

NATIONAL AGRICULTURAL LAND DEVELOPMENT AUTHORITY ACT

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SCHEDULE

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An Act to establish a National Agricultural Land Development Authority to provide, among other things, strategic public support for land development.

[1992 No. 92.]

[7th May, 1992]

[Commencement.]

1. Establishment of the National Agricultural Land Development Authority

There is hereby established in the Presidency an authority to be known as the National Agricultural Land Development Authority (in this Act referred to as "the Authority") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

2. Membership of the Governing Board

(1) The management of the Authority established by section I of this Act shall be vested in a Governing Board (in this Act referred to as "the Board") which shall consist of a chairman and the following other members, that is-

- (a) a representative of the Federal Universities of Agriculture to be appointed in rotation;
- (b) the permanent secretaries responsible for-
 - (i) Agriculture;
 - (ii) Labour;
- (c) the Director-General, National Commission for Women;
- (d) the President, Nigeria Labour Congress;
- (e) three persons chosen on their individual merit; and
- (f) the executive secretary.

(2) The provisions of the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.

[Schedule.]

3. Objects of the Authority

Subject to this Act, the objectives of the Authority shall be to-

(a) provide strategic public support for land development which presently constitutes a major infrastructural development bottleneck hindering the development of viable economic farm holdings;

(b) promote and support optimum utilisation of Nigeria's rural land resources for accelerated production of food and fibre;

(c) encourage and support economic-size farm holdings and promote consolidation of scattered fragment holdings to generate net income from agriculture which is aimed at sustaining living standards above the poverty line and thereby narrow rural-urban income inequalities;

(d) encourage the evolution of economic-size rural settlements that will reap the economies of scale in the provision of social infrastructures;

(e) provide gainful employment opportunities for rural people, raise rural incomes and improve on the general living standards in rural areas;

(f) expand productive capacity in agriculture and regain export capability in traditional and non-traditional crops;

(g) contribute significantly towards the attainment of a national food and fibre self-reliance, self-sufficiency and national food security through optimum utilisation of available abundant land resources which ensures minimum soil and environmental degradation, while simultaneously promoting sustainable agriculture;

(h) facilitate appropriate cost-effective mechanisation of agriculture;

and

(i) institute strategic land use planning schemes to deal with major allocation problems including the creation and location of forest and grazing reserves and other areas with restricted use, and the re-location of population, should this be necessitated by localised population explosion, pressure or national disasters.

4. Tenure of office of members

(1) The chairman of the Board shall hold office for a period of three years and shall be eligible for re-appointment for a further period of three years and no more.

(2) Subject to the provisions of subsection (1) of this section, a member of the Board other than an *ex-officio* member shall, subject to the pleasure of the President, hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for a further term of three years and no more.

5. Removal from office of members of the Board

(1) The President may, at any time, remove any member of the Board from office if the Minister is of the opinion that it is not in the interest of the Board for the member to continue in office and shall notify the member in writing to that effect.

(2) Where the Board is satisfied that the continued presence on the authority of any member is not in the interest of the nation or the interest of the Board it may recommend to the President that the member concerned be removed from his office; and if the President, after making such inquiries as he considers necessary, approves of the recommendation he may in writing declare the office of the member vacant.

6. Functions of the Board

Without prejudice to the provisions of section 3 of this Act, the Board, shall subject to the overriding guiding rule that land is owned by the community and is being developed by members of the community on its behalf-

(a) acquire suitable tracts of land in various parts of Nigeria for purposes of development;

(b) develop and parcel out any land into economic-size farm plots and assign such plots to selected farmers to own and manage for their own benefit;

(c) acquire and consolidate scattered, fragmented farm holdings and re-parcel the consolidated units into economic-size holdings for re-distribution to their owners and such other persons within the locality who can conveniently benefit from the scheme;

(d) supervise, monitor and assist in the overall operation and management of the scheme and assist in the organisation of the farmer-participants in projects specified under the scheme;

(e) provide general extension support services and technical information on soil types, land, capability or suitability for various agricultural purposes including livestock and arable farming;

(f) assist, engage in and advise the participants in the scheme on all aspects of land conservation and land degradation control at the project sites in particular and, in appropriate circumstances, outside the project sites;

(g) assist the participants in the scheme on the method of acquisition or procure-ment of production inputs and in the development or provision of appropriate technology for processing, where feasible, of farm produce and in the market-ing and disposal of the processed farm produce;

(h) engage in or assist with on-farm and off-farm training of farmer-participants and project management personnel;

(i) designate and delineate protected areas (for biodiversity or their fragility);

(j) allocate land for large scale farming in a manner which allows peasant farmers to have continued access to land sufficient for their needs in the face of rapid population growth;

(k) assist large scale farmers, where possible in the development of their lands; provided such services are on a commercial basis;

(l) develop a code of sound land management procedures for all land resources development proposals in order to ensure that they conform with national needs and policy of minimising land degradation and enhancing land and other resource conservation;

(m) assist in the provision of social infrastructural facilities for the emergent growth-centres at or around the project sites; and

(n) engage in any other up-stream or down-stream activity which, in the opinion of the Board are incidental to or necessary for the attainment of the objectives of the Authority,

7. Power of the Board

The Board shall have power to-

(a) define the management scheme of the programme;

(b) screen the applicants and select the participants using guidelines and regulations formulated pursuant to this Act

(c) reject any land donated to it which in its opinion is not suitable for reasons of size or quality or for any other reason whatsoever;

(d) select the appropriate enterprise for each project site in consultation with the local community; and

(e) enforce the provisions of section 6 of this Act and grant approval for any land development programme proposal if it is satisfied that such development does not offend the provisions of this section.

8. Duty to liaise with relevant institutions

In the discharge of its functions under this Act, the Board shall liaise with the universities, relevant research institutes, Federal and State Ministries and agencies as well as relevant Local Government Departments and agencies for co-operation and assistance in furtherance of the Authority's functions as specified in this Act, in such a manner as to avoid duplication of functions.

9. Donation of lands for development

Lands for development by the Authority shall be donated by the State Governments, Local Governments or the participating community and such lands shall be free of any encumbrances and no compensation of any form whatsoever shall be paid by the Authority, agency of the Government of the Federation or any other body on behalf of the Authority in that regard.

Staff of the Authority

10. Executive secretary and other staff of the Authority

(1) There shall be appointed for the Authority an executive secretary who shall be the chief executive of the Authority.

(2) The executive secretary shall be appointed by the President.

(3) The executive secretary shall be responsible for the execution of the policies of the Authority and its day-to-day administration.

(4) The executive secretary shall hold office in the first instance for a period of five years and shall be eligible for re-appointment for a further period of five years and no more.

(5) Subject to the provisions of this section of this Act, the executive secretary shall hold office on such terms as to emolument and otherwise as may be specified in his letter of appointment, and as may, from time to time, be approved by the President.

(6) The Board may appoint such other employees to assist the executive secretary in the exercise of his functions under this Act.

11. Conditions of service in the Authority

(1) The appointment of the staff of the Authority shall be governed, *mutatis mutandis*, by the general terms and conditions of service as the Board may, after consultation with the Federal Civil Service Commission, determine.

(2) The Board may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the staff of the Authority and without prejudice to the generality of the foregoing, such regulations may provide for-

(a) the appointment, promotion, termination, dismissal and disciplinary control of the staff of the Authority; and

(b) appeals by such staff against dismissal or other disciplinary measures, and until such regulations are made any instrument relating to the conditions of service of officers in the civil service of the Federation shall be applicable, with such modifications as may be necessary, to the staff of the Authority.

(3) The staff of the Authority shall be public officers as defined in the Constitution of the Federal Republic of Nigeria 1999.

[Cap. C23.]

(4) Staff regulations made under subsection (2) of this section, shall not have effect until it has been approved by the Board and when so approved, the Board shall cause them to be brought to the notice of all affected persons.

