

NATIONAL FERTILIZER BOARD ACT

ARRANGEMENT OF SECTIONS

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An Act to establish the National Fertilizer Board as a body corporate to be charged with responsibility for purchasing and distributing fertilizer to State Governments, at such subsidised prices as may be determined by the Federal Government.

[1977 No. 8.]

[21st January, 1977]

[Commencement.]

1. Establishment of the National Fertilizer Board

(1) There is hereby established a Board to be known as the National Fertilizer Board (in this Act referred to as "the Board").

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

(3) The Board shall have power to sue and be sued in its own name and for the purpose of its functions, acquire, hold or dispose of property (whether movable or immovable).

2. Functions of the Board and directions by the Minister

(1) The functions of the Board shall be-

(a) to undertake the bulk purchase of fertilizer, for distribution to State Governments at such subsidised prices as may be determined, from time to time, by the Federal Government;

(b) to transport such fertilizer to central warehouses in the States as may be mutually agreed to between the Board and the State Governments concerned;

(c) with the approval of the President, to fix, from time to time, the retail price at which fertilizer is to be sold by State Governments to farmers or other consumers; and

(d) to carry out such other activities as are necessary or expedient for the full discharge of the functions conferred on it under or pursuant to this Act.

(2) Notwithstanding subsection (1) (a) of this section, any contract for the purchase of fertilizer of a value of not less than ₦1 million, shall be referred to the President for approval through the Minister before any award of such contract is made.

(3) The Minister may give to the Board directions of a general character or relating generally to particular matters, with regard to the exercise by the Board of its functions under this Act, and it shall be the duty of the Board to comply with such directions.

3. **Membership**

The Board shall consist of the following members-

(a) a chairman, to be appointed by the President;

(b) the Permanent Secretary, Federal Ministry of Agriculture and Rural Development;

(c) two chief agricultural officers, to be appointed from the States for two years in rotation, so however that no two such officers shall come from the same State;

(d) one representative of the Nigerian Ports Authority;

(e) one representative of the Federal Ministry of Commerce;

(f) one representative of the Nigerian Railway Corporation;

(g) one representative of the Federal Ministry of Industry;

(h) four representatives appointed by the Minister from the private sector, connected with fertilizer manufacture or distribution; and

(i) the general manager appointed under section 5 of this Act.

4. **Proceedings of the Board**

(1) Subject to the provisions of this Act, the Board may regulate its own proceedings and the chairman may at any time, and shall at the request in writing of the Minister or of not less than five members, summon a meeting; and if the chairman fails to do so, the Minister may himself summon a meeting.

(2) The Board shall meet at least two times in every year for the due performance of its functions under this Act.

(3) The chairman shall preside over every meeting of the Board and in his absence the members of the Board present at the meeting shall appoint one of them to preside.

(4) Four members shall form a quorum.

(5) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present, and in the case of an equality of votes the person presiding shall have a casting vote.

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

5. **Appointment of general manager**

(1) There shall be appointed by the Minister with the approval of the President, a general manager of the Board.

(2) The general manager shall be the chief executive officer of the Board and shall be responsible for the execution of policy of the Board and the day-to-day running of the affairs of the Board.

(3) The general manager shall hold office on such terms as to tenure, emoluments and otherwise as may be specified in his letter of appointment.

6. **Appointment of secretary and other staff of the Board**

(1) The Board shall appoint a secretary to the Board and such other officers and employees as it thinks fit.

(2) The terms of employment of officers and employees of the Board shall be determined by the Board after consultation with the Federal Civil Service Commission.

7. **Borrowing power**

(1) Subject to subsection (2) of this section, the Board may, from time to time, borrow such sums as it may require in the exercise of its functions under this Act.

(2) Subject to the following provisions of this section, the Board shall not, without the approval of the President, borrow any sum of money, whereby the amount in aggregate outstanding on any loan or on all loans at any time, exceeds N500,000 or such other limit as may be prescribed, from time to time by, the President.

(3) A person lending to the Board shall not be bound to inquire whether the borrowing is within the power of the Board or not.

8. **Funds of the Board, etc.**

(1) The funds of the Board shall consist of-

(a) such sums as may, from time to time, be provided by the Federal Government and the State Governments;

(b) such sums as may, from time to time, be lent to the Board by any person; and

(c) such other sums as may accrue to the Board in the execution of its functions under this Act.

(2) The Board shall not later than 1 August in each year or so soon thereafter as the Minister may in a proper case allow, submit to the Minister for approval its estimates of revenue and expenditure in respect of the year, beginning with 1 April in the following year.

9. **Accounts and audit**

The Board shall keep proper accounts, in a form which conforms with accepted commercial standards, of its receipts, payments, assets and liabilities and shall submit the same, from time to time, but not less frequently than annually, for auditing by a qualified auditor approved annually in that behalf by the Ministry of Finance.

10. Annual report

(1) The Board shall on or before 1 October each year prepare and present to the Minister a report of its proceedings and operations during the period of twelve months

ending 31 March in that year, and the report shall be accompanied by a copy of the audited accounts of the Board for that period.

(2) The Minister shall cause, as soon as may be after receipt thereof, a copy of every report, together with the audited accounts, to be submitted to the President.

11. Interpretation

In this Act, unless the context otherwise requires-

"the chairman" means the chairman of the Board, appointed under section 3 of this Act;

"fertilizer" includes pesticides and insecticides;

"functions" includes powers and duties;

"the Minister" means the Minister charged with responsibility for matters relating to Agriculture.

12. Short title

This Act may be cited as the National Fertilizer Board Act.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation