

SCIENTIFIC AND INDUSTRIAL RESEARCH ACT

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An Act to provide for the establishment of scientific and industrial research institutes and to make provision generally for the conduct of scientific and industrial research.

[1959 No. 35.]

[15th October, 1959]

[Commencement.]

PART I

*Preliminary***1. Short title**

This Act may be cited as the Scientific and Industrial Research Act.

2. Interpretation

In this Act, unless the context otherwise requires-

"board" in relation to an institute means the board established to manage the institute in accordance with the order made under section 3 of this Act establishing the institute;

"chairman" in relation to the board of an institute means the chairman of the board appointed in accordance with the order made under section 3 of this Act establishing the institute;

"customary land" means land declared as such under the Land Use Act;

[Cap. L5.]

"director" in relation to an institute means the director of the institute appointed in accordance with section 9 of this Act;

"Federal Civil Service Commission" means the Federal Civil Service Commission of the Federation;

"institute" means an institute established under section 3 of this Act;

"Minister" in relation to an institute means the Minister charged with responsibility for matters relating to the particular field of research for which the institute was established.

PART II

Establishment and management of research institutes

3. Power to establish research institutes

(1) The President may by order establish institutes for the purpose of scientific or industrial research.

[L.N.1390f196S.]

(2) An order establishing an institute under this section shall not come into operation until it has been approved by resolution of the National Assembly, and the National Assembly may by such resolution make such modification to the order as it thinks fit.

(3) An order establishing an institute under this section may contain supplementary or incidental provisions consistent with this Act relating to the establishment of the institute and to the research to be conducted by the institute, including, without prejudice to the generality of the foregoing power provisions-

(a) for the designation of the institute;

(b) for the matters on which the institute is to conduct research;

(c) for the transfer to the institute of any existing Federal research station or other assets belonging to any existing Federal research department;

(d) for the establishment, constitution and proceedings of a board to manage the institute.

4. Incorporation of boards

(1) The board of any institute shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) The application of the seal of a board shall be authenticated by two signatures, namely-

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

(b) the signature of the director of the institute or officer authorised by the board 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 board as may be appointed by the board to act in their place.

5. Duties of boards

It shall be the duty of the board of each institute-

- (a) to prepare a programme of research within the field for which that institute is responsible for such periods of not less than three years as the board may, with the approval of the Minister, determine, together with detailed estimates of the expenditure which will be required to carry out the programme;
- (b) each year to review, and if necessary revise, the programme approved under paragraph (a) of this section for the following year, together with the estimates of expenditure for that year;
- (c) to submit the programmes and estimates of the expenditure, and any annual revisions, for approval by the Minister;
- (d) to carry out the programme of research approved by the Minister; and
- (e) to arrange for the preparation of annual reports on the progress of research conducted by the institute and the submission of such reports to the Minister.

6. Powers of boards

- (1) Subject to the provisions of this Act, the board of any institute shall have power to do anything and to enter into any transaction which in its opinion should be done in the proper discharge of its functions.
- (2) The board of an institute shall, in particular, and without prejudice to the generality of the foregoing power, have power to acquire and hold land and property and all the property of an institute shall be vested in its board.

7. Bye-laws

- (1) The board of an institute may, with the approval of the Minister, make bye-laws for the control and management of the property and premises vested in or in the possession of the board and the maintenance of good order therein and, in particular, and without prejudice to the generality of the foregoing power, bye-laws so made may provide for all or any of the following purposes-
 - (a) controlling the keeping of livestock;
 - (b) for the seizing and impounding of stray animals and for the recovery of expenses incurred in connection therewith;
 - (c) for the management and control of pounds and prescribing the powers and duties of pound masters;
 - (d) for the sale of impounded animals and for the disposal of the proceeds of such sale;
 - (e) regulating the traffic on any street;
 - (f) regulating the use by the public of any recreation ground or open space;

- (g) regulating the growing of crops;
- (h) regulating the installation and operation of sewage systems and soil drainage systems;
- (i) for the maintenance of public health;
- (j) for the prevention of fires;
- (k) prohibiting or regulating the hawking of wares or the erection of stalls on or near any street.

(2) Bye-laws made under this section may provide that a breach of any specified bye-law shall be an offence and may prescribe as a penalty therefor a fine not exceeding one hundred naira.

8. Committees of boards

A board of an institute may appoint committees and delegate to them any of its functions, other than any function affecting the constitution of the board and its committees and its power to make bye-laws.

9. Director of institutes

(1) For each institute there shall be a director appointed, in the first instance by the Minister on such terms and conditions as the President may determine, and thereafter by the board on such terms and conditions as the board may determine.

(2) If a director of an institute is unable for any reason to discharge the duties of his office, the board may appoint a person temporarily to act in his place.

PART III

Staff

10. Employment of servants and agents

A board of an institute may appoint and employ such servants and agents as it deems necessary for the discharge of its functions under this Act upon such terms and conditions of service as it may determine:

Provided that the rates and scales of salary and other emoluments relating to any such appointment or employment, and any revision of such rates, scales or emoluments, shall be subject to the approval of the Minister.

11. Power of delegation to director

A board of an institute may delegate to the director of the institute its power under section 10 to appoint servants of the board, subject to such conditions and restrictions as the board may see fit to impose:

Provided that nothing in this section shall authorise the delegation to the director of the power to appoint any person as a servant of the board to a post of which the annual salary exceeds six hundred naira, if the appointment contains provisions for increases in salary, which may carry a maximum annual salary exceeding six hundred naira.

12. Officers seconded from Government of Federation to be employed

(1) The board of an institute shall, subject to the provisions of this Act, employ such officers, being officers on the established staff of the Government of the Federation, as may be seconded to the institute from the service of the Government of the Federation on the date on which the institute is established.

(2) The Federal Civil Service Commission may at any time determine the secondment of an officer who has been seconded to the service of the board of an institute under the provisions of this section, but no request by the board to the Federal Civil Service Commission for the determination of the secondment of any such officer shall be made unless the board shall first have given to the officer written notice of the intention to make such request.

13. Offers of employment with board to seconded officers

(1) Within a period of one year and six months, but not before the expiration of a period of one year, next following the date on which an institute is established, the board of the institute shall offer to every officer seconded to the board from the service of the Government of the Federation on that date, employment by the board upon such terms and such conditions as may be agreed between the Federal Civil Service Commission and the board:

Provided that nothing in this section shall prevent the board from informing such officers of proposed terms and conditions of service before the expiration of the period of one year next following the date on which the institute is established.

(2) The Federal Civil Service Commission shall not agree to the terms and conditions comprised in any offer of employment made by a board to an officer under subsection (1) of this section unless he considers those terms and conditions to be not less favourable than those enjoyed by such officer at the date of such offer.

(3) The Federal Civil Service Commission shall not decline to agree to the terms and conditions comprised in any offer merely because they are not in all respects identical with or superior to the terms enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Federal Civil Service Commission, offer substantially equivalent or greater benefits.

(4) Any officer who fails within one year to accept in writing an offer made to him by a board in pursuance of this section shall be deemed to have refused such offer.

(5) If an officer refuses an offer of employment made to him by a board in pursuance of this section, the obligation imposed by subsection (1) of section 12 of this Act on the board to employ the officer shall thereupon determine.

(6) If no offer in pursuance of this section is made by the board of an institute to an officer seconded to its service then the obligation imposed by subsection (1) of section 12 of this Act on the board to employ the officer shall determine on the expiration of the period of two years and six months next following the date on which the institute was established.

(7) When an officer accepts an offer of employment made by the board of an institute in pursuance of this section, his service with the board shall be deemed to have commenced, and his service with the Government of the Federation to have ceased, upon the

expiration of the period of one year and six months next following the date on which the institute was established.

14. Pensionable offices

(1) It shall be lawful for the Minister of the Government of the Federation charged with responsibility for pensions by order to declare that any office under the board of an institute shall be a pensionable office for the purposes of the Pensions Act.

[Cap. P4.]

(2) The provisions of the Pensions Act, shall, subject to the provisions of subsection (3) of this section, apply or continue to apply to servants of the board of an institute confirmed in offices declared to be pensionable under section (1) of this section in the same manner and to the same extent as the said provisions would apply to such servants if they were serving in a civil capacity in a pensionable office in Nigeria under the Government of the Federation.

(3) Nothing in the provisions of subsection (2) of this section shall prevent the appointment of a person to a pensionable office on terms which preclude the grant of a pension under the Pensions Act, to such person in respect of his service in that office.

15. Discipline

(1) Every servant of the board of an institute who is in receipt of an annual salary exceeding six hundred naira or, if his appointment contains provision for increases in salary, who may receive a maximum annual salary thereunder exceeding six hundred naira, shall be subject to the authority of the board:

Provided that no such person shall be dismissed without the approval of the Minister who may, before expressing approval or otherwise, institute such enquiries as shall to him seem fit.

(2) Every servant of the board of an institute who is in receipt of an annual salary not exceeding six hundred naira or, if his appointment contains provisions for increases in salary, whose terms of appointment provide for a maximum annual salary not exceeding six hundred naira or who is paid a salary other than an annual salary, shall be subject to the authority of the director and for the purpose of discipline, including dismissal, to such directions as the director may either generally or specifically issue:

Provided that no such servant holding an office declared to be a pensionable office under section 14 of this Act shall be dismissed without the approval of the board.

PART IV

Financial provisions

16. Power to receive funds

The board of an institute shall have power-

(a) to receive all funds which may from time to time be appropriated by the National Assembly there for and to apply and administer such funds in accordance with the terms and conditions which may be attached to the grant thereof and with the provisions of this Act;

(b) to receive all other monies which may be obtained or given to the board or derived from any source not hereinbefore mentioned and to apply and administer such monies exclusively in furtherance of the purposes for which the institute was established and in accordance with any terms and conditions upon which such monies may have been obtained, given or derived.

17. Power to borrow money

The board of an institute may, with the approval of the Minister, borrow by way of loan or by way of temporary overdraft such sums as the board may require for meeting its obligations and discharging its functions under this Act.

18. Investment of monies

The board of an institute may invest all or any portion of the monies of the board in such manner as may be approved by the Minister.

PART V

Accounts and audit

19. Accounts and audit

(1) The board of an institute shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may require.

(2) The accounts of the board of an institute shall be audited by auditors to be appointed annually by the board from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

(3) As soon as the accounts of the board of an institute have been audited, the board shall furnish a copy of the statement of accounts to the Minister, together with a copy of any report made by the auditors on that statement or on the accounts of the board.

(4) The Minister shall submit a copy of every such statement of accounts and report to the President.

20. Financial year

The financial year of the board of an institute shall coincide with that of the Government of the Federation:

Provided that the period between the date of the establishment of an institute and the end of the financial year then current shall be deemed to be a financial year.

PART VI

Land

21. Construction for purposes of Cap. LS

For the purposes of section 28 of the Land Use Act, a requirement of land by the Government of the Federation for public purposes of the Federation shall be deemed to

include a requirement of land by the board of an institute for the purpose of the institute.

[Cap. L5.]

22. Compulsory acquisition of land

(1) Whenever there is any hindrance to acquisition by the board of an institute of any land required for any purpose of the board, including any failure by the board to reach agreement as to the amount to be paid in respect of such acquisition, the President, upon the application of the board and after such inquiry as he may think fit, may declare that the land is required for the service of the board.

(2) Upon such declaration being made, the land to which it relates shall be deemed to be land required for a public purpose of the Federation within the meaning of the Land Use Act and the President-

[Cap. L5.]

(a) may cause action to be taken under that Act for acquiring the land for the Government of the Federation; or (as the case may require)

(b) if the land is customary land in the Northern States, may issue a requisition in accordance with the provisions of section 28 of the Land Use Act for the revocation of any such rights.

(3) When any land which has been the subject of a declaration made under subsection (1) of this section has been acquired, or the rights relating thereto have been revoked in pursuance of the provisions of subsection (2) of this section, or the President is satisfied that there are no rights relating to that land, the President may-

(a) vest the land in the board of an institute by means of a certificate under the hand and seal of the Registrar of Deeds; or (as the case may require)

(b) grant a right of occupancy in respect thereof to the board of an institute on such terms and conditions as he may think fit.

(4) The compensation, if any, payable under the acquisition of any land under this section or (as the case may be) payable under the Land Use Act for the revocation of any rights relating to land in pursuance of this section shall, in the first instance, be paid by the Government of the Federation, but the board of the institute concerned shall refund to that Government any compensation so paid and all incidental expenses incurred by that Government.

[Cap. L5.]

(5) A plan of any land referred to in subsection (1) of this section, containing measurements of the boundaries of the land and showing the relationship of the land to any sufficient identifying mark, and signed by the director of the institute concerned or person for the time being discharging the functions of the director, shall be a sufficient description of the land for the purposes of an application under the subsection.

23. Restriction on alienation

The board of an institute shall not, without the approval in writing of the Minister, alienate, mortgage, charge or demise any immovable property which has been vested in the board under any of the provisions of this Act or in respect of which a right of occupancy has been granted to the board.

PART VII

Miscellaneous

24. Power to dissolve institutes and boards

The President may by order declare that an institute and the board thereof shall be dissolved and cease to exist as from a date to be specified in the order, and thereupon any balance of the funds of the board, and all other property of the board, remaining at such date, shall be disposed of and applied as may be approved by the President.

25. Membership of a board not an office of emolument under the State

The office of member of the board of an institute shall not be office of emolument under the State.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation