

Presented by Representative : Josiah Y. M. Mallo, Akwanga Federal Constituency, Plateau State

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL SUGAR RESEARCH INSTITUTE AND FOR PURPOSES CONNECTED THEREWITH :—

[

]

Commence-
ment.

1 BE IT ENACTED by the National Assembly of the Federal
2 Republic of Nigeria and by authority of same as follows :—

3 1.—(1) There is hereby established an institute to be known as the
4 National Sugar Research Institute (hereinafter, referred to as “the
5 Institute”).

Establish-
ment of the
National
Sugar
Research
Institute.

6 (2) There shall be established for the Institute a governing Council
7 (hereinafter, referred to as “the Council”) which shall be a body corpo-
8 rate with perpetual succession and a common seal and may sue or be
9 sued in its corporate name.

10 (3) The Council shall be responsible for the determination of the
11 overall policy of the Institute and in particular for the financial and
12 operational programmes of the Institute, and for ensuring implementa-
13 tion of such policies and programmes.

14 (4) The provisions of the Schedule 1 to this Act shall have effect with
15 respect to the proceedings of the Council and the other matters therein
16 mentioned.

Member-
ship of the
Council.

- 1 2. The Council shall consist of a Chairman to be appointed by the
2 President of the Federation and the following other members, that is—
3 (a) eight persons appointed being persons who by reason of any
4 requisite ability, experience and specialised knowledge, have skills that
5 will be useful and will enable them to make effective contributions to
6 the work of the Institute ;
7 (b) the Director of the Institute ; and
8 (c) the Director, Federal Department of Agriculture.

Functions
of the
Council.

- 9 3. It shall be the duty of the Council of the Institute—
10 (a) to prepare a programme of research for such periods of not
11 less than three years, together with detailed estimates of the expendi-
12 ture which will be required to carry out the programme ;
13 (b) each year to review, and if necessary revise the programme
14 approved under paragraph (a) for the following year, together with
15 the estimates of expenditure for the year ;
16 (c) to submit the programmes and estimates of expenditure, and
17 any annual revisions, for approval by the Minister; and
18 (d) to make suitable arrangements for the application of the results
19 of the work of the Institute by the extension services in which such
20 results can be applied.

Functions
of the Insti-
tute.

- 21 4. The functions of the Institute shall be—
22 (a) to undertake research into and providing information and
23 advice relating to the production of high yielding and disease-resistant
24 varieties of sugar cane with emphasis on the improvement of local
25 varieties of sugar cane ;
26 (b) to undertake the development of machinery technology most
27 adapted to our local needs for the production and processing
28 sugar and the utilisation of by-products of sugar cane;

1 (c) to disseminate information acquired through research to
2 institutions engaged in the processing of the sugar cane plant into
3 sugar ;

4 (d) to co-ordinate the activities of all sugar factories and institutions
5 engaged in conducting research of any sort into sugar cane ;

6 (e) to conduct conferences, seminars and workshops concerning
7 research for the training of factory, plantation and research institute
8 workers ;

9 (f) to collate, analyse and publish information relating to studies
10 on the various aspects of the biology, economics and processing of
11 the sugar cane and its by-products and to disseminate such reports
12 and studies to professionals and institutions concerned with sugar
13 production ; and

14 (g) carry out such other activities as are conducive to the discharge
15 of its function under this Act.

16 5.—(1) There shall be a Director of the Institute who shall
17 be appointed by the President of the Federation and shall have
18 appropriate qualifications.

The Director of the Institute and other staff.

19 (2) Subject to the general control of the Council, the Director shall
20 be the Chief Executive of the Institute and shall be responsible for
21 the execution of the policy of the Institute and the day to day running
22 of the affairs of the institute.

23 (3) The Director shall hold office in the first instance for a period
24 of 4 years and shall be eligible for re-appointment for such further
25 terms as the President may determine.

26 (4) Subject to this section, the Director shall hold office in such
27 terms as to emoluments and otherwise as may be approved by the
28 President.

Staff of the
Institute.

1 6.—(1) The Institute may appoint other employees of the Institute
2 to assist the Director in the exercise of his functions.

3 (2) Notwithstanding the provisions of subsection (1) above,
4 employees of the Institute may be appointed by the Institute by way of
5 transfer or secondment from any of the public services of the Federation.

6 (3) The Institute, subject to the approval of the Minister respon-
7 sible for Establishment matters, may determine the conditions of service
8 of the employees (other than the Director) including provision for
9 payment of pensions.

10 (4) The Institute, subject to the approval of the Council, may
11 obtain the services of consultants, establish and maintain fellowships
12 with such stipends and allowances necessary to procure the assistance of
13 highly qualified research fellows for purposes of this Act.

Power to
accept gifts.

14 7.—(1) Subject to subsection (2) below, the Institute may accept
15 gifts of land, money or other property upon such trusts and conditions, if
16 any as may be specified by the person making the gift.

17 (2) The Institute shall not accept any gift if the conditions attached
18 by that person making the gift are inconsistent with the functions of the
19 Institute under this Act.

Offices and
premises.

20 8.—(1) For the purpose of providing offices and premises necessary
21 for the performance of its functions, the Institute may—

22 (a) purchase or take on lease any land ; and

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

24 (2) The Institute may, with the approval of the Minister, sell or
25 lease any land, offices or premises held by it and no longer required for
26 the performance of its functions.

1 9.—(1) The Council shall submit to the Minister not later than
2 30th September in each financial year an estimate of its revenue and
3 expenditure.

Financial
provisions.

4 (2) The Council shall establish and maintain a fund from which
5 there shall be defrayed all expenditure incurred by the Council.

6 (3) There shall be paid and credited to the fund—

7 (a) Such sums as may from time to time be granted to the Council ;

8 (b) all moneys raised for the purposes of the Institute by way of
9 gifts, grants, and sales of publications ; and

10 (c) all subscriptions, fees and charges for services rendered by the
11 Institute and all other sums that may accrue to the Institute from any
12 sources.

13 10.—(1) The Institute shall manage the funds in accordance with
14 rules made by the Council with the approval of the Minister for Finance;
15 and without prejudice to the generality of the power to make rules
16 conferred by this subsection, the rules shall, in particular, include
17 provisions—

Accounts
and audits.

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

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

22 (c) for securing that the accounts are audited annually by an
23 auditor approved by the Minister for Finance ; and

24 (d) requiring copies of the accounts and of the audit report on them
25 to be forwarded to the Minister.

26 11.—(1) The Institute shall prepare and arrange for the preparation
27 of annual reports on the progress of the work of the Institute ;
28 and to submit to the Minister not later than 30th June in each financial

Annual
reports.

1 year, and shall include in the report a copy of the audited accounts of the Institute for that year and of the auditors' reports on the accounts.

(2) The Minister shall forthwith submit the report and any recommendations made by him to each member of the National Assembly.

12. The Minister may give to the Council directions of a general nature with respect to any of the functions of the Council or of the Institute under this Act and it shall be the duty of the Council to comply with such directions.

13. The transitional provision in Schedule 2 to this Act shall have effect notwithstanding any other provisions of this Act or any provisions of the University of Ilorin Act 1979 or statutes made thereunder.

14. In this Act, unless the context otherwise requires--

"Chairman" means the person appointed as chairman of the Council pursuant to section 2 of this Act;

"Council" means the Council established by section 1 (2) of this Act;

"Director" means the Director appointed pursuant to section 5 of this Act;

"Institute" means the National Sugar Research Institute established by section 1 (1) of this Act;

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

15. This Act may be cited as the National Sugar Research Institute Act 1981.

Power of
Minister to
give direc-
tions to the
Council.

Transitional
provisions
1979 No. 81.

Interpreta-
tion.

SCHEDULES

SCHEDULE 1

Section 1 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of Service

1.—(1) A member of the Council holding office by virtue of this Act not being a public officer shall hold office for a period of 4 years from the date of his appointment and subject to the provisions of sub-paragraph (2) of this paragraph shall be eligible for reappointment.

