

NATIONAL CENTRE FOR AGRICULTURAL MECHANISATION ACT

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Proceedings of the Board, etc.

An Act to establish the National Centre for Agricultural Mechanisation, amongst others, to accelerate agricultural mechanisation in Nigeria, utilising mechanisation in Nigeria, utilising local materials, skills and facilities and matters connected therewith.

[1990 No. 35.]

[10th October, 1990]

[Commencement.]

PART I

Establishment of the National Centre for Agricultural Mechanisation

1. **Establishment of the National Centre for Agricultural Mechanisation**

There is hereby established a body to be known as the National Centre for Agricultural Mechanisation (in this Act referred to as "the Centre").

2. **Objectives of the Centre**

(1) The Centre shall have the general objective of accelerating mechanisation in the agricultural sector of the economy in order to increase the quantity and quality of agricultural products in Nigeria.

(2) For the purposes of subsection (1) of this section, the Centre shall-

(a) encourage and engage in adaptive and innovative research towards the development of indigenous machines for farming and processing techniques;

(b) design and develop simple and low-cost equipment which can be manufactured with local materials, skills and facilities;

(c) standardise and certify in collaboration with the Standards Organisation of Nigeria agricultural machines, equipment and engineering practices in use in Nigeria;

(d) bring into focus mechanical technologies and equipment developed by various institutions, agencies or bodies and evaluate their suitability for adoption;

(e) assist in the commercialisation of proven machines, equipment, tools and techniques;

(j) disseminate information on methods and programmes for achieving speedy agricultural mechanisation;

(g) provide training facilities by organising courses and seminars specially designed to ensure sufficient trained manpower for appropriate mechanisation;

(h) promote co-operation in agricultural mechanisation with similar institutions in and outside Nigeria and with international bodies, connected with agricultural mechanisation.

(3) The Centre may carry out such other activities as are necessary or expedient for the full discharge of any of the functions of the Centre under this Act.

3. Establishment of the National Centre for Agricultural Mechanisation Management Board

(1) There is hereby established a Board to be known as the National Centre for Agricultural Mechanisation Management Board (in this Act referred to as "the Board") which, subject to the provisions of this Act, shall be charged with the general management and control of the Centre.

(2) The Board shall be a body corporate with perpetual succession and a common seal and may be sued in its corporate name.

4. Membership of the Board

The Board shall consist of-

- (a) a chairman to be appointed by the President;
- (b) the director, Federal Department of Agriculture and Rural Development;
- (c) one representative from a Federal University appointed, on rotation;
- (d) a representative each of-
 - (i) the Federal Ministry of Science and Technology chosen from the Agro-Industrial Research Department;
 - (ii) the agricultural machinery manufacturers;
 - (iii) the farmers organisation;
 - (iv) the Standards Organisation of Nigeria; and
- (e) the director of the Centre.

5. Tenure of office of members

(1) Subject to the provisions of this section, a member of the Board shall hold office for four years and shall be eligible for re-appointment for a further period of four years.

(2) Notwithstanding the provisions of subsection (1) of this section, the President may at any time remove a member from the Board.

(3) Any member may, in writing under his hand addressed to the Minister at any time, resign his appointment.

(4) The office of a member of the Board shall become vacant if-

- (a) the period of his appointment has expired;
- (b) he absents himself without leave of the Board from three consecutive meetings of the Board and without reasonable excuse for so doing;
- (c) he is guilty of misconduct in his office as a member and a resolution of the Board approves the termination of his membership;
- (d) he dies, resigns or is removed from office.

(5) Soon after the office of a member of the Board becomes vacant, the authority by whom he was appointed shall appoint another person in his place in accordance with the provisions of this Act.

(6) Members of the Board, other than *ex-officio* members, shall be paid, out of the moneys at the disposal of the Board, such remunerations and allowances as the Minister may, with the approval of the President, determine.

6. Proceedings of the Board

The provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.

[Schedule.]

PART II

Powers of the Board

7. Powers of the Board

The Board shall have power to--

(a) establish a Technology Hall where indigenously produced and imported technologies relating to agricultural mechanisation can be displayed for the benefit of research fellows, designers, farmers, manufacturers and entrepreneurs;

(b) erect, provide, equip and maintain research centres, training schools with libraries, lecture halls and such other buildings or things as are necessarily suitable or required for any of the objects of the Centre;

(c) encourage and provide for research at the Centre;

(d) accept gifts, legacies and donations which are consistent with the objects of the Centre;

(e) enter into contracts;

(f) acquire and hold movable and immovable property;

(g) with the approval in writing of the Minister-

(i) subject to the Land Use Act, sell, mortgage, transfer or otherwise deal with immovable property; and

[Cap. L5.]

(ii) sell, mortgage, transfer or otherwise deal with movable property;

(h) with the approval of the Minister, borrow at interest on the security of land or movable property of the Board such moneys as the Board may, from time to time, require for the purposes

of this Act;

(i) with the approval of the Minister, invest the funds of the Board as it thinks fit; and

(j) do anything which, in its opinion, may advance the objects of which the Centre was set up.

8. Power to use land

(1) In furtherance of the objects of the Centre, the Board or any person authorised by the Board may, upon giving such notice as is specified in subsection (2) of this section, use any land to do such things as are necessary or incidental to the promotion of the objectives of the Centre.

(2) In the exercise of its powers under subsection (1) of this section, the Board or the director on behalf of the Board, as the case may be, shall give notice to the occupier of any land of the Board's intention to use the said land for a specific period.

(3) The Board shall pay reasonable compensation for any damage attributable to the exercise of its powers under subsection (1) of this section.

9. Delegation of power

The Board may appoint committees from among its members to--

(a) inquire into and report to the Board on matters affecting the Centre;

(b) deal with matters of an urgent or local nature where directed or approved by the Board, subject to such conditions as the Board may, in writing, specify;

(c) appoint staff for the Centre and exercise disciplinary control over such staff.

10. Power to co-opt members

(1) The Board may, from time to time, co-opt any person or persons not exceeding two in number to assist the Board in carrying out the objects of the Centre under this Act.

(2) Any person co-opted under subsection (1) of this section may take part in the deliberations of the Board but shall not be deemed a member of the Board for the purpose of voting at a meeting or forming a quorum.

PART III

Director and other staff of the Centre

11. Appointment, etc., of the director

(1) There shall be a director of the Centre who shall be appointed by the President, on the recommendation of the Minister.

(2) A person shall not be qualified to be appointed as a director, unless he is the holder of a higher degree in agricultural engineering with at least ten years' research and administrative experience in a reputable establishment.

(3) The Board shall not exercise any disciplinary control over the director, without the approval of the Minister.

(4) Subject to the provisions of this Act and the control of the Board over matters affecting the finance of the Centre, the director shall be the chief executive of the Centre and shall be charged with the general responsibility for the management and administration of the affairs of the Centre and in particular shall--

(a) direct and regulate the programme of work at the Centre;

(b) promote research within and outside of the Centre;

(c) keep safe custody of all the records of the Centre;

(d) demand and receive from any person attending any training or courses at the Centre fees as the Board may, from time to time, determine;

(e) prepare and present to the Board annual and other reports on the progress of work at the Centre and on the expenditure or liabilities incurred by the Centre;

(f) be responsible for the day-to-day running and management of the Centre; and

(g) exercise such powers and perform such duties as may, from time to time, be determined him by the Board.

(5) The director shall hold office on such terms and conditions as may be specified in his letter of appointment and on such other terms as may be determined, from time to time, by the President.

12. Appointment of deputy director and the secretary

(1) There shall be appointed as the deputy director, an engineer from the serving members of the staff of the Centre, not below the rank of Principal Research Fellow.

(2) The deputy director shall act in the place of the director when the office of the director is vacant or the director is for any reason (including absence from the precincts of the Centre) unable to perform his functions as the director.

(3) There shall be for the Centre an administrative secretary who shall be appointed by the Board to perform such duties as may be assigned to him by the Board.

13. Appointment of other staff

(1) Subject to section 11 of this Act, the Board may appoint such other staff for the Centre as it may determine and pay to its staff such remuneration and allowances as are payable to persons on equivalent grades in the civil service of the Federation.

(2) The power of the Board under subsection (1) of this section shall include the power to-

(a) promote and control the staff of the Centre as may appear to the Board necessary or expedient;

(b) dismiss, terminate, consider the resignation or withdrawal of appointment and exercise disciplinary control over the staff of the Centre, other than the director.

(3) The Board may delegate to the director, generally or specifically, the power to appoint such categories of staff of the Centre as the Board may, from time to time, specify.

14. Pensions

(1) Service in the Centre shall be approved service for the purposes of the Pensions Act.

[Cap. P4.]

(2) Officers and other employees in the Centre shall be entitled to pensions, gratuities and other retirement benefits as are prescribed in the Pensions Act, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

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

PART IV

Financial provisions

IS. Fund of the Board

(1) The Board shall establish and maintain a fund from which shall be defrayed, with the general or specific approval of the Minister in any case, all expenditure incurred by the Board.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section-

(a) all moneys raised for the general purposes of the Centre;

(b) all moneys accruing to the Board on behalf of the Centre by any means, including grants-in-aid, endowments and donations;

(c) all charges, dues, fees or amounts recovered by the Board;

(d) all interests on moneys invested by the Board; and

(e) such other sum as may, from time to time, accrue to the Centre or the Board.

(3) All sums of money received on account of the Centre by the Board accruing to the fund shall be paid into the Central Bank of Nigeria for the credit of the Centre.

16. Accounts and audit

(1) The Board shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause to be prepared in each year-

(a) a statement showing the income and expenditure of the Centre for the immediately preceding year; and

(b) a statement of the assets and liabilities of the Centre as at the last day of the immediately preceding year.

(2) The Board shall cause every statement prepared under this section to be audited within six months after the end of the year to which the statement relates by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

17. Annual estimates

The Board shall cause to be prepared not later than 1 June in each year an estimate of the expenditure necessary to carry out the programme approved by the Board for the next succeeding year and shall, not later than 31 October in each year, submit to the Minister the estimate of expenditure and that of its income during the next succeeding year.

18. Annual report

(1) The Board shall prepare and submit to the Minister once every year a report, in such form as the Minister may direct, on the activities of the Board during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Centre for that year and the auditor's report thereon.

(2) The Minister shall cause a copy of each report made to him under this section to be submitted to the President.

PART V

Miscellaneous

19. Power of the Minister to give directives to the Board

The Minister may give to the Board directives of a general nature with regard to the carrying out of the objects of the Centre under this Act and it shall be the duty of the Board to comply with such directives.

20. Regulations

(1) The Board may, with the approval of the Minister, make regulations for prescribing fees to be charged for services rendered by the Centre and generally for carrying into effect the provisions of this Act and the due administration of the Centre.

(2) Any regulations made under subsection (1) of this section shall be published in the *Gazette*.

21. Interpretation

In this Act, unless the context otherwise requires-

"Board" means the National Centre for Agricultural Mechanisation Board established by section 3 of this Act;

"Centre" means the National Centre for Agricultural Mechanisation established by section I of this Act;

"chairman" means the chairman of the Board;

"director" means the director of the Centre appointed under section 11 of this Act;

"member" means a member of the Board and includes the chairman;

"Minister" means the Minister charged with responsibility for matters relating to agriculture;

"powers" include duties and functions.

22. Short title

This Act may be cited as the National Centre for Agricultural Mechanisation Act.

SCHEDULE

[Section 6.]

Proceedings of the Board, etc.

1. Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders to regulate the proceedings of the Board or any committee thereof.

[Cap. 123.]

2. (1) The Board shall meet not less than two times in every year for the exercise of its functions under this Act and at such times and places as the chairman may, from time to time, appoint.

(2) The chairman shall, if required to do so by notice in writing by not less than five other members, call a special meeting of the Board to be held within 28 days from the date on which the notice is given.

(3) Any notice given under sub-paragraph (2) of this paragraph shall state the matters to be discussed at the special meeting and any matter not so stated shall not be discussed at the meeting.

(4) At every meeting of the Board, the chairman shall preside and in his absence the members present shall appoint one of their number to preside at that meeting.

3. The quorum of the Board shall be four and the quorum of any committee of the Board shall be determined by the Board.

4. Minutes of every meeting of the Board shall be regularly entered in a book to be kept for the purpose and shall, after approval by members, be signed by the chairman at the next ensuing meeting.

5. The Board may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the fact that any person not entitled to do so took part in the proceedings.

6. (1) The 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.

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

(3) 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 Board by any person generally or specially authorised to act for that purpose by the Board.

(4) 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.

7. Members of the Board who are not public officers shall be paid out of the money at the disposal of the Board such travelling and other allowances in accordance with such scales as may be approved, from time to time, by the Minister.

8. Any member of the Board or 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 committee and shall not vote on any question relating to such contract or arrangement.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation