

Extraordinary



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FEDERAL COLLEGE OF AGRICULTURE OFONI, BAYELSA STATE
(ESTABLISHMENT) BILL, 2019
ARRANGEMENT OF CLAUSES

Clauses

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FEDERAL COLLEGE OF AGRICULTURE OFONI, BAYELSA STATE
*Establishment and Objectives of the Federal College of Agriculture
Ofoni, Bayelsa State*

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3. Composition, Tenure and Powers of the Council of the College
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FIRST SCHEDULE

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THIRD SCHEDULE

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF AGRICULTURE OFONI.
BAYELSA STATE AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Senator Ewhrudjakpo, Lawrence O.

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows-

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE

2 FEDERAL COLLEGE OF AGRICULTURE OFONI, BAYELSA STATE

3 1.-(1) There is hereby College of Agriculture Ofoni, Bayelsa State
4 upgraded and established as the Federal College of Agriculture Ofoni,
5 Bayelsa State.

Establishment
and Objectives
of the Federal
College of
Agriculture Ofoni,
Bayelsa State

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

8 (3) The College shall be a training institution for the development
9 of Agriculture in the country.

10 (4) The College shall be supervised by the Federal Ministry of
11 Education through the National Commission for Colleges of Education
12 (NCCE) who shall be responsible for approving and regulating all academic
13 programmes run in the College, to ensure quality compliance and provide
14 funds for academic and research programmes, infrastructures and
15 remunerations of employees.

16 (5) The objects of the College shall be-

17 (a) to encourage the advancement of learning and to hold out to all
18 persons without distinction of race, creed, sex or political conviction.

1 (b) to develop and offer academic and professional programmes
2 leading to the award of certificates, first degrees, post-graduate research,
3 diploma and higher degrees with emphasis on planning, developmental and
4 adaptive skills in technology, applied science, agriculture, commerce, arts,
5 social science, humanities, management and allied professional disciplines;

6 (c) to produce socially mature Agriculturists men and women with
7 capabilities not to only understand the agricultural need of Nigeria as a nation,
8 but also to exploit existing agricultural infrastructure and improve on it to
9 develop new ones;

10 (d) to act as agents and catalysts for effective agricultural system,
11 through post graduate training, research and innovation, for effective
12 economic utilization and conservation of the country's human resources;

13 (e) to bring quality change in agriculture by focusing on Agriculture
14 teacher Education through teaching and learning innovations;

15 (f) to collaborate with other national and international institutions
16 involved in training, research and development of agricultural Education with
17 a view to promoting governance, leadership and management skills among
18 agricultural managers;

19 (g) to identify agricultural needs of the society with a view to finding
20 solutions to them within the context of overall national development;

21 (h) to provide and promote sound basic agriculture Educational
22 training as a foundation for the development of Nigeria, taking into account
23 indigenous culture and the need to enhance national unity;

24 (i) to provide higher Education in agriculture and foster a systematic
25 advancement of the science in agriculture;

26 (j) to provide for instruction in such branches of agriculture teacher
27 Education as it may deem necessary to make provision for research
28 advancement and dissemination of knowledge in such manner as it may
29 determine;

30 (k) to provide teachers with operational competence for teaching in

1 pre-tertiary institutions, basic, senior secondary schools and non-formal
2 Education institutions;
3 (m) to undertake any other activities that is appropriate for a
4 College of agriculture of the highest standard.

5 **2.-(1)** The College shall consist of-

Constitution and
Principal Officers
of the College

6 (a) a Provost;
7 (b) Deputy provost;
8 (c) a Provost and a Senate;
9 (d) a body to be called Congregation;
10 (e) a body to be called Convocation;
11 (f) the campuses and colleges of the College;
12 (g) the colleges, institutes and other teaching and research units of
13 the College;
14 (h) the persons holding the offices constituted by the First Schedule
15 to this Bill other than those mentioned in paragraphs (a) to (c) of this
16 subsection;
17 (i) all graduates and undergraduates of the College; and
18 (j) all other persons who are members of the College in accordance
19 with provisions made by statute in that behalf.

20 (2) The First Schedule to this Bill shall have effect with respect to
21 the principal officers of the College.

22 (3) Subject to section 5 of this Bill provision shall be made by
23 statute with respect to the constitution of the Council, the Senate,
24 Congregation and Convocation.

25 **3.-(1)** For the carrying out of its objects as specified in section 1 of
26 this Bill, Federal College of Agriculture Ofofi, Bayelsa State shall have
27 power:

Powers of the
Federal College
of Agriculture
Ofofi, Bayelsa
State and its
exercise

28 (a) to offer courses of instruction, training and research in
29 Agriculture and allied areas for the production of quality and skilled
30 teachers required to teach at lower, middle and higher levels of Education in

- 1 Nigeria in particular and the world at large;
- 2 (b) to establish such colleges, campuses, institutes, schools,
3 departments and other teaching and research units within the College as may
4 from time to time be deemed necessary or desirable subject to the approval of
5 National Universities Commission;
- 6 (c) to institute professorships, readerships or associate
7 professorships, lectureships, and other posts and offices and to make
8 appointments thereto;
- 9 (d) to institute and award fellowships, scholarships, exhibitions,
10 bursaries, medals, prizes and other titles, distinctions, awards and forms of
11 assistance;
- 12 (e) to provide for the discipline and welfare of members of the
13 College;
- 14 (f) to hold examinations and grant degrees, diplomas, certificates and
15 other distinctions to persons who have pursued a course of study approved by
16 the College and have satisfied such other requirements as the College may lay
17 down;
- 18 (g) to grant honorary degrees, fellowships or academic titles;
- 19 (h) to demand and receive from any student or any other person
20 attending the College for the purposes of instruction, such fees as the College
21 may from time to time determine subject to the overall directives of the
22 Minister;
- 23 (i) subject to section 20 of this Bill, to acquire, hold, grant, charge or
24 otherwise deal with or dispose of movable and immovable property wherever it
25 is situate;
- 26 (j) to accept gifts, legacies and donations, but without obligation to
27 accept the same for a particular purpose unless it approves the terms and
28 conditions attached thereto;
- 29 (k) to enter into contracts, establish trusts, act as trustee, solely or
30 jointly with any other person, and employ and act through agents;

1 (l) to erect, provide, equip and maintain libraries, laboratories,
2 workshops, lecture halls, halls of residence, refectories, sports grounds,
3 playing fields and other buildings or things necessary, suitable or convenient
4 for any of the objects of the College;

5 (m) to hold public lectures and to undertake printing, publishing
6 and book selling;

7 (n) subject to any limitations or conditions imposed by statute, to
8 invest any moneys appertaining to the College by way of endowment it, not
9 being immediately required for current expenditure in any investments or
10 securities or in the purchase or improvement of land, with power from time
11 to time, to vary any such investments to deposit any moneys for the time
12 being not invested with any bank on deposit or current account;

13 (o) to borrow, whether on interest or not and if need be upon the
14 security of any or all of the property, movable or immovable, of the College,
15 such moneys as the Council may from time to time in its discretion find it
16 necessary or expedient to borrow of to guarantee any loan, advances or
17 credit facilities;

18 (p) to make gifts for any charitable purpose;

19 (q) to do anything which it is authorized or required by this Bill or
20 by statute to do; and

21 (r) to do all such acts or things, whether or not incidental to the
22 foregoing powers, as may advance the objects of the College.

23 (2) Subject to the provisions of this Bill and of the statutes and
24 without prejudice to section 7(2) of this Bill, the powers conferred on the
25 College by subsection (1) of this section shall be exercisable on behalf of the
26 College by the Council or by the Senate or in many other manner which may
27 be authorized by the statute.

28 (3) The power of the College to establish further campuses and
29 colleges within the College shall be exercisable by statute and not
30 otherwise.

Composition,
Tenure and
Powers of the
Council of the
College

- 1 4.-(1) The Council of the College shall consist of-
- 2 (a) the Provost;
- 3 (c) the Deputy Provost(s);
- 4 (d) one person from the Ministry responsible for Education;
- 5 (e) four persons representing a variety of interests and broadly
- 6 representative of the whole Federation to be appointed from:
- 7 (i) the Teacher's Registration Council;
- 8 (ii) Tertiary Education Trust Fund; and
- 9 (iii) two other persons, one of whom shall be a representative of the
- 10 College host community.
- 11 (f) four persons appointed by the Senate from among its members;
- 12 (g) two persons appointed by Congregation from among its members;
- 13 (h) one person appointed by Convocation from among its members.
- 14 (i) two persons representing the community appointed by the
- 15 President.
- 16 (2) Persons to be appointed to the Council shall be of proven integrity,
- 17 knowledgeable and familiar with the affairs and tradition of the College.
- 18 (3) The Council so constituted shall have a tenure of four years from
- 19 the date of its inauguration provided that where a Council is found to be
- 20 incompetent and corrupt, it shall be dissolved by the Visitor and a new Council
- 21 shall be immediately constituted for the effective functioning of the College.
- 22 (4) The powers of the Council shall be exercised, as in this Bill and to
- 23 that extent establishment circulars that are inconsistent with this Bill shall not
- 24 apply to the College.
- 25 (5) The Council shall be free in the discharge of its functions and
- 26 exercise of its responsibilities for the good management, growth and
- 27 development of the College.
- 28 (6) The Council in the discharge of its functions shall ensure that
- 29 disbursement of funds of the College complies with the approved budgetary
- 30 ratio for:

- 1 (a) personnel cost;
- 2 (b) overhead cost;
- 3 (c) research and development;
- 4 (d) library developments; and
- 5 (e) the balance in expenditure between academic vis-à-vis non-
- 6 academic activities.

7 **5.-(1)** Subject to the provisions of this Bill relating to the Visitor,
8 the Council shall be the governing body of the College and shall be charged
9 with the general control and superintendence of the policy, finances and
10 property of the College.

Functions of the
Council and its
Finance and
General Purpose
Committee

11 (2) There shall be a committee of the Council, to be known as the
12 Finance, and General Purposes Committee, which shall, subject to the
13 directions of the Council, exercise control over the property and expenditure
14 of the College and perform such other functions of the Council as the
15 Council may from time to time delegate to it.

16 (3) Provision shall be made by statute with respect to the
17 constitution of the Finance and General Purposes Committee.

18 (4) The Council shall ensure that proper accounts of the College are
19 kept and that the accounts of the College are audited annually by an
20 independent firm of auditors approved by the Council and that an annual
21 report is published by the College together with certified copies of the said
22 accounts as audited.

23 (5) Subject to this Bill and the statutes, the Council and the Finance
24 and General Purposes Committee may each make rules for the purpose of
25 exercising any of their respective functions or of regulating their own
26 procedure.

27 (6) Rules made under sub-section (5) of this section by the Finance
28 and General Purposes Committee shall not come into force unless approved
29 by the Council; and in so far and to the extent that any rules so made by that
30 Committee conflict with any direction given by the Council, whether before

1 or after the coming into force of the rules in question, the directions of the
2 Council shall prevail.

3 (7) There shall be paid to the members respectively of the Council, the
4 Finance and General Purposes Committee and of any other committee set up
5 by the Council, allowances in respect of travelling and other reasonable
6 expenses, at such rates as may from time to time be fixed by the Minister.

7 (8) The Council shall meet as and when necessary for the
8 performance of its functions under this Bill and shall meet at least three times in
9 every year.

10 (9) If requested in writing by any five members of the Council, the
11 chairman shall within 28 days after the receipt of such request call a meeting of
12 the Council.

13 (10) Any request made under sub-section (9) of this section shall
14 specify the business to be considered at the meeting and no business not so
15 specified shall be transacted at that meeting.

Functions of
the Senate of
the College

16 6.-(1) Subject to section 5 of this Bill and subsections (3) and (4) of
17 this section and the provisions of this Bill relating to the Visitor, it shall be the
18 general function of the Senate to organize and control the teaching by the
19 College, the admission of student where no other enactment provides to the
20 contrary and the discipline of students; and to promote research at the College.

21 (2) Without prejudice to the generality of subsection (1) of this section
22 and subject as therein mentioned, it shall in particular be the function of the
23 Senate to make provision for:

24 (a) the establishment, organization and control of campuses, colleges,
25 schools, institutes and other teaching and research units of the College and the
26 allocation of responsibility for different branches of learning;

27 (b) the organization and control of courses of study at the College and
28 of the examinations held in conjunction with those courses, including the
29 appointment of examiners, both internal and external;

30 (c) the award of degrees, and such other qualifications as may be

- 1 prescribed in connection with examinations held as aforesaid;
- 2 (d) the making of recommendations to the Council with respect to
- 3 the award to any person of an honorary fellowship or honorary degree or the
- 4 title of professor emeritus;
- 5 (e) the establishment, organization and control of halls of residence
- 6 and similar institutions at the College;
- 7 (f) the supervision of the welfare of students at the College and the
- 8 regulation of their conduct;
- 9 (g) the granting of fellowships, scholarships, prizes and similar
- 10 awards in so far as the awards are within the control of the College; and
- 11 (h) determining what descriptions of dress shall be academic dress
- 12 for the purposes of the College, and regulating the use of academic dress.
- 13 Functions of the Senate of the College.
- 14 (3) The Senate shall not establish any new campus, college, school,
- 15 department, institute or other teaching and research units of the College, or
- 16 any hall of residence or similar institution at the College without the
- 17 approval of the Council.
- 18 (4) Subject to this Bill and the statutes, the Senate may make
- 19 regulations for the purpose of exercising any function conferred on it either
- 20 by the foregoing provisions of this section or otherwise or for the purpose of
- 21 making provision for any matter for which provision by regulations is
- 22 authorized or required by this Bill or by statute.
- 23 (5) Regulations shall provide that at least one of the persons
- 24 appointed as the examiners at each final or professional examination held in
- 25 conjunction with any course of study at the College is not a teacher at the
- 26 College but is a teacher of the branch of learning to which the course relates
- 27 at some other College of high repute or a person engaged in practicing the
- 28 profession in a reputable organization or institution.
- 29 (6) Subject to right of appeal to the Council from a decision of the
- 30 Senate under this sub-section, the Senate may deprive any person of any

Functions of
the Provost

1 degree, diploma or other award of the College which has been conferred upon
2 him if after due enquiry he is found to have been guilty of dishonourable or
3 scandalous conduct in gaining admission into the College or obtaining that
4 award.

5 7.-(1) The Provost shall, in relation to the College, take precedence
6 before all other members of the College except the Chancellor and subject to
7 section 4 of this Bill except the Pro-Chancellor and any other person for the
8 time being acting as Chairman of the Council.

9 (2) Subject to sections 6, 7 and 14 of this Bill, the Provost shall have
10 the general function, in addition to any other functions conferred on him by this
11 Bill or otherwise of directing the activities of the College and shall be the Chief
12 Executive and Accounting Officer of the College and ex-officio Chairman of
13 the Senate.

14 (3) The Provost shall be the Chairman of the College Tenders' Board,
15 which is saddled with the responsibility of approving the conduct of public
16 procurement of goods, works and services within the approved threshold from
17 time to time.

18 (4) It shall be the responsibility of the Provost to establish and appoint
19 members of the Tenders' Board in line with the extant Public Procurement
20 Rules and Regulations.

21 PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC, TO THE
22 COLLEGE AND CONDITION OF SERVICE OF EMPLOYEES

General fund
of the College

23 8.-(1) There shall be a general fund of the College which shall consist
24 of the following:

25 (a) grants-in-aid;

26 (b) fees;

27 (c) income derived from investments;

28 (d) gifts, legacies, endowments and donations not accepted for a
29 particular purpose;

30 (e) income derived from the exercise of any functions conferred or

1 imposed on the College by this Bill;
2 (f) any other amounts, charges or dues recoverable by the College;
3 (g) revenue, from time to time, accruing to the College by way of
4 subvention;
5 (h) interests on investments;
6 (i) donations and legacies accruing to the College from any source
7 for the general or special purposes of the College; and
8 (j) Regular TETFUND interventions;
9 (2) The general fund shall be applied for the purposes of the
10 College.

11 9.-(1) All property held by or on behalf of the Provisional Council
12 of the College shall, by virtue of this sub-section and without further
13 assurance, vest in the College and be held by it for the purpose of the
14 College.

Transfer of
Property

15 (2) The provisions of the Second Schedule to this Bill shall have
16 effect with respect to, and to matters arising from, the transfer of property by
17 this section and with respect to the other matters mentioned in that
18 Schedule.

19 PART III - STATUTES OF THE COLLEGE

20 10.-(1) Subject to this Bill, the College may make statutes for any
21 of the following purposes, that is to say-

Power of the
College to make
Statutes

22 (a) Making provision with respect to the composition and
23 constitution of any authority of the College;

24 (b) Specifying and regulating the powers and duties of any
25 authority of the College, and regulating any other matter connected with the
26 College or any of its authorities;

27 (c) Regulating the admission of students (where no other
28 enactment provides to the contrary), and their discipline and welfare;

29 (d) Determining whether any particular matter is to be treated as an
30 academic or non-academic matter for the purposes of this Bill and of any

1 statute, regulation or other instrument made thereunder; or

2 (e) Making provision for any other matter for which provision by
3 statute is authorized or required by this Bill.

4 (2) Subject to section 25(6) of this Bill, the Interpretation Act shall
5 apply in relation to any statute made under this section as it applies to a
6 subsidiary instrument within the meaning of section 28(1) of that Act.

7 (3) The statute contained in the Third Schedule to this Bill shall be
8 deemed to have come into force on the commencement of this Bill and shall be
9 deemed to have been made under this section by the College.

Third Schedule

10 (4) The power to make statutes conferred by this section shall not be
11 prejudiced or limited in any way by reason of the inclusion or omission of any
12 matter in or from the statute contained in the Third Schedule to this Bill or any
13 subsequent statute.

Mode of
exercising power
to make statutes

14 **11.**-(1) The power of the College to make statutes shall be exercised in
15 accordance with the provisions of this section and not otherwise.

16 (2) A proposed statute shall not become law unless it has been
17 approved:

18 (a) at a meeting of the Senate, by the votes of not less than two thirds
19 of the members present and voting; and

20 (b) at a meeting of the Council, by the votes of not less than two thirds
21 of the members present and voting.

22 (3) A proposed statute may originate either in the Senate or in the
23 Council, and may be approved as required by subsection (2) of this section by
24 either one of those bodies or the other.

25 (4) A statute which:

26 (a) makes provision for or alters the composition or constitution of the
27 Council, the Senate or any other authority of the College; or

28 (b) provides for the establishment of a new campus or college or for
29 the amendment or revocation of any statute.

30 (5) For the purpose of section 2(2) of the Interpretation Act, a statute

1 shall be treated as being made on the date on which it is duly approved by the
2 Council after having been duly approved by the Senate, or on the date on
3 which it is duly approved by the Senate after having been duly approved by
4 the Council, as the case may be or, in the case of a statute falling within
5 subsection (4) of this section, on the date on which it is approved by the
6 President.

7 (6) In the event of any doubt or dispute arising at any time:

8 (a) as to the meaning of any provision of a statute; or

9 (b) as to whether any matter is for the purposes of this Bill an
10 academic or non-academic matter as they relate to such doubt or dispute, the
11 matter may be referred to the Visitor, who shall take such advice and make
12 such decision thereon as he shall think fit.

13 (7) The decision of the Visitor on any matter referred to him under
14 sub-section (6) of this section shall be binding upon the authorities, staff and
15 students of the College and where any question as to the meaning of any
16 provision of a statute has been decided by the Visitor under that sub-section,
17 no question as to the meaning of that provision shall be entertained by any
18 court of law in Nigeria.

19 (8) Nothing in sub-section (7) of this section shall affect any power
20 of a court of competent jurisdiction to determine whether any provision of a
21 statute is wholly or partly void as being ultra vires or as being inconsistent
22 with the Constitution of the Federal Republic of Nigeria, 1999.

23 12. A statute may be proved in any court by the production of a Proof of Statute
24 copy thereof bearing or having affixed to it a certificate purporting to be
25 signed by the Provost or the Secretary to the Council to the effect that the
26 copy is a true copy of a statute of the College.

27 PART IV - SUPERVISION AND DISCIPLINE

28 13.-(1) The President shall be the Visitor of the College. The Visitor

29 (2) The Visitor shall cause a visitation to the College when
30 necessary, at least every five years, or direct that such a visitation be

1 conducted by such person or persons as the Visitor may deem fit and in respect
2 of any of the affairs of the College.

3 (3) It shall be the duty of the bodies and persons comprising the
4 College to make available to the Visitor and to any other person conducting a
5 visitation in pursuance of this section, such facilities and assistance as he or
6 they may reasonably require for the purposes of a visitation.

7 (4) The Visitor shall make the report of such visitations and white
8 paper thereon available to the Council which shall implement same.

Removal of
certain Members
of Council

9 **14.**-(1) If it appears to the Council that a member of the Council (other
10 than the Pro-Chancellor or the Provost) should be removed from office on the
11 ground of misconduct or inability to perform the functions of his office or
12 employment, the Council shall make a recommendation to that effect through
13 the Minister to the President, and the President, after making such enquiries (if
14 any) as he may consider appropriate approves the recommendation, he may
15 direct the removal of the person in question from office.

16 (2) It shall be the duty of the Minister to use his best endeavours to
17 cause a copy of the instrument embodying a direction under subsection (1) of
18 this section to be served as soon as reasonably practicable on the person to
19 whom it relates.

Removal and
discipline of
academic,
administrative
and professional
staff

20 **15.**-(1) If it appears to the Council that there are reasons for believing
21 that any person employed as a member of the academic, administrative or
22 professional staff of the College, other than the Provost, should be removed
23 from his office or employment on the ground of misconduct or of professional
24 inability to perform the functions of his office or employment, the Council
25 shall-

26 (a) give notice of those reasons to the person in question;

27 (b) afford him an opportunity of making representations in person on
28 the matter by the Council; and

29 (c) for the person in question to be afforded an opportunity of
30 appearing before and being heard by the investigating committee with respect

1 to the matter, and if the Council, after considering the report of the
2 investigating committee, is satisfied that the person in question should be
3 removed as aforesaid, the Council may so remove him by an instrument in
4 writing signed on the directions of the Council.

5 (2) The Provost may, in a case of misconduct by a member of the
6 staff which in the opinion of the Provost is prejudicial to the interest of the
7 College, suspend such member and any such suspension shall forthwith be
8 reported to the Council.

9 (3) For good cause, any member of the staff may be suspended
10 from his duties or his appointment may be terminated by the Council; and
11 for the purposes of this subsection "good cause" means:

12 (a) conviction for any offence which the Council considers to be
13 such as to render the person concerned unfit for the discharge of the
14 functions of his office;

15 (b) any physical or mental incapacity which the Council, after
16 obtaining medical advice, considers to be such as to render the person
17 concerned unfit to continue to hold his office;

18 (c) conduct of a scandalous or other disgraceful nature which the
19 Council considers to be such as to render the person concerned unfit to
20 continue to hold his office;

21 (d) conduct which the Council considers to be such as to constitute
22 failure or inability of the person concerned to discharge the functions of his
23 office or to comply with the terms and conditions of his service; or

24 (e) conduct which the Council considers to be generally of such
25 nature as to render the continued appointment or service of the person
26 concerned prejudicial or detrimental to the interest of the College.

27 (4) Any person suspended pursuant to subsection (2) or (3) of this
28 section shall be on half pay and the Council shall before the expiration of a
29 period of three months after the date of such suspension consider the case
30 against that person and come to a decision as:

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

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

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

8 (d) whether to take such lesser disciplinary action against such person
9 (including the restoration of such proportion of his emoluments that might
10 have been withheld) as the Council may determine.

11 (5) In any case where the Council, pursuant to this section, decides to
12 continue a person's suspension or decides to take further disciplinary action
13 against a person, the Council shall before the expiration of a period of three
14 months from such decision come to a final determination in respect of the case
15 concerning any such person.

16 (6) It shall be the duty of the person by whom an instrument of
17 removal is signed in pursuance of subsection (1) of this section to use his best
18 endeavours to cause a copy of the instrument to be served as soon as reasonably
19 practicable on the person to whom it relates.

20 (7) Nothing in the foregoing provisions of this section shall:

21 (a) apply to any directive given by the Visitor in consequence of any
22 visitation; or

23 (b) prevent the Council from making regulations for the discipline of
24 other categories of workers of the College as may be prescribed.

Removal of
examiners

25 **16.-(1)** If, on the recommendation of the Senate, it appears to the
26 Provost that a person appointed as an examiner for any examination of the
27 College ought to be removed from his office or appointment, then, except in
28 such cases as may be prescribed by the Provost may, after affording the
29 examiner an opportunity of making representations in person on the matter to
30 the Provost, remove the examiner from the appointment by an instrument in

1 writing signed by the Provost.

2 (2) Subject to the provisions of regulations made in pursuance of
3 section 7(5) of this Bill, the Provost may, on the recommendation of the
4 Senate, appoint an appropriate person as examiner in the place of the
5 examiner removed in pursuance of subsection (1) of this section.

6 (3) It shall be the duty of the Provost on signing an instrument of
7 removal pursuant to this section, to use his best endeavours to cause a copy
8 of the instrument to be served as soon as reasonably practicable on the
9 person to whom it is related.

10 17.-(1) The Students shall be:

11 (a) represented in the College's Students Welfare Board and other
12 committees that deal with the affairs of students;

13 (b) Participate in various aspects of curriculum development;

14 (c) Participate in the process of assessing academic staff in respect
15 of teaching; and

16 (d) Be encouraged to be more self-assured as part of the national
17 development process.

18 (2) Subject to the provisions of this section, where it appears to the
19 Provost that any student of the College has been guilty of misconduct, the
20 Provost may, without prejudice to any other disciplinary powers conferred
21 on him by statute or regulations, direct:

22 (a) that the student shall not, during such period as may be specified
23 in the directions, participate in such activities of the College, or make use of
24 such facilities of the College, as may be so specified;

25 (b) that the activities of the student shall, during such period as may
26 be specified in the direction, be restricted in such manner as may be so
27 specified;

28 (c) that the student be rusticated for such period as may be specified
29 in the direction; or

30 (d) that the student be expelled from the College.

Participation
and Discipline
of Students

1 (3) Where a direction is given under subsection (1)(c) or (d) of this
 2 section in respect of any student, that student may, within the prescribed period
 3 and in the prescribed manner, appeal to the Council; and where such an appeal
 4 is brought, the Council shall, after causing such inquiry to be made in the matter
 5 as the Council considers just either confirm or set aside the direction or modify
 6 it in such manner as the Council thinks fit.

7 (4) The fact that an appeal from a direction is brought in pursuance to
 8 subsection (2) of this section shall not affect the operation of the direction while
 9 the appeal is pending:

10 (a) The Provost may delegate his powers under this section to a
 11 disciplinary board consisting of such members of the College as he may
 12 nominate;

13 (b) Nothing in this section shall be construed as preventing the
 14 restriction or termination of students' activities at the College otherwise than on
 15 the ground of misconduct;

16 (c) A direction under subsection (2)(a) of this section may be
 17 combined with a direction under subsection (2)(b) of this section.

18 PART V - MISCELLANEOUS AND GENERAL

Exclusion of
 discrimination
 on account of
 race, religion,
 etc.

