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2022 No. 8

*National Biotechnology Development Agency
(Establishment) Act, 2022*

NATIONAL BIOTECHNOLOGY DEVELOPMENT AGENCY (ESTABLISHMENT) ACT, 2022



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SCHEDULE

**NATIONAL BIOTECHNOLOGY DEVELOPMENT AGENCY
(ESTABLISHMENT) ACT, 2022**

ACT No. 8

AN ACT TO ESTABLISH THE NATIONAL BIOTECHNOLOGY DEVELOPMENT AGENCY TO CARRY OUT RESEARCH, CREATE AND DEVELOP PUBLIC AWARENESS IN BIOTECHNOLOGY IN ORDER TO ENCOURAGE A PRIVATE SECTOR PARTICIPATION IN BIOTECHNOLOGY INDUSTRY IN NIGERIA ; AND FOR RELATED MATTERS.

[6th Day of April, 2022]

Commence-
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I—ESTABLISHMENT OF THE NATIONAL BIOTECHNOLOGY DEVELOPMENT
AGENCY AND ITS GOVERNING BOARD

1.—(1) There is established the National Biotechnology Development Agency (in this Act referred to as “the Agency”).

Establishment
of the
National
Biotechnology
Development
Agency.

(2) The Agency—

- (a) is a body corporate with perpetual succession and a common seal ;
- (b) may sue and be sued in its corporate name ; and
- (c) may acquire, hold or dispose of any property, movable or immovable, for the purpose of performing any of its functions under this Act.

(3) The headquarters of the Agency shall be in the Federal Capital Territory, Abuja.

2.—(1) There is established for the Agency a Governing Board (in this Act referred to as “the Board”).

Establishment
and
membership
of the
Governing
Board.

(2) The Board shall consist of —

(a) a Chairman, who shall be—

(i) appointed by the President on the recommendation of the Minister, and

(ii) a person who is capable of making outstanding contribution to the field of biotechnology by reason of his ability, experience or specialised knowledge of biotechnology ;

(b) a representative each of the Federal Ministries responsible for —

- (i) science and technology,
- (ii) Agriculture and Rural Development,
- (iii) finance,
- (iv) health,
- (v) environment,
- (vi) industry, trade and investment, and
- (vii) education ;

	<p>(c) two other persons with specialised knowledge in biotechnology ; and</p> <p>(d) the Director-General of the Agency who shall be the Secretary of the Board.</p>
First Schedule.	<p>(3) The supplementary provisions set out in the First Schedule to this Act shall have effect with respect to the proceedings of the Board and other matters as set out.</p>
Tenure of office.	<p>3. A member of the Board, other than an ex-officio member and the Director-General, shall hold office for such term as may be specified in his letter of appointment or approved by the President.</p>
Cessation of office.	<p>4.—(1) Notwithstanding the provisions of section 3, a member of the Board ceases to hold office if he—</p> <p>(a) resigns his appointment by notice under his hand addressed to the President ;</p> <p>(b) becomes of unsound mind ;</p> <p>(c) becomes bankrupt or makes a compromise with his creditors ;</p> <p>(d) is convicted of a felony or of any offence involving dishonesty or corruption ; and</p> <p>(e) becomes incapable of carrying out the functions of his office, either arising from an infirmity of mind or body or any other cause.</p> <p>(2) Where the President is satisfied that it is not in the interest of the Agency or the public for a member to continue in office, the President may remove that member from the Board.</p> <p>(3) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor and the successor shall represent the same interest as his predecessor.</p>
Remuneration of members of the Board.	<p>5. The Chairman and members of the Board are paid such emoluments, allowances and benefits as may be determined by the Revenue Mobilization, Allocation and Fiscal Commission.</p>
Powers and functions of the Board.	<p>6. The Board shall have power to—</p> <p>(a) formulate policies for the Agency ;</p> <p>(b) approve annual estimates, reports and statements of Accounts of the Agency ;</p> <p>(c) determine the terms and conditions of service of the employees of the Agency ;</p>

(d) approve the creation of such Departments, Centres and Units as may be required for efficient performance of the functions of the Agency ; and

(e) carry out such other activities as may, in the opinion of the Board, be necessary for the advancement of biotechnology research and development in Nigeria.

PART II—FUNCTIONS OF THE AGENCY

7. The Agency shall—

Functions of
the Agency.

(a) carry out a research and development on biotechnology in priority areas of food, agriculture, health, industry, environment and other strategic sectors for national development, and draw up programmes and policies for biotechnology utilisation in Nigeria ;

(b) promote, co-ordinate and deploy cutting edge biotechnology research and development activities in Nigeria ;

(c) initiate and encourage capacity building in all aspects of biotechnology required for the implementation of the national biotechnology programme ;

(d) publish and disseminate research findings and recommendations of the Agency on biotechnology ;

(e) promote sustenance in the development and application of acceptable and profitable technologies through strategic investments in biotechnology research and development, to support innovation and economic development and ensure Nigeria becomes self-reliant in the development and application of biotechnology-based products and services ;

(f) encourage private sector participation in the biotechnology industry ;

(g) ensure sustainable mechanism for adequate funding of biotechnology activities through national and international funding agencies ;

(h) establish and supervise relevant centres for the purpose of executing the national biotechnology programmes ;

(i) create public awareness and participation in biotechnology development activities through strong advocacy programme, seminars, conferences and workshops ;

(j) collaborate on biotechnology with international research centers, non-governmental organisations, industries, national and international biotechnology agencies and institutions ;

(k) stimulate biotechnology entrepreneurship schemes to effect rapid commercialisation of biotechnology research and development products ;

(l) collaborate with and provide support for universities and other academic institutions in the country for research and development projects relevant to the national biotechnology programme ;

(m) promote sustainable utilisation of biological resources and develop novel products to improve the production of our indigenous plants and animals ;

(n) promote exploration, collection, identification, evaluation, characterisation, storage and conservation of rich stock of both animal and plant germplasm materials ;

(o) encourage acquisition, maintenance, utilisation, exchange and dissemination of information on genetic materials of plants, animals and microbes ;

(p) foster national co-ordination of genetic resources programme and its sustainable utilisation ;

(q) foster relationship with other national satellite genetic research centres located in research institutes, universities and polytechnics as well as other international organisations and centres on programmes concerning genetic resources and biotechnology application ;

(r) coordinate the activities of the National Committee on Naming, Registration and Release of Crop Varieties, Livestock Breed and Fisheries ;

(s) arrest rapid erosion and loss in the country's crop and animal genetic resources caused by cultivation, urbanisation rural development, grazing, desertification, pest outbreak and national catastrophes ;

(t) document appropriately the germplasm stocks held by the centre, research institutes and relevant organisations ;

(u) co-coordinate all biotechnology activities and ensure easy access to stakeholders in matters relating to bioresources and biotechnology ;

(v) serve as national bio informatics and biotechnology data center ;

(w) be the national focal point for bioethics to which Nigeria subscribe ; and

(x) undertake other activities as are necessary or expedient in the performance of the functions of the Agency and promotion of biotechnology in Nigeria.

PART III — STRUCTURE OF THE AGENCY

8.—(1) There is established for the Agency the—

(a) Departments of —

(i) Agricultural Biotechnology,

(ii) Environmental Biotechnology,

Departments
of the
Agency.

- (iii) Medical Biotechnology,
- (iv) Genomic, Genetics resources and Bioinformatics,
- (v) Food and Industrial Biotechnology,
- (b) Human Resource Management ;
- (c) Finance and Accounts ; and
- (d) such other departments as the agency may deem necessary to establish for the efficient performance of its functions under this Act.

(2) Each Department shall be headed by a Director.

(3) The Departments referred to in subsection (1) are the Technical Departments of the Agency.

9.—(1) The Agency shall, with the approval of the Board, establish—

(a) Bioresources Development Centres (BIODECS) which shall be located in the geo-ecological zones in Nigeria as contained in the Second Schedule to this Act ;

(b) Biotechnology Centres of Excellence which shall be located in the premier universities established in each of the geopolitical zones in Nigeria as contained in the Second Schedule to this Act ; and

(c) Specialised Centres which includes—

(i) National Centre for Genetic Resources and Biotechnology (NACGRAB), Ibadan, Oyo State, and

(ii) other specialised Centres which the Agency may deem necessary to establish for the efficient performance of its functions under this Act.

(2) An approval to establish a Centre under this Act may contain supplementary or incidental provisions relating to—

(a) the designation of the Centre ;

(b) the fields where the Centre will carry out its activities ;

(c) man-power training where required ;

(d) the transfer to the Centre, by mutual agreement, of any existing Federal, State and Local Government facilities ; and

(e) a suitable association and collaboration of the Centre with relevant institutions including academic institutions and commercial sector.

(3) The supplementary provisions set out in the Second Schedule to this Act shall apply to the Centres established under this Act.

Bioresources
Development
Centres
(BIODEC),
Biotechnology
Centres of
Excellence
and
Specialised
Centres.
Second
Schedule.

Second
Schedule.

PART IV—STAFF OF THE AGENCY

Director-
General

10.—(1) There shall be for the Agency a Director-General who shall be appointed by the President on the recommendation of the Minister.

(2) The Director-General shall be—

(a) the Chief Executive and Accounting Officer of the Agency ;

(b) a person with a minimum of 15 years demonstrable research experience in science and technology and knowledgeable in the field of biotechnology ;

(c) a holder of at least a PhD in biological sciences or other related field ;

(d) responsible for the execution of the policy, programmes and administration of the Agency ;

(e) responsible for general direction and superintendence of the affairs of the Centers established under this Act ;

(f) the Secretary to the Board, and in this regard, shall—

(i) prepare minutes of meetings of the Board and its Committees,

(ii) keep and secure the records of the Board, and

(iii) issue notices and other correspondence as may be directed by the Board ;

(g) ensure proper dissemination of the decisions of the Board to the appropriate persons, institutions or authorities ; and

(h) perform such other functions and discharge duties as the Board may assign to him.

(3) The Director-General shall hold office—

(a) for a term of five years and may be re-appointed for a further term of five years and no more ; and

(b) on such terms and conditions as may be specified in his letter of appointment.

Directors of
Technical
Departments.

11.—(1) The Board shall, on the recommendation of the Director-General appoint Directors who shall be in charge of the Technical Departments provided under section 8 (1).

(2) A Director who is in charge of a Technical Department shall have—

(a) a degree or its equivalent in the relevant discipline ; and

(b) relevant expertise and experience required for the efficient performance of the functions of the Department.

(3) A Director in a Technical Department shall—

(a) be the head of the Technical Department of the Agency which he directs ;

(b) supervise other staff of the Department ;

(c) prepare draft expenditure estimates and development plan of the Department he heads ; and

(d) perform such other functions as may be assigned to him by the Director-General.

12.—(1) The Board shall, on the recommendation of the Director-General, appoint a person with a university degree or its equivalent and a minimum of 12 years experience in the field of finance, account, as the Director of Finance and Account.

Director of
finance and
account.

(2) The Director of Finance and Administration shall—

(a) be the head of the Finance and Accounts Department of the Agency ;

(b) prepare draft expenditure, estimates and budget ; and

(c) perform other functions as may be assigned to him by the Director-General.

13.—(1) The Board shall, on the recommendation of the Director-General, appoint a Director to head each of the Centres established under this Act.

Director of
Bioresource
Development
Centres.

(2) A Director of a Centre appointed under this section shall superintend the activities of the Centre and shall have expertise and a minimum of 10 years practical experience in addition to a degree or its equivalent in any discipline that is relevant to the activities in the Centre he superintends and—

(a) monitor, evaluate and review the performance of the Centre ;

(b) ensure that the Centre performs its functions in an efficient manner ;

(c) prepare and submit quarterly reports on the activities of the Centre to the Director-General ; and

(d) perform other functions as may be assigned to the Director by the Director-General.

14.—(1) A Director appointed as head of a Technical Department under section 13 shall—

Director of
Research.

(a) cease to hold office as a Director when he has held that office for period of eight years ; and

(b) be designated as Research Director where he has not attained the mandatory age of retirement.

(2) A Director of Research shall perform such functions as may be assigned to him by the Director-General.

Other staff
of the
Agency.

15.—(1) The Agency may, subject to the approval of the Board, appoint other staff as it may deem necessary—

- (a) for the efficient performance of the functions of the Agency ; and
- (b) on such terms and conditions as may be specified by the Board.

(2) The provisions of the Public Service Rules or any other subsequent enactment shall apply to staff regulations, removal and disciplinary measures of staff of the Agency.

Remuneration
of
employees
of the
Agency.

16. The salaries, allowances and benefits of the staff of the Agency shall be in accordance with the conditions of service of the Agency as may be approved by the Board in consultation with the National Salaries, Income and Wages Commission.

Pensions.

