

A BILL

FOR

AN ACT TO REGULATE THE PROFESSION OF AGRICULTURE AND TO MAKE PROVISIONS FOR THE ESTABLISHMENT, FUNCTIONS AND ADMINISTRATION OF NIGERIAN INSTITUTE OF AGRICULTURISTS, AND FOR RELATED MATTERS, 2019

Sponsored by Hon. Munir Dan Agundi

[] Commencement

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

1 PART - ESTABLISHMENT OF THE NIGERIAN INSTITUTE OF
2 AGRICULTURISTS AND ITS GOVERNING COUNCIL

3 1.-(1) There is established for the Profession of Agriculture, an
4 Institute to be known as the Nigerian Institute of Agriculturists (in this Bill
5 referred to as "the Institute").

Establishment
of the Nigerian
Institute of
Agriculturists
and its Governing
Council

6 (2) The Institute shall be a body corporate with perpetual
7 succession and a common seal and shall have power to sue and be sued in its
8 corporate name and to own, hold and dispose of property whether moveable
9 or immovable to be situate in Abuja, Federal Capital Territory.

10 2. The objects of the Institute are:

Objects of the
Institute

11 (a) to prescribe and regulate the standards of academic
12 qualifications and practical skills to be attained by persons seeking to
13 become registered as members, associates or fellows of the Institute, as the
14 case may be;

15 (b) to prescribe the code of conduct for agriculturists;

16 (c) to regulate the practice of the profession of agriculture at its
17 various specialised disciplines in relation to each other without
18 contravening the principal legislation establishing those of other disciplines
19 within the profession or related professions;

1 (d) to regulate the formal training in agriculture at educational
2 institutions in the manner that will harmonize the admission and curricula
3 policies of the various disciplines to the exclusion of animal science and soil
4 science courses and programmes;

5 (e) to promote the farming system, production types and
6 technological innovations as well as food security, agricultural services and
7 agro-processing activities for the advancement of all the aspects and branches
8 of agriculture;

9 (f) to encourage and promote among farmers the utilization and
10 application of the findings of agricultural research and other studies for
11 increased food production and food security in Nigeria

12 (g) to establish a National net-work for the dissemination of
13 information relating to packages on Agricultural production and
14 methodologies arising from new discoveries and modern agriculture.

15 (h) to ensure that the curricula and courses of studies in agriculture in
16 the faculties, colleges and Universities of agriculture are of the theoretical and
17 practical relevance to the development and growth of agricultural science and
18 technology;

19 (i) to ensure that the curricula and courses of studies in agriculture
20 excluding soil science and animal science courses and programmes within the
21 faculties, colleges and Universities of agriculture are of the theoretical and
22 practical relevance to the development and growth of agricultural science and
23 technology in collaboration with National Universities Commission (NUC)
24 and the National Board for Technical Education (NBTE);

25 (j) to advise the Ministry and other relevant agencies on safety
26 standards for the use of agricultural chemicals and new biotechnological
27 products;

28 (k) to publish journals, magazines, newsletters and other publications
29 of professional standard in agricultural business and industry

30 (l) to publish journals, magazines, newsletters and other publications

1 of professional standards in agricultural business and industry to the
2 exclusion of the profession and practice of animal science and soil science.

3 (m) to establish, update and maintain a Register of Professional
4 Agriculturists under this Bill according to their various ranks and to regulate
5 the prerogatives and privileges pertaining to those ranks to the exclusion of
6 the profession and practice of animal science and soil science; and

7 (n) to do such other acts as may be conducive to attainment of the
8 functions of the Institute.

9 3.-(1) There is established for the Institute a Governing Council to
10 be known as the Council of the Nigeria Institute of Agriculturists (in this Bill
11 referred to as "the Council") which shall have overall control of the Institute
12 as specified under this Bill.

Establishment
and composition
of the Council of
the Nigerian
Institute of
Agriculturists

13 (2) The council shall consist of-

14 (a) a President who shall be the head of the Institute and preside
15 over all Council meetings;

16 (b) a Vice President who shall act for the President in his/her
17 absence;

18 (c) the President Agricultural Society of Nigeria;

19 (d) ten persons shall be elected by the Institute, to represent each of
20 the following disciplines/group of disciplines of agriculture:

21 (i) Agricultural business and Agricultural Economics Society;

22 (ii) Agricultural Extension and Rural Sociology Society;

23 (iii) Agronomy and agricultural technology;

24 (iv) Institute of Food Science and Technology, and Home
25 Economics;

26 (v) Agricultural Bio-Technology, Genetics and Breeding
27 excluding animal genetics and breeding;

28 (vi) Crop Science Society of Nigeria;

29 (vii) Plant Protection Society of Nigeria;

30 (viii) Horticultural Society of Nigeria;

- 1 (ix) Forestry and Wildlife;
- 2 (x) Fisheries and Aquaculture;
- 3 (xi) Institute Agricultural Engineering.
- 4 (e) the following shall be ex-officio members-

5 (i) the Minister of Agriculture and Rural Development or his
6 representative;

7 (ii) the Minister of Water Resources or his representative;

8 (iii) one representative of Nigerian Chamber of Commerce, Industry,
9 Mines and Agriculture to be elected by the Chamber;

10 (iv) one person to be elected by the organized Agro-Allied Industries;

11 (v) the Executive Secretary, Agricultural Research Council of Nigeria
12 (ARCN);

13 (vi) the Chairman, Association of Deans of Faculties of Agriculture in
14 Nigerian Universities (ADAN);

15 (vii) the Chairman, National Association of Heads of Colleges of
16 Agriculture (NACHCARD);

17 (viii) the Chairman, Committee of Executive Directors of Research
18 Institutes (CODRI);

19 (ix) the Chairman, Committee of Deans of Faculty of Veterinary
20 Medicine of Universities in Nigeria;

21 (x) the Executive Director, National Food Reserve Agency;

22 (xi) the Executive Director, National Seed Council of Nigeria.

23 (xii) one person to be elected by the organized Agro-Technological
24 and Technical workers and Labour Union.

25 (3) The Council shall have power to recommend the amendment of
26 the provision of the schedule to the national assembly as it may deem
27 necessary.

28 4. The President, Vice president and other members of the Council
29 other than ex-officio members, shall be elected by the Institute from amongst
30 the members, at an annual general meeting of the Institute.

1 Provided that, the first of such general meeting convened by the Agricultural
2 Society of Nigeria and Association of Deans of Agriculture of Nigerian
3 Universities immediately after the Commencement of this Bill, for the
4 purpose of electing such members.

5 5. The President and the Members of the council, other than ex- Tenure of office
6 officio members shall each hold office-

7 (a) for a period of three years in the first instance and may be
8 eligible for another term of three years and no more; and

9 (b) on such terms and condition as may be specified in the letter of
10 appointment.

11 6. Notwithstanding the provision of section 5 of this Bill, a Removal from
12 member of the Council, including the President and Vice President, shall office
13 cease to hold office as a member of the Council if-

14 (a) he/she is relieved of his/her position by the Council pursuant to
15 any regulation made under section 42 of this Bill, on the ground of ill health,
16 misconduct or if it is interest of the Institute or of the public that the
17 member, the president or the vice president should be removed from office;

18 (b) in writing under his/her hand resigns his/her appointment by
19 communicating notice of his intension to the council through the body
20 which he represents and on receipt and approval of the notice by the Council.

21 The resignation shall be deemed to have taken effect and the body shall then
22 elect another representative to complete the tenure of the resigning member
23 of the Council; and

24 (c) he/she absents him/herself from three consecutive meetings of
25 the Council, without leave of the Council.

26 7. The president and members of the Council shall be paid such Emolument etc
27 emoluments, allowances and benefits as the Council, in consultation with of members
28 the general assembly may from time to time approve.

1 PART II - POWERS AND FUNCTIONS OF THE COUNCIL

2 AND THE INSTITUTE

Powers of
Council

3 8. The Council shall have power to:

4 (a) provide the general policy guidelines relating to the functions of
5 the institute;6 (b) approve the acquisition of offices and other premises for the use of
7 the institute;8 (c) review and approve the strategic plans for the manpower
9 development;10 (d) appoint officers, employees, agents and consultants which in the
11 opinion of the Council are required for carrying out the objectives of the
12 institute;13 (e) fix the remuneration, allowances and benefits of the staff and
14 employee of the institute;15 (f) make regulations relating generally to appointment, promotion
16 and disciplinary, control (including dismissal) of employees of the institute;
17 and18 (g) do such other things and enter into such transactions which the
19 opinion of the Council are necessary to ensure the efficient performance of the
20 institute's objective.Functions of
the Institute

21 9. The Institute shall have following functions:

22 (a) carry into effect the powers of the institute;

23 (b) govern the affairs of the institute;

24 (c) effect proper management of the institute; and

25 (d) do such other acts and things as the Council may consider
26 necessary for carrying out the functions and powers of the institute.

27 PART III - STAFF OF THE INSTITUTE

28 *Functions of the Registrar*Appointment of
the Registrar and
the Assistant
Registrar of the
Institute29 10.-(1) There shall be appointed a Registrar for the institute who
30 shall-

1 (a) be appointed by the Council and shall be the Chief Executive
2 Officer and he/she shall discharge his duties according to the terms of his/her
3 employment and be paid a determined remuneration;

4 (b) head the day- to -day administration of his office and any other
5 assignment that may be given to him by the council and the President of the
6 Council;

7 (c) be responsible for the implementation of all functions of the
8 general secretariat and be responsible to the Council for the employment of
9 the staff who work within and see to the management of the secretariat;

10 (d) keep custody of the register and the common seal of the
11 institute and make sure entries in the register, and affix the common seal to
12 such documents, as the Council may direct from time to time.

13 *Appointment of Assistant Registrar*

14 (2) The Institute shall appoint an Assistant Registrar who shall
15 from time to time assist the Registrar in the exercise of his functions under
16 this Bill and shall-

17 (a) attend the meeting of the Council and other Committee
18 meetings and participate in discussion but shall not have the right to vote;

19 (b) in the absence of the Registrar summon meetings of the Council
20 upon the directives of the President of the Council.

21 *Tenure of office of Registrar and conditions of service of staff*

22 (3)(a) The tenure of the office of the Registrar shall be for a term of
23 five years renewable once and no more;

24 (b) Employment and conditions of service of all other staff in the
25 institute shall be the same with that of the Federal Public Service.

26 **11.** The Registrar may at any time be relieved of his office by the
27 President of the Council acting on an address supported by a two-third
28 majority of the Council praying that he/she be removed for his inability to
29 discharge the function of the office (whether arising from infirmity of mind
30 or body or any other cause or for misconduct.

Removal of the
Registrar of the
Institute

1 set up by the Council for such expenses as may be expressly authorized by
2 the Council;

3 (c) remunerations and other cost of employment of the staff of the
4 Institute;

5 (d) cost of acquisition and up-keep of premises belonging to the
6 institute and any other capital expenditure of the Institute;

7 (e) amounts payable as pensions and other retiring benefits under
8 or pursuant to this Bill or any other enactment;

9 (f) maintenance of utilities, staff promotion, training, research and
10 similar activities;

11 (g) costs necessary for day-to-day operations of the Institute;

12 (h) any other payment for anything incidental to the foregoing
13 provisions or in connection with or incidental to any other function of the
14 Institute under this Bill.

15 (2) The Institute may invest such surplus funds as it may have, from
16 time to time from its day-to-day operation in treasury bill or other
17 government securities.

18 16. The Registrar of the Institute shall cause to be prepared and
19 submitted to the Council not later than 30th day of September of each year,
20 an estimate of its income and expenditure for the succeeding year. Estimates

21 17. The Institute shall cause to be kept proper account and records,
22 and such account shall not later than 6 months after the end of each year, be
23 audited by auditors appointed by the Council from the list and in accordance
24 with the guideline supplied by the Auditor-General of the Federation. Accounts and audits

25 18. The institute shall prepare and submit to the Council every
26 year a report of the preceding year in such form as the Council may direct on
27 the activities of the Institute. Such Report shall include a copy of audited
28 accounts of the Institute for the year and of the Auditor's Report. Annual report, etc.