19 **18.-(1)** No person shall be required to satisfy requirements as to any of
 20 the following matters, that is to say, race (including ethnic grouping), sex,
 21 account of race, place of birth or of family origin, or religious or political
 22 persuasion, as a condition of becoming or continuing to be a student at the
 23 College, the holder of any degree of the College or of any appointment or
 24 employment at the College, or a member of anybody established by virtue of
 25 this Bill; and no person shall be subject to any disadvantage or accorded any
 26 advantage relation to the College, by reference to any of those matters.

27 (2) Nothing in subsection (1) of this section shall be construed as
 28 preventing the College from imposing any disability or restriction on any of the
 29 persons mentioned in that subsection where such person willfully refuses or
 30 fails on grounds of religious belief to undertake any duty generally and

1 uniformly imposed on all such person or any group of them which duty,
2 having regard to its nature and the special circumstances pertaining thereto,
3 is in the opinion of the College reasonably justifiable in the national interest.

4 **19.** Without prejudice to the provisions of the Land Use Act, the
5 College shall not dispose of or charge any land or an interest in any land
6 (including any land transferred to the College by this Bill) except with the
7 prior written consent, either general or special, of the Governor:

Restriction on
disposal of land
by College

8 Provided that such consent shall not be required in the case of any
9 lease or tenancy at a rack-rent for a term not exceeding 21 years or any lease
10 or tenancy to a member of the College for residential purpose.

11 **20.** Except as may be otherwise provided by statute or by
12 regulations, the quorum and procedure of any body of persons established
13 by this Bill shall be as determined by that body.

Quorum and
procedure of
bodies established
by this Bill

14 **21.-(1)** Anybody of persons established by this Bill shall, without
15 prejudice to the generality of the powers of that body, have power to appoint
16 committees, which need not consist exclusively of members of that body,
17 and to authorize a committee established by it:

Appointment of
Committee, etc.

18 (a) to exercise, on its behalf, such of its functions as it may
19 determine;

20 (b) to co-opt members, and

21 (2) Any two or more such bodies may arrange for the holding of
22 joint meetings of those bodies, or for the appointment of committees
23 consisting of members of those bodies, for the purpose of considering any
24 matter within the competence of those bodies or any of them, and either of
25 dealing with it or of reporting on it to those bodies or any of them.

26 (3) Except as may be otherwise provided by statute or by
27 regulations, the quorum and procedure of a committee established or
28 meeting held in pursuance of this section, shall be such as may be
29 determined by the body or bodies which have decided to establish the
30 committee or hold the meeting.

1 (4) Nothing in the provisions of subsection (1), (2) and (3) of this section shall
2 be construed as:

3 (a) enabling the statutes to be made otherwise than in accordance with
4 section 1 of this Bill; or

5 (b) enabling the Senate to empower any other body to make
6 regulations of the award degrees or other qualifications.

7 (5) The Pro-Chancellor and the Provost shall be members of every
8 committee of which the members are wholly or partly appointed by the Council
9 (other than a committee appointed to inquire into the conduct of the officer in
10 question); and the Provost shall be a member of every committee of which the
11 members are wholly or partly appointed by the Senate.

Retiring age of
academic staff

12 **22.**-(1) Notwithstanding anything to the contrary in the Pension Act,
13 the compulsory retiring age of the following categories of staff shall be as
14 follows:

15 (a) Academic staff of the College in the non-Professorial cadre shall
16 be 65 years;

17 (b) Academic staff of the College in the Professorial Cadre shall be 70
18 years;

19 (c) Non-academic staff of the College shall be 65 years.

20 (2) A law or rule requiring a person to retire from the public service
21 after serving for 35 years shall not apply to an academic staff of the
22 College.

Special Provisions
relating to
Pension of
Professors

23 **23.** An academic staff of the College who retires as a Professor in the
24 College shall be entitled to pension at a rate equivalent to his annual salary
25 provided that the Professor has served continuously in the College up to the
26 retirement age.

Miscellaneous
Administrative
Provisions

27 **24.**-(1) The seal of the College shall be such as may be determined by
28 the Council and approved by the Chancellor, and the affixing of the seal shall
29 be authenticated by any member of the Council and by the Provost, Secretary to
30 the Council or any other person authorized by statute.

1 (2) Any document purporting to be a document executed under the
2 seal of the College shall be received in evidence and shall, unless the
3 contrary is proved, be presumed to be so executed.

4 (3) Any contract or instrument which if made or executed by a
5 person not being a body corporate would not be required to be under seal,
6 may be made or executed on behalf of the College by any person generally
7 or specially authorized to do so by the Council.

8 (4) The validity of any proceedings of anybody established in
9 pursuance of this Bill shall not be affected by any vacancy in the
10 membership of the body, or by any defect in the appointment of a member of
11 the body or by reason that any person not entitled to do so took part in the
12 preceding.

13 (5) Any member of any such body who has a personal interest in
14 any matter proposed to be considered by that body shall forthwith disclose
15 his interest to the body and shall vote on any question relating to that matter.

16 (6) Nothing in section 12 of the Interpretation Act (which provides
17 for the application in relation to subordinate legislation of certain incidental
18 provisions) shall apply to statutes or regulations made in pursuance to this
19 Bill.

20 (7) The power conferred by this Bill on anybody to make statutes or
21 regulations shall include power to revoke or vary any statute (including the
22 statute contained in the Third Schedule of this Bill) or any regulation by a
23 subsequent statute or as the case may be, by a subsequent regulation and
24 statutes and regulations may make different provisions in relation to
25 different circumstances.

26 (8) No stamp or other duty shall be payable in respect of any
27 transfer of property to the College by virtue of section 8 or section 18 of this
28 Bill or the Second Schedule to this Bill.

29 (9) Any notice or other instrument authorized to be served by virtue

	1	of this Bill may, without prejudice to any other mode of service, be served by
	2	post.
Restriction of suits and execution	3	25.-(1) Pre-Action Notice:
	4	(a) No legal proceeding shall be instituted and/or commenced against
	5	the College or any of its agents in the course of their official duties unless a 3
	6	months' Pre-Action Notice of such intention is served on the College by an
	7	aggrieved party;
	8	(b) The Notice shall state the reason and the cause of action intended
	9	to be taken against the College, the particulars of the claim, the name and place
	10	of abode of the intending plaintiff and the relief which he claims.
	11	(b) For the avoidance of doubt, it is hereby declared that no suit shall
	12	be commenced against an officer or servant of the College, in any case where
	13	the College is vicariously liable for any alleged act, neglect or default of the
	14	officer or servant in the performance or intended performances of his duties,
	15	unless three months at least has elapsed after written notice of intention to
	16	commence the same shall have been served on the College by the intending
	17	plaintiff or his agent;
	18	(c) In any suit against this College, no execution or attachment or
	19	process in the nature thereof shall be issued against the College, but any sums
	20	of money which may be judgment of the court be awarded against the College
	21	shall, subject to any direction given by the court where notice of appeal has
	22	been given by the College in respect of the said judgment, be paid by the
	23	College from its general fund.
	24	(2) Service of Notices:
	25	Service upon the College of any notice, order or other document may be
	26	effected by delivering the same or by sending it by registered post addressed to
	27	the Registrar and Secretary of the Council.
Interpretation	28	26.-(1) In this Bill, unless the context otherwise requires-
	29	"Campus" means any campus which may be established by the College;
	30	"College" means the College established pursuant to section 2 (1) (b) of this

- 1 Bill for the College;
- 2 "Council" means the Governing Council of the College established by
- 3 section 5 of this Bill;
- 4 "Functions" includes powers and duties;
- 5 "Graduate" means a person on whom a degree, other than an honorary
- 6 degree, has been conferred by the College and any other person as may be
- 7 designated as a graduate by the Council, acting in accordance with the
- 8 recommendation of the Senate; (Erroneously omitted)
- 9 "Minister" means the Hon. Minister of Education;
- 10 "Notice" means notice in writing;
- 11 "Officer" does not include the Visitor;
- 12 "Prescribed" means prescribed by statute or regulations;
- 13 "Professor" means a person designated as a Professor of the College in
- 14 accordance with provisions made in that behalf by statute or by regulations;
- 15 "Property" includes rights, liabilities and obligations;
- 16 "Provisional Council" means the provisional council appointed for the
- 17 College;
- 18 "Regulations" means regulations made by the Senate or the Council;
- 19 "Senate" means the Senate of the College established pursuant to section
- 20 2(1)(e) of this Bill;
- 21 "School" means a unit of closely related academic programmes;
- 22 "Statute" means a statute made by each College under section 10 of this Bill
- 23 and in accordance with the provisions of section 11 of this Bill, and
- 24 "the statutes" means all such statutes as are in force from time to time;
- 25 "Teacher" means a person holding a full-time appointment as a member of
- 26 the teaching or research staff of the College;
- 27 "Undergraduate" means a person registered as a student undergoing a course
- 28 of study for a first degree of the College or such other course in the College
- 29 as may be approved by the Senate as qualifying a student undergoing it for
- 30 the status of an under-graduate;

1 "College" means the Federal College of Agriculture, Ofo established and
2 incorporated by section I of this Bill.

3 (2) It is hereby declared that where in any provision of this Bill it is
4 laid down that the proposals are to be submitted or a recommendation is to be
5 made by one authority or another through one or more intermediate authorities,
6 it shall be the duty of every such intermediate authority to forward any
7 proposals of that or recommendations received by it in pursuance of that
8 provision to the appropriate authority; but any such intermediate authority
9 may, if it thinks fit, forward therewith its own comments thereon.

Short title

10 27. This Bill may be cited as the Federal College of Agriculture Ofo,
11 Bayelsa State Bill, 2019.

12 SCHEDULES

13 FIRST SCHEDULE

14 [Section 2(2)]

15 PRINCIPAL OFFICERS OF THE COLLEGE

16 *The Provost*

17 1.-(1) There shall be a Provost of the College who shall be appointed
18 by the Council in accordance with the provisions of this paragraph.

19 (2) Where a vacancy occurs in the post of a Provost, the Council shall:

20 (a) advertise the vacancy in a reputable journal or a widely read
21 newspaper in Nigeria, specifying-

22 (i) the qualities of the persons who may apply for the post; and

23 (ii) the terms of conditions of service applicable to the post, and
24 thereafter draw up a short list of suitable candidates for the post for
25 consideration:

26 (b) constitute a Search Team consisting of:

27 (i) a member of the Council, who is not a member of the Senate, as
28 chairman;

29 (ii) two members of the Senate who are not members of the Council,
30 one of whom shall be a Professor;

1 (iii) two members of Congregation who are not members of the
2 Council, one of whom shall be a Professor, to identify and nominate for
3 consideration, suitable persons who are not likely to apply for the post on
4 their own volition because they felt that it is not proper to do so.

5 (3) A Joint Council and Senate Selection Board consisting of:

6 (a) the Pro-Chancellor, as chairman:

7 (b) two members of the Council, not being members of the Senate;

8 (c) two members of the Senate who are Professors, but who were
9 not members of the Search Team, shall consider the candidates and persons
10 in the shortlist drawn up under subsection (2) of this paragraph through an
11 examination of their curriculum vitae and interaction with them, and
12 recommend to the Council three candidates for further consideration.

13 (4) The Council shall select and appoint as the Provost one
14 candidate from among the three candidates recommended to it under
15 subsection (3) of this section and thereafter inform the Visitor.

16 (5) The Provost shall hold office for a single term of five years only
17 on such terms and conditions as may be specified in his letter of
18 appointment.

19 (6) The Provost may be removed from office by the Council on
20 grounds of gross misconduct or inability to discharge the functions of his
21 office as a result of infirmity of the body or mind, at the initiative of the
22 Council, Senate or the Congregation after due process.

23 (7) When the proposal for the removal of the Provost is made, the
24 Council shall constitute a Joint Committee of Council and Senate consisting
25 of:

26 (i) three members of the Council, one of whom shall be the
27 Chairman of the committee; and

28 (ii) two members of the Senate,

29 Provided that where the ground for removal is infirmity of the body
30 or mind, the Council shall seek appropriate medical opinion.

1 (8) The committee shall conduct investigation into the allegations
2 made against the Provost and shall report its findings to the Council.

3 (9) The Council may where the allegations are proved remove the
4 Provost or apply any other disciplinary action it may deem fit and notify the
5 Visitor accordingly provided that a Provost who is removed shall have right of
6 appeal to the Visitor.

7 (10) There shall be no sole administrator in the College.

8 (11) In any case of a vacancy in the office of the Provost, the Council
9 shall appoint an acting Provost on recommendation of the Senate.

10 (12) An acting Provost in all circumstances shall not be in office for
11 more than 6 months.

12 *Deputy Provost*

13 2.-(1) There shall be for the College such number of Deputy Provosts
14 as Council may from time to time deem necessary for the proper administration
15 of the College.

16 (2) Where a vacancy occurs in the post of Deputy Provost, the Provost
17 shall forward to the Senate a list of two candidates for each post of Deputy
18 Provost that is vacant.

19 (3) The Senate shall select for each vacant post one candidate from
20 each list forwarded to it under subsection (2) of this paragraph and forward his
21 name to the Council for confirmation.

22 (4) A Deputy Provost shall:

23 (a) assist the Provost in the performance of his functions;

24 (b) act in the place of the Provost when the post of the Provost is
25 vacant or if the Provost is, for any reason, absent or unable to perform his
26 functions as Provost; and

27 (c) perform such other functions as the Provost or the Council may,
28 from time to time, assign to him.

29 (5) A Deputy Provost:

30 (a) shall hold office for a period of two years beginning from the

effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment;

(b) may be reappointed for one further period of two years and no more;

(c) may be removed from office for good cause by the Council acting on the recommendations of the Provost and Senate; and

(d) "Good cause" for the purpose of this section means gross misconduct or inability to discharge the functions of his office arising from infirmity of the body or mind.

Office of the Registrar

3.-(1) There shall be for the College, a Registrar, who shall be the chief administrative officer of the College and shall be responsible to the Provost for the day-to-day administrative work of the College except as regards matters for which the Bursar is responsible in accordance with paragraph 6(2) of this Schedule.

(2) The person holding the office of the Registrar shall by virtue of that office be Secretary to the Council, the Senate, Congregation and Convocation.

Other Principal Officers of the College

4.-(1) There shall be for the College the following principal officers, in addition to the Registrar, that is:

(a) the Bursar; and

(b) the College Librarian,

who shall be appointed by the Council on the recommendation of the Selection Board constituted under paragraph 7 of this Schedule.

(2) The Bursar shall be the Chief Financial Officer of the College and be responsible to the Provost for the day-to-day administration and control of the financial affairs of the College.

(3) The College Librarian shall be responsible to the Provost for the administration of the College Library and the co-ordination of the library

1 services in the College and its campuses, colleges, schools, departments,
2 institutes and other teaching or research units.

3 (4) Any question as to the scope of the responsibilities of the aforesaid
4 officers shall be determined by the Provost.

5 *Selection Board for other Principal Officers*

6 5. -(1) There shall be, for the College, a Selection Board for the
7 appointment of principal officers, other than the Provost or Deputy Provost,
8 which shall consist of-

9 (a) the Pro-Chancellor, as chairman;

10 (b) the Provost;

11 (c) four members of the Council not being members of the Senate; and

12 (d) two members of the Senate.

13 (2) The functions, procedure and other matters relating to the
14 Selection Board constituted under subsection (1) of this paragraph shall be as
15 the Council may, from time to time, determine.

16 (3) The Registrar, Bursar and Librarian shall hold office for a single
17 term of five years only beginning from the effective date of their appointments
18 and on such terms and conditions as may be specified in their letters of
19 appointment.

20 (4) Notwithstanding subsection (3) of this section, the Council may,
21 upon satisfactory performance, extend the tenure of the Registrar, Bursar or
22 Librarian for a further period of one year only and thereafter such principal
23 officer shall relinquish his post and be assigned to other duties in the College.

24 *Resignation and Re-appointment*

25 8.-(1) Any officer mentioned in the foregoing provisions of this
26 Schedule may resign his office:

27 (a) in the case of the Chancellor or Pro-Chancellor, by notice to the
28 Visitor;

29 (b) in any other case, by notice to the Council and the Council shall, in
30 the case of the Provost, immediately notify the Visitor.

(2) Without prejudice to paragraph 4 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

SECOND SCHEDULE

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to College

1. Without prejudice to the generality of section 9 (1) of this Bill:-

(a) the reference in that subsection to property held by the Provisional Council shall include a reference to the right to receive and give a good discharge for any grants or contributions which may have been voted or promised to the Provisional Council;

(b) all debts and liabilities of the Provisional Council outstanding shall become debts or liabilities of the College.

2.-(1) All agreements, contracts, deeds and other instruments to which the Provisional Council was a party shall, so far as possible and subject to any necessary modifications, have effect as if the College had been a party thereto in place of the Provisional Council.

(2) Documents not falling within subsection (1) of this paragraph, including enactment which refer, whether specially or generally, to the Provisional Council, shall be construed in accordance with that sub-section so far as applicable.

(3) Any legal proceedings or application to any authority pending by or against the Provisional Council may be continued by or against the College.

Registration of transfers

3.-(1) If the law in force at the place where any property transferred by this Bill is situate provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter)

1 apply, with necessary modifications, to the property aforesaid.

2 (2) It shall be the duty of the body to which any property is transferred
3 by this Bill to furnish the necessary particulars of the transfer to the proper
4 officer of the registration authority, and of that officer to register the transfer
5 accordingly.

6 *Transfer of Functions, etc.*

7 4.-(1) The first meeting of the Council shall be convened by the Pro-
8 Chancellor on such date and in such manner as he may determine.

9 (2) The persons who were members of the Provisional Council shall
10 be deemed to constitute the Council until the date when the Council as set up
11 under the Third Schedule to this Bill shall have been duly constituted.

12 (3) The first meeting of the Senate as constituted by this Bill shall be
13 convened by the Provost on such date and in such manner as he may determine.

14 (4) The persons who were members of the Academic Board
15 immediately before the coming into force of this Bill shall be deemed to
16 constitute the Senate of the College until the date when the Senate as set up
17 under the Third Schedule to this Bill shall have been duly constituted.

18 (5) Subject to any regulations which may be made by the Senate after
19 the date on which this Bill is made, the schools, school boards and students of
20 the College immediately before the coming into force of this Bill shall on that
21 day become schools, school boards and students of the College as constituted
22 by this Bill.

23 (6) Persons who were Deans of schools and Heads of Academic
24 Departments shall continue to be Deans or HODs of the corresponding
25 School/Department, until new appointments are made in pursuance of the
26 statutes.

27 (7) Any person who was a member of the staff of the College as
28 established or was otherwise employed by the Provisional Council shall
29 become the holder of an appointment at the College with the status, designation
30 and functions which correspond as nearly as may be to those which appertained

1 to him as member of that staff or as such an employee.

2 THIRD SCHEDULE

3 [Section 9 (3)]

4 FEDERAL COLLEGE OF AGRICULTURE OFONI, BAYELSA STATE

5 Statute No. 1

6 ARRANGEMENT OF ARTICLES

7 ARTICLES

8 1. The Council.

9 2. The Finance and General Purposes Committee

10 3. The Senate

11 4. The Congregation

12 5. Convocation

13 6. Division of Colleges

14 7. College/School Boards

15 8. Dean of the College

16 9. Selection of certain Principal Officers

17 10. Creation of academic posts

18 11. Appointment of academic staff

19 12. Appointment of administrative and professional staff

20 13. Interpretation.

21 14. Short Title

22 *The Council*

23 1.-(1) The composition of the Council shall be as provided in
24 section 5 of this Bill.

25 (2) Any member of the Council holding office otherwise than in
26 pursuance of section 5 (a), (b), (c), or (d) of this Bill may, by notice to the
27 Council, resign his office.

28 (3) A member of the Council holding office otherwise than in
29 pursuance of section 5 (a), (b), (c), or (d) of this Bill shall, unless he
30 previously vacates it, vacate that office on the expiration of the period of

1 four years beginning with effect from 1 August in the year which he was
2 appointed.

3 (4) Where a member of the Council holding office otherwise than in
4 pursuance of section 5 (a), (b), (g), or (h) of this Bill vacates office before the
5 expiration of the period aforesaid, the body or person by whom he was
6 appointed may appoint a successor to hold office for the residue of the term of
7 his predecessor.

8 (5) A person ceasing to hold office as a member of the Council
9 otherwise than by removal for misconduct shall be eligible for re-appointment
10 for only one further period of four years.

11 (6) The quorum of the Council shall be five, at least one of whom shall
12 be a member appointed pursuant to section 5 (d) or (e) of this Bill.

13 (7) If the Pro-Chancellor is not present at a meeting of the Council,
14 such other member of the Council present at the meeting as the Council may
15 appoint as respects that meeting shall be the chairman at that meeting, and
16 subject to section 4 of this Bill and the foregoing provisions of this paragraph,
17 the Council may regulate its own procedure.

18 (8) Where the Council desires to obtain advice with respect to any
19 particular matter may co-opt not more than two persons for that purpose, and
20 the persons co-opted may take part in the deliberations of the Council at any
21 meeting but shall not be entitled to vote.

22 *The Finance and General Purposes Committee*

23 2.-(1) The Finance and General Purposes Committee of the Council
24 shall consist of-

25 (a) the Pro-Chancellor, who shall be the chairman of the Committee at
26 any meeting at which he is present;

27 (b) the Provost and Deputy Provosts;

28 (c) six other members of the Council appointed by the Council, two of
29 whom shall be selected from among the four members of the Council

1 appointed by the Senate and one member appointed to the Council by
2 Congregation;

3 (d) the Permanent Secretary of the Federal Ministry of Education,
4 or in his absence, such member of his Ministry as he may designate to
5 represent him; and

6 (e) the Executive Secretary of the Petroleum Technology
7 Development Fund, or in his absence, such member of the Fund as he may
8 designate to represent him.

9 (2) The quorum of the Committee shall be five.

10 (3) Subject to any directions given by the Council, the Committee
11 may regulate its own procedure.

12 *Annual budget and estimates, etc.*

13 (4) (i) The estimates of income and expenditure for a financial year
14 shall be presented by the Provost to the Council and may be approved by the
15 Council before the beginning of that financial year;

16 Provided that the Provost may during any financial year present
17 and the Council may approve supplementary estimates of income or
18 expenditure.

19 (ii) The annual and supplementary estimates shall be prepared in
20 such form and shall contain such information as the Council may direct.

21 *Gifts, donations, etc.*

22 (5) (i) The Council may on behalf of the College accept by way of
23 grants, gift, testamentary disposition or otherwise, property and money in
24 aid of the finances of the College on such conditions as it may approve;

25 (ii) Registers shall be kept of all donations to the College including
26 the names of donors and any special conditions under which any donation
27 may have been given:

28 Provided that the College shall not be obliged to accept a donation
29 for a particular purpose unless it approves of the terms and conditions
30 attaching to such donation.

1 (iii) All property, money or funds donated for any specific purposes
2 shall be applied and administered in accordance with the purposes for which
3 they are donated and shall be accounted for separately.

4 *Payment into bank*

5 (6) All sums of money received on account of the College shall be
6 paid into such bank as may be approved by the Council for the credit of the
7 College's general, current or deposit account:

8 Provided that the Council may invest, as it deems fit, any money not
9 required for immediate use other than donations of money referred to in
10 subsection (1) of this section.

11 *Audit*

12 3.-(1) The Council shall cause the accounts of the College to be
13 audited by auditors appointed by the Council as soon as may be after the end of
14 each financial year or for any such other period as the Council may require.

15 (2) The appointment and other matters relative to the auditors, their
16 continuance in office and their functions, as the case may be, shall, subject to
17 the provisions of this section, be prescribed by statute.

18 *The Senate*

19 4. -(1) The Senate shall consist of:

20 (i) the Provost;

21 (ii) Deputy Provosts;

22 (iii) the Deans in the College;

23 (iv) the Professors in the College;

24 (v) Heads of Academic Departments and Units;

25 (vi) the College Librarian;

26 (vii) One elected representative of the College;

27 (viii) Two members of Academic Staff elected by the Congregation;

28 (ix) One elected representative of each department;

29 (x) Two members representing a variety of interests of the
30 professional bodies outside the College appointed by the Senate on the

1 recommendation of the Provost;

2 (xi) Registrar - Secretary.

3 (2) The procedure for election of members of Senate to the Council
4 shall be prescribed by Regulations.

5 (3) The Provost shall be the chairman at all meetings of the Senate
6 when he is present, and in his absence any of the Deputy Provosts present at
7 the meeting as the Senate may appoint for that meeting shall be the chairman
8 at the meeting.

9 (4) The quorum of the Senate shall be one quarter or the nearest
10 whole number less than one quarter; and subject to paragraph (3) of this
11 Article, the Senate may regulate its own procedure.

12 (5) An elected member may, by notice to the Senate, resign his
13 office.

14 (6) Subject to paragraph (8) of this article, there shall be elections
15 for the selection of elected members which shall be held in the prescribed
16 manner on such day in the month of May or June in each year as the Provost
17 may from time to time determine.

18 (7) An elected member shall hold office for the period of two years
19 beginning with 1 August in the year of his election, and may be a candidate at
20 any election held in pursuance to paragraph (6) of this article in the year in
21 which his period of office expires, so however that no person shall be such a
22 candidate if at the end of his current period of office he will have held office
23 as an elected member for a continuous period of six years or would have so
24 held office if he had not resigned it.

25 (8) No election shall be held in pursuance of this article in any year
26 if the number specified in the certificate given in pursuance to paragraph
27 (11) of this article does not exceed by more than one the figure which is
28 thrice the number of those elected members holding office on the date of the
29 certificate who do not vacate office during that year in pursuance of
30 paragraph (7) of this article.

1 (9) For the avoidance of doubt it is hereby declared that no person
2 shall be precluded from continuing in or taking office as an elected member by
3 reason only of reduction in the after 30 April in any year in which he is to
4 continue in or take office as all elected member.

5 (10) If so requested in writing by any fifteen members of the Senate,
6 the Provost or in his absence any of the Deputy Provost duly appointed by him,
7 shall convene a meeting of the Senate to be held not later than the tenth day
8 following that on which the request was received.

9 (11) In this article "total of non-elected members" means as respect
10 any year, such number as may be certified by the Provost on 30 April of that
11 year to be the number of persons holding office as members of the Senate on
12 that day otherwise than as elected members.

13 *Congregation*

14 5. -(1) Congregation shall consist of-

15 (i) Provost;

16 (ii) the Deputy Provosts;

17 (iii) the full-time members of the academic staff;

18 (iv) The Registrar;

19 (v) The Librarian;

20 (vi) Every member of the administrative staff who holds a degree,
21 other than honorary degree, of any College recognized for the purposes of this
22 statute by the Provost.

23 (2) Subject to section 4 of this Bill, the Provost shall be the chairman
24 at all meetings of Congregation when he is present; and in his absence any of
25 the Deputy Provosts present at the meeting as Congregation may appoint for
26 that meeting, shall be the chairman at the meeting.

27 (3) The quorum of Congregation shall be one third or the whole
28 number nearest to one third of the total number of members of Congregation of
29 fifty, whichever is less.

30 (4) A certificate signed by the Provost specifying:

1 (a) the total number of members of Congregation for the purpose of
2 any particular meeting or meetings of Congregation; or

3 (b) the names of the persons who are members of Congregation
4 during a particular period, shall be conclusive evidence of that number or, as
5 the case may be, of the names of those persons.

