

NATIONAL AGRICULTURAL LOAN FACILITY MANAGEMENT
COMMISSION BILL, 2020
ARRANGEMENT OF CLAUSES

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FACILITY MANAGEMENT COMMISSION AND ITS GOVERNING BOARD

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2. Governing Board of the Commission
3. Tenure of some members of the Board
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A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL AGRICULTURAL LOAN FACILITY MANAGEMENT COMMISSION, TO BE SADDLED WITH THE RESPONSIBLY OF COORDINATING AND REGULATING OF ALL FORMS OF AGRICULTURAL LOAN FACILITY AND ITS ACCESSIBILITY TO ALL NIGERIAN FARMERS ASSOCIATION, AND OTHER FARMERS IN ORDER TO IMPLEMENT PESTS DISEASE CONTROL MECHANISM IN FOOD SECURITY, FOOD MASSIVE PRODUCTION IN NIGERIA, INCLUDING THE AVAILABILITY AND PROPER DISTRIBUTION OF FOOD SECURITY INTERVENTION FUND TO CUSHION THE EFFECT OF COVID-19, AND OTHER ACCRUABLE FUND THAT MAY BE PROVIDED BY THE GOVERNMENT TO SUSTAIN FUTURE SUFFICIENT FOOD PRODUCTION IN THE COUNTRY AND FOR RELATED MATTERS

Sponsored by Hon. Uchechuku Nnam-Obi

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL AGRICULTURAL, LOAN
2 FACILITY MANAGEMENT COMMISSION AND ITS GOVERNING BOARD

3 1.-(1) There is established National Agricultural Loan Facility
4 Management Commission (in this Bill referred to as "the commission").

Establishment
of the Commission

5 (2) The Commission shall be a corporate body with a perpetual
6 succession and a common seal, may sue and be sued in its corporate name
7 and shall operate under the presidency.

8 2.-(1) There is established for the commission a Governing, Board
9 ("in this Bill referred to as "the Board") which shall consists-

Governing Board
of the Commission

10 (a) chairman, who shall be an experienced person(s) in
11 Agricultural Expert (Agriculturalist) and Administration, shall be appointed
12 by the President of the Federal Republic of Nigeria "FRN";

1 (b) A representative of-

2 (i) Ministry responsible for Agriculture and Rural Development;

3 (ii) Ministry responsible for Finance, budget and National planning;

4 (iii) CBN;

5 (iv) EFCC;

6 (v) NDIC;

7 (vi) National food security council (NFSC);

8 (vii) National seed development council;

9 (viii) IGP's office.

10 (c) the Chairman of the Commission, who shall serve as a member

11 and secretary of the Board.

12 (2) Members of the Board shall not be below the rank of a Director.

Schedule 13 (3) The supplementary provisions contained in the schedule to this

14 Bill, shall have effect with respect to the proceedings of the board and other

15 Matters.

Tenure of members 16 **3.-(1)** The Chairman and members of the Board, shall hold office for

of the Board 17 the term of four "4" years and renewable, subject to satisfactory performances,

18 for further term of four "4" years and no more.

19 (2) The members of the Board shall be paid such remunerations and

20 allowances as the President of the FRN, on recommendation of salaries and

21 wages commission, may from time to time determine.

Resignation, 22 **4.-(1)** The members of the Board may resign the appointment, by

Cessation or 23 notice in writing addressed to the chairman, while the chairman shall address

removal of some 24 his/her letter of resignation to the President of the FRN.

members of the 25 (2) A member of the Board, may cease membership if the member;

Board 26 (a) dies or becomes of unsound mind;

27 (b) becomes bankrupt;

28 (c) is convicted of a felony or of any offence involving dishonesty;

29 (d) is guilty of serious misconduct in relation to the office;

30 (e) in the case of a member holding professional qualification, if the

1 person(s) is disqualified or suspended from practicing the profession; or

2 (f) cease to be a staff of the commission he is representing.

3 (3) A member of the Board may be removed, at any time, from the
4 office by the president of the "FRN", if the President of the "FRN" is
5 satisfied that it is not in the interest of the commission or the public that the
6 member should continue to hold office.

7 PART II - FUNCTIONS OF THE BOARD

8 **5.** The commission shall be responsible for-

Functions of the
Commission

9 (a) Coordinating and regulating all forms of Agricultural Loan
10 facility to the Nigerian farmers Association and other farmers interested in
11 obtaining and accessing the facilities for food production in Nigeria;

12 (b) Providing guidelines in which the Loan Facility will be
13 accessed by the farmers in order to achieve the utmost desired results;

14 (c) Ensuring proper distribution to the farmers or right person(s)
15 deem fit in order to avoid food Shortage in the country;

16 (d) Ensuring low interest rate, if not zero percent to enhance food
17 security, as to cushion the effect of COVID-19 pandemic in the Nation;

18 (e) Determining all necessary sustainable food production
19 mechanism, to enable food sufficiency and security as to curb food crisis
20 annually in our dear country;

21 (f) Approving loan facilities to farmers according to their farms
22 capacity, resilience to actualize the core mandate of the commission; and

23 (g) Performing any other function that may be assigned to it by the
24 president of the FRN, or do any other thing that is incidental to the objectives
25 of this Bill.