12. Pensions

(1) Service in the Authority shall be approved service for the purpose of the Pensions Act and, accordingly, officers and other persons employed in the Authority shall be entitled to pensions, gratuities and other benefits as are prescribed thereunder.

(2) Notwithstanding subsection (1) of this section, the Authority may appoint a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

(3) For the purpose of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Authority and not by any other person or authority.

13. Establishment, etc., of the State Agricultural Land Development and the Federal Capital Territory Land Development Advisory Committees

(1) There shall be established to assist the Authority in each State of the Federation and the Federal Capital Territory, Abuja, a State Agricultural Land Development Advisory Committee and the Federal Capital Territory Land Development Advisory Committee (in this Act referred to as the "State Advisory Committee").

(2) Each State Advisory Committee shall consist of the Commissioner for Agriculture as chairman and the following other members that is-

- (a) the permanent secretaries in charge of-
 - (i) Lands and Survey;
 - (ii) Finance and Economic Development;
 - (iii) State Commission for Women;
 - (iv) Local Government Matters, Governor's Office;
- (b) the State Director of-
 - (i) Directorate of Food, Roads and Rural Infrastructures;
 - (ii) Mass Mobilisation for Social Economic Recovery;
- (c) the Programme Manager Agricultural Development Project;
- (d) a representative each of-
 - (i) the Nigerian Association for Commerce, Industry, Mines and Agriculture;
 - (ii) the Farmers Association; and
 - (iii) the State Director of the Authority who shall be the secretary.

(3) The State Advisory Committee shall be charged with the following functions, that is-

- (a) advising on the implementation of the Authority's programmes within the overall framework of the national agricultural land development policy guidelines;
- (b) authorising and assisting in the co-ordination of the collaborative input from the existing public agencies in order to minimise role duplication, operational conflicts, friction and avoid unnecessary institutional rivalry;
- (c) providing feedback through the State Directorate to the Authority on imple-

mentation problems encountered in the field along with suggestions (if any) on how such difficulties may be overcome;

(d) advising generally on the most effective ways of implementing the Authority's programmes taking into consideration the socio-political peculiarities of each State without detriment to the policy objectives of the Authority.

14. Establishment of State Directorates

(1) There shall be established in each State of the Federation and the Federal Capital Territory, Abuja, a State and Federal Capital Territory Directorate of the Authority (in this Act referred to as "the State Directorate").

(2) Each State Directorate shall be headed by a director who shall be responsible for implementing the Authority's programmes in its area of jurisdiction.

15. Establishment and membership of the Local Government Project Implementation Advisory Panels

(1) There is hereby established for each Local Government Area of a State and the Area Councils of the Federal Capital Territory, Abuja, a Local Government Project Implementation Advisory Panel (in this Act referred to as "the Panel") which shall be subject to the control of the Authority.

(2) The functions of the Panel shall be to monitor and ensure an effective implementation of the programmes of the Authority within its area of jurisdiction.

(3) Each Advisory Panel shall consist of the chairman of the local government as chairman and the following other members, that is-

- (a) the councillor for Agriculture;
- (b) the councillor for Lands and Surveys;
- (c) a representative each of-
 - (i) the Traditional Council;
 - (ii) the women organisations in the area;
 - (iii) the Local Government Community Development Department; and
 - (iv) the project co-ordinator who shall act as the secretary to the Advisory Panel.

Financial provisions

16. Fund of the Authority

(1) The Board shall establish and maintain a fund from which shall be defrayed all expenditures incurred by the Authority.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-

- (a) 10 per cent of the Ecological Fund;
- (b) such moneys as may, from time to time, be lent or granted to the Authority by the Government of the Federation, a State or a local government;
- (c) all moneys raised for the purposes of the Authority by way of gift, loan, grant-in-aid, testamentary disposition or otherwise;
- (d) all subscriptions, fees and charges for services rendered by the Authority; and
- (e) all other assets that may, from time to time, accrue to the Authority.

(3) The fund established by subsection (1) of this section shall be managed in accordance with rules made by the President and