6 (5) The procedure for election of members of Congregation to the
7 Council and the Senate shall be prescribed by Regulations.

8 (6) Subject to the foregoing provisions of this article, Congregation
9 may regulate its own procedure.

10 (7) Congregation shall be entitled to express by resolutions or
11 otherwise its opinion on all matters affecting the interest and welfare of the
12 College and shall have such other functions, in addition to the function of
13 electing a member of the Council, as may be provided by statute or
14 regulations.

15 *Convocation*

16 6. -(1) Convocation shall consist of-

17 (i) the officers of the College mentioned in the First Schedule to
18 this Bill;

19 (ii) All teachers within the meaning of this Bill;

20 (iii) All other persons whose names are registered in accordance
21 with paragraph (2) of this article.

22 (2) A person shall be entitled to have his name registered as a
23 member of convocation if-

24 (a) he is either a graduate of a College or a person satisfying such
25 requirements as may be prescribed for the purposes of this paragraph; and

26 (b) he applies for the registration of his name in the prescribed
27 manner and pay the prescribed fees.

28 (3) Regulations shall provide for the establishment and
29 maintenance of a register for the purpose of this paragraph and subject to
30 paragraph (4) of this article may provide for the payment, from time to time,

1 of further fees by persons whose names are on the register and for the removal
2 from the register of the name of any person who fails to pay those fees.

3 (4) The person responsible for maintaining the register shall, without
4 the payment of any fees, ensure that the names of all persons who are for the
5 time being members of the Convocation by virtue of paragraph (1) (a) or (b) of
6 this article are entered and retained on the register.

7 (5) A person who reasonably claims that he is entitled to have his
8 name on the register shall be entitled on demand to inspect the register or a copy
9 of the register at the principal times of the College at all reasonable times.

10 (6) The register shall, unless the contrary is proved, be sufficient
11 evidence that any person named therein is not, a member of Convocation; but
12 for the purpose of ascertaining whether a particular person was such a member
13 on a particular date, any entries in and deletions from the register made on or
14 after that date shall be disregarded.

15 (7) The quorum of Convocation shall be fifty or one third or the whole
16 number nearest to one third or the whole number of members of Convocation
17 whichever is less.

18 (8) Subject to section 4 of the Act, the Chancellor shall be chairman at
19 all meetings of Convocation when he is present, and in his absence the Provost
20 shall be the chairman at the meeting.

21 (9) Convocation shall have such functions, in addition to the function
22 of appointing a member of the Council, as may be provided by statute or
23 regulations.

24 *Division of the College*

25 7. The College shall be divided into such number of branches as may
26 be prescribed.

27 *College Boards*

28 8.-(1) There shall be established in by the College, a Board of Studies
29 which, subject to the provisions of this Statute, and subject to the directions of
30 the Provost, shall:

1 (a) Regulate the teaching and study of, and the conduct of
2 examinations connected with, the subjects assigned to the college;

3 (b) Deal with any other matter assigned to it by statute or by the
4 Provost or by the Senate; and

5 (c) Advise the Provost or the Senate on any matter referred to it by
6 the Provost or the Senate.

7 (2) The Board of Studies shall consist of:

8 (a) the Provost;

9 (b) the Dean;

10 (c) the persons severally in charge of the branches of the school;

11 (d) the College Examination Officer;

12 (e) such of the teachers assigned to the college and having the
13 prescribed qualifications as the Board may determine; and

14 (f) such persons, whether or not members of the College, as the
15 Board may determine with the general or special approval of the Senate.

16 (3) The quorum of the Board shall be eight members or one quarter,
17 whichever is greater, of the members for the time being of the board; and
18 subject to the provisions of this statute and to any provision made by
19 regulations in that behalf, the Board may regulate its own procedure.

20 *Deans of the Colleges.*

21 9. -(1) The Board of the College shall, at a meeting in the last term
22 of any academic year which the term of office of the Dean expires, nominate
23 one of its members, being one of the Professors assigned to that teaching
24 unit, for appointment by the Senate as Dean of the College.

25 (2) The person appointed under paragraph 1 of this Article shall act
26 as Dean of the College and chairman of all meetings of the College Board
27 when he is present and shall be a member of all committees and other boards
28 appointed by the College.

29 (3) The Dean shall hold office for two years and shall be eligible for
30 re-appointment one further period of two years. Thereafter he shall not be

1 eligible for re-appointment until two years have elapsed.

2 (4) The Dean of a College shall exercise general superintendence over
3 the academic and administrative affairs of the College.

4 (5) It shall be the function of the Dean to present to Convocation for
5 the conferment of degrees to persons who have qualified for the degrees of the
6 College at examination held in the branches of learning for which
7 responsibility is allocated to that College.

8 (6) There shall be a committee to be known as the Committee of
9 Deans consisting of all the Deans of the several Colleges and that Committee
10 shall advise the Provost on all academic matters and on particular matters
11 referred to the College by the Senate.

12 (7) The Dean of a College may be removed from office for good cause
13 by the College Board after a vote would have been taken at a meeting of the
14 Board, and in the event of a vacancy occurring following the removal of a
15 Dean, an acting Dean may be appointed by the Provost:

16 Provided that at the next College Board meeting an election shall be
17 held for a new Dean.

18 (8) In this article "good cause" has the same meaning as in section
19 15(3) of the Act.

20 *Departmental Board of Studies*

21 10.-(1) there shall be a Departmental Board of Studies whose
22 membership shall be made of all academic staff of the Department;

23 (2) It shall be headed by a Professor who shall be appointed by the
24 Provost and in the absence of a Professor, a senior academic staff shall be
25 appointed in acting capacity;

26 (3) For a Professor the term is for 3 years while 1 year is for acting
27 capacity.

28 (4) The Board shall superintend over all teachings and examinations
29 in the Department;

30 (5) The Board shall handle all disciplinary matters in the Department

1 and make recommendations to the College where necessary;

2 (6) Allocation of courses in the department shall be done by the
3 Departmental Board on recommendation of the Head of Department.

4 *Selection of Directors of Physical Planning and Development,*
5 *Works and Services and Health*

6 11.-(1) When a vacancy occurs in the office of the Directors of
7 Physical Planning and Development, Works and Services and Health, a
8 Selection Board shall be constituted by the Council which shall consist of-

- 9 (a) the Pro-Chancellor;
10 (b) the Provost;
11 (c) two members appointed by the Council, not being members of
12 the Senate;
13 (d) Two members appointed by the Senate.

14 (2) The Selection Board after making such inquiries as it thinks fit,
15 shall recommend a candidate to the Council for appointment to the vacant
16 office; and after considering the recommendation of the board the Council
17 may make an appointment to that office.

18 *Tenure of Directors*

19 12. A Director shall hold office on such terms and conditions as
20 may be specified in his letter of appointment subject to the extant
21 Regulations.

22 *Creation of Academic Posts*

23 13. Recommendations for the creation of academic posts other
24 than principal officers shall be made by the Senate to the Council through
25 the Finance and General Purposes Committee.

26 *Appointment of Academic Staff*

27 14. -(1) Subject to the Act and statutes, the filling of vacancies in
28 academic posts (including newly created ones) shall be the responsibility of
29 the Council through the Departments and Colleges.

30 (2) For the purpose of filling such vacancies, suitable selection

1 boards to select and make appointments on behalf of the Council shall be set
2 up.

3 (3) For appointment to Professorships, Associate Professorship or
4 Readerships or equivalent posts, a Board of Selection, with power to appoint,
5 shall consist of:

6 (a) the Provost - Chairman;

7 (b) Deputy Provost - Member;

8 (c) The Dean of the College - Member;

9 (d) Head of Department - Member;

10 (e) such other person(s), not exceeding two in number, deemed
11 capable of helping the Board in assessing both the professional and academic
12 suitability of a candidate under consideration, as the Senate may from time to
13 time appoint;

14 (f) Registrar - Secretary.

15 (4) For other academic posts, a Selection Board, with power to
16 appoint, shall consist of:

17 (a) the Provost or his representative- Chairman;

18 (b) The Dean of the College - Member;

19 (c) Head of the Department concerned - Member;

20 (d) An internal member of Council (not below the Rank of Senior
21 Lecturer from the sister college in the Candidate's subject-area) - Member;

22 (e) Registrar or his representative - Secretary.

23 (5) All appointments to senior library posts shall be made in the same
24 way as equivalent appointments in the academic cadre; and for all such posts
25 other than that of the Librarian, the Librarian shall be a member of the Selection
26 Board.

27 (6) Boards of Selection may interview candidates directly or consider
28 the reports of specialist interviewing panels and shall in addition, in the case of
29 Professorships, Associate Professorship, Readerships or equivalent Posts,
30 consider the reports of External Assessors relevant to the area in which the

1 appointment is being considered. Quorum shall be three (3) including the
2 Chairman.

3 *Appointment of Administrative and Professional Staff*

4 15.-(1)The administrative and professional staff of the College
5 other than principal officers shall be appointed by the Council or on its
6 behalf by the Provost in accordance with delegation of powers made by the
7 Council on its behalf.

8 (2) A Selection Board, with power to appoint, shall consist of:

9 (i) Provost;

10 (ii) Deputy Provost;

11 (iii) Registrar;

12 (iv) Bursar;

13 (v) College Librarian;

14 (vi) The Head of Department concerned;

15 (vii) Establishment and Human Resources Officer who shall serve
16 as Secretary Quorum shall be three (3) including the Chairman.

17 *Interpretation*

18 16. In this Statute, the expression "the Act" means the Federal
19 College of Agriculture Ofo, Bayelsa State Act and any word or expression
20 defined in the Act has the same meaning in this Statute.

21 *Short Title*

22 17. This Statute may be cited as the Federal College of Agriculture
23 Ofo, Bayelsa State Statute No. I.

EXPLANATORY MEMORANDUM

This Bill seeks to upgrade the College of Agriculture Ofo, Bayelsa State to
the Federal College of Agriculture Ofo, Bayelsa State.

A BILL

FOR

AN ACT TO REPEAL THE FEDERAL ROADS MAINTENANCE AGENCY (ESTABLISHMENT, ETC.) ACT, 2002 (AS AMENDED), THE FEDERAL HIGHWAYS ACT 1971 AND THE CONTROL OF ADVERTISEMENT (FEDERAL HIGHWAYS) ACT 1986 AND TO ESTABLISH THE FEDERAL ROADS AUTHORITY TO PROVIDE FOR THE OWNERSHIP, REGULATION, MANAGEMENT AND DEVELOPMENT OF THE FEDERAL ROADS NETWORK AND FOR OTHER MATTERS CONNECTED THEREWITH, 2019

Sponsored by Senator Bassey, Gershom Henry

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

1 PART I - OBJECTIVES AND APPLICATION

2 1. The objectives of this Bill are to:

Objectives

3 (a) establish the Federal Roads Authority to perform the functions
4 set out in accordance with the provisions of this Act;

5 (b) manage the Federal Roads Network so that it is safe and
6 efficient, with a view to meeting the socio-economic demands of the
7 country;

8 (c) promote the sustainable development and operation of the road
9 sector;

10 (d) facilitate the development of competitive markets and the
11 promotion of enabling environment for private sector participation in the
12 development, financing, maintenance and improvement of roads in
13 Nigeria; and

14 (e) provide for the regulation of the road sector by an independent
15 regulator.

Application	1	2. The provisions of this Act shall apply to the development, funding,
	2	management and administration of Federal Roads in Nigeria.
	3	PART II - ESTABLISHMENT OF FEDERAL ROADS AUTHORITY
Establishment of the Federal Roads Authority	4	3.-(1) There is hereby established a body to be known as the Federal
	5	Roads Authority (in this Act referred to as the "Authority") which shall be
	6	responsible for the asset management and works (development, rehabilitation,
	7	maintenance and road safety works) on Federal Roads in Nigeria.
	8	(2) The Authority shall be a body corporate:
	9	(a) with perpetual succession and a common seal;
	10	(b) may sue or be sued in its corporate name; and
	11	(c) may own, hold or dispose of property whether movable or
	12	immovable.
	13	(3) The Headquarters of the Authority shall be situated in the Federal
	14	Capital Territory, Abuja and the Authority may establish and maintain
	15	operational offices and base camps in other parts of the Federation for the
	16	purpose of the management of Federal roads.
Governing Board of the Authority	17	4.-(1) There is established for the Authority a Governing Board (in
	18	this Act referred to as 'the Board') which shall be responsible for policy
	19	formulation for the Authority and superintending over the affairs of the
	20	Authority.
	21	(2) The Board shall consist of the following members:
	22	(a) a non - Executive Chairman;
	23	(b) six (6) non-executive members from the private sector who shall
	24	possess professional experience relevant to the sector, with one person to be
	25	appointed from each of the six geo-political zones;
	26	(c) one representative each of the following Ministries and Agencies
	27	not below the rank of a Deputy Director:
	28	(i) Federal Ministry responsible for Roads;
	29	(ii) Federal Ministry of Finance;
	30	(iii) Federal Road Safety Commission;

1 (iv) Nigerian Society of Engineers and the Nigerian Institution of
2 Highway and Transportation Engineers jointly; and

3 (d) the Managing Director of the Authority appointed under the
4 provisions of section 10 of this Act;

5 (e) two (2) Executive Directors ?10 of this Act.

6 (3) The Authority's Board shall be responsible to the Minister
7 responsible for roads.

8 (3) The Authority's Board shall be responsible to the Minister.

9 (4) The Supplementary Provisions set out in the Schedule I to this
10 Act shall have effect with respect to the proceedings of the Board and other
11 matters contained therein.

12 5.-(1) The Chairman and other members of the Board, the
13 Managing Director and the two Executive Directors, shall be non-executive
14 and appointed on part-time basis by the President on the recommendation of
15 the Minister.

Appointment
and Qualification
of a Board Member

16 (2) The Chairman and members of the Board, other than the
17 Managing Director and the two Executive Directors, shall be persons of
18 proven integrity, recognized expert knowledge,

19 (3) The Chairman and other members of the Board shall have
20 requisite qualification and with not less than ten (10) years cognate
21 professional experience in one or more of the following fields-

22 (a) civil engineering or other relevant engineering disciplines;

23 (b) construction management;

24 (c) infrastructure asset management;

25 (d) transport management technology;

26 (e) infrastructure financing;

27 (f) corporate management;

28 (g) law;

29 (h) finance;

30 (i) accountancy; or

	1	(j) economics.
	2	A person shall not be a member of the Governing Board of the Authority if he is
	3	already a member of the Governing Board of the National Roads Fund
	4	established under the National Roads Fund Act.
Tenure and Removal from Office of a Board Member	5	6.-(1) A Non-Executive Member of the Board shall hold office-
	6	(a) for a term of four (4) years in the first instance and may be
	7	reappointed for a further term of four (4) years and no more; and
	8	(b) on such terms and conditions as may be specified in the letter of
	9	appointment.
	10	(2) A person shall cease to hold office as a member of the Board
	11	where:
	12	(a) he becomes bankrupt;
	13	(b) he is convicted of a felony or any offence involving dishonesty or
	14	fraud;
	15	(c) he becomes of unsound mind or is incapable of carrying out his
	16	duties;
	17	(d) he is guilty of a serious misconduct in relation to his duties;
	18	(e) he is disqualified or suspended from practicing his profession in
	19	any part of the world by an order of a competent authority;
	20	(f) he resigns his appointment by a letter addressed to the President
	21	through the Minister responsible for Roads;
	22	(g) the President is satisfied that it is not in the interest of the Authority
	23	or of the public for the person appointed to continue in office; or
	24	(h) in the case of an ex-officio member, he ceases to hold the office on
	25	the basis of which he became a member of the Board.
Functions of the Board	26	7. The Board shall have overall control of the Authority and serve the
	27	purpose of ensuring good corporate governance and achieving the objectives
	28	of the Authority, including providing guidelines for the implementation of
	29	government policy, performance monitoring, develop and approve
	30	organizational processes, schemes of service and regulations and approve

1 appointments for the effective discharge of the functions of the Authority
2 under this Bill and ensure harmonious professional and working
3 relationships between the management of the Authority and the Ministry or
4 any other relevant agency.

5 **8.** Where a member of the Board ceases to hold office for any
6 reason whatsoever before the expiration of the term for which he is
7 appointed, another person representing the same interest as that member
8 shall be appointed to the Board for the unexpired term.

Cessation of
Office

9 **9.** The Chairman and members of the Board shall be paid such
10 allowances or incidental expenses as the Government, may from time to
11 time approve, in accordance with existing laws and regulations.

Emoluments

12 **PART III - STAFF OF THE AUTHORITY**

13 **10.-(1)** There shall be for the Authority, a Managing Director to be
14 appointed by the President on the recommendation of the Minister subject to
15 the confirmation by the Senate.

Appointment
of the Managing
Director and
Executive Directors

16 (2) The Managing Director shall be:

17 (a) the Chief Executive and accounting officer of the Authority;

18 (b) responsible for the day-to-day administration of the Authority;

19 (c) responsible for the supervision of all other employees of the
20 Authority and subject to such restrictions as the Board may impose, for
21 disposing all questions relating to the service of the employees, their pay,
22 allowances and privileges;

23 (d) responsible for matters concerning the accounts and records of
24 the Authority;

25 (e) appointed for a term of five (5) years in the first instance and
26 may be re-appointed for a further term of five (5) years and no more; and

27 (f) a person who possesses adequate professional qualifications,
28 skills and experience with a minimum of a degree in Civil Engineering and
29 registered by COREN to practice as an engineer with not less than ten (10)
30 years cognate professional experience.

1 (3) (a) There shall be appointed for the Authority, two (2) Executive
2 Directors to assist the Managing Director in the performance of his functions to
3 be appointed by the President on the recommendation of the Minister under
4 this Bill;

5 (b) An Executive Director shall be-

6 (i) appointed on such terms and conditions, as may be specified in his
7 letter of appointment for a term of five (5) years in the first instance and may be
8 re-appointed for a further term of five (5) years and no more;

9 (ii) in charge of Engineering and Operations; and in charge of Finance
10 and Administration who shall be responsible to the Managing Director and the
11 Board;

12 (c) a person who possesses adequate professional qualifications,
13 skills and experience with a minimum of a degree in Civil Engineering and
14 registered by COREN. to practice as an Engineer with not less than ten (10)
15 years cognate professional experience.

Removal of
Managing
Director or
Executive
Director

16 11.-(1) The Managing Director or an Executive Director may be
17 suspended or removed from office by the President if he-

18 (a) has demonstrated inability to effectively perform the duties of his
19 office;

20 (b) has been absent from five consecutive meetings of the Board
21 without the consent of the Chairman, unless he shows good reason for such
22 absence;

23 (c) is guilty of serious misconduct in relation to his duties;

24 (d) is disqualified or suspended from practicing his profession in any
25 part of the world by an order of a competent authority; or

26 (e) is incapable of carrying out the functions of his office either
27 arising from infirmity of mind or body .

28 (2) The Managing Director or Executive Director shall not be
29 removed from office under the provision of sub-section (1) of this section,
30 unless the Minister has duly served on the Managing Director or an Executive

1 Director a prior written notification of the intention to suspend or remove
2 him from office and the reasons for such suspension or removal.

3 (3) The Managing Director or Executive Director shall, upon
4 receipt of the notice referred to in sub-section (2) of this section, be given an
5 opportunity to make written submissions to the Minister within fourteen
6 days from the date of the receipt of the notice.

7 (4) The Minister shall upon the receipt of the submission referred
8 to in sub-section (3) of this section, if any such submission is made, provide
9 the Board the opportunity to make a recommendation on the matter of the
10 suspension or removal of the Managing Director or Executive Director
11 which the Minister shall take into consideration before taking a decision on
12 whether or not to recommend the suspension or removal from office to the
13 President.

14 (5) The Managing Director and Executive Directors shall not be
15 removed from office except in accordance with the provisions of this Act,
16 subject to the approval of the Senate.

17 12.-(1) The Board shall appoint a Secretary who shall be the Head
18 of the Legal Department of the Authority, to keep the corporate records of
19 the Authority and undertake such other functions as the Board may from
20 time to time direct.

Secretary and
other Staff of
the Authority

21 (2) The Secretary shall possess adequate professional
22 qualifications, skills and experience as a legal practitioner with not less than
23 10 years cognate experience.

24 (3) Subject to section 31 (2) of this Act the Authority shall employ
25 such other number of persons as it considers necessary for the exercise of its
26 powers and performance of its functions under this Act.

27 (4) The Board shall determine the terms and conditions of service
28 of the members of staff of the Authority and shall in consultation with the
29 National Salaries, Incomes and Wages Commission, review the
30 remuneration and allowances payable to the employees of the Authority,

	1	from time to time.
Service in the Authority to be Pensionable	2	13. -(1) Service in the Authority is pensionable under the Pension
	3	Reform Act and accordingly, officers and other persons employed in the
	4	authority shall be entitled to pension and other retirement benefits in respect of
	5	their service in the Authority as prescribed in that Act.
	6	(2) Notwithstanding the provisions of sub-section (1) of this section,
	7	nothing in this Act shall prevent the appointment of a person to any office on
	8	terms which preclude a grant of a pension or other retirement benefits in respect
	9	of that office.
	10	(3) For the purposes of the application of the provisions of the
	11	Pensions Reform Act, any power exercisable by the Minister or other authority
	12	of the Government of the Federation, other than the power to make regulations
	13	under the Pensions Reform Act, is hereby vested in and shall be exercisable by
	14	the Authority and not by any other person or authority.
	15	(4) Employees who join the staff of the Authority from the Civil
	16	Service shall have all existing and outstanding Civil Service emoluments and
	17	pension entitlements transferred from their existing Service to the Authority at
	18	the time of appointment.
	19	PART IV - FUNCTIONS AND POWERS OF THE AUTHORITY
Functions of the Authority	20	14. -(1) Subject to the provisions of this Act and the functions and
	21	powers of any regulatory agency for the roads sector as provided for under this
	22	Act or in any other Act, the Authority shall -
	23	(a) own and manage Federal Road assets in accordance with the
	24	provisions of this Act;
	25	(b) ensure the efficient and effective construction, rehabilitation,
	26	reconstruction and maintenance of all Federal roads;
	27	(c) enter into Private Sector Participation agreements including
	28	concessions and other forms of contracts as well as the issuance of permits and
	29	licences relating thereto to any person for the purpose of executing road Private
	30	Sector Participation agreements and other forms of contracts with any person

1 authorised for the purpose of executing relevant projects provided that the
2 grant of a Private Sector Participation agreement shall be subject to public
3 procurement rules as approved by the Federal Government from time to
4 time and in accordance with the relevant laws and regulations for the
5 procurement and operation of Private Sector Participation agreements;

6 (d) develop, determine and be responsible for the classification of
7 roads and technical regulation of roads including the specifications, design,
8 standards on road development;

9 (e) make policy recommendations to the Federal Government on
10 matters relating to the management, construction, rehabilitation,
11 reconstruction and maintenance of Federal roads;

12 (f) carry out the procurement and enter into contracts for road
13 works of any type with local entities with the aim of developing,
14 encouraging, and enabling the growth of the Nigerian road contracting
15 market and building the capacity of the private contracting sector;

16 (g) carry out periodic maintenance and emergency repair of roads
17 in accordance with policy priorities, rolling Road Maintenance and
18 Development Plans, National Roads Fund disbursements and as the
19 Authority may in its discretion determine;

20 (h) plan and manage the development of road safety technical
21 designs, standards and audit in collaboration with any regulatory,
22 enforcement or other authority or agency with the responsibility for roads
23 and road safety;

24 (i) plan and develop strategies to assist the relevant agencies
25 towards ensuring efficient and effective movement of traffic on the Federal
26 Road Network and ensure their implementation;;

27 (j) liaise and consult with any regulatory, enforcement or other
28 authority or agency with responsibility for roads and road safety and other
29 relevant Ministries, Departments and Agencies;

30 (k) work in partnership with similar agencies at the state and local

1 government levels by providing policy advice, guidance and technical support
2 for the efficient and effective management, rehabilitation, reconstruction and
3 maintenance of National road networks;

4 (l) prescribe measures for preventing damage however caused by any
5 person to any road or any part thereof and for recovering, in full or in part, the
6 cost of repairing the damage from such person or his insurers;

7 (m) ensure effective monitoring of the conditions of all Federal Roads
8 for the purposes of timely implementation of road maintenance, rehabilitation
9 and development programmes;

10 (n) develop and utilize an appropriate Road Asset Management
11 System for the day to day and strategic planning and evidence based reporting
12 processes of the Authority;

13 (o) prepare and publish evidence based performance reports on the
14 Authority's projects funded by the National Roads Fund and any other funding
15 sources or other donors;

16 (p) publish periodic reports of the activities, projects, contracts, plans,
17 performance and achievements of the Authority and the condition of the
18 Federal Road Network and make the reports available to the general public to
19 ensure transparency and probity;

20 (q) advise the Minister and any regulatory, enforcement or other
21 authority or agency with responsibility for roads and road safety:

22 (i) on the specifications, design, standards and classification of roads
23 and the prohibition of any act that may lead to damage to roads;

24 (ii) on the types, sizes, and usage of vehicles on national roads and the
25 laden and axle weight of vehicles for the purpose of protecting national roads
26 from damage;

27 (iii) on appropriate and effective methods of enforcing road traffic
28 legislation for the purposes of preventing damage to roads and promoting road
29 safety;

30 (iv) on appropriate road signs, and other road agencies on the location

- 1 of road signs on public roads;
- 2 (v) on matters relating to safety of persons on roads;
- 3 (vi) on appropriate levels of charges, fines, penalties, levies or any
- 4 sum required to be collected in relation to any road; and
- 5 (vii) on such reviews in road user charges as are necessary for the
- 6 purpose of the National Roads Fund;
- 7 (r) advise the Minister on the development and training of human
- 8 resources, research and studies necessary or required for performing its
- 9 functions towards the development of the roads sector;
- 10 (s) identify and recommend to the Minister, supplementing donor
- 11 funding opportunities for the management, construction, rehabilitation,
- 12 reconstruction and maintenance of Federal Roads; and
- 13 (t) carry out other functions which in the opinion of the Board are
- 14 necessary to ensure the efficient performance of the functions of the
- 15 Authority.
- 16 **15.** The Authority shall, in order to fulfill its functions under this Powers of the
17 Bill, have the following powers: Authority
- 18 (1) Power for granting Private Sector Participation:
- 19 (a) consider applications for any form of Private Sector
- 20 Participation including ?concessions and to issue and if necessary, extend,
- 21 renew or revoke any Private Sector Participation agreements in accordance
- 22 with extant laws and regulations;
- 23 (b) subject to extant regulations and laws carry out inquiries, tests,
- 24 audits or investigations and take such other steps as may be necessary to
- 25 monitor the activities of concessionaires or parties involved in Private
- 26 Sector Participation and to secure and enforce compliance with the
- 27 provisions of this Act or any subsidiary legislation, concession terms,
- 28 agreements or conditions made pursuant to this Act;
- 29 (c) where it considers it to be in the public interest, compel a
- 30 concessionaire or parties involved in Private Sector Participation to provide

1 any information or any document concerning activities notwithstanding that
2 such information or document may contain business secrets; provided that any
3 such information or documents shall be restricted to those that a person can be
4 legally compelled to produce as evidence by a court of law in Nigeria;

5 (d) to publish information received in the course of exercising its
6 powers and functions under this Act or to require concessionaires and other
7 PPPs to publish certain information if it is satisfied that the publication is
8 consistent with the objects of this Act provided that the Authority shall consider
9 the commercial interests of the parties to whom the information relates before
10 publishing the information;

11 (e) undertake consultations with stakeholders including members of
12 the public, road operators and industry participants affected by or with an
13 interest in its directions and to consider any responses to the consultations;

14 (f) enter into contractual agreements generally and incur obligations;

15 (g) to acquire, hold, mortgage, purchase and deal howsoever with
16 property whether moveable or immoveable, real or personal;

17 (h) subject to section 18 of this Act, borrow such sums as it may
18 require for the performance of its functions under this Act subject to the
19 provisions in relevant treasury and establishment circulars,

20 (i) to determine or agree with any relevant party involved in a
21 concession or other Private Sector Participation agreement on any fees, levies,
22 charges, rates and tariffs in relation to any concession or other Private Sector
23 Participation arrangement, subject to the powers of the Road Sector Regulator;
24 and

25 (j) approve the award and termination of contracts.

26 (2) Powers to acquire land for Federal Roads:

27 (a) the Federal Government may, in accordance with the provisions of
28 the Lands Use Act acquire land for the purposes of this Act and when so
29 acquired such land shall be deemed to be a Federal Road within the meaning of
30 this Act; in this subsection, the reference to land includes reference to a road,

1 other than a Federal Road;

2 (b) except in respect of roads which are deemed to be Federal
3 Roads, compensation shall be paid pursuant to the Land Use Act, for land
4 acquired under sub-section (1) (a) of this section after the commencement of
5 this Act;

6 (c) where land at the commencement of this Act or at any time
7 thereafter is part of a Federal Road, the ownership shall include not only the
8 surface but also the subsoil to an indeterminable depth, and user adverse to
9 that as a Federal Road shall operate in favour of level crossings constructed
10 by the Nigerian Railway Corporation and then only where a train or engine
11 is approaching and within half a kilometre of a level crossing;

12 (d) it is declared for the avoidance of doubt that in the application
13 of this section, an acquisition of land for the purposes of this Act shall be for
14 a public purpose of the Federation within the meaning of the Land Use Act;
15 and

16 (e) The acquisition of land for the purposes of this Act includes the
17 right to obtain control over the land and to use the land for the erection of
18 buildings and for the supervision of the user by the public.

19 (3) Power to acquire land under special enactments Where land is
20 acquired for the purposes of this Act pursuant to sub-section (2) of this
21 section-

22 (a) under the Land Use Act; and

23 (b) if the land is customary land within the meaning of the Land
24 Use Act and a requisition in respect of such land declares it to be required by
25 the Federal Government for the public purposes of the Federation, the
26 provisions of the enactment pertaining to such acquisition shall have effect
27 accordingly, and the land shall vest in the Authority without any further
28 assurance.

29 (4) Powers incidental to intention to acquire land for Federal
30 Roads:

1 (a) subject to the provisions of this section, where it appears to the
2 Authority that land in any locality is likely to be needed for the purposes of a
3 Federal Road, the Authority may in writing authorise any person to enter upon
4 any land in the locality for the purpose of surveying and taking necessary
5 levels, and for that purpose the person so authorised may:

6 (i) dig into or bore under the subsoil and do all other acts necessary to
7 ascertain whether the land is suitable for use as a Federal Road; and

8 (ii) clear and demarcate the boundaries of any such land.

9 (5) Powers:

10 (i) in the case of a customary land in the manner provided by the Land
11 Use Act where a right of occupancy is revoked; and

12 (ii) in any other case by a court having jurisdiction in respect of the
13 place where the land is situated in respect of drainage and other works;

14 (b) notwithstanding the provisions of sub-section (4)(a) of this
15 section, the Authority may for purposes of and incidental to this Act survey or
16 otherwise demarcate in any State and thereafter layoff on a plan the middle line
17 of a Federal Road, and notice of such survey or demarcation and laying off shall
18 be published in the Federal Gazette, and in the Gazette of any State affected or
19 likely to be affected; if the middle line is so laid off, the Authority may not later
20 than twelve (12) months thereafter, exercise his power under this section
21 within a distance of one hundred (100) metres on either side of such middle line
22 which shall include the Road Reserve;

23 (c) nothing in this section shall authorise the Authority or any person
24 authorised by him to enter into any building or upon any enclosed court or
25 garden attached to a dwelling house (except with the consent of the occupier
26 thereof) unless at least seven (7) days' notice in writing of the intended entry
27 has been given to such occupier;

28 (d) compensation for damage done under this section shall in case of
29 dispute as to amount be determined-

30 (i) the Authority may in the performance of its duties under this Act

1 make and thereafter maintain in respect of any Federal Road, convenient
2 decking and drainage work for the purpose of making good any
3 interruptions caused to the use of the lands of adjoining owners or occupiers
4 through which such Federal Road passes or is made, or of diverting storm or
5 other water from a Federal Road;

6 (ii) for all or any of the purposes in sub-section (5)(a) of this
7 section, the Authority may enter upon land adjoining the Federal Road
8 subject to the giving of reasonable notice to owners or occupiers and doing
9 as little damage as possible through such entry or exit after entry; and in the
10 course thereof the Authority may block up, divert or alter the level or course
11 of water flowing in defined channels, natural or artificial, or otherwise
12 contained by any means;

13 (iii) nothing in this section shall require the Authority to provide
14 convenient decking or drainage work;

15 (i) where the owners or occupiers have failed to make
16 representation during the time that the section of the Federal Road affected,
17 adjoining or passing through their land was in course of construction;

18 (ii) where owners or, as the case may be, occupiers of the adjoining
19 land have agreed to receive and have been paid compensation;

20 (iii) where decking and drainage work provided by the Authority is
21 thereafter diverted or altered otherwise than by the Authority;

22 (iv) in the exercise of its power under this section, the Authority
23 may require any person having apparent control over the location of any
24 pipe, electric wire or post to alter the level or position thereof as the case may
25 require after reasonable notice of the requirement has been duly given; and
26 the Authority shall in the course of road works generally cause as little
27 inconvenience as possible to persons affected; or

28 (v) the failure to comply with the requirement of the Authority as
29 directed or given to any person under this section shall be an offence
30 punishable on conviction by a fine of not less than Five Hundred Thousand

1 Naira (N500,000.00) or by imprisonment for a term not exceeding twelve (12)
2 months, or by both such fine and imprisonment.

3 (6) Powers relative to obstruction on Federal Roads:

4 (a) in the performance of any of its functions in relation to the
5 development, rehabilitation or maintenance of a Federal Road under this Act if
6 trees or other natural or man-made objects are standing in a position likely in
7 the opinion of the Authority to obstruct the course of a Federal Road in the
8 event of falling or being found on or near a Federal Road or likely to obstruct
9 the use the Federal Road, any person duly authorised in writing in that behalf
10 by the Authority may enter an adjoining land to any necessary extent in order to
11 fell or otherwise remove such obstruction as circumstances may require;

12 (b) if the power conferred by sub-section (6)(a) of this section is
13 exercised in respect of a tree or other natural or man-made objects on land other
14 than a Federal Road, compensation shall be payable to the owner only where
15 the Federal Road was in use before the tree or other natural or man-made
16 objects became a potential source of obstruction, and the tree or other natural or
17 man-made objects had at the time of its felling or removal a marketable value,
18 provided that in default of agreement under this subsection the amount shall be
19 fixed by a competent person appointed for this purpose by the Authority; and

20 (c) an award of compensation fixed by agreement under sub-section
21 (6)(b) of this section shall be final and a court shall only entertain a suit to
22 recover compensation for any tree or other natural or man-made objects felled,
23 removed or otherwise dealt with under this section where the amount is fixed
24 by agreement is not paid.

25 (7) Power to enter adjacent land.

26 The Authority or any person authorised by him in writing, may in case of any
27 slip or other accident happening or being apprehended in any cutting,
28 embankment or other work under the Authority's control, enter on any land
29 adjoining a Federal Road and do all work necessary to repair damage thereby
30 occasioned and for the purpose of prevention or control of slips likely to occur

1 from adjoining land on to a Federal Road.

2 (8) Power to establish Pay-for-Service arrangements, collect
3 revenues and set fees, levies, charges, rates and tariffs related thereto subject
4 to the powers of the Road Sector Regulator in this regard under the
5 provisions of this Act or any other Act.

6 (a) power to Erect Tollgates-

7 (9) Power to make therefrom:

8 (i) the Authority shall have power to erect, equip and maintain
9 tollgates on any Federal Road as and when required, upon approval of the
10 President. without prejudice to the generality of sub-section (8)(a)(i) of this
11 section, and notwithstanding the provisions of any other Act, the Authority
12 may authorise any person, in return for undertaking such obligations as may
13 be specified in a Private Sector Participation agreement or project
14 agreement with respect to the design, construction, maintenance, operation,
15 improvement or financing of Federal Roads to enjoy specific rights as may
16 be stated in the Private Sector Participation agreement or project agreement
17 including the right to levy, collect and retain tolls, user fees, service charges,
18 or any other fees, levies, charges, rates and tariffs in respect of the use of
19 Federal Roads;

20 (ii) the Authority may, by regulation, specify the conditions under
21 which a member of the public will access the use of a Federal Road. ?a party
22 involved in a Private Sector Participation with the Authority shall propose
23 for the approval of the Authority, any tolls, user fees, service charges, or any
24 other fees, levies, charges, rates and tariffs or any review of same in relation
25 to the use of Federal Roads by reference to such circumstances or
26 combination of circumstances or classification as the Authority may specify,
27 after consultation with the party involved in a Private Sector Participation
28 and any other relevant authority or party;

29 (iii) the Authority may provide for tolls, user fees, service charges,
30 or any other charges that shall be paid into the National Roads Fund, to be

1 charged for a period specified or in a manner as may be determined by the
2 Authority;

3 (iv) regulations with respect to advertisements and the collection of
4 revenue-

5 (a) subject to the provisions of this section, the Authority may make
6 with the approval of the Minister regulations:

7 (i) for the control by means of permits or otherwise, of the display of
8 advertisements on Federal Roads so far as it appears to the Authority to be
9 expedient in the interest of amenity or public safety; and

10 (ii) for the imposition and collection of prescribed charges in respect
11 of the display on Federal Roads of advertisements of such classes or
12 description as may be prescribed.

13 (b) without prejudice to the generality of sub-section (9)(a) of this
14 section, regulations made under this section may-

15 (i) provide for regulating the dimensions, appearance and position of
16 advertisements which may be displayed on Federal Roads and sites on which
17 advertisements may be so displayed;

18 (ii) provide for prohibiting the display on Federal Roads of
19 advertisements of any prescribed class or description;

20 (iii) provide for enabling the authorised officials or persons to require
21 the removal of an advertisement which is being displayed in contravention of
22 the regulations, or the discontinuance of the use of the display of
23 advertisements on any site which is being so used in contravention of the
24 regulations;

25 (iv) specify different provisions, and prescribe different charges, in
26 respect of advertisements of different classes or descriptions and with respect
27 to advertisements in different situations and generally with respect to different
28 circumstances;

29 (v) impose in respect of any breach of the regulations any penalty, and
30 may make provision as to the persons who are to be treated as displaying an

1 advertisement for the purpose of any provision of the regulations which
2 makes it an offence to display an advertisement in breach of the regulations;
3 and

4 (vi) include such incidental or supplementary provisions as it
5 appears to the Authority necessary or expedient for giving effect to the
6 purposes mentioned in sub-section (9)(a) of this section.

7 (d) the Federal Government may, subject to the provisions of this
8 Act, collaborate with the Government of a State or a Local Government in
9 respect of traffic on Federal Roads as may be expedient in the circumstances
10 with regard to the prohibition of erection of hoardings and other forms of
11 advertising within a distance of one hundred meters from the middle line of
12 any road formation in the vicinity of a Federal Road or within the distance
13 aforesaid from the middle line of the Federal Road.

14 (10) Power to Collaborate with State Government and Local
15 Governments:

16 The Federal Government may, subject to the provisions of this Act,
17 collaborate with the Government of a State or a Local Government in
18 respect of traffic on Federal Roads as may be expedient in the
19 circumstances.

20 PART V - FINANCIAL PROVISIONS

21 **16.** The Authority shall establish and maintain a fund which shall Fund of the
22 comprise: Authority

23 (a) an initial take off grant or subvention as may be appropriated to
24 the Authority by the National Assembly to cover one time transitioning and
25 one time capacity building costs;

26 (b) such moneys as may be appropriated to the Authority from time
27 to time by the National Assembly through the national budgetary process;

28 (c) allocations from the National Roads Fund;

29 (d) concession fees, levies and other charges imposed by the
30 Authority;

Application of
Fund of the
Authority

1 (e) international vehicles transit charges as may be determined by the
2 Minister in charge of Roads on the advice of the Board of the Authority;

3 (f) Public Private Participation fees, toll fees, levies and other fees,
4 levies, charges, rates and tariffs imposed on any person by the Authority or
5 payable under any arrangement made by the Authority; and

6 (g) lease, license, rents, advertisement revenue and other internally
7 generated revenue from services or facilities provided by the Authority.

8 **17.** The Authority may from time to time apply its funds:

9 (a) to the development of the Federal Road Network and its
10 operations for road management, construction, rehabilitation, reconstruction
11 and maintenance of roads deemed to be Federal Roads within the meaning of
12 this Act;

13 (b) to the development and maintenance of roads deemed to be federal
14 roads within the meaning of this Act;

15 (c) to the administration of the Authority;

16 (d) to the paying of the emolument, allowances and benefits of
17 members of the Board and for reimbursing members of the Board or of any
18 Committee set up by the Board for such expenses as may be expressly
19 authorized by the Board;

20 (e) to the payment of the salaries fees or other remuneration or
21 allowances and Pensions, and other benefits payable to the officers and other
22 employees of the Authority, so however that no payment of any kind under this
23 paragraph (except such as may be expressly authorized by the Board) shall be
24 made to any person who is in receipt of emoluments from the Federal or State
25 Government;

26 (f) for the development and maintenance of any property vested in or
27 owned by the Authority; and

28 (g) for any other payment in connection with all or any of its functions
29 under this Act.

1 **18.**-(1) The Authority may, with the consent of the Minister Borrowing Powers,
2 responsible for Finance, borrow such money as the Board may require in the Gifts, etc.
3 exercise of its functions under this Act.

4 (2) The Authority may with the consent of the Minister and in
5 consonance with any relevant agency of government and any laws,
6 guidelines or rules relating thereto raise and issue infrastructure bonds for
7 the purpose of its objectives under this Act.

8 (3) The Authority may accept gifts, grants of money, aid or other
9 property from national, bilateral or multilateral organizations and upon such
10 terms and conditions as may be agreed upon between the donor and the
11 Authority provided that any conditions attached to such gifts are not
12 inconsistent with the objectives and functions of the Authority under this
13 Act.

14 **19.** The Board shall:

15 (a) receive and review annual reports from the management of the Reports, Budgets
16 Authority and submit same to the President and the National Assembly, and Audited
17 through the Minister in the first quarter of every year and the report shall be Accounts
18 on the activities and performance of the Authority during the immediately
19 preceding calendar year, and shall include a copy of the audited accounts of
20 the Authority for that calendar year;

21 (b) submit not later than four (4) months to the end of each year to
22 the Minister an estimate of the expenditure and income of the Authority for
23 the next succeeding year; and

24 (c) keep proper accounts of the Authority in respect of each year
25 and proper records in relation thereto and shall cause the accounts to be
26 audited not later than three (3) months after the end of each year by
27 professionally qualified and licensed auditors appointed by the Board with
28 the approval of the Auditor-General of the Federation.

29 (2) The Authority shall-

30 (a) consult with the Ministry in respect of long term strategic

1 development plans and policy guidance, and Budget availability, and
2 supplementary donor financing;

3 (b) consult with the National Roads Fund in respect of finance and
4 funding availability for routine and preventative maintenance and road safety
5 improvement works;

6 (c) using its Road Asset Management System, prepare, maintain and
7 monitor national development objectives, prioritization criteria and
8 performance expectations in accordance with the provisions set out in the
9 Schedule II of this Act; and

10 (d) develop, maintain and deliver reporting regimes that are outcome
11 oriented, and evidence based and that meets the needs of its funding
12 agencies.

13 PART VI - ROLE OF THE MINISTER

Role of the
Minister

14 **20.-(1)** The Minister shall:

15 (a) formulate, determine and monitor the general policy for the road
16 sector in Nigeria to ensure, amongst others, the utilization of the sector as a
17 platform for the economic and social development of Nigeria;

18 (b) provide general policy guidelines, specifications and standards for
19 the construction, reconstruction, rehabilitation and maintenance of Federal
20 Roads in Nigeria; and

21 (2) The Minister may give directives to the Authority relating to the
22 performance by the Authority of any of its functions under this Act provided
23 that such directives are not inconsistent with the objectives and functions of
24 the Authority under this Act.

25 (3) The Minister shall prior to the formulation or review of policies for
26 the roads sector, consult with and have due regard to the representations of
27 relevant stakeholders in the sector, including, but not limited to, the Authority,
28 industry participants and the general public.

1 PART VII - REGULATION OF ROAD SECTOR

2 **21.**-(1) There shall be established by an Act of the National Establishment
3 Assembly a regulator for the road sector to be the Road Sector Regulator. of the Road Sector
Regulator

4 (2) The Road Sector Regulator shall be responsible for matters
5 relating to the economic and safety regulation and supervision of the road
6 sector in Nigeria and shall have the functions, powers and duties as may be
7 conferred under this Act or any other Act any of which it shall exercise
8 particularly where it determines that there is a failure in the operation or
9 provision of services or facilities in the road sector; or where and when for
10 any other reason it deems it necessary or relevant, and to such extent that it
11 shall so determine.

12 (3) Where upon the commencement of this Act or at any time
13 thereafter, a road sector or transport sector regulator is established by an Act
14 of the National Assembly to exercise the powers and perform the functions
15 of the Road Sector Regulator stipulated under this Act or any other Act, then
16 that road sector regulator shall have the functions, powers and duties of the
17 Road Sector Regulator except insofar as the Act of the National Assembly
18 establishing the road or transport sector regulator adopts, preserves,
19 transfers or transitions to such a body or to any other body.

20 **22.**-(1) The Road Sector Regulator shall have the following Functions of the
21 functions with respect to the regulation and supervision of the road sector: Road Sector
Regulator

22 (a) create a regime for the organisational supervision of the
23 operations of the Authority or any agency within the road sector in their
24 function as bodies managing public assets and delivering public services for
25 which it must be accountable;

26 (b) create a regime for the economic regulation of the road sector;

27 (c) supervise regulatory activities within the road sector with
28 regards to safety in relation to the activities of the Authority, or any agency
29 responsible for road safety;

30 (d) liaise with the agency responsible for road safety to make

1 regulations to ensure that the road operators, road service providers, licensees,
2 road users, concessionaires and parties involved in Private Sector Participation
3 or any other person utilise the roads in the safest possible manner;

4 (e) protecting and promoting the interests of customers and road users
5 against unfair practices by the Authority, road operators and road service
6 providers including but not limited to matters relating to charges and tariffs and
7 for the availability and access to quality road services in accordance with the
8 provisions of this Act;

9 (f) promoting equitable and fair competition in the road sector and
10 protection of road operators and road service providers from abuse of market
11 power or anti- competitive and unfair practices by other road operators and
12 road service providers;

13 (g) monitoring and reporting on the degree to which favourable
14 conditions for competition are present in the market for road services.

15 (h) encouraging and promoting cooperation amongst road operators,
16 road service providers, parties involved in Private Sector Participation,
17 concessionaires, licensees, road users, or any other person utilising the roads
18 and providing regulatory guidelines thereon;

19 (i) examining and resolving complaints objections and disputes filed
20 by or existing between or amongst the Authority, road operators, road service
21 providers, parties involved in Private Sector Participation, concessionaires,
22 licensees, road users or any other person involved in the road sector using such
23 dispute-resolution methods as the Road Sector Regulator may determine from
24 time to time;

25 (j) advising the Authority and the Minister on the formulation of
26 general policies for the road sector and generally on matters relating to the road
27 sector in the exercise of the Authority's and the Minister's functions and
28 responsibilities under this Act;

29 (k) implementing the regulatory policies issued by the federal
30 government in respect of the road sector and executing all such other functions

1 and responsibilities as are given to the Road Sector Regulator under this Act
2 or are incidental or related thereto;

3 (l) facilitating the financial viability of the road sector and related
4 services and facilitating the incentive for efficient long-term investment in
5 Nigeria for the provision of road services and road infrastructure;

6 (m) supervising and monitoring of performance standards and
7 indices relating to the quality of road services having regard to the best
8 international practices and standards;

9 (n) generally advising and assisting stakeholders in the road sector
10 with a view to the development of the industry and attaining the objectives
11 of this Act;

12 (o) ensuring the harmonization of road standards and practices
13 across the country; and

14 (p) facilitating liaison between road operators, road service
15 providers, concessionaires, licensees and other persons and agencies
16 charged with responsibility for regulating the transport sector in order to
17 promote intermodalism.

18 (2) The Road Sector Regulator shall have and perform such other
19 functions as may be conferred upon it under any other Act.

20 **23.-(1)** The Road Sector Regulator shall, in order to fulfill its
21 functions under this Act have the power-

Powers of the
Road Sector
Regulator

22 (a) to supervise and ensure that any agency responsible for road
23 safety carry out their responsibilities and adhere to the relevant laws and
24 regulations guiding their activities;

25 (b) to regulate passenger and haulage fares, tariffs and charges in
26 accordance with the provisions of this Act;

27 (c) to carry out inquiries, tests, audits or investigations, including
28 technical and management audits and take such other steps as may be
29 necessary to monitor the activities of the Authority, road operators, road
30 service providers, parties involved in Private Sector Participation,

1 concessionaires, licensees and other persons and agencies and to secure and
2 enforce compliance with this Act;

3 (d) to establish customer protection measures in accordance with the
4 provisions of this Act;

5 (e) where it considers it to be in the public interest, to compel a road
6 operator, road service provider, parties involved in Private Sector Participation
7 concessionaires, licensees and other persons and agencies to provide any
8 information or any document concerning its activities notwithstanding that
9 such information or document may contain business secrets; provided that any
10 such information or documents shall be restricted to those which a person can
11 be legally compelled to produce as evidence by a court of law in Nigeria;

12 (f) to publish information received in the course of exercising its
13 powers and functions under this Act or to require a road operator or road service
14 provider, parties involved in Private Sector Participation, concessionaires,
15 licensees and other persons and agencies to publish certain information if it is
16 satisfied that the publication is consistent with the objects of this Act provided
17 that the Road Sector Regulator shall consider the commercial interests of the
18 parties to whom the information relates before publishing the information; ?

19 (g) to undertake consultations with the public, road operators, road
20 service providers, parties involved in Private Sector Participation,
21 concessionaires, licensees, road users, other persons and agencies and industry
22 stakeholders within the road sector affected by or with an interest in its
23 directions and to consider any responses to the consultations;

24 (h) provide for the licensing of road operators and road service
25 providers, parties involved in Private Sector Participation, concessionaires,
26 licensees and other persons and agencies carrying out commercial activities on
27 Federal Roads; and

28 (i) to do all such things as are necessary for or incidental to the
29 carrying out of its functions and duties under this Act.

30 (2) Subject to the provisions of this Act, the Road Sector Regulator

1 has the power to do all things necessary or convenient to be done for or in
2 connection with the performance of its functions and to enable it to achieve
3 its objectives under this Act and under any relevant legislation.

4 (3) In furtherance of its functions and powers, the Road Sector
5 Regulator shall make such orders, regulations or subsidiary legislation as it
6 shall deem necessary for the performance of its functions and exercise of its
7 powers and to enable it to achieve its objectives and to give full force and
8 effect to the provisions of this Act and the enforcement of such regulations
9 under this Act and under any relevant legislation.

10 PART VIII - ROADS PLAN

11 24.-(1) In consultation with the Ministry, the National Roads Fund Preparation of
12 and any relevant agency, the Authority shall prepare, maintain and monitor a Roads Plan
13 Five-Year Rolling Road Maintenance and Development Plan (hereinafter
14 referred to as the "Plan") for the fulfillment of its responsibilities under this
15 Act; and to meet national development objectives, prioritisation criteria and
16 performance expectations in accordance with the provisions set out herein.

17 (2) The Plan shall-

18 (a) be broken into yearly action programmes and shall contain such
19 information, amongst others, that would allow a determination of the
20 Authorities proposed activities over the Plan period in respect of each
21 element of the Federal Road Network;

22 (b) constitute the basis for determining the financial and physical
23 resource needs and proposed modes of its sourcing; the likely outcome from
24 the implementation of the Plan and key performance indicators by which its
25 implementation performance can be measured and monitored;

26 (c) identify year by year, road sections that become no longer
27 maintainable and due for rehabilitation and upgrading.

28 (d) form the basis of annual budgetary proposals in the National
29 Budgetary process.

30 (3) The Authority shall submit the Plan to the National Roads Fund

1 Board within four (4) months before the start of the Authority's financial year
2 for the year of submission, in such form and containing such details as the
3 National Roads Fund Board shall specify, outlining a comprehensive plan of
4 action for the roads under the jurisdiction of the Authority and the estimated
5 costs of every activity required to implement the plan of action.

6 (4) The National Roads Fund Board shall review the Plan and the
7 funding submissions of the Authority against set financial, economic and
8 social criteria for the achievement of the objects of the National Roads Fund
9 Board; and shall upon satisfying itself of the integrity of the Plan and the
10 submissions of the Authority, approve the programme contained in the Plan for
11 funding from the Roads Fund.

12 (5) The Authority shall keep the Plan under review and update it
13 annually, with appropriate input and approval of the National Roads Fund
14 Board, within the five (5) year rolling plan cycle.

15 PART IX - OFFENCES AND PENALTIES

Offences and
Penalties

16 25. Except as otherwise provided under any other section of this Act,
17 any person who willfully-

18 (a) prevents or obstructs any authorised officer, agent or person in the
19 performance of his function under this Act;

20 (b) fails to pay to any officer, agent or person empowered to collect
21 any fees, levies, charges, rates and tariffs payable under this Act;

22 (c) withholds any fees, levies, charges, rates and tariffs paid under this
23 Act;

24 (d) does any other fraudulent act or thing relating to the issue of
25 receipts or collection of fees, levies, charges, rates and tariffs under this Act.

26 shall be guilty of an offence and liable on conviction to a fine not less than Two
27 Hundred Thousand Naira (N200,000.00) or to imprisonment for a term not
28 exceeding two (2) years or to both such fine and imprisonment.

1	PART X - MISCELLANEOUS	
2	26. Subject to the provisions of this Act, the provisions of the	Application of the Public Protection Act
3	Public Officers Protection Act shall apply in relation to any suit instituted	
4	against an officer or employee of the Authority.	
5	27. A notice, summons or other documents required or authorized	Notices
6	to be served upon the Authority under the provisions of this Act or any other	
7	enacted law may be served by delivering it to the Managing Director or by	
8	sending it by registered post addressed to the Managing Director at any of	
9	the principal offices of the Authority or by electronic means through e-mail	
10	or website of the Authority.	
11	28. No civil action shall be commenced against the Authority or its	Legal Proceedings
12	authorised officers before the expiration of a period of 30 days after written	
13	notice of intention to commence the suit shall have been served on the	
14	Authority by the intending plaintiff or his agent, and the notice shall clearly	
15	and explicitly state the:	
16	(a) cause of action;	
17	(b) particulars of the claim;	
18	(c) name and place of abode of the intending plaintiff; and	
19	(d) relief sought.	
20	29. A member of the Board, the Managing Director, any officer or	Indemnity of Officers of the Authority
21	employee of the Authority shall be indemnified out of the assets of the	
22	Authority against any liability incurred by him in defending any proceeding,	
23	whether civil or criminal, in which judgment is given in his favour or in	
24	which he is acquitted, where such proceeding is brought against him in his	
25	capacity as a member of the Board, the Managing Director, officer or an	
26	employee of the Authority.	
27	30. The Board may, with the approval of the Minister make such	Regulations
28	regulations as in its opinion, are necessary or expedient for giving full effect	
29	to the provisions of the Act and for the due administration of its	
30	provisions.	

Confidentiality

1 **31.-(1)** A member of the Board, or the Board or the Managing
2 Director or any other officer or employee of the Authority shall:

3 (a) not, for his personal gain, make use of any information which has
4 come to his knowledge in the exercise of his power or is obtained by him in the
5 ordinary course of his duty as a member of the Board or as a Managing
6 Director, officer or employee of the Authority;

7 (b) treat as confidential any information which has come to his
8 knowledge in the exercise of his power or is obtained by him in the
9 performance of his duties under this Act;

10 (c) not disclose any information referred to under paragraph (b) of this
11 sub-section, except where required to do so by a Court or in such other
12 circumstances as may be prescribed by the Board from time to time.

13 (2) Any person who contravenes any of the provisions of sub-section
14 (1) of this section commits an offence and shall be liable on conviction to a fine
15 of not less than Five Hundred Thousand Naira (N500,000.00) or imprisonment
16 for a term not exceeding two (2) years or both such fine and imprisonment.

Repeal, Savings
and Transitional
Provisions

17 **32.-(1)** The Federal Roads Maintenance Agency (Establishment etc.)
18 Act, 2002; the Federal Roads Maintenance Agency (Amendment, etc.) Act,
19 2007; the Federal Highways Act 1971 and the Control of Advertisement
20 (Federal Highways) Act 1986 are hereby repealed.

21 (2) Without prejudice to section 6 of the Interpretation Act, the repeal
22 of the Act specified in subsection (1) of this section, shall not affect anything
23 done under or pursuant to the Act.

24 (3) Any subsidiary legislation, bye-law, regulation, order, made,
25 issued, given or done under the repealed Acts and which are in force at the
26 commencement of this Act, shall to the extent that their provisions are not
27 inconsistent with any object or provision in this Act, continue to be in force and
28 have effect as if made, issued, given or done under this Act until such a time that
29 anything done under this Act amends, overrides, revokes or replaces it in any
30 manner.

1 (4) Every instrument, contract, requirement, certificate,
2 appointment with tenure, notice, direction, decision, authorization, consent,
3 application, request or thing made, issued, given or done under the repealed
4 Acts shall, if in force at the commencement of this Act, continue to be in
5 force and have effect as if made, issued, given or done under this Act until
6 such a time that anything done under this Act amends, overrides, revokes or
7 replaces it in any manner.

8 (5) The Statutory functions, rights, interest, obligations and
9 liabilities of the Federal Roads Maintenance Agency and the Department of
10 the Ministry responsible for construction, rehabilitation and maintenance of
11 Federal Roads before the commencement of this Act under any contract,
12 rights of way, concessions or instrument shall by virtue of this Act be
13 deemed to have been assigned to, transferred or vested in the Authority.

14 (6) Upon the Commencement of this Act, such number of persons
15 employed by the Agency as may be required by the Authority shall be
16 deemed to be staff of the Authority and shall be transferred to the service of
17 the Authority in line with the provisions contained in section 8 of Schedule
18 III to this Act

19 (7) The Minister may within the twenty-four (24) months after the
20 commencement of this Act, by order published in the Gazette, make
21 additional saving or transitional provisions in order to give better effect to
22 the objectives of this section.

23 **33.** In this Act except the context otherwise requires-

Interpretation

24 "Advertisement" means any word, letter, model, sign, placard, board,
25 notice, device or representation, whether illuminated or not, which is
26 employed wholly or partly for the purposes of advertisement,
27 announcement or direction, including any hoarding or similar structure
28 used, or adapted for use, for the display of an advertisement or a message
29 that is not solely serving a function that is traffic and road use related;

30 "Authority" means the Federal Roads Authority established under section 3

- 1 of this Act;
- 2 "base camps" means the outfit or unit office established by the Authority along
3 Federal Roads;
- 4 "Board" means the Governing Board of the Authority established under section
5 4 of this Act;
- 6 "Federal Road(s)" means Federal trunk roads, roads and bridges owned by the
7 Federal Government including:
- 8 (a) land acquired or existing as a Federal road or highway pursuant to
9 any legislation, subsidiary legislation, bye-law, declaration or order made
10 before the commencement of this Act and gazetted in the Federal Gazette;
- 11 (b) land acquired under this Act for the purpose of Federal Roads;
- 12 (c) Federal trunk roads within the context of item 63 of part 1 of the
13 second schedule to the Constitution of the Federal Republic of Nigeria 1999.
- 14 "Federal Road Network" means Federal Roads (inclusive of Rights of Way,
15 Road Reserve, bridges, and road furniture);
- 16 "geo-political zones" means the six geo-political units of the Federation;
- 17 "member" means a member of the Board and includes the Chairman;
- 18 "Minister" means Minister in charge of Federal Road Infrastructure;
- 19 "Ministry" shall be construed accordingly;
- 20 "Person" shall mean a natural person, body corporate, partnership, joint
21 venture, co-operative, trust, or other entity that is recognized by the law as a
22 distinct body with the right to enter into contracts and to own property;
- 23 "Private Sector Participation" means a business relationship procured through
24 a contractual agreement whether by means of a concession, Public-Private
25 Partnership, joint venture, or other agreement between a government agency
26 and one or more private sector entities for the purpose of the provision of a
27 project, service or facility by the private sector that will serve the public;
- 28 "President" means the President of the Federal Republic of Nigeria;
- 29 "Road"/"road(s)" means Federal Roads;
- 30 "Road Asset Management System" means a central data repository that stores,

1 processes, displays and reports information on the assets within the road
2 network to include road inventory and condition, bridge inventory and
3 condition, classified traffic counts and axle loadings for road agencies to
4 manage their road networks transparently in an efficient and effective
5 manner;

6 "Road Reserve" means the land means the land adjacent to the road
7 carriageway, to a width of 60meters as specified in road regulations and
8 belonging to the Federal Government of Nigeria and deemed part of the
9 Federal Road;

10 "Road Sector Regulator" shall mean any person, body, agency, organization
11 specifically designated by an Act of the National Assembly with the
12 functions and powers of being a multi- sector transport regulator responsible
13 for the regulation of matters which includes the economic and safety
14 regulation of the road sector to such extent as determined under this Act or
15 any other Act.

16 **34.** This Bill may be cited as the Federal Roads Bill, 2019.

Short title

17 SCHEDULE I

18 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

19 *Proceedings of the Board*

20 *[Section 3(4)]*

21 1. Subject to this Act and section 27 of the Interpretation Act
22 (which provides for decisions of a statutory body to be taken by a majority of
23 its members and for the person presiding at any meeting, when a vote is
24 ordered to have a second or casting vote), the Board may make standing
25 orders regulating its proceedings or that of any of its Committees.

26 2. At every meeting of the Board, the Chairman shall preside and
27 in his absence the members present at the meeting shall appoint one of their
28 members to preside.

29 3. The quorum at a meeting of the Board shall consist of the
30 Chairman or, in an appropriate case, the person presiding at the meeting

1 pursuant to paragraph 2 of this Schedule, and five other members.

2 4. The Board shall for the purpose of this Act, meet not less than three
3 times in each year and subject, thereto, the Board shall meet whenever it is
4 summoned by the Chairman, and if required to do so, by notice given to the
5 Chairman by not less than eight members, the Chairman shall summon a
6 meeting of the Board to be held within 14 days from the date on which the
7 notice is given.

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

13 6.-(a) Subject to its standing orders, the Board may appoint such
14 number of standing and ad hoc Committees as it thinks fit to consider and
15 report on any matter with which the Authority is concerned;

16 (b) A committee appointed under this paragraph shall:

17 (i) consist of such number of persons (not necessarily members of the
18 Board as may be determined by the Board), and a person other than a member
19 of the Board shall hold office on the Committee in accordance with the terms of
20 his appointment; and

21 (ii) be presided over by a member of the Board.

22 (b) The quorum of any Committee set up by the Board shall be as
23 determined by the Board.

24 (c) A decision of a Committee of the Board shall be of no effect until it
25 is confirmed by the Board.

26 *Miscellaneous*

27 7. The fixing of the seal of the Authority shall be authenticated by the
28 signature of the Chairman, the Managing Director, or any other person
29 generally or specifically authorized by the Board to act for that purpose.

30 8. Any contract or instrument which, if made 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 authority by the Managing Director or by any other person generally or specifically authorized by the Board to act for that purpose.

9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Authority shall be received in evidence and shall, unless the contrary is proved, be presume without further proof to have been so signed.

10.-(1) The validity of any proceedings of the Board or of any of its Committees shall not be affected by:

- (a) any vacancy in the membership of the Board, or Committee; or
- (b) any defect in the appointment of a member of the Board or Committee.

SCHEDULE II

EXECUTION OF THE ROAD MANAGEMENT TASK

Form of Execution of Road Management Function

(1) The Board shall carry out its road management function through executing Agencies which may be either of road management consultants, road agencies or agents of local government authorities.

(2) It shall be the duty of the Board to prepare and publish guidelines and procedures as to the manner of the discharge of these functions by these executing agencies and the Authority shall ensure that these guidelines and procedures are such as to ensure transparent, accountable and cost-effective performance of their duties by these agencies.

2.-(1) Without prejudice to the foregoing, the guidelines and procedures shall address issues relating to preparation and approval of plans and programmes, procurement of works, financial management of works, disbursement of funds.

(2) It shall be the duty of the Authority to ensure awareness and

1 understanding by the road agencies of these guidelines and procedures and
2 their due implementation.

3 3. Any of the above executing agencies may be engaged by the
4 Authority to prepare and submit to the Authority annual work plans covering
5 the road network under its responsibility, not later than four months before the
6 beginning of the next fiscal year.

7 *Preparation and Adoption of Annual Work Plans*

8 4.-(1) The Board will prepare and adopt manuals of procedures
9 defining its way of collaboration with the different types of executing agencies,
10 including financial management systems, maintenance management systems,
11 management information systems, procurement and disbursement procedures,
12 etc. to be adopted by the executing agencies.

13 (2) The Authority shall execute its duty with due regard to
14 environmental issues.

15 SCHEDULE III - TRANSFER OF ASSETS

16 1. All Assets and funds which immediately before the
17 commencement of this Act were vested in the Federal Roads Maintenance
18 Agency set up under the Federal Roads Maintenance Agency (Establishment
19 etc.) Act, 2002 and the Federal Roads Maintenance Agency (Amendment, etc.)
20 Act, 2007

21 "the Agency" and the department of the Ministry responsible for construction,
22 rehabilitation and maintenance of Federal Roads shall by virtue of this Act be
23 vested in the Federal Roads Authority. Provided that nothing in this Act shall
24 be construed to preclude the power of the Ministry responsible for roads from
25 engaging in the construction of roads.

26 2. All references in this schedule to the Agency shall mean and
27 include the department of the Ministry of Works responsible for construction,
28 rehabilitation and maintenance of Federal Roads.

29 3. All bonds, hypothecations, securities, deeds, contracts,
30 instruments, documents, and working arrangements with respect to the assets

1 transferred, that subsisted immediately before the commencement of this
2 Act and to which the Agency was a party shall be as fully effective and
3 enforceable against or in favour of the Authority as if, instead of the Agency,
4 the Authority had been named therein.

5 4. Any cause of action or proceeding which existed or was pending
6 with respect to the assets transferred by or against the Agency immediately
7 before commencement of this Act, shall be enforced or continued, as the
8 case may be, by or against or in favour of the Authority in the same way that
9 it might have been enforced or continued by or against the Agency had this
10 Act not been passed.

11 5. No action or other proceeding shall be commenced against the
12 Authority in respect of an employee or asset that has been transferred to the
13 Authority, where, if there had been no transfer, the time for commencing the
14 action or other proceeding would have expired.

15 6. Nothing in this Act and nothing done as a result of a transfer
16 under sub-paragraph (1) of this paragraph shall create any new cause of
17 action in favour of:

18 (a) a holder of a debt instrument that was issued by the Agency
19 before the commencement of this Act; and

20 (b) a party to a contract with the Agency that was entered into
21 before the commencement of this Act.

22 7. Any guarantee or surety-ship given or made by the Federal
23 Government or any other person in respect of any debt or obligation of the
24 Agency, and which was effective immediately before the transfer of the
25 principal debt or obligation, shall remain fully effective against the
26 guarantor or surety on and after the transfer date in relation to the payment of
27 the debt or the performance of the obligation, as the case may be, by the
28 Authority to which the principal debt or obligation was transferred.

29 *Transfer of Employees*

30 8.-(1) Upon the Commencement of this Act, such number of

1 persons employed by the Agency as may be required by the Authority shall be
2 deemed to be staff of the Authority and shall be transferred to the service of the
3 Authority on terms not less favourable than those enjoyed immediately prior to
4 the transfer.

5 (2) The service rendered by an employee transferred pursuant to sub-
6 paragraph (1) of this paragraph to the Agency shall be deemed to be service
7 with the Authority for the purpose of determining employment related
8 entitlements as specified in the relevant laws of employment in Nigeria.

9 (3) Until such time as conditions of service are drawn up by the
10 Authority:

11 (a) the terms and conditions of service applicable to employees of the
12 Agency shall continue to apply to every person transferred to the Authority as if
13 every such person were still in the service of the Agency; and

14 (b) the Authority shall continue to contribute towards any pension
15 scheme to which the Agency was contributing in respect of persons in the
16 employ of the Agency prior to the transfer date.

17 (4) Nothing in this paragraph shall operate so as to prevent any em-
18 ployee of the Agency from resigning or being dismissed from service.

19 (5) Nothing in this paragraph shall operate so as to create an
20 entitlement for any employee of the Agency to become an employee of the
21 Authority.

22 *Directions to the Agency*

23 9.-(1) The Minister may give the members of the Board of the Agency
24 directions in writing in order to ensure the proper transfer of the assets of the
25 Agency to the Authority and the Agency shall without delay, comply with
26 every such direction.

27 (2) Without derogating from sub-paragraph (1) of this paragraph,
28 directions given under that sub-paragraph may provide for:

29 (a) the cessation of all or any of the functions of the Agency;

30 (b) the termination of any contract entered into between the Agency

- 1 and any person, provided that no such direction shall authorise the Agency
2 to commit an unlawful breach of any such contract; and
3 (c) the production of any report and the provision of any
4 information concerning the conduct of the Agency or the members of the
5 board of the Agency or anything done by or on behalf of the Agency or the
6 members of the Agency.

EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of the above Bill but is
intended to explain its purport)*

This Bill seeks to repeal the Federal Roads Maintenance Agency (Establishment etc.) Act 2002 (as amended) the Federal Highways Act 1971 and the Control of Advertisement (Federal Highways) Act 1986 and establish the Federal Roads Authority for the safe and efficient management of the Federal Roads Network to meet the socio-economic demands of the country; promote the sustainable development, management, operation and regulation of the road sector; and facilitate the development of competitive markets and the promotion of enabling environment for Private Sector Participation in the financing, maintenance and improvement of roads in Nigeria.

A BILL

FOR

AN ACT TO AMEND THE TERTIARY EDUCATION TRUST FUND (ESTABLISHMENT, ETC.) ACT, 2011 TO EXPRESSLY PROVIDE THAT THE COLLEGES OF AGRICULTURE SHALL BENEFIT FROM THE FUND AND FOR RELATED MATTERS

Sponsored by Senator Abdullahi Adamu

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

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1. The Tertiary Education Trust Fund (Establishment, Etc) Act 2011 hereinafter referred to as the Principal Act is hereby amended as set out hereunder.

2. The Principal Act is hereby amended in Section 20 by enlarging the interpretation of the word "tertiary education institutions" to include "the Colleges of Agriculture" after the word "Education"

3. The Principal Act is amended in Section 7(3) by deleting the ratio of 2:1:1 as between Universities, Polytechnics and Colleges of Education "and inserting the words "Universities, Polytechnics Colleges of Education and Colleges of Agriculture" immediately after the word Education.

4. This Bill may be cited as the Tertiary Education Trust Fund (Establishment, etc.) Act (Amendment) Bill, 2019.
- Amendment of the Principal Act

Amendment of Section 20

Amendment of Section 7

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Tertiary Education Trust Fund (Establishment, ETC) Act 2011 to expressly provide that the Colleges of Agricultural shall benefit from the fund.

FEDERAL COLLEGE OF FORESTRY TECHNOLOGY AND RESEARCH,
AKAMKPA (ESTABLISHMENT, ETC.) BILL, 2019

ARRANGEMENT OF SECTIONS

*Establishment of the Federal College of Forestry Technology
and Research*

1. Establishment of Federal College of Forestry, Akamkpa
2. Functions of the College
3. Establishment and constitution of each Council, etc.
4. Visitation
5. Registrar of the College
6. Tenure of office of the Registrar
7. General Functions of the Council

Staff

8. The Rector of the College
9. Deputy Rector
10. Other principal officers of the College
11. Resignation of appointment of principal officers
12. Selection Board for other principal officers
13. Other employees of the College
14. Application of the Pensions Act

Establishment of the Academic Board

15. The Academic Board

Tenure of Office

16. Removal from office of members of the Council and the Rector
17. Removal and discipline of academic, administrative and technical staff

Discipline

18. Discipline of students
19. Discipline of junior staff

Financial Provisions

- 20. Audit of accounts
- 21. Funds of each Council
- 22. Donations for particular purposes
- 23. Payment into bank
- 24. Annual report

Miscellaneous and Supplemental

- 25. Power to make bye-laws
- 26. Exclusion of discrimination on account of race, religion, etc.
- 27. Quorum and Procedure of bodies established under this Act
- 28. Interpretation
- 29. Short title

SCHEDULE

Supplementary Provisions relating to the Council

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF FORESTRY TECHNOLOGY AND RESEARCH, AKAMKPA, TO PROVIDE FULL-TIME COURSES IN FORESTRY TECHNOLOGY, PRESERVATION, DEVELOPMENT AND OTHER FIELDS OF STUDIES AND TO MAKE PROVISIONS FOR THE GENERAL ADMINISTRATION OF THE COLLEGE AND FOR RELATED MATTERS

Sponsored by Senator Gershom Bassey

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- 1 **1.** There is hereby established the Federal Institute of Forestry, Establishment
2 Akamkpa specified in the First Schedule to this Act (in this Act severally of Federal College
3 referred to as "the College") which shall have such powers and exercise such of Forestry,
4 functions as are specified in this Act. Akamkpa
- 5 **2.-(1)** The functions of the college shall be Functions
- 6 (a) to provide full-time or part-time courses in forestry technology
- 7 training and award National and Higher National Diploma;
- 8 (b) to carry out research, training, extension and dissemination of
- 9 findings in forestry technology, development, applied science, commerce
- 10 and management; and
- 11 (c) to improve genetic resources of forest trees and ecosystem for
- 12 economic development;
- 13 (d) to improve silvicultural practices relating to forest trees of
- 14 economic importance;
- 15 (e) to research on the control of pest and diseases of forest trees;
- 16 (f) to conduct research into the different suitable biological

1 materials and appropriate methods of control of ecological and environmental
2 problems of the country in respect to desertification, soil erosion and
3 deforestation;

4 (g) to make suitable arrangements for the application of the result of
5 the research work by the Federal, state governments and the private sector for
6 the economic development of Nigeria;

7 (h) to carry out such other fields of applied learning relevant to the
8 needs of the development of Nigeria in the area of industrial and agricultural
9 production and distribution and for research in the development and adaptation
10 of forestry techniques as the Council may from time to time determine;

11 (i) to arrange conferences, seminars and study groups relative to the
12 fields of learning specified in section 2;

13 (j) to perform such other functions as in the opinion of the Council
14 may serve to promote the objectives of the college

Establishment
and constitution
of each Council,
etc.

15 **3.-(1)** There shall be established for the college a Council (hereafter in
16 this Act referred to as "the Council") which shall be a body corporate with
17 perpetual succession and a common seal and may sue and be sued in its
18 corporate name.

19 (2) The Council shall consist of a Chairman and the following other
20 members, that is:

21 (a) one person to represent the Ministry of Education;

22 (b) one person to represent the Ministry of Agriculture;

23 (c) one person with requisite knowledge and training in forestry
24 technology;

25 (d) one person to represent professional bodies whose disciplines are
26 taught at the college;

27 (e) one person selected from a Federal or State public utility statutory
28 corporation;

29 (f) one person of standing in the community where the college is
30 situate;

1 (g) the Rector of the college;
 2 (h) one representative of the Permanent Secretary of the Ministry
 3 charged with responsibility for matters relating to commerce and industries;
 4 (i) one representative of the academic board of the college;
 5 (j) one representative of the State Commissioner of Education; and
 6 (k) five other persons, at least one of whom shall be a woman, to be
 7 selected each on his personal merit based on his contribution to either the
 8 development of forestry technology or commerce or special interest in
 9 technical education.

10 (3) The Chairman and members of the Council other than ex-
 11 officio members shall be appointed by the President.

12 (4) The provisions set out in the Second Schedule to this Act shall
 13 apply in relation to the constitution of the Council and the other matters
 14 therein specified.

15 **4.-(1)** The Minister of Education shall be the Visitor to the College. Visitation

16 (2) The Visitor shall, not less than once in every five years, conduct
 17 a visitation of the college or appoint a Visitation Panel, consisting of not less
 18 than five experts to conduct the visitation-

19 (a) for the purpose of evaluating the quality of research, academic
 20 and administrative performance of the college;

21 (b) for such other purpose or in respect of any other affairs of the
 22 college as the Visitor may deem fit.

23 **5.-(1)** There shall be a Registrar of the college who shall be Registrar of the
 24 responsible to the Rector and the day- to-day administration of the college College
 25 and shall perform such other duties from time to time as may be required of
 26 him.

27 (2) The Registrar shall be the secretary to the Council, the
 28 Academic Board and any committee of the Council and shall attend all the
 29 meetings of those bodies unless excused for good reason by the chairman of
 30 the Council.

	1	(3) In the absence of the Registrar, the Chairman of the Council may,
	2	after consultation with the Rector, appoint a suitable person to act as secretary
	3	for any particular meeting of the Council.
	4	(4) The secretary to the Council who is appointed to act under
	5	subsection (3) of this section, shall not vote on any question before the Council
	6	or count towards a quorum unless he is so entitled as a member of the Council.
Tenure of office of the Registrar	7	6.-(1) A Registrar:
	8	(a) shall hold office for a period of five years beginning from the
	9	effective date of his appointment and on such terms and conditions as may be
	10	specified in the letter of his appointment; and
	11	(b) may be re-appointed for one further period of five years and no
	12	more.
	13	(2) Where on the commencement of this section, a Registrar has held
	14	office-
	15	(a) for five years or less, he shall be deemed to be serving his first term
	16	of office and may be re-appointed for a further term of five years;
	17	(b) for more than five years but less than ten years, he shall complete
	18	the maximum period of ten years and thereafter relinquish his post and be
	19	assigned other duties in the college;
	20	(c) for ten years or more, the Council may allow him to serve as
	21	Registrar for a further period of one year only and thereafter he shall relinquish
	22	his post and be assigned other duties in the college.
General functions of the Council	23	7.-(1) Subject to provision of this Act, the Council shall be the
	24	governing body of the college concerned and shall have the general
	25	management of the affairs of the college, and in particular, the control of the
	26	property and finances of the college; and shall also have power to do anything
	27	which in its opinion is calculated to facilitate the carrying out of the activities of
	28	the college and promote its best interests.
	29	(2) The Council may acquire and hold such movable or immovable
	30	property as may be necessary or expedient for carrying into effect the

1 provisions of this Act, and for the same purpose may sell, lease, and
2 mortgage or otherwise alienate or dispose of any property so acquired.

3 (3) The Council may enter into such contracts as may be necessary
4 or expedient for carrying into effect the provisions of this Act.

5 (4) The Minister may give to the Council directions of a general
6 character or relating generally to particular matters (but not any individual
7 person or case) with regard to the exercise by the Council of its functions and
8 it shall be the duty of the Council to comply with the directions.

9 *Staff*

10 8.-(1) There shall be a Rector of the college who shall be appointed The Rector
11 by the President in accordance with the provisions of this section.

12 (2) Where a vacancy occurs in the post of Rector, the Council shall:

13 (a) advertise the vacancy in a reputable journal or widely read
14 newspaper in Nigeria, specifying:

15 (i) the qualities of the person who may apply for the post; and

16 (ii) the terms and conditions of service applicable to the post, and
17 thereafter, draw up a short list of suitable candidates for consideration;

18 (b) constitute a Search Team consisting of:

19 (i) a member of the Council, not being a member of the Academic
20 Board, as Chairman;

21 (ii) two members of the Academic Board, not below the rank of
22 Chief Lecturer;

23 (iii) Two members of the Academic Community of the college not
24 below the rank of Chief Lecturer, to be selected by Council, to identify and
25 draw up a short list of persons who are not likely to apply on their own
26 volition because they feel that it is not proper to do so.

27 (3) A Joint Council and Academic Board Selection Board
28 consisting of:

29 (a) the Chairman of the Council;

30 (b) two members of the Council not being members of the

1 Academic Board;

2 (c) two members of the Academic Board not below the rank of Chief
3 Lecturer, who were not members of the Search Team, shall consider the
4 candidates on the short list drawn up under subsection (2) of this section
5 through an examination of their curriculum vitae and interaction with them and
6 recommend, through the Council, to the President, three candidates for his
7 consideration.

8 (4) The President shall appoint, as Rector, one of the candidates
9 recommended to him under the provisions of subsection (3) of this section.

10 (5) Subject to this Act and the general control of the Council, the
11 Rector shall be the Chief Executive of the college and shall be charged with
12 responsibility for matters relating to the day-to-day management operations of
13 the college.

14 (6) The Rector:

15 (a) shall hold office for a period of four years beginning with the
16 effective date of his appointment and on such terms and conditions as may be
17 specified in his letter of appointment;

18 (b) may be re-appointed for a further period of four years and no more.

Deputy Rector

19 9.-(1) There shall be for the college a Deputy Rector.

20 (2) The Council shall appoint the Deputy Rector from among the
21 chief lecturers in the college in one of the following ways:

22 (a) from a list of three candidates, in order of preference, submitted by
23 the Rector;

24 (b) on the recommendation of a Selection Board constituted under
25 this section for that purpose; or

26 (c) on the nomination of the Rector.

27 (3) The Selection Board referred to in subsection (2) of this section
28 shall:

29 (a) consist of:

30 (i) the Chairman of the Council;

1 (ii) the Rector;
 2 (iii) two members of the Council not being members of the
 3 Academic Board;

4 (iv) two members of the Academic Board; and
 5 (b) make such inquiries as it deems fit before making the
 6 commendation required under that subsection.

