

REPORT OF A BILL FOR AN ACT TO ESTABLISH THE BRACKISH FISHERIES RESEARCH INSTITUTE OF NIGERIA, NGO FOR FISHERY RESEARCH, EDUCATION AND COOPERATIVE TRAINING IN NIGERIA; AND FOR RELATED MATTERS, 2019 (HB. 1310).

ENACTED by the National Assembly of the Federal Republic of Nigeria –

PROVISION OF BILL	COMMITTEE'S RECOMMENDATION	REMARK
PART I – ESTABLISHMENT OF THE NATIONAL INSTITUTE FOR BRACKISH WATER FISHERIES RESEARCH, NGO-ANDONI Establishment of the National Institute for Brackish Water Fisheries Research, Ngo-Andoni. 1. (1) There is established the National Institute for Brackish Water Fisheries Research, Ngo-Andoni (in this Bill referred to as "the Institute"). (2) The Institute: (a) shall be a body corporate with perpetual succession and common seal which shall be kept in such custody as the Institute may authorize.	Retained	
Mandate of the Institute. 2. (1) The mandates of the Institute shall be: (a) to conduct basic and applied research of national and strategic importance for sustainable brackish water culture systems; (b) act as repository of information on brackish water fishery resources with a systematic database; (c) direct the processes of species and systems expansion in Nigeria brackish water aquaculture; (d) provide platform for human resource development, capacity building and skill development through training, education and extension; (e) conduct of research into brackish water quality management, pollution control and fisheries resources economics and marketing	Retained	

(f) provide link with relevant National and International agencies/institutions; (g) monitoring/management of Geological and geophysical features of brackish-water bodies in Nigeria; (h) improvement and enhancement of the livelihoods of the creeks dwellers with emphasis on youths and women; (i) provide training in fishing craft technology, brackish-water aquaculture; and (j) providing cooperative training for persons engaged in fish business on developing fishing clusters. (2) The Institute shall, when so requested by the Federal Government, government agencies or any of the State or Local Government authorities or any authorized body, provide information or give advice relating to their specified fields of research.		
The powers of the Institute. 3. (1) The institute may, with the approval of its supervising Ministry or Board, enter into association or agreement with the competent authorities of any university or other institution of higher learning or recognized international institutions for the purpose of promoting or furthering mutual co-operation in the field of scientific research in respect of which the Board has responsibility under this Bill. (2) The Institute may, at the written request of any government agency, local government authority or private organisation, train laboratory, field ecology extension and other categories or descriptions of workers relative to their specified fields of research. (3) Without prejudice to its research functions, the Institute may produce improved seedlings and other planting materials as part of its research and experimental programmes for use of farmers in different ecological zones of the Federation.	Retained	

(4) The Institute shall, when so requested by the Federal Government, government agencies or any of the State or Local Government authorities or any authorized body, provide information or give advice relating to their specified fields of research.		
Governing Board of the Institution. 4. (1) There shall be for the Institute, a governing body (in this Bill referred to as "the Board") charged with the administration of government policies. (2) The Board shall be established by the President of the Federal Republic of Nigeria on the recommendation of the Minister and shall be evenly distributed among the six geo-political zones of the Federation. (3) The Board shall consist of: (a) a chairman, knowledgeable in Fishery or related discipline; (b) a representative of the Ecological Funds Office; (c) a representative of the Supervising Ministry charged with the supervision of Fishery matters; (d) two other members nominated by the President; and (e) the Director-General of the Institute; (f) the Director-General of the Institute who shall be the Secretary to the Board. (4) With the exception of the Director-General, membership of the Board shall be on part-time basis. (5) A member of the Board may resign his appointment by a letter addressed to the President, through the Minister, and, if accepted. The resignation shall take effect from the date the President receives the letter of resignation. (6) Members of the Board shall, unless otherwise provided, hold office for a term of four years and may be eligible for another term of four years and no more.	Retained	

Powers of the Board. 5. (1) The Board shall have the powers to — (a) perform all functions conferred on the Institute by this Bill; (b) formulate policies for the Institute; (c) make rules to govern the procedures of its meetings; and (d) make recommendation to the Minister on the establishment of specialized colleges in other parts of the country as the need arises. (2) The provision of the Schedule to this Bill shall apply with respect to the proceedings Schedule of the Board.	Retained	
The Director-General of the Institute. 6. (1) The President shall, on the recommendation of the Minister, appoint the Director- General of the Institute. (2) The Director-General shall be — (a) a Research Professor with vast experience in Fishery and or related disciplines; (b) charged with the day-to-day management of the affairs of the Institute in accordance with such instructions as may be given to him by the Minister, through the Board of the Institute; (c) the Accounting Officer of the Institute. (3) The Director-General of the Institute shall hold office for a term of four years and may be eligible for re-appointment for another term of four years and no more. (4) The Board may appoint such other persons as employees of the Institute either by way of transfer or secondment from any of the public service or any university in the Federation or otherwise as it considers necessary.	Retained	

(5) The Institute shall operate research professorial cadre system for researchers or lecturers and directorate equivalent system for support services staff such as: (a) the Institute's Secretary for Administration Cadre System; (b) the Institute's Librarians for Library Cadre system; (c) the Institute's Accountant for the Account and Finance Cadre System; (d) the Institute's Auditor for the Audit Cadre System; and (e) the Head of Procurement for the Procurement Cadre System. (6) The remuneration, conditions of service and tenure of office of the employees of the Institute shall be determined by the National Income, Salaries and Wages Commission and the Federal Civil Service Commission.		
The Provost. 7. (1) The Minister shall, on the recommendation of the Board, appoint a Provost for each of the Colleges of the Institute. (2) The Provost shall: (a) be a Ph.D. holder and shall possess a minimum experience as a Senior Lecturer in the field of Fishery related disciplines; (b) be charged with the day-to-day management of the College in accordance with such instructions as may be given to him by the Board or Director-General of the Institute; (c) design research programmes, the formulation and implementation of research proposals relevant to the Institute;	Retained	

(d) coordinate the training programmes or research and provisions of intellectual leadership; (e) be responsible for the collation and interpretation of research data and the preparation of scientific reports: (f) prepare annual and quarterly reports in respect of his College: (g) be responsible for College development programmes and planning; and (h) hold office for a non-renewable term of five years. (3) The Board shall recommend the removal of the Provost to the Minister if he is found incompetent or incapacitated.		
PART II – PROFESSIONAL DISCIPLINE Professional discipline. 8. Every staff shall be well acquainted with the disciplinary procedure entrenched in the Public Service Rules, and any other regulations as may be made by the Board.	Retained	
Penalties for unprofessional conduct. 9. Where a staff – (a) is judged to be guilty of infamous conduct in any professional respect; (b) is found to have contravened the provisions of Public Service Rules; or (c) contravene directives issued as government circulars from the supervising Ministry, Federal Civil Service Commission, Office of the Secretary to the Government of the Federation, Office of the Head of Service and other Federal Government offices with authority to issue circulars and directives, the staff shall be subjected to disciplinary measures in accordance with the regulations contained Public Service Rules.	Retained	

PART III – MISCELLANEOUS AND GENERAL PROVISIONS Provision of Library. 10. The Institute shall – (a) provide and maintain a library comprising of books and publications for the advancement of knowledge of Fishery and such other books and publications as the Board may deem necessary for that purpose; and (b) encourage research into Fishery and allied subjects to the extent that the Board may consider necessary.	Retained	
Rules and regulations. 11. (1) The Minister shall have powers to make rules and regulations under this Bill. (2) The regulation made under this Bill shall be published in the Federal Government Gazette as soon as they are made. (3) The rules made for the purposes of this Bill (other than rules made by the Minister) shall: (a) be subject to confirmation by the Institute at its next annual meeting or at any special meeting of the Institute convened for the purpose; and (b) if not confirmed, cease to have effect on the day after the date of the confirmation but without prejudice to anything done in pursuance or intended pursuance of such rules.	Retained	
Offences. 12. (1) If a staff, for the purpose of procuring the registration of any name, qualification or other matter: (a) makes a statement which he believes to be false in a particular matter, or (b) recklessly makes a statement which is false in a particular matter; the staff shall commits an offence.	Retained	

(2) If a member or any other person employed by or on behalf of the Institute willfully makes any falsification on any matter, the member or person commits an offence. (3) Any staff who commits an offence under this section shall, after being found guilty by properly constituted Disciplinary Committee, be subjected to relevant punishment stipulated under the Public Service Rule.		
PART IV – FINANCIAL PROVISIONS Funds of the Institute. 13. (1) The Institute shall establish and maintain a fund into which shall be paid: (a) annual subvention from the Federal Government; (b) monetary gifts, research grants or aids and contribution from national and international organisations; (c) internally generated revenue from research breakthroughs, products and services provided by the Institute; (d) the internally generated revenue which shall be shared at the ratio of 75%-25% for the Institute and the Federal Government respectively; (e) the 75% share for the for the institute which shall be expended on areas that would promote the Institute's mandate (f) loans and other solicited funds received by the Institute; and (g) all other sums accruing to the Institute from time to time. (2) The Institute shall prepare a detailed annual budget of its programmes and activities for the approval of the Board and the Minister. (3) The Institute shall apply the funds at its disposal:	Retained	

(a) to meet the cost of administration of the Institute and its Colleges; (b) for the payment of fees, allowances and benefits of members of the Board; (c) to the payment of functions of the Institute under this Bill or any matter connected to its function; (d) to meet any capital expenditure of the Institute; (e) salaries, allowances and benefits of officers and other employees of the Institute; (f) to such reasonable travelling and subsistence allowances of the Board, Director-General and other members of staff in respect of time spent on the duties of the Institute as may be determined by the Board and other guidelines of the Institute; (g) to maintain any property acquired by or vested in the Institute; and (h) to implement all or any of the expenditure of the Institute.		
Bank account of the Institute. 14. (1) The Institute shall maintain a bank account in its name in banks approved by the Board (2) Any fund of the Institute in excess of an imprest to be determined by the Board shall be lodged into the Institute's account.	Retained	
Power to accept gift. 15. (1) The Institute may accept gifts of land, money or other testamentary dispositions, endowments and contributions on such terms and conditions, if any, as may be specified by the donor. (2) The Institute shall not accept any gift if the conditions attached by the donor are Inconsistent with	Retained	

the objectives and functions of the Institute under this Bill.		
Power to borrow. 16. (1) The Institute may, with the consent of the Minister and on the recommendation of the Board, borrow by way of loan, a specified amount as it may require for meeting its obligations and performing its functions under this Bill. (2) No consent or authority shall be required under subsection (1), if the sum or the aggregate of the sums involved at any time does not exceed such amount as may, for the time being, specified in relation to the Institute by the Federal Government.	Retained	
Annual estimates, accounts and audit. 17. (1) The Institute shall prepare, not later than so" September, an estimate of the expenditure and income of the Institute during the next succeeding year and, when prepared, they shall be submitted to the Minister for approval prior to final submission at the National Assembly. (2) The Institute shall keep proper books of records and accounts which shall be audited by auditors approved by the Board from the list of auditors in accordance with the guidelines supplied by the Auditor-General for the Federation.	Retained	
Annual report. 18. The Institute shall, not later than six months after the end of each year, submit to the National Assembly, through the Minister, a report on the activities and the administration of the Institute and its Colleges during the immediately preceding year and shall include in the report. The audited accounts of the Institute and its Colleges and the report of the Auditor on the accounts.	Retained	
Indemnity of members. 19. No suit, prosecution or legal proceedings shall lie against any officer, member or employee of the Institute for anything which is done in good faith or is intended to be done under this Bill rules or regulations made under this Bill.	Retained	

Legal proceedings and service of summons. 20. (1) A suit shall not 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 on the Institute by the intending plaintiff or claimant or his counsel, and the notice shall clearly state the: (a) cause of action; (b) particulars of the claim; (c) name and place of abode of the intending plaintiff or claimant; and (d) relief which he claims. (2) The notice referred to in subsection (1) of this section and any summons, notice or other document required or authorised to be served on the Institute under the provisions of this Bill or any other enactment or law may be served by: (a) delivering the documents to the office of the Director- General; or (b) sending it by registered post addressed to the Director-General at the Headquarters of the Institute.	Retained	
Seal of the Institute. 21. The seal of the Institute shall not be affixed on any instrument except with the authority of the Director-General.	Retained	
Interpretation. 22. In this Bill – "Board" means the Board established as the governing body of the Institute under section 4 (2) of this Bill; "Director-General" means the Director-General appointed under section 6 (1) of this Bill; "institute" means the National Institute for Brackish Water Fisheries Research, Ngo-Andoni established under section 1 (1) of this Bill;	Retained	

"Colleges" means the Federal Colleges of the Institute under this Bill; "Member" means Member of the Institute; "Minister" means the Minister charged with the responsibility for matters relating to Fishery; "Supervising Ministry" means the Ministry charged with the responsibility for matters relating to Fishery.		
Citation. 23. This Bill may be cited as the National Institute for Brackish Water Fisheries Research, Ngo-Andoni (Establishment) Bill, 2019.	Retained	
SCHEDULE SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD AND THE INSTITUTE <i>Qualifications and Tenure of Office of members</i> 1. (1) Subject to the provisions of this paragraph, a member of the Board shall hold office from the effective date of the instrument of his appointment. (2) A member of the Institute who ceases to be a member shall, if he is also a member of the Board, cease to hold office on the Board. <i>Powers of the Board</i> 2. The Board shall have powers to do anything which, in its opinion, is calculated to facilitate the carrying-on of the activities of the Institute under this Bill. <i>Proceedings of the Board</i> 3. (1) Subject to the provisions of this Bill, the Board may, in the name of the Institute, make standing orders regulating the proceedings of the Institute or Board and, in the exercise of its powers under this Bill, may set up committees in the general interest of the Institute and make standing orders for the committees.	Retained	

(2) Standing orders shall provide that decisions shall be taken by a majority of the members, and, in the event of equality of votes, the Chairman has a second or casting vote.

(3) Standing orders made for a Committee shall provide that the Committee is to report back to the Board on any matter not within its competence to decide.

(4) The quorum of the Board shall be four and the quorum of a Committee of the Board shall be fixed by the Board.

Committees

4. The Board shall convene the annual farming systems meeting of the Institute every year.

5. (1) The Institute may set up one or more standing or ad-hoc committees to carry out, on its behalf, such of its functions as it may determine.

(2) A Committee set up under this paragraph shall consist of such number of persons as may be determined by the Institute and a person, other than a member of the Institute, shall hold office on the Committee in accordance with the terms of his appointment

(3) A decision of a Committee of the Institute shall be of no effect until it is confirmed by the Institute.

Meetings of the Institute

6. The institute shall convene an annual meeting immediately before the commencement of a new academic session or on such other date as the Board may appoint, but if the meeting is not held within one year after the previous annual meeting, not more than 15 months shall elapse between the respective dates of the two meetings.

Meetings of the Board

7. (1) The Board shall meet at least twice in any financial year, and subject to the provisions of any standing order of the Board, the Board shall meet at other times as it is summoned by the Chairman, and if the Chairman is

required to do so by notice in writing given to him by at least four other members, he shall summon a meeting of the Board to be held within seven days from the date on which notice is given.

(2) At any meeting of the Board, the Chairman shall preside but, in his absence, the members present at the meeting shall appoint one of them to preside at that meeting.

(3) Where the Board decides to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as the Board deems fit, but a person who is a member by virtue of this subparagraph is not entitled to vote at any meeting of the Board and shall not count towards a quorum.

(4) Notwithstanding anything in the provisions of this paragraph, the first meeting of the Board shall be convened by the Minister who may give such directions as he deem fit as to the procedure which shall be followed by the Board.

Miscellaneous

8. (1) The fixing of the seal of the Institute shall be authenticated by the Director-General of the Institute or an officer authorised by the Institute to act in his place for this purpose.

(2) A 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 Institute or Board, as the case may require, by any person generally or specially authorised to act for that purpose by the Board.

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

9. The validity of any proceeding of the Institute, Board or Committee of the Board shall not be affected by –

(a) any vacancy in the membership;

(b) any defect in the appointment of a member of the Institute or Board; or (c) reason that a person not so entitled to do so took part in the proceedings. 10. A member of the institute or Board and any person holding office on a Committee of the Board who has a personal interest in any contract or arrangement being entered into or proposed to be considered by the Board or any Committee shall declare and disclose his interest in such contract or arrangement to the Board and shall be disqualified to vote on any question relating to such contract or arrangement.		
EXPLANATORY MEMORANDUM This Bill seeks to establish the National Institute for Brackish Water Fisheries Research, Ngo-Andoni for Fishery research, education and cooperative training in Nigeria.	Retained	