

A BILL

FOR

AN ACT TO REPEAL AND RE-ENACT THE RAW MATERIALS RESEARCH AND DEVELOPMENT COUNCIL ACT CAP R3 LFN 2004 AND TO ENACT THE RAW MATERIALS RESEARCH AND DEVELOPMENT COUNCIL ACT AND FOR RELATED MATTERS, 2019

Sponsored by Hon. Gideon Gwani

[] Commencement

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

1 1.-(1) There is established a body to be known as the Raw Materials
2 Research and Development Council of Nigeria (in this Act referred to as "the
3 Council").

Establishment
of the Raw
Materials
Research and
Development
Council

4 (2) The Council:

5 (a) shall be a body corporate with perpetual succession and a
6 common seal

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

8 (c) may acquire, hold or dispose of any property, movable or
9 immovable, for the purpose of carrying out any of its functions under this
10 Act.

11 2. The objective of the Council is to develop local raw materials
12 and coordinate research efforts in relation to raw materials acquisition,
13 exploitation, conservation and development.

Objectives of
the Council

14 3. The functions of the Council shall be to:

Functions of the
Council

15 (a) undertake measures to ensure the systematic exploitation,
16 development and utilization of Nigeria's raw material resources;

17 (b) draw up policy guidelines and action programmes on raw
18 materials acquisition, exploitation and development;

19 (c) review from time to time, raw material resources availability

1 and utilization with a view to advising the Federal Government on the strategic
2 implication of depletion, conservation or stock-piling of such resources;

3 (d) advise on adoption of machinery and processes for raw material
4 utilization;

5 (e) encourage publicity of research findings and other information
6 relevant to local sourcing of industries;

7 (f) encourage growth of in-plant research and development
8 capabilities;

9 (g) advise on and devise awards or systems for industries that achieve
10 any break-through or make innovations and inventions;

11 (h) organize workshops, symposia and seminars, from time to time,
12 designed to enlighten people on new developments and solutions discovered;

13 (i) consider and advise on special research grants for specific
14 objectives; and

15 (j) undertake research and development on local raw materials for
16 utilization by industries;

17 (k) liaise with relevant regulatory agencies for the standardization of
18 raw materials to meet industrial specification;

19 (l) promote Nigeria's competitiveness in raw materials and products
20 development;

21 (m) establish raw materials analysis and certification laboratories for
22 use by industries;

23 (n) consider and advise on any other issue capable of enhancing the
24 objectives of the Council.

25 4.-(1) There is established for the Council a Governing Board
26 (hereinafter referred to as "the Board") which shall consist of:

27 (a) a Chairman to be appointed by the President on the
28 recommendation of the Minister and the following other Members to be
29 appointed by the Minister on the Recommendation of the body they represent;

1 (b) a representative of the Federal Ministry of Science and
2 Technology.

3 (c) a representative of the Manufacturers Association of Nigeria;

4 (d) a representative of the Nigerian Association of Small Scale
5 Industrialists;

6 (e) a representative of the Nigerian Association of Chambers of
7 Commerce, Industry, Mines and Agriculture;

8 (f) a representative of the Federal Ministry responsible for
9 Commerce, Industry, Trade and Investment;

10 (g) a representative of the Ministry responsible for National
11 Planning;

12 (h) a representative of the Ministry responsible for Defence;

13 (i) a representative of the Federal Ministry responsible for
14 Agriculture and Rural Development;

15 (j) a representative of the Federal Ministry responsible for
16 Minerals Development;

17 (k) the Director-General of the Council who shall be a
18 Member/Secretary of the Board.

19 (2) The members of the Board, other than the Director-General
20 shall serve on part-time basis and the Chairman shall be a person with vast
21 experience in raw materials acquisition, exploitation, conservation and
22 development in Nigeria.

23 (3) The provisions contained in the First Schedule of this Act shall
24 have effect with respect to the proceedings of the Board and any other
25 matters mentioned therein.

Schedule

26 5. The functions of the Board shall be to:

Functions of the
Board

27 (a) formulate the policies of the Council;

28 (b) consider and approve Appointment of Directors and other staff
29 of the Council; and

30 (c) perform such other functions as are necessary and to the extent

1 of its powers under this Act.

Tenure of office
of board members

2 6. Subject to the provisions of this Act, a member of the Board other
3 than an ex-officio member shall hold office for a period of four years from the
4 date of his appointment and may be reappointed for another term of four years
5 and no more.

Remuneration
and allowances
for members of
the board

6 7. The Chairman and other members of the Board shall be paid
7 allowances and expenses as the Federal Government may, from time to time
8 direct and approve.

Cessation of
membership

9 8.-(1) The Chairman or any member of the Governing Board of the
10 Council shall cease to hold office where he-

11 (a) becomes of unsound mind;

12 (b) is declared bankrupt by a court of competent jurisdiction;

13 (c) is convicted of a felony or of any offence involving dishonesty or
14 corruption;

15 (d) is found guilty under the Code of Conduct or serious misconduct
16 in relation to his duties;

17 (e) the President of the Federal Republic of Nigeria is satisfied that it
18 is not in the best interest of the Council or of the public for such member to
19 continue in office;

20 (f) he resigns his appointment as a member of the Board;

21 (g) by notice under his hand addressed to the President of the Federal
22 Republic of Nigeria; or

23 (h) he ceases to occupy the position that enabled him to represent his
24 organization in the first instance.

25 (2) Where a person ceases to be a member under subsection (1) of this
26 section, the body which he represents shall send a representative to serve out
27 the remainder of the tenure of that member.

28 (3) A person who has ceased to be a member of the Board shall not be
29 eligible for reappointment as a member of the Board.

1 9.- (1) There shall be appointed for the Council, a Director-
2 General, who shall be the Chief Executive Officer of the Council.

Appointment of
the Director-
General of the
Council

3 (2) The Director-General shall be:

4 (a) appointed by the President on the recommendation of the Board
5 through the Minister responsible for Science and Technology;

6 (b) a person who possess not less than 18 years post qualification
7 experience in Science, Engineering and Technology subjects with vast
8 cognate experience in raw materials acquisition, exploitation, conservation
9 and development;

10 (c) responsible to the Board for the management of the affairs of
11 the Council;

12 (d) entitled to earn a remuneration and allowances as may be
13 specified in his letter of appointment; and

14 (e) hold office for a term of five years in the first instance and may
15 be re- appointed for another term of five years and no more.

16 (3) The Director-General shall, subject to the general direction of
17 the Board, be responsible-

18 (a) for the day-to-day administration of the Council:

19 (b) for keeping the books and proper records of the proceedings of
20 the Board:

21 (c) for the administration of the secretariat of the Board: and

22 (d) for the general direction and control of the employees of the
23 Council.

24 (4) The Director-General shall execute the seal of the Council.

25 10. There shall be appointed from time to time by the Council,
26 with the approval of the Board such other staff as may be required for the
27 purpose of the efficient performance of the functions conferred under this
28 Act.

Other staff of the
Council

29 11. The Board may make regulations relating generally to the
30 conditions and scheme of service of the staff of the Council and such

Staff regulations

1 regulations may provide for-

2 (a) the appointment, promotion, termination, dismissal and
3 disciplinary control over the staff of the Council;

4 (b) remuneration and fringe benefits subject, to the approval of the
5 National Salaries Incomes and Wages Commission; and

6 (c) appeals by staff against dismissal or other disciplinary measures.

Fund of the
Council

7 **12.-(1)** The Council shall establish and maintain a fund ("the Fund")
8 which shall consist of:

9 (a) such sums as may be appropriated to the Council by the Federal
10 Government;

11 (b) two per cent surcharge on imports;

12 (c) fees charged for services rendered by the Council;

13 (d) contributions from the organized private sector;

14 (e) all sums accruing to the Council by way of gifts, testamentary
15 disposition, endowments, contributions from philanthropic persons and donor
16 agencies.

17 (2) The Council shall from time to time apply the Fund towards the
18 promotion of the objectives specified in this Act.

Annual estimates
and accounts

19 **13.-(1)** The Board shall cause to be prepared not later than 6 months to
20 the end of each financial year an estimate of the expenditure and income of the
21 Council during the next financial year based on guidelines approved by the
22 Board in line with extant financial regulations.

23 (2) The Board shall cause to be kept, proper accounts of the Council
24 and proper records in relation thereto and when certified by the Board, such
25 accounts shall be audited as provided in Section 15 of this Act.

