



# SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

## VOTES AND PROCEEDINGS

Wednesday, 3<sup>rd</sup> March, 2021

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1. The Senate met at 10:39 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**  
The Senate examined the Votes and Proceedings of Tuesday, 2<sup>nd</sup> March, 2021.  
*Question was put and the Votes and Proceedings were approved.*
3. **Presentation of Bills:**
  - (i) National Centre for Agricultural Mechanization Act, Cap N13 LFN 2004 (Amendment) Bill, 2021 (SB. 452) — *Read the First Time.*
  - (ii) National Examination Management Commission Bill, 2021 (SB. 656) — *Read the First Time.*
  - (iii) Nigeria Postal Services Bill, 2021 (SB. 657) — *Read the First Time.*
  - (iv) Nigeria Salt Development Council Bill, 2021 (SB. 658) — *Read the First Time.*
  - (v) Federal Orthopaedic Hospital Lafiagi, Kwara State (Establishment) Bill, 2021 (SB. 660) — *Read the First Time.*
4. **Executive Communication:**  
**2021 Budget of the Nigeria Police Trust Fund:**  
*Motion made:* That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the 2021 Budget of the Nigeria Police Trust Fund (*Deputy Senate Leader*).  
*Question put and agreed to.*  
*Request accordingly referred to the Committee on Police Affairs to report within two (2) weeks.*
5. **Executive Communication:**  
**Confirmation of the Nomination of Muhammed Dattijo Usman for Appointment as Federal Commissioner, National Population Commission:**  
*Motion made:* That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the confirmation of the nomination of Muhammed Dattijo Usman for appointment as Federal Commissioner representing Niger State in the National Population Commission (*Deputy Senate Leader*).

*Question put and agreed to.*

*Request accordingly referred to the Committee on National Identity and National Population to report within two (2) weeks.*

**6. Executive Communication:**

***Confirmation of the Nomination of Mr. Halilu Ahmad Shaba for Appointment as Director General of the National Space Research and Development Agency:***

*Motion made:* That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the confirmation of the nomination of Mr. Halilu Ahmad Shaba for appointment as Director General of the National Space Research and Development Agency (*Deputy Senate Leader*).

*Question put and agreed to.*

*Request accordingly referred to the Committee on Science and Technology to report within two (2) weeks.*

**7. Executive Communication:**

***Confirmation of the Nomination of Haliru Nababa as Controller-General, Nigerian Correctional Service:***

*Motion made:* That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the confirmation of the nomination of Haliru Nababa as Controller-General, Nigerian Correctional Service (*Deputy Senate Leader*).

*Question put and agreed to.*

*Request accordingly referred to the Committee on Interior to report within two (2) weeks.*

**8. Specialized National Dermatology Hospital, Garkida (Establishment) Bill, 2021 (SB. 631):**

*Motion made:* That a Bill for an Act to provide the legal framework to establish the Specialized National Dermatology Hospital at Garkida for the prevention, diagnostic, curative, promotive, rehabilitative, cosmetic, allergy of all conditions and diseases affecting the skin and for other Matters Connected Therewith, 2021 be read the Second Time (*Senator Aishatu A. Dahiru — Adamawa Central*).

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee on Health (Secondary and Tertiary) to report within four (4) weeks.*

**9. University Teaching Hospitals (Reconstitution of Boards, etc) Act (Amendment) Bill, 2021 (SB. 617):**

*Motion made:* That a Bill for an Act to amend the University Teaching Hospitals (Reconstitution of Boards, etc) Act Cap U15 LFN 2004 and for Related Matters, 2021 be read the Second Time (*Senator Umaru T. Al-Makura — Nasarawa South*).

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee on Health (Secondary and Tertiary) to report within four (4) weeks.*

**10. Federal University of Health and Medical Sciences Suleja (Establishment) Bill, 2021 (SB.633):**

*Motion made:* That a Bill for an Act to provide for the Establishment of Federal University of Health and Medical Sciences Suleja and for Matters Connected Therewith, 2021 be read the Second Time (*Senator Mohammed S. Musa — Niger East*).

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee on Health (Secondary and Tertiary) to report within four (4) weeks.*

**11. Motions:**

**(a) *Need for the construction of the Badagry/Sokoto Expressway to promote economic growth and development:***

*Motion made:* The Senate: notes that the Badagry-Sokoto Expressway is a Federal Government road which connects 12 States; Lagos/Badagry, Ogun/Agbara, Oyo/Abeokuta, Kwara, Niger, Kebbi and Sokoto States at the national level, with Benin, Togo and Niger at the international level, in addition to being the Nigerian section of the Trans-West Coastal Highway project to link 12 West African coastal nations;

*aware* that the Badagry-Sokoto Expressway was initiated as part of 4th National Development Plan, which was commenced by the General Olusegun Obasanjo regime in 1978, but was abandoned in 1979 (over 40 years now) after he handed over power to Alhaji Shehu Shagari;

*further aware* that the original conception of this expressway was a linkage road between the North and South Nigeria and some West African countries through Seme Border; to ease carriage of goods across the borders as it connects Apapa seaports and Seme land border as well as one of the largest industrial hubs in the country, the Agbara Industrial Estate;

*cognizant* that in 2009 the Federal Government in collaboration with the Lagos State Government started the reconstruction and expansion of the Lagos-Badagry part of the Badagry-Sokoto expressway, from 6 to 10 lanes, prompting economic development around the area, but the project was abandoned due to lack of fund, thereby affecting these economic activities negatively;

*further cognizant* that in 2019, the Federal Government in collaboration with the Lagos State Government resumed the reconstruction of the Lagos-Badagry part of the Badagry-Sokoto expressway but nothing is being done to construct the rest of the expressway;

*assured* that the road if constructed will boost food and agricultural production and connect these rural communities to major urban corridors, a necessary condition for improved agriculture value chain. The connection to urban corridors will increase off season employment for rural youth and sustain youth employment and employability;

*further assured* that the proximity to western neighbours of the country, will improve cross border market and international trade and help advance Nigeria's commitment to regional and continental trade; and

*convinced* that the construction of this road will add to the number of North South roads, enhance the durability of the roads, reduce distance and help integrate the western flack of the country into national roads and help integrate the western flack of the country into the national road structure with strong implication for national integration and development. The Western and Eastern flacks of the country are the least integrated in terms of road network and therefore the poorest using disaggregated national data.

*Accordingly resolves to:*

mandate the Committees on Works; Finance; and National Planning to jointly inter-face with the Ministry of Works, Federal Road Maintenance Agency (FERMA) and other relevant stakeholders to determine why the Badagry-Sokoto Expressway has been abandoned for such a long time, provide a permanent and sustainable solution/plan and report to the Senate within 2 weeks (*Senator Sadiq S. Umar — Kwara North*).

**Proposed Resolution:**

*Question:* That the Senate do mandate the Committees on Works; Finance; and National Planning to jointly inter-face with the Ministry of Works, Federal Road Maintenance Agency (FERMA) and other relevant stakeholders to determine why the Badagry-Sokoto Expressway has been abandoned for such a long time, provide a permanent and sustainable solution/plan and report to the Senate within 2 weeks — *Agreed to.*

**Additional Proposed Resolution:**

*Insert Additional Proposed Resolution as follows:*

“That the Senate do urge the Federal Government to as a matter of urgency direct the Federal Ministry of Works and Housing; and Infrastructure Concession Regulatory Commission (ICRC) to initiate for Build-Operate-Transfer (BOT) or Public Private Partnership (PPP) arrangement for the construction and completion of this most important highway” (*Senator Mohammed S. Musa — Niger East*).

*Question that the amendment be made, put and agreed to.*

*Resolved:*

That the Senate:

- (i) mandate the Committees on Works; Finance; and National Planning to jointly inter-face with the Ministry of Works, Federal Road Maintenance Agency (FERMA) and other relevant stakeholders to determine why the Badagry-Sokoto Expressway has been abandoned for such a long time, provide a permanent and sustainable solution/plan and report to the Senate within 2 weeks; and
- (ii) urge the Federal Government to as a matter of urgency direct the Federal Ministry of Works and Housing; and Infrastructure Concession Regulatory Commission (ICRC) to initiate for Build-Own-Transfer (BOT) or Public Private Partnership (PPP) arrangement for the construction and completion of this most important highway (*S/Res/076/02/21*).

**(b) *Need for Immediate Completion of the Abadigba-Egwume Power Plant Project in Dekina Local Government Area of Kogi State:***

The Senate: notes that sometime in 2007, the Federal Government embarked on a power plant project at Abadigba-Egwume in Dekina Local Government Area of Kogi State to light up Kogi East Senatorial District, against the backdrop of the persistent poor power supply in the area;

*further notes* that the project advanced with the installation of various equipment, including three giant power plants and two transformers, in readiness for connection with GEREGU Power station at Ajaokuta;

*concerned* that the project has become one of the abandoned projects in the country as no effort has been made to complete it in line with the laudable intentions of the government, thirteen years after initiating it;

worried that this continued abandonment of the project has led to the destruction of some of the connecting wires and cables due to bush burning, in addition to vandalism by criminals, thereby occasioning avoidable losses to the government;

informed that the project is at 70% completion stage, according to information from engineers, and only requires minimal additional resources to make it functional; and

convinced that completing the Abadigba power project will boost production activities and facilitate economic development, as most companies and business outfits currently rely on generators with the attendant increase in cost of production, leading to high prices of goods and services.

*Accordingly resolves to:*

mandate the Committee on Power to liaise with the Federal Ministry of Power to take necessary steps for the immediate completion of the Abadigba-Egwume power project, and report back to the Senate within 4 weeks (*Senator Jibrin Isah — Kogi East*).

***Proposed Resolution:***

*Question:* That the Senate do mandate the Committee on Power to liaise with the Federal Ministry of Power to take necessary steps for the immediate completion of the Abadigba-Egwume power project, and report back to the Senate within 4 weeks — *Agreed to.*

*Resolved:*

That the Senate do mandate the Committee on Power to liaise with the Federal Ministry of Power to take necessary steps for the immediate completion of the Abadigba-Egwume power project, and report back to the Senate within 4 weeks (*S/Res/077/02/21*).

**12. Environmental Health Officers (Registration, etc) Act, No. 11 2002 (Amendment) Bill, 2021 (HB. 44) — Concurrence:**

*Motion made:* That a Bill for an Act to Amend the Environmental Health Officers (Registration, etc.) Act No. 11, 2002 to give the Council more Professional outlook; and for Other Related Matters, 2021 be read the Second Time (*Deputy Senate Leader*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee of the Whole.*

*Motion made:* Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to Consider a Bill for an Act to Amend the Environmental Health Officers (Registration, etc.) Act No. 11, 2002 to give the Council more Professional outlook; and for Other Related Matters, 2021.

*Question put and agreed to.*

**(SENATE IN THE COMMITTEE OF THE WHOLE)**

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE ENVIRONMENTAL HEALTH OFFICERS (REGISTRATION, ETC.) ACT NO. 11, 2002 TO GIVE THE COUNCIL MORE PROFESSIONAL OUTLOOK; AND FOR OTHER RELATED MATTERS, 2021 (HB.44)

*Consideration of the report deferred for further Legislative action.*

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for an Act to Amend the Environmental Health Officers (Registration, etc.) Act No. 11, 2002 to give the Council more Professional outlook; and for Other Related Matters, 2021 and deferred further consideration of the Bill.

*Question:* That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

13. **Plant Variety Protection Bill, 2021 (HB. 68) — Concurrence:**

*Motion made:* That a Bill for an Act for the Protection of Plant Varieties, to Encourage Investment in Plant Breeding and Crop Variety Development, to Establish a Plant Variety Protection Office for the Promotion of Increase Staple Crop Productivity for Small Holder Farmers in Nigeria; and for Related Matters, 2021 be read the Second Time (*Deputy Senate Leader*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee of the Whole.*

*Motion made:* Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to Consider a Bill for an Act for the Protection of Plant Varieties, to Encourage Investment in Plant Breeding and Crop Variety Development, to Establish a Plant Variety Protection Office for the Promotion of Increase Staple Crop Productivity for Small Holder Farmers in Nigeria; and for Related Matters, 2021.

*Question put and agreed to.*

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT FOR THE PROTECTION OF PLANT VARIETIES, TO ENCOURAGE INVESTMENT IN PLANT BREEDING AND CROP VARIETY DEVELOPMENT, TO ESTABLISH A PLANT VARIETY PROTECTION OFFICE FOR THE PROMOTION OF INCREASE STAPLE CROP PRODUCTIVITY FOR SMALL HOLDER FARMERS IN NIGERIA; AND FOR RELATED MATTERS, 2021 (HB.68).

PART 1 — PRELIMINARY PROVISIONS

**Clause 1: Objectives.**

The objectives of this Bill are to:—

- (a) promote increased staple crop productivity for smallholder farmers in Nigeria and encourage investment in plant breeding and crop variety development;
- (b) promote increased mutual accountability in the seed sector; and
- (c) protect new varieties of plants.

**Committee's Recommendation:**

That the provision in Clause 1 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 1 do stand part of the Bill, put and agreed to.*

**Clause 2: Application.**

This Bill applies to: —

- (a) a breeder; and
- (b) any plant genera and species.

**PART II— PLANT VARIETY PROTECTION OFFICE****Committee's Recommendation:**

That the provision in Clause 2 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 2 do stand part of the Bill, put and agreed to.*

**Clause 3: Establishment of plant variety protection office.**

There is established the Plant Variety Protection Office (in this Bill referred to as "the Office") which shall be domiciled in the National Agricultural Seeds Council.

**Committee's Recommendation:**

That the provision in Clause 3 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 3 do stand part of the Bill, put and agreed to.*

**Clause 4: Appointment of registrar.**

- (1) The Board shall appoint a fit and proper person as the Registrar on the recommendation of the Director General.
- (2) The Registrar shall have at least a Master's Degree in plant breeding, seed science, agronomy or in related fields with a minimum of seven years cognate experience and shall perform the functions assigned to them by the Director General.
- (3) The Registrar shall be responsible for the day-to-day management and administration of the Office and answerable to the Director General.

**Committee's Recommendation:**

That the provision in Clause 4 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 4 do stand part of the Bill, put and agreed to.*

**Clause 5: Functions of the office.**

The functions of the Office shall be to:—

- (a) grant breeders' rights;
- (b) maintain a register and provide information on plant breeders' rights issued in Nigeria;
- (c) facilitate transfer and licensing of plant breeders' rights;
- (d) collaborate with local and international bodies whose functions relate to plant breeders' rights matters; and

- (e) perform other functions as are necessary for the furtherance of the objects of this Bill.

***Committee's Recommendation:***

*That the provision in Clause 5 be retained (Deputy Senate Leader) — Agreed to.*

*Question that Clause 5 do stand part of the Bill, put and agreed to.*

**Clause 6: Register of plant variety protections' rights.**

- (1) The Registrar shall maintain a breeder' rights register in which the information required to be registered under this Bill shall be entered.
- (2) The information to be listed in the register for each registered variety shall include:—
- (a) the species and denomination of a variety;
- (b) the full name and address of the:—
- (i) applicant or holder of the breeder's right, and
- (ii) person who bred or discovered and developed the variety, in case such person is different from the applicant or holder of the breeder's right;
- (c) the date and time of inception of the breeder's right;
- (d) any other matter which:—
- (i) is required by this Bill or any other written law to be entered in the register, and
- (ii) may affect the validity or ownership of plant breeders' rights; and
- (e) any other information which may be required by Regulations made under this Bill.
- (3) The register shall be a first evidence of any matter entered in it.

***Committee's Recommendation:***

*That the provision in Clause 6 be retained (Deputy Senate Leader) — Agreed to.*

*Question that Clause 6 do stand part of the Bill, put and agreed to.*

**Clause 7: Register to be evidence.**

- (1) The register shall be evidence of all matters directed or authorised by the Bill to be noted in it.
- (2) A certificate by the Registrar to the effect that an entry has or has not been made in the register or that any other thing authorised by this Bill to be done, has or has not been done, shall be first evidence of the matters specified in that certificate.
- (3) A copy of an entry in the register or an extract from the register, certified by the Registrar, shall be admitted in evidence in any court without further proof or production of the register.



**Committee's Recommendation:**

That the provision in Clause 7 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 7 do stand part of the Bill, put and agreed to.*

**Clause 8      Inspection of Register.**

- (1)      The register shall be open for inspection by any member of the public during business hours.
- (2)      A certified copy of any entry in the register shall be given upon request and payment of the fees prescribed in the Regulations made under this Bill.

**Committee's Recommendation:**

That the provision in Clause 8 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 8 do stand part of the Bill, put and agreed to.*

**Clause 9:      Plant variety Protection Advisory Committee.**

- (1)      An Ad-hoc Committee to be known as the Plant Variety Protection' Advisory Committee (in this Bill referred to as "the Committee") may from time to time be established to perform the functions specified in section 10 of this Bill.
- (2)      The Director General shall, subject to gender consideration, appoint members of the Committee and it shall be composed of one representative each from:—
  - (a)      the Council, who shall be the Chairman of the Committee;
  - (b)      the Ministry;
  - (c)      a registered plant breeder association;
  - (d)      a registered seed traders association;
  - (e)      the registered farmers' association;
  - (f)      a university offering a course on plant breeding;
  - (g)      the Attorney-General of the Federation's office;
  - (h)      the National Office for Technology Acquisition and Promotion;
  - (i)      the National Quarantine Services;
  - (j)      the National Biotechnology Development Agency;
  - (k)      the National Biosafety Management Agency;
  - (l)      the National Crop Variety Release Committee;
  - (m)      Registrar of Trademarks;
  - (n)      Registrar of Patents and Design; and

(o) the Registrar.

(3) The Secretary of the Council shall be the secretary of the Committee.

***Committee's Recommendation:***

That the provision in Clause 9 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 9 do stand part of the Bill, put and agreed to.*

**Clause 10: Functions of the Committee.**

The Committee shall:—

- (a) through the Director-General of NASC advise the Minister on enforcement of this Bill;
- (b) receive reports of plant breeders' rights applications from the Registrar;
- (c) receive information on the plant breeders' rights reports and on the Registrar's tests results; and
- (d) manage the operations of the Fund.

***Committee's Recommendation:***

That the provision in Clause 10 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 10 do stand part of the Bill, put and agreed to.*

**Clause 11: Powers of the Committee**

The Committee shall:—

- (a) make its own rules of procedure;
- (b) give the Registrar directives of a specific and general nature; and
- (c) call on breeders and any other interested person for hearing on plant variety protection matters.

***Committee's Recommendation:***

That the provision in Clause 11 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 11 do stand part of the Bill, put and agreed to.*

PART III — VARIETIES TO BE PROTECTED

**Clause 12: Genera and species to be protected.**

The protection of varieties under this Bill shall apply to all plant genera and species.

***Committee's Recommendation:***

That the provision in Clause 12 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 12 do stand part of the Bill, put and agreed to.*

**Clause 13: Conditions of Protection.**

- (1) The breeder's right shall be granted with respect to a variety which is new distinct, uniform and stable.

- (2) The grant of the breeder's right shall not be subject to any further or different conditions, provided that the:—
- (a) variety is designated by a denomination in accordance with the provisions of section 19 of this Bill; and
  - (b) applicant complies with the provisions of this Bill and that he pays the fees prescribed in the Regulations made under this Bill.

***Committee's Recommendation:***

That the provision in Clause 13 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 13 do stand part of the Bill, put and agreed to.*

**Clause 14: Novelty.**

- (1) The variety is deemed to be new if, at the date of filing of the application for a breeder's right, propagating or harvested material of the variety has not been sold or otherwise disposed of to any person by or with the consent of the breeder, for purposes of exploitation of the variety in:—
- (a) Nigeria, earlier than one year before the date of filing the application; and
  - (b) a territory other than Nigeria earlier than:—
    - (i) four years; or
    - (ii) six years before the said date in the case of a tree or vine.
- (2) Subject to subsection (1), the following acts shall not be considered to result in the loss of novelty:—
- (a) a trial of the variety not involving sale or disposal of, to others for purposes of exploitation of the variety; and
  - (b) sale or disposal of to:—
    - (i) others without the consent of the breeder;
    - (ii) any person that forms part of an agreement for the transfer of rights to the successor in title;
    - (iii) any person that forms part of an agreement under which a person multiplies propagating material of the variety concerned on behalf of the breeder, provided that the property in the multiplied material reverts to the breeder and the multiplied material is not used for the production of another variety;
    - (iv) any person that forms part of an agreement under which a person undertakes field tests or laboratory trials, or small-scale processing trials with a view of evaluating the variety;

- (v) any person that forms part of the fulfillment of a statutory or administrative obligation concerning biological security or the entry of varieties in an official catalogue of varieties admitted to trade;
- (vi) any person of harvested material which is a by-product or a surplus product of the creation of the variety or of the activities referred to in paragraphs (iii) - (v) provided that the said material is sold or disposed of without variety identification for the purposes of consumption; and
- (vii) any person due to or in consequence of the fact that the breeder had displayed the variety at an official or officially recognized exhibition.

***Committee's Recommendation:***

That the provision in Clause 14 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 14 do stand part of the Bill, put and agreed to.*

**Clause 15:     **Distinctness.****

- (1) A variety is deemed to be distinct where it is clearly distinguishable from any other variety whose existence is a matter of common knowledge at the time of the filing of the application.
- (2) For purposes of subsection (1), the filing of an application for the granting of breeder's right or for the entering of another variety in the official register of varieties in any country, is deemed to render that other variety a matter of a common knowledge from the date of the application, provided that the application leads to the granting of breeder's right or to the entering of the said other variety in the official register of varieties.

***Committee's Recommendation:***

That the provision in Clause 15 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 15 do stand part of the Bill, put and agreed to.*

**Clause 16:     **Uniformity and stability****

A variety is deemed to be:—

- (a) uniform if, subject to the variation that may be expected from the particular features of its propagation, it is sufficiently uniform in its relevant characteristics; and
- (b) stable, where its relevant characteristics remain unchanged after repeated propagation or, in the case of a particular cycle of propagation, at the end of each such cycle.

***Committee's Recommendation:***

That the provision in Clause 16 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 16 do stand part of the Bill, put and agreed to.*

## PART IV — APPLICATION FOR PLANT VARIETY PROTECTION RIGHTS

**Clause 17: Application for plant variety protection's right.**

A breeder of a new variety may apply for the grant of a breeder's right for that variety.

**Committee's Recommendation:**

That the provision in Clause 17 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 17 do stand part of the Bill, put and agreed to.*

**Clause 18: The Contents of an application.**

The application for breeder's right relating to a variety shall contain:—

- (a) the name and address of the applicant;
- (b) where the applicant is the successor in title of the person who bred, or discovered and developed, the variety: —
  - (i) proof of title or authority in the form and content satisfactory to the Registrar or as may be specified by Regulations establishing the existence and validity of the assignment or succession; and
  - (ii) the name and address of the person who bred, or discovered and developed, the variety;
- (c) the proposed denomination and the description of the characteristics of the variety as the Registrar may require;
- (d) samples of the propagating material in such quantities as the Registrar may require; and
- (e) any additional information, documents and material that may be required in connection with the application as may be prescribed in the Regulations.

**Committee's Recommendation:**

That the provision in Clause 18 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 18 do stand part of the Bill, put and agreed to.*

**Clause 19: Variety denomination**

- (1) The variety shall be designated by a denomination which shall be its generic designation.
- (2) Subject to subsection (6), the rights in the designation registered as the denomination of the variety shall not hamper the free use of the denomination in connection with the variety even after the expiration of the breeder's right.
- (3) The denomination:—
  - (a) shall enable the variety to be identified;
  - (b) shall not mislead or cause confusion concerning the characteristics, value or identity of the variety or the identity of the breeder;

- (c) shall be different from every denomination which designates, in the territory of any member of an international organisation dealing with plant breeders' rights matters to which Nigeria is a party, an existing variety of the same plant species or of a closely related species; and
  - (d) may not consist solely of figures except where this is an established practice for designating varieties.
- (4) The denomination of the variety shall be submitted by the applicant to the Registrar and where the Registrar finds that the denomination does not satisfy the requirements of this section, he shall:—
- (a) refuse to register it; and
  - (b) direct the applicant to propose another denomination within the period to be prescribed in the Regulations made under this Bill.
- (5) The Registrar shall register the denomination at the time the breeder's right is granted.
- (6) Prior rights of third persons shall not be affected and where, by reason of a prior right, the use of the denomination of a variety is forbidden to a person who, in accordance with the provisions of subsection (10), is obliged to use it, the Registrar shall direct the applicant to submit another denomination for the variety.
- (7) Where the variety is already protected by, a member of an international organisation dealing with the plant breeders' rights matters to which Nigeria is a party or an application for the protection of the same variety is filed in a member of such organisation, the variety denomination which has been proposed or registered in that other member of the organisation shall be submitted by the applicant to the Registrar.
- (8) The Registrar shall:—
- (a) register the denomination submitted, unless he considers the denomination unsuitable within Nigeria; and
  - (b) direct the applicant to submit another denomination where the denomination is unsuitable.
- (9) The Registrar shall in writing, inform the authorities of the members of UPOV on matters concerning variety denominations, in particular the submission, registration and cancellation of the denominations.
- (10) Any person who, within Nigeria, offers for sale or markets propagating material of a variety protected within the said territory shall be obliged to use the denomination of that variety, even after the expiration of the breeder's right of that variety, except where prior rights prevent such use.
- (11) When a variety is offered for sale or marketed, it shall be permitted to associate a trademark, trade name or other similar indication with a registered variety denomination and where such an indication is so associated, the denomination shall nevertheless be easily recognizable.

**Committee's Recommendation:**

That the provision in Clause 19 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 19 do stand part of the Bill, put and agreed to.*

## PART V — CONSIDERATION AND DISPOSITION OF APPLICATION

**Clause 20: The filing date of an application**

- (1) The file date of an application shall be the date which the application was filed at the registry by the applicant.
- (2) For the purposes of this section, an application is deemed to have been submitted in the form prescribed under this Bill.

**Committee's Recommendation:**

That the provision in Clause 20 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 20 do stand part of the Bill, put and agreed to.*

**Clause 21: Right of priority.**

- (1) Any breeder who has duly filed an application for the protection of a variety in one of the members of an international organisation dealing with plant breeder's right matters which Nigeria is a party shall enjoy a right of priority for a maximum period of 12 months.
- (2) The period referred to in subsection (1) shall be computed from the date of filing the first application and the day of filing shall not be included in the latter period.
- (3) The applicant shall, in order to benefit from the right of priority in the subsequent application in Nigeria, claim within 12 months the priority of the first application.
- (4) The Registrar may direct the applicant to furnish, within a period of at least three months from the filing date, a certified true copy of the documents which constitute the first application that was filed and samples or other evidence indicating that the variety which is the subject matter of both applications is the same.
- (5) The applicant may submit to the Registrar any necessary information, document or material required in this Bill for the purpose of the examination within a period of two years after the expiration of the period of priority or a period of six months where the first application is rejected or withdrawn.

**Committee's Recommendation:**

That the provision in Clause 21 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 21 do stand part of the Bill, put and agreed to.*

**Clause 22: Filing of Application.**

- (1) Any breeder who has duly filed an application for the protection of a variety in one of the members of an international organisation dealing with plant breeder's right matters which Nigeria is a party shall enjoy a right of priority for a maximum period of 12 months.

- (2) The period referred to in subsection (1) shall be computed from the date of filing the first application and the day of filing shall not be included in the latter period.
- (3) The applicant shall, in order to benefit from the right of priority in the subsequent application in Nigeria, claim within 12 months the priority of the first application.
- (4) The Registrar may direct the applicant to furnish, within a period of at least three months from the filing date, a certified true copy of the documents which constitute the first application that was filed and samples or other evidence indicating that the variety which is the subject matter of both applications is the same.
- (5) The applicant may submit to the Registrar any necessary information, document or material required in this Bill for the purpose of the examination within a period of two years after the expiration of the period of priority or a period of six months where the first application is rejected or withdrawn.

***Committee's Recommendation:***

That the provision in Clause 22 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 22 do stand part of the Bill, put and agreed to.*

**Clause 23: Amendment of application.**

- (1) An applicant may amend his application for the grant of a breeder's right for a variety at any time without affecting its filing date, provided that the amendment does not affect the variety which is the subject of the application.
- (2) Where any amendment of an application occurs after publication of a notice under section 23 of this Bill, the applicant shall be liable to pay the cost of re-publication.

***Committee's Recommendation:***

That the provision in Clause 23 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 23 do stand part of the Bill, put and agreed to.*

**Clause 24: Publication of notice of application.**

The Registrar shall publish in the Federal Government Gazette or in two national daily newspapers of wide circulation, a notice of every filed application for plant breeder's right that satisfies the requirements of the Bill specifying:

- (a) the name and address of the applicant;
- (b) the filing date of the application;
- (c) the proposed denomination; and
- (d) such other information as may be specified in the Regulations.



**Committee's Recommendation:**

That the provision in Clause 24 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 24 do stand part of the Bill, put and agreed to.*

**Clause 25: Objection to the Proposed Grant of Breeder's Right.**

- (1) A person may submit to the Registrar a written objection to the matter specified in the notice under section 23 of this Bill within one month of its publication.
- (2) A notice of objection made under subsection (1) shall:
  - (a) specify the grounds on which the objection is based;
  - (b) include a statement of the facts alleged in support of the grounds stated under paragraph (a); and
  - (c) be supported by an affidavit or other proof, where required by the Registrar.

**Committee's Recommendation:**

That the provision in Clause 25 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 25 do stand part of the Bill, put and agreed to.*

**Clause 26: Grounds for Objection.**

An objection submitted under section 24 shall be based on the allegation that the:

- (a) applicant is not entitled to file the application;
- (b) application contains a material misrepresentation; and
- (c) contents of the application do not comply with this Bill or the Regulations.

**Committee's Recommendation:**

That the provision in Clause 26 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 26 do stand part of the Bill, put and agreed to.*

**Clause 27: Notice to the applicant and reply to an objection.**

- (1) The Registrar shall, within two weeks from the date on which an objection has been filed:
  - (a) notify the applicant that an objection has been made pursuant to section 24 of this Bill; and
  - (b) provide the applicant with a copy of the notice of objection and all the supporting documents that have been submitted with the objection.
- (2) The applicant may submit a written response to the objection to the Registrar within two weeks or such further period as the Registrar may allow from the date of the notification made under subsection (1).
- (3) Where the applicant submits a response under subsection (2), he shall send a copy to the person making the objection.

- (4) The Minister may reply to any objection made against the Federal Government.

***Committee's Recommendation:***

That the provision in Clause 27 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 27 do stand part of the Bill, put and agreed to.*

**Clause 28: Disposition of Applications.**

- (1) The Registrar shall examine an application and reply upon:
- (a) completion of the notice requirements under section 23; and
  - (b) the expiration of time limits for objections and replies.
- (2) Where any decision to grant a breeder's right require an examination for compliance with the conditions specified under this Bill, the Registrar may, in the course of the examination, grow or cause to be grown the variety or carry out other necessary tests, or take into account the results of growing tests or other trials which have already been carried out.
- (3) The Registrar may, for the purpose of an examination, direct the breeder to provide the necessary information, document or material.
- (4) The Registrar shall grant the breeder's right where he concludes that:
- (a) the applicant is entitled to file the application;
  - (b) the application conforms to the requirements of this Bill;
  - (c) no objection has been filed; and
  - (d) where an objection has been filed, there are no grounds for objection.
- (5) For each variety for which breeder's right is granted, the Registrar shall:
- (a) issue a certificate of registration to the holder;
  - (b) enter the variety in the register as provided for under section 6 of this Bill; and
  - (c) publish a notice of the grant of breeder's right and the approved denomination in the Gazette.

***Committee's Recommendation:***

That the provision in Clause 28 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 28 do stand part of the Bill, put and agreed to.*

**PART VI - PROVISIONAL AND FINAL PROTECTION****Clause 29: Provisional Protection.**

The holder of a breeder's right shall be entitled to equitable remuneration from any person who, during the period between the publication of the application under section 23 of this Bill for the grant of a breeder's right and the date of the grant of that right, has carried out acts which, once the right is granted, require the breeder's authorisation as provided for under section 29 of this Bill.

***Committee's Recommendation:***

That the provision in Clause 29 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 29 do stand part of the Bill, put and agreed to.*

**Clause 30: Scope of the Breeder's Right, Essentially Derived and Certain Other Varieties.**

- (1) Subject to sections 30 and 31 of this Bill, the following acts in respect of the propagating material of the protected variety shall require the authorisation of the holder of the breeder's right:
  - (a) production or reproduction(multiplication);
  - (b) conditioning for the purpose of propagation;
  - (c) offering for sale;
  - (d) selling or marketing;
  - (e) exporting;
  - (f) importing; and
  - (g) stocking for any purposes mentioned in paragraphs (a) - (f).
- (2) The holder of the breeder's right may give his authorisation subject to conditions and limitations.
- (3) Subject to the provisions of sections 30 and 31 of this Bill, the acts referred to in paragraphs (a) - (g) of subsection (1) in respect of:
  - (a) harvested material, including entire plants and parts of plants, obtained through the unauthorised use of propagating material of the protected variety, shall require the authorisation of the holder of the breeder's right, unless the holder of the breeder's right has had reasonable opportunity to exercise his right in relation to the said propagating material; and
  - (b) products made directly from harvested material of the protected variety falling within the provision of paragraph (a) through the unauthorised use of the said harvested material, shall require the authorisation of the breeder, unless the breeder has had reasonable opportunity to exercise his right in relation to the said harvested material.
- (4) The provisions of subsections (1) - (3) shall apply to a variety:
  - (a) that is essentially derived from the protected variety, where the protected variety is not itself an essentially derived variety;

- (b) which is not clearly distinguishable in accordance with section 15 of this Bill from the protected variety; and
  - (c) whose production requires the repeated use of the protected variety.
- (5) For the purposes of subsection (4) (a), a variety shall be deemed to be essentially derived from another variety (initial variety) when:
- (a) it is predominantly derived from the initial variety, or from a variety that is itself predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotype of the initial variety;
  - (b) it is clearly distinguishable from the initial variety; and
  - (c) except for the differences which result from the act of derivation, it conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.
- (6) For the purpose of this section, an essentially derived variety may be obtained through:
- (a) the selection of a natural or induced mutant or of somaclonal variant;
  - (b) the selection of a variant individual from plants of the initial variety; and
  - (c) backcrossing, or transformation by genetic engineering.

***Committee's Recommendation:***

That the provision in Clause 30 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 30 do stand part of the Bill, put and agreed to.*

**Clause 31: Exceptions to the breeder's right.**

- (1) The breeder's right shall not extend to any act carried out:
  - (a) privately and for non-commercial purposes;
  - (b) for experimental purposes; and
  - (c) for the purpose of breeding any other variety, and, except where the provisions of section 29 (4) - (6) of this Bill apply, any act referred to in section 29 (1) - (3) in respect of such other varieties.
- (2) For the list of agricultural crops specified by the Minister, the breeder's right shall not extend to a farmer who, within reasonable limits and subject to the safeguarding of the legitimate interests of the holder of the breeder's right, uses for propagating purposes on his own holding, the product of the harvest which he has obtained by planting on his own holding, the protected variety or a variety referred to in section 29 (4) (a) or (b) of this Bill.

- (3) The reasonable limits and the means of safeguarding the legitimate interest of the holder of the breeder's right shall be specified in the regulations made under this Bill.

***Committee's Recommendation:***

That the provision in Clause 31 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 31 do stand part of the Bill, put and agreed to.*

**Clause 32: Exhaustion of the breeder's right.**

- (1) The breeder's right shall not extend to an act concerning any material of the protected variety or of a variety covered by the provisions of section 29 (4) - (6) of this Bill, which has been sold or otherwise marketed by the breeder or with his consent in Nigeria, or any material derived from the said material, unless the act involves:
- (a) further propagation of the variety in question; or
  - (b) an export of material of the variety, which enables the propagation of the variety, into a country which does not protect varieties of the plant genus or species to which the variety belongs, except where the exported material is for final consumption purposes.
- (2) In this section "material" means, in relation to a variety:
- (a) propagating material of any kind;
  - (b) harvested material, including entire plants and parts of plants; and
  - (c) any product made directly from the harvested material.

***Committee's Recommendation:***

That the provision in Clause 32 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 32 do stand part of the Bill, put and agreed to.*

**Clause 33: Duration of a Plant Breeders' Right.**

- (1) Except as specified in Part VII of this Bill, the breeders' rights granted under this Bill shall expire after 20 years from the date of the grant except for trees and vines whose breeders' rights shall expire after 25 years from the date of grant.
- (2) The Registrar may extend the duration referred to in subsection (1) for an additional five years where he receives a six month written notice from the holder of the breeder's right before the expiration of the original term.

***Committee's Recommendation:***

That the provision in Clause 33 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 33 do stand part of the Bill, put and agreed to.*

**Clause 34: Protection and damages for infringement of a breeder's right.**

- (1) A breeder's right is protected by both civil and criminal measures stipulated in any written law.

- (2) A suit by the holder of breeder's right against any person who infringes the breeder's right may be brought to the court.

**Committee's Recommendation:**

That the provision in Clause 34 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 34 do stand part of the Bill, put and agreed to.*

**Clause 35: Fees.**

The holder of breeder's right shall pay fees at time and rate specified in the Regulations made under this Bill.

**Committee's Recommendation:**

That the provision in Clause 35 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 35 do stand part of the Bill, put and agreed to.*

**PART VII - NULLITY, CANCELLATION AND SURRENDER OF BREEDER'S RIGHT**

**Clause 36: Nullity of the Breeder's Right.**

The Registrar shall declare a breeder's right granted by him null where it is established that:

- (a) the variety did not comply with the conditions specified in sections 14 or 15 at the time the breeder's right was granted;
- (b) where the grant of the breeder's right has been essentially based upon information and documents furnished by the applicant, the conditions laid down in paragraphs (a) or (b) of section 16 were not complied with at the time of the grant of the breeder's right; or
- (c) the breeder's right has been granted to a person who is not entitled to it, unless it is transferred to the person who is so entitled.

**Committee's Recommendation:**

That the provision in Clause 36 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 36 do stand part of the Bill, put and agreed to.*

**Clause 37: Cancellation of the Breeder's Right.**

- (1) The Registrar may cancel a breeder's right granted by him where he has established that the conditions specified in paragraphs (a) or (b) of section 16 of this Bill are no longer fulfilled.
- (2) Without prejudice to subsection (1), the Registrar may cancel a breeder's right granted by him, within the prescribed period provided in the Regulations made under this Bill, where the holder of the breeder's right:
  - (a) does not provide the Registrar with the information, documents or materials deemed necessary for verifying the maintenance of the variety;

- (b) fails to pay the fees which may be payable to keep his right in force; or
- (c) does not propose another suitable denomination where the denomination of the variety is cancelled after the grant of the right.

***Committee's Recommendation:***

That the provision in Clause 37 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 37 do stand part of the Bill, put and agreed to.*

**Clause 38: Notification of Nullification and Cancellation.**

- (1) The Registrar shall notify the holder of the breeder's right of any decision made under sections 35 and 36 of this Bill and the grounds for such decision.
- (2) A person who receives the notice referred to in subsection (1) may send a written objection to the Registrar within 30 days from the date of receipt of the notification.
- (3) The Registrar may hold, within a reasonable time after receipt of an objection, a hearing or may decide the matter based on the written submission of the interested parties.
- (4) Where the Registrar nullifies and cancels any breeder's right under this section, he shall publish the nullification or cancellation by a notice in the Gazette or two daily national newspapers of wide circulation, after the expiration of 30 days from the date of the decision or following a decision made under subsection (3).
- (5) The holder of the breeder's right shall return to the Registrar any certificate of the grant of a breeder's right that has been nullified or cancelled under this section.

***Committee's Recommendation:***

That the provision in Clause 38 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 38 do stand part of the Bill, put and agreed to.*

**Clause 39: Surrender of Breeder's Right.**

- (1) A holder of a breeder's right may, by written notice to the Registrar, surrender the right.
- (2) The Registrar shall, within one month from the date of receiving the notice referred to subsection (1), terminate the breeder's right and publish a notice in the Gazette or two daily national newspapers of the termination.

***Committee's Recommendation:***

That the provision in Clause 39 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 39 do stand part of the Bill, put and agreed to.*

**Clause 40: Authorisation or Assignment of Breeder's Right.**

The holder of breeder's right may assign or authorise any person, to undertake any activity described or referred to in section 29 of this Bill.

**Committee's Recommendation:**

That the provision in Clause 40 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 40 do stand part of the Bill, put and agreed to.*

**Clause 41: Restrictions on the Exercise of Breeder's Right.**

- (1) The free exercise of a breeder's right shall, unless where expressly provided in this Bill, not be restricted for reasons other than of public interest.
- (2) When any such restriction has the effect of the Registrar authorising a third party to perform any act for which the breeder's authorisation is required, the breeder shall receive equitable remuneration.

**Committee's Recommendation:**

That the provision in Clause 41 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 41 do stand part of the Bill, put and agreed to.*

**Clause 42: Information on authorisation or assignment of breeder's right.**

- (1) A person authorised under section 39 of this Bill may, in not more than 60 days from the effective date of the authorisation:
  - (a) notify the Registrar of the transaction; and
  - (b) submit a copy of the authorisation agreement to the Registrar.
- (2) The Registrar may prescribe the form and manner of the notification to be made under subsection (1).
- (3) Where an assignment or other transmission of all of a breeder's right is made, the assignee or recipient shall notify the Registrar for the purposes of making changes in the Register.

**Committee's Recommendation:**

That the provision in Clause 42 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 42 do stand part of the Bill, put and agreed to.*

**PART VIII- APPEALS****Clause 43: Appeals from decision of Registrar.**

- (1) An appeal from the decisions of the Registrar made under this Bill shall lie to the Minister.
- (2) A person who is aggrieved by any of the decisions of the Registrar may appeal to the Minister by submitting a notice of the appeal within 60 days following the publication, or of the receipt, of the individual notice of such decision by the person whose interest is the source or subject of the appeal.



**Committee's Recommendation:**

That the provision in Clause 43 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 43 do stand part of the Bill, put and agreed to.*

**Clause 44: Appeals to Minister.**

- (1) An appeal from the decisions of the Registrar made under this Bill shall lie to the Minister.
- (2) A person who is aggrieved by any of the decisions of the Registrar may appeal to the Minister by submitting a notice of the appeal within 60 days following the publication, or of the receipt, of the individual notice of such decision by the person whose interest is the source or subject of the appeal.

**Committee's Recommendation:**

That the provision in Clause 44 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 44 do stand part of the Bill, put and agreed to.*

**Clause 45: Decisions of the Minister on appeals.**

- (1) The Minister:
  - (a) may conduct an investigation, if he deems necessary to do so, and may hold a hearing of the appeal or make a decision based on written submissions;
  - (b) may confirm, set aside or vary any decision or action of the Registrar and may order the Registrar to carry out his decision; and
  - (c) shall give the reasons for his decision in writing, and copies of the decision shall be given to the appellant, the Registrar and any other interested party.
- (2) Subject to the provisions of this section, a decision of the Minister shall be final.

**Committee's Recommendation:**

That the provision in Clause 45 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 45 do stand part of the Bill, put and agreed to.*

**PART IX - PLANT BREEDERS' RIGHTS DEVELOPMENT FUND, ACCOUNTS,  
AUDIT AND ANNUAL REPORT****Clause 46: Plant Breeders Rights Development Fund.**

- (1) The Minister shall, after consultation with the Minister responsible for finance, establish the Plant Breeders' Rights Development Fund (in this Bill referred to as "the Fund") into which money realised under this Bill shall be kept.
- (2) The sources of moneys for the Fund shall include:
  - (a) fees payable under this Bill; and

- (b) any donation or grant from the government or any other person.
- (3) The Fund shall be applied for:
  - (a) development and promotion of the plant breeders' rights;
  - (b) training of plant breeders on matters concerning plant breeders' rights;
  - (c) establishment and maintenance of the variety collection and data base; and
  - (d) any other activity relating to administration of the Bill.
- (4) In addition to the functions entrusted to it under section 10 of this Bill, the Committee shall operate as the Fund Committee, whereby:
  - (a) the Registrar shall be a member of the Fund Committee and shall serve as the Secretary of the Fund;
  - (b) the Fund Committee shall make rules and procedures for the operations and management of the Fund;
  - (c) separate books of accounts and other records in respect of the Fund shall be kept properly and maintained and be subject to audit.

***Committee's Recommendation:***

That the provision in Clause 46 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 46 do stand part of the Bill, put and agreed to.*

**Clause 47: Accounts and Audit.**

- (1) The Office shall cause to be kept and maintain proper books of accounts with respect to:
  - (a) all sums of money received and expended by the Office and matters in respect of which the receipt and expenditure take place;
  - (b) all the assets and liabilities of the Office and the Fund; and
  - (c) the income and expenditure statement of the Office.
- (2) The financial year of the Office and the Fund shall end on 31st December of each year.
- (3) The books of accounts of the Plant Breeders' Rights Office and the Fund shall be audited at the end of each financial year by the Accountant General of the Federation and Auditor-General for the Federation.

***Committee's Recommendation:***

That the provision in Clause 47 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 47 do stand part of the Bill, put and agreed to.*

**Clause 48: Annual Report to Be Submitted to the Minister.**

- (1) The Registrar shall, submit to the Minister a copy of the audited accounts and annual report on the activities of the Office in respect of that particular year not later than six months after the end of each financial year.
- (2) The Registrar shall, within a period of six months or such longer period as the National Assembly may by resolution prescribe after the accounts have been audited, lay the audited accounts and audit report before the National Assembly.