29 19. The Institute may accept gift of land, money or other property
30 on such terms and conditions, if any, as may be specified by the person or Power to accept gift

1 organization making the gift.

Power to borrow

2 **20.** The Institute may, with the approval of the Council, borrow by
3 way of loan, or overdraft from any source such sum as it may require for the
4 performance of its function and meeting its obligation under this Bill.

Accountability

5 **21.** The Registrar as the Chief Administrative/Accountant Officer of
6 the Institute shall:

7 (a) keep proper accounting records, in a manner as may be
8 determined, from time to time by the President in respect of-

9 (i) all revenues and expenditure of the Institute;

10 (ii) all its assets, liabilities and other financial transactions; and

11 (b) all other revenues collected by the Institute, including income on
12 investments;

13 (c) prepare an annual report, including financial statements, in
14 accordance with generally accepted accounting principles and practices;

15 (d) ensure that the available accounting resources of the Institute are
16 adequate and used economically in the most effect and efficient manner, and
17 that other financial records properly safe-guarded;

18 (e) provide replies to Freedom of Information requests; and

19 (f) any other duties that may be assigned by the Council.

20 **PART V - REGISTRATION OF MEMBERS OF THE INSTITUTE**

Register of the
Institute

21 **22.** The Institute shall keep and maintain a Register of all members.

Categories of
membership

22 **23.** The Institute may subject to the provisions of this Bill, and such
23 rules as the Council may make in that regard, admit and Register the following
24 categories of members:

25 (a) regular members;

26 (b) Associate Member;

27 (c) Fellows;

28 (d) Honorary fellows; or

29 (e) Corporate member.

Regular Membership

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24. A person shall be eligible to be admitted and registered as a member if that person is:

Eligibility of membership

(a) a holder of a degree or equivalent qualification in agriculture or agricultural sciences or related science to the exclusion of a holder of a first degree in animal and soil sciences from any accredited institution and holds in addition 3 years post graduate or post qualification working experience;

(b) a member of any equivalent professional agricultural body or Institute recognised by the Council;

(c) a holder of a postgraduate degree or postgraduate diploma in any agricultural discipline, from an institution accredited by the Council and has in addition had 2 years working experience to the exclusion of holders of a first degree in animal and soil sciences;

(d) a holder of a Higher National Diploma or equivalent qualification in agriculture and related disciplines and in addition has had 3 years of such relevant experience as the Council may approve to the exclusion of a holder of a Higher National Diploma or equivalent qualification in animal and soil sciences;

(e) a holder of a National Diploma or equivalent qualification in agriculture and related disciplines mentioned in section 3 (2) (c) of this Bill has in addition had 5 years of such relevant experience as the Council may approve the exclusion of a holder of a Higher National Diploma or equivalent qualification in animal and soil sciences.

25. A Company or Corporate Institution shall be eligible to be registered as a corporate member if such organisation is:

Corporate member

(a) holding a current registration of the Corporate Affairs Commission (CAC), contributing to Agricultural growth and development in Nigeria to the satisfaction of the Council;

(b) found fit and proper to be registered as determined by the Council.

Associates 1 26. A member shall be eligible to be registered as an Associate if-
2 (a) that person has contributed significantly by research efforts,
3 publications and experience, to the growth and development of progress of
4 agriculture or related areas: and
5 (b) the council has satisfied that, the member is a fit and proper
6 person to be elevated to the rank of an associate.

Fellow 7 27. A person who is a member shall be eligible to be registered as an
8 fellow if-
9 (a) that person has by research effort, publication and experience in
10 any area of agriculture, contributed significantly to the growth and
11 development of agriculture or related areas, and
12 (b) the Council is satisfied that, that person is a fit and proper person to
13 be elevated to the rank of a fellow.

Honorary Fellows 14 28. A person may be registered as a honorary fellow if-
15 (a) the person is distinguished in any area of agriculture or related
16 industry: and
17 (b) the Council is satisfied that, that person is fit and proper person to
18 be elevated to the rank of the Honorary Fellow.

Certificates and
honours 19 29. The Council may be subject to its rules in that regard, awards
20 distinctive certificates and other honours to any person, member, Associate,
21 Fellow or Honorary Fellow as the case may be, for any distinctive achievement
22 in any discipline or areas of agriculture.

23 PART VI - APPROVAL OF CURRICULA AND COURSES OF
24 AGRICULTURAL INSTITUTIONS

Accreditation
on Institutions 25 30.-(1) Every Faculty, College or University of Agriculture in Nigeria
26 shall on demand by the Council, submit to the Council, details of its curricula,
27 courses of study in agriculture and related programmes for the consideration
28 and approval of the Council to the exclusion of courses and programmes in
29 animal and soil sciences.

30 (2) The Council shall there upon, delegate a Committee of the Council

1 to evaluate the contents of such curricula and courses and ensure that they
 2 sufficiently endow any person pursuing them with the requisite knowledge,
 3 skill and working experience for the practice or agricultural profession the
 4 exclusion of courses and programmes in animal and soil sciences.

5 (3) The Council shall where such curricula and courses are proved,
 6 thereafter by instrument, accredit such faculty, college or university as the
 7 case may be, as a fit and proper institution for the training of prospective
 8 members.

9 (4) The Council shall monitor the academic programmes in
 10 agriculture and related disciplines to maintain an acceptable standards to the
 11 exclusion of courses and programmes in animal and soil sciences.

12 (5) Subject to this Bill, the person who has obtained his first degree
 13 or other academic qualification from unaccredited institutions shall not be
 14 eligible to be registered a member of the institution.

15 PART VII - ESTABLISHMENT OF THE NIGERIAN INSTITUTE OF

16 AGRICULTURISTS DISCIPLINARY TRIBUNAL

17 31.-(1) There shall be disciplinary established for the institute, a
 18 disciplinary tribunal to be known as the Nigerian Institute of Agriculturist
 19 Disciplinary Tribunal (in this Bill referred to as "the tribunal").

Establishment
of the Nigerian
Institute of
Agriculturists
Disciplinary
Tribunal

20 (2) The duty of the tribunal is to hear and determine any case of
 21 professional misconduct against any member in the discharge of his duties
 22 as Agriculturist.

23 (3) The tribunal shall consist of the President and six other
 24 members appointed by the Council.

25 (4) There shall be in attendance a legal adviser to be nominated by
 26 the Attorney-General of the Federation.

27 *Second Schedule*

28 32.-(1) There shall, for purpose of the President before the tribunal,
 29 be known as the Investigating Panel of the Nigerian Institute of
 30 Agriculturist.

Rules of proceeding
of the tribunal and
investigating panel

1 (2) The duties of the panel are:

2 (a) to conduct preliminary investigations into any allegation or
3 complaints of professional member or fellow of the institute; and

4 (b) to determine, whether or not there is a prima, facie case against the
5 person and to refer such case to the tribunal for hearing and determination.

6 (3) The Panel shall consist of a Chairman and four members
7 appointed by the Council.

Rules

8 33. The Council may make rules to regulate the proceedings of the
9 tribunal and investigating panel:

10 Until such rules are made, the rules contained in the second schedule to this Bill
11 are applicable.

Penalty

12 34.-(1) Where:

13 (a) a member is adjudged by the tribunal to be guilty of a professional
14 misconduct;

15 (b) a member is convicted of an offence by any court in Nigeria or
16 elsewhere, having power to sentence an offender to imprisonment (whether or
17 not the offence is punishable with imprisonment) and the offence in the opinion
18 of the tribunal derogates his membership of the institute; or

19 (c) the tribunal is satisfied that any person has been fraudulently
20 registered in the register of members.

21 (2) The tribunal shall give directives to the registrar either to
22 reprimand that member or to strike his name off the register and the registrar
23 shall comply with such directives.

Rights of appeal

24 35. Notwithstanding the provisions of section 24 of this Bill, or any
25 other Act, a member who is found guilty by the Tribunal shall have right of
26 appeal to the Court of Appeal against any pronouncement made by the
27 Tribunal.

Professional
misconduct

28 36. In this part, "professional misconduct" means any action or
29 behaviour considered by the Council to be unprofessional conduct and include
30 acts unbecoming of agriculturists which may include but not limited to unjust

1 enrichment by any person, abuse of office or corrupt practices in the conduct
2 of a member.

3 PART VIII - LEGAL PROCEEDINGS

4 37.-(1) Subject to the provisions of this act, the provisions of this
5 Public Officers Protection Act shall apply in relation to any suit instituted
6 against any member officer or employee of the Institute.

Limitation of
suit against the
Institute, etc.
Cap. P41 LFN
2004

7 (2) Notwithstanding anything contained in any other law or
8 enactment, no suit against a member of the Council, the President or any
9 other officer or employee of the institute for any act done in pursuance or
10 execution of this Bill or any other law or enactment, or any other public
11 duties or authority or in respect of any alleged neglect or default in the
12 neglect in the execution of this Bill of any other law or enactment, duties or
13 authority shall lie or be instituted in any Court unless it is commenced-

14 (a) within three months next after the act, neglect or default
15 complained of, or

16 (b) in the case of a continuation of damage or injury, within six
17 months next the ceasing thereof.

18 (3) No suit shall be commenced against a member of the Council,
19 the President or any other officer or employee of the Institute before the
20 expiration of a period of one month after written notice of the intention to
21 commence the suit shall have been served on the Institute by the intending
22 plaintiff or his agent.

23 (4) The notice referred to in subsection (3) of this section shall
24 clearly and explicitly state-

25 (a) the cause of action;

26 (b) the particulars of the claims;

27 (c) the name and place of abode of the intended plaintiff, and

28 (d) the relief which he/she claims.

29 38. A notice, summons or other document required authorized to
30 be served on the Institute under the provision of this Bill or any other law or

Service of
document

1 enactment may be served by delivering it to the President or by sending it by
2 registered post addressed to the President at the principal office of the institute.

Restriction on
execution against
property of the
institute

3 **39.**-(1) In any action or suit against the Institute, No execution or
4 attachment of process in the nature thereof shall be issued against the institute
5 unless not less than three months' notice of the intention to execute or attach has
6 been given to the institute.

7 (2) Any sum of money which by the judgment of any court has been
8 awarded against the institute shall, subject to any direction given by the court,
9 where no notice of appeal against the Judgment has been given, be paid from
10 the fund of institute.

Indemnity

11 **40.** A member of the council, the president or any officer or employee
12 of the institutes shall be indemnified out of the assets of the Institute against any
13 Liability incurred by him in defending any proceeding, whether civil or
14 criminal, if the proceeding is brought against him/her in his/her capacity as a
15 member, president, officer or employee of the Institute.

16 PART IX - MISCELLANEOUS PROVISIONS

Directives by
the Minister

17 **41.** The Minister may jointly or severally give to the Institute or the
18 President such directives of a general nature or relating generally to matters of
19 the policy with regards to the exercise of its or his/her functions as they may
20 consider necessary and it shall be the duty of the Institute or the President to
21 comply with the directives or cause them to be complied with.

Power to make
regulations the
President signs
the regulations
after getting
approval from
the Minister

22 **42.** The Council may, with the approval of the ministers, make rules
23 and regulations as in its opinion are necessary or expedient for giving full effect
24 to the provisions of this Bill and for the due administration of its provisions and
25 may in particular, make regulations.

Interpretation

26 **43.** In this Bill-
27 "Council" means Council established by section 3(1);
28 "Ex-officio" members in this Bill means the Ministers of Agriculture,
29 Environment, etc;
30 "Institute" means Nigerian Institute of Agriculturists established by section 1

- 1 of the Bill;
- 2 "Member" means members of the institute and includes a regular or
3 Associate member of the institute;
- 4 "Minister" means Minister charged with the responsibilities referred to
5 section 3 (2) (d) to (g) of this Bill;
- 6 "President" means president of the institute;
- 7 "Rank" means status of members;
- 8 "register" means register created and maintained under section 22;
- 9 "tribunal" means tribunal established under section 23;
- 10 "Vice President" means vice president of the institute.

