

NATIONAL INSTITUTE FOR BRACKISH WATER FISHERIES RESEARCH,
NGO-ANDONI (EST.) BILL, 2019
ARRANGEMENT OF CLAUSES

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A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL INSTITUTE FOR BRACKISH WATER FISHERIES, NGO-ANDONI FOR FISHERY RESEARCH, EDUCATION AND COOPERATIVE TRAINING IN NIGERIA; AND FOR RELATED MATTERS, 2019

Sponsored by Hon. Awaji-Inombek D. Abiante

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL INSTITUTE FOR BRACKISH
2 WATER FISHERIES RESEARCH, NGO-ANDONI

3 1.-(1) There is established the National Institute for Brackish Water
4 Fisheries Research, Ngo-Andoni (in this Bill referred to as "the Institute").

Establishment
of the National
Institute for
Brackish Water
Fisheries Research,
Ngo-Andoni

5 (2) The Institute:

6 (a) shall be a body corporate with perpetual succession and
7 common seal which shall be kept in such custody as the Institute may
8 authorize;

9 2.-(1) The mandates of the Institute shall be:

Mandate of the
Institute

10 (a) to conduct basic and applied research of national and strategic
11 importance for sustainable brackish water culture systems;

12 (b) act as repository of information on brackish water fishery
13 resources with a systematic database;

14 (c) direct the processes of species and systems expansion in
15 Nigeria brackish water aquaculture;

16 (d) provide platform for human resource development, capacity
17 building and skill development through training, education and extension;

18 (e) conduct of research into brackish water quality management,
19 pollution control and fisheries resources economics and marketing

20 (f) provide link with relevant National and International

- 1 agencies/institutions;
- 2 (g) monitoring/management of Geological and geophysical features
- 3 of brackish-water bodies in Nigeria;
- 4 (h) improvement and enhancement of the livelihoods of the creeks
- 5 dwellers with emphasis on youths and women;
- 6 (i) provide training in fishing craft technology, brackish-water
- 7 aquaculture; and
- 8 (j) providing cooperative training for persons engaged in fish
- 9 business on developing fishing clusters.

10 (2) The Institute shall, when so requested by the Federal Government,

11 government agencies or any of the State or Local Government authorities or

12 any authorized body, provide information or give advice relating to their

13 specified fields of research.

The powers of
the Institute

14 3.-(1) The institute may, with the approval of its supervising Ministry

15 or Board, enter into association or agreement with the competent authorities of

16 any university or other institution of higher learning or recognized

17 international institutions for the purpose of promoting or furthering mutual co-

18 operation in the field of scientific research in respect of which the Board has

19 responsibility under this Bill.

20 (2) The Institute may, at the written request of any government

21 agency, local government authority or private organisation, train laboratory,

22 field ecology extension and other categories or descriptions of workers relative

23 to their specified fields of research.

24 (3) Without prejudice to its research functions, the Institute may

25 produce improved seedlings and other planting materials as part of its research

26 and experimental programmes for use of farmers in different ecological zones

27 of the Federation.

28 (4) The Institute shall, when so requested by the Federal Government,

29 government agencies or any of the State or Local Government authorities or

30 any authorized body, provide information or give advice relating to their

1 specified fields of research.

2 4.-(1) There shall be for the Institute, a governing body (in this Bill
3 referred to as "the Board") charged with the administration of government
4 policies.

Governing
Board of the
Institution

5 (2) The Board shall be established by the President of the Federal
6 Republic of Nigeria on the recommendation of the Minister and shall be
7 evenly distributed among the six geo-political zones of the Federation.

8 (3) The Board shall consist of:

9 (a) a chairman, knowledgeable in Fishery or related discipline;

10 (b) a representative of the Ecological Funds Office;

11 (c) a representative of the Supervising Ministry charged with the
12 supervision of Fishery matters;

13 (d) two other members nominated by the President; and

14 (e) the Director-General of the Institute;

15 (f) the Director-General of the Institute who shall be the Secretary
16 to the Board.

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

19 (5) A member of the Board may resign his appointment by a letter
20 addressed to the President, through the Minister, and, if accepted. The
21 resignation shall take effect from the date the President receives the letter of
22 resignation.