(2) The office of a member of the Council mentioned in sub-paragraph (1) above shall become vacant if—

(a) he resigns his office by notice in writing under his hand, addressed to the President of the Federation ; or

(b) the President of the Federation is satisfied that it is not in the interest of the Institute for the person appointed to continue in office and notifies the member in writing to that effect.

2. Members of the Council not being ex-officio members may be paid such travelling and other allowances as may be approved by the President of the Federation.

3. The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

4. Subject to this Act and 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. 1964 No. 1.

5. Every meeting of the Council shall be presided over by the Chairman or, if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.

6. The quorum at a meeting of the Council shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 5 above) and six other members.

7. Where upon any special occasion the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt that person to be a member for as many meetings as may be necessary and that person while so opted shall have all the rights and privileges of a member except that he shall not be entitled to vote.

8.—(1) Subject to its standing orders, the Council may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Council is concerned.

(2) Every Committees 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.

(3) The quorum of any committee set up by Council shall as may be determined by the Committee.

9. The fixing of the seal of the Council shall be authenticated by the signature of the Chairman or the Director of the Institute.

10. Any contract or instrument which if made 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 or by any other person generally or specially authorised to act for that purpose by the Council.

11. Any document purporting to be a contract instrument or other document duly signed or sealed on behalf of the Council shall be received in evidence and, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

12. The validity of any proceedings of the Council or a Committee thereof shall not be affected—

(a) by any vacancy in the membership of the Council or Committee ;

(b) by any defect in the appointment of a member of the Council or Committee ;

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

13. The Council may make standing orders with respect to the holding of meetings, the nature of notice to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

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

SCHEDULE 2

Section 13

TRANSITIONAL PROVISIONS RELATING TO THE EMPLOYEES, ASSETS AND LIABILITY OF UNILORIN SUGAR RESEARCH INSTITUTE

1. By virtue of this Act there shall be vested in the Council immediately at the commencement of this Act without further assurance all assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in the Unilorin Sugar Research Institute, (referred to in this Schedule as "the old Institute").

2. As from the date of commencement of this Act—

(a) all rights, interest, obligations and liabilities of the old Institute existing immediately before the commencement of this Act under any contract or instrument, or at law or in equity apart from any contract or instrument, shall by virtue of this Act be assigned and vested in the Council;

(b) any such contract or instrument as mentioned in paragraph (a) above shall be of the same force and effect against or in favour of the Council and shall be enforceable as fully and effectively as if instead of the old Institute, the Council had been named therein or had been a party thereto ; and

(c) the Council shall be subject to all obligation and liabilities to which the old Institute was subject immediately before the date of commencement of this Act and all other persons shall as from the date of commencement of this Act have the same rights, powers and remedies against the Council as they had against the old Institute immediately before the date of commencement of this Act.

3. Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the old Institute in respect of any right, interest, obligation or liability of the old Institute may be commenced, continued or enforced by or against the Council as if this Act had not been made.

4. Notwithstanding the provisions of the University of Ilorin Act 1979 or of any statutes made thereunder or any provision of this Act but subject to such directions as may be issued by the Council, any person who immediately before the date of commencement of this Act held office under the old Institute shall be deemed to have been transferred to the new Institute established under this Act on terms and conditions not less favourable than those obtaining immediately before the commencement of this Act ; and service under the old Institute shall be deemed to be service under the Institute established under this Act for pensions purposes.

1979 No. 81

5. Within the twelve months next after the commencement of this Act, the Minister, if he thinks fit, may by order in the *Gazette* make additional transitional or saving provisions for the better carrying out of the objectives of this Schedule.

EXPLANATORY MEMORANDUM

The Act establishes the National Sugar Research Institute under a governing council which shall be responsible for the determination of the overall policy of the Institute and for the financial and operational programmes of the Institute. Among the other functions of the Institute is to conduct research relating to the production of high-yielding and disease resistant varieties of sugar-cane and the development of machinery technology most adapted to our local needs for the production and processing of sugar and the utilization of by-products of sugar-cane.