

AGRICULTURAL RESEARCH INSTITUTES DECREE 1973



ARRANGEMENT OF SECTIONS

Section

*Establishment and Management of
Research Institutes*

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Decree No. 35

[27th August 1973]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Establishment and Management of Research Institutes

1.—(1) The Commissioner may, on the advice of the Agricultural Research Council of Nigeria (in this Decree hereafter referred to as “the Council”) and the Nigerian Council for Science and Technology, by order establish institutes to conduct research and training in any field of—

Power to
establish
research
institutes.

- (a) Agriculture,
- (b) Veterinary Science,
- (c) Fisheries,
- (d) Forestry, and
- (e) Agro-meteorology and water resources,

for the purposes of the Agricultural Research Council of Nigeria Decree 1971.

1971 No. 25.

(2) An order establishing an institute under this section shall not come into force until it has been approved by the Federal Executive Council.

(3) An order establishing an institute under this section may contain supplementary or incidental provisions consistent with this Decree relating to the establishment of the institute, including, without prejudice to the generality of the foregoing powers, provisions for—

- (a) the designation of the institute ;
- (b) the matter on which the institute is to conduct research, including training where appropriate ;

(c) the transfer to the institute of any existing Federal or State Research Station or other assets belonging to any existing Federal or State research department or institute ;

(d) the establishment, constitution, and proceedings of a governing board to manage the affairs of the institute ;

(e) a suitable association or other form of relationship of the institute with any university or institution of higher learning in Nigeria ; and

(f) the repeal of the Nigerian Research Institutes Act of 1964 in respect of any institute established under that Act, if the assets of such institutes are transferred to a new institute in pursuance of paragraph (c) of this subsection.

964 No. 33.

Status of
institutes,
etc.

2.—(1) Any institute shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

(2) The application of the seal of each of the institutes shall be authenticated by two signatures, namely—

(a) the signature of the Chairman or some other member of the board authorised by the institute to authenticate the application of the seal ; and

(b) the director of the institute or officer authorised by the institute to act in his place for this purpose.

(3) Any instrument or contract which, if executed or entered into by a person other than a body corporate, would not require to be under seal, may be executed or entered into on behalf of an institute by the Chairman or by the director or such other members or servants of the institute as may be appointed to act in their place.

Duties of
boards.

3. It shall be the duty of the board of each institute—

(a) to prepare a programme of research within the field for which the institute is responsible for such periods, not less than three years, as the board, with the approval of the Council, may determine, together with detailed estimates of the expenditure which will be required to carry out the programme ;

(b) to review, and if necessary revise, each year the programme approved under paragraph (a) above for the following year, together with the estimates of expenditure for that year ;

(c) to submit the programme and estimates of expenditure and any annual revisions for approval by the Council ;

(d) to carry out the programme of research approved by the Council ;

(e) to arrange for the preparation of annual reports on the progress of the work of the institute and the submission of such reports to the Council ; and

(f) to make suitable arrangements for the application of the results of the work of the institute by the extension services of those States in which such results can be applied.

Powers of
Institutes.

4.—(1) Subject to the provisions of this Decree, any such institute shall have power to do anything and to enter into any transaction which in its opinion ought to be done in the proper discharge of its functions.

(2) Each of the institutes shall, in particular, and without prejudice to the generality of the foregoing power, have power to acquire and hold land and property.

(3) For the purpose of the Public Lands Acquisition Act the purposes of an institute shall be public purposes of the Federation within the meaning of that Act.

Cap. 167.

5. The board of each of the institutes may appoint Committees and delegate to them any of its functions other than any function affecting the constitution of the board and its committees.

Committees of boards.

6. There shall be as director for each of the institutes such person appointed by the Council, who shall be a person with wide experience of the matters with which the relevant institute is concerned ; and the director shall—

Directors of institutes.

(a) be charged with the day to day management of the affairs of the institute in accordance with such instructions as may from time to time be given to him by the institute ; and

(b) hold office on such terms and conditions as the Council may determine.

Staff

7. The Council may appoint such officers and servants as are deemed necessary for the proper discharge of the functions of an institute under this Decree upon such terms and conditions of service as the Council may determine :

Employment of officers and servants.

Provided that the rates and scales of salary and other emoluments relating to any such appointment or employment shall be comparable with those prevailing in Nigerian universities.

8. The Council may delegate to the board of the institute its power under section 7 of this Decree to appoint officers and servants of the institute, subject to such conditions and restrictions as it may deem fit to impose.

Power of delegation by Council.

