minister a report on the activities of the Council and its administration during the immediately preceding year and shall include in such report the audited accounts of the Council.

11. **Staff regulations**

(1) The Council may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the staff of the Council and without prejudice to the generality of the foregoing, such regulations may provide for-

(a) the appointment, promotion, termination, dismissal and disciplinary control of staff of the Council; and

(b) appeals by such staff against dismissal or other disciplinary measures,

and until such regulations are made any instrument relating to the conditions of service of officers in the civil service of the Federation shall be applicable, with such modifications as may be necessary, to the staff of the Council.

(2) Staff regulations made under subsection (1) of this section, shall not have effect until approved by the Minister and when so approved the same shall not be published in the Federal *Gazette* but the Council shall cause them to be brought to the notice of all affected persons in such manner as it may from time to time determine.

12. **Procedure in respect of suits against the Council, etc.**

No suit shall be commenced against the Council before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Council 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.

13. Service of documents

The notice referred to in section 12 of this Act and any summons, notice or other document required or authorised to be served upon the Council under the provisions of this Act or any other enactment or law may be served by delivering the same to the chairman or the Director of the Council, or by sending it by registered post addressed to the Director at the principal office of the Council.

14. Restriction on execution against the property of the Council

In any action or suit against the Council, no execution or attachment or process in the nature thereof shall be issued against the Council, but any sums of money which may, by the judgment of the court, be awarded against the Council shall, subject to any directions given by the Council, be paid from the general reserve fund of the Council.

15. Power to give directions

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

16. Interpretation

In this Act, unless the context otherwise requires-

"chairman" means the chairman of the Council;

"Council" means the Raw Materials Research and Development Council established by section 1 of this Act;

"member" means any member of the Council including the chairman;

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

17. Short title

This Act may be cited as the Raw Materials Research and Development Council Act.

SCHEDULE
[Section 2 (2).]

Tenure of office of members

1. (1) A member of the Council other than an *ex-officio* member shall, subject to the following provisions of this paragraph, hold office for the period of four years beginning with the date of his appointment as a member.

(2) Any member of the Council other than an *ex-officio* member may, by notice to the Council, resign his office.

(3) A person who has ceased to be a member of the Council shall be eligible for reappointment as a member of the Council.

Proceedings of the Council

2. (1) Subject to this Act and to section 27 of the Interpretation Act (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote) the Council may make standing orders regulating the proceedings of the Council or of any committee thereof.

(2) The quorum of the Council shall be the chairman and six other members and the quorum of any committee of the Council shall be determined by the Council.

3. (1) The Council shall meet not less than four times in each year and, subject thereto, the Council shall meet whenever it is summoned by the chairman; and if the chairman is required to do so by notice given to him by not less than three other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Council the chairman shall preside; but if he is absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the 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 the quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister.

4. (1) The 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 such number of persons (not necessarily all members of the Council) as may be 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 his appointment.

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

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

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

6. Members of the Council who are not public officers shall be paid out of moneys at the disposal of the Council such remuneration, fees or allowances in accordance with such scales as may be approved from time to time by the Minister.

7. The validity of any proceedings of the Council or of a committee thereof shall not be affected by any vacancy in the membership of the Council or of a committee, or by reason that a person not entitled to do so took part in the proceedings.

8. Any member of the Council, and any person holding office on a committee of the 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 or committee and shall not vote on any question relating to the contract or arrangement.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation