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**RAW MATERIALS RESEARCH AND DEVELOPMENT
COUNCIL ACT, 2022**



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SCHEDULE

**RAW MATERIALS RESEARCH AND DEVELOPMENT
COUNCIL ACT, 2022**

ACT No. 28

AN ACT TO REPEAL THE RAW MATERIALS RESEARCH AND DEVELOPMENT COUNCIL ACT,
CAP. R3, LFN, 2004 AND ENACT THE RAW MATERIALS RESEARCH AND DEVELOPMENT
COUNCIL ACT, 2022 ; AND FOR RELATED MATTERS

[25th Day of August, 2022]

<p>ENACTED by the National Assembly of the Federal Republic of Nigeria—</p> <p>1.—(1) There is established the Raw Materials Research and Development Council of Nigeria (in this Act referred to as “the Council”).</p> <p>(2) The Council —</p> <p>(a) is a body corporate with perpetual succession and a common seal ;</p> <p>(b) may sue and be sued in its corporate name ; and</p> <p>(c) may acquire, hold or dispose of any property, movable or immovable, for the purpose of performing its functions under this Act.</p> <p>2. The objectives of the Council is to develop local raw materials and coordinate research efforts in relation to raw materials acquisition, exploitation, conservation and development.</p> <p>3. The functions of the Council are to—</p> <p>(a) undertake measures to ensure the systematic exploitation, development and utilisation of Nigeria’s raw material resources ;</p> <p>(b) draw up policy guidelines and action programmes on raw materials acquisition, exploitation and development ;</p> <p>(c) review raw material resources availability and utilisation with a view to advising the Federal Government on the strategic implication of depletion, conservation or stock-piling of such resources ;</p> <p>(d) advise on adoption of machinery and processes for raw material utilisation ;</p> <p>(e) encourage publicity of research findings and other information relevant to local sourcing of industries ;</p> <p>(f) encourage growth of in-plant research and development capabilities ;</p> <p>(g) advise on and devise awards or systems for industries that achieve any break-through or make innovations and inventions ;</p> <p>(h) organise workshops, symposia and seminars designed to enlighten people on new developments and solutions discovered ;</p> <p>(i) consider and advise on special research grants for specific objectives ;</p>	<p>Commence- ment.</p> <p>Establishment of the Raw Materials Research and Development Council.</p> <p>Objectives of the Council.</p> <p>Functions of the Council.</p>
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(j) undertake research and development on local raw materials for utilisation by industries ;

(k) liaise with relevant regulatory agencies for the standardisation of raw materials to meet industrial specification ;

(l) promote Nigeria's competitiveness in raw materials and products development ;

(m) establish raw materials analysis and certification laboratories for use by industries ; and

(n) consider and advise on any other issue capable of enhancing the objectives of the Council.

Establishment
of the Board
of the
Council.

4.—(1) There is established for the Council a Governing Board (in this Act referred to as “the Board”) which shall consist of—

(a) a Chairman to be appointed by the President on the recommendation of the Minister ;

(b) a representative each of the—

(i) Federal Ministry responsible for Science and Technology,

(ii) Manufacturers Association of Nigeria,

(iii) Nigerian Association of Small Scale Industrialists,

(iv) Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture,

(v) Federal Ministry responsible for Commerce, Industry, Trade and Investment,

(vi) Federal Ministry responsible for National Planning,

(vii) Federal Ministry responsible for Defence,

(viii) Federal Ministry responsible for Agriculture and Rural Development, and

(ix) Federal Ministry responsible for Minerals Development,

to be appointed by the Minister on the recommendation of the body they represent ; and

(k) the Director-General of the Council who shall be a member and the Secretary of the Board.

(2) The members of the Board, other than the Director-General shall serve on part-time basis and the Chairman shall be a person with vast experience in raw materials acquisition, exploitation, conservation and development in Nigeria.

Schedule.

(3) The provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Board and any other matters mentioned in it.