9.—(1) The board of each of the institutes may make regulations for its purposes under this Decree ; and, without prejudice to the generality of the foregoing, the regulations may provide for the disciplinary control over the staff of the institute concerned.

Regulations.

(2) The regulations made under the foregoing subsection shall not have effect until they have been approved by the Council.

Financial Provisions

10.—(1) Each of the institutes shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the institute.

Financial provisions.

(2) There shall be paid or credited to the fund—

(a) such sums of money provided by the Federal and State Governments and their agencies as the Council may allocate to the institute ;

(b) such assets of the relevant research departments and institutes as may be transferred to the institute in pursuance of this Decree ; and

(c) all other assets from time to time accruing to the institute.

(3) The fund shall be managed in accordance with rules made by the Council with the joint approval of the Commissioner and the Federal Commissioner for Finance ; and without prejudice to the generality of the power to make rules conferred by this subsection, the rules shall, in particular, include provisions—

(a) specifying the manner in which the assets of the fund are to be held and regulating the making of payments to and from the fund ;

(b) requiring the keeping of proper accounts and records for the purpose of the fund in such form as may be specified by the rules ;

(c) for securing that the accounts are audited annually by an auditor approved by the Council ;

(d) requiring copies of the accounts and of the audit report on them to be forwarded to the Council not later than three months following the end of the period to which the accounts relate.

Power to
borrow
money.

11. Each of the institutes may borrow or lend money only with the approval of the Council.

Miscellaneous

Disposal of
fund, etc. of
an institute
on
dissolution.

12. Where an institute is dissolved by reason of the revocation of an order establishing such institute, any balance of the fund of the institute and all other property of the institute remaining at the date of the revocation shall be disposed of and applied as may be approved by the Commissioner.

Inter-
pretation.

13. In this Decree, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

‘board’ in relation to an institute means the board established to manage the institute in accordance with any order made under section 1 of this Decree establishing such institute ;

‘Commissioner’ means the Federal Commissioner for Agriculture and Natural Resources ;

‘Council’ means the Agricultural Research Council of Nigeria ;

‘institute’ means an institute established by an order made under section 1 of this Decree.

Citation.

14. This Decree may be cited as the Agricultural Research Institutes Decree 1973.

MADE at Lagos this 27th day of August 1973.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purport)

The Decree empowers the Federal Commissioner for Agriculture and Natural Resources, on the advice of the Agricultural Research Council of Nigeria and the Nigerian Council for Science and Technology, to establish institutes to conduct research and training into the fields of agriculture, veterinary science, fisheries, forestry, agro-meteorology and water resources by order.

**TRADE DISPUTES (EMERGENCY PROVISIONS)
(AMENDMENT) DECREE 1973**



Decree No. 36

[12th December 1969]

**Commence-
ment.**

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. In section 10 of the Trade Disputes (Emergency Provisions) Decree 1968, there shall be substituted for the words "an arbitration tribunal under section 11 below" where they occur respectively in subsections (7) and (9) thereof the words "the Tribunal established under section 4 of the Trade Disputes (Emergency Provisions) (Amendment) (No. 2) Decree 1969".

**Amendment
of 1968
No. 21.**

2. In section 4 of the Trade Disputes (Emergency Provisions) (Amendment) (No. 2) Decree 1969, immediately after subsection (4) thereof there shall be substituted the following new subsections, that is—

**Amendment
of 1969
No. 53.**

"(5) Any person who fails to comply with an award or determination of the Tribunal as confirmed by the Commissioner pursuant to subsection (4) above shall be guilty of an offence and shall be liable on conviction—

(a) in the case of an individual, to a fine of ₦200 or imprisonment for six months ;

(b) in the case of a body corporate, to a fine of ₦2,000.

(6) Any person who after conviction in respect of an offence under subsection (5) above continues to fail to comply with an award or determination as mentioned therein shall be guilty of a further offence and shall be liable on conviction to the same penalty for each day on which the offence continues.

(7) Where an offence under this section by a body corporate is found to have been committed with the consent or connivance of, or is attributable to any act or default on the part of any person or persons in apparent control of the body, the person or persons in apparent control and the body shall be deemed to have committed the offence."

Citation
and
commence-
ment.

2. This Decree may be cited as the Trade Disputes (Emergency Provisions) (Amendment) Decree 1973 and shall be deemed to have come into operation on 12th December 1969.

MADE at Lagos this 29th day of August 1973.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree but is
intended to explain its purport)*

The Decree makes slight amendments to Decree No. 21 of 1968 and also amends Decree No. 53 of 1969 to make it an offence for any person affected to refuse to comply with the confirmed terms of an award or determination of the Industrial Arbitration Tribunal.