

*Extraordinary*



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# A BILL

## FOR

AN ACT TO AMEND THE NATIONAL AGRICULTURAL DEVELOPMENT FUND  
(ESTABLISHMENT) ACT, NO. 34, 2022 AND FOR RELATED MATTERS

*Sponsored by Hon. Bello A. Ka'oje*

*Co-sponsor:*

Hon. Saba Ahmed Adam

[ ] Commencement

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

- |    |  |                  |
|----|--|------------------|
| 1  | <b>1.</b> National Agricultural Development Fund (Establishment) Act,            | Amendment of     |
| 2  | No. 34, 2022 (in this Bill referred to as "the Principal Act") is amended as set | Act No. 34, 2022 |
| 3  | out in this Bill.  |                  |
| 4  | <b>2.</b> Section 3 of the Principal Act is amended by substituting the          | Amendment        |
| 5  | existing Section 3 with a new Section 3 as follows:                              | of Section 3     |
| 6  | (1) There is established for the Fund a Governing Board (in this Act             | Establishment    |
| 7  | referred to as "the Board").   | of the Governing |
| 8  | (2) The Board shall consist of-  | Board            |
| 9  | (i) A Chairman;  |                  |
| 10 | (ii) One representative each of-   |                  |
| 11 | (a) Federal Ministry responsible for Finance, Budget and National                |                  |
| 12 | Planning,  |                  |
| 13 | (b) Federal Inland Revenue Service, or any other statutory body                  |                  |
| 14 | succeeding the Federal Inland Revenue Service,                                   |                  |
| 15 | (c) All Farmers Association of Nigeria,  |                  |
| 16 | (d) Federation of Agricultural Commodity Associations of                         |                  |
| 17 | Nigeria,   |                  |
| 18 | (e) National Food Reserve Agency,  |                  |
| 19 | (f) Bankers Association of Nigeria,  |                  |

1 (g) The organised private sector to represent special interest,  
2 (h) Agricultural Research Council of Nigeria,  
3 (i) Federal Ministry responsible for Agriculture and Food Security;  
4 (j) Federal Ministry responsible for Livestock Development,  
5 (k) Nigerian Society of Engineers, whose representative shall have  
6 cognate university degree qualification and practical experience in road/  
7 transport engineering; and

8 (l) Federal Ministry responsible for Science and Technology.

9 (iii) One person from each of the six geopolitical zones and should be  
10 rotational among the states in the zones at the end of each tenure; and

11 (iv) the Executive Secretary, who shall be the Secretary to the Board.

12 (3) The Chairman and the members representing special interest and  
13 the six geopolitical zones shall be appointed by the President while those  
14 representing Ministries and extra Ministerial Departments and Agencies shall  
15 be appointed by the President on the recommendation of the relevant  
16 Ministers of the Ministries and members to represent the various associations  
17 and non - governmental bodies including the Nigerian Society of Engineers  
18 shall be appointed by the President on the nomination of the relevant  
19 associations and non-governmental bodies.

20 (4) The performance of the functions or exercise of the powers of the  
21 Board shall not be affected by a vacancy in the membership of the Board.

22 (5) The appointment of a member shall not be invalidated by a defect  
23 or irregularity in or in connection with his nomination or appointment.

24 (6) Members, other than ex-officio, shall be part-time members.

#### 25 PART II - FUNCTIONS OF THE FUND AND POWERS OF THE BOARD

Amendment of  
Section 8

26 **3.** Section 8 of the Principal Act is amended by substituting the  
27 existing Section 8 with a new Section 8 as follows:

Functions of the  
Fund

28 8.(1) The Fund shall-

29 (I) provide finance to support agricultural development in all its  
30 ramifications in Nigeria especially taking into consideration the need to ensure

1 high agricultural productivity and food security in order to align with the  
2 United Nations Sustainable Development Goals (SDGs);

3 (ii) liaise with RAAM Project or any agency or entity succeeding  
4 the said RAAM Project for the provision of finance for the development of  
5 rural agricultural access road network, specially Class D roads and  
6 unclassified roads to aid agricultural development and provide markets  
7 infrastructure for agricultural produce in Nigeria;

8 (iii) liaise with the Special Agro -Industrial Processing Zones  
9 (SAPZ) Program of the Federal Government or any agency or entity  
10 succeeding the said Special Agro -Industrial Processing Zones (SAPZ)  
11 Program for the provision of finance for the overall development of agro -  
12 production, aggregation processing and end markets;

13 (iv) provide finance for the implementation of agricultural policies  
14 and strengthen agricultural institutions within the framework on national  
15 priorities and strategies;

16 (v) provide funds for on-lending to farmers and corporate bodies  
17 through financial institutions including microfinance banks, cooperative  
18 societies, organisations, farmer groups and institutions on appropriate soft  
19 terms;

20 (vi) provide finance primarily for the establishment of special  
21 agricultural offices in each State of the Federation, to boost food production  
22 system in Nigeria;

23 (vii) provide financial support in the form of grant for research,  
24 training, market information systems and agricultural extension service in  
25 research institutes, universities and ministries;

26 (viii) provide emergency fund for agriculture finance and  
27 intervention for the control of trans-boundary animal disease outbreak;

28 (ix) participate in the effort to build rural access to financial service  
29 through microfinance by creating linkages between upstream financial  
30 centre (including private-sector groups) and local organisation's serving

1 rural poor people;

2 (x) assist the efforts of donor institutions to increase food and  
3 agricultural production as well as the organisation's technical competence and  
4 experience in this field; and

5 (xi) engage in such activities and perform such functions as this Act  
6 may confer, or as the President may, after consultation with the Minister,  
7 permit or assign to it.

Amendment  
of Section 9

8 4. Section 9 of the Principal Act is amended by substituting the  
9 existing Section 9 with a new Section 9 as follows:

10 9. The Fund shall have powers to-

11 (a) make regulations for the management of the Fund with the  
12 approval of the Minister;

13 (b) approve the annual budget of the Fund;

14 (c) approve all grants for agricultural research, training and  
15 development;

16 (d) approve loan for agricultural investment subject to paragraph (b);

17 (e) review and monitor the activities of the Fund;

18 (f) formulate and ensure implementation, of general policies,  
19 guidelines and programmes of the Board;

20 (g) determine the terms and conditions of service of the members of  
21 staff of the Fund, including appointment, remuneration, promotion and  
22 discipline; and in the case of remuneration, same shall be as what is obtainable  
23 in similar organizations.

24 (h) appoint, promote and discipline Management and Senior  
25 members of staff of the Fund;

26 (i) review the decision of any Committee of the Fund in respect of  
27 appointment, promotion and discipline of junior members of staff of the Fund,  
28 upon an appeal from such junior staff in the case of promotion or discipline.

29 (j) determine the structure of the Fund in such number of directorates,  
30 departments and units as it deems fit for the effective performance of the

1 functions of the Fund, taking into consideration the provisions of this Act;

2 (k) ensure that the staff of the Fund comply with the provisions of  
3 this Act and of all other relevant laws with respect to the preparation and  
4 audit of the accounts of the Fund in each financial year;

5 (g) review the audited finances of the Fund and the auditor's report  
6 thereon for each relevant financial year before the submission of budget  
7 pursuant to the provisions of this Act; and

8 (l) do such other things which in the opinion of the Board are  
9 considered necessary or expedient to ensure the performance of the powers  
10 of the Board under this Act.

11 (2) The decision of the Board shall be binding on the Executive  
12 Secretary and every member of staff of the Fund.

13 PART III - APPOINTMENT OF THE EXECUTIVE SECRETARY

14 AND OTHER STAFF

15 5. Section 10 of the Principal Act is amended by substituting the  
16 existing Section 10 with new Section 10 as follows:

Amendment of  
Section 10

17 10. (1) there shall be an Executive Secretary for the Fund who shall  
18 be appointed by the President.

Appointment  
of the Executive  
Secretary

19 (2) The service of the Executive Secretary shall be on full time  
20 status.

21 (3) The person to be appointed as an Executive Secretary shall be a  
22 graduate having not less than fifteen years of professional and practical  
23 working experience in any of the following disciplines-

24 (a) Finance as it relates to agriculture, agricultural policy  
25 formulation and implementation; or

26 (b) economics as it relates to agriculture, agricultural policy  
27 formulation and implementation.

28 (4). The Executive Secretary shall be the Chief Executive and  
29 Accounting Officer of the Fund, and shall be responsible for the-

30 (a) day to day administration, organization, control and

1 management of the affairs of the Fund;

2 (b) execution of the policies of the Board and the decision of the  
3 Board;

4 (c) direction, supervision and control of other employees of the Fund;

5 (d) transparent maintenance of accounting records in accordance with  
6 applicable laws and Public Service Rules and Regulations; and

7 (e) performance of such other duties as the may assign.

8 (5) The Executive Secretary-

9 (a) shall be appointed for a term of five years in the first instance; and

10 (b) may be re-appointed, where as an incumbent, the Executive  
11 Secretary showed significant measurable positive contributions in the  
12 development of the agricultural sector in the Nigerian economy, for a further  
13 term of five years and no more.

14 (6) The Executive Secretary shall be paid such remuneration as may  
15 be specified in his letter of appointment or as determined by the Revenue  
16 Mobilization, Allocation and Fiscal Commission using the scale applicable to  
17 similar appointments.

18 (7) The President, on the recommendation of the Minister, may  
19 remove the Executive Secretary if the President is satisfied from the  
20 recommendation of the Minister, that there is proof that the Executive  
21 Secretary has shown gross incompetence in the performance of his functions  
22 under this Act or unable to perform the functions of his office , whether arising  
23 from infirmity of mind, body or any other cause; or that it is not in the interest of  
24 the public or the Fund for the incumbent Executive Secretary to continue in  
25 office.

26 (8) The Executive Secretary may resign his appointment by a written  
27 notice under his hand delivered to the President through the Minister.

Amendment of  
Section 11

28 **6.** Section 11 of the Principal Act is amended by substituting the  
29 existing Section 11 with new Section 11 as follows:

1                   11 (1) Subject to the provisions of this Act, the Board shall make Appointment  
2 regulations for the condition of service including appointment and and Discipline  
3 discipline of all category of staff of the Fund, and the regulations to be made  
4 under this subclause shall, mutatis mutandis, align with, and have equal  
5 legal status with the provisions of the Federal Public Service Rules in force  
6 (enforce) in the Federal Public Service.

7                   (2) The Board shall have power to approve for appointment to the  
8 Fund, either directly or on secondment from the Public Service of the  
9 Federation, such number of employees as may, in the opinion of the Board,  
10 be required to assist the Board in the discharge of any of its functions under  
11 this Bill.

12                   (3) The person seconded under subsection (2) of this Section may  
13 elect to be transferred to the service of the Fund and the previous service he  
14 may have rendered in the public service shall count as service to the Fund for  
15 the purpose of any pension subsequently payable by the Board.

16                   (4) The Service in the Fund shall be approved service for the  
17 purposes of the Pension Reform Act.

18                   (5) The officers and other persons employed for service in the Fund  
19 shall be entitled to pension, gratuities and other retirement benefits as are  
20 enjoyed by persons holding equivalent ranks in the Public Service of the  
21 Federation.

22                   (6) Nothing in sub-clause (1) and (2) of this section shall prevent  
23 the appointment of a person to any office, on terms which preclude the grant  
24 of pension and gratuity in respect of that office.

25                   (7) If it appears to the Board that there are reasons for believing  
26 that any Senior or Management Staff of the Fund, should be removed from  
27 his office or employment on the ground of misconduct or of inability to  
28 perform the functions of his office or employment, the Board shall-

29                   (a) give notice of those reasons to the Senior or Management Staff  
30 in question;

1                    (b) afford him an opportunity of making representations in person on  
2 the matter to the Council; and

3                    (c) if he or any three members of the Board so request, within the  
4 period of one month, beginning with the date of the notice, make  
5 arrangements-

6                    (i) for a committee of the Board to investigate the matter and to report  
7 on it to the Board, and

8                    (ii) for the person in question to be afforded an opportunity of  
9 appearing before and being heard by the investigating committee with respect  
10 to the matter, and if the Board, after considering the report of the investigating  
11 committee, is satisfied that the person in question should be removed as  
12 aforesaid, the Board may so remove him by an instrument in writing signed on  
13 the directions of the Board.

14                    (8) The Executive Secretary may, in a case of misconduct by a  
15 member of staff of the Fund which in the opinion of the Executive Secretary is  
16 prejudicial to the interest of the Fund, suspend such member and any such  
17 suspension shall forthwith be reported to the Board.

18                    (9) For good cause, any senior member of staff of the Fund may be  
19 suspended from his duties or his appointment may be terminated upon  
20 directives of the Board; and for the purposes of this subsection "good cause"  
21 means-

22                    (a) conviction for any offence which the Board considers to be such as  
23 to render the person concerned unfit for the discharge of the functions of his  
24 office; or

25                    (b) any physical or mental incapacity which the Board, after obtaining  
26 medical advice, considers to be such as to render the person concerned unfit to  
27 continue to hold his office; or

28                    (c) conduct of a scandalous or other disgraceful nature which the  
29 Board considers to be such as to render the person concerned unfit to hold his  
30 office; or

1 (d) conduct which the Board considers to be such as to constitute  
2 failure or inability of the person concerned to discharge the functions of his  
3 office or to comply with the terms and conditions of his service.

4 (10) Any person suspended pursuant to this section, shall be on  
5 half pay and the Board shall, before the expiration of a period of three  
6 months after the date of suspension, consider the case against that person  
7 and come to a decision as to-

8 (a) whether to continue such person's suspension, and if so, on  
9 what terms (including the proportion of his emoluments to be paid to him);

10 (b) whether to reinstate such person, in which case the Board shall  
11 restore his full emoluments to him with effect from the date of suspension;

12 (c) whether to terminate the appointment of the person concerned;

13 or

14 (d) whether to take such lesser disciplinary action against such  
15 person (including the restoration of such proportion of his emoluments that  
16 might have been withheld), as the Board may determine; and -in any case,  
17 where the Board pursuant to this section, decides to continue a person's  
18 suspension or decides to take further disciplinary action against a person, the  
19 Board shall, before the expiration of a period of three months from such  
20 decision, come to a final determination in respect of the case concerning any  
21 such person.

22 (11) It shall be the duty of the person by whom an instrument of  
23 removal is signed in pursuant to this section, to use his best endeavours to  
24 cause a copy of the instrument to be served, as soon as reasonably  
25 practicable, on the person to whom it relates.

26 7. Section 12 (2) (b) of the Principal Act is amended by substituting  
27 the existing Section 12 (2) (b) with new 12 (2) (b) as follows:

Amendment of  
Section 12(2)(b)

28 12 (2) (b): take -off grants and such other money as may be made  
29 available to the Fund to meet the cost of administration; and

Amendment  
of Section 27

1                    **8.** Section 27 of the Principal Act is amended by substituting the  
2 existing Section 27 with a new Section 27 as follows:  
3 This Act may be cited as the National Agricultural Development Fund Act,  
4 2022.

Citation

5                    **9.** This Bill may be cited as the National Agricultural Development  
6 Fund Act (Amendment) Bill, 2025.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Agricultural Development Fund (Establishment) Act No. 34, 2022, to bring the generality of the provisions of the Act into conformity with the funding demand of the Nigerian Agricultural Industry.