

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL TOMATO PRODUCTION, PROCESSING AND RESEARCH INSTITUTE KWADON IN YAMALTU DEBA FEDERAL CONSTITUENCY OF GOMBE STATE CHARGED WITH TOMATO PRODUCTION, PROCESSING AND RESEARCH AND FOR RELATED MATTERS

Sponsored by Hon. Inuwa Garba

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follow:

1 PART I - ESTABLISHMENT OF THE INSTITUTE

2 1.-(1) There is established the National Tomato Production,
3 Processing and Research Institute Kwadon (in this Bill referred to as "The
4 Institute").

Establishment of the National Tomato Production, Processing and Research Institute Kwadon

5 (2) The Institute-

6 (a) Shall be a body corporate with perpetual succession and a
7 common seal;

8 (b) May sue and be sued in its corporate name;

9 (c) May own, hold and dispose of property moveable or
10 immoveable;

11 (d) Shall be situate in Yamaltu Deba, Gombe State

12 2. The functions of the Institute shall be to-

Functions of the Institute

13 (a) Conduct research into generic improvement, Production,
14 Processing, Storage and Socio - economy of Tomato;

15 (b) Assist in the research of massive production of varieties of
16 Tomato, so that Nigeria can achieve self-sufficiency in Tomato Production.

17 (c) Carry out appropriate research to ensure compliance with the
18 standards and specifications designed by the Institute and approved by other
19 regulatory authorities in Nigeria for effective control of quality of Tomato;

1 (d) Establish and equip research and development laboratories with
2 relevant facilities in the Institute;

3 (e) Establish and operate world class laboratories and workshops as
4 centres of excellence for cutting edge research in Tomato research;

5 (f) Encourage and promote the commercialization of research and
6 development, innovation results through patents in conjunction with National
7 Office for Technology Acquisition and Promotion (NOTAP);

8 (g) Identify indigenous technologies in the area of Tomato Processing
9 and develop them into modern technologies;

10 (h) Publish research results of its activities via Journals, Magazines
11 and Newsletters and collaboration with educational Institutions and relevant
12 government Institutes, Organizations, Agencies, Councils and Industries in
13 research;

14 (i) Assist in transfer, adaptation and utilization of the end results of
15 researches to get to the appropriate and relevant farmers, for the rapid
16 agricultural and socio-economic growth of Nigeria;

17 (j) Encourage and promote among farmers the utilization and
18 application of the findings of agricultural research and other studies for
19 increased food production and food security in Nigeria;

20 (k) Advise the ministries and other relevant agencies on safety
21 standards for the use of agricultural chemicals and new biotechnological
22 products;

23 (l) Perform such other acts as may be conducive to attainment of the
24 functions of the Institute.

Establishment
and Composition
of the Governing
Board

25 **3.-(1)** There is established for the Institute, a Governing Board to be
26 known as the Board of the National Tomato Producing, Processing and
27 Research Institute Kwadon (in this Bill referred to as "the Board") which shall
28 have overall control of the Institute as specified under this Bill.

29 (2)(i) The Board shall consist of-

30 (a) A Chairman appointed by the President with requisite knowledge

1 and experience in matters relating to global agricultural research and
2 development;

3 (b) The Minister charged with the responsibility for Science and
4 Technology or his representative;

5 (c) A representative of Nigeria Academy of Science;

6 (d) A representative of Nutrition Society of Nigeria (NSN);

7 (e) A representative of Institute of National biotechnology
8 Development Agency;

9 (f) A representative of the Nigerian Institute of Foods, Science and
10 Technology (NIFST);

11 (g) A person appointed by the President on the recommendation of
12 the Minister to represent the Civil Society Organisation;

13 (h) The Director-General of the Institute who shall be the Secretary
14 of the Board.

15 (2)(ii) Tenure of members of the Governing Board of the Institute-

16 (i) The Chairman of the Board shall hold office for a term of four
17 (4) years and may be eligible for reappointment for another term of four (4)
18 years and no more;

19 (ii) a member of the Board who is not an ex-officio member shall
20 hold office for a term of four (4) years and may be eligible for another term
21 of four (4) years and no more.

22 (3) The Chairman and other members of the Board shall be paid
23 such allowances and expenses in accordance with such rates as may be
24 approved by the Federal Government of Nigeria from time to time.

Remuneration
of Members of
the Governing
Board of the
Institute

25 (4)(1) When it appears that the Chairman or any member of the
26 Board, other than an Ex-officio member should be removed from office on
27 grounds of misconduct or inability to perform the functions of his office, the
28 Board shall make a recommendation through the Minister to the President
29 for approval.

Removal of the
Chairman or any
other member
of the Governing
Board of the
Institute

30 (2) Where the President after making such enquiries as he

1 considers necessary, approves the recommendation made through the Minister
2 by the Board, the Secretary to the Government of the Federation shall, in
3 writing declare the position vacant.

4 (3) Notwithstanding the provisions of subsection (1) of this Section,
5 the President may remove any member of the Governing Board, where he is
6 satisfied that it is in the interest of the Institute and the public to do so.

Resignation by
a member of the
Governing Board
of the Institute

7 4. A member of the Governing Board other than an Ex-officio
8 member may at any time by notice in writing addressed to the President
9 through the Minister, resign from being a member of the Board of the Institute.

Cessation of
members of the
Board from
office

10 5. Notwithstanding the provisions of Section 4 of this Bill, a member
11 of the Board ceases to hold office as a member, where-

12 (a) He resigns his appointment as a member of the Board by notice
13 under his hand addressed to the President of the Federal Republic of Nigeria;

14 (b) He becomes of unsound mind;

15 (c) He becomes bankrupt;

16 (d) He is convicted of a felony or any other offence involving
17 dishonesty or corruption;

18 (e) He becomes incapable of performing the functions of his office,
19 either arising from infirmity of mind or body;

20 (f) The President of the Federal Republic of Nigeria is satisfied that it
21 is not in the interest of the Institute or in the interest of the public for the person
22 to continue in office;

23 (g) He has been found guilty under the Code of Conduct or serious
24 misconduct in relation to his duties; or

25 (h) In the case of a person who becomes a member by virtue of the
26 office he occupies ceases to hold such office.

Filling of
Vacancy

27 6. In the event of death or resignation by a member of the Governing
28 Board or where the office of a member of the Board becomes vacant under
29 Section (3) of this Bill, a replacement shall be appointed by the President of the
30 Federal Republic of Nigeria.

1 PART II - POWERS AND FUNCTIONS OF THE BOARD OF THE INSTITUTE

2 7. The Board shall have powers to:

Powers of the
Board

3 (a) Formulate policies and ratify short- and long-term plans of the
4 Institute;

5 (b) Ratify the annual budget and estimates of the Institute in line
6 with approvals granted by the National Assembly in the Appropriation Act;

7 (c) Approve research and academic programmes of the Institute;

8 (d) Approve investment plan of the Institute;

9 (e) Consider and approve the capital development plans of the
10 Institute;

11 (f) Receive and consider proposals, recommendations and
12 suggestions of the Director-General or any Committee of the Governing
13 Board on matters relating to the functions of the Institute under this Bill;

14 (g) Constitute any Committee that may be necessary to discharge
15 any of the functions assigned to it under this Bill;

16 (h) Attract funds by way of donations and contributions to the
17 Institute and put in place mechanisms for collection and utilization of funds;

18 (i) Invest surplus funds of the Institute in profit-yielding ventures;
19 and

20 (j) Carry out or exercise any other powers that may be necessary for
21 the attainment of the objects of this Bill.

22 8.-(1) The Institute shall have its headquarters in Kwadon town in
23 Yamaltu-Deba Federal Constituency of Gombe State.

The structure of
the Institute

24 (2) The Institute shall operate a departmental structure with
25 directorate or any other structure as may be considered necessary for the
26 performance of its duty. The Head of the Research Directorate shall be
27 designated as Head of Department and headed by a Director.

28 (3) The Head of Research Directorate shall hold office for three (3)
29 years in the first instance and renewable for another three (3) years and no
30 more.

1 (4) Notwithstanding the provisions of Subsection (3) of this Section,
2 in the absence of a Director or Head of the Research Directorate, the most
3 Senior Research Officer may be appointed in acting capacity on the
4 recommendation of the Director-General of the Institute to the Board.

5 (5) A Department shall have no more than five (5) divisions, with each
6 division headed by a Deputy Director and a division may consist of Sections,
7 headed by Chief Research or Scientific Officer and a section may also be
8 composed of Units for effectiveness.

9 PART III - APPOINTMENT OF DIRECTOR-GENERAL AND OTHER STAFF
10 OF THE INSTITUTE

Appointment
of the Director-
General of the
Institute

11 9.-(1) there shall be appointed for the Institute a Director-General,
12 who shall be the Chief Executive Officer and Accounting Officer of the
13 Institute.

14 (2) the Director-General shall be;

15 (a) appointed by the President on the recommendation of the
16 Minister;

17 (b) responsible to the Board for management of the Institute;

18 (c) responsible for the execution of the policy and day to day
19 administration of the affairs of the Institute;

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

22 (e) a person with cognate experience and skills of not less than 15
23 years post-doctoral qualification and or 25 years post qualification as a
24 professional in any of the fields of Agricultural Science that relates to the
25 operations of the Institute or the criteria as may be specified;

26 (f) hold office for a term of four (4) years at the first instance and
27 eligible for re-appointment for another term of four (4) years on such terms and
28 conditions as may be specified in his letter of appointment and no more; and

29 (g) shall be the Secretary to the Institute and the Governing Board, but
30 not a member of the Board.

- 1 **10.** The Director-General shall-
- 2 (a) Prepare the minutes of the meetings of the Governing Board
- 3 and any of its Committees;
- 4 (b) Keep and secure all records of the Governing Board;
- 5 (c) Issue notices of meetings of the Governing Board as may be
- 6 directed by the Chairman;
- 7 (d) Be responsible for the implementation of the resolutions of the
- 8 Governing Board;
- 9 (e) Coordinate the preparation of income and expenditure,
- 10 estimates and development plans for the Governing Board's consideration;
- 11 (f) Have custody of the seal of the Institute;
- 12 (g) Perform such other functions as may be assigned by the Board.
- 13 **11.** The Principal Officers of the Institute shall be-
- 14 (1) (a) Directors;
- 15 (b) Heads of Departments;
- 16 (c) Head of SERVICOM Office;
- 17 (d) Chief Internal Auditor;
- 18 (e) Head of Pension Office;
- 19 (f) Head of Legal;
- 20 (g) Head of Procurement.
- 21 (2) The Directors, Heads of Departments shall assist the Director-
- 22 General in the day-to-day management of the Institute:
- 23 (3) Directors shall:
- 24 (a) Head each of the Directorates of the Institute;
- 25 (b) Implement the policies of the Institute as they apply to the
- 26 Directorate;
- 27 (c) Prepare draft expenditure estimates and development plans of
- 28 his Directorate;
- 29 (d) Serve on the Scientific or Technical Advisory Committee of the
- 30 Institute; and

Duties of the
Director-General
of the Institute

Principal Officers
of the Institute

	1	(e) Perform such other functions as may be determined by the
	2	Director-General.
Other Staff of the Institute	3	12. The Board may from time to time, appoint or employ such other
	4	persons as members of staff of the Institute on the recommendation of the
	5	Director-General as may be necessary, subject to the extant rules and
	6	conditions of service of the Institute.
Remuneration of Employees of the Institute	7	13. Salaries and benefits of the staff of the Institute shall be in
	8	accordance with the conditions and schedules of service in other Research
	9	Institutes as may be approved by the Board of the Institute.
Staff Regulations	10	14. -(1) The Board may make staff regulations or adopt staff
	11	conditions of service that are independent of the Civil Service of the Federation
	12	that may provide for;
	13	(a) Remuneration/Emolument and tenure of office of members of
	14	staff of the Institute;
	15	(b) Appointment, promotion, fringe benefits and incentives for
	16	members of staff of the Institute; and
	17	(c) Appeal procedure for members of staff of the Institute against
	18	dismissal or other disciplinary measures.
	19	(2) The Board shall have powers to amend regulations made under
	20	this Bill, provided that the proposal for, is passed by two thirds majority of the
	21	Board members.
	22	(3) All regulations made by the Board subject to the provisions of this
	23	Bill, may be published in the Official Gazette of the Federal Government of
	24	Nigeria.
Removal and discipline of staff of the Institute	25	15. -(1) the Principal Officers of the Institute may be removed from
	26	office by the Board with the approval of the Minister.
	27	(2) Any other senior member of staff of the Institute may be removed
	28	from office by the Director-General with the approval of the Board.
	29	(3) The removal from office of any junior staff shall be with the
	30	approval of the Director-General.

1 (d) Collaboration of the demonstration centres with other Institutions
2 of learning.

3 (3) he Institute may with the approval of relevant authorities establish
4 the Institute's Consult which shall serve as a body to commercialize the
5 Institute's results.

6 PART V - FINANCIAL PROVISION

Establishment
of fund for the
Institute

7 **19.**-(1) The Institute shall establish and maintain a fund which consist
8 of;

9 (a) Contributions, levies, subscriptions, fees and other dues paid by
10 members;

11 (b) Revenue accruing to the Institute from investors, activities and
12 services;

13 (c) Funds provided by the Federal Government or appropriated by
14 National Assembly for payment into the fund of the Institute;

15 (d) Grants, endowments and donations from government and other
16 donors;

17 (e) Revenue accruing to the Institute from any other source approved
18 by the council;

19 (f) Revenue from foreign aids and assistance from bilateral and
20 multilateral agencies;

21 (g) Proceeds from commercialization of research results of the
22 Institute;

23 (2) Notwithstanding the provision of subsection (1) of this section,
24 every application for registration into the Institute's Journal shall attract a fee,
25 which shall be remitted into the account of the Institute.

Expenditure
of the Institute

26 **20.**-(1) The Institute shall with the approval of National Assembly
27 apply the fund established under this Act as follows:

28 (a) Conduct research and development activities in the capital project
29 of the Institute;

30 (b) Reimbursement to members of the Board or any other committee

1 setup by the Board for such expenses as may be expressly authorized by the
2 Board;

3 (c) Remunerations and other cost of employment of the staff of the
4 Institute;

5 (d) Maintenance of utilities, staff promotion, training and seminar
6 activities;

7 (e) Sponsor Local and International Conferences, seminars,
8 workshops for members of the staff of the Institute;

9 (f) Cost necessary for the day-to-day operations of the Institute

10 (g) Any other payment for anything incidental to foregoing
11 provisions or in connection with the Institute under this Bill

12 (2) The Institute may invest such surplus funds as it may have from
13 its operations in treasury bills or other government securities.

14 **21.** (a) The Institute shall not later than 30th September of each
15 year cause to prepare and submitted to the Board and National Assembly for
16 approval, its estimates of income and expenditure for the succeeding year;

Annual Estimates,
Accounts and
Audit

17 (b) The Institute shall keep proper records of all accounts of its
18 incomes and expenditure;

19 (c) The Institute shall cause to be kept proper accounts and records,
20 and such accounts shall not later than six (6) months after the end of each
21 year, be audited by auditors appointed by the Board from the list and in
22 accordance with the guidelines supplied by the Auditor General for the
23 Federation.

24 **22.** The Institute shall prepare and submit to the Board, every year,
25 a report of the preceding year in the form as the Board may direct on the
26 activities of the Institute and such a report shall include a copy of audited
27 accounts of the Institute for the year and of the audit's report.

Annual Report

28 **23.** All incomes derived by the Institute from sources specified in
29 Section 19 Subsection (1), shall be exempted from income tax and all
30 contributions to the fund of the Institute shall be tax deductible.

Exemption from
Income Tax

1 **28.**-(1) Subject to the provisions of this Bill, the provisions of the Limitation of
2 Public Officers Protections Act, shall apply to any suit instituted against the suit against the
3 Institute, an officer of the Institute or employee of the Institute. Institute

4 (2) No suit shall lie or be instituted in any court of law against the
5 Institute, a member of the Board or any Principal Officer or employee of the
6 Institute for an action carried out in pursuance to the execution of this Bill or
7 any enactment, or of any public duty in respect of any alleged neglect or
8 default in the execution of this Bill unless it is commenced-

9 (a) within three (3) months of such act, neglect or default
10 complained thereof, or

11 (b) in the case of a continuation of damage or injury within six (6)
12 months after ceasing of the act, neglect or default.

13 (3) No suit shall be commenced against the Institute, a member of
14 the Board or any Principal Officer or employee of the Institute before the
15 expiration of a period of one month after written notice of the intension to
16 commence the suit has been served on the Institute by the intending plaintiff
17 or his agent.

18 (4) The notice referred to in Subsection (3) shall clearly state the;

19 (a) cause of action;

20 (b) particulars of the claim;

21 (c) the name and place of abode of the intending plaintiff;

22 (d) relief sought.

23 **29.**-(1) Any notice or other document required or author to be Service of notice
24 served on or given to any person for the purposes of this Bill, may be served
25 or given by-

26 (a) delivering it to that person or by leaving it at the residence or
27 business or at the address specified by him in any notice, application or other
28 document made, given or tendered to the Institute under this Bill; or

29 (b) posting it by registered mail to him at that place of residence or
30 business or at that address.

1 (2) where any of such notice or other document sent by registered
2 mail, unless the contrary is proved, it shall be deemed to have been delivered to
3 him when it would have been delivered in the ordinary course of a posting mail
4 unless the contrary is established and in proving the delivery, it shall be
5 sufficient to prove that there is return post office slip or speed post slip showing
6 actual delivery.

Powers to give
directives by
the Minister

7 **30.** The Board may, with the approval of the Minister, make rules and
8 regulations as its opinions are necessary or expedient for giving full effect to
9 the provisions, without prejudice to the oversight of the National Assembly.

Interpretation

10 **31.** In this Bill, unless otherwise the context requires;
11 "Board" means the Governing Board of the Institute established under Section
12 3(1);
13 "Chairman" means the Chairman of the Governing Board of the Institute
14 appointed under Section 3(2);
15 "Institute" means the National Tomato Producing, Processing and Research
16 Institute, Yamaltu-Deba, Gombe State established by Section 1(1) of this Bill;
17 "Member" means a member of the Governing Board of the Institute;
18 "Minister" means the Minister of Science and Technology;
19 "President" means the President of the Federal Republic of Nigeria;
20 "Principal Officer" means the Directors and other officers as specified in
21 Section 11 of this Bill;
22 "Public Service" has the meaning assigned to it in the Constitution of the
23 Federal Republic of Nigeria, 1999 as amended;
24 "Secretary" means the Secretary to the Governing Board of the Institute.

Citation

25 **32.** This Bill may be cited as the National Tomato Producing,
26 Processing and Research Institute, Yamaltu-Deba, Gombe State Bill, 2024.

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SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. Subject to this Bill and Section 42 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees and shall meet not less than four (4) times in a year.

2. The quorum of the Board shall be the Chairman and two (2) other members of the Board and the quorum of any Committee of the Board shall be determined by the Board.

3. At any meeting of the Board, the Chairman shall preside but if he is absent, the members shall appoint one of their members present to preside at the meeting.

4. Where the Board decides to obtain the advice of any person on a particular subject, the Board shall be at liberty to consult such a person specifically for that period, but such a person will not exercise a voting right at any meeting of the Board and shall not count towards a quorum.

5. Any member of the Board or any person holding office on a Committee of the Board, who has expressed interest in any contract or arrangement shall disclose same to the Board and shall not vote on any matter relating to the contract or arrangement.

6. The Board may set up one or more committees to assist in carrying out such functions as the Board may determine.

7. Any committee decision without the confirmation of the Board, shall be of no effect.

8. The vacancy in the membership of the Board shall not affect the validity of the proceedings of the Board.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Tomato Producing, Processing and Research Institute Kwadon in Yamaltu-Deba Federal Constituency, Gombe State to enhance the production, processing and research of Tomato to promote the growth and commercialization of its production so as to provide self-sufficiency in food production.