



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

**AGRICULTURAL RESEARCH COUNCIL OF NIGERIA
(AMENDMENT) BILL, 2021**

(SB. 118)

A BILL

FOR

AN ACT TO AMEND THE AGRICULTURAL RESEARCH COUNCIL OF NIGERIA AND
FOR RELATED MATTERS, 2021

FIRST READING

TUESDAY, 29TH OCTOBER, 2019

SECOND READING

THURSDAY, 19TH MARCH, 2020

THIRD READING AND PASSAGE

WEDNESDAY, 5TH MAY, 2021

AGRICULTURAL RESEARCH COUNCIL OF NIGERIA (AMENDMENT) BILL, 2021



Arrangement of Clauses

Clauses

1. Amendment of Agricultural Research Council of Nigeria CAP. A12 LFN, 2004(Amendment) Bill ,2021
2. Amendment Section 2
3. Amendment of Section 4
4. Amendment of Section 5
5. Amendment of Section 6
6. Amendment of Section 7
7. Amendment of Section 8
8. New Insertion of Part V
9. Insertion of a new Part VI
10. Insertion of New Section 17
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17. Short Title

A BILL
FOR
AN ACT TO AMEND THE AGRICULTURAL RESEARCH COUNCIL OF NIGERIA AND FOR RELATED MATTERS, 2021

{ } Commencement.

1. The Agricultural Research Council of Nigeria Act 1999 (hereinafter referred to as "the Principal Act") is hereby amended as set out in this Bill. Amendment of Agricultural Research Council of Nigeria Act CAP. A12 LFN, 2004

2. Section 2 of the Principal Act is amended by:
 - (i) substituting for the heading "Governing Board of the Council " the following new heading "Membership of the Board"

 - (ii) In subsection (1) by substituting therefore a new subsection (1) as follows:

2.-(1) There is hereby established for the Council a Governing Board which shall consist of the following members to be appointed by the President on the recommendation of the Minister:-

 - (a) the Chairman who shall be a person in any of the fields of agricultural sciences with cognate wide knowledge and experience;
 - (b) the Permanent Secretary of the Federal Ministry of Agriculture and Rural Development;
 - (c) the Vice-Chancellor of one of the Universities of Agriculture on rotation for two years at a time;
 - (d) the President of the Farmers Association of Nigeria;
 - (e) the Chairman of the Agribusiness Group of the Manufacturers Association of Nigeria;
 - (f) a technical expert each with wide knowledge and research experience in:
 - (i) crops,
 - (ii) livestock,
 - (iii) fisheries, and
 - (g) the Executive Secretary of the Council who shall be the Secretary to the Council."

3. (1) Section 4 of the Principal Act is amended by: Amendment of Section 4
 - (i) substituting for the heading the following new heading "Allowances"; and

 - (ii) substituting for the words "remuneration and allowances" the words "Sitting Allowances".

4. Section 5 of the Principal Act is amended by – Amendment of Section 5
 - (i) renaming the whole of Section 5 as Section 5 subsection (1), and
 - (ii) inserting immediately after (m) two new subsections 2 and 3

- 5.(1) "The functions of the Council shall be to:
 - (a) advise the Federal Government on national policies and priorities in agricultural research, training and extension activities;

(b) plan, manage, conduct and promote research, human resource development and technology generation, assessment and adoption for the advancement of all aspects of agriculture in Nigeria;
c) prepare periodic master plans for agricultural research, training and extension and advise the Federal Government on the financial requirement for the implementation of such plans;

(d) ensure the implementation of the approved master plans by the appropriate research institutes, universities and other bodies;

(e) participate through a consultative process in the appointment of Directors of agricultural research institutes established under university statutes;

(f) prescribe and give policy direction to the Federal Colleges of Agriculture on their overall management function, training and extension activities;

(g) supervise research, training and extension activities of research institutes established under section 16 of this Act;

(h) prepare the annual budget for agricultural research, training and extension programmes of the institutes under its aegis and receive grants for allocation to the institutes for the implementation of the annual programmes and to universities and other bodies for special research or training projects;

(i) maintain an up-to-date record of all existing facilities for research, training and extension in the agricultural sciences in Nigeria and advise the Federal Government on their adequacy and efficient utilization;

(j) advise the Federal Government on the re-organisation of existing institutes, including the creation of new ones, as are required to implement or further the efficiency of research, training and extension in the agricultural sciences;

(k) promote collaboration between scientists engaged in research, training and extension in the agricultural sciences in Nigeria and their counterparts in other countries or international bodies;

(l) establish and maintain a National Agricultural Science Library and Documentation Centre and publish or sponsor the publication of research results in the agricultural sciences; and

(m) carry out such activities as may, in the opinion of the Council, further the advancement of research, training and extension in the agricultural sciences."

(2) Notwithstanding anything to the contrary in this Bill, the Minister shall exercise all the powers of the Board where:

- i. the Board has not been constituted;
- ii. the Board has been dissolved.

(3) Any action taken or decision reached in compliance with the provisions of subsection 2 of this section shall be valid.

5. Section 6 of the Principal Act is amended by:

Amendment of
Section 6

(i) inserting immediately after the existing subsection (3) the following new subsection:

“(4)(a) The Board shall on the recommendation of the Council appoint the following and such other Deputy Executive Secretaries it may deem fit on a tenure of two years and renewable for a final term of two years:

(i) a Deputy Executive Secretary (Crops Research);

(ii) a Deputy Executive Secretary (Livestock, Fisheries & Marine Research);

(iii) a Deputy Executive Secretary (Education, Training & Extension);and

(iv) a Deputy Executive Secretary (Technical Cooperation and Communication) who shall each be persons with requisite experience and academic qualifications and assigned such responsibilities as are determined by the Board;

(b) The persons appointed by the Board shall each be:

(i) persons with requisite academic qualification and experience;

(ii) persons who, in the opinion of the Board, will assist the Council in the effective discharge of any of its functions.”;

(iii) deleting subsections (5) and (6) of the Principal Act;

(iv) renumbering the existing subsections (4),(5),(6) and (7) as (4), (5) and (6) respectively; and

(v) amending and renumbering subsection 4(b) as 4(c).

“(c) pay to such persons so appointed such allowances as the Board shall in consultation with the National Salaries Income and Wages Commission determine.”

6. Amendment of Section 7

Amendment of
Section 7

6. Section 7 of the Principal Act is amended:

(a) by substituting for the heading the following new heading “Application of the Pensions Reform Act”;

(b) in subsection (2) by substituting therefore the following new subsection:

“(2) Employees of the Council shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the universities.”

7. Section 8 of the Bill is deleted

Deletion of Section
8

8. Amendment of section 14 of the Principal Act

Insertion of new
Part V

8. Part V of the Principal Act is amended as follows—

(a) by substituting for the heading the following new heading—

“Establishment of Research Institutes and constitution of Technical Committees, etc”;

(b) immediately after the existing subsection (1), insert the following new subsections—

“(2) The Minister shall, after consultation with the Board of the Council constitute for each research institute a Technical Committee.

(3) The Technical Committee of each research institute shall consist of—

(a) a Chairman who shall be a person with requisite professional qualifications in the area of specialization of the mandate of the research institute and two other members;

(b) The Executive Director shall act as the Secretary of the Technical Committee.

(4) The Chairman and members of each Technical Committee shall hold office for a term of three years and no more.

(5) Each Technical Committee shall -

(a) be charged with responsibility for giving policy directions for the management of the research institute; and

(b) carry out such other functions as will facilitate optimum output of each research institute.”

9. **Part V: Establishment of Research Institutes**

Insertion of a new
Part VI

9. Amendment of new Part VI

Part VI of the Principal Act of amended as follows –

(a) by substituting for the heading the following new heading –

“Establishment of Federal Colleges of Agriculture and Constitution of Technical Committees, etc.”

(b) immediately after the existing Part V of the Principal Act, insert the following new Part VI –

16.-(1) The Minister may, with the approval of the President, by order published in the Gazette, establish Federal Colleges of Agriculture under this Act (in this Act referred to as “Colleges of Agriculture”).

(2) The Minister shall, after consultation with the Board of the Council constitute for each College of Agriculture a Technical Committee.

3) The Colleges of Agriculture shall provide training for middle level manpower for the agricultural sector.

(4) The statutory functions, rights, interests, obligations and liabilities of the Colleges of Agriculture in subsection (2) of this section, existing before the commencement of this Act under any contract or instrument, or in law or in equity shall, by virtue of this Act, be deemed to have been assigned to and vested in the Council established by this Act.

(5) Any such contract or instrument as is mentioned in subsection (4) of this section shall be of the same force and effect against or in favour of the Council established by this Act and shall be enforceable as fully and effectively as if instead of the Colleges of Agriculture in subsection (2) of

this section existing before the commencement of this Act, the Council established by this Act has been named therein or had been a party thereto.

(6) The Council established by this Act shall be subject to all the obligations and liabilities to which the Colleges of Agriculture in subsection (2) of this section existing before the commencement of this Act were subject immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Council established by this Act as they had against the Colleges of Agriculture specified in subsection (2) of this section and existing before the commencement of this Act.

(7) Any proceeding or cause of action pending or existing immediately before the commencement of this Act, by or against the Colleges of Agriculture specified in subsection (2) of this section and existing before the commencement of this Act in respect of any right, interest, obligation or liability of the Colleges of Agriculture specified in subsection (2) of this section and existing before the commencement of this Act may be continued or as the case may be commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Council established by this Act to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the Colleges of Agriculture specified in subsection (2) of this section and existing before the commencement of this Act.

(8) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in the Colleges of Agriculture existing before the commencement of this Act shall by virtue of this Act and without further assurance, be vested in the Council established by this Act.

(9) Any person who immediately before the coming into force of this Act is the holder of any office in any of the Colleges of Agriculture specified in subsection (2) of this section and existing before the commencement of this Act shall, on the commencement of this Act, continue in office and be deemed to have been appointed to his office by the Council established by this Act unless authority by which the person was appointed terminates the appointment."

(2) Renumber the existing Part VI as "Part VII"; and

(3) Renumber the existing section 15 as section 16.

(4) Immediately after section 16 of the Principal Act as renumbered, there shall be inserted the following section 17:

10. 17.- Incorporation of spin off companies and intellectual property rights

Insertion of New
Section 17

"17.-(1) The Institutes and Colleges referred to in sections 15 and 19 of this Act and such other institutes and colleges as may be established by order of the Minister pursuant to sections 16(1) and 20(1) of this Act, shall have power, after consultations with the Minister, to incorporate spin off companies in the agricultural research system in Nigeria.

(2) The spin off companies incorporated pursuant to subsection (1) of this section shall be charged with the responsibilities of providing the platform for the commercialization, privatization and marketing of scientific, agricultural and technological discoveries, innovations and findings of products developed by the Institutes and Colleges referred to in this Act.

CAP. C28 LFN, 2004

CAP. N62 LFN, 2004

(3) For the avoidance of doubt, the scientific, agricultural and technological discoveries, innovations and findings of the Council, Institutes and Colleges established under this Act shall have intellectual property rights attached to them as prescribed and protected under the Nigeria Copyright Commission Act 2004 and the National Office for Technology Acquisition and Promotion Act 2004."

(4) The existing sections 16 - 17 of the principal Act are renumbered as sections 18 - 19 respectively

11. Section 19 of the Principal Act as renumbered, is amended by inserting after the existing subsection (1) the following new subsections:

Amendment of
Section 19

"(2) Any research institute established for agricultural research under the Nigerian Research Institutes Act 1964 and the Research Institutes (Establishment, etc.) Order 1975, shall each be deemed to be established under this Act.

(3) For the avoidance of doubt, the governing boards of Institutes constituted under the Act and Order referred to in subsection (2) of this section shall be deemed to have been dissolved and the staff of the Institutes deemed to have transferred to the employment of the Council from the date of their appointment by the respective Institutes.

(4) Accordingly, the Nigerian Research Institutes Act 1964 and the Research Institutes (Establishment, etc.) Order 1975 are hereby consequently repealed.

(5) The statutory functions, rights, interests, obligations and liabilities of the repealed Institutes in subsection (4) of this section, existing before the commencement of this Act under any contract or instrument, or in law or in equity shall by virtue of this Act, be deemed to have been assigned to and vested in the Council established by this Act.

(6) Any such contract or instrument as is mentioned in subsection (5) of this section shall be of the same force and effect against or in favour of the Council established by this Act and shall be enforceable as fully and effectively as if instead of the Institutes in subsection (4) of this section existing before the commencement of this Act, the Council established by this Act has been named therein or had been a party thereto.

(7) The Council established by this Act shall be subject to all the obligations and liabilities to which the Institutes in subsection (5) of this section existing before the commencement of this Act was subject immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Council established by this Act as they had against the Institutes in subsection (5) of this section existing before the commencement of this Act.

(8) Any proceeding or cause of action pending or existing immediately before the commencement of this Act, by or against the Institutes in subsection (5) of this section existing before the commencement of this Act in respect of any right, interest, obligation or liability of the Institutes in subsection (5) of this section existing before the commencement of this Act may be continued or as the case may be commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Council established by this Act to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the Institutes in subsection (5) of this section existing before the commencement of this Act.

(9) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in the Institutes existing before the commencement of this Act shall by virtue of this Act and without further assurance, be vested in the Council established by this Act.

(10) Any person who immediately before the coming into force of this Act is the holder of any office in the Institutes in subsection (5) of this section existing before the commencement of this Act shall, on the commencement of this Act, continue in office and be deemed to have been appointed to his office by the Council established by this Act unless authority by which the person was appointed terminates the appointment."

12. (1) Immediately after the existing section 19 of the Principal Act as renumbered, there shall be inserted the following new section 20:

Repeal and Savings of CAP. N13 LFN, 2004 etc.

"20.-(1) The National Centre for Agriculture Mechanization Act 1990 is hereby repealed.

(2) The National Centre for Agriculture Mechanization, the Federal College of Co-operatives and the Federal College of Land Resources Technology, respectively operational under the Departments of

Insertion of a New
Section 20

Co-operatives and Agricultural Land Resources of the Ministry, shall be deemed to be established under this Act.

(3) Accordingly, the provisions of section 16 (4) - (9) of this Act shall apply mutatis mutandi to the Centres and Colleges specified under subsection (2) of this section with such modifications as are applicable."

(2) The existing sections 19-21 as renumbered are hereby re-numbered as sections 20-22.

13. 21.- In this Act, unless the context otherwise requires-

Amendment of Interpretation.

11. "Agricultural Sciences" includes crop sciences, fisheries, forestry and veterinary sciences;

"Board" means the Governing Board of the Council;

"Chairman" Means the Chairman of the Board;

"Council" means the Agricultural Research Council of Nigeria established under section 1 of this Act;

"Endowment Fund" means the National Agricultural Research and Extension Endowment Fund under section 8 of this Act;

"Executive Secretary" means the Executive Secretary appointed for the Council under section 6 of this Act;

"Members of the Board" includes the Chairman

"Minister" means the Minister charged with responsibility for Agriculture.

14. The First Schedule to the Principal Act is amended in paragraph 3 by:

Amendment of First Schedule

(a) inserting immediately after sub-paragraph (1) a new sub-paragraph (2) as follows:

"(2) The Board shall appoint a Standing Agricultural Scientific and Technological Research Committee of the Board to be known as "the Technical Committee" which shall be charged with the responsibility of advising the Board and the Council on research and innovation matters.";

(3) A Committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board) as may be determined by the Board and a person other than a member of the Board shall hold office in the committee in accordance with the terms of his appointment.

(4) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

15. (1) The Second Schedule of the Principal Act is amended in paragraph 1 by:

Amendment of Second Schedule

(a) deleting paragraph 1 and substituting therefore a new paragraph:

"1. All references to "the Governing Board" in this Part of the Act shall be construed as "the Council".

2. For the avoidance of doubt, reference in this Part of this Act to "the Council" means the Agricultural Research Council of Nigeria."

(b) delete paragraph 3 and renumber paragraphs 4, 5, 6, 7, 8, and (9) as paragraphs 3, 4,5,6, 7, 8 respectively

3. Deleted

4. Renumbered as '3'

Amended

4. Each Institute may appoint such employees as are deemed necessary for the proper discharge of the functions of the Institute under this Act and pay such employees such remuneration and allowances as are payable to persons of equivalent grades in the service of the Council.

8. Amended and Renumbered as '7'

Each Institute shall prepare and submit to the Council an annual report on the activities of the Institute.

The Bill seeks to amend the Agricultural Research Council of Nigeria Act 1990 to, among other things, provide for the:

1.-(a) Reconstitution of the membership of the Board of the Council;

(b) Appointment of Deputy Executive Secretaries;

(c) Conditions of service of staff to be as applicable in the universities;

(d) Powers of the Council to advise the Vice Chancellors on the appointment of Directors of agricultural research institutes established under university statutes;

(e) Establishment of Federal Colleges of Agriculture under the Act and placing them under the control of the Council;

(f) Powers of the Council, after consultation with the Minister, to incorporate spin off companies in Institutes and Colleges;

(g) Establishment of the National Centre for Agriculture Mechanization, Federal Colleges of Co-operatives and Federal Colleges of Land Resources Technology under the Act and placing them under the control of the Council;

h) Dissolution of the governing boards of all the Research Institutes established under the Act and for the Board of the Council to exercise control and powers over all the research institutes so established; and

(i) Repeal of the National Agricultural Research Institutes Act 1964 and the Research Institutes (Establishment, etc.) Order 1975 and the transfer of staff of the Institutes to the Council.

2. The provisions relating to the Board of the Council shall mutatis mutandi, apply to all the research institutes and colleges so established.

16. Immediately after the existing Second Schedule of the Principal Act, insert the following new Third Schedule:

Insertion of a new
Third Schedule

THIRD SCHEDULE

(Section 16)

1. FEDERAL COLLEGES OF AGRICULTURE

11-16 renumbered

S/No. NAME OF COLLEGE

1. Federal College of Agriculture Akure, Ondo State.

2. Federal College of Agriculture Ibadan, Oyo State.

3. Federal College of Agriculture Ishiagu, Ebonyi State.

4. Federal College of Animal Health and Production Technology, Ibadan, Oyo State.
5. Federal College of Animal Health and Production Technology, Vom, Plateau State.
6. Federal College of Freshwaters Fisheries Technology, New Bussa, Niger State.
7. Federal College of Freshwaters Fisheries Technology, New Baga, Borno State.
8. Federal College of Fisheries and Marine Technology, Lagos, Lagos State.
9. Federal College of Veterinary and Medical Laboratory Technology, Vom, Plateau State.
10. Federal College of Agricultural Produce Technology, Kano, Kano State.
11. Federal College of Horticulture, DadinKowa, Gombe State.
12. Federal Co-operative College, Ibadan.
13. Federal Co-operative College, Kaduna
14. Federal Co-operative College, Oji River.
15. Federal College of Land Resources Technology, Owerri.
16. Federal College of Land Resources Technology, Kuru-Jos.

2. Proceedings of the Board

- (1) All references to "the governing board" in this Part of the Act shall be construed as "the Council";
- (2) For the avoidance of doubt, reference in this Part of this Act to "the Council" means the Agricultural Research Council of Nigeria;

3. Powers

- (1) Subject to the provisions of this Act, each College shall have power to:
 - (a) provide full-time courses in teaching, instruction and training in agricultural production and distribution and for research in the development and adaptation of techniques in the agricultural sector;
 - (b) prepare a programme of academic training, for middle level manpower for the agricultural sector, within the field for which the College is responsible, under the approved master plan prepared by the Council together with detailed estimates of the expenditure which will be required for carrying out the programme;
 - (c) review and, if necessary revise, each year the programme approved under sub-paragraph (1) (a) of this paragraph for the following year, together with the estimated budget for that year;
 - (d) carry out the programmes of academic training approved by the Council;
 - (e) make suitable arrangement for extension services to Federal and State Ministries, agencies and the private sector;
 - (f) to arrange conference, seminars and workshops relative to agricultural training and extension; and
 - (h) do anything and enter into any transaction which in its opinion ought to be done in the proper discharge of its functions.
- (2) Each College shall, in particular, and without prejudice to the generality of the foregoing power, have power to acquire and hold immovable property.
- (3) For the purpose of the Land Use Act, the purposes of a College shall be public purposes of the Federation within the meaning of that Act.

4. Provost

- (1) There shall be a Provost for each College to be appointed by the Minister on the advice of the Council.
- (2) The Provost shall be:
 - (a) a person with relevant qualification and wide experience of the matter with which the College is concerned;
 - (b) charged with the day to day management of the affairs of the College in accordance with such instruction as may from time to time be given to him by the Board ; and
 - (c) appointed in accordance with the regulations and conditions of service approved by the Council.

5. Other staff

The Board may appoint such employees as are deemed necessary for the proper discharge of the functions of the College under this Act and pay such employees such remuneration and allowances as are payable to persons of equivalent grades in the service of the Council.

6. Fund

(1) Each College shall establish and maintain a fund from which shall be defrayed all expenditures incurred by the College.

(2) There shall be paid into the fund such sums as may be made available to the College by the Council and such other assets as may accrue to the College from time to time.

(3) The fund shall be managed in accordance with rules made by the Federal Minister of Finance, and without prejudice to the generality of the power to make rules conferred by this section, the rules shall include provisions:

(a) specifying the manner in which the assets and the fund are to be held and regulating the making of payments to and from the fund;

(b) requiring the keeping of proper accounts and records for the fund in such form as may be specified by the rules;

(c) for ensuring that the accounts are audited annually by an auditor approved by the Council.

7. Annual Estimates and Accounts

(1) Each College shall prepare and submit its programme and estimated budget and any annual revision for approval by the Council;

(2) Each College shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed from the list in accordance with the guidelines supplied by the Auditor General for the Federation, through the Council.

8. Annual Report

The Technical Committee of each of College shall prepare and submit to the Council not later than 30th June in each year a report in such form as prescribed in this Bill on the activities of the College during the immediate preceding year, and shall include in the report a copy of the audited accounts of the College for that year and of the auditor's report thereon.

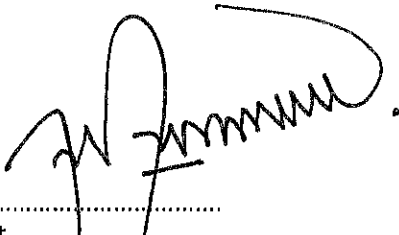
9. Power to Borrow Money

Each College may borrow or lend money only with the approval of the Council.


17. This Bill may be cited as the Agricultural Research Council of Nigeria (Amendment) Bill, 2021

Short title

THIS BILL WAS PASSED BY THE SENATE ON WEDNESDAY, 5TH MAY, 2021



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**President,
Senate of the Federal Republic of Nigeria**



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**Clerk,
Senate of the Federal Republic of Nigeria**