

A BILL

FOR

AN ACT TO ESTABLISH THE FISHERIES AND AQUATIC STUDIES RESEARCH INSTITUTE, DARKI, WUDIL, KANO STATE TO PROVIDE FOR THE INSTRUCTION, TRAINING AND RESEARCH INTO THE FIELD OF FISHERY AND AQUATIC STUDIES IN NIGERIA INCLUDING THE CONSERVATION OF FISH HUSBANDRY AND COMMERCIAL FISHERIES IN NIGERIA AND FOR RELATED MATTERS.

Sponsored by Hon. Abdulhakeem Kamilu

[] Commencement

1 PART 1 - ESTABLISHMENT OF THE FISHERIES AND AQUATIC STUDIES
2 RESEARCH INSTITUTE, (DARKI), WUDIL KANO STATE AND THE
3 GOVERNING BOARD

4 1.-(1) There is established a body to be known as the Fisheries And
5 Aquatic Studies Research Institute, (Darki), Wudil Kano State (in this Bill
6 referred to as "the Institute").

Establishment
of the Institute

7 (2) The Institute shall:

8 (a) be a body Corporate with perpetual succession and a common
9 seal and may sue and be sued in its corporate name; and

10 (b) acquire, hold, mortgage, purchase and deal howsoever with
11 property, whether movable or immovable, real or personal.

12 (3) The Institute shall have its principal office located at
13 Darki, Wudil, Kano State and such other liaison, operations and coordinating
14 branch offices, units and research or observation centres as the Institute may
15 require or determine for the proper discharge or performance of its functions
16 under this Bill, within and outside Nigeria.

17 2.-(1) There is established for the management of the affairs of the
18 Institute a Governing Board (in this Bill referred to as "the Board").

Establishment
and Constitution
of the Governing
Council Board
of the Institute

19 (2) The Board shall consist of:

1 (a) a Chairman, who shall be a person with requisite knowledge in
2 agricultural research and development, with not less than fifteen years cognate
3 experience;

4 (b) 2 representative not below the rank of a Deputy Director of the
5 Ministries in charge of-

6 (i) Agriculture;

7 (ii) Science and Technology;

8 (iii) Finance;

9 (iv) Nigeria Export Promotion Council;

10 (c) one representative each of the-

11 (i) Six geo-political zones in Nigeria; and

12 (ii) the Director General who shall be the secretary.

13 (4) The Chairman and Members of the Board from the six geo-
14 political zones shall be appointed by the President of the Federal Republic of
15 Nigeria.

16 (5) The Board shall from time to time elect from among its members a
17 Vice-Chairman, who shall in the absence of the Chairman have all the powers
18 and duties of the Chairman, and if neither the Chairman nor the Vice-Chairman
19 is available, the Board shall nominate a person from among themselves to
20 preside at that meeting.

21 (6) A member of the Board shall-

22 (a) have at least 10 years cognate experience in agricultural research
23 and development or related area;

24 (b) be a person of unquestionable character and proven integrity.

25 (7) The supplementary provision set out in the Schedule to this Bill
26 shall have effect with respect to the proceeding of the Board and other related
27 matters.

Tenure of office
of Members of
the Board

28 **3.-(1)** A Member of the Board shall hold office for a term of four years
29 renewable for another four years only.

1 (2) No person shall be appointed as a member of the Board if the
2 person:

3 (a) is an undischarged bankrupt;

4 (b) fails to comply or is not capable of fully complying with a
5 judgment or order, including an order for costs, given against such a person
6 by a court of law in a civil case;

7 (c) in the preceding 10 years has been convicted of an offence of
8 which fraud, violence, dishonesty, extortion or intimidation is an element;

9 (d) is not a permanent resident of the Federal Republic of
10 Nigeria.

11 4.-(1) A Member of the Board shall vacate office, if the person-

Cessation of
Membership

12 (a) becomes subject to a disqualification under clause 3(2) of this
13 Bill;

14 (b) becomes of unsound mind;

15 (c) is absent without the leave of the secretary for more than two
16 consecutive meetings of the Board

17 5. There shall be paid to every member of the Board such
18 allowances as the Institute may from time to time determine.

Allowances of
Members of the
Board

19 PART II - FUNCTIONS OF THE INSTITUTE

20 6. The Institute shall:

Functions of
the Institute

21 (a) formulate and implement policies, guidelines and strategies for
22 the instruction, training and research into the field of fisheries and aquatic
23 studies in Nigeria including the conservation of fish husbandry and
24 commercial fisheries in Nigeria;

25 (b) promote, improve and support research and learning in
26 ichthyology and the controlled cultivation and harvesting of aquatic animals
27 such as fishes and crustaceans in natural or pseudo natural environments;

28 (c) facilitate the engagement of all tiers of government, all relevant
29 sectors and stakeholders on the promotion of the research, production,

- 1 processing and exportation of aquatic animals such as fishes and crustaceans;
- 2 (d) create awareness on the cultivation, processing and exportation of
- 3 aquatic animals ;
- 4 (e) promote and coordinate partnerships and collaborations with
- 5 national and international organizations on fish husbandry; and
- 6 (f) perform such other functions as may be prescribed by the Board to
- 7 give effect to the provisions of this Bill.

Powers of the Board

- 8 7. The Board shall have powers to-
- 9 (a) manage and superintend the affairs of the Institute;
- 10 (b) provide leadership and advocacy for the research, cultivation,
- 11 processing and exportation of aquatic animals in Nigeria;
- 12 (c) facilitate funding for the purpose of this Bill;
- 13 (d) provide intergovernmental and multisectoral coordination;
- 14 (e) facilitate the formation and development of national and
- 15 international partnerships and collaboration for the purpose of implementing
- 16 the objectives of the Bill;
- 17 (f) establish committees or specialized departments for the purpose of
- 18 effective regulation and discharge of the Institute's functions under the Bill;
- 19 (g) review, from time to time, the extent of the implementation of the
- 20 strategic framework for the promotion of research, cultivation, processing and
- 21 exportation of aquatic animals by the Institute;
- 22 (h) subject to the provisions of this Bill, make, alter, implement,
- 23 enforce and revoke policies, rules and regulations for carrying out the
- 24 functions of the Institute;
- 25 (i) investigate breaches of the provisions of this Bill;
- 26 (j) use every legal and appropriate means of enforcement to recover
- 27 all costs or penalties imposed on any person for the purpose of administration
- 28 of this Bill;
- 29 (k) appoint either on transfer, secondment or leave of absence from
- 30 any public service of the Federation or private sector, such number of

1 employees as may, in the opinion of the Board be required to assist the
2 Institute in the discharge of any of its functions under this Bill, and shall
3 have power to pay such employees remunerations including allowances as
4 the Board may from time to time determine;

5 (l) accept gifts of land, money or other testamentary dispositions,
6 donations, endowments and contributions on such terms and conditions, if
7 any, as may be specified by the donor of the gift (provided that the Institute
8 shall not accept any gift if the conditions attached thereto by the donor are
9 inconsistent with the functions of the Institute);

10 (m) delegate to any staff or officer of the Institute or any other
11 person any of its powers and functions under this Bill as it may deem
12 necessary;

13 (n) make rules and regulations relating generally to the
14 appointment, promotion, discipline and conditions of service of employees
15 of the Institute;

16 (o) do such other thing which in the opinion of the Board and
17 directives of the Minister are necessary and expedient to ensure the efficient
18 discharge of the functions of the Institute.

19 PART III - GOVERNMENT AND PRIVATE PARTICIPATION

20 **8.** Any government, private person or group in or outside the
21 Federation may, subject to any requirement under this Bill, participate in the
22 research, cultivation, processing and exportation of aquatic animals in
23 Nigeria, in the manner provided for in this Bill.

Government and
Private Sector
involvement and
participation

24 **9.-(1)** In furtherance of the objectives of this Bill, the Institute with
25 the approval of the Minister may accredit reputable public and private
26 organization in the research, cultivation, production, processing and
27 promotion of fish husbandry in Nigeria.

Accreditation of
Organizations

28 (2) In accrediting any organization under this clause, the Institute
29 shall ensure that equal numbers of organizations are accredited in each geo-
30 political zone of the Federation.

1 (3) No action or claim shall lie against the Institute for any refusal to
2 accredit any organization under this Bill.

Withdrawal of
accreditation

3 **10.** The accreditation by the Institute of any organization under this
4 Bill may be withdrawn or cancelled where such organization-

5 (a) does not satisfactorily perform its functions or those assigned to it
6 by the Institute under this Bill;

7 (b) has become affected by any of the disqualifications from
8 accreditation under this Bill or was not qualified for accreditation under this
9 Bill at the time it was accredited;

10 (c) diverts to its private use or is found to be unfair in the
11 administration of any material or any part thereof made available or donated to
12 it;

13 (d) is in breach of or acts contrary to any clear provisions of this Bill or
14 any of the terms of its accreditation under this Bill, or

15 (e) is in breach of any of its functions, duties or the terms of any
16 specific or special functions assigned to it by the Institute under this Bill.

17 **PART IV - STRUCTURE AND STAFF OF THE INSTITUTE**

Structure of the
Institute

18 **11.**-(1) Subject to this Bill, the Institute may be structured into any
19 number of Departments and Divisions, as the Board may deem appropriate for
20 the effective administration of the Institute and proper discharge of its
21 functions.

22 (2) The Board may create additional Departments and Committees
23 based on management recommendation and prevailing circumstances.

24 (3) Each Department shall be managed by a Director who is charged
25 with the responsibility of coordinating the functions of such Department as
26 spelt out in the Administrative Manual of the Institute.

Appointment
of Director-General
of the Institute

27 **12.**-(1) There shall be a Director-General for the Institute who shall be
28 appointed by the President on the recommendation of the Minister.

29 (2) The Director General shall be the Chief Executive and Accounting

1 Officer of the Institute and be responsible for the general administration of
2 the Institute.

3 (3) The Director General shall be-

4 (a) a fit and proper person with at least 12 years post-qualification
5 experience in the relevant industry; and

6 (b) of proven integrity and ability.

7 (4) The Director General shall keep the records of proceedings and
8 decisions of the Council and such other functions as the Council may from
9 time to time direct.

10 (5) The Director-General shall hold office for four years renewable
11 once, on such terms and conditions as are specified in his or her letter of
12 appointment.

13 13.-(1) The Board shall appoint for the Institute such number of
14 employees, as may in the opinion of the Board be expedient and necessary
15 for the proper and efficient performance of the functions of the Institute. Other Staff of
the Institute

16 (2) The terms and conditions of service (including remuneration,
17 allowances, benefits and pensions) of the employees of the Institute shall be
18 as determined by the Board after consultation with the Federal Civil Service
19 Commission.

20 14. Service in the Institute to be pensionable under the subsisting Pension
21 Pensions Act.

22 PART V - FINANCIAL PROVISIONS

23 15.-(1) There shall be established and maintained by the Institute, a Fund of the
Institute
24 Fund into which shall be paid and credited-

25 (a) all allocations from the Federal Government;

26 (b) such monies as may, from time to time, be lent, deposited or
27 granted to the Institute by the Government of the Federation or of a State;

28 (c) all grants received from both local and international
29 organizations for the purpose of the Institute;

30 (d) fees, levies, penalties, charges, administrative costs of

1 proceedings, and other moneys payable to the Institute in pursuance of this
2 Bill;

3 (e) all monies received by the Institute as gifts, loans, contributions,
4 testamentary deposition or donations; and

5 (f) all other monies and assets which may accrue to the Fund from
6 time to time.

7 (2) The Fund shall be managed in accordance with rules made by the
8 Minister and without prejudice to the generality of the power to make rules
9 under this sub-clause, the rules shall in particular, contain provisions-

10 (a) specifying the manner in which the assets of the Fund are to be
11 held and regulating the making payments into and out of the Fund; and

12 (b) requiring the keeping of proper accounts and records for the
13 purposes of the Fund in such form as may be specified in the rules.

Expenditure of
the Institute

14 **16.** The Institute shall apply the proceeds of the fund established
15 pursuant to clause 15 of this Bill to-

16 (i) cost of administration of the Institute;

17 (ii) payment of salaries, fees, remuneration, bills, rent;

18 (iii) cost of maintenance of any property acquired or vested in the
19 Institute;

20 (iv) capital expenditure approved by the Institute;

21 (v) allowances, salaries, remuneration, pensions and gratuities
22 payable to the Members of the Board specified in Clause 2 of this Bill or any
23 Committee of the Board and the employees of the Institute, so however that no
24 payment of any kind under this paragraph (except such as may be expressly
25 authorized by the Board) shall be made to any person who is in receipt of
26 emolument from the government of the Federation or a State;

27 (vi) the payment for all contracts, including mobilization,
28 fluctuations, variations, legal fees and cost on contract administration;

29 (vii) to the payment for all purchases; and

30 (viii) to undertaking such other expenses and activities as are

1 Institute and it shall be the duty of the Institute to comply with the
2 directives.

Power of the
Minister to make
Regulations

3 **23.** The Minister may make Regulations, as may be necessary or
4 expedient for giving full effect to the provisions of this Bill and for the
5 administration thereof.

Offices and
Premises of the
Institute

6 **24.**-(1) For the purposes of providing offices and premises necessary
7 for the performance of its functions under this Bill, the Institute may, subject to
8 the Land Use Act-

9 (a) purchase or take on lease any interest land, or other property; and

10 (b) construct offices and premises and equip and maintain same.

11 (2) The Institute may, subject to the Land Use Act, sell or lease out any
12 office or premises held by it, which office or premises is no longer required for
13 the performance of its functions under this Bill.

Limitations of
suits against
the Institute

14 **25.**-(1) Subject to the provisions of this Bill, the provisions of the
15 Public Officers Protection Act shall apply in relation to any suit against any
16 member or Officer or employee of the Institute.

17 (2) Notwithstanding anything contained in any other law or
18 enactment, no suit shall lie against any member of the Board, the Chairman or
19 any other officer or employee of the Institute for any Bill done in pursuance or
20 execution of this Bill or any other law or enactment, or any alleged neglect or
21 default in the execution of this Bill or such law or enactment, duty or authority,
22 shall lie or be Institute in any court unless-

23 (a) it is commenced within three months after the act, neglect or
24 default complained of; or

25 (b) in the case of a continuation of damage or injury, within six
26 months next after the leasing thereof.

Notice or summon

27 **26.** A notice, summons or other document required or authorized to be
28 served upon the Institute under the provisions of this Bill or any other law or
29 enactment may be served by delivering it to the office of the Director General.

1 **27.** In any action or suit against the Institute, no execution or Services of
2 attachment of process shall be made against the Institute, unless not less than documents
3 three months' notice of the intention to execute or attach has been given to
4 the Institute.

5 **28.** In this Bill unless the context otherwise requires- Interpretation
6 "Institute" means the Fisheries and Aquatic Studies Research Institute,
7 Darki, Wudil Kano State;
8 "Board" means the Governing Board of the Institute;
9 "member" means a Member of the Board and this includes the Chairman;
10 "Minister" means the Minister in charge of Agriculture;
11 "President" means the President of the Federal Republic of Nigeria;

12 **29.** This Bill shall be cited as Fisheries and Aquatic Studies Citation
13 Research Institute, Darki, Wudil Kano State (Establishment) Bill, 2024.

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

3 *Proceedings of the Board*

4 1. Subject to this Bill and Section 27 of the Interpretation Act, the
5 Board may make standing orders regulating its proceedings or those of any of
6 its committees.

7 2. The quorum of the Board shall be the Chairman and six other
8 members and the quorum of any committee of the Board shall be determined by
9 the Board.

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

15 4. At any meeting of the Board, the chairman shall preside, but if he is
16 absent, the members present at the meeting shall appoint one of their numbers
17 to preside at that meeting.

18 5. Where the Board desires to obtain the advice of any person on a
19 particular matter, the Board may co-opt such a person to the Board for such
20 period as it thinks fit; but a person who is in attendance by virtue of this sub-
21 paragraph shall not be entitled to vote at any meeting of the Board and shall not
22 count towards a quorum.

23 *Committees*

24 6. The Board may appoint one or more committees to carry out, on
25 behalf of the Board, such of its functions as the Board may determine.

26 7. A committee appointed under this paragraph shall consist of such
27 number of persons not necessarily members of the Board) as may be
28 determined by the Board; and a person other than a member of the Board shall
29 hold office in the committee in accordance with the terms of his appointment.

1 8. A decision of a committee of the Board shall be of no effect until
2 it is confirmed by the Board.

3 *Miscellaneous*

4 9. The fixing of the Seal of the Institute shall be authenticated by
5 the signature of the Chairman and the Secretary to the Board.

6 10. Any contract or instrument which, if made or executed by a
7 person not being a body corporate, would not be required to be under seal
8 may be made or executed on behalf of the Institute by any person generally
9 or specially authorised by the Institute for that purpose.

10 11. A document purporting to be a document duly executed under
11 the Seal of the Institute shall be received in evidence and shall, unless and
12 until the contrary is proved, be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Fisheries and Aquatic Studies Research Institute Darki, Wudil Kano State, To Provide For The Instruction, Training And Research Into The Field Of Fishery And Aquatic Studies In Nigeria Including The Conservation Of Fish Husbandry And Commercial Fisheries In Nigeria.