7 (4) The Deputy Rector:
 8 (a) shall assist the Rector in the performance of his functions;
 9 (b) act in the place of the Rector when the post of Rector is vacant
 10 or if the Rector is for any reason absent or unable to perform his functions as
 11 Rector; and

12 (c) perform such other functions as the Rector may, from time to
 13 time, assign to him.

14 (5) The Deputy Rector:
 15 (a) shall hold office for a period of two years beginning from the
 16 effective date of his appointment and on such terms and conditions as may
 17 be specified in his letter of appointment; and

18 (b) may be re-appointed for one further period of two years and no
 19 more.

20 **10.-(1)** There shall be for the college the following other principal
 21 officers in addition to the Registrar, that is:

Other principal
 officers of the
 College

22 (a) the Bursar; and
 23 (b) the college Librarian, who shall be appointed by the Council on
 24 the recommendation of the Selection Board constituted under section 9 (b)
 25 of this Act.

26 (2) The Bursar shall be the Chief Financial Officer of the college
 27 and be responsible to the Rector for the day to day administration and
 28 control of the financial affairs of the college.

29 (3) The college Librarian shall be responsible to the Rector for the
 30 administration of the college library and the co-ordination of the library

	1	services in the teaching units of the college.
	2	(4) The Bursar or Librarian:
	3	(a) shall hold office for a period of five years in the first instance and
	4	on such terms and conditions as may be specified in his letter of appointment;
	5	(b) may be re-appointed for a further period of five years and no more.
	6	(5) Where on the commencement of this section, a Bursar or Librarian
	7	has held office:
	8	(a) for five years or less, he shall be deemed to be serving his first term
	9	of office and may be reappointed for a further term of five years;
	10	(b) for more than five years but less than ten years, he shall complete
	11	the maximum period of ten years and thereafter relinquish his post and be
	12	assigned other duties in the college;
	13	(c) for ten years or more, the Council may allow him to serve as
	14	Registrar for a further period of one year only and thereafter he shall relinquish
	15	his post and be assigned other duties in the college.
Resignation of appointment of principal officers	16	11. A principal officer may resign his appointment:
	17	(a) in the case of the Rector, by notice to the Visitor;
	18	(b) in any other case, by notice to the Council.
Selection Board for other principal officers	19	12.-(1) There shall be, for each college, a Selection Board which shall
	20	consist of:
	21	(a) the chairman of the Council;
	22	(b) the Rector;
	23	(c) four members of the Council not being members of the Academic
	24	Board;
	25	(d) two members of the Academic Board.
	26	(2) The functions and procedure and other matters relating to the
	27	Selection Board constituted under subsection (1) of this section shall be as the
	28	Council may, from time to time, determine.
Other employees of the College	29	13.-(1) The Council may appoint such other persons to be employees
	30	of the college as the Council may determine to assist the Rector and the

1 principal officers of the college in the performance of their functions under
2 this Act.

3 (2) The power to appoint all other employees of the college shall be
4 exercised:

5 (a) in the case of senior employees, by the Council on the
6 recommendation of the Appointment and Promotions Committee set up
7 under the provisions of paragraph 3 (2) (a) of the Second Schedule to this
8 Act;

9 (b) in the case of junior employees, by the Rector on the
10 recommendation of the Junior Staff Appointments and Promotions
11 Committee constituted under paragraph 3 (2) (b) of the Second schedule to
12 this Act.

13 (3) Subject to the provisions of this Act, the remuneration, tenure of
14 office and conditions of service of the employees of the Council shall be
15 determined by the Council in consultation with the Federal Civil Service
16 Commission.

17 **14.-(1)** The Federal Civil Service Commission may by order
18 published in the Federal Gazette declare the office of the Rector or any other
19 person employed by the Council to be a pensionable office for the purposes
20 of the Pensions Act.

Application of
the Pension Act

21 (2) Nothing in the provisions of subsection (1) of this section shall
22 prevent the appointment of any person to any office on terms which preclude
23 the grant of a pension or gratuity in respect of service in that office.

24 *Establishment of the Academic Board*

25 **15.-(1)** There shall be established for each college a board to be
26 known as the Academic Board which shall consist of the following
27 members:

The Academic
Board

- 28 (a) the Rector of the college, as the Chairman;
- 29 (b) the Deputy-Rector of the college;
- 30 (c) all Heads of Departments;

1 (d) the college Librarian; and
2 (e) not more than two members of the academic staff, other than heads
3 of departments, who may be appointed by the Academic Board.

4 (2) The Academic Board shall be responsible for:

5 (a) the direction and management of academic matters of the college
6 including the regulation of admission of students, the award of certificates and
7 diplomas, scholarships, prizes and other academic distinctions;

8 (b) the making to the Council of such periodic reports on such
9 academic matter as the Academic Board may think fit or as the Council may
10 from time to time direct; and

11 (c) the discharge of any other functions which the Council may
12 delegate to it.

13 *Tenure of Office*

Removal from
office of members
of the Council
and the Rector

14 **16.**-(1) If it appears to the Council that a member of the Council (other
15 than an ex-officio member) or the Rector should be removed from office on the
16 ground of misconduct or inability to perform the functions of his office, the
17 Council shall make a recommendation to that effect to the President, and if the
18 President, after making such inquiries as he considers necessary, approves the
19 recommendation, the President, shall, in writing, declare the office of such
20 member vacant.

21 (2) The President may remove any member of the Council if he is
22 satisfied that it is not in the public interest or in the interest of the college that
23 such member should continue as a member of the Council.

Removal and
discipline of
academic,
administrative
and technical
staff

24 **17.**-(1) If it appears to the Council that there are reasons for believing
25 that any person employed as a member of the academic, administrative or
26 technical staff of the college, other than the Rector, should be removed from
27 office on the ground of misconduct or inability to perform the functions of his
28 office, the Council shall:

29 (a) give notice of those reasons to the person in question;

30 (b) afford him an opportunity of making representations in person on

1 the matter to the Council; and

2 (c) if he or any three members of the Council so request within the
3 period of one month beginning with the date of the notice, make
4 arrangements:

5 (i) if he is an academic staff, for a joint committee of the Council
6 and the Academic Board to investigate the matter and to report on it to the
7 Council; or

8 (ii) for a committee of the Council to investigate the matter, where
9 it relates to any other member of the staff of the college and to report on it to
10 the Council; and

11 (iii) for the person in question to be afforded an opportunity of
12 appearing before and being heard by the investigating committee with
13 respect to the matter, and if the Council, after considering the report of the
14 investigating committee, is satisfied that the person in question should be
15 removed as aforesaid, the Council may so remove him by an instrument in
16 writing signed on the directions of the Council.

17 (2) The Rector may, in a case of misconduct by a member of the
18 staff which in the opinion of the Rector is prejudicial to the interests of the
19 college, suspend such member and any such suspension shall forthwith be
20 reported to the Council.

21 (3) For good cause, any member of staff may be suspended from
22 office or his appointment may be terminated by the Council, and for the
23 purpose of this subsection, "good cause" means:

24 (a) any physical or mental incapacity which the Council, after
25 obtaining medical advice, considers to be such as to render the person
26 concerned unfit for the discharge of the functions of his office;

27 (b) any physical or mental incapacity which the Council, after
28 obtaining medical advice, considers to be such as to render the person
29 concerned unfit to continue to hold his office; or

30 (c) conduct of a scandalous or other disgraceful nature which the

1 Council considers to be such as to render the person concerned unfit to continue
2 to hold his office; or

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

6 (4) Any person suspended pursuant to subsection (2) or (3) of this
7 section, shall be placed on half pay and the Council shall before the expiration
8 of the period of three months after the date of such suspension consider the case
9 against that person and come to a decision as to:

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

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

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

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

24 (5) It shall be the duty of the person by whom an instrument of
25 removal is signed in pursuance of subsection (1) of this section, to use his best
26 endeavours to cause a copy of the instrument to be served as soon as reasonably
27 practicable on the person to whom it relates.

28 (6) Nothing in the foregoing provisions of this section shall prevent
29 the Council from making such regulations for the discipline of other categories
30 of staff and workers of the college as it may think fit.

Discipline

18.-(1) Subject to the provisions of this section, where it appears to the Rector that any student of the college has been guilty of misconduct, the Rector may, without prejudice to any other disciplinary powers conferred on him by this Act or regulations made hereunder direct:

(a) that the student shall not during such period as may be specified in the direction, participate in such activities of the college, or make use of such facilities of the college, as he may specify;

(b) that the activities of the student shall, during such period as may be specified in the directions, be restricted in such manner as may be so specified;

(c) that the student be suspended for such period as may be specified in the directions; or

(d) that the student be expelled from the college.

(2) Where there is temporarily no Rector or where the Rector refuses to apply any disciplinary measures, the Council, either directly or through some other staff, may apply such disciplinary actions as are specified in subsection (1) of this section to any student of the college who is guilty of misconduct.

(3) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, the student may, within a period of 21 days from the date of the letter communicating the decision to him, appeal from the direction to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the Council may think fit.

(4) The fact that an appeal from a direction is brought in pursuance of subsection (3) of this section shall not affect the operation of the direction while the appeal is pending.

(5) The Rector may delegate his power under this section to a

Discipline of
students

1 disciplinary committee consisting of such members of the college as he may
2 nominate.

3 (6) Nothing in this section shall be construed as preventing the
4 restriction or termination of a student's activities at the college otherwise than
5 on the ground of misconduct.

6 (7) It is hereby declared that a direction under subsection (1) (a) of this
7 section may be combined with a direction under subsection (1) (b) of this
8 section.

9 (8) In all cases under this section, the decision of the Council shall be
10 final.

Discipline of
junior staff

11 **19.-(1)** If any junior staff is accused of misconduct or inefficiency, the
12 Rector may suspend him for not more than three months and forthwith shall
13 direct the Junior Staff Appointments and Promotions Committee:

14 (a) to consider the case; and

15 (b) to make recommendations as to the appropriate action to be taken
16 by the Rector.

17 (2) In all cases under this section, the officer shall be informed of the
18 charge against him and shall be given reasonable opportunity to defend
19 himself.

20 (3) The Rector may, after considering the recommendation made
21 pursuant to subsection (1) (b) of this section, dismiss, terminate, retire or down-
22 grade the officer concerned.

23 (4) Any person aggrieved by the Rector's decision under subsection
24 (3) of this section, may within a period of 21 days from the date of the letter
25 communicating the decision to him, address a petition to the Council to
26 reconsider his case and the Council's decision thereon shall be final.

27 (5) In any case of gross misconduct on the part of a junior staff, the
28 Rector shall forthwith suspend him and thereafter refer the matter to the Junior
29 Staff Appointments and Promotions Committee to be dealt with according to
30 the foregoing provision of this section.

Financial Provisions

- 1
- 2 **20.**-(1) Each Council shall keep proper accounts and proper Audits of accounts
- 3 records in relation thereto and shall cause to be prepared, not later than 1
- 4 October in each financial year, an estimate of its revenue and expenditure for
- 5 the ensuing financial year and when prepared, the estimate shall be
- 6 submitted to the National Board for Technical Education for approval.
- 7 (2) At the end of each financial year but not later than 30 June the
- 8 Council shall cause to be prepared a statement of its income and expenditure
- 9 during the previous financial year.
- 10 (3) The statement of accounts referred to in subsection (2) of this
- 11 section shall, when certified by the Rector, be audited by a firm of auditors
- 12 appointed from the list and in accordance with the guidelines supplied by the
- 13 Auditor-General of the Federation and shall be published in the annual
- 14 report of the college.
- 15 **21.** The funds of the Council shall include: Funds of the
- 16 (a) fees charged by and payable to the Council in respect of Council
- 17 students;
- 18 (b) any other amounts due to or recoverable by the Council;
- 19 (c) revenue from time to time accruing to the Council from the
- 20 Federal Government by way of subvention, grant-in-aid, endowment or
- 21 otherwise howsoever;
- 22 (d) donations and legacies accruing to the Council from any source
- 23 for the special purpose of the Council.
- 24 **22.**-(1) Donations of money to be applied to any particular purpose Donations for
- 25 shall be placed to the credit of a special reserve account approved by the particular purposes
- 26 Council until such time as they may be expended in fulfilment of such
- 27 purpose.
- 28 (2) No Council shall be obliged to accept a donation for a particular
- 29 purpose unless it approves of the terms and conditions attached to such
- 30 donation.

Payment into bank 1 **23.** All sums of money received on account of the Council shall be
2 paid into such bank for the credit of the Council as may be approved by the
3 Council.

Annual report 4 **24.** The Council shall on or before 31 December in each year prepare
5 and submit to the President through the Minister, a report of the activities
6 during the preceding financial year and shall include in the report, the audited
7 accounts of the college in respect of that financial year and the auditors'
8 comments on the account.

9 *Miscellaneous and Supplemental*

Power to make bye-laws 10 **25-(1)** The Council may make bye-laws relating to any matter within
11 its competence under this Act other than matters for which provision is to be
12 made by standing orders pursuant to paragraph 7 of the Schedule to this Act.

13 (2) All such bye-laws shall be in writing and shall come into force
14 when sealed with the seal of the Council unless some other date for their
15 commencement is prescribed therein.

16 (3) Nothing in subsection (2) of this section, shall make it obligatory
17 for the Council to publish any of the said bye-laws in the Federal Gazette but
18 the Council shall bring such bye-laws to the notice of all affected thereby.

Exclusion of discrimination on account of race, religion, etc. 19 **26.** No person shall be required to satisfy requirements as to any of
20 the following matters, that is to say race (including ethnic grouping), sex, place
21 of birth or of the family origin or religious or political persuasion or as a
22 condition of becoming or continuing to be a student at the college or as a holder
23 of any certificate of the college, or of any appointment or employment at the
24 college, or a member of anybody established by virtue of this Act; and no
25 person shall be subjected to any disadvantage or accorded any advantage in
26 relation to the college by reference to any of those matters:

27 Provided that, nothing in this section shall be construed as preventing
28 the college from imposing any disability or restriction on any of the
29 aforementioned persons where such a person willfully refuses or fails on
30 grounds of religious belief to undertake any duty generally and uniformly

1 imposed on all such persons or any group of them which duty, having regard
2 to its nature and the special circumstances pertaining thereto is, in the
3 opinion of the college, reasonably justifiable in the national interest.

4 **27.** Subject to the provisions of paragraph 6 (2) of the Schedule to
5 this Act and any standing orders or bye-law made under this Act, the quorum
6 and procedure of any body of persons established by this Act shall be such as
7 may be determined by that body.

Quorum and
procedure of
bodies established
under this Act

8 **28.** In this Act, unless the context otherwise requires: Interpretation

9 "The Academic Board" means the board establish under section 10 of this
10 Act;

11 "The Appointments and Promotions Committee" means a body by that
12 name established under paragraph 3 (2) (a) of the Schedule to this Act;

13 "College" means the Federal college of Forestry Technology and Research,
14 Akamkpa;

15 "The Junior Staff Appointments and Promotion Committee" means a body
16 by that name set up under paragraph 3 (2) (b) of the Schedule to this Act;

17 "The Minister" means the Minister charged with responsibility for matters
18 relating to technical education;

19 "The Registrar" means the Registrar of Federal college of Forestry
20 Technology and Research, Akamkpa appointed under section 4 (1) of this
21 Act.

22 **29.** This Bill may be cited as the Federal College of Forestry Short title
23 Technology and Research, Akamkpa (Establishment, etc.) Bill, 2019.

24 SCHEDULE

25 [Section 7]

26 PUBLIC OFFICERS FOR THE PURPOSES OF THE CODE OF CONDUCT

27 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

28 *Terms of office of members*

29 1.-(1) A member of the Council other than an ex-officio member
30 shall hold office for a period of three years beginning with the date on which

1 he was appointed and shall be eligible for re-appointment for a further term of
2 three years and thereafter he shall no longer be eligible for re-appointment.

3 (2) Members of the Council holding office as specified in paragraph 1
4 (1) of this Schedule, shall be paid remuneration or allowance in accordance
5 with rates specified from time to time by the National Council of Ministers.

6 (3) A member of the Council holding office as specified in paragraph
7 1 (1) of this Schedule may by notice in writing to the Minister resign his office.

8 2.-(1) Where a vacancy occurs in the membership of the Council, that
9 vacancy shall be filled by the appointment of a successor to hold office for the
10 remainder of the term of office of his predecessor; so however that the
11 successor shall represent the same interest as his predecessor.

12 (2) The Council may act notwithstanding any vacancy in its
13 membership or the absence of any member or that a person not entitled to do so
14 took part in its proceedings.

15 *Committees*

16 3.-(1) The Council may appoint one or more committees to which it
17 may delegate any of its functions.

18 (2) Without prejudice to the generality to sub-paragraph (1) of this
19 Schedule, the Council shall appoint the following committees, that is:

20 (a) the Appointments and Promotions Committee which shall without
21 prejudice to section 7 (4) of this Act:

22 (i) consist of a chairman to be appointed by the Rector from members
23 of the senior staff of the college and four other members who shall be appointed
24 by the Council;

25 (ii) be charged with the responsibility for making recommendations
26 to the Council on the appointment and promotion of the academic and senior
27 staff of the college and have a quorum of three members;

28 (b) the Junior Staff Appointments and Promotions Committee which
29 shall consist of a chairman and four other members to be appointed by the
30 Council and shall have the powers set out in sections 7 (5) and 14 of this Act;

1 (c) the Committee on Students' Affairs which shall consist of the
2 following members:

3 (i) a chairman who shall be appointed by the Rector from among
4 the senior employees of the college;

5 (ii) one member of the Council;

6 (iii) two members of the academic staff of the college; and

7 (iv) four students of the college, and the Committee on Students'
8 Affairs shall be charged with the duty of:

9 (i) considering any matter which relates to the welfare of students;

10 (ii) any other matter referred to it by either the Council or students
11 of the college;

12 (iii) any matter which the students wish to refer to the Council shall
13 be referred to the Committee on Student's Affairs in the first instance.

14 (3) No decision of a committee shall have effect unless it is
15 confirmed by the Council.

16 *Proceedings of the Council*

17 4.-(1) The Council shall meet for the conduct of business at such
18 times as the chairman of the Council may appoint but shall meet not less than
19 twice in a year.

20 (2) The chairman of the Council may at any time and shall at the
21 request in writing of not less than five members of the Council summon a
22 meeting of the Council.

23 (3) Particulars of the business to be transacted shall be circulated to
24 members with the notice of the meeting at least two weeks before the date of
25 the meeting.

26 5. Where the Council desires to obtain the advice of any person on
27 any particular matter, it may co-opt such person as a member for a meeting
28 whether or not expressly convened for the purpose of considering the
29 particular matter but no co-opted member shall be entitled to vote or shall
30 count towards quorum.

3 (2) Seven members shall form a quorum at any meeting of the
4 Council.

7 7. Subject as aforesaid, the Council may make standing orders with
8 respect to the holding of meetings, the nature of notices to be given, the
9 proceedings thereat, the keeping of minutes of such proceedings and the
10 custody and production for inspection of such minutes.

11 8. If the Chairman of the Council is absent from a meeting of the
12 Council, the members present shall elect one of their number to act as chairman
13 for the purposes of that meeting.

15 9. Any contract or instrument which if entered into by a person not
16 being a body corporate would not be require to be under seal, may n like
17 manner be entered into or executed on behalf of the Council by any person
18 generally or specifically authorized by it for that purpose.

19 10.-(1) The common seal of the Council shall not be used or affixed to
20 any document except in pursuance of a resolution duly passed at a properly
21 constituted meeting of the Council and recorded in the minutes of such
22 meeting.

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

(3) Any document purported 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 deemed to be so executed.

29 11. Any member of the Council or a committee thereof who has a
30 personal interest in any contract or arrangement entered into or proposed to be

- 1 considered by the Council or a committee thereof, shall forthwith disclose
- 2 his interest to the Council and shall not vote on any question relating to such
- 3 contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Forestry Technology and Research, Akamkpa to provide full-time courses in Forestry Technology and development to improve genetic resources of forest trees and ecosystem for economic development and Applied Science Management and other fields of studies and to make provisions for the general administration of the College.

A BILL

FOR

AN ACT TO AMEND THE AGRICULTURAL RESEARCH COUNCIL OF NIGERIA
AND FOR RELATED MATTERS

Sponsored by Senator Abdulahi Adamu

[] Commencement

BE IT ENACTED by the National Assembly of the Federal
Republic of Nigeria as follows:

- 1 **1.** The Agricultural Research Council of Nigeria Act 1999 Amendment of
2 (hereinafter referred to as “the principal Act”) is hereby amended as set out Cap. A12 LFN,
3 in this Bill. 2004
- 4 **2.** Section 2 of the principal Act is amended In subsection (1) by Amendment of
5 substituting therefor a new subsection (1) as follows: Section 2
- 6 “(1) There is hereby established for the Council a governing board
7 which shall consist of the following members to be appointed by the
8 President:
- 9 (a) the Chairman who shall be a person in any of the fields of
10 agricultural sciences with cognate wide knowledge and experience;
- 11 (b) the Permanent Secretary of the Federal Ministry of Agriculture
12 and Rural Development;
- 13 (c) the Permanent Secretary of the Federal Ministry of Industry,
14 Trade and Investment;
- 15 (d) the Permanent Secretary of the Federal Ministry of Science and
16 Technology;
- 17 (e) the President of the Farmers Association of Nigeria;
- 18 (f) the Chairman of the Agric Business Group of the Manufacturers
19 Association of Nigeria;
- 20 (g) a technical expert each with wide knowledge and experience in:
- 21 (i) crops;

- 1 (ii) livestock;
2 (iii) fisheries; and
3 (h) the Executive Secretary of the Council who shall be the Secretary
4 to the Council."

Amendment of
Section 4

- 5 **3.-(1)** Section 4 of the principal Act is amended by:
6 (i) substituting for the heading the following new heading
7 "Allowances"; and
8 (ii) substituting for the words "remuneration and allowances" the
9 words "sitting allowances".

Amendment of
Section 5

- 10 **4.** Section 5 of the principal Act is amended by substituting therefor a
11 new section 5 as follows:
12 "The functions of the Council shall be to:
13 (a) advise the Federal Government on national policies and priorities
14 in agricultural research, training and extension activities;
15 (b) manage, plan, conduct and promote research, human resource
16 development and technology generation, assessment and adoption for the
17 advancement of all aspects of agriculture in Nigeria;
18 (c) prepare periodic master plans for agricultural research, training
19 and extension and advise the Federal Government on the financial requirement
20 for the implementation of such plans;
21 (d) ensure the implementation of the approved master plans by the
22 appropriate research institutes, universities and other bodies;
23 (e) participate in the process of the appointment of Directors of
24 agricultural research institutes established under university statutes, by Vice
25 Chancellors;
26 (f) prescribe and give policy direction to the Federal Colleges of
27 Agriculture on their training and extension activities;
28 (g) supervise research, training and extension activities of research
29 institutes established under section 14 of this Act;
30 (h) prepare the annual budget for agricultural research, training and

1 extension programmes of the institutes under its aegis and receive grants for
2 allocation to the institutes for the implementation of the annual programmes
3 and to universities and other bodies for special research or training projects;

4 (i) maintain an up-to-date record of all existing facilities for
5 research, training and extension in the agricultural sciences in Nigeria and
6 advise the Federal Government on their adequacy and efficient utilization;

7 (j) advise the Federal Government on the re-organisation of
8 existing institutes, including the creation of new ones, as are required to
9 implement or further the efficiency of research, training and extension in the
10 agricultural sciences;

11 (k) promote collaboration between scientists engaged in research
12 in the agricultural sciences in Nigeria and their counterparts in other
13 countries or international bodies;

14 (l) establish and maintain a National Agricultural Science Library
15 and Documentation Centre and publish or sponsor the publication of
16 research results in the agricultural sciences; and

17 (m) carry out such activities as may, in the opinion of the Council,
18 further the advancement of research, training and extension in the
19 agricultural sciences.”

20 **5.** Section 6 of the principal Act is amended by:

Amendment of
Section 6

21 (i) inserting immediately after the existing subsection (3) the
22 following new subsection:

23 “(4)(a) The Board shall, subject to the approval of the Minister,
24 appoint the following and such other Deputy Executive Secretaries it may
25 deem fit from time to time:

26 (i) a Deputy Executive Secretary (Crops);

27 (ii) a Deputy Executive Secretary (Livestock, Fisheries & Marine);

28 (iii) a Deputy Executive Secretary (Training & Extension);

29 (iv) a Deputy Executive Secretary (Technical Cooperation and
30 Communication);

1 (v) a Deputy Executive Secretary (Administration and Finance) who
2 shall each be persons with requisite experience and academic qualifications
3 and assigned such responsibilities as are determined by the Board and Council;

4 (b) In addition to the powers of the Board exercisable under
5 subsection (1) of this section, it shall have power to appoint such number of
6 Assistant Executive Secretaries as it may deem fit from time to time;

7 (c) The persons appointed by the Board shall each be:

8 (i) persons with requisite academic qualification and experience;

9 (ii) persons who, in the opinion of the Board, will assist the Council in
10 the effective discharge of any of its functions.”;

11 (ii) renumbering the existing subsections (4), (5), (6) and (7) as
12 subsections (5), (6), (7) and (8) respectively;

13 (iii) amending subsection (5) as renumbered by substituting for sub-
14 paragraph (b) the following new sub-paragraph:

15 “(b) pay to such persons so appointed such (including allowances) as
16 the Council consultations with the National Salaries Commission, determine.”

Amendment of
Section 7

17 **6.** Section 7 of the principal Act is amended:

18 (a) by substituting for the heading the following new heading
19 “Application of the Pensions Reform Act”;

20 (b) in subsection (2) by substituting therefor the following new
21 subsection:

22 “(2) Employees of the Council shall be entitled to pensions, gratuities
23 and other retirement benefits as are enjoyed by persons holding equivalent
24 grades in the universities.”

Amendment of
Section 8

25 **7.** Section 8 of the principal Act is amended:

26 (a) by substituting for the heading the following new heading:

27 “Establishment of the National Agricultural Research & Extension
28 Fund”;

29 (b) by inserting the following new subsections (1), (2), (3) and (4):

30 “(1) There is hereby established a fund to be known as the National

1 Agricultural Research & Extension Fund (in this Act referred to as “the
2 Fund”).

3 (2) There shall be paid into the Fund the following:

4 (a) 1 per cent of duty on agricultural imports and exports;

5 (b) 1 per cent of annual profit of agricultural producers in Nigeria;

6 and

7 (c) such other monies as may be determined by the Federal
8 Government from time to time.

9 (3) The Funds referred to in subsection (1) of this section shall be
10 applied exclusively for agricultural research, training and extension.

11 (4) The Minister shall prescribe by regulations, the management of
12 the funds referred to in subsection (1) of this section.”

13 (c) by renumbering the existing subsection (2) as subsection (5).

14 **8.-(1)** Immediately after the existing Part V of the principal Act,
15 insert the following new Part VI:

Insertion of a
new Part VI

16 PART VI - ESTABLISHMENT OF FEDERAL COLLEGES OF AGRICULTURE

17 **15.-(1)** The Minister may, with the approval of the President, by
18 order published in the Gazette, establish Federal Colleges of Agriculture
19 under this Act (in this Act referred to as “Colleges of Agriculture”).

Establishment of
Federal College
of Agriculture

20 (2) The Colleges of Agriculture specified in the Third Schedule of
21 this Act shall be deemed to have been established under this Act.

22 (3) The Colleges of Agriculture shall provide training for middle
23 level manpower for the agricultural sector.

24 (4) The statutory functions, rights, interests, obligations and
25 liabilities of the Colleges of Agriculture in subsection (2) of this section,
26 existing before the commencement of this Act under any contract or
27 instrument, or in law or in equity shall, by virtue of this Act, be deemed to
28 have been assigned to and vested in the Council established by this Act.

29 (5) Any such contract or instrument as is mentioned in subsection
30 (4) of this section shall be of the same force and effect against or in favour of

1 the Council established by this Act and shall be enforceable as fully and
2 effectively as if instead of the Colleges of Agriculture in subsection (2) of this
3 section existing before the commencement of this Act, the Council established
4 by this Act has been named therein or had been a party thereto.

5 (6) The Council established by this Act shall be subject to all the
6 obligations and liabilities to which the Colleges of Agriculture in subsection
7 (2) of this section existing before the commencement of this Act were subject
8 immediately before the commencement of this Act and all other persons shall
9 have the same rights, powers and remedies against the Council established by
10 this Act as they had against the Colleges of Agriculture specified in subsection
11 (2) of this section and existing before the commencement of this Act.

12 (7) Any proceeding or cause of action pending or existing
13 immediately before the commencement of this Act, by or against the Colleges
14 of Agriculture specified in subsection (2) of this section and existing before the
15 commencement of this Act in respect of any right, interest, obligation or
16 liability of the Colleges of Agriculture specified in subsection (2) of this
17 section and existing before the commencement of this Act may be continued or
18 as the case may be commenced and any determination of a court of law, tribunal
19 or other authority or person may be enforced by or against the Council
20 established by this Act to the same extent that such proceeding or cause of
21 action or determination might have been continued, commenced or enforced
22 by or against the Colleges of Agriculture specified in subsection (2) of this
23 section and existing before the commencement of this Act.

24 (8) All assets, funds, resources and other movable or immovable
25 property which immediately before the commencement of this Act were vested
26 in the Colleges of Agriculture existing before the commencement of this Act
27 shall by virtue of this Act and without further assurance, be vested in the
28 Council established by this Act.

29 (9) Any person who immediately before the coming into force of this
30 Act is the holder of any office in any of the Colleges of Agriculture specified in

1 subsection (2) of this section and existing before the commencement of this
2 Act shall, on the commencement of this Act, continue in office and be
3 deemed to have been appointed to his office by the Council established by
4 this Act unless authority by which the person was appointed terminates the
5 appointment.”

6 (2) Renumber the existing Part VI as "Part VII"; and

7 (3) Renumber the existing section 15 as section 16.

8 (4) Immediately after section 16 of the principal Act as
9 renumbered, there shall be inserted the following section 17:

10 “17.-(1) The Council, Institutes and Colleges referred to in
11 sections 15 and 19 of this Act and such other institutes and colleges as may
12 be established by order of the Minister pursuant to sections 15(1) and 19(1)
13 of this Act, shall have power, after consultations with the Minister, to
14 incorporate spin off companies in the agricultural research system in
15 Nigeria.

Incorporation of
spin off companies
and intellectual
property rights

16 (2) The spin off companies incorporated pursuant to subsection (1)
17 of this section shall be charged with the responsibilities of providing the
18 platform for the commercialization, privatization and marketing of
19 scientific, agricultural and technological discoveries, innovations and
20 findings of products developed by the Council, Institutes and Colleges
21 referred to in this Act.

22 (3) For the avoidance of doubt, the scientific, agricultural and
23 technological discoveries, innovations and findings of the Council,
24 Institutes and Colleges established under this Act shall have intellectual
25 property rights attached to them as prescribed and protected under the
26 Nigeria Copyright Commission Act 2004 and the National Office for
27 Technology Acquisition and Promotion Act 2004.”

Cap. C28 LFN,
2004

Cap. C62 LFN,
2004

28 (4) The existing sections 16-17 of the principal Act are renumbered
29 as sections 18 -19 respectively.

Amendment
of Section 19

1 9. Section 19 of the principal Act as renumbered, is amended by
2 inserting after the existing subsection (1) the following new subsections:

3 “(2) Any research institute established for agricultural research under
4 the Nigerian Research Institutes Act 1964 and the Research Institutes
5 (Establishment, etc) Order 1975, shall each be deemed to be established under
6 this Act.

7 (3) For the avoidance of doubt, the governing boards and councils
8 constituted under the Act and Order referred to in subsection (2) of this section
9 shall be deemed to have been dissolved and the staff of the Institutes deemed to
10 have transferred to the employment of the Council from the date of their
11 appointment by the respective Institutes.

12 (4) Accordingly, the Nigerian Research Institutes Act 1964 and the
13 Research Institutes (Establishment, etc.) Order 1975 are hereby consequently
14 repealed.

15 (5) The statutory functions, rights, interests, obligations and liabilities
16 of the repealed Institutes in subsection (4) of this section, existing before the
17 commencement of this Act under any contract or instrument, or in law or in
18 equity shall by virtue of this Act, be deemed to have been assigned to and vested
19 in the Council established by this Act.

20 (6) Any such contract or instrument as is mentioned in subsection (5)
21 of this section shall be of the same force and effect against or in favour of the
22 Council established by this Act and shall be enforceable as fully and effectively
23 as if instead of the Institutes in subsection (4) of this section existing before the
24 commencement of this Act, the Council established by this Act has been named
25 therein or had been a party thereto.

26 (7) The Council established by this Act shall be subject to all the
27 obligations and liabilities to which the Institutes in subsection (5) of this
28 section existing before the commencement of this Act was subject immediately
29 before the commencement of this Act and all other persons shall have the same
30 rights, powers and remedies against the Council established by this Act as they

1 had against the Institutes in subsection (5) of this section existing before the
2 commencement of this Act.

3 (8) Any proceeding or cause of action pending or existing
4 immediately before the commencement of this Act, by or against the
5 Institutes in subsection (5) of this section existing before the
6 commencement of this Act in respect of any right, interest, obligation or
7 liability of the Institutes in subsection (5) of this section existing before the
8 commencement of this Act may be continued or as the case may be
9 commenced and any determination of a court of law, tribunal or other
10 authority or person may be enforced by or against the Council established by
11 this Act to the same extent that such proceeding or cause of action or
12 determination might have been continued, commenced or enforced by or
13 against the Institutes in subsection (5) of this section existing before the
14 commencement of this Act.

15 (9) All assets, funds, resources and other movable or immovable
16 property which immediately before the commencement of this Act were
17 vested in the Institutes existing before the commencement of this Act shall
18 by virtue of this Act and without further assurance, be vested in the Council
19 established by this Act.

20 (10) Any person who immediately before the coming into force of
21 this Act is the holder of any office in the Institutes in subsection (5) of this
22 section existing before the commencement of this Act shall, on the
23 commencement of this Act, continue in office and be deemed to have been
24 appointed to his office by the Council established by this Act unless
25 authority by which the person was appointed terminates the appointment."

26 **10.-(1)** Immediately after the existing section 19 of the principal
27 Act as renumbered, there shall be inserted the following new section 20:

Insertion of a
new section 20

28 "20.-(1) The National Centre for Agriculture Mechanization Act]
29 990 is hereby repealed.

Repeal and savings
of Cap. N13 LFN,
2004 etc.

30 (2) The National Centre for Agriculture Mechanization, the

1 National Centre for Genetic Resources and Bio-technology, the Federal
 2 College of Co-operatives and the Federal College of Land Resources
 3 Technology, respectively operational under the Departments of Co-operatives
 4 and Agricultural Land Resources of the Ministry, shall be deemed to be
 5 established under this Act.

6 (3) Accordingly, the provisions of section 15 (4) - (9) of this Act shall
 7 apply *mutantismutandi* to the Centres and Colleges specified under subsection
 8 (2) of this section with such modifications as are applicable.”

9 (2) The existing sections 19-21 as renumbered are hereby re-
 10 numbered as sections 20-22.

Amendment of
First Schedule

11 11. The First Schedule to the principal Act is amended in paragraph 3
 12 by:

13 (a) inserting immediately after sub-paragraph (1) a new sub-
 14 paragraph (2) as follows:

15 “(2) The Board shall appoint a standing Agricultural Scientific and
 16 Technological Research Committee of the Board to be known as “the Technical
 17 Committee” which shall be charged with the responsibility of advising the
 18 Board and the Council on research and innovation matters.”;

19 (b) renumbering the existing sub-paragraphs (2) and (3) as sub-
 20 paragraphs (3) and (4), respectively.

Amendment of
Second Schedule

21 12.-(1) The Second Schedule of the principal Act is amended in
 22 paragraph 1 by:

23 (a) deleting paragraph I and substituting therefor a new paragraph:

24 “1. All references to “the governing board” in this Part of the Act shall
 25 be construed as “the Council”.

26 2. For the avoidance of doubt, reference in this Part of this Act to “the
 27 Council” means the Agricultural Research Council of Nigeria.”.

28 (b) delete paragraph 3 and renumber paragraphs 4, 5, 6, 7, 8, and (9) as
 29 paragraphs 3, 4, 5, 6, 7, 8 respectively.

1 **13.** Immediately after the existing Second Schedule of the Insertion of a
2 principal Act, insert the following new Third Schedule: new Third Schedule

3 THIRD SCHEDULE

4 (Section 15)

5 FEDERAL COLLEGES OF AGRICULTURE

6	S/NO.	NAME OF COLLEGE
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1. Federal College of Agriculture Akure, Ondo State.
2. Federal College of Agriculture Ibadan, Oyo State.
3. Federal College of Agriculture Ishiagu, Ebonyi State.
4. Federal College of Animal Health and Production Technology, Ibadan, Oyo State.
5. Federal College of Animal Health and Production Technology, Vom, Plateau State.
6. Federal College of Freshwaters Fisheries Technology, New Bussa, Niger State.
7. Federal College of Freshwaters Fisheries Technology, New Baga, Borno State.
8. Federal College of Fisheries and Marine Technology, Lagos, Lagos State.
9. Federal College of Veterinary and Medical Laboratory Technology, Vom, Plateau State.
10. Federal College of Agricultural Produce Technology, Kano, Kano State.
15. Federal College of Horticulture, Dadin Kowa, Gobe State."
16. Federal Co-operative College, Ibadan.
17. Federal Co-operative College, Kaduna
18. Federal Co-operative College, Oji River.
19. Federal College of Land Resources Technology, Owerri.
20. Federal College of Land Resources Technology, Kuru-Jos.

Short title 1 14. This Bill may be cited as the Agricultural Research Council of
2 Nigeria (Amendment) Bill, 2019.

3 EXPLANATORY MEMORANDUM

*(This note does not form part of the above Bill but is intended to
explain its purport)*

The Bill seeks to amend the Agricultural Research Council of Nigeria Act 1990 to, among other things, provide for the:

- 1.-(a) Reconstitution of the membership of the Board of the Council;
- (b) Appointment of Deputy Executive Secretaries and Assistant Executive Secretaries;
- (c) Conditions of service of staff to be as applicable in the universities;
- (d) Powers of the Council to advise the Vice Chancellors on the appointment of Directors of agricultural research institutes established under university statutes;
- (e) Establishment of Federal Colleges of Agriculture under the Act and placing them under the control of the Council;
- (f) Powers of the Council, after consultation with the Minister, to incorporate spin off companies in Institutes and Colleges;
- (g) Establishment of the National Centre for Agriculture Mechanization, National Centre for Genetic Resources and Bio-technology, Federal Colleges of Co-operatives and Federal Colleges of Land Resources Technology under the Act and placing them under the control of the Council;
- (h) Dissolution of the governing boards of all the Research Institutes established under the Act and for the Board of the Council to exercise control and powers over all the research institutes so established; and
- (i) Repeal of the National Agricultural Research Institutes Act 1964 and the Research Institutes (Establishment, etc.) Order 1975 and the transfer of staff of the Institutes to the Council.

2. The provisions relating to the Board of the Council shall *mutantismutandi*, apply to all the research institutes and colleges so established.

NATIONAL AGRICULTURAL DEVELOPMENT FUND
(ESTABLISHMENT).BILL, 2019
ARRANGEMENT OF SECTIONS

Section:

PART I - ESTABLISHMENT OF NATIONAL AGRICULTURAL
DEVELOPMENT FUND

1. Establishment of the National Agricultural Development Fund
2. Establishment of the Governing Board
3. Qualification
4. Tenure
5. Cessation
6. Allowances
7. Dissolution

PART II - FUNCTIONS OF THE FUND AND POWERS OF THE BOARD

8. Functions of Fund
9. Powers of Board

PART III-APPOINTMENT OF EXECUTIVE SECRETARY AND OTHER STAFF

10. Appointment of Executive Secretary
11. Other Staff

PART IV - FINANCIAL PROVISIONS

12. Fund
13. Expenditure
14. Annual Accounts and Estimates
15. Annual Report, Audited Accounts and Auditor's Report
16. Gifts to the Fund
17. Power to Borrow

PART V - LEGAL PROCEEDINGS

18. Time within which to sue
19. Service of Documents
20. Restriction on execution against property of the Fund

21. Indemnity of Members and employees

PART VI - MISCELLANEOUS

22. General Directives by President

23. Minister's Direction

24. Power to make Regulations

25. Fixing of Seal

26. Interpretation

27. Short Title

SCHEDULE

FOR

Sponsored by Senator Abdulahi Adamu

[] Commencement

1 PART I - ESTABLISHMENT OF THE NATIONAL AGRICULTURAL
2 DEVELOPMENT TRUST FUND AND THE GOVERNING BOARD

(2) The Fund shall be a body corporate with perpetual succession and a common seal and may-

(a) may sue and be sued in its Corporate name ;and

(b) may hold and dispose its property whether movable or immovable.

12 (2) The Board shall consist of-

14 (b) one representative each of the followings-

16 (ii) Federal Inland Revenue Service,

18 (iv) National Food Reserve Agency,

20 (vi) the organised private sector to represent special interest;

21 (c) two persons to represent the Federal Ministry of Agriculture

1 and Water Resources;

2 (d) one person from each of the six geopolitical zones; and

3 (e) the Executive Secretary.

4 (3) The Chairman and members shall be appointed by the President
5 on the recommendation of the Minister.

6 (4) The President may vary the composition of the Board after
7 consultation with the Minister.

8 (5) The Performance of the functions or exercise of the powers of the
9 Board shall not be affected by reason of there being a vacancy in the
10 membership of the Board.

11 (6) The appointment of a member shall not be invalidated by reason of a
12 defect or irregularity in or in connection with his nomination or appointment.

13 (7) Member, other than ex-officio, shall be part-time members.

14 (8) The supplementary provisions set out in the Schedule to the Act
15 shall have effect with respect to the proceedings of the Board and other matters
16 contained therein.

Qualifications
of Members

17 3.-(1) The Chairman and members shall hold the following
18 qualifications-

19 (a) Finance as it relates to agriculture, agricultural policy formulation
20 and implementation; or

21 (b) economics as it relates to agriculture, agricultural policy and
22 implementation.

Tenure of
Members

23 4.-(1) A member other than ex-officio-

24 (a) shall hold office for a term four years and no more; or

25 (b) may hold office on terms and conditions as may be specified in his
26 letter of appointment.

27 (2) A member may at any time be removed from office by the
28 President for inability to discharge the functions of his office (whether arising
29 from infirmity of mind or body) or if the President considers that it is not in the
30 interest of the Fund or the Public for such member to continue in office.

1	5.-(1) A member may cease to hold office if-	Cessation of Membership
2	(a) he is without permission of the Board absent for more than three	
3	consecutive meetings of the Board or without such permission is absent	
4	from the country for a period exceeding one year;	
5	(b) in case of a professional who is disqualified or suspended (other	
6	than at his own request) from practicing his profession in any part of Nigeria	
7	by the order of any competent authority.	
8	(c) A person shall cease to be a member if he-	
9	(i) becomes bankrupt; or	
10	(ii) is guilty of serious misconduct in relation to his duties; or	
11	(iii) is convicted of a felony or any offence involving dishonesty.	
12	(2) A member may at anytime resign his membership-	
13	(a) by giving notice in writing through the Minister to the President	
14	and the resignation becomes effective from the date specified in the notice;	
15	and	
16	(b) if no date is specified, from the date of the receipt of the notice	
17	by the President.	
18	(3) Where a member ceases to hold office for any reason	
19	whatsoever before the expiration of his term of office, the President after	
20	consulting the Minister may appoint another person for the unexpired term.	
21	7. Member shall be paid such allowances as the Federal	Allowances of Member
22	Government may from time to time direct.	
23	PART II - FUNCTIONS OF THE FUND AND POWERS OF THE BOARD	
24	8. The Fund shall-	Functions of the Fund
25	(a) provide finance to support Agricultural development in Nigeria	
26	taking into consideration the need to provide food production and food	
27	security in Nigeria;	
28	(b) provide finance for the implementation of Agricultural policies	
29	and to strengthen Agriculture Institutions within the framework on national	
30	priorities and strategies;	

1 (c) provide funds for on-lending to farmers and corporate bodies
2 through appropriate financial institutions including microfinance banks,
3 cooperative societies, organisations, farmer groups and institutions on
4 appropriate soft terms;

5 (d) provide finance primarily for the establishment special
6 Agricultural zones in the six geo-political zones as specified in schedule 2 to
7 this Act to boost food production system in Nigeria;

8 (e) provide financial support in the form of grant for research,
9 training, market information systems and agricultural extension service in
10 research institutes, universities and Ministries;

11 (f) provide emergency Fund for Agriculture-Finance and intervention
12 for the control of trans-boundary animal disease outbreak;

13 (g) participate in the effort to build rural access to financial service
14 through microfinance by creating linkages between upstream financial centre
15 (including private-sector groups) and local organization's serving rural poor
16 peoples;

17 (h) assist the efforts of donor institutions to increase food and
18 agricultural production as well as that organisation's technical competence and
19 experience in this field; and

20 (i) engage in such activities and perform such functions as this act
21 may confer or as the president may, after consultation with the Minister, permit
22 or assign to it.

Powers of the
Board

23 **9.** The Board shall have power to-

24 (a) make regulations for the management of the fund with the
25 approval of the Minister;

26 (b) approve the annual budget of the Fund;

27 (c) approve all grants for agricultural research, training and
28 development;

29 (d) approve loan for agricultural investment subject to section 8 (b) of
30 this Act;

- 1 (e) review and monitor the activities of the Fund;
- 2 (f) approve payment to persons employees by the Fund such
- 3 remuneration and allowances);
- 4 (g) give report on all activities of the Fund on the quarterly basis
- 5 through the Minister to the President;
- 6 (h) specify the manner in which assets of the Fund are to be held
- 7 and regulate payment into and out of the Fund;
- 8 (i) specify the manner for the timely disbursement and recovery
- 9 (where necessary) of loans;
- 10 (j) require the keeping of proper accounts and records for the
- 11 purposes of the fund in such form as may be specified in the rules;
- 12 (k) require the accounts of the Fund to be audited periodically by
- 13 the Auditor-General of the Federation;
- 14 (l) ensure the submit of copies of the accounts and the auditor's
- 15 report thereon to the Federal Executive Council through the Minister;
- 16 (m) monitor the execution of projects; and
- 17 (n) carry out such other activities as may be incidental to the
- 18 discharge of its function under this Act.

19 PART III - APPOINTMENT OF THE EXECUTIVE SECRETARY AND

20 OTHER STAFF

- 21 **10.-(1)** There shall be for the fund an Executive Secretary who
- 22 shall be appointed by the President on the recommendation of the Minister.
- 23 (2) The Executive Secretary shall be a person who in the opinion of
- 24 the Minister has acquired cognate experience in any of the following
- 25 disciplines-
- 26 (a) agricultural finance;
- 27 (b) economics;
- 28 (c) agricultural policy formulation and implementation.
- 29 (3) The Executive Secretary shall be the Chief Executive of the
- 30 Fund, and is responsible for the day-to-day administration of the Fund

Appointment of
the Executive
Secretary, etc.

1 subject to the general directions of the Board.

2 (4) The Executive Secretary shall-

3 (a) hold office for a term of five years and no more; or

4 (b) on such terms and conditions as are specified in his letter of
5 appointment.

6 (5) Notwithstanding, the provision of subsection (4) of this section,
7 the Executive Secretary may be removed from office by the President -

8 (a) for inability to discharge the functions of his office (whether
9 arising from infirmity of mind or body or any other cause) or for misconduct, or

10 (b) if he is satisfied that it is not in the interest of the service or the
11 public for him to continue in office.

12 (6) The Executive Secretary may resign his appointment by a letter to
13 the President through the Minister.

14 (7) The Board may deploy or appoint for the Fund other employees
15 upon such terms and conditions as may be determined by the Board.

16 (8) Service in the Fund shall be approved service for the purpose of
17 the Pension Reform Act.

18 P ART IV - FINANCIAL PROVISIONS

Account

19 **11.** -(1) The Fund shall establish and maintain an account from which
20 shall be defrayed all expenditure incurred by the Fund.

21 (2) There shall be paid into the account established in subsection 1 of
22 this section the following-

23 (a) take off grant provided by the Federal Government; .

24 (b) 0.5% of the Natural Resource Development Fund;

25 (c) 5% of profit after tax of each commercial bank in Nigeria;

26 (d) 5% of the petroleum profit tax;

27 (e) 50% of the duty levied on imported Rice, Wheat, Sugar and Milk;

28 (j) monies appropriated by the National Assembly.

Expenditure

29 **12.** The Board may from time to time, apply the proceed of the
30 account established in section 12(1) of this Act to-

- 1 (a) the cost of administration of the Fund;
- 2 (b) the payment of the allowances and benefits of members and for
- 3 reimbursing members of any Committee set up by the Board for such
- 4 expenses as may be expressly authorised by the Board;
- 5 (c) the payment of salaries, remuneration or allowances, pensions
- 6 and other benefits payable to the officers, and other employees of the Fund,
- 7 but no payment of any kind under this paragraph (except such as may be
- 8 expressly authorised by the Board) shall be made to any person who is in
- 9 receipt of emolument from the Federal or State Government; and
- 10 (d) the development and maintenance of any property vested in or
- 11 owned by the Fund.

12 **13.**-(1) The Fund shall keep accounts in respect of each year and
13 proper records in relation to those accounts and shall cause to be prepared in
14 each year-

Annual Accounts
and Estimates

- 15 (a) a statement showing the income and expenditure of the Fund for
- 16 the preceding year; and
- 17 (b) a statement of all assets and liabilities of the Fund as at the last
- 18 day of the immediate preceding year.

19 (2) The Fund shall cause every statement prepared under this
20 Section to be audited within six months after the end of the year to which the
21 statement relates by auditors appointed from the list and in accordance with
22 the guidelines supplied by the Auditor-General of the Federation.

23 (3) The Fund shall submit to the Minister, not later than 31st
24 August in each year, as estimate of its expenditure and income during the
25 next succeeding year.

26 **14.**-(1) The Fund shall prepare and submit to the Minister not later
27 than six months after the end of the year a report, in such form as the Minister
28 may direct, on the activities of the Fund during the immediate preceding
29 year and shall include in the report a copy of the audited accounts of the Fund
30 for that year and auditor's report thereon.

Annual Report,
Audited Accounts
and Auditor's
Report

	1	(2) The Minister shall submit a copy of each report made to him under
	2	this section to the Federal Executive Council.
Powers to accept gifts	3	16. -(1) The Fund may accept any gift of land, money or other property
	4	on such terms and conditions, if any, as may be specified by the person or
	5	organisation making gift.
	6	(2) The Fund shall not accept any gift if the conditions attached by the
	7	person or organisation offering the gift are inconsistent with functions and
	8	objectives of the Fund.
Power to borrow	9	18. -(1) The Fund may, from time to time, borrow by way of overdraft
	10	or otherwise such sums as it may require for the performance of its functions
	11	under this Act.
	12	(2) The Fund shall not, without the approval of the Minister, borrow
	13	money which exceeds at any time, the amount set by the Government as the
	14	limit of the authority of the Fund.
	15	(3) Where the sum to be borrowed is in foreign currency, the Fund
	16	shall seek and obtain the approval of the Minister through the Board.
	17	PART V - LEGAL PROCEEDINGS
Limitation against suit	18	19. -(1) No suit shall be instituted-in any court against the Fund or its
	19	employee unless it is commenced-
	20	(a) within three months next after the act, neglect or default
	21	complained of; and
	22	(b) in the case of continuation of damage or injury, within three
	23	months next after the ceasing thereof.
	24	(2) No suit shall commence against the Fund before the expiration of a
	25	period of one month after written notice of the intention to commence the suit
	26	shall have been served on the Fund by the intending plaintiff or his agent and the
	27	notice shall clearly state-
	28	(a) cause of action;
	29	(b) particulars of claim;
	30	(c) the name and place of abode of the intending plaintiff; and

1 (d) the relief which he claims.

2 **20.** A notice referred to in Section 18(2) of this Act, summons or Service of
3 other documents required or authorised to be served on the Fund under this Documents
4 Act or any other law or enactment may be served by-

5 (a) delivering it to the office of the Executive Secretary; or

6 (b) by sending it by registered post addressed to the Executive
7 Secretary or the principal office of the Fund.

8 **21.**-(1) In any action or suit against the Fund, no execution or Restriction on
9 attachment of process in any nature thereof shall be issued against the Fund Execution
10 unless not less than three months' notice of the intention to execute or attach
11 has been given to the Fund.

12 (2) Any sum of money maybe which by the judgement of any court
13 awarded against the Fund ought to subject to any direction given by the court
14 where no notice of appeal against the judgement has been given, be paid
15 from the account of the Fund.

16 **22.** A member, the Executive Secretary or any employee of the Indemnity
17 fund shall be indemnified out of the asset of the Fund against any liability
18 incurred by him in defending any proceeding, whether civil or criminal, if
19 any such proceeding is brought against him in his capacity as a member,
20 Executive Secretary or employee of the Fund.

21 PART VI - MISCELLANEOUS

22 **23.** Subject to the provisions of this Act, the President may give to Directives
23 the Fund directives of a general nature or relating generally to matters of
24 policy with regard to the performance by the Fund of its functions and it
25 shall be the duty of the Fund to comply.

26 **24.** Subject to he provision of this Act, the Minister may give to the Direction by the
27 Board directions of general nature relating to matters of policy with regard Minister
28 to the exercise by the Board of its functions and the Board shall comply with
29 such directions.

Power to make Regulations 1 **25.** The Minister may make regulations generally for the purpose of
2 giving full effect to this Act.

Fixing of seal 3 **26.** The fixing of the seal of the Fund shall be authenticated by the
4 signature of the Executive Secretary and the Secretary.

Interpretation	5	27. In this Act-
	6	"Board" means the Governing Board of the Fund established by section 2 of
	7	this Act;
	8	"Chairman: means the Chairman of the Board;
	9	"Functions" includes power and duty;
	10	"Fund" means the Fund established by section 1 (1);
	11	"Executive Secretary" is the Chief Executive of the Fund and Chairman of the
	12	Management Committee;
	13	"Member" means an individual representing an organization or institution in
	14	(the Board and includes the Chairman and Executive Secretary);
	15	"Minister" means the Minister charged with responsibility for matters relating
	16	to Agriculture.

Short title t 17 **28.** This Bill may be cited as the National Agricultural Development
18 Fund (Establishment) Bill, 2019.

SCHEDULE (1)

SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS OF

THE BOARD

I. Before appointing a person as a member, the Minister shall satisfy himself that, that person will have no such interest or owe such allegiance as likely to affect prejudicially the discharge by him of his functions as a member and that he has no such interest; and any person who is or whom the Minister proposes to nominate as a member shall, whenever requested by the Minister considers necessary for the performance by the Minister of his duties under this Act.

29 2.-(1) Subject to this Act and Section 27 of the Interpretation Act
30 (which provides for the decisions of a statutory body to be taken by a majority

1 of the members of the body and for the persons presiding to have a second or
2 casting vote), the Board may make standing orders regulating its
3 proceedings or of any committee thereof.

4 (2) The quorum at a meeting shall be a third of the members of the
5 meeting.

6 3.-(1) The Board shall meet not less than three times in each year
7 and subject thereto, the Board shall meet whenever it is summoned by the
8 Chairman, and if the Chairman is required to do so, by notice to him by not
9 less than seven members, he shall summon a meeting of the Board to be held
10 within seven days from the date on which the notice is given.

11 (2) At any meeting of the Board, the chairman shall preside but if he
12 is absent, the members present at the meeting shall elect one of their
13 members to preside provided there is a quorum.

14 4. Where the Board wishes to obtain the advice of any person on
15 any particular matter, the Board may invite any person as it thinks fit, but any
16 person who is invited by virtue of this sub-paragraph shall not be entitled to
17 vote at any meeting of the Board and shall not count towards a quorum.

18 5.-(1) The Board may appoint one or more committees to carry out,
19 on behalf of the Board, such of its functions as the Board may determine.

20 (2) Every Committee appointed under this paragraph shall consist
21 of such number of persons as may be determined by the Board and not more
22 than one third of those persons may be persons who are not members of the
23 Board.

24 (3) A decision of a Committee of the Board shall be of no effect
25 until it is ratified by the Board.

26 6.-(1) Where member has an interest in any application for loan for
27 loan for any project made or proposed by any beneficiary shall disclose his
28 interest at a meeting of the Board.

29 (2) Such disclosure shall be recorded in the minute of the meeting
30 and the member shall not take part after such disclosure in any deliberation

- 1 or decision of the Board with regard to that particular subject matter in respect
- 2 of which his interest was disclosed.

EXPLANATORY MEMORANDUM

The Bill establishes the National Agricultural Development Fund for the purposes of providing funding for agricultural development.

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL FOOD RESERVE AGENCY AND FOR
MATTERS CONNECTED THEREWITH

Sponsored by Senator Abdullahi Adamu

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows:

1 PART I - C ESTABLISHMENT OF THE NATIONAL FOOD RESERVE

2 AGENCY AND THE GOVERNING BOARD

3 1.-(1) There is established a body to be known as National Food
4 Reserve Agency (in this Act referred to as "the Agency").

Establishment
of the National
Food Reserve
Agency

5 (2) The Agency shall-

6 (a) be a body corporate with perpetual succession, have a common
7 seal; and

8 (b) capable of suing and being sued in its corporate name.

9 2.-(1) There shall be for the management of the Agency a
10 Governing Board (in this Act referred to as "the Board").

Establishment
and membership
of the Governing
Board

11 (2) The Board shall consist of-

12 (a) a Chairman;

13 (b) one representative each of the following Federal Ministries and
14 Agencies and shall not be below the rank of a Director-

15 (i) Agriculture and Water Resources,

16 (ii) Finance,

17 (iii) Commerce and Industry,

18 (iv) Agricultural Research Council of Nigeria,

19 (v) National Agricultural Seeds Council,

20 (c) one representative each from the six geo political zones of the

	1	Federation to be appointed in rotation among States of the geo political zone;
	2	and
	3	(d) the Director General.
	4	(3) Members, other than ex officio shall be appointed by the President
	5	on the recommendation of the Minister.
	6	(4) The appointment of a member shall not invalidate any decision by
	7	reason of a defect or irregularity in his appointment.
	8	(5) After consultation with the Minister, the President may vary the
	9	composition of the Board.
Schedule	10	(6) The supplementary provisions set out in the Schedule to this Act
	11	shall have effect with respect to the proceedings of the Board and other matters
	12	contained therein.
Qualifications of Members	13	3.-(1) The Chairman and members shall hold the following
	14	qualifications-
	15	(a) cognate experience and proven capacity in agricultural policy
	16	formulation and implementation;
	17	(b) finance and economics as it relates to agriculture, administration
	18	or organization of the affairs of any department of the Ministry of Agriculture
	19	and Water Resources; and
	20	(c) persons of proven integrity, ability and vast knowledge and
	21	experience in their respective endeavours.
Tenure of office	22	4. Subject to the provisions of section 5 of this Act, a member other
	23	than ex officio shall hold office-
	24	(a) for a term of four years and no more; and
	25	(b) on any other terms and conditions as may be specified in the letter
	26	of appointment.
Cessation of membership	27	5.-(1) A person shall cease to hold office as a member if-
	28	(a) he becomes bankrupt, suspend payments or compounds with his
	29	creditors;
	30	(b) he is guilty of a serious misconduct in relation to his duties; or

1 (c) he is convicted by a court of law of a felony or any offence
2 involving dishonesty or frauds;

3 (d) he becomes of unsound mind, or incapable of carrying out his
4 duties;

5 (e) in the case of a qualified professional, he is disqualified or
6 suspended, other than at his own request, from practicing his profession in
7 any part of the world by an order of a competent authority made in respect of
8 that matter;

9 (f) he resigns his appointment by a letter addressed to the President
10 through the Minister; or

11 (g) he without permission of the Board is absent for more than three
12 consecutive meetings of the Board or without such permission is absent
13 from the country for a period exceeding one year.

14 (2) If a member ceases to hold office for any reason whatsoever,
15 before the expiration of the term for which he is appointed, another person
16 representing the same interest as that member shall be appointed to the
17 Board for his unexpired term.

18 (3) A member may be removed by the President if he is satisfied
19 that it is not in the interest of the Agency or in the interest of the public that
20 the member continues in office.

21 PART II - FUNCTIONS AND POWERS OF THE AGENCY

22 **6. The Agency shall-**

Functions of the
Agency

23 (a) implement the overall National Food Reserve Policy to ensure a
24 reliable supply of designated commodities and meet local short falls in the
25 supply of the designated agricultural commodities in the country;

26 (b) reduce post harvest losses by construction and management of
27 silos, warehouses and other suitable storage facilities to be installed at such
28 places and ensure the maintenance, availability and functionality of all
29 plants, equipment and ancillary facilities within the country that are, in the
30 opinion of the Minister, strategic and suitable for storage;

1 (c) facilitate and provide guidelines for the establishment and
2 maintenance of buffer stock by all states of the federation including the Federal
3 Capital Territory in order to ensure price stabilisation and food security and
4 correct problems relating to the supply of designated commodities;

5 (d) meet such other food emergencies caused by drought or flood, or
6 by such other natural disaster, as may be declared by the President;

7 (e) promote and ensure compliance to standard and grades of
8 agricultural produce so as to encourage uniformity in quality of produce, in
9 association with the relevant agencies and as provided for in Weight and
10 Measures Act and Standards Act;

11 (f) facilitate the establishment of a National Agricultural Market
12 Information System for each designated commodity operated by the Agency
13 for the benefit of the consumer and any person engaged in the production,
14 marketing, and processing of that commodity;

15 (g) to perform fertilizer regulatory and quality assurance functions as
16 well as develop strategy to enable the private sector take full responsibility for
17 fertilizer procurement and distribution to farmers;

18 (h) build capacity of farmer groups and cooperatives to improve
19 access to agriculture support services and facilitate participation development
20 in each Local Government Area including the Federal Capital Territory;

21 (i) encourage private sector investment in agriculture produce
22 processing through establishment of cottage industries, export conditioning
23 centres and agro industrial parks;

24 (j) ensure affordable mechanisation services to Nigerian farmers
25 through improved Public Private Partnerships in the provision of tractor and
26 farm machinery services;

27 (k) collaborate with national and international agencies to promote
28 agricultural development and coordinate donor sponsored agricultural
29 development programmes and projects implementation in the 36 States of the
30 Federation and the Federal Capital Territory;

1 (l) enhance agriculture extension delivery service through the
 2 training of unemployed graduates as Advisory Service Providers and train
 3 unemployed youths in all areas of agriculture to enable them become self
 4 employed; and

5 (m) promote commercialisation of agricultural production systems
 6 through Public Private Partnerships and facilitate the provision of enabling
 7 environment for sustainable commercial agricultural development.

8 7.-(1) The Board shall have power to-

Powers of the
Board

9 (a) manage and superintend the affairs of the Agency and subject to
 10 the provisions of this Act, make, alter and revoke rules and regulations for
 11 carrying on the functions of the Agency;

12 (b) fix the terms and conditions for service including remuneration
 13 of the employees of the Agency in consultation with relevant Government
 14 Agencies;

15 (c) establish such number of committees as it deems necessary for
 16 the efficient performance of the Agency; and

17 (d) do such other thing which in the opinion of the Agency are
 18 necessary to ensure the efficiency performance of the functions of the
 19 Agency.

20 (2) Notwithstanding anything to the contrary in this act, the
 21 Minister shall exercise all the powers of the Board where:

22 (a) the Board has not been constituted;

23 (b) the Board has been dissolved.

24 (3) Any action taken or decision reached in compliance with the
 25 provisions of subsection 2 of this section shall be valid.

26 8. The President may after consultations with the Minister give to
 27 the Board such directives of a general nature with respect to the performance
 28 of any function of the Agency

General Directives

29 PART III - ESTABLISHMENT OF ZONAL OFFICES

30 9.-(1) There shall be established in each zone as demarcated and

Establishment
of Zonal Offices

1 delineated by the Minister an office (in this Act referred to as "Zonal Office").

2 (2) The Zonal Office shall-

3 (a) be headed by a secretary who shall be responsible for
4 implementing the Agency's programmes in its area of operation;

5 (b) produce quarterly reports which shall be sent to the office of the
6 Director General;

7 (c) be accountable to the Agency for all funds accruing to it for
8 purposes of discharging its functions under this Act; and

9 (d) perform other duties as may be assigned by the Director General.

10 (3) The secretary may delegate in writing to any employee his powers
11 or functions under this Act, as he may deem appropriate, but the delegation
12 under this section, shall not prevent the exercise by the secretary of the power
13 so delegated.

14 PART IV - APPOINTMENT OF DIRECTOR GENERAL AND OTHER STAFF

Appointment,
qualification and
tenure of office
of the Director-
General

15 **10.**-(1) There shall be appointment for the Agency a Director General
16 who shall be responsible for the management of the Agency and its day to day
17 administration.

18 (2) The Director General who shall be a person knowledgeable in
19 agriculture and having the requisite cognate experience shall be appointed by
20 the President on the recommendation of the Minister.

21 (3) The Director General shall be-

22 (a) the Chief Executive and Accounting officer of the Agency; and

23 (b) perform such other functions as the Board may from time to time
24 direct.

25 (4) The Director General shall hold office for a term of five years and
26 no more.

27 (5) If for any reason the Director General is unable to perform his
28 functions or carry out his duties, or there exist a vacancy in the office of the
29 Director General, the Board may designate an employee of the Agency who is
30 next in rank to the Director General to act as the Director General during the

1 period of this inability or vacancy until a Director General is appointed in
2 accordance with the provisions of this Act and the employee shall while so
3 acting, have all the powers and performs all the functions of the Director
4 General.

5 11.-(1) The Board on the recommendation of the Director General Establishment
6 may establish such number of departments for the effective and efficient of Departments
7 discharge of the functions of the agency.

8 (2) Each department shall be headed by a Director.

9 (3) Every department shall be assigned responsibilities from time
10 to time as the Director General may direct.

11 (4) The principal officers of the Agency shall be the Director
12 General, heads of departments and zonal secretaries

13 12.-(1) The Board shall appoint for the Agency a Secretary/Legal Appointment,
14 Adviser who shall be a legal practitioner and shall have been so qualified for qualification and
15 a period of not less than ten years. functions of the
Secretary/Legal
Adviser

16 (2) The Secretary/Legal Adviser shall-

17 (a) be Secretary to the Board;

18 (b) be responsible for keeping the books and proper records of
19 proceedings and correspondences of the Board and the upkeep of the
20 records of the Agency;

21 (c) administer and discharge all legal obligations of the Agency;

22 (d) administer and discharge all insurance requirements of the
23 Agency;

24 (e) retain external legal services on behalf of the Council as he may
25 deem necessary or expedient; and

26 (f) perform such other functions as the Board or the Director
27 General as the case may be, may from time to time, assign to him.

28 13. The Board may deploy or appoint for the Agency other Appointment of
29 employees upon such terms and conditions as may be determined by the other staff
30 Board.

Service in the
Agency to be
pensionable
No. 2, 2004

1 **14.** Service in the Agency shall be approved service for the purpose of
2 the Pension Reform Act.

3 PART V - FINANCIAL PROVISION

Fund of the
Agency

4 **15.**-(1) The Agency shall establish and maintain a fund from which
5 shall be defrayed all expenditure incurred by the Agency.

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

8 (a) any allocation to the Agency from the Federation Account;

9 (b) such monies as may, from time to time be granted or lent to the
10 Agency by the Federal Government or a State Government or a Local
11 Government Council;

12 (c) such money as may, from time to time, be granted or received
13 from-

14 (i) the organized private sector,

15 (ii) international or donor organizations and non governmental
16 organizations,

17 (iii) all monies raised for the purposes of the Agency by way of gift,
18 loan, grant in aid, testamentary disposition or otherwise,

19 (iv) all other assets that may, from time to time accrue, to the Agency.

20 (d) whole or part of the Natural Resource Development Fund as may
21 be approved from time to time by the President.

Expenditure of
the Agency

22 **16.** The Agency shall from time to time, apply the proceeds of the fund
23 established pursuant to section 17 of this Act-

24 (a) to the cost of administration of the Agency;

25 (b) for reimbursing members of the Board or any committee set up by
26 the Board for such expense as may be authorized by the Board in accordance
27 with the rates approved by the Federal Government;

28 (c) for the payment of salaries, fees or other remuneration or
29 allowances, pension and other retirement benefits, payable to the employees of
30 the Agency;

1 (d) for the maintenance of any property acquired or vested in the
2 Agency; and

3 (e) for and in connection with all or any of the functions of the
4 Agency under this Act.

5 17.-(1) The Board shall, not later than 30th September each year
6 submit to the Minister an estimate of the expenditure and income of the
7 Agency during the next proceeding year

Annual estimate
and expenditure

8 (2) The Agency shall keep proper account in respect of each
9 financial year and shall cause the accounts to be audited not later than 6
10 months after the end of each financial year by auditors appointed from the
11 list and in accordance with the guidelines supplied by the Auditor General of
12 the Federation

13 18. The Agency shall submit to the Minister not later than 30th
14 June each year, a report, in such form as the Minister may direct on the
15 activities of the Agency during the immediate proceeding year, and shall
16 include in the report a copy of the audited accounts of the Agency for that
17 financial year and the auditors report thereon.

Annual report

18 19. The Agency may with the consent of the Minister, borrow on
19 such terms and conditions as the Agency may determine, such money
20 required for the carrying out its functions.

Power to borrow

21 20.-(1) The Agency may accept any gift, grant or donation from
22 any person upon such terms and conditions specified by the person making
23 the gift, grant or donation.

Gift to the Agency

24 (2) The Agency shall not accept any gift, grant under subsection (1)
25 of this sections if the conditions attached thereto are inconsistent with the
26 functions of the Agency under this Act.

27 21.-(1) The Agency shall establish a Guarantee Reserve Fund into
28 which shall be paid, from time to time such sum as will maintain the credit
29 balance of such Fund at an amount not less than one quarter of the total of the
30 money which the Agency is liable for the time being to be called upon to pay

Guarantee
Reserve Fund

1 under guarantee given by the Minister.

2 (2) Subject to the provision of section (3), the money in the Guarantee
3 Reserve Fund shall be applied solely to meet the obligations incurred by the
4 Agency under any guarantee.

5 (3) Nothing in subsection (2) shall prevent the Agency transferring
6 from the Guarantee Reserve Fund to any of its accounts the sum by which the
7 credit from time to time maintained under subsection (1).

General Reserve
Fund

8 **22.**-(1) In addition to the Guarantee Reserve Fund, the Agency shall
9 establish and maintain a General Reserve Fund and shall, subject to any
10 directions given by the Minister under subsection (3), pay into such Fund any
11 net profit earned by the Agency.

12 (2) The Guarantee Reserve Fund shall be applied to indemnify any
13 loss or deficiency which may occur in any transaction of the Agency, other than
14 that those for which the Guarantees Reserve Fund is available.

15 (3) The Minister with the concurrence of the Auditor General of the
16 Federation, may give direction to the Agency as to the balance to be maintained
17 in the General Reserve Fund and where such directions are given, the Agency
18 shall not be required to pay any of its net profits into the fund whereby the
19 balance thereof would exceed the amount directed by the Minister with the
20 concurrence of the Auditor General.

Power to invest

21 **23.** Money of the Agency not immediately required for the purposes
22 of the Agency may in consultation with the Accountant General of the
23 Federation be invested.

Execution of
documents

24 **24.** All deeds, instruments contract and other documents shall be duly
25 executed by or on behalf of the Agency if-

26 (a) if appended with the seal of the Agency and signed by two
27 members of the Board thereof;

28 (b) executed in that behalf by one member of the Board and a member
29 of the Agency both of whom have been appointed by the Board for the purpose.

1	25. The Agency shall purchase food items either through open	Purchase of
2	bidding, commodity exchange or contract growers, however where the	food items
3	Government so desires, the Agency shall purchase food items through	
4	guaranteed minimum price scheme.	
5	26. -(1) The Agency shall release food stock under commercial	Release of food
6	purpose or Government intervention.	stock
7	(2) Release under commercial purposes shall be conducted	
8	through an open competitive bidding process and or Abuja Securities and	
9	Commodity Exchange.	
10	(3) Release under Government intervention shall be at the price	
11	determined by the Government, however, the Government shall reimburse	
12	the Agency at a price not less than the cost of stocking	
13	27. -(1) Any person who knowingly misrepresents the grade of	Penalties
14	designated commodity contrary to established standards shall be guilty of an	
15	offence and shall be liable upon conviction to a fine of not less than	
16	N100,000 as well as the forfeiture of the commodity.	
17	(2) Any person who fails to pay the fine imposed under subsection	
18	(1) of this section within two weeks shall in addition to that penalty be	
19	prohibited from participating in the marketing or processing of any	
20	designated commodity for a period not exceeding three years.	
21	28. -(1) No suit shall lie or be instituted in any court against the	Time within
22	Agency or any member of the staff of the Agency-	which to sue
23	(a) for any act done in pursuant or execution of any enactment or	
24	law or of any public duties of the Agency, or	
25	(b) in respect of alleged neglect or default in the execution of any	
26	enactment or law, duties or authority, unless it is commenced within three	
27	months next after the act, neglect or default complained of and in the case of	
28	a continuance of damage or injury, within twelve months next after	
29	cessation.	
30	(2) Without prejudice to the Constitution-	

	1	(a) no suit shall be commenced against the Agency before expiration
	2	of a period of one month after written notice of intention to commence the suit
	3	shall have been served upon the Agency by the intending plaintiff or his Agent;
	4	(b) the notice shall clearly and explicitly state the cause of action, the
	5	particulars of the claim, the name and place of abode of the intending plaintiff
	6	and the relief which he claims.
Service of document	7	29. The notice referred to in section 28(2) of this Act and any
	8	summons, notice or other documents required or authorized to be served upon
	9	the Agency shall be served by delivering same to the Director General of the
	10	Agency, or sending it by registered post addressed to the Director General at
	11	the headquarters of the Agency.
Power to prosecute	12	30. The Agency may, with the consent of the Attorney General of the
	13	Federation institute legal proceedings against any person that contravenes the
	14	provision of this Act.
Declaration of national food emergency	15	31. -(1) The President may declare a National Food Emergency if in
	16	his opinion, there is a major short fall in the domestic production or availability
	17	of designated food items.
	18	(2) Whenever the President declares a National Food Emergency
	19	under subsection (1), the powers of the Board under this Act shall vest in the
	20	Minister.
	21	(3) The Minister shall exercise the powers of the Board, during the
	22	existence of the National Food Emergency and for not more than thirty days
	23	after the end of emergency as declared by the President.
	24	(4) When the Minister exercises the power referred to in subsection
	25	(2) of this Act the Board shall act as Advisory Committee to the Minister.
Power to make regulations	26	32. The Minister with the approval of the President may make
	27	regulation generally for the purpose of giving full effect to this act".
Interpretation	28	33. In this Act, unless the context otherwise requires-
	29	"Agency" means the Agency established by section 1 of this Act;
	30	"Board" means the governing Board of the Agency;

- 1 "Chairman" means the chairman of the Board;
- 2 "Constitution" means Constitution of the Federal Republic of Nigeria, 1999;
- 3 "Director General" means the Director General appointed for the Agency
- 4 under paragraph (e) subsection (2) of section 2 of this Act;
- 5 "Function" includes powers and duties;
- 6 "Minister" means the minister charged with responsibility for matters
- 7 relating to Agriculture and Water Resources.
- 8 "Member of the Board" includes the chairman;
- 9 "President" means President of the Federal Republic of Nigeria.

10 **34.** This Bill may be cited as the National Food Reserve Agency Short title

11 (Establishment, etc.) Bill, 2019.

12 SCHEDULE

13 *Section 2(6)*

14 *Proceeding of the Board*

15 1.-(1) Subject to this Act and section 27 of the Interpretation Act,

16 the Board may make standing regulation on its proceedings or those of any

17 its committees.

18 (2) At any meeting of the Board-

19 (a) six members shall form a quorum, but in determining whether a

20 quorum has been constituted the presence of any person invited to offer

21 opinion or tender documents shall not be considered;

22 (b) the Chairman of the Board or in his absence, the member

23 elected by the members present to act as Chairman, shall preside;

24 (c) all questions shall be decided by a majority of votes of members

25 present and voting but any person invited to attend any meeting of the board

26 by virtue of paragraph (c) subsection (1) of section 24 of this Act shall not be

27 entitled to vote in such meeting ; and

28 (d) the Chairman of the Board or other member presiding has a

29 deliberative vote and, in the event of equality of votes, also has a casting

30 vote.

(3) The Board may, if its thinks fit, transact any of the business by the circulation of papers, and resolution in writing approved in writing by a majority of the members thereof shall be as valid and effectual as if it had been passed at a meeting of the Board by the votes of the members so approving the resolution.

(4) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co opt him to the Board for such a period as it deems fit, but a person who is in attendance by this subparagraph shall not be entitled to vote at any meeting of the Board and shall not count in determining quorum.

11 Committees

12 2.-(1) The Board may appoint one or more committee to carry out on
13 behalf of the Board, such functions as the Board may determine.

(2) A committee constituted under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.

17 (3) A decision of the committee of the Board shall be of no effect until
18 it is confirm by the Board.

19 *Conflict of Interest*

20 3.-(1) If any member of the Board has any beneficial interest in any
21 land or building situate in an area comprised in any project of the Agency, or
22 has any beneficial interest in any company or undertaking with which the
23 Agency proposes to make any contract, or has an interest in any such contract,
24 he shall forthwith disclose to the Board the fact and the nature of such interest,
25 and such disclosure shall be recorded in the minutes of the Board, and
26 thereafter such member shall take no further part in any deliberation or
27 decision of the Board relating to such project or contract.

(2) Any member disclosing any interest in any project or company or undertaking in which the Agency proposes to make any contract shall be disregarded for the purposes of constituting a quorum of the Board for any such

1 deliberation or decision.

2 (3) For the purposes of subsection (1) of this section a general
3 notice given at a meeting of the Board by a member to the effect that he is a
4 member of a specified company or firm and is to be regarded as interested in
5 any transaction or project of the Agency concerning the company or firm,
6 shall be regarded as a sufficient disclosure of his interest in relation to that
7 transaction or project.

8 (4) A member of the Board need not attend in person at a meeting of
9 the Board in order to make any disclosure which he is required to make
10 under this section if he takes reasonable steps to secure that the disclosure is
11 made by notice which is brought up and read at the meeting.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Food Reserve Agency for the purposes of storing food grains and other food commodities for Strategic purposes.

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA
(ALTERATION) BILL, 2019.

ARRANGEMENT OF CLAUSES

1. Alteration of Cap. C23 LFN 2004
2. Alteration of Section 16
3. Alteration of Section 33
4. Citation

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999, CAP. C23 LAWS OF THE FEDERATION OF NIGERIA, 2004 TO MAKE PROVISIONS FOR RIGHT TO FOOD AND FOOD SECURITY IN NIGERIA; AND FOR RELATED MATTERS

Sponsored by Senator Abdulahi Adamu

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- 1 **1.** The Constitution of the Federal Republic of Nigeria, 1999, Cap. C23 Laws of the Federation of Nigeria, 2004 (referred to as “the Principal Act”) is altered as set out in this Bill. Alteration of
Cap. C23 LFN,
2004
- 2
- 3
- 4 **2.-(1)** (a) Section 16 of the Principal Act is altered by deleting in Alteration of
Section 16
- 5 Sub-Section 2 (d) the words “suitable and adequate food” appearing in lines
- 6 1 -2 thereof;
- 7 (b) The Principal Act is altered by inserting a new Section 16 A.
- 8 “16 A (1) The State shall direct its policy towards ensuring that:
- 9 (a) the means of production, conservation and distribution of food
- 10 are upgraded and improved upon on a continuous basis;
- 11 (b) strategies that guarantee food security of the nation in terms of
- 12 availability, accessibility and affordability of food to the citizens are
- 13 initiated, undertaken and implemented; and
- 14 (c) adequate measures are provided to ensure that food security of
- 15 the nation is not compromised by any individual, group or institution, while
- 16 actions that enhance the sustainability of food security are promoted.
- 17 **3.** Section 33 of the Principal Act is altered by inserting Alteration of
Section 33
- 18 immediately after Section 33 (c), a new Section 33 A and its side note to read
- 19 “Right to Food”.

1 “33 A (1) Every person shall have a right to food, which shall be
2 respected, protected and guaranteed by the State, and no one shall be deprived
3 of food under any circumstances.

4 (2) A person shall not be regarded as having been deprived of food in
5 contravention of this Section if the person is:

6 (a) physically fit or able to work or find food or not considered a
7 disadvantaged person or belonging to the vulnerable groups in society;

8 (b) not affected by natural disasters or any socio-economic
9 emergencies affecting the person's livelihood in such a manner as to become
10 the responsibility of government to respond quickly with appropriate
11 measures; or

12 (c) seeking remedies to situations other than food or means of
13 acquiring food directly or otherwise”.

Citation

14 4. This Bill may be cited as the Constitution of the Federal Republic of
15 Nigeria (Alteration) Bill, 2019.

16 EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria,
1999 (as amended) to ensure that the State directs its policy towards food
security, and making rights to food a guaranteed fundamental Human Right in
the Constitution.