26 **6.** The Board shall have powers to-

Powers of the
Board

27 (a) superintend smooth implementation of the commission;

28 (b) approve guidelines in which all interested Nigerian farmers
29 should obtain and access loan facilities to Boost food production in Nigeria;

30 (c) approve appointment, discipline, promotion and appeals of

1 staff of the commission;

2 (d) approve additional creation of departments, divisions and units as
3 it may deem necessary to achieve the objectives of the commission;

4 (e) perform any other function that may be assigned to it by the
5 President of the "FRN" from time to time; and

6 (f) do any other thing that is incidental to the objectives of this Bill.

7 PART III - STAFF OF THE COMMISSION

Chairman and
Secretary of the
Commission

8 7.-(1) There shall be appointed for the commission a chairman, by the
9 president of the FRN, who shall possess cognate experience and qualification
10 in Agricultural expert (Agriculturist) and Administration, for a period of not
11 less than 10 years.

12 (2) The chairman shall-

13 (a) be the chief-Executive and accounting of the commission and
14 shall be charged with-

15 (i) matters relating to day-to-day management, and operations of the
16 commission; and

17 (ii) determining structure of ranks, for staff of the commission.

18 (b) hold office for a term of four "4" years and renewable, subject to
19 satisfactory performance, for further term of four "4" years, and no more; and

20 (c) be answerable to the Board.

21 (3) There shall be appointed for the commission, by the Board on the
22 recommendation of the chairman, a Secretary for the commission, who shall
23 qualify as a legal practitioner and was so qualified for a period of not less than
24 10 years.

25 (4) The Secretary shall be-

26 (a) a legal adviser of the commission;

27 (b) secretary to all the committees to be established by the
28 management committees; and

29 (c) answerable to the chairman of the commission.

1 **8.**-(1) The staff of the commission other than those, mentioned in Other staff of
2 this Bill, shall be employed according to the procedure stipulated by the the Commission
3 Board.

4 (2) The staff can be on permanent or temporary appointment on the
5 terms which precludes the grants of pension and gratuity.

6 (3) The staff of the commission who qualify as a legal practitioner, Cap. L11 LFN,
7 within the meaning of legal practitioners Act, shall in addition to other 2004
8 function, enter appearance to prosecute or defend any civil matters in any
9 court involving the commission.

10 **9.**-(1) The commission may subject to the provision of this Bill, Staff Regulations
11 with the approval of the Board, make regulations relating, generally to the
12 condition of service in the commission such regulation may provide for the
13 appointment, promotion, discipline and appeals for the staff of the
14 commission;

15 (2) The staff of the commission shall be paid such salary and
16 allowances as may be determined by the president on recommendation of
17 the Board.

18 PART VI - STRUCTURE OF THE COMMISSION

19 **10.**-(1) There shall be established for the commission, such Department of
20 number of Departments, divisions and units as the commission, with the the Commission
21 approval of the Board may deem necessary.

22 (2) Each Department shall be headed by a Director who shall be
23 professionally qualified to hold the office appointed through a competitive
24 process.

25 (3) Subject to the approval of the Board, the commission may
26 create additional departments, divisions and units as it may deem necessary
27 to achieve the objective of the commission.

28 **11.** The commission shall- Zonal offices of
29 (a) divide the federation into such number of zones as it may from the Commission
30 time to time, determine for effective organization of the commission; and

1 (b) establish in each zone, a zonal office.

Establishment
of management
and other
committees for
the Commission

2 **12.**-(1) There is established for the commission, a management,
3 committee comprising of all the Directors and the chairman of the commission,
4 who shall be the chairperson of the committee.

5 (2) The committee may create additional standing or Ad-Hoc
6 committees and give them specific function.

7 PART V - FINANCIAL PROVISIONS

Establishment
of fund for the
Commission

8 **13.** The commission shall establish and maintain a fund, which shall
9 be paid and credited-

10 (a) all subventions and budgetary allocation from the Federal
11 Government;

12 (b) all sums accruing to the commission by the way of gifts,
13 endowments, bequests, grants or other contributions, by person(s) and
14 organizations;

15 (c) returns of investments;

16 (d) foreign donations or aid; and

17 (e) local donations or aid and assistances.

Application and
management of
the fund

18 **14.** The commission shall manage and apply its fund, in accordance
19 with the general guidelines made by the management committees, particularly
20 on-

21 (a) general operations of the commission;

22 (b) payment of salaries and other allowances for the staff of the
23 commission;

24 (c) maintenance of any property vested in the commission;

25 (d) provide procurement to monitor and evaluate all dams, rivers,
26 lakes, overhaul turn around maintenance sub-stainable, to achieve the core
27 mandate of the commission; and

28 (e) cost of procurement of goods and consultancy services for the
29 benefits of the commission.

1	15. The commission shall not later than 30th September each year	Annual Budget of the Commission
2	or other date stipulated by law or policy, submit to the president an estimate	
3	of expenditure or income of the commission as approved by the Board for	
4	the next fiscal year, for incorporation into the Federal budget.	
5	16. The commission shall submit to the Board quarterly report of	Reports
6	the activities of the commission and the Board shall submit annual report of	
7	its activities to the president of FRN.	
8	PART VI - MISCELLANEOUS PROVISIONS	
9	17. A person who has a cause of action against the commission	Procedure and Limitation of suit against the Commission
10	shall-	
11	(a) give the commission one month notice, in writing, of intention	
12	to commence an action, disclosing the cause of action and relief sought to be	
13	served on the commission at its head office; and	
14	(b) commence the legal action within six '6' weeks from the date the	Service of process
15	cause of action emanated or arose.	
16	18. Any document, summons, notices, process or any other thing	Indemnity of members etc.
17	required or authorized to be served to the commission, shall be served by	
18	delivering same to the office of the chairman of the commission.	
19	19. Every member of the commission, agents or employees of the	Acquisition of property Cap. L40 LFN, 2004
20	commission, shall be indemnified from the fund of the commission, against	
21	any liability incurred in defending any proceeding brought against the	
22	person(s) under this clause, in the person's capacity as member or employee	
23	of the commission.	
24	20. The commission may subject to the provisions of, Land Use	Regulations
25	Act and any other applicable law, have powers to lease, rent or acquire an	
26	interest in land and other properties.	
27	21. The commission with approval of the Board shall have power	Regulations
28	to make regulations for-effective implementation of the provisions of this	
29	Bill.	

Directives by
the President 1 **22.** The President may give the commission such, directives dealing
2 with matters of general policy and maintenance of public safety and peace in
3 Nigeria.

Power to obtain
information 4 **23.** For purpose of carrying out the functions of the commission under
5 this Bill, the chairman, or any officer of the commission shall-
6 (i) have powers of access to any premises or record, within a
7 reasonable time to obtain information of record of person(s) affected by this
8 Bill; and
9 (ii) by notice in writing served on affected person to provide an
10 information required to carrying out the functions of commission.

Citation 11 **24.** This Bill may be cited as the National Agricultural Loan Facility
12 Management Commission Bill, 2020.

13 SCHEDULE

14 *Clause 2(3)*

15 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

16 *Proceedings of the Board*

17 1.-(1) Subject to the Provisions of this Bill and other applicable laws,
18 the Board may make Standing orders regulating its proceedings.

19 (2) The Board shall meet whenever summoned by the Chairman, or if
20 required to do so, by at least five '5' members out of '10' ten members of the
21 Board, and shall meet for a minimum of 4 times in each Fiscal year.

22 (3) The Chairman shall preside over the meetings of the commission
23 and in his/her absence, the Secretary of the commission, may act and report
24 back to the Chairman.

25 (4) The quorum of the Board shall be formed by the Chairman or a
26 person sitting (secretary) in his/her place as chairman and five "5" other
27 members of the Board or more.

28 *Committee*

29 2.-(1) The Board may appoint committees and sub-committees to
30 carry out, on its behalf, such functions that Board shall do.

1 (2) The decision of the sub-committee appointed under paragraph
2 2(1) shall have no effect until it is approved by the committee and the Board.

3 *Miscellaneous*

4 3.-(1) The Secretary of the Board shall be the custodian of the seal
5 of the Board.

6 (2) Fixing of the common seal of the commission shall be
7 authenticated by the signature of the chairman of the Board or some other
8 person(s) authorized to do so.

9 (3) Any contract or instrument, which if made or executed by a
10 person(s) not being a corporate body, shall not required to be made under
11 seal, shall be executed on behalf of the commission by the chairman or any
12 other person authorized to do so.

13 (4) Where the Board desires to obtain an expert opinion from a
14 person not being a member of the board, the Board may co-opt such person
15 for such period the Board may determine but the co-opted person shall not
16 have the right to vote or to count in forming a quorum.

17 (5) The validity of any proceeding of the Board or of a committee
18 shall not be adversely affected by any vacancy in the membership of the
19 Board or committee or by any defect in the appointment of a member of the
20 Board or committee or by reason that a person not entitled to take part in the
21 proceeding of the Board or the committee took part.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Agricultural Loan Facility Management Commission, to be saddled with the responsibility of coordinating and regulating of all forms of Agricultural Loan Facility and its accessibility to all Nigerian farmers Association, and other farmers in order to implement pests disease control mechanism in food security, food massive production in Nigeria, including the availability and proper distribution of food security intervention fund to cushion the effect of COVID-19, and other accruable fund that may be provided by the Government to sub stain future sufficient food production in the country.