<p>5. The functions of the Board are to—</p> <p>(a) formulate the policies of the Council ;</p> <p>(b) consider and approve appointment, promotion and discipline of directors and other staff of the Council ; and</p> <p>(c) perform such other functions as are necessary and to the extent of its powers under this Act.</p>	<p>Functions of the Board.</p>
<p>6. Subject to the provisions of this Act, a member of the Board other than an ex-officio member shall hold office for a term of four years from the date of his appointment and may be reappointed for another term of four years and no more.</p>	<p>Tenure of office of Board members.</p>
<p>7. The Chairman and other members of the Board shall be paid allowances and expenses as the Revenue Mobilisation Allocation and Fiscal Commission may determine.</p>	<p>Remuneration and allowances for members of the Board.</p>
<p>8.—(1) The Chairman or any member of the Board shall cease to hold office where—</p> <p>(a) he becomes of unsound mind ;</p> <p>(b) he is declared bankrupt by a court of competent jurisdiction ;</p> <p>(c) he is convicted of a felony or any offence involving dishonesty or corruption ;</p> <p>(d) he is found guilty under the Code of Conduct or serious misconduct in relation to his duties ;</p> <p>(e) the President is satisfied that it is not in the best interest of the Council or of the public for such member to continue in office ;</p> <p>(f) he resigns his appointment as a member of the Board, or by notice under his hand addressed to the President ; or</p> <p>(g) he ceases to occupy the position that enabled him to represent his organisation.</p> <p>(2) Where a person ceases to be a member under subsection (1), the body which he represents shall send a representative to serve out the remainder of the tenure of that member.</p> <p>(3) A person who has ceased to be a member of the Board shall not be eligible for reappointment as a member of the Board.</p>	<p>Cessation of membership.</p>
<p>9.—(1) There shall be appointed for the Council, a Director-General, who shall be the chief executive officer of the Council.</p> <p>(2) The Director-General shall —</p>	<p>Appointment of the Director-General of the Council.</p>

(a) be appointed by the President on the recommendation of the Board through the Minister responsible for Science and Technology ;

(b) possess at least 18 years post qualification experience in science, engineering and technology subjects with vast cognate experience in raw materials acquisition, exploitation, conservation and development ;

(c) be entitled to earn a remuneration and allowances as may be specified in his letter of appointment ; and

(d) hold office for a term of five years in the first instance and may be re-appointed for another term of five years and no more.

(3) The Director-General shall, subject to the general direction of the Board, be responsible for the—

(a) administration of the affairs of the Council ;

(b) keeping the books and proper records of the proceedings of the Board ;

(c) administration of the secretariat of the Board ; and

(d) general direction and control of the employees of the Council.

(4) The Director-General shall execute the seal of the Council.

Other staff
of the
Council.

10. There shall be appointed by the Council, with the approval of the Board such other staff as may be required for the purpose of the efficient performance of the functions conferred under this Act.

Staff
regulations.

11. The Board may make regulations relating generally to the conditions and scheme of service of the staff of the Council and the regulations may provide for —

(a) the appointment, promotion, termination, dismissal and disciplinary control over the staff of the Council ;

(b) remuneration and fringe benefits subject, to the approval of the National Salaries Incomes and Wages Commission ; and

(c) appeals by staff against dismissal or other disciplinary measures.

Fund of the
Council.

12.—(1) The Council shall establish and maintain a fund (“the Fund”) which shall consist of —

(a) such sums as may be appropriated to the Council by the National Assembly ;

(b) two per cent surcharge on imports ;

(c) fees charged for services rendered by the Council ;

(d) contributions from the organised private sector ; and

(e) all sums accruing to the Council by way of gifts, testamentary disposition, endowments, contributions from philanthropic persons and donor agencies.

(2) The Council shall apply the Fund towards the promotion of the objectives specified in this Act.

13.—(1) The Board shall cause to be prepared not later than six months to the end of each financial year an estimate of the expenditure and income of the Council during the next financial year based on guidelines approved by the Board in line with extant financial regulations.

Annual estimates and accounts.

(2) The Board shall cause to be kept, proper accounts of the Council and proper records in relation thereto and when certified by the Board, such accounts shall be audited as provided in section 15 of this Act.

14. The accounts of the Council shall be audited within six months after the end of each financial year by external auditors appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation.

Annual audit.

15.—(1) The Council shall, with the approval of the Board and consent of the Minister in accordance with any general guidelines approved by the financial regulations, borrow by way of loan or overdraft from any source any money required by the Council for meeting its obligations and discharging its functions under this Act.

Borrowing powers of the Council.

(2) The Council may, subject to the provisions of this Act and the conditions of any trust created in respect of any property and with the approval of the Board and consent of the Minister invest all or any of its funds in accordance with any general guidelines approved in the financial regulations.

(3) The Council may invest any surplus funds in such securities as may be approved by the Board and consent of the Minister.

16. The Council shall, not later than three months to the end of each financial year, submit to the Board or the Minister (in the absence of the Board), a report on activities of the Council and its administration during the immediately preceding financial year.

Annual report.

17.—(1) The Council may, with the approval of the Board or the Minister (in the absence of the Board), make regulations generally for the purpose of carrying into effect the provisions of this Act.

Regulations.

(2) The Council with the approval of the Board or consent of the Minister (in the absence of the Board) may make such regulations as are necessary for the development, promotion, protection, utilisation of local raw materials and for due administration of its provisions.

Power to
accept gifts.

18.—(1) The Council may, with the approval of the Minister, accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organisation making the gift.

(2) The Council shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Council.

Legal
proceedings.

19.—(1) No suit shall be commenced against the Council before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Council.

(2) The notice shall specify the plaintiff or his agent and clearly state the—

- (a) cause of action ;
- (b) particulars of the claims ;
- (c) name and place of abode of the intending plaintiff ; and
- (d) the relief sought in the claim.

(3) The notice referred to under subsection (1) in relation to any summons, notice or other document required or authorised to be served on the Council under the provision of this Act or any other enactment or law, may be served by—

- (a) delivering same to the Director-General; or
- (b) sending it by registered post addressed to the Director-General at the head office of the Council.

Restriction
on execution
against the
property of
the Council.

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

Indemnity
of officers of
the Council.

21. A member of the Board, Director-General or employee of the Council shall be indemnified out of the assets of the Council against any proceedings brought against him in his capacity as a member of the Board, Director-General, officer or employee of the Council where the act complained of is not ultra vires his power.

Repeal.

22. The Raw Materials Research and Development Council Act, Cap. R3 Laws of the Federation of Nigeria, 2004 is repealed.

Savings.

23.—(1) A person who at the commencement of this Act was a member of staff or an employee of the Raw Materials Research and Development Council, shall as from the commencement of this Act become a member of

staff or employee of the Council with the status, rank, designation and functions which corresponds as far as possible to those which appertained to him as a member of staff or employee of the Raw Materials Research and Development Council.

(2) All assets, rights, liabilities and obligations which immediately before the commencement of this Act were assets, rights, liabilities and obligations of the Raw Materials Research and Development Council shall by virtue of this Act, be taken over by the Council.

(3) Anything made or done or having effect before the commencement of this Act by the Raw Materials Research and Development Council and having any resulting or continuing effect shall be treated as from the commencement of this Act, as if it were made or done by the Council.

24. In this Act—

Interpretation.

“*Board*” means the Governing Board of the Council ;

“*Chairman*” means the Chairman of the Board ;

“*Council*” means the Raw Materials Research and Development Council ;

“*local raw material*” means any unprocessed or processed material indigenous to Nigeria that can be converted by manufacture, processing or combination into a new and useful product ;

“*Minister*” means the Minister charged with the responsibility for Science and Technology ;

“*member*” means any member of the Board including the Chairman ; and

“*President*” means the President of the Federal Republic of Nigeria.

25. This Act may be cited as the Raw Materials Research and Development Council Act, 2022.

Citation.

SCHEDULE

Section 4 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. Subject to this Act and to section 27 of the Interpretation Act (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board and any committee thereof.

2. Every meeting of the Board shall be presided over by the Chairman or if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their members to preside at that meeting.

3. The Board shall meet not less than four times in each year and, subject thereto, the Board shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice given to him by not less than three other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

4. The quorum of the Board shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and six other members and the quorum of any committee of the Board shall be determined by the Board.

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

6. Notwithstanding anything in the provisions of paragraph 5, the first meeting of the Board shall be summoned by the Minister.

Committee

7.—(1) Subject to its standing orders, the Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine.

(2) Every committee appointed under the provisions of subparagraph (1), shall consist of such number of persons (not necessarily all members of Board) as may be determined by the Board and a person other than a member of the Board shall hold office on the committee in accordance with the terms of his appointment.

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

Miscellaneous

8. The affixing of seal of the Council shall be authenticated by the signature of the Director-General and any other staff authorised generally or specially by the Board to act for that purpose.

9. Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Council by the Director-General or any person generally or specifically authorised by the Board to act for that purpose.

10. Members of the Board shall be paid such remuneration or allowances as may be approved by the President.

11. The validity of any proceedings of the Board or of a committee thereof shall not be adversely affected by—

- (a) any vacancy in the membership of the Board ;
- (b) any defect in the appointment of a member of the Board or committee ; or
- (c) reason that a person not entitled to do so, took part in the proceedings.

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

I, certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

Ojo O. A., fnia, fcia
Clerk to the National Assembly
28th Day of July, 2022.

A 874

2022 No. 28

*Raw Materials Research and Development
Council Act, 2022*

EXPLANATORY MEMORANDUM

This Act repeals the Raw Materials Research and Development Council Act, Cap. R3, LFN, 2004 and enacts the Raw Materials Research and Development Council Act, 2022 to develop local raw materials and coordinate research efforts especially in relation to raw materials acquisition, exploitation, conservation and development.

SCHEDULE TO THE RAW MATERIALS RESEARCH AND DEVELOPMENT COUNCIL BILL, 2022

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Raw Materials Research and Development Council Bill, 2022.	An Act to repeal the Raw Materials Research and Development Council Act, Cap. R3, LFN, 2004 and enact the Raw Materials Research and Development Council Act, 2022 ; and for related matters.	This Bill repeals the Raw Materials Research and Development Council Act, Cap. R3, LFN, 2004 and enact the Raw Materials Research and Development Council Act, 2022.	28th June, 2022.	30th June, 2022.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT



OJO O. A., fnia, fcia
Clerk to the National Assembly
28th Day of July, 2022.

MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
25th Day of August, 2022.