

INDUSTRIAL RESEARCH COUNCIL OF NIGERIA DECREE 1971



ARRANGEMENT OF SECTIONS

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SCHEDULE

Supplementary Provisions relating to the Council.

Decree No. 33

[19th June 1971]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established a body to be known as the Industrial Research Council of Nigeria which shall have the functions assigned to it by this Decree and which shall be a Research Council for the purposes of the Nigerian Council for Science and Technology Decree 1970.

Establish-
ment of the
Industrial
Research
Council
of Nigeria.
1970 No. 6.

(2) The Council shall be a body corporate with perpetual succession and a common seal.

(3) The provisions of the Schedule to this Decree shall have effect with respect to the constitution and procedure of the Council and the other matters therein mentioned.

Functions of
the Council.

2.—(1) The functions of the Council shall be—

(a) to encourage, promote and co-ordinate industrial research programmes of all kinds in Nigeria,

(b) to advise the Nigerian Council for Science and Technology and through it the Federal Military Government and the States on national policy on industrial research and on the financial and other requirements for the implementation of the said policy, and

(c) to ensure the application and development of the results of industrial research in consonance with national scientific, economic and social policies.

(2) For the purpose of carrying out the general functions imposed on the Council under subsection (1) above, it shall be duty of the Council as far as its resources permit—

(a) to keep under review activities of all kinds pertaining to industrial research of any kind and for that purpose—

(i) to survey and maintain an up-to-date record of all existing facilities and personnel connected in any way with industrial research in Nigeria,

(ii) to prepare and maintain a register of research projects relevant to Nigerian problems, completed or being carried on, in or outside Nigeria,

(b) to assess the value of industrial research programmes in terms of their significance to the national economy and to advise the Nigerian Council for Science and Technology and through it the Federal Military Government or any State thereon,

(c) to advise the Nigerian Council for Science and Technology and through it the Federal Military Government and the States on financial and other requirements of industrial research (whether on a short term basis or not) sponsored by the Federal Military Government or a State and undertaken by research institutes, universities or similar autonomous bodies in or outside Nigeria or directly undertaken by any department of the Federal Military Government or a State,

(d) to advise the Nigerian Council for Science and Technology and through it the Federal Military Government and the States on such organisational changes, including the establishment of institutes, as are required to implement or further the efficiency of industrial research, and to bring under the aegis of the Council such institutes as may from time to time be agreed by the Federal Military Government or the States,

(e) to encourage general education in the sciences relevant to industrial research and to sponsor the training of post-graduate students for research work and to advise the Nigerian Council for Science and Technology on the manpower and educational requirements in the field of industrial research,

(f) to publish or sponsor the publication of the results of industrial research particularly in relation to Nigerian problems and to popularise such results where their general recognition is, in the Council's opinion, of national importance,

(g) to co-ordinate all activities relative to its functions throughout Nigeria and to co-operate with foreign and international industrial research organisations, and

(h) to carry out such other activities as may, in the opinion of the Council, further the advancement of industrial research and the application of the results.

Power of
Commissioner to
give
directions
to the
Council.

3. Subject to this Decree, the Commissioner may give the Council directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions, and it shall be the duty of the Council to comply with the directions.

Secretary
and other
members of
staff of the
Council.

4.—(1) The Council shall appoint a Secretary to manage the affairs of the Council under its direction.

(2) The Council may appoint such other persons to be officers and servants of the Council as the Council may determine to assist the Secretary in the exercise of his functions.

(3) The remuneration and tenure of office and conditions of service of the Secretary and other officers and servants of the Council shall be determined by the Council after consultation with the Federal Commissioner for Establishments.

5.—(1) The Federal Commissioner for Establishments may by order published in the Federal Gazette declare that the office of the Secretary or of any person employed by the Council to be a pensionable office for the purposes of the Pensions Act.

Application
of Pensions
Act, etc.

Cap. 147.

(2) Subject to subsections (3) and (4) below, the Pensions Act shall in its application by virtue of the foregoing subsection to any office have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federation.

1963 No. 20.

(3) For the purposes of the application of the provisions of the Pensions Act in accordance with subsection (2) above—

(a) paragraph (1) of section 7 of that Act (which confers on the Commissioner power to waive the requirement to give notice of desire to retire at the age of forty-five) shall have effect as if for the references to the Commissioner there were substituted references to the Council, and

(b) the power under section 9 (1) of the Act to require an officer to retire at any time after attaining the age of forty-five, subject to his being given six months' notice in writing, shall be exercisable by the Council and not by any other authority.

(4) Nothing in the foregoing provisions shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

6.—(1) For the purpose of providing offices and premises necessary for the performance of its functions, the Council may—

Offices and
premises.

(a) purchase or take on lease any land, and

(b) build, equip and maintain offices and premises.

(2) The Council may sell or lease any land, offices or premises held by it and no longer required for the performance of its functions.

7.—(1) For the purposes of the Public Lands Acquisition Act the purposes of the Council shall be public purposes of the Federation within the meaning of that Act.

Compulsory
acquisition
of land.

Cap. 167.

(2) The Chief Federal Lands Officer may, by an instrument under his hand and seal, vest in the Council any property acquired pursuant to subsection (1) above; and the Council shall pay into the Consolidated Revenue Fund of the Federation a sum equal to the aggregate amount of any expenses (including compensation) incurred on behalf of the Federal Military Government by virtue of that subsection in respect of any property vested in the Council by such an instrument.

8.—(1) The Council may accept gifts of land, money or other property upon such trusts and conditions, if any, as may be specified by the person making the gift.

Power to
accept gifts.

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

Power to borrow.

9. The Council may with the consent of the Commissioner borrow on such terms or conditions (as the Council with the consent aforesaid may determine) such sums of money as the Council may require in the exercise of the functions conferred on it under this Decree or any other written law.

Financial provisions.

10.—(1) The Council shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Council.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) above—

(a) such moneys as may from time to time be lent or granted to the Council by the Federal Military Government or a State,

(b) all moneys raised for the purposes of the Council by way of gift, loan, grant in aid, testamentary disposition or otherwise,

(c) all subscriptions or fees and charges for services rendered by the Council,

(d) all interest received in respect of moneys invested by the Council, and

(e) all other assets from time to time accruing to the Council.

(3) The fund shall be managed in accordance with rules made by the Commissioner; and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions—

(a) specifying the manner in which the assets of the fund are to be held, and regulating the making of payments into and out of the fund,

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

(c) for securing that the accounts are audited periodically by an auditor appointed from a panel approved by the Commissioner, and

(d) requiring copies of the accounts and of the auditor's report thereon to be furnished to the Federal Executive Council through the Commissioner as soon as may be after the end of the period to which the accounts relate.

Expenditure of the Council.

11.—(1) The Council may from time to time apply the funds at its disposal—

(a) to the cost of the administration of the Council and of any research institute under its administration,

(b) to the provision of scholarships and other awards for the training of persons in industrial research,

(c) for reimbursing members or members of any committee set up by the Council for such expenses as may be expressly authorised by the Commissioner,

(d) to the payment of the salaries, fees or other remuneration or allowances and pensions, superannuation allowances and gratuities payable to the officers (including the Secretary) and servants of the Council or any research institute under its administration, so however that no payment of any kind under this paragraph (except such as may be expressly authorised by the Commissioner) shall be made to any person who is in receipt of emoluments from the Federal Military Government or a State,

(e) for the maintenance of any property vested in the Council or any research institute under its administration, and

(f) for and in connection with all or any of the functions of the Council under this Decree or any other written law.

(2) Except as provided for in subsection (1) above, no other remuneration shall be paid to any member of the Council or any member of any committee thereunder.

12. The Council shall as soon as possible after the end of each year submit to the Federal Executive Council and to the Nigerian Council for Science and Technology a report on the activities of the Council and any research institute under its administration during the last preceding year.

Annual
report.

13.—(1) The Council may make regulations generally for its purposes under this Decree; and without prejudice to the generality of the foregoing, regulations may provide for—

Regulations.

(a) the functions and responsibilities of the Secretary, and

(b) the disciplinary control of all officers and servants of the Council.

(2) Regulations made under subsection (1) above shall not have effect until they are approved by the Commissioner, and when so approved they shall be published in the Federal Gazette.

14. In this Decree, unless the context otherwise requires—

Interpreta-
tion.

“the Commissioner” means the Federal Commissioner for Industries;

“the Council” means the Industrial Research Council of Nigeria established by section 1 (1) of this Decree;

“member” means a member of the Council and includes the Chairman;

“the Secretary” means the person appointed under section 4 (1) of this Decree;

“State” means a State of the Federation.

15. This Decree may be cited as the Industrial Research Council of Nigeria Decree 1971 and shall apply throughout the Federation.

Citation and
extent.

SCHEDULE

Section 1 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Membership

1.—(1) Subject to this Schedule, the Council shall consist of twelve members to be appointed by the Commissioner after consultation with the Nigerian Council for Science and Technology and shall comprise—

(a) a Chairman who shall be a person of distinction in the field of industrial technology or economics,

(b) three engineers drawn from the main fields of engineering currently of major significance to industrial development,

(c) two technologists in industrial fields currently of major significance to industrial development,

(d) two persons distinguished in the field of the natural sciences,

(e) the Permanent Secretary of the Federal Ministry of Industries or his representative,

- (f) a person distinguished in the field of social and economic research,
- (g) two persons appointed on account of their qualifications for or experience in the exercise of functions of the kind conferred on the Council by this Decree.

(2) In order to maintain a proper balance between the public and private sectors and institutions, the Commissioner shall ensure that out of the total membership of the Council as provided for in sub-paragraph (1) above, at least two shall be persons appointed to represent each of the following interests, that is—

- (a) the universities and university research institutes,
- (b) private industry and private industrial research bodies, and
- (c) research institutes for which the Federal Military Government and the States have overall responsibility.

(3) Subject to paragraph 3 below, the Commissioner may appoint a person to act in the place of the Chairman during a long absence or during the temporary incapacity from illness of the Chairman; and that person while so acting shall exercise all the functions of the Chairman under this Decree.

(4) Subject to paragraph 3 below, the Commissioner may appoint any person to be a temporary member during a long absence or during the temporary incapacity from illness of any member; and that person, while the appointment subsists, may exercise all the functions of a member under this Decree.

(5) The Federal Executive Council may by order in the Federal Gazette increase or reduce the membership of the Council.

Terms of service

2. Subject to paragraph 3 below, a member of the Council shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for one further period of three years; thereafter he shall no longer be eligible for re-appointment:

Provided that nothing in this paragraph shall be construed as entitling any person who has held office as Chairman for a term and who is being re-appointed under this paragraph to be appointed again as Chairman.

3.—(1) Any member may resign his appointment by a letter addressed to the Commissioner and that member's resignation shall have effect from the date of the receipt of the letter by the Commissioner.

(2) The Commissioner may at any time by a notice in writing remove any member from his office for reasons stated in that notice.

(3) The foregoing provisions of this paragraph shall be without prejudice to section 11 of the Interpretation Act 1964 relating to appointments.

1964 No. 1.

Proceedings of the Council

4. Subject to this Decree and to section 26 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or any committee thereof.

5. The quorum of the Council shall be six and the quorum of any committee of the Council shall be determined by the Council.

6. At any meeting of the Council the Chairman or any person appointed to act in that behalf shall preside, but if neither is present the members present at the meeting shall elect one of their number to preside at the meeting.

7. The following persons, that is to say—

(a) the Permanent Secretaries of such Federal Ministries (other than the Federal Ministry of Industries) as may be specified by the Commissioner, or their representatives,

(b) the Directors of such research institutes as may come under the aegis of the Council in pursuance of section 2 (2) (d) of this Decree,

(c) any two members of the Nigerian Council for Science and Technology,

may attend any meeting of the Council and may take part in its deliberations but shall not be entitled to vote and shall not count towards a quorum.

8. The Council shall meet not less than twice in each year and on such other occasions as may be necessary.

Committees

9.—(1) The Council may, where appropriate, appoint a Management Committee to administer such research institutes as may come under its direct management in pursuance of section 2 (2) (d) of this Decree.

(2) Subject to its standing orders, the Council may appoint such other standing and ad hoc committees as the Council thinks fit to consider and report on any matter with which the Council is concerned.

(3) Every committee appointed under the foregoing provisions of this paragraph shall be presided over by a member of the Council and shall be made up of such number of persons, not necessarily members of the Council, as the Council may determine in each case.

Miscellaneous

10. The fixing of the seal of the Council shall be authenticated by the signature of the Chairman of the Council or by that of the Secretary if authorised in that behalf by the Council.

11. Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Council by any person specially or generally authorised to act for that purpose by the Council.

12. Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

13. The validity of any proceedings of the Council or of its committees shall not be affected—

(a) by any vacancy in the membership of the Council or any such committee, or

(b) by any defect in the appointment of any such member, or

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

14. Any member of the Council or any committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or any committee thereof shall forthwith disclose his interest to the Council and shall not vote on any question relating to the contract or arrangement.

MADE at Lagos this 19thth day of June 1971.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain its purport)*

The Decree establishes the Industrial Research Council of Nigeria. The main functions of the Council are to encourage, promote and co-ordinate industrial research programmes of all kinds in Nigeria and, through Institutes under its control, to undertake industrial research projects.

The Council is one of the major Research Councils for which the Nigerian Council for Science and Technology is to be the central co-ordinating body.