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

26 5.-(1) The Board shall have the powers to-

Powers of the
Board

27 (a) perform all functions conferred on the Institute by this Bill;

28 (b) formulate policies for the Institute;

29 (c) make rules to govern the procedures of its meetings; and

30 (d) make recommendation to the Minister on the establishment of

The Director-
General of the
Institute

1 specialized colleges in other parts of the country as the need arises.

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

4 6.-(1) The President shall, on the recommendation of the Minister,
5 appoint the Director-General of the Institute.

6 (2) The Director-General shall be-

7 (a) a Research Professor with vast experience in Fishery and or
8 related disciplines;

9 (b) charged with the day-to-day management of the affairs of the
10 Institute in accordance with such instructions as may be given to him by the
11 Minister, through the Board of the Institute;

12 (c) the Accounting Officer of the Institute.

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

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

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

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

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

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

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

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

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

1 supervising Ministry, Federal Civil Service Commission, Office of the
2 Secretary to the Government of the Federation, Office of the Head of Service
3 and other Federal Government offices with authority to issue circulars and
4 directives, the staff shall be subjected to disciplinary measures in accordance
5 with the regulations contained Public Service Rules.

6 PART III - MISCELLANEOUS AND GENERAL PROVISIONS

Provision of
Library

7 10. The Institute shall-

8 (a) provide and maintain a library comprising of books and
9 publications for the advancement of knowledge of Fishery and such other
10 books and publications as the Board may deem necessary for that purpose; and

11 (b) encourage research into Fishery and allied subjects to the extent
12 that the Board may consider necessary.

Rules and
regulations

13 11.-(1) The Minister shall have powers to make rules and regulations
14 under this Bill.

15 (2) The regulation made under this Bill shall be published in the
16 Federal Government Gazette as soon as they are made.

17 (3) The rules made for the purposes of this Bill (other than rules made
18 by the Minister) shall:

19 (a) be subject to confirmation by the Institute at its next annual
20 meeting or at any special meeting of the Institute convened for the purpose; and

21 (b) if not confirmed, cease to have effect on the day after the date of
22 the confirmation but without prejudice to anything done in pursuance or
23 intended pursuance of such rules.

Offences

24 12.-(1) If a staff, for the purpose of procuring the registration of any
25 name, qualification or other matter:

26 (a) makes a statement which he believes to be false in a particular
27 matter, or

28 (b) recklessly makes a statement which is false in a particular matter;
29 the staff shall commits an offence.

30 (2) If a member or any other person employed by or on behalf of the

1 Institute willfully makes any falsification on any matter, the member or
2 person commits an offence.

3 (3) Any staff who commits an offence under this section shall, after
4 being found guilty by properly constituted Disciplinary Committee, be
5 subjected to relevant punishment stipulated under the Public Service Rule.

6 PART IV - FINANCIAL PROVISIONS

7 13.-(1) The Institute shall establish and maintain a fund into which
8 shall be paid:

Funds of the
Institute

9 (a) annual subvention from the Federal Government;

10 (b) Monetary gifts, research grants or aids and contribution from
11 national and international organisations;

12 (c) internally generated revenue from research breakthroughs,
13 products and services provided by the Institute;

14 (d) the internally generated revenue which shall be shared at the
15 ratio of 75% - 25% for the Institute and the Federal Government
16 respectively;

17 (e) the 75% share for the for the institute which shall be expended
18 on areas that would promote the Institute's mandate;

19 (f) loans and other solicited funds received by the Institute; and

20 (g) all other sums accruing to the Institute from time to time.

21 (2) The Institute shall prepare a detailed annual budget of its
22 programmes and activities the approval of the Board and the Minister.

23 (3) The Institute shall apply the funds at its disposal:

24 (a) to meet the cost of administration of the Institute and its
25 Colleges;

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

28 (c) to the payment of functions of the Institute under this Bill or any
29 matter connected to its function;

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

1 (e) salaries, allowances and benefits of officers and other employees
2 of the Institute;

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

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

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

Bank account
of the Institute

9 14.-(1) The Institute shall maintain a bank account in its name in
10 banks approved by the Board

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

Power to accept
gift

13 15.-(1) The Institute may accept gifts of land, money or other
14 testamentary dispositions, endowments and contributions on such terms and
15 conditions, if any, as may be specified by the donor.

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

Power to borrow

19 16.-(1) The Institute may, with the consent of the Minister and on the
20 recommendation of the Board, borrow by way of loan, a specified amount as it
21 may require for meeting its obligations and performing its functions under this
22 Bill.

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

Annual estimates,
accounts and
audit

27 17.-(1) The Institute shall prepare, not later than 30th September, an
28 estimate of the expenditure and income of the Institute during the next
29 succeeding year and, when prepared, they shall be submitted to the Minister for
30 approval prior to final submission at the National Assembly.

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

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

11 19. No suit, prosecution or legal proceedings shall lie against any Indemnity of
12 officer, member or employee of the Institute for anything which is done in members
13 good faith or is intended to be done under this Bill rules or regulations made
14 under this Bill.

15 20.-(1) A suit shall not be commenced against the Institute before Legal proceedings
16 the expiration of a period of one month, after written notice of intention to and service of
17 commence the suit shall have been served on the Institute by the intending summons
18 plaintiff or claimant or his counsel, and the notice shall clearly state the:

19 (a) cause of action;

20 (b) particulars of the claim;

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

22 and

23 (d) relief which he claims.

24 (2) The notice referred to in subsection (1) of this section and any
25 summons, notice or other document required or authorised to be served on
26 the Institute under the provisions of this Bill or any other enactment or law
27 may be served by:

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

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

1 before the commencement of a new academic session or on such other date as
2 the Board may appoint, but if the meeting is not held within one year after the
3 previous annual meeting, not more than 15 months shall elapse between the
4 respective dates of the two meetings.

5 *Meetings of the Board*

6 7.-(1) The Board shall meet at least twice in any financial year, and
7 subject to the provisions of any standing order of the Board, the Board shall
8 meet at other times as it is summoned by the Chairman, and if the Chairman is
9 required to do so by notice in writing given to him by at least four other
10 members, he shall summon a meeting of the Board to be held within seven days
11 from the date on which notice is given.

12 (2) At any meeting of the Board, the Chairman shall preside but, in his
13 absence, the members present at the meeting shall appoint one of them to
14 preside at that meeting.

15 (3) Where the Board decides to obtain the advice of any person on a
16 particular matter, the Board may co-opt him as a member for such period as the
17 Board deems fit, but a person who is a member by virtue of this subparagraph is
18 not entitled to vote at any meeting of the Board and shall not count towards a
19 quorum.

20 (4) Notwithstanding anything in the provisions of this paragraph, the
21 first meeting of the Board shall be convened by the Minister who may give such
22 directions as he deem fit as to the procedure which shall be followed by the
23 Board.

24 *Miscellaneous*

25 8.-(1) The fixing of the seal of the Institute shall be authenticated by
26 the Director-General of the Institute or an officer authorised by the Institute to
27 act in his place for this purpose.

28 (2) A contract or instrument, which if made or executed by a person
29 not being a body corporate would not be required to be under seal, may be made
30 or executed on behalf of the Institute or Board, as the case may require, by any

1 person generally or specially authorised to act for that purpose by the Board.

2 (3) A document purporting to be a document duly executed under
3 the seal of the Institute shall be received in evidence and shall, unless the
4 contrary is proved, be deemed to be so executed.

5 9. The validity of any proceeding of the Institute, Board or
6 Committee of the Board shall not be affected by-

7 (a) any vacancy in the membership;

8 (b) any defect in the appointment of a member of the Institute or
9 Board; or

10 (c) reason that a person not so entitled to do so took part in the
11 proceedings.

12 10. A member of the institute or Board and any person holding
13 office on a Committee of the Board who has a personal interest in any
14 contract or arrangement being entered into or proposed to be considered by
15 the Board or any Committee shall declare and disclose his interest in such
16 contract or arrangement to the Board and shall be disqualified to vote on any
17 question relating to such contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Institute for Brackish Water Fisheries Research, Ngo-Andoni for Fishery research, education and cooperative training in Nigeria.

