

**FORESTRY RESEARCH INSTITUTE OF NIGERIA (ESTABLISHMENT) ACT,  
2018**

**EXPLANATORY MEMORANDUM**

This Act establishes the Forestry Research Institute of Nigeria for forestry research, education and training in Nigeria.

# FORESTRY RESEARCH INSTITUTE OF NIGERIA (ESTABLISHMENT) ACT, 2018

## Arrangement of Sections

### Section:

1. Establishment of Forestry Research Institute of Nigeria.
2. Functions of the Institute.
3. Powers of the Institute.
4. Governing Board of the Institute.
5. Powers of the Board.
6. The Director-General of the Institute.
7. The Provost.
8. Professional discipline.
9. Penalties for unprofessional conduct.
10. Provision of library.
11. Rules and regulations.
12. Funds of the Institute.
13. Bank accounts of the Institute.
14. Power to accept gift.
15. Power to borrow.
16. Annual estimates, accounts and audit.
17. Annual report.
18. Indemnity of members.
19. Legal proceedings and services of summons.
20. Repeal, savings and transitional provisions.
21. Seal of the Institute.
22. Interpretation.
23. Citation.

# FORESTRY RESEARCH INSTITUTE OF NIGERIA (ESTABLISHMENT) ACT, 2018

A Bill

For

**An Act to establish the Forestry Research Institute of Nigeria for forestry research, education and training in Nigeria; and for related matters.**

[ ] Commencement

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

## PART I— ESTABLISHMENT OF THE FORESTRY RESEARCH INSTITUTE OF NIGERIA

1. (1) There is established the Forestry Research Institute of Nigeria (in this Act referred to as "the Institute").

Establishment of  
Forestry Research  
Institute of Nigeria.

(2) The Institute:

(a) is a body corporate with perpetual succession and a common seal which shall be kept in such custody as the Institute may authorise;

(b) may sue and be sued in its corporate name; and

(c) may hold, acquire and dispose of any property, moveable or immovable, in carrying out its duties.

(3) The Headquarters of the Institute shall be in Ibadan with research outstations and colleges in each of the six geo-political zones of the Federation.

2. (1) The functions of the Institute shall be for:

Functions of the  
Institute.

(a) researching, experimentation, sample application and patenting;

(b) innovation and technology dissemination through farming systems and extension services;

(c) the improvement of the genetic resources of forest trees and the ecosystem for economic development;

(d) the improvement of silvicultural practices relating to forest trees of economic importance;

(e) the mechanisation and improvement of the methods of cultivating, harvesting, processing, domestication and

biotechnological mass production of plant stocks of forest trees of economic importance;

- (f) researching into the utilisation strategies of forest products, improvement of same, inclusive of forest and processed mill-wood wastes;
- (g) studying the ecology of pests and diseases of forest trees and their control;
- (h) researching into the development of agro-forestry systems for the integration of forest trees of economic importance into farming systems in different ecological zones and its socio-economic effects on the rural populations;
- (i) forestry education and training through its National and Higher National Diploma awarding tertiary institutions namely:
  - (i) Federal College of Forestry, Ibadan,
  - (ii) Federal College of Forestry, Jos,
  - (iii) Federal College of Wildlife Management, New Bussa, Niger, and
  - (iv) Federal College of Forestry Mechanization, Afaka, Kaduna;
- (k) forestry extension and dissemination;
- (l) researching into the:
  - (i) biodiversity of Nigerian forests in relation to its flora and fauna,
  - (ii) different suitable bio diversity and appropriate methods of control of ecological and environmental problems of the country with respect to desertification, soil erosion and deforestation, inclusive of the conservation, protection and management of the coastal mangrove, watershed and sand-dunes, and

(iii) appropriate application of remote sensing and geographical information systems (GIS) for climate change monitoring and adaptation as well as dendrology studies;

(m) making suitable arrangements for the application of the results of the research work under paragraph (l) (i) by the Federal and State ministries, agencies and private sector for the economic development of Nigeria;

(n) co-operating with relevant Nigerian and international universities, research institutes and other institutions in the mobilisation of the country's research potential on forestry for the task of national development and dissemination of research findings on the issues relating to forestry for the use of policy makers at all levels; and

(n) doing anything and entering into all professional transactions that will enhance proper performance of its functions.

3. (1) The Institute may, with the approval of its supervising Ministry or Board, enter into association or agreement with the competent authorities of any university or other institution of higher learning or recognised international institutions for the purpose of promoting or furthering mutual co-operation in the field of scientific research in respect of which the Board has responsibility under this Act.

Powers of the Institute.

(2) The Institute may, at the written request of any government agency, local government authority or private organisation, train laboratory, field ecology extension and other categories or descriptions of workers relative to their specified fields of research.

(3) Without prejudice to its research functions, the Institute may produce improved seedlings and other planting materials as part of its research and experimental programmes for use of farmers in different ecological zones of the Federation.

(4) The Institute shall, when so requested by the Federal Government, government agencies, States or Local Government authorities or any authorised body, provide information or give advice relating to their specified fields of research.

4. (1) There shall be for the Institute, the Governing Body (in this Act referred to as "the Board") charged with the administration of policies of the Institute.

Establishment of the Governing Board of the Institute.

(2) The membership of the Board shall be evenly distributed among the six geo-political zones of the Federation.

(3) The Board shall consist of:

- (a) a chairman, who is knowledgeable in forestry or related discipline;
- (b) a representative of the Ecological Fund Office;
- (c) a representative of the Supervising Ministry;
- (d) two other members nominated by the President; and
- (e) the Director-General of the Institute.

(4) With the exception of the Director-General, the membership of the Board shall be on part-time basis.

(5) A member of the Board may resign his appointment by a letter addressed to the President, through the Minister, and, if accepted, the resignation takes effect from the date the President receives the letter of resignation.

(6) Members of the Board shall, unless otherwise provided, hold office for a term of four years and may be eligible for another term of four years and no more.

5. (1) The Board shall have the powers to:

Powers of the Board.

- (a) perform all functions conferred on the Institute by this Act;
- (b) formulate policies for the Institute;
- (c) make rules to govern the procedures of its meetings; and
- (d) make recommendation to the Minister on the establishment of specialised colleges in other parts of the country as the need arises.

Schedule.

(2) The provision of the Schedule to this Act shall apply with respect to the proceedings of the Board.

6. (1) The President shall, on the recommendation of the Minister, appoint the Director-General of the Institute.

The Director-General of the Institute.

(2) The Director-General shall be:

- (a) a Research Professor with vast experience in forestry and or related disciplines;
- (b) charged with the day-to-day management of the affairs of the Institute in accordance with such instructions as may be given to him by the Minister, through the Board of the Institute; and

(c) the accounting officer of the Institute;

(3) The Director-General of the Institute shall hold office for a term of four years and may be eligible for re-appointment for another term of four years and no more.

(4) The Board may appoint such other persons as employees of the Institute either by way of transfer or secondment from any of the public service or any university in the Federation or otherwise as it considers necessary.

(5) The Institute shall operate research professorial cadre system for researchers or lecturers and directorate equivalent system for support services staff such as:

(a) the Institute's Secretary for Administration Cadre System;

(b) the Institute's Librarians for Library Cadre System;

(c) the Institute's Accountant for the Account and Finance Cadre System;

(d) the Institute's Auditor for the Audit Cadre System; and

(e) the Head of Procurement for the Procurement Cadre System.

(6) The remuneration, conditions of service and tenure of office of the employees of the Institute shall be determined by the National Income, Salaries and Wages Commission and the Federal Civil Service Commission.

7. (1) The Minister shall, on the recommendation of the Board, appoint a Provost for each of the Colleges of the Institute. The Provost.

(2) The Provost shall:

(a) be a Ph.D holder and possess a minimum experience as a Senior Lecturer in the field of forestry related disciplines;

(b) be charged with the day-to-day management of the College in accordance with such instructions as may be given to him by the Board or Director-General of the Institute;

(c) design research programmes, the formulation and implementation of research proposals relevant to the Institute;

(d) coordinate the training programmes, research and provisions of intellectual leadership;

(e) be responsible for the collation and interpretation of research data and the preparation of scientific reports;

- (f) prepare annual and quarterly reports in respect of his College;
- (g) be responsible for the College development programmes and planning; and
- (h) hold office for a non-renewable term of five years.

(3) The Board shall recommend the removal of the Provost to the Minister if he is found incompetent or incapacitated.

PART II — PROFESSIONAL DISCIPLINE

8. Every staff shall be well acquainted with the disciplinary procedure entrenched in the Public Service Rules, and any other regulation as may be made by the Board.

Professional discipline.

9. Where a staff:

Penalties for unprofessional conduct.

- (a) is judged to be guilty of infamous conduct in any professional respect,
- (b) is found to have contravened the provisions of Public Service Rules, or
- (c) contravenes directives issued as government circulars from the:
  - (i) supervising ministry,
  - (ii) Federal Civil Service Commission,
  - (iii) Office of the Secretary to the Government of the Federation,
  - (iv) Office of the Head of Service, and
  - (v) other Federal Government offices with authority to issue circulars and directives,

the staff shall be subjected to disciplinary measures in accordance with the regulations contained in the Public Service Rules.

PART III — MISCELLANEOUS AND GENERAL PROVISIONS

10. The Institute shall:

Provision of library.

- (a) provide and maintain a library comprising books and publications for the advancement of knowledge of forestry and



(b) for the payment of fees, allowances and benefits of members of the Board;

(c) to the payment for functions of the Institute under this Act or any matter connected to its function;

(d) to meet any capital expenditure of the Institute;

(e) for the payment of salaries, allowances and benefits of officers and other employees of the Institute;

(f) to such reasonable travelling and subsistence allowances of member of the Board, Director-General and other staff in respect of time spent on the duties of the Institute as may be determined by the Board and other guidelines of the Institute;

(g) to maintain any property acquired by or vested in the Institute; and

(h) to implement all or any of the expenditure of the Institute.

13. (1) The Institute shall maintain a bank account in its name in banks approved by the Board. Bank accounts of the Institute.

(2) Any fund of the Institute in excess of an imprest to be determined by the Board shall be lodged into the Institute's account.

14. (1) The Institute may accept gifts of land, money or other testamentary dispositions, endowments and contributions on such terms and conditions, if any, as may be specified by the donor. Power to accept gift.

(2) The Institute shall not accept any gift if the conditions attached by the donor are inconsistent with the objectives and functions of the Institute under this Act.

15. (1) The Institute may, with the consent of the Minister and on the recommendation of the Board, borrow, by way of loan, a specified amount as it may require for meeting its obligations and performing its functions under this Act. Power to borrow.

(2) No consent or authority shall be required under subsection (1), if the sum or the aggregate of the sums involved at any time does not exceed such amount as may, for the time being, specified in relation to the Institute by the Federal Government.

16. (1) The Institute shall prepare, not later than 30<sup>th</sup> September, an estimate of the expenditure and income of the Institute during the next succeeding year and, when prepared, they shall be submitted to the Minister for approval prior to final submission to the National Assembly. Annual estimates, accounts and audit.

(2) The Institute shall keep proper books of records and accounts which shall be audited by auditors approved by the Board from the list of auditors in accordance with the guidelines supplied by the Auditor-General for the Federation.

17. The Institute shall, not later than six months after the end of each year, submit to the National Assembly, through the Minister, a report on the activities and the administration of the Institute and its Colleges during the immediately preceding year and shall include in the report, the audited accounts of the Institute and its Colleges and the report of the Auditor on the accounts.

Annual report.

18. No suit, prosecution or legal proceedings shall lie against any officer, member or employee of the Institute for anything which is done in good faith or is intended to be done under this Act, rules or regulations made under this Act.

Indemnity of members.

19. (1) A suit shall not be commenced against the Institute before the expiration of a period of one month, after written notice of intention to commence the suit shall have been served on the Institute by the intending plaintiff or claimant or his counsel, and the notice shall clearly state the:

Legal proceedings and services of summons.

(a) cause of action;

(b) particulars of the claim;

(c) name and place of abode of the intending plaintiff or claimant;  
and

(d) relief which he claims.

(2) The notice referred to in subsection (1) and any summons, notice or other document required or authorised to be served on the Institute under the provisions of this Act or any other enactment or law may be served by –

(a) delivering the documents to the office of the Director-General;  
or

(b) sending it by registered post addressed to the Director-General  
at the Headquarters of the Institute.

20. (1) Any Statutory function, right, liability, interest and obligation existing in the Forestry Research Institute of Nigeria before the commencement of this Act shall, by virtue of this Act, be deemed to have been assigned and vested in the Institute after the commencement of this Act.

Savings and transitional provisions.

(2) All assets, funds, resources and other property which, before the commencement of this Act, were vested in the Institute are by virtue of this Act, deemed to have been assigned and vested in the Institute after the commencement of this Act.

21. The seal of the Institute shall not be affixed on any instrument except with the authority of the Director-General. Seal of the Institute.

22. In this Act: Interpretation.

"Board" means the Governing Board of the Institute established under the section 4 (1);

"Director-General" means the Director-General appointed under section 6 (1);

"Institute" means the Forestry Research Institute of Nigeria established under section 1 (1);

"Colleges" means the Federal Colleges of the Institute under this Act;

"member" means a member of the Board;

"Minister" means the Minister charged with the responsibility for matters relating to forestry; and

"Supervising Ministry" means the Ministry charged with the responsibility for matters relating to forestry.

23. This Act may be cited as the Forestry Research Institute of Nigeria (Establishment) Act, 2018. Citation.

## SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD AND THE INSTITUTE

*Qualifications and Tenure of Office of members*

1. (1) Subject to the provisions of this paragraph, a member of the Board shall hold office from the effective date of the instrument of his appointment.
- (2) A member of the Institute who ceases to be a member shall, if he is also a member of the Board, cease to hold office on the Board.

*Powers of the Board*

2. The Board may do anything which, in its opinion, is calculated to facilitate the carrying-on of the activities of the Institute under this Act.

*Proceedings of the Board*

3. (1) Subject to the provisions of this Act, the Board may, in the name of the Institute, make standing orders regulating the proceedings of the Institute or Board and, in the exercise of its powers under this Act, may set up committees in the general interest of the Institute and make standing orders for the committees.
- (2) Standing orders shall provide that decisions shall be taken by a majority of the members, and, in the event of equality of votes, the Chairman has a second or casting vote.
- (3) Standing orders made for a Committee shall provide that the Committee is to report back to the Board on any matter not within its competence to decide.
- (4) The quorum of the Board shall be four and the quorum of a Committee of the Board shall be fixed by the Board.

*Committees*

4. (1) The Institute may set up one or more standing or ad-hoc committees to carry out, on its behalf, such of its functions as it may determine.
- (2) A Committee set up under this paragraph shall consist of such number of persons as may be determined by the Institute and a person, other than a member of the Institute, shall hold office on the Committee in accordance with the terms of his appointment.
- (3) A decision of a Committee of the Institute is of no effect until it is confirmed by the Institute.

*Meetings of the Institute*

5. The Board shall convene the annual farming systems meeting of the Institute every year or on such other date as the Board may appoint, but if the meeting is not held within one

year after the previous annual meeting, not more than 15 months shall elapse between the respective dates of the two meetings.

#### *Meetings of the Board*

6. (1) The Board shall meet at least twice in any financial year and, subject to the provisions of any standing order of the Board, the Board shall meet at other times as it is summoned by the Chairman, and if the Chairman is required to do so by notice in writing given to him by at least four other members, he shall summon a meeting of the Board to be held within seven days from the date on which notice is given.
- (2) At any meeting of the Board, the Chairman shall preside but, in his absence, the members present at the meeting shall appoint one of them to preside at that meeting.
- (3) Where the Board decides to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as the Board deems fit, but a person who is a member by virtue of this subparagraph is not entitled to vote at any meeting of the Board and shall not count towards a quorum.
- (4) Notwithstanding anything in the provisions of this paragraph, the first meeting of the Board shall be convened by the Minister who may give such directions as he deem fit as to the procedure which shall be followed by the Board .

#### *Miscellaneous*

7. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the Director-General of the Institute or an officer authorised by the Institute to act in his place for this purpose.
  - (2) A contract or instrument, which if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Institute or Board, as the case may require, by any person generally or specially authorised to act for that purpose by the Board.
  - (3) A document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and is, unless the contrary is proved, deemed to be so executed.
8. The validity of any proceeding of the Institute, Board or Committee of the Board shall not be affected by –
- (a) any vacancy in the membership;
  - (b) any defect in the appointment of a member of the Institute or Board; or
  - (c) reason that a person not entitled to do so took part in the proceedings.

9. A member of the Institute or Board, and any person holding office on a Committee of the Board who has a personal interest in any contract or arrangement being entered into or proposed to be considered by the Board or any Committee shall declare and disclose his interest in such contract or arrangement to the Board and shall be disqualified to vote on any question relating to such contract or arrangement.

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.

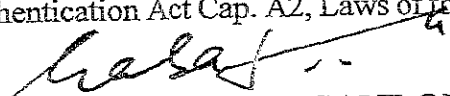
  
MOHAMMED ATABA SANI-OMOLORI  
CLERK TO THE NATIONAL ASSEMBLY

18<sup>th</sup> DAY OF JULY, 2018

**Schedule to the Forestry Research Institute of Nigeria (Establishment) Bill, 2018**

<b>(SHORT TITLE OF THE BILL)</b>	<b>LONG TITLE OF THE BILL</b>	<b>SUMMARY OF THE CONTENTS OF THE BILL</b>	<b>DATE PASSED BY THE SENATE</b>	<b>DATE PASSED BY THE HOUSE OF REPRESENTATIVES</b>
Forestry Research Institute of Nigeria (Establishment) Bill, 2018.	An Act to establish the Forestry Research Institute of Nigeria for forestry research, education and training in Nigeria; and for related matters.	This Bill establishes the Forestry Research Institute of Nigeria for forestry research, education and training in Nigeria.	13 <sup>th</sup> July, 2017	5 <sup>th</sup> October, 2017

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

  
**MOHAMMED ATABA SANI-OMOLORI**  
 Clerk to the National Assembly  
 18<sup>th</sup> Day of July, 2018

I ASSENT  
 PROF. YEMI OSINBAJO, SAN, GCON  
 Acting President of the Federal Republic of Nigeria  
 17<sup>th</sup> Day of August, 2018

**MUHAMMADU BUHARI, GCFR**  
 President of the Federal Republic of Nigeria  
 Day of July, 2018