***Committee's Recommendation:***

That the provision in Clause 38 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 38 do stand part of the Bill, put and agreed to.*

**PART X - OFFENCES AND PENALTIES****Clause 49: Offences and Penalties.**

- (1) Any person who knowingly:
  - (a) makes a false entry in the register;
  - (b) makes a writing which falsely purports to be a copy of an entry in the register or of a document lodged with the Registrar;
  - (c) produces or tenders a false entry of copy as evidence;
  - (d) submits a false document or makes a false statement or representation to the Registrar in regard to any action described under this Bill;
  - (e) obstructs or hinders the Registrar or any officer in the exercise of his powers or the carrying out of his functions under this Bill;
  - (f) having been duly summoned to appear at any proceedings under this Bill, fails without lawful excuse to appear;
  - (g) having appeared as a witness at any proceedings under this Bill, refuses without lawful excuse to be sworn or to produce any document or answer any question which he may be lawfully required to produce or answer;
  - (h) contravenes the obligation to use the denomination as required by section 19 (10) of this Bill;
  - (i) gives false information in any application or makes any false statement in evidence;
  - (j) violates breeders right;
  - (k) any person who violates the provisions of section 29; and
  - (l) contravenes any other provisions of this Bill commits an offence.

- (2) Any person who commits an offence referred to under this Bill is liable on conviction:
- (a) as a first offender, to imprisonment for a term of at least one year or a fine of at least ₦1,000,000; and
  - (b) in the event of such person having been previously convicted under this section, he is liable to imprisonment for a term of at least two years or a fine of at least ₦2,000,000 or both.

***Committee's Recommendation:***

That the provision in Clause 49 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 49 do stand part of the Bill, put and agreed to.*

PART XI - GENERAL PROVISIONS

**Clause 50: Collection of Fees.**

Notwithstanding any other provision of this Bill, the Registrar shall collect fees from the applicant or any other person filling a document or requesting access of administrative action under this Bill, for each application, extension, filing, inquiry or other administrative process or service.

***Committee's Recommendation:***

That the provision in Clause 50 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 50 do stand part of the Bill, put and agreed to.*

**Clause 51: Confidentiality and Disclosure.**

- (1) The contents of any license or assignment shall be confidential unless both parties agreed to permit access to a third party and only to the extent of the permission so granted.
- (2) The applicant may declare some portion of the application to be confidential, where declared so, the Registrar shall determine whether the application can be processed without the publication or other violation of that confidentiality, and give the applicant the option of altering his statement of confidentiality or withdraw the application.
- (3) Except as otherwise provided for in this Bill, any person who discloses any information made available under the Bill, except to:
  - (a) the Minister, the Registrar or any other person for the purposes of carrying out his duties or the performance of his function under this Bill;
  - (b) a police officer for the purposes of an investigation or inquiry relating to the enforcement of the provision of this Bill; or
  - (c) any other person when required to do so by any court or under any written law, commits an offence and liable on conviction to a fine of at least ₦5,000,000 or to imprisonment for a term of at least two years or to both.

***Committee's Recommendation:***

That the provision in Clause 51 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 51 do stand part of the Bill, put and agreed to.*

**Clause 52: Action against the State.**

- (1) Subject to the existing law on institution of action against the State, this Bill shall be binding on the Government with regard to its applications for breeder's right and other interests acquired or given in breeder's right to the same extent and with the same effect as it applies to any other person.
- (2) No claim shall lie against the State, the Minister, the Registrar or any other officer for anything done in good faith in the discharge of duties under the powers conferred by this Bill.

**Committee's Recommendation:**

That the provision in Clause 52 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 52 do stand part of the Bill, put and agreed to.*

**Clause 53: Breeders Right in Respect of Existing Varieties of Recent Creation.**

- (1) Where, according to section 12, this Bill applies to a plant genus or species to which it did not previously apply, varieties belonging to such plant genus or species shall be considered to satisfy the condition of novelty defined in section 14 (1) even where the sale or disposal of to others described in that paragraph took place in Nigeria within four years before the filing date or, in the case of trees or of vines, within six years before the said date.
- (2) Within 12 months from the date of commencement of this Bill, the breeder of an existing variety of recent creation may apply to the Registrar in respect of that variety to benefit from the provisions under subsection (1).

**Committee's Recommendation:**

That the provision in Clause 53 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 53 do stand part of the Bill, put and agreed to.*

**Clause 54: Agreement with Foreign Governments.**

The Minister may enter into bilateral or multilateral agreements with states and intergovernmental or non-governmental organisations in order to facilitate cooperation in testing.

**Committee's Recommendation:**

That the provision in Clause 54 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 54 do stand part of the Bill, put and agreed to.*

**Clause 55: Agents.**

- (1) When the breeder is a non-resident or in the case of a corporation, does not have its registered office in the Federal Republic of Nigeria, he shall have an agent who is resident in the Federal Republic of Nigeria.
- (2) The Registrar may, for any gross misconduct or prescribed cause or any other reasonable cause considered by the Registrar to be sufficient, refuse to recognise or to continue to recognise any person as authorised by the breeder to act in the capacity of agent.

**Committee's Recommendation:**

That the provision in Clause 55 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 55 do stand part of the Bill, put and agreed to.*

**Clause 56: Registrar to Make Guidelines.**

The Registrar shall make guidelines for the proper implementation of this Bill and Regulations made under this Bill.

**Committee's Recommendation:**

That the provision in Clause 56 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 56 do stand part of the Bill, put and agreed to.*

**Clause 57: Regulations.**

- (1) The Registrar shall, with the approval of the Minister make Regulations under this Bill.
- (2) Without prejudice to the generality of subsection (1), Regulations made shall prescribe:
  - (a) various forms to be used under this Bill;
  - (b) the procedure to be followed in any proceedings before the Registrar;
  - (c) specific information and facilities to be provided, and of the propagating and other materials to be submitted with respect to a variety;
  - (d) the test, trials, examinations and other steps to be taking with respect to a variety, by applicants or by the Registrar and the time within with any such steps are to be taken; and
  - (e) the fees to be paid in respect of:
    - (i) application for the grants of breeder's right, for extension of its terms;
    - (ii) maintenance of breeder's right;
    - (iii) request for administrative review, including objections to nullity and cancelation of breeder's right, appeals from administrative decisions and other administrative actions;
    - (iv) technical examination;
    - (v) the inspection of obtained record in the Register or other transaction involving a breeder's right;
    - (vi) provision of certified copy of any entry in it; and
    - (vii) any other fees to be paid under this Bill.

**Committee's Recommendation:**

That the provision in Clause 57 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 57 do stand part of the Bill, put and agreed to.*

**Clause 58: Interpretation.**

In this Bill:

"agent", in relation to an applicant or a holder of plant breeder's right, means a person who is duly authorised by the applicant or holder to act, on behalf of the applicant or holder;

"applicant" means the breeder entitled to file an application for the grant of a breeder's right in accordance with the definition of breeder provided for in this Bill;

"breeder" means a:

- (a) person who bred or discovered and developed a variety,
- (b) person who is the employer of the person who bred or discovered and developed, a variety or who has commissioned the latter's work, or
- (c) a successor-in-title of a person mentioned in paragraph (a) or (b);

"breeder's right" means the right of the breeder provided for in this Bill;

"business hours" means 9am -3pm Mondays-Fridays, excluding public holidays;

"Council" means the National Agricultural Seed Council (NASC);

"Director General" means the Director-General of National Agricultural Seed Council (NASC);

"Fund" means the Fund established under section 44 of this Bill;

"Gazette" means the Federal Government Gazette;

"Minister" means the Minister responsible for agriculture;

"Ministry" means the Ministry responsible for agriculture;

"register" means the register of plant breeders' rights kept under section 6 of this Bill;

"Registrar" means the Registrar of plant breeders' rights appointed in accordance with section 4 of this Bill;

"propagating material" means a plant or part of the plant used to multiply the plant;

"sell" means to offer, advertise, keep, expose, transmit, convey, deliver or:

- (a) prepare for sale or exchange or dispose of for any consideration; or
- (b) transmit, convey or deliver in pursuance of the sale;

"UPOV" means Union Internationale Pour la Protection des obtentions Vegetates;

"variety" means a plant grouping within a single botanical tax of the lowest known rank, which grouping, irrespective of whether the conditions for the grant of a breeder's right are fully met, can be:

- (a) defined by the expression of the characteristics resulting from a given genotype or combination of genotypes;
- (b) distinguished from any other plant grouping by the expression of at least one of the said characteristics; and
- (c) considered as a unit with regard to its suitability for being propagated unchanged.

***Committee's Recommendation:***

That the provision in Clause 58 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 58 do stand part of the Bill, put and agreed to.*

**Clause 59: Citation.**

This Bill may be cited as the Plant Variety Protection Bill, 2021.

***Committee's Recommendation:***

That the provision in Clause 59 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 59 do stand part of the Bill, put and agreed to.*

Chairman to report Bill.

**(SENATE IN PLENARY)**

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for an Act for the Protection of Plant Varieties, to Encourage Investment in Plant Breeding and Crop Variety Development, to Establish a Plant Variety Protection Office for the Promotion of Increase Staple Crop Productivity for Small Holder Farmers in Nigeria; and for Related Matters, 2021 and approved as follows:

Clauses 1-59 — As Recommended

*Question:* That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

*Motion made:* That the Bill be now Read the Third Time (*Deputy Senate Leader*).

*Question put and agreed to.*

*Bill accordingly Read the Third Time and Passed.*

**14. Institute of Agriculturists (Establishment) Bill, 2021 (HB. 104) — Concurrence:**

*Motion made:* That a Bill For an Act to Regulate the Profession of Agriculture and to Make Provisions for the Establishment, Function and Administration of Nigerian Institute of Agriculturists; and for Related Matters, 2021 be read the Second Time (*Deputy Senate Leader*).

*Debate:*



*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee of the Whole.*

*Motion made:* Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to Consider a Bill for an Act to Regulate the Profession of Agriculture and to Make Provisions for the Establishment, Function and Administration of Nigerian Institute of Agriculturists; and for Related Matters, 2021.

*Question put and agreed to.*

**(SENATE IN THE COMMITTEE OF THE WHOLE)**

CONSIDERATION OF A BILL FOR AN ACT TO REGULATE THE PROFESSION OF AGRICULTURE AND TO MAKE PROVISIONS FOR THE ESTABLISHMENT, FUNCTION AND ADMINISTRATION OF NIGERIAN INSTITUTE OF AGRICULTURISTS; AND FOR RELATED MATTERS, 2021

PART I - ESTABLISHMENT OF THE NIGERIAN INSTITUTE OF  
AGRICULTURISTS AND ITS GOVERNING COUNCIL

**Clause 1: Establishment of the Nigerian Institute of Agriculturists and its Governing Council.**

- (1) There is established for the Profession of Agriculture, an Institute to be known as the Nigerian Institute of Agriculturists (in this Bill referred to as "the Institute").
- (2) The Institute shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name and to own, hold and dispose of property whether moveable or immovable to be situate in Abuja, Federal Capital Territory.

***Committee's Recommendation:***

That the provision in Clause 1 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 1 do stand part of the Bill, put and agreed to.*

**Clause 2: Objects of the Institute.**

The objects of the Institute are:

- (a) to prescribe and regulate the standards of academic qualifications and practical skills to be attained by persons seeking to become registered as members, associates or fellows of the Institute, as the case may be;
- (b) to prescribe the code of conduct for agriculturists;
- (c) to regulate the practice of the profession of agriculture at its various specialised disciplines in relation to each other without contravening the principal legislation establishing those of other disciplines within the profession or related professions;
- (d) to regulate the formal training in agriculture at educational institutions in the manner that will harmonize the admission and curricula policies of the various disciplines to the exclusion of animal science and soil science courses and programmes;

- (e) to promote the farming system, production types and technological innovations as well as food security, agricultural services and agro-processing activities for the advancement of all the aspects and branches of agriculture;
- (f) to encourage and promote among farmers the utilization and application of the findings of agricultural research and other studies for increased food production and food security in Nigeria;
- (g) to establish a National net-work for the dissemination of information relating to packages on Agricultural production and methodologies arising from new discoveries and modern agriculture;
- (h) to ensure that the curricula and courses of studies in agriculture in the faculties, colleges and Universities of agriculture are of the theoretical and practical relevance to the development and growth of agricultural science and technology;
- (i) to ensure that the curricula and courses of studies in agriculture excluding soil science and animal science courses and programmes within the faculties, colleges and Universities of agriculture are of the theoretical and practical relevance to the development and growth of agricultural science and technology in collaboration with National Universities Commission (NUC) and the National Board for Technical Education (NBTE);
- (j) to advise the Ministry and other relevant agencies on safety standards for the use of agricultural chemicals and new biotechnological products;
- (k) to publish journals, magazines, newsletters and other publications of professional standard in agricultural business and industry;
- (l) to publish journals, magazines, newsletters and other publications of professional standards in agricultural business and industry to the exclusion of the profession and practice of animal science and soil science;
- (m) to establish, update and maintain a Register of Professional Agriculturists under this Bill according to their various ranks and to regulate the prerogatives and privileges pertaining to those ranks to the exclusion of the profession and practice of animal science and soil science; and
- (n) to do such other acts as may be conducive to attainment of the functions of the Institute.

***Committee's Recommendation:***

That the provision in Clause 2 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 2 do stand part of the Bill, put and agreed to.*

**Clause 3: Establishment and composition of the Council of the Nigerian Institute of Agriculturists.**

- (1) There is established for the Institute a Governing Council to be known as the Council of the Nigeria Institute of Agriculturists (in this Bill referred to as "the Council") which shall have overall control of the Institute as specified under this Bill.
- (2) The Council shall consist of -
  - (a) a President who shall be the head of the Institute and preside over all Council meetings;
  - (b) a Vice President who shall act for the President in his absence;
  - (c) the President Agricultural Society of Nigeria;
  - (d) ten persons shall be elected by the Institute, to represent each of the following disciplines/group of disciplines of agriculture:
    - (i) Agricultural Business and Agricultural Economics Society;
    - (ii) Agricultural Extension and Rural Sociology Society;
    - (iii) Agronomy and Agricultural technology;
    - (iv) Institute of Food Science and Technology, and Home Economics;
    - (v) Agricultural Bio-Technology, Genetics and Breeding excluding animal genetics and breeding;
    - (vi) Crop Science Society of Nigeria;
    - (vii) Plant Protection Society of Nigeria;
    - (viii) Horticultural Society of Nigeria;
    - (ix) Forestry and Wildlife;
    - (x) Fisheries and Aquaculture;
    - (xi) Institute Agricultural Engineering;
    - (xii) representative of private organization;
  - (e) the following shall be ex-officio members -
    - (i) the Minister of Agriculture and Rural Development or his representative;
    - (ii) the Minister of Water Resources or his representative;
    - (iii) one representative of Nigerian Chamber of Commerce, Industry, Mines and Agriculture to be elected by the Chamber;

- (iv) one person to be elected by the organized Agro-Allied Industries;
  - (v) the Executive Secretary, Agricultural Research Council of Nigeria (ARCN);
  - (vi) the Chairman, Association of Deans of Faculties of Agriculture in Nigerian Universities (ADAN);
  - (vii) the Chairman, National Association of Heads of Colleges of Agriculture (NACHCARD);
  - (viii) the Chairman, Committee of Executive Directors of Research Institutes (CODRI);
  - (ix) the Chairman, Committee of Deans of Faculty of Veterinary Medicine of Universities in Nigeria;
  - (x) the Executive Director, National Food Reserve Agency;
  - (xi) the Executive Director, National Seed Council of Nigeria;
  - (xii) one person to be elected by the organized Agro-Technological and Technical workers and Labour Union.
- (3) The Council shall have power to recommend the amendment of the provision of the schedule to the National Assembly as it may deem necessary.

***Committee's Recommendation:***

That the provision in Clause 3 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 3 do stand part of the Bill, put and agreed to.*

**Clause 4: Election of members of Council.**

The President, Vice president and other members of the Council other than ex-officio members, shall be elected by the Institute from amongst the members, at an annual general meeting of the Institute:

Provided that, the first of such general meeting convened by the Agricultural Society of Nigeria and Association of Deans of Agriculture of Nigerian Universities immediately after the Commencement of this Bill, for the purpose of electing such members.

***Committee's Recommendation:***

That the provision in Clause 4 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 4 do stand part of the Bill, put and agreed to.*

**Clause 5: Tenure of Office.**

The President and the members of the Council, other than ex-officio members shall each hold office -

- (a) for a period of three years in the first instance and may be eligible for another term of three years and no more; and
- (b) on such terms and condition as may be specified in the letter of appointment.

***Committee's Recommendation:***

That the provision in Clause 5 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 5 do stand part of the Bill, put and agreed to.*

**Clause 6:      **Removal from Office.****

Notwithstanding the provision of section 5 of this Bill, a member of the Council, including the President and Vice President, shall cease to hold office as a member of the Council if -

- (a) he is relieved of his position by the Council pursuant to any regulation made under section 42 of this Bill, on the ground of ill health, misconduct or if it is interest of the Institute or of the public that the member, the president or the vice president should be removed from office;
- (b) in writing under his hand resigns his appointment by communicating notice of his intension to the council through the body which he represents and on receipt and approval of the notice by the Council. The resignation shall be deemed to have taken effect and the body shall then elect another representative to complete the tenure of the resigning member of the Council; and
- (c) he absents himself from three consecutive meetings of the Council, without leave of the Council .

***Committee's Recommendation:***

That the provision in Clause 6 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 6 do stand part of the Bill, put and agreed to.*

**Clause 7:      **Emolument etc of members.****

The president and members of the Council shall be paid such emoluments, allowances and benefits as the Council, in consultation with the general assembly may from time to time approve.

***Committee's Recommendation:***

That the provision in Clause 7 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 7 do stand part of the Bill, put and agreed to.*

PART II - POWERS AND FUNCTIONS OF THE COUNCIL AND THE INSTITUTE

***Committee's Recommendation:***

That the provision in Clause 1 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 1 do stand part of the Bill, put and agreed to.*

**Clause 8:      **Powers of Council.****

The Council shall have power to :

- (a) provide the general policy guidelines relating to the functions of the institute;
- (b) approve the acquisition of offices and other premises for the use of the institute;
- (c) review and approve the strategic plans for the manpower development;
- (d) appoint officers, employees, agents and consultants which in the opinion of the Council are required for carrying out the objectives of the institute;
- (e) fix the remuneration, allowances and benefits of the staff and employee of the institute;
- (f) make regulations relating generally to appointment, promotion and disciplinary, control (including dismissal) of employees of the institute; and
- (g) do such other things and enter into such transactions which the opinion of the Council are necessary to ensure the efficient performance of the institute's objective.

***Committee's Recommendation:***

That the provision in Clause 8 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 8 do stand part of the Bill, put and agreed to.*

**Clause 9: Functions of the Institute.**

The Institute shall have following functions:

- (a) carry into effect the powers of the institute;
- (b) govern the affairs of the institute;
- (c) effect proper management of the institute; and
- (d) do such other acts and things as the Council may consider necessary for carrying out the functions and powers of the institute.

***Committee's Recommendation:***

That the provision in Clause 9 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 9 do stand part of the Bill, put and agreed to.*

PART III - STAFF OF THE INSTITUTE

**Clause 10: Appointment of the Registrar and the Assistant Registrar of the Institute**

*Functions of the Registrar.*

- (1) There shall be appointed a Registrar for the institute who shall -
  - (a) be appointed by the Council and shall be the Chief Executive Officer and he shall discharge his duties according to the terms of his employment and be paid a determined remuneration;
  - (b) head the day- to -day administration of his office and any other assignment that may be given to him by the council and the President of the Council;

- (c) be responsible for the implementation of all functions of the general secretariat and be responsible to the Council for the employment of the staff who work within and see to the management of the secretariat;
- (d) keep custody of the register and the common seal of the institute and make sure entries in the register, and affix the common seal to such documents, as the Council may direct from time to time.

*Appointment of Assistant Registrar*

- (2) The Institute shall appoint an Assistant Registrar who shall from time to time assist the Registrar in the exercise of his functions under this Bill and shall-
  - (a) attend the meeting of the Council and other Committee meetings and participate in discussion but shall not have the right to vote;
  - (b) in the absence of the Registrar summon meetings of the Council upon the directives of the President of the Council.

*Tenure of office of Registrar and conditions of service of staff*

- (3) (a) The tenure of the office of the Registrar shall be for a term of five years renewable once and no more;
- (b) Employment and conditions of service of all other staff in the institute shall be the same with that of the Federal Public Service.

***Committee's Recommendation:***

That the provision in Clause 10 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 10 do stand part of the Bill, put and agreed to.*

**Clause 11: Removal of the Registrar of the Institute.**

The Registrar may at any time be relieved of his office by the President of the Council acting on an address supported by a two-third majority of the Council praying that he be removed for his inability to discharge the function of the office (whether arising from infirmity of mind or body or any other cause or for misconduct.

***Committee's Recommendation:***

That the provision in Clause 11 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 11 do stand part of the Bill, put and agreed to.*

**Clause 12: Pensions Reforms Act, 2014.**

Employment in the institute shall be subject to the provisions of the Pensions Reform Act, 2014 and accordingly, officers and employees of the institute shall be entitled to pension and other retirement benefits as are prescribed under the Pensions Reform Act, 2014.

***Committee's Recommendation:***

That the provision in Clause 12 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 12 do stand part of the Bill, put and agreed to.*

**Clause 13: Conditions of service.**

Subject to the provisions of this Bill, the Council may issue staff regulations relating generally to the conditions of service of the staff and , in particular, such regulations may provide for -

- (a) the appointment, promotion, terminations, dismissal and disciplinary control of staff or employees of the Institute;
- (b) appeals by staff or employees against dismissal or other disciplinary measure and until such regulations are made, any instrument relating to the conditions of service in the public service of the Federation shall be applicable, with such modification as may be necessary, to the employees of the institute.

**Committee's Recommendation:**

That the provision in Clause 13 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 13 do stand part of the Bill, put and agreed to.*

**PART IV - FINANCIAL PROVISIONS****Clause 14: Funds of the Institute.**

The Institute shall establish and maintain a fund which consist of :

- (a) contributions, levies, subscriptions, fees and other dues paid by the members;
- (b) revenue accruing to the institute from its investments, activities and service;
- (c) grants, endowments and donations from Government and other donors; and
- (d) revenue accruing to the Institute from any other source approved by the Council.

**Committee's Recommendation:**

That the provision in Clause 14 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 14 do stand part of the Bill, put and agreed to.*

**Clause 15: Expenditure of the Institute.**

- (1) The Institute shall defray from the fund established pursuant to section 12 of this Bill all amounts payable under or in pursuance of this Bill being sums representing -
  - (a) amount payable to the President and other members of the Council (including allowances);
  - (b) reimbursement to members of the Council or any other Committee set up by the Council for such expenses as may be expressly authorized by the Council;
  - (c) remunerations and other cost of employment of the staff of the Institute;
  - (d) cost of acquisition and up-keep of premises belonging to the institute and any other capital expenditure of the Institute;



- (e) amounts payable as pensions and other retiring benefits under or pursuant to this Bill or any other enactment;
  - (f) maintenance of utilities, staff promotion, training, research and similar activities;
  - (g) costs necessary for day-to-day operations of the Institute;
  - (h) any other payment for anything incidental to the foregoing provisions or in connection with or incidental to any other function of the Institute under this Bill.
- (2) The Institute may invest such surplus funds as it may have, from time to time from its day-to-day operation in treasury bill or other government securities.

***Committee's Recommendation:***

That the provision in Clause 15 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 15 do stand part of the Bill, put and agreed to.*

**Clause 16: Estimates:**

The Registrar of the Institute shall cause to be prepared and submitted to the Council not later than 30th day of September of each year, an estimate of its income and expenditure for the succeeding year.

***Committee's Recommendation:***

That the provision in Clause 16 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 16 do stand part of the Bill, put and agreed to.*

**Clause 17: Accounts and Audits.**

The Institute shall cause to be kept proper account and records, and such account shall not later than 6 months after the end of each year, be audited by auditors appointed by the Council from the list and in accordance with the guideline supplied by the Auditor-General of the Federation.

***Committee's Recommendation:***

That the provision in Clause 17 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 17 do stand part of the Bill, put and agreed to.*

**Clause 18: Annual report, etc.**

The institute shall prepare and submit to the Council every year a report of the preceding year in such form as the Council may direct on the activities of the Institute. Such Report shall include a copy of audited accounts of the Institute for the year and of the Auditor's Report.

***Committee's Recommendation:***

That the provision in Clause 18 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 18 do stand part of the Bill, put and agreed to.*

**Clause 19: Power to accept gift**

The Institute may accept gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.

***Committee's Recommendation:***

That the provision in Clause 19 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 19 do stand part of the Bill, put and agreed to.*

**Clause 20: Power to Borrow**

The Institute may, with the approval of the Council, borrow by way of loan, or overdraft from any source such sum as it may require for the performance of its function and meeting its obligation under this Bill.

***Committee's Recommendation:***

That the provision in Clause 20 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 20 do stand part of the Bill, put and agreed to.*

**Clause 21: Accountability.**

The Registrar as the Chief Administrative/Accountant Officer of the Institute shall:

- (a) keep proper accounting records, in a manner as may be determined, from time to time by the President in respect of -
  - (i) all revenues and expenditure of the Institute;
  - (ii) all its assets, liabilities and other financial transactions; and
- (b) all other revenues collected by the Institute, including income on investments;
- (c) prepare an annual report, including financial statements, in accordance with generally accepted accounting principles and practices; and
- (d) ensure that the available accounting resources of the Institute are adequate and used economically in the most effect and efficient manner, and that other financial records properly safe-guarded;
- (e) provide replies to Freedom of Information requests; and
- (f) any other duties that may be assigned by the Council.

***Committee's Recommendation:***

That the provision in Clause 21 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 21 do stand part of the Bill, put and agreed to.*

**PART V - REGISTRATION OF MEMBERS OF THE INSTITUTE****Clause 22: Register of the Institute**

The Institute shall keep and maintain a Register of all members.

***Committee's Recommendation:***

That the provision in Clause 22 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 22 do stand part of the Bill, put and agreed to.*

**Clause 23: Categories of Membership.**

The Institute may subject to the provisions of this Bill, and such rules as the Council may make in that regard, admit and Register the following categories of members:

- (a) regular members; or
- (b) Associate Member; or
- (c) Fellows; or
- (d) Honorary fellows.

***Committee's Recommendation:***

That the provision in Clause 23 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 23 do stand part of the Bill, put and agreed to.*

**Clause 24: Eligibility of membership.*****Regular Membership***

A person shall be eligible to be admitted and registered as a member if that person is:

- (a) a holder of a degree or equivalent qualification in agriculture or agricultural sciences or related science to the exclusion of a holder of a first degree in animal and soil sciences from any accredited institution and holds in addition 3 years post graduate or post qualification working experience;
- (b) a member of any equivalent professional agricultural body or Institute recognised by the Council;
- (c) a holder of a postgraduate degree or postgraduate diploma in any agricultural discipline, from an institution accredited by the Council and has in addition had 2 years working experience to the exclusion of holders of a first degree in animal and soil sciences;
- (d) a holder of a Higher National Diploma or equivalent qualification in agriculture and related disciplines and in addition has had 3 years of such relevant experience as the Council may approve to the exclusion of a holder of a Higher National Diploma or equivalent qualification in animal and soil sciences;
- (e) a holder of a National Diploma or equivalent qualification in agriculture and related disciplines mentioned in section 3 (2) (c) of this Bill has in addition had 5 years of such relevant experience as the Council may approve to the exclusion of a holder of a Higher National Diploma or equivalent qualification in animal and soil sciences.

***Committee's Recommendation:***

That the provision in Clause 24 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 24 do stand part of the Bill, put and agreed to.*

**Clause 25: Corporate member.**

A Company or Corporate Institution shall be eligible to be registered as a corporate member if such organisation is:

- (a) holding a current registration of the Corporate Affairs Commission (CAC), contributing to Agricultural growth and development in Nigeria to the satisfaction of the Council;
- (b) found fit and proper to be registered as determined by the Council.

**Committee's Recommendation:**

That the provision in Clause 25 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 25 do stand part of the Bill, put and agreed to.*

**Clause 26: Associates**

A member shall be eligible to be registered as an Associate if-

- (a) that person has contributed significantly by research efforts, publications and experience, to the growth and development of progress of agriculture or related areas; and
- (b) the council has satisfied that, the member is a fit and proper person to be elevated to the rank of an associate.

**Committee's Recommendation:**

That the provision in Clause 26 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 26 do stand part of the Bill, put and agreed to.*

**Clause 27: Fellow.**

A person who is a member shall be eligible to be registered as an fellow if-

- (a) that person has by research effort, publication and experience in any area of agriculture, contributed significantly to the growth and development of agriculture or related areas; and
- (b) the Council is satisfied that, that person is a fit and proper person to be elevated to the rank of a fellow.

**Committee's Recommendation:**

That the provision in Clause 27 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 27 do stand part of the Bill, put and agreed to.*

**Clause 28: Honorary Fellows.**

A person may be registered as a honorary fellow if-

- (a) the person is distinguished in any area of agriculture or related industry; and
- (b) the Council is satisfied that, that person is fit and proper person to be elevated to the rank of the Honorary Fellow.

**Committee's Recommendation:**

That the provision in Clause 28 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 28 do stand part of the Bill, put and agreed to.*

**Clause 29: Certificates and Honours.**

The Council may be subject to its rules in that regard, awards distinctive certificates and other honours to any person, member, Associate, Fellow or Honorary Fellow as the case may be, for any distinctive achievement in any discipline or areas of agriculture.

**Committee's Recommendation:**

That the provision in Clause 29 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 29 do stand part of the Bill, put and agreed to.*

**PART VI - APPROVAL OF CURRICULA AND COURSES OF AGRICULTURAL INSTITUTIONS.****Clause 30: Accreditation on Institutions**

- (1) Every Faculty, College or University of Agriculture in Nigeria shall on demand by the Council, submit to the Council, details of its curricula, courses of study in agriculture and related programmes for the consideration and approval of the Council to the exclusion of courses and programmes in animal and soil sciences.
- (2) The Council shall there upon, delegate a Committee of the Council to evaluate the contents of such curricula and courses and ensure that they sufficiently endow any person pursuing them with the requisite knowledge, skill and working experience for the practice or agricultural profession the exclusion of courses and programmes in animal and soil sciences.
- (3) The Council shall where such curricula and courses are proved, thereafter by instrument, accredit such faculty, college or university as the case may be, as a fit and proper institution for the training of prospective members.
- (4) The Council shall monitor the academic programmes in agriculture and related disciplines to maintain an acceptable standards to the exclusion of courses and programmes in animal and soil sciences.
- (5) Subject to this Bill, the person who has obtained his first degree or other academic qualification from unaccredited institutions shall not be eligible to be registered a member of the institution.

**Committee's Recommendation:**

That the provision in Clause 30 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 30 do stand part of the Bill, put and agreed to.*

**PART VII - ESTABLISHMENT OF THE NIGERIAN INSTITUTE OF AGRICULTURISTS DISCIPLINARY TRIBUNAL****Clause 31: Establishment of the Nigerian Institute of Agriculturists disciplinary tribunal.**

- (1) There shall be disciplinary established for the institute, a disciplinary tribunal to be known as the Nigerian Institute of Agriculturist Disciplinary Tribunal (in this Bill referred to as "the tribunal")

- (2) The duty of the tribunal is to hear and determine any case of professional misconduct against any member in the discharge of his duties as Agriculturist.
- (3) The tribunal shall consist of the President and six other members appointed by the Council.
- (4) There shall be in attendance a legal adviser to be nominated by the Attorney-General of the Federation.

***Committee's Recommendation:***

That the provision in Clause 31 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 31 do stand part of the Bill, put and agreed to.*

**Second Schedule.**

**Clause 32: Rules of Proceeding of the Tribunal and Investigating Panel.**

- (1) There shall, for purpose of the President before the tribunal, be known as the Investigating Panel of the Nigerian Institute of Agriculturist.
- (2) The duties of the panel are:
  - (a) to conduct preliminary investigations into any allegation or complaints of professional member or fellow of the institute; and
  - (b) to determine, whether or not there is a prima, facie case against the person and to refer such case to the tribunal for hearing and determination.
- (3) The Panel shall consist of a Chairman and four members appointed by the Council.

***Committee's Recommendation:***

That the provision in Clause 32 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 32 do stand part of the Bill, put and agreed to.*

**Clause 33: Rules.**

The Council may make rules to regulate the proceedings of the tribunal and investigating panel:  
Until such rules are made, the rules contained in the second schedule to this Bill are applicable.

***Committee's Recommendation:***

That the provision in Clause 33 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 33 do stand part of the Bill, put and agreed to.*

**Clause 34: Penalty.**

- (1) Where:
  - (a) a member is adjudged by the tribunal to be guilty of a professional misconduct;

- (b) a member is convicted of an offence by any court in Nigeria or elsewhere, having power to sentence an offender to imprisonment (whether or not the offence is punishable with imprisonment) and the offence in the opinion of the tribunal derogates his membership of the institute; or
  - (c) the tribunal is satisfied that any person has been fraudulently registered in the register of members.
- (2) The tribunal shall give directives to the registrar either to reprimand that member or to strike his name off the register and the registrar shall comply with such directives.

***Committee's Recommendation:***

That the provision in Clause 34 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 34 do stand part of the Bill, put and agreed to.*

**Clause 35: Right of Appeal.**

Notwithstanding the provisions of section 24 of this Bill, or any other Act, a member who is found guilty by the Tribunal shall have right of appeal to the Court of Appeal against any pronouncement made by the Tribunal.

***Committee's Recommendation:***

That the provision in Clause 35 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 35 do stand part of the Bill, put and agreed to.*

**Clause 36: Professional misconduct.**

In this part, "professional misconduct" means any action or behaviour considered by the Council to be unprofessional conduct and include acts unbecoming of agriculturists which may include but not limited to unjust enrichment by any person, abuse of office or corrupt practices in the conduct of a member.

***Committee's Recommendation:***

That the provision in Clause 36 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 36 do stand part of the Bill, put and agreed to.*

PART VIII - LEGAL PROCEEDINGS

**Clause 37: Limitation of Suit Against the Institute, Etc Cap. P41 LFN 2004.**

- (1) Subject to the provisions of this act, the provisions of this Public Officers Protection Act shall apply in relation to any suit instituted against any member officer or employee of the Institute.
- (2) Notwithstanding anything contained in any other law or enactment, no suit against a member of the Council, the President or any other officer or employee of the institute for any act done in pursuance or execution of this Bill or any other law or enactment, or any other public duties or authority or in respect of any alleged neglect or default in the neglect in the execution of this Bill of any other law or enactment, duties or authority shall lie or be instituted in any Court unless it is commenced—
  - (a) within three months next after the act, neglect or default complained of; or

- (b) in the case of a continuation of damage or injury, within six months next the ceasing thereof.
- (3) No suit shall be commenced against a member of the Council, the President or any other officer or employee of the Institute before the expiration of a period of one month after written notice of the intention to commence the suit shall have been served on the Institute by the intending plaintiff or his agent.
- (4) The notice referred to in subsection (3) of this section shall clearly and explicitly state-
  - (a) the cause of action;
  - (b) the particulars of the claims;
  - (c) the name and place of abode of the intended plaintiff; and
  - (d) the relief which he claims.

***Committee's Recommendation:***

That the provision in Clause 37 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 37 do stand part of the Bill, put and agreed to.*

**Clause 38: Service of Document.**

A notice, summons or other document required authorized to be served on the Institute under the provision of this Bill or any other law or enactment may be served by delivering it to the President or by sending it by registered post addressed to the President at the principal office of the institute.

***Committee's Recommendation:***

That the provision in Clause 38 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 38 do stand part of the Bill, put and agreed to.*

**Clause 39: Restriction on Execution Against Property of the Institute.**

- (1) In any action or suit against the Institute, No execution or attachment of process in the nature thereof shall be issued against the institute unless not less than three months' notice of the intention to execute or attach has been given to the institute.
- (2) Any sum of money which by the judgment of any court has been awarded against the institute shall, subject to any direction given by the court, where no notice of appeal against the Judgment has been given, be paid from the fund of institute.

***Committee's Recommendation:***

That the provision in Clause 39 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 39 do stand part of the Bill, put and agreed to.*

**Clause 40: Indemnity.**

A member of the council, the president or any officer or employee of the institutes shall be indemnified out of the assets of the Institute against any Liability incurred by him in defending any proceeding, whether civil or



criminal, if the proceeding is brought against him in his capacity as a member, president, officer or employee of the Institute.

***Committee's Recommendation:***

That the provision in Clause 40 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 40 do stand part of the Bill, put and agreed to.*

PART IX - MISCELLANEOUS PROVISIONS

**Clause 41: Directives by the Minister.**

The Minister may jointly or severally give to the Institute or the President such directives of a general nature or relating generally to matters of the policy with regards to the exercise of its or his functions as they may consider necessary and it shall be the duty of the Institute or the President to comply with the directives or cause them to be complied with.

***Committee's Recommendation:***

That the provision in Clause 41 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 41 do stand part of the Bill, put and agreed to.*

**Clause 42: Power to make regulations the President signs the regulations after getting approval from the Minister.**

The Council may, with the approval of the ministers, make rules and regulations as in its opinion are necessary or expedient for giving full effect to the provisions of this Bill and for the due administration of its provisions and may in particular, make regulations.

***Committee's Recommendation:***

That the provision in Clause 42 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 42 do stand part of the Bill, put and agreed to.*

**Clause 43: Interpretation.**

In this Bill -

"Council" means Council established by section 3(1);

"Ex-officio" members in this Bill means the Ministers of Agriculture, Environment, etc;

"Institute" means Nigerian Institute of Agriculturists established by section 1 of the Bill;

"Member" means members of the institute and includes a regular or Associate member of the institute;

"Minister" means Minister charged with the responsibilities referred to section 3 (2) (d) to (g) of this Bill;

"President" means president of the institute;

"Rank" means status of members;

"register" means register created and maintained under section 22;

"tribunal" means tribunal established under section 23;

"Vice President" means vice president of the institute.

***Committee's Recommendation:***

That the provision in Clause 43 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 43 do stand part of the Bill, put and agreed to.*

**Clause 44: Short title.**

This Bill may be cited as the Nigerian Institute of Agriculturists Bill, 2021.

***Committee's Recommendation:***

That the provision in Clause 44 be retained (*Deputy Senate Leader*) — *Agreed to.*

*Question that Clause 44 do stand part of the Bill, put and agreed to.*

SCHEDULES

*Section 3 (3)*

FIRST SCHEDULE

*Proceedings of the Council*

1. The Council may make standing orders regulating its proceedings of the council or of any Committee thereof and shall meet at least once in every quarter in a year.
2. The Quorum of the council shall be seven which shall include at least three elected members, representatives of the Ministers and one elected from one of the tertiary Institutions mentions in this Bill.
3.
  - (1) Subject to the provisions of paragraph 1 above and the applicable standing order, the Council shall meet whenever summoned by the President, and if the President is required so to do by the notice given to him in writing by not less than five elected members, shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
  - (2) At any meeting of the Council, the President shall preside or in his absence the Vice President shall preside.
  - (3) Where the Council wishes to obtain the advice of any person on a particular matter, the Council may co-opt such a person as a member for such period as it thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count toward a quorum.
4.
  - (1) The Council may appoint one or more committees to carry out on its behalf, such functions as it may determine.
  - (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council and not more than one-third of those persons may be person who are not members of the Council and a person other than member of the Council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.
  - (3) A decision of a committee of the Council shall be of no effect until it is ratified by the Council.

*Miscellaneous*

5. (1) The fixing of the seal of the Council shall be authenticated by the signature of the President or the Vice President and the Secretary of the Council.
- (2) Any contract or Instrument which is made or executed by a person not being a body corporate, would not be required to under seal but may be or executed on behalf of the Council by any person generally or specially authorized to act for that purpose by the Council.

*Notice of Hearing*

6. (1) When a complaint is referred by the Panel of the tribunal, the Registrar shall, after consultation with the Chairman, appoint a time and place for the hearing, and shall in the third Schedule hereto: give notice to all interested parties (including members of the tribunal and the assessor)
- (2) If directions are for any reason not so given, it shall be sufficient compliance with this rule if the notice is-
- (a) handed to the party concerned or affected, personally; or
- (b) sent by registered post to the last known place of abode of the party.

*Hearing in absence of party*

7. (1) Subject to paragraph (2) of this rule, the Tribunal may hear and determine a case in the absence of any party.
- (2) Any party to any proceedings before a Tribunal who fails to appear or be presented may apply within one month after the date when the pronouncement of the findings and directions of the tribunal were given, for a re-hearing on the ground of want of notice or other good and sufficient reason, and the Tribunal, in appropriate cases may grant the application upon such terms as to cost or otherwise as it thinks fit.

*Hearing of witnesses*

8. The Tribunal may in the course of its proceedings hear witnesses and receive any documentary evidence necessary in its opinion to assist it in arriving at a conclusion as to the truth or otherwise of the allegation of misconduct in the complainant referred to it by the panel, and in application of this rule, the provisions of the Evidence Act shall apply to any such proceedings.

*Amendment of complaint*

9. If in the cause of the proceedings it appears to the Tribunal that the complaint before it requires to be amended in any respect, the Tribunal may, on such term as it thinks fit allow the amendment to be made and the complaint as amended shall there upon be dealt with accordingly.

*Public Hearing*

10. (1) The proceedings of the Tribunal shall be held and its findings and directions shall be delivered, in public unless otherwise directed by the Tribunal

- (2) The Tribunal may, on its own motion, or upon the application of any party, adjourn the hearing on such terms as to costs or otherwise as the Tribunal deems fit.

*False evidence*

11. If any person willfully gives false evidence on oath before the Tribunal during the course of any proceedings, or willfully make a false statement in any affidavit sworn for the purpose of such proceedings, the Tribunal may refer the matter to the Attorney-General of the Federation for such action as the Attorney-General may deem fit.

*Findings and costs in certain cases*

12. If after the hearing, the Tribunal adjudges that the charge of professional misconduct has not been proved, the Tribunal-
  - (a) shall record the findings that the respondent is not guilty of such misconduct in respect of which the charge was preferred; and
  - (b) may, nevertheless order any party (except the complainant) to pay the costs of the proceedings, having regard to his conduct and to all the circumstances of the case.

*Publication of findings*

13. Any findings made or direction given by the tribunal shall be published in the Federal Government Gazette immediately after such finding or direction, as the case may be.

*Record of proceedings*

14. The Chairman shall during the hearing, take the minutes of the proceedings which shall be open to inspection by the parties and shall be made available to any party upon the payment of such charges as the Registrar may be instructed to publish in the Federal Government Gazette.

*Power of Tribunal*

15. The Tribunal may dispense with any requirements of these rules regarding notices, affidavit, documents, service or time for doing or omitting anything, in any case where it appears to the Tribunal to be just or expedite so to do: and the tribunal may in any particular case extend the time for doing anything under these rules.

*Power to retain exhibits pending appeal*

16. Books and other exhibits whatever produced or used at the hearing shall, unless the tribunal otherwise directs, be retained by the Registrar until the expiry of the time for filing an appeal against any finding or direction of the Tribunal or, if notice of any such appeal is given until the hearing and disposal of the appeal.

*Assessors*

*Appointment and duties of assessors*

17. (1) An assessor, shall be appointed by the Council by instrument, and the assessor shall hold and vacate office as provided in his instrument of appointment; and where the appointment is not general one, it shall have effect only in respect of a particular proceedings of the Tribunal.

- (2) Subject to the terms of his appointment, assessors shall attend the proceedings of the Tribunal whenever required so to do by notice in writing given to him by the Registrar not later than 3 days before the date fixed for the hearing of such proceedings, and he shall therefore advise the Tribunal on question of law only.

*Miscellaneous*

*Interpretation*

18. In these rules -  
 "Complainant" means a person or body alleging before the Tribunal, professional misconduct against a member of the Institute;  
 "Respondent" means the person required to answer to any charge of professional misconduct.
19. Short title  
 These rules may be cited as the Nigerian Institute of Agriculturist (Disciplinary tribunal) Rules.

*Question that the provision in the First Schedule stand part of the Bill — Agreed to.*

SECOND SCHEDULE

Rules 2 (1)

*Hearing Notice*

IN THE MATTER OF THE NIGERIAN INSTITUTE OF AGRICULTURISTS TRIBUNAL IN THE MATTERS OF A CHARGE OF PROFESSIONAL MISCONDUCT AGAINST OF.....

.....  
 a member/Associate/Fellow of the Institute Take Notice that the Nigerian Institute of Agriculturist Disciplinary Tribunal sitting at ..... on.....  
 ....., 20.....

Will commence its hearing of charges(s) to be there preferred against .....Aforesaid  
 Of professional Misconduct in his office as a Professional Agriculturist and the Tribunal shall thereafter deliver its finding and give its directions accordingly.

This notice is given to as a .....(Here state whether a party or a member, etc)

And a copy of the charge(s) to be preferred is to hereto annexed

DATED this ..... day of 20 .....

Registrar.

*Question that the provision in the Second Schedule stand part of the Bill — Agreed to.*

Chairman to report Bill.

**(SENATE IN PLENARY)**

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill For an Act to Regulate the Profession of Agriculture and to Make Provisions for the Establishment, Function and Administration of Nigerian Institute of Agriculturists; and for Related Matters and approved as follows:

Clauses 1-44 — As Recommended

Schedules 1&2 — As Recommended

*Question:* That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

*Motion made:* That the Bill be now Read the Third Time (*Deputy Senate Leader*).

*Question put and agreed to.*

*Bill accordingly Read the Third Time and Passed.*

**15. Adjournment:**

*Motion made:* That the Senate do now adjourn till Tuesday, 9<sup>th</sup> March, 2021 at 10.00 a.m. (*Deputy Senate Leader*).

*Question put and agreed to.*

*Adjourned accordingly at 1:29 p.m.*

**Ahmad Ibrahim Lawan, Ph.D, CON**  
*President,*  
*Senate of the Federal Republic of Nigeria.*