11 44. This Bill may be cited as the Nigerian Institute of Agriculturists Short title
12 Bill, 2019.

13 SCHEDULES

14 *Section 3 (3)*

15 FIRST SCHEDULE

16 *Proceedings of the Council*

- 17 1. The Council may make standing orders regulating its
18 proceedings of the council or of any Committee thereof and shall meet at
19 least once in every quarter in a year.
- 20 2. The Quorum of the council shall be seven which shall include at
21 least three elected members, representatives of the Ministers and one elected
22 from one of the tertiary Institutions mentions in this Bill.
- 23 3.-(1) Subject to the provisions of paragraph 1 above and the
24 applicable standing order, the Council shall meet whenever summoned by
25 the President, and if the President is required so to do by the notice given to
26 him in writing by not less than five elected members, shall summon a
27 meeting of the Council to be held within fourteen days from the date on
28 which the notice is given.
- 29 (2) At any meeting of the Council, the President shall preside or in
30 his absence the Vice President shall preside.

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

6 4.-(1) The Council may appoint one or more committees to carry out
7 on its behalf, such functions as it may determine.

8 (2) A committee appointed under this paragraph shall consist of the
9 number of persons determined by the Council and not more than one-third of
10 those persons may be person who are not members of the Council and a person
11 other than member of the Council shall hold office on the committee in
12 accordance with the terms of the instrument by which he is appointed.

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

15 *Miscellaneous*

16 5.-(1) The fixing of the seal of the Council shall be authenticated by
17 the signature of the President or the Vice President and the Secretary of the
18 Council.

19 (2) Any contract or Instrument which is made or executed by a person
20 not being a body corporate, would not be required to under seal but may be or
21 executed on behalf of the Council by any person generally or specially
22 authorized to act for that purpose by the Council.

23 *Notice of Hearing*

24 6.-(1) When a complaint is referred by the Panel of the tribunal, the
25 Registrar shall, after consultation with the Chairman, appoint a time and place
26 for the hearing, and shall in the third Schedule hereto: give notice to all
27 interested parties (including members of the tribunal and the assessor)

28 (2) If directions are for any reason not so given, it shall be sufficient
29 compliance with this rule if the notice is-

30 (a) handed to the party concerned or affected, personally; or

1 (b) sent by registered post to the last known place of abode of the
2 party.

3 *Hearing in absence of party*

4 7.-(1) Subject to paragraph (2) of this rule, the Tribunal may hear
5 and determine a case in the absence of any party.

6 (2) Any party to any proceedings before a Tribunal who fails to
7 appear or be presented may apply within one month after the date when the
8 pronouncement of the findings and directions of the tribunal were given, for
9 a re-hearing on the ground of want of notice or other good and sufficient
10 reason, and the Tribunal, in appropriate cases may grant the application
11 upon such terms as to cost or otherwise as it thinks fit.

12 *Hearing of witnesses*

13 8. The Tribunal may in the course of its proceedings hear
14 witnesses and receive any documentary evidence necessary in its opinion to
15 assist it in arriving at a conclusion as to the truth or otherwise of the
16 allegation of misconduct in the complainant referred to it by the panel, and in
17 application of this rule, the provisions of the Evidence Act shall apply to any
18 such proceedings.

19 *Amendment of complaint*

20 9. If in the cause of the proceedings it appears to the Tribunal that
21 the complaint before it requires to be amended in any respect, the Tribunal
22 may, on such term as it thinks fit allow the amendment to be made and the
23 complaint as amended shall there upon be dealt with accordingly.

24 *Public Hearing*

25 10.-(1) The proceedings of the Tribunal shall be held and its
26 findings and directions shall be delivered, in public unless otherwise
27 directed by the Tribunal.

28 (2) The Tribunal may, on its own motion, or upon the application of
29 any party, adjourn the hearing on such terms as to costs or otherwise as the
30 Tribunal deems fit.

1 *False evidence*

2 11. If any person willfully gives false evidence on oath before the
3 Tribunal during the course of any proceedings, or willfully make a false
4 statement in any affidavit sworn for the purpose of such proceedings, the
5 Tribunal may refer the matter to the Attorney-General of the Federation for
6 such action as the Attorney-General may deem fit.

7 *Findings and costs in certain cases*

8 12. If after the hearing, the Tribunal adjudges that the charge of
9 professional misconduct has not been proved, the Tribunal-

10 (a) shall record the findings that the respondent is not guilty of such
11 misconduct in respect of which the charge was preferred; and

12 (b) may, nevertheless order any party (except the complainant) to pay
13 the costs of the proceedings, having regard to his conduct and to all the
14 circumstances of the case.

15 *Publication of findings*

16 13. Any findings made or direction given by the tribunal shall be
17 published in the Federal Government Gazette immediately after such finding
18 or direction, as the case may be.

19 *Record of proceedings*

20 14. The Chairman shall during the hearing, take the minutes of the
21 proceedings which shall be open to inspection by the parties and shall be made
22 available to any party upon the payment of such charges as the Registrar may
23 be instructed to publish in the Federal Government Gazette.

24 *Power of Tribunal*

25 15. The Tribunal may dispense with any requirements of these rules
26 regarding notices, affidavit, documents, service or time for doing or omitting
27 anything, in any case where it appears to the Tribunal to be just or expedite so to
28 do: and the tribunal may in any particular case extend the time for doing
29 anything under these rules.

1 *Power to retain exhibits pending appeal*

2 16. Books and other exhibits whatever produced or used at the
3 hearing shall, unless the tribunal otherwise directs, be retained by the
4 Registrar until the expiry of the time for filing an appeal against any finding
5 or direction of the Tribunal or, if notice of any such appeal is given until the
6 hearing and disposal of the appeal.

7 *Assessors*

8 *Appointment and duties of assessors*

9 17.-(1) An assessor, shall be appointed by the Council by
10 instrument, and the assessor shall hold and vacate office as provided in his
11 instrument of appointment; and where the appointment is not general one, it
12 shall have effect only in respect of a particular proceedings of the Tribunal.

13 (2) Subject to the terms of his appointment, assessors shall
14 attend the proceedings of the Tribunal whenever required so to do by notice
15 in writing given to him by the Registrar not later than 3 days before the date
16 fixed for the hearing of such proceedings, and he/she shall therefore advise
17 the Tribunal on question of law only.

18 *Miscellaneous*

19 *Interpretation*

20 18. In these rules-

21 "Complainant" means a person or body alleging before the Tribunal,
22 professional misconduct against a member of the Institute;

23 "Respondent" means the person required to answer to any charge of
24 professional misconduct.

25 *Short title*

26 19. These rules may be cited as the Nigerian Institute of
27 Agriculturist (Disciplinary tribunal) Rules.

SECOND SCHEDULE

Rules 2 (1)

Hearing Notice

IN THE MATTER OF THE NIGERIAN INSTITUTE OF AGRICULTURISTS TRIBUNAL

IN THE MATTERS OF A CHARGE OF PROFESSIONAL MISCONDUCT AGAINST

.....OFa

member/Associate/Fellow of the Institute Take Notice that the Nigerian Institute of Agriculturist
Disciplinary Tribunal sitting at-----

at.....on.....

.....,20.....

Will commence its hearing of charges(s) to be there preferred
against.....Aforesaid

Of professional Misconduct in his office as a Professional Agriculturist and the Tribunal shall
thereafter deliver its finding and give its directions accordingly.

This notice is given to as a(Here state whether
a party or a member, etc)

And a copy of the charge(s) to be preferred is to hereto annexed

DATED this.....day of..... 20

.....

Registrar

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Institute of Agriculturist as a body responsible for regulating
the practice of the Profession of Agriculture in Nigeria and with power to prescribe a code of conduct of
agriculturists.

The Bill also seeks to ensure that agriculturists in Nigeria assume the same relevance and responsibility
for the Systematic growth of the agricultural sector as their counterparts in any advanced country.