

NATIONAL WATER RESOURCES INSTITUTE DECREE 1985



ARRANGEMENT OF SECTIONS

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SCHEDULE

Supplementary Provisions Relating to the Board.

Decrèe No. 3

[2nd March 1985]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established an Institute to be known as the National Water Resources Institute (hereinafter in this Decree referred to as "the Institute") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

Establish-
ment and
functions of
the National
Water
Resources
Institute.

(2) The Institute shall be responsible generally for the promotion and development of training courses in water resources and without prejudice to the generality of the foregoing shall—

(a) advise the Minister on national water resources training needs and priorities ;

(b) perform engineering research functions related to such major water resources projects as may be required for flood control, river regulation, reclamation, drainage, irrigation, domestic and industrial water supply, sewage and sewage treatment ;

(c) perform such ancillary services on planning of water resources management and river basin development and produce necessary codes of practice in water resources engineering related to and suitable for Nigerian conditions ;

(d) promote the establishment of a uniform national data collection system relating to surface and subsurface water resources ;

(e) provide for the training of engineers and technicians on short courses and formulate programmes of work in the field of water resources ;

(f) establish and maintain a water resources library, documentation and conference centre ;

(g) publish or sponsor publication of water resources journals ;

(h) promote co-operation in water resources development management with similar bodies in other countries and with international bodies connected with water resources management and operations ;

(i) carry out such other activities as are necessary or expedient for the full discharge of its functions under this Decree.

Board of the
Institute, its
functions,
etc.

2.—(1) There shall be a governing Board of the Institute (hereinafter in this Decree referred to as “the Board”) which shall consist of—

(a) a Chairman ;

(b) three persons one of whom shall be a member of the Armed Forces ;

(c) a representative of a university or other institution of higher learning in Nigeria ;

(d) the Director, Federal Department of Water Resources, or his representative ;

(e) a representative of the Federal Ministry of Education, Science and Technology ;

(f) the Director of the National Water Resources Institute.

(2) The Chairman and the persons mentioned in paragraphs (b) and (c) of subsection (1) above shall be appointed by the Head of the Federal Military Government.

(3) The governing Board shall, in general, outline the policy and decide in broad terms on the programme of work of the Institute and prepare detailed estimates of expenditure which will be required to carry out such programmes.

(4) The Chairman and the other members of the Board appointed by the Head of the Federal Military Government by virtue of this section shall hold office for a term of three years and subject to the provisions of subsection (5) of this section shall be eligible for re-appointment.

(5) The office of a member of the Board mentioned in subsection (4) above shall become vacant if—

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

(b) the Minister 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.

(6) Members of the Board (not being ex-officio members) may be paid such travelling and other allowances as may from time to time be approved by the Minister.

(7) The Board may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

(8) The provisions of the Schedule to this Decree shall have effect with respect to matters mentioned therein.

3.—(1) There shall be a Director of the Institute who shall be appointed by the Head of the Federal Military Government.

The Director of the Institute and other staff.

(2) Subject to the general control of the Board, the Director shall be the chief executive officer of the Institute and shall be responsible for the execution of the policy of the Institute and the day to day running of its affairs.

(3) There shall be a Secretary to the Institute who shall be appointed by the Board. The Secretary to the Institute shall also be the Secretary to the Board and shall perform such other functions as may be assigned to him by the Board or the Director.

(4) The remuneration and the tenure of office of the employees of the Institute (other than the Director) shall be determined by the Board in accordance with scales and conditions laid down by government in that behalf.

4.—(1) Subject to subsection (2) of this section, the Board may accept gifts of land, money or other property upon such terms and condition if any, as may be specified by the person making the gift.

Power to accept gifts, etc.

(2) The Board shall not accept any gift if the conditions attached by the person making the gift are inconsistent with the functions of the Board under this Decree.

5.—(1) Subject to subsection (2) of this section, the Board shall appoint an Advisory Technical Committee for the purpose of giving guidance on short and long term planning of programmes of the Institute.

Advisory Technical Committee.

(2) Membership of Committee shall consist of—

(a) the Director, Federal Department of Water Resources, who shall be the Chairman ;

(b) the Director of the Institute appointed pursuant to section 3 (1) of this Decree ;

(c) The General Managers of the National Electric Power Authority and the River Basin Development Authorities and State government agencies responsible for water resources development ;

(d) the Director of the Geological Surveys Department or his representative ;

(e) one representative of the National Hydrological Technical Committee ;

(f) the Director, Federal Department of Agriculture ;

(g) the Director, Federal Department of Meteorology ;

(h) one representative of the Nigerian Society of Engineers.

(3) The quorum for meetings of the Committee shall be eleven.

Pensions.

1979 No. 102.

6.—(1) It is hereby declared that service in the Institute shall be public service for the purposes of the Pensions Act 1979 and, accordingly, officers and other staff of the institute shall in respect of their service in the Institute be entitled to such pensions, gratuities and other retirement benefits as are prescribed thereunder so however that nothing in this Decree shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

(2) For the purposes of the application of the provisions of the Pensions Act 1979, any powers exercisable thereunder by a Minister or other authority of the Government of the Federation (not being power to make regulations under section 23 thereof) are hereby vested in and shall be exercisable by the Board and not by any other person or authority.

Offices and premises.

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

(a) purchase or take on lease any land ;

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

(2) The Board may, with the approval of the Minister, give out on lease any land, offices or premises held by it and no longer required for the performance of its functions.

Financial provisions.

8.—(1) The Board shall prepare and submit to the Minister (not later than six months before the end of any financial year) an estimate of its revenue and expenditure for the following financial year.

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

(3) There shall be paid and credited to the fund established under subsection (2) above—

(a) such sums as may from time to time be granted to the Institute by the Federal Military Government ;

(b) all moneys raised for the purposes of the Institute by way of gifts, grants-in-aid, testamentary disposition and sales of publications ;

(c) all subscriptions, fees and charges for services rendered by the Institute ; and

(d) all other sums that may accrue to the Institute from any source.

Accounts and audit.

9.—(1) The Board shall keep proper accounts and proper records in relation to the fund and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may direct.

(2) The Board shall ensure that the accounts of the Institute shall be audited annually.

Annual report.

10.—(1) The Board shall prepare and submit to the Minister not later than the end of each financial year a report in such form as the Minister may direct on the activities of the Institute during the immediately preceding financial year, and shall include in the report a copy of the audited accounts of the Institute for that year and of the auditors' report on the accounts.

(2) The Minister shall submit the report and recommendations made by him thereon to the Head of the Federal Military Government.

11. No suit shall be commenced against the Institute before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Institute by the intending plaintiff or his agent ; and the notice shall clearly and explicitly state—

Procedure in respect of suits against the Institute, etc.

(a) the cause of action ;

(b) the particulars of the claim ;

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

(d) the relief which he claims.

12. The notice referred to in section 11 of this Decree and any summons, notice or other document required or authorised to be served upon the Institute under the provisions of this Decree or any other enactment or law may be served by delivering the same to the Chairman or the Director of the Institute, or by sending it by registered post addressed to the Director at the principal office of the Institute.

Service of documents.

13. In any action or suit against the Institute no execution or attachment or process in the nature thereof shall be issued against the Institute but any sums of money which may, by the judgment of the court, be awarded against the Institute shall, subject to any directions given by the Institute, be paid from the general reserve fund of the Institute.

Restriction on execution against the property of the Institute.

14. The Minister may give the Board directions of a general character or relating generally to particular matters (but not to any individual or case) with regard to the exercise by the Board of its functions under this Decree, and it shall be the duty of the Board to comply with such directions.

Power to give direction.

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

"Director" means the Director appointed pursuant to section 3 (1) of this Decree ;

"Institute" means the National Water Resources Institute established by section 1 (1) of this Decree ;

"Minister" means the Minister charged with responsibility for water resources.

Interpretation.

16. This Decree may be cited as the National Water Resources Institute Decree 1985.

Citation.

SCHEDULE

(Section 2 (8))

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

1.—(1) The Board shall meet for the conduct of business at such times, places and on such days as the Chairman may appoint but shall meet not less than three times in a year.

(2) The Chairman may at any time, and shall at the request in writing of the Minister or of not less than four members, summon a meeting; and if the Chairman fails so to do, the Minister may himself summon a meeting.

(3) Particulars of the business to be transacted at any meeting shall be circulated to members with the notice of the meeting.

2.—(1) Every question put before the Board at a meeting shall be decided by a majority of the votes of the members present and voting.

(2) The quorum for meetings of the Board shall be five.

(3) The Chairman shall, at any meeting, have a vote, and, in the case of an equality of votes, may exercise a casting vote.

3.—(1) The Chairman shall preside at all meetings of the Board, but if he is absent from any meeting of the Board, the members present shall elect one of their number to preside at that meeting.

(2) During the Chairman's absence on leave or if the Chairman is otherwise not available, or is unable to perform his functions, the Minister may appoint any member of the Board to act as Chairman for a specified period.

4. The validity of any proceedings of the Board or of any of its committees shall not be affected—

(a) by any vacancy in the membership of the Board or any such committees;

(b) by any defect in the appointment of any member;

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

5. Subject to the provisions of this Decree, the Board 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.

Committees

6.—(1) Subject to section 5 of this Decree, the Board may appoint one or more committees to advise it in the exercise and performance of its functions.

(2) Every such committee shall consist of—

(a) a Chairman who shall be appointed by the Board from among the members of the Board;

(b) not more than five persons (who may not all be members of the Board), so however that any non-member of the Board co-opted to serve on any committee shall enjoy all the rights and privileges of a member except the right to vote and to count towards a quorum.

(3) In this paragraph "Chairman" means the Chairman of a committee.

Miscellaneous

7.—(1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed on behalf of the Board by any person generally or specifically authorised in that behalf by the Board.

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

8.—(1) The common seal of the Board shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Board and recorded in the minutes of the meeting.

(2) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman (or some other member authorised generally or specifically by the Board to act for that purpose) and the Secretary of the Institute.

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

MADE at Lagos this 2nd day of March 1985.

MAJOR-GENERAL M. BUHARI,
*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 effect.)

The Decree establishes an Institute by the name of National Water Resources Institute for the promotion and development of training courses in water resources and to advise the Minister on national water resources training needs and priorities. The Institute is also charged with some engineering functions related to water resources development as may be required for flood control, river regulation, reclamation, drainage and irrigation.

The Institute is to be under a governing board consisting of—

(a) a Chairman and three other persons one of whom shall be a member of the Armed Forces to be appointed by the Head of the Federal Military Government ;

(b) the Director, Federal Department of Water Resources ;

(c) the Director, National Water Resources Institute ;

(d) a representative of a university in Nigeria or other institution of higher learning ;

(e) a representative of the Federal Ministry of Education, Science and Technology.