Annual audit

26 **14.** The accounts of the Council shall be audited within six months
27 after the end of each financial year by external auditors appointed from the list
28 of auditors and in accordance with the guidelines supplied by the Auditor-
29 General of the Federation.

1 15.-(1) The Council shall , with the approval of the Board and
2 consent of the Minister in accordance with any general guidelines approved
3 by the financial regulations , borrow by way of loan or overdraft from any
4 source any moneys required by the Council for meeting its obligations and
5 discharging its functions under this Act.

Borrowing power
of the Council

6 (2) The Council may, subject to the provisions of this Act and the
7 conditions of any trust created in respect of any property and with the
8 approval of the Board and consent of the Minister invest all or any of its
9 funds in accordance with any general guidelines approved in the financial
10 regulations.

11 (3)The Council may invest any surplus funds in such securities as
12 may be approved by the Board and consent of the Minister.

13 16. The Council shall not later than three months to the end of
14 each financial year submit to the Board or the Minister (in the absence of the
15 Board), a report on activities of the Council and its administration during the
16 immediately preceding financial year.

Annual report

17 17.-(1) The Council may, with the approval of the Board or the
18 Minister (in the absence of the Board), make regulations generally for the
19 purpose of carrying into effect the provisions of this Act;

Regulations

20 (2) The Council with the approval of the Board or consent of the
21 Minister (in the absence of the Board) may make such regulations as are
22 necessary for the development, promotion, protection, utilization of local
23 raw materials and for due administration of its provisions.

24 18.-(1) The Council may, with the approval of the Minister, accept
25 gifts of land, money or other property upon such terms and conditions, if
26 any, as may be specified by the person or organization making the gift.

Power to accept
gifts

27 (2) The Council shall not accept any gift if the conditions attached
28 by the person or organization making the gift to the acceptance thereof are
29 inconsistent with the functions of the Council.

- Legal proceedings 1 **19.**-(1) No suit shall be commenced against the Council before the
2 expiration of a period of one month after written notice of intention to
3 commence the suit have been served on the Council.
- 4 (2) The notice shall specify the Plaintiff or his Agent and clearly state
5 the:
6 (a) cause of action;
7 (b) particulars of the claims;
8 (c) name and place of abode of the intending, plaintiff; and
9 (d) the relief sought in the claim.
- 10 (3) The notice referred to in subsection (1) of this section in relation to
11 any summons, notice or other document required or authorized to be served on
12 the Council under the provision of this Act or any other enactment or law, may
13 be served by-
14 (a) delivering same to the Director-General; or
15 (b) sending it by registered post addressed to the Director-General at
16 the head office of the Council.
- 17 (4) In any action or suit against the Council, no execution or
18 attachment or process of any nature thereof, shall be issued against the Council,
19 but any sum of money which may, by the judgment of the court, be paid from
20 the general reserve of the Council.
- Restriction on 21 **20.** In any action or suit against the Council, no execution or
execution against 22 attachment or process in the nature thereof shall be issued against the Council,
the property of 23 but any sums of money which may, by the judgment of the court, be awarded
the Council 24 against the Council shall, subject to any directions given by the Council, be
25 paid from the general reserve fund of the Council.
- Indemnity of 26 **21.** A member of the Board, Director-General or employee of the
officers of the 27 Council shall be indemnified out of the assets of the Council against any
Council 28 proceedings brought against him in his capacity as a member of the Board,
29 Director-General, officer or employee of the Council where the act complained
30 of is not ultra vires his power.

1 22. The Raw Materials Research and Development Council Act Repeal
2 2004 is hereby repealed.

3 23.- (1) A person who at the commencement of this Act was a Savings
4 member of staff or an employee of the Raw Materials Research and
5 Development Council, shall as from the commencement of this Act become
6 a member of staff or employee of the Council with the status, rank,
7 designation and functions which corresponds as far as possible to those
8 which appertained to him as a member of staff or employee of the Raw
9 Materials Research and Development Council.

10 (2) All assets, rights, liabilities and obligations which immediately
11 before the commencement of this Act were assets, rights, liabilities and
12 obligations of the Raw Materials Research and Development Council shall
13 by virtue of this Act, be taken over by the Council.

14 (3) Anything made or done or having effect before the
15 commencement of this Act by the Raw Materials Research and
16 Development Council and having any resulting or continuing effect shall be
17 treated as from the commencement of this Act, as if it were made or done by
18 the Council.

19 24. In this Bill, unless the context otherwise requires- Interpretation

20 "President" - means the President of the Federal Republic of Nigeria;

21 "Council" - means the Raw Materials Research and Development Council;

22 "Board" - means the Governing Board of the Council;

23 "Chairman" - means the Chairman of the Board;

24 "Minister" - means the Minister charged with the responsibility for Science
25 and Technology;

26 "Member" - means any Member of the Board including the Chairman;

27 "Local raw material"- means any unprocessed or processed material
28 indigenous to Nigeria that can be converted by manufacture, processing or
29 combination into a new and useful product.

Citation

1 25. This Bill may be cited as the Raw Materials Research and
2 Development Council Bill, 2019.

3 SCHEDULE

4 *Section 4(3)*

5 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

6 *Proceedings of the Board*

7 1. Subject to this Act and to section 27 of the Interpretation Act
8 (which provides for the decisions of a statutory body to be taken by a majority
9 of the members of the body and for the person presiding to have a second or
10 casting vote), the Board may make standing orders regulating the proceedings
11 of the Board and any committee thereof.

12 2. Every meeting of the Board shall be presided over by the Chairman
13 or if the Chairman is unable to attend a particular meeting, the members present
14 at the meeting shall elect one of their member to preside at that meeting.

15 3. The Board shall meet not less than four times in each year and,
16 subject thereto, the Board shall meet whenever it is summoned by the
17 Chairman; and if the Chairman is required to do so by notice given to him by
18 not less than three other members, he shall summon a meeting of the Board to
19 be held within fourteen days from the date on which the notice is given.

20 4. The quorum of the Board shall consist of the Chairman (or, in an
21 appropriate case, the person presiding at the meeting pursuant to paragraph 2 of
22 this Schedule) and six other members and the quorum of any committee of the
23 Board shall be determined by the Board.

24 5. Where the Board desires to obtain the advice of any person on a
25 particular matter, the Board may co-opt him as a member for such period as it
26 deems fit; but a person who is a member by virtue of this sub-paragraph shall
27 not be entitled to vote at any meeting of the Board and shall not count towards
28 the quorum.

29 6. Notwithstanding anything in the foregoing provisions of this
30 paragraph, the first meeting of the Board shall be summoned by the Minister.

1 *Committee*

2 7.- (1) Subject to its standing orders, the Board may appoint one or
3 more committees to carry out on behalf of the Board such of its functions as
4 the Board may determine.

5 (2) Every committee appointed under the provisions of sub-
6 paragraph (1) of this Paragraph, shall consist of such number of persons (not
7 necessarily all members of Board) as may be determined by the Board and a
8 person other than a member of the Board shall hold office on the committee
9 in accordance with the terms of his appointment.

10 (3) A decision of a committee of the Board shall be of no effect
11 until it is confirmed by the Board.

12 *Miscellaneous*

13 8. The fixing of seal of the Council shall be authenticated by the
14 signature of the Director-General and any other staff authorized generally or
15 specially by the Board to act for that purpose.

16 9. Any contract or instrument which, if made or executed by a
17 person not being a body corporate, would not be required to be under seal
18 may be made or executed on behalf of the Council by the Director-General
19 or any person generally or specifically authorized by the Board to act for that
20 purpose.

21 10. Members of the Board shall be paid such remuneration or
22 allowances as may be approved from time to time by the President.

23 11. The validity of any proceedings of the Board or of a committee
24 thereof shall not be adversely affected by:

25 (i) any vacancy in the membership of the Board;

26 (ii) any defect in the appointment of a member of the Board or
27 committee; or

28 (iii) reason that a person not entitled to do so, took part in the
29 proceedings.

30 12. Any member of the Board and any person holding office on a

1 committee of the Board, who has a personal interest in any contract or
2 arrangement entered into or proposed to be considered by the Board or a
3 committee thereof shall forthwith disclose his interest to the Board or
4 committee and shall not vote on any question relating to the contract or
5 arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal and re-enact the Raw Materials Research and Development Council, 2017 to develop local raw materials and co-ordinate research efforts especially in relation to raw materials acquisition, exploitation, conservation and development.