

The Bill, which will in due course be presented to National Assembly for enactment, is published for general information.

## A BILL FOR

AN ACT TO MAKE PROVISION FOR THE DISSOLUTION OF THE NATIONAL SCIENCE AND TECHNOLOGY DEVELOPMENT AGENCY AND THE TRANSFER OF ITS FUNCTIONS, STAFF, ASSETS AND LIABILITIES TO THE MINISTER OF SCIENCE AND TECHNOLOGY AND FOR PURPOSES CONNECTED THEREWITH.

[ ]

Commence-  
ment.

BE IT ENACTED by the National Assembly of the Federation of Nigeria and by authority of the same as follows :—

5 1.—(1) The Minister may, with the approval of the President, by order published in the *Gazette*, establish research institutes and the provisions of Schedule 1 to this Act shall apply in relation to any institute so established.

Power of  
Minister to  
establish  
research  
institutes.

(2) An order establishing a research institute under this Act may contain supplementary or incidental provisions, including provisions for—

10 (a) the designation of the institute ;

(b) the matter or matters on which the institute is to conduct research, including training where appropriate ;

15 (c) the transfer to the institute of any existing Federal and, where a State Government so desires, any existing State research establishments ;

(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 other institution of higher learning in Nigeria.

20 2.—(1) The body known as the National Science and Technology Development Agency established by the National Science and Technology Development Agency Decree 1977 is hereby dissolved and the said Decree is hereby repealed and the National Science and Technology Development Agency (Amendment) Decree 1978 is hereby consequen-  
25 tially repealed.

Dissolution  
of Agency ;  
repeals and  
savings ;  
transfer of  
assets and  
liabilities,  
etc.  
1977 No. 5.  
1978 No. 19.

(2) Notwithstanding subsection (1) above, the research institutes established or deemed to have been established under or pursuant to the said Decree shall be deemed to have been established under this Act.

30 (3) Notwithstanding subsection (1) above, the transitional and savings provisions in Schedule 2 to this Act shall have effect in relation to the employees, assets and liabilities of the dissolved Agency and the other matters therein mentioned.

Interpreta-  
tion.

3. In this Act, unless the context otherwise requires—

“the dissolved Agency” means the National Science and Technology Development Agency dissolved by this Act ;

“the Minister” means the Federal Minister charged with responsibility for science and technology.

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Citation.

4. This Act may be cited as the National Science and Technology Act 1979.

## SCHEDULES

### SCHEDULE 1

### Section 1

#### ESTABLISHMENT OF RESEARCH INSTITUTES

1. Any research institute established under this Act shall have a governing board and shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name and it shall have power—

(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 Minister, may determine, together with detailed estimates of the expenditure which will be required for carrying out the programme ;

(b) to review, and if necessary revise, each year the programme approved under sub-paragraph (a) above for the following year, together with the estimated budget for that year ;

(c) to carry out the programme of research approved by the Minister ; and

(d) to make suitable arrangements for the application of the results of the work of the institute by Federal and States' Ministries and their agencies to development activities.

2. The members of the governing board of each institute shall be appointed by the Minister with the approval of the President.

3. Subject to the provisions of this Act, each 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.

4. Each institute shall, in particular, and without prejudice to the generality of the foregoing power, have power to acquire and hold property and any interest in land.

5. The board of each institute may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the board is concerned.

6. There shall be a Director for each institute, appointed by the Minister on the advice of the board of the institute concerned, who shall be a person with wide experience of the matters with which the relevant institute is concerned; and the Director shall—

(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 board of the institute; and

(b) be appointed in accordance with the regulations and conditions of service approved by the Minister.

7. The board of each institute may appoint such other employees as are deemed necessary for the proper discharge of the functions of the institute under this Act and pay such employees such remuneration and allowances as are payable to persons of equivalent grades in the civil service of the Federation.

8. The board of each institute shall prepare and submit to the Minister an annual report on the activities of the institute.

### *Financial Provisions*

9. Each institute shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the institute.

10. There shall be paid into the fund such sums as may be made available to the institute by the Government of the Federation and such other assets as may accrue to the institute from time to time.

11. The fund shall be managed in accordance with rules made by the Federal Minister of Finance; and without prejudice to the generality of the power to make rules conferred by this section, the rules shall, in particular, include provisions—

(a) specifying the manner in which the assets and 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 Minister;

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

12. Each institute may borrow or lend money only with the approval of the Minister.

13. Each institute shall prepare and submit its programme and estimated budget and any annual revision for approval by the Minister.

## SCHEDULE 2

## Section 2

## TRANSFER OF STAFF, ASSETS AND LIABILITIES OF DISSOLVED AGENCY

*Disposition of Employees*

1. Subject as hereinafter provided, any person who immediately before the appointed day held office under the dissolved Agency shall, on the appointed day, be deemed to have been transferred to the civil service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1979 on terms and conditions as to emoluments as are not less favourable than those obtaining immediately before the appointed day.

2. In pursuance of paragraph 1 of this Schedule, the Federal Civil Service Commission shall, not later than 45 days after the appointed day, by notice in writing offer every person to which that paragraph relates, employment in the civil service of the Federation upon such terms and conditions as to emoluments as are not less favourable than those enjoyed by that person immediately before the appointed day.

3.—(1) Any person to whom an offer of employment is made pursuant to paragraph 2 of this Schedule and who fails within 30 days thereafter (or such other date as may be specified by the Federal Civil Service Commission) to give the Commission an acceptance in writing of the offer shall be deemed to have refused the offer.

(2) If a person refuses an offer of employment made to him pursuant to the said paragraph 1 (either as provided in sub-paragraph (1) above or otherwise howsoever), the obligation imposed on the Commission to employ that person shall thereupon determine.

4. When a person accepts an offer of employment made pursuant to paragraph 1 of this Schedule, such a person shall be deemed to have been transferred to the civil service of the Federation with effect from the appointed day and his service under the dissolved Agency shall be deemed to be service in the civil service for pensions purposes.

5. For the purposes of the foregoing provisions of this Schedule, the terms and conditions as to emoluments comprised in any offer shall not be construed as being less favourable merely because they are not in all respects identical with or superior to the terms and conditions enjoyed by the person concerned immediately before the appointed day, if the first-mentioned terms and conditions taken as a whole offer substantially equivalent or greater benefits to the latter.

*Assets and Liabilities*

6. By virtue of this Act, there shall be vested in the Government of the Federation on the appointed day, without further assurance but subject as hereinafter provided, all assets, funds, resources and other movable or immovable property which immediately before the appointed day were vested in the dissolved Agency by the Decree.

(2) As from the appointed day—

(a) the rights, interests, obligations and liabilities of the dissolved Agency existing immediately before the appointed day under any contract or instrument, or at law or in equity apart from any contract or instrument, shall by virtue of this Act be assigned to and vested in the Government of the Federation ;

(b) any such contract or instrument as is mentioned in sub-paragraph (a) above shall be of the same force and effect against or in favour of the Government of the Federation and shall be enforceable as fully and effectively as if instead of the dissolved Agency that Government had been named therein or had been a party thereto ; and

(c) the Government of the Federation shall be subject to all the obligations and liabilities to which the dissolved Agency was subject immediately before the appointed day and all other persons shall, as from the appointed day, have the same rights, powers and remedies against that Government as they had against the dissolved Agency immediately before the appointed day.

(3) Any proceeding or cause of action pending or existing immediately before the appointed day by or against the dissolved Agency in respect of any right, interest, obligation or liability of the dissolved Agency may be continued or, as the case may be, commenced and any determination of a court of law, tribunal or other authority or person may be enforced, by or against the Government of the Federation to the same extent that any such proceeding, cause of action or determination might have been continued, commenced or enforced by or against the dissolved Agency if this Act had not been made.

#### *Supplementary*

7. In this Schedule, "the appointed day" means the day of coming into force of this Act.