17. Service in the Agency shall be subject to the Pension Reform Act, and accordingly, officers and the employees of the Agency shall be entitled to pensions and other retirement benefits as are prescribed under the Pension Reform Act.

Act No. 4,
2014.

PART V—FINANCIAL PROVISIONS

Fund of the
Agency.

18.—(1) The Agency shall establish and maintain a fund (in this Act referred to as “the Fund”) into which shall be paid and credited—

- (a) such sums as may be appropriated by the National Assembly ;
- (b) any grant from the Federal, State or Local Governments ;
- (c) such money as may be granted or received from—
 - (i) an organised private sector, or
 - (ii) foreign aid or assistance from bilateral and multilateral agencies ;
- (d) all fees and charges for services rendered by the Agency ;
- (e) other internally generated revenues by the Agency ; and
- (f) all other sums accruing to the Agency by way of gifts, grants, emoluments or bequest.

(2) The Agency may receive, charge or generate revenues by—

- (a) fees and charges for services rendered by the Agency ;
- (b) other internally generated revenues by the Agency ;
- (c) profits from investment entered into by the Agency ; and
- (d) such other sums that may accrue to the Agency by way of gifts, emoluments or bequest.

(3) All monies so collected shall be paid into the Fund not later than ninety days from the date of receipt of the money by the Agency.

19. The Agency shall apply the Fund for—

Expenditure
of the
Agency.

(a) the administration of the Agency ;

(b) payment of salaries, wages, fees, allowances, retirement benefits including pensions and pay other remuneration payable to the members of the Board and staff of Agency ;

(c) publicising and promoting the activities of the Agency ;

(d) purchasing property, make other approved capital expenditure and maintain any property so purchased ;

(e) meeting the investment need of the Agency ;

(f) cost of maintaining the head office and operating the Centres provided under this Act ;

(g) training of members of staff of the Agency ;

(h) support of national scientific bodies ;

(i) payment of contributions to international scientific organisation to which the Agency may subscribes ; and

(j) undertaking any other activity in connection with the functions of the Agency under this Act.

20.—(1) Incomes derived by the Institute from the sources specified under section 18 shall be exempted from income tax.

Exemption
from tax.

(2) The provision of any enactment relating to the taxation of companies or trust funds shall not apply to the Agency.

21. Subject to the approval of the Board, the Agency may invest its income in profitable production of goods by joint venture, partnerships, or shareholding as the case may be, and the net income so generated shall be paid into the Fund.

Investment
of income.

22. The Agency shall, not later than 30th September in each year, submit to the Board for approval, its programme of work and estimate of its income and expenditure including payments into the Agency's fund for the next succeeding year.

Annual
estimates,
income and
expenditure.

23. The Agency shall—

Accounts
and audits.

(a) keep proper accounts and records of its receipts, payment, assets and liabilities and prepare in respect of each financial year a statement of accounts in such forms as may be directed by the Auditor-General for the Federation ; and

(b) cause its accounts to be audited within six months from the end of each financial year by auditors whose appointment shall be approved by the Board from the list of auditors approved by the Auditor-General for the Federation.

Annual
reports.

24.—(1) The Agency shall prepare and submit to the Board, not later than 30th September in each year, a report on the activities of the Agency, the audited accounts of the Agency and the auditor's report for the immediate preceding year.

(2) The Agency shall, not later than 31st October in each year, submit to the Board the annual report of each of its Centres for the immediate preceding year.

(3) The Board shall submit the annual report referred to in subsection (2) to the Minister within two months after the Board receives the report.

Power to
accept gifts.

25. The Agency may accept gifts, endowments and testamentary dispositions upon such terms and conditions, if any, as may be specified by the donor of the gift, provided that the terms and conditions are not contrary to the objectives and functions of the Agency and the Financial Regulations.

PART VI—LEGAL PROCEEDINGS

Commence-
ment of suits
or service of
notice.

26.—(1) A suit shall not be commenced against the Agency, before the expiration of one month, after written notice of intention to commence the suit have been served upon the Agency by the intending plaintiff or his agent, and the notice shall clearly state the—

- (a) cause of the action ;
- (b) particulars of claim ;
- (c) name and place of abode of intending plaintiff ; and
- (d) relief which he claims.

(2) The notice referred to in subsection (1) and any summons, notice or other documents required or authorised to be served upon the Agency under this Act, any other enactment or law, may be served by—

- (a) delivering same to the Director-General ; or
- (b) sending it by registered post addressed to the Director-General at the head office of the Agency.

27. (1) In any action or suit against the Agency, execution or attachment of process shall not be issued against the Agency except—

Restriction on execution against property of the Agency.

(a) a three month notice of the intention to execute or attach has been given to the Agency ; and

(b) a written consent of the Attorney-General of the Federation and Minister of Justice is obtained in not less than three months.

(2) Any sum of money which by the judgment of any court has been awarded against the Agency shall, subject to the directives given by the court, where notice of appeal against the judgments has been given, be paid from the Funds of the Agency.

PART VII—MISCELLANEOUS PROVISIONS

28. The Agency may, subject to the Land Use Act, purchase, lease any interest in land, building or property, or build, equip and maintain such other offices and premises for the efficient performance of its functions under this Act.

Power to purchase or take on lease property.

Cap. L5,
LFN, 2004

29. The Agency may, subject to the Land Use Act, sell or lease out any land, office or premises held by it, which is no longer required for the performance of its functions under this Act.

Power to sell or lease out property.

Cap. L5,
LFN, 2004.

30. The Director-General, any officer or employee of the Agency shall be indemnified out of the assets of the Agency against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director-General, officer or other employee of the Agency.

Indemnity.

31. The Minister may give to the Agency such directives as he may consider necessary for the effective performance of the functions of Agency under this Act and the Agency shall comply with.

Power of the Minister to give directives.

32.—(1) The Board may, with the approval of the Minister, make such regulations generally for the purpose of giving full effect to the provisions of this Act, and in facilitating the performance of the functions of the Agency.

Power to make regulations.

(2) The Board may issue guidelines to give full effect to the relevant provisions of this Act.

(3) Regulations made shall be published in the Federal Government Gazette.

Repeals.

33. This Act repeals—Cap. N3,
LFN, 2004.

(a) section 6 (2) (d) (ii) of the National Agency for Science and Engineering Infrastructure Act, Cap. N3, LFN, 2004 ;

(b) paragraph 2 (j) (iv) of the Second Schedule to the National Agency for Science and Engineering Infrastructure Act ; and

Act No. 33,
1987

(c) National Centre for Genetic Resources and Biotechnology Act, No. 33 of 1987.

Savings.

34. From the commencement of this Act—

(a) all assets, rights, liabilities and obligations which immediately before the commencement of this Act, were assets, rights, liabilities and obligations of National Centre for Genetic Resources and Biotechnology (NACGRAB) or any other body related to Biotechnology shall, by virtue of this Act, be taken over by the Agency ; and

(b) anything made or done or having effect under the repealed Act, shall be treated, as if it were made or done by the Agency.

Interpretation.

35. In this Act—

“Agency” means the National Biotechnology Development Agency established under section 1 ;

“Biotechnology” means a field of applied biology that involves the use of living organisms, plant cells and bio processes in engineering, technology, medicine, agriculture and other fields requiring bio products ;

“Board” means the Governing Board of the Agency established under section 2 ;

“Center” means all bioresources development centers, biotechnology centers of excellence, specialised centers and other relevant centers as the Agency may establish ;

“Chairman” means the Chairman of the Governing Board of the Agency ;

“Director-General” means the Director-General of the Agency ;

“Fund” means the Fund of the Agency established under section 18 ;

“geo-ecological” means the ecological zones as reflected in the National geography ;

“geopolitical zones” means the six geopolitical zones as it exists in the country ;

“Member” means a member of the Board of the Agency including the Chairman ;

“*Minister*” means the Minister charged with the responsibility for science and technology ;

“*NABDA*” means National Biotechnology Development Agency established under this Act ;

“*President*” means the President of the Federal Republic of Nigeria ;

“*public officer*” means any person working in the Public Service of the Federation or a State as defined in the 1999 Constitution of the Federal Republic of Nigeria ;

“*research and development*” means creative work undertaken on a systematic basis in order to increase knowledge in biotechnology and the use of this knowledge to devise new biotechnology applications ; and

“*technical department*” means sections involved in scientific activities.

36. This Act may be cited as the National Biotechnology Development Agency (Establishment) Act, 2022. Citation.

I, Certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

Ojo O. A., fnia, fcia
Clerk to the National Assembly
8th Day of March, 2022.

SCHEDULES

FIRST SCHEDULE

Section 2 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. Subject to this Act and section 27 of the Interpretation Act, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Board may determine.

2. The Chairman shall preside at every meeting of the Board, and in his absence, the members present at the meeting shall appoint one of their members to preside at the meeting.

3. The quorum at a meeting of the Board shall consist of the Chairman or, in an appropriate case, the person presiding at the meeting under paragraph 2 of this Schedule, and six other members.

4. The Chairman shall, in the case of an equality of votes, have a casting vote.

5. A question put before the Board at a meeting shall be decided by consensus and where this is not possible, by majority of votes of members present and voting.

6. The Board shall, for the purpose of this Act, meet at least three times in each year and the Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by at least five other members, summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

7. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt the person to be a member of the Board for such period as it deems fit, and the person while so co-opted shall have all the rights and privileges of a member, except that he is not entitled to vote at any meeting of the Board and shall not be counted towards a quorum.

Committees

8.—(1) Subject to its standing orders, the Board may set up such number of standing and ad-hoc Committees as it deems fit to consider and report on any matter with which the Agency is concerned.

(2) A committee set up under this paragraph shall—

- (a) consist of such number of persons (not necessarily members of the Board) as may be determined by the Board ; and
- (b) be presided over by a member of the Board.

(3) A person other than a member of the Board who is appointed under this paragraph, shall hold office on the Committee in accordance with the terms of his appointment.

(4) The quorum of any Committee set up by the Board shall be as determined by the Board.

(5) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

9. The validity of any proceeding of the Board or any of its Committee is not affected by—

- (a) any vacancy in the membership of the Board, or committee ;
- (b) any defect in the appointment of a member of the Board or committee ; or
- (c) reason that a person not entitled to do so took part in the proceedings of the Board or committee.

10. A member of the Board or Committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or Committee shall—

- (a) immediately disclose his interest to the Board or committee ; and
- (b) not vote on any question relating to the contract or arrangement.

11. No member of the Board shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Agency.

Fixing of Seal

12. The affixing of the seal of the Agency shall be authenticated by the signature of the Director-General and witnessed by the Legal Adviser of the Agency.

13. A contract or an instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Agency by the Director-General and witnessed by the Legal Adviser of the Agency or by any other person specifically authorised by the Board to act for that purpose.

14. A document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Agency shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

SECOND SCHEDULE

Section 9 (1) (a), (b) and (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE CENTRES

Bioresources Development Centres

1. A Centre established under this Act shall have a Director appointed by the Board on the recommendation of the Director-General and shall be located in—

- (a) NABDA Headquarters, Abuja, FCT ;
- (b) Odi, Bayelsa State ;
- (c) Isanlu, Kogi State ;
- (d) Katsina, Katsina State ;
- (e) Owode, Ogun State ;
- (f) Jalingo, Taraba State ;
- (g) Arochukwu, Abia State ;
- (h) Ogbomoso, Oyo State ;
- (i) Kano, Kano State ; and

(j) such other zone as the Agency may deem necessary to establish for the efficient performance of its functions under this Act.

2. Zonal Biotechnology Centres of Excellence shall be located within the universities across the geopolitical zones—

- (a) University of Maiduguri, Maiduguri — North-East Zone ;
- (b) University of Port Harcourt, Port Harcourt — South-South Zone ;
- (c) University of Nigeria, Nsukka — South-East Zone ;
- (d) Ahmadu Bello University, Zaria — North-West Zone ;
- (e) University of Ibadan, Ibadan — South-West Zone ;
- (f) University of Jos, Jos — North-Central Zone ; and

(g) any other centre of excellence which the Agency may deem necessary to establish for the efficient performance of its functions under this Act.

Functions of the Centres

3. Each Centre is charged with the responsibility for research, development and commercialisation of its results, in—

- (a) preservation and provision of bioresources for scientific, industrial, agricultural, environmental and medical research development and applications ;

- (b) utilisation of local bioresources to perform research and development activities, including preservation of the nation's ecological biodiversity ;
- (c) promotion of technologies and databases to achieve best practices in the development of indigenous bioresources ;
- (d) application of tissue culture for plant and animal conservation, agricultural development and training people in tissue culture techniques ;
- (e) arresting rapid erosion and loss in the country's crop and animal genetic resources ;
- (f) documenting the germplasm stocks held by the center, research institutes and relevant organisations ;
- (g) establishment of repositories for developed bioresources for protection of intellectual property rights ;
- (h) provision of bio enterprises for public information and policy formulation to encourage commercial production ;
- (i) deployment of biotechnology to the grass root communities ;
- (j) training and continuous education of staff of the Centres in bioresources and bio enterprises development ;
- (k) promotion and collaboration in bioresources and bio enterprises development with private and public sectors, researchers, industry and academia ; and
- (l) such other activity as the Director of the Centre or the Agency may determine.

Power of the Centre

4.—(1) Each Centre shall have power to—

(a) prepare—

(i) a programme of research, development and commercialisation of results, within the field for which the Centre is responsible, for such periods, not less than three years, as the Director may, with the approval of the Director-General, determine, and

(ii) detailed estimates of the expenditure which shall be required for carrying out the programme ;

(b) review and, if necessary, revise in each year, the programme approved under subparagraph (a) (i) for the following year, together with estimated budget for that year ;

(c) carry out the programme of research, development and commercialisation of results approved by the Agency ; and

(d) make suitable arrangements for the diffusion of research results in the economy by—

(i) establishing effective mechanisms in active collaboration with Federal and State Ministries of Agriculture and the World Bank supported agricultural development projects in the States, for extension work to farmers and industrialists,

(ii) establishing in-house pilot production units and plants to demonstrate the commercial viability of research results,

(iii) collaborating with the Federal and State Ministries of Trade and Investment in the generation of private sector industries as Centres, and

(iv) establishing systems for an effective media publicity of research results, but where expenditure of Funds is involved, the Centre shall obtain the approval of the Board.

(2) Subject to the provisions of this Act, each Centre shall be self-accounting, have power to take such decisions and to enter into such transactions, which in its opinion ought to be undertaken in the proper performance of its functions, subject to the approval of the Director-General.

(3) Each Centre shall, in particular and without prejudice to the generality of the other powers conferred by this paragraph, have power to acquire and hold property and any interest in land, with the approval of the Director-General.

Staff of the Centres

5.—(1) There shall be for each Centre other members of staff as appointed by the Agency.

(2) The Director of each Centre may request from the Agency such members of staff as are deemed necessary for the proper performance of the functions of the Centre under this Act.

Fund of the Centres

6.—(1) Each Centre shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Centre and the signatories to the Fund shall be the Director-General and the Director of the Centre.

(2) There shall be paid into the Fund of the Centres —

(a) sums as may accrue to the Centre as revenue from its operations ;

(b) sums as may be made available to the Centre by the Agency ;

(c) sums as may be made available through appropriation ; and

(d) other assets as may accrue to the Centre.

(3) The Fund of the Centre shall be managed in accordance with extant financial regulations.

Annual estimate

7. Each Centre shall submit to the Agency, not later than 31 October each year, its programme of work and estimates of income and expenditure for the succeeding year.

Annual and quarterly report

8. The Director of each Centre shall submit to the Agency an annual, quarterly operational and financial report on the activities of the Centre not later than—

(a) two weeks after the end of the preceding quarter in case of a quarterly report ; or

(b) six months after the end of each year in case of the annual report.

Power to borrow money

9. A Centre may borrow money with the approval of the Headquarters of the Agency.

Restriction on entering into contract with foreign countries

10. A Centre shall not enter into any contract or arrangement with a foreign country or body without a prior clearance and approval by the Headquarters of the Agency.

EXPLANATORY MEMORANDUM

This Act establishes the National Biotechnology Development Agency for research and development, promotion, coordination and management of biotechnology in Nigeria.

**SCHEDULE TO THE NATIONAL BIOTECHNOLOGY DEVELOPMENT AGENCY (ESTABLISHMENT)
BILL, 2022**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
National Biotechnology Development Agency (Establishment) Bill, 2022.	A Bill for an Act to establish the National Biotechnology Development Agency to carry out research, create and develop public awareness in biotechnology in order to encourage a private sector participation in biotechnology industry in Nigeria ; and for related matters.	This Bill establishes the National Biotechnology Development Agency to carry out research, create and develop public awareness in biotechnology in order to encourage a private sector participation in biotechnology industry in Nigeria.	16th February, 2022.	14th October, 2021.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT



OJO, O. A., fnia, fcia
Clerk to the National Assembly
8th Day of March, 2022.

MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
6th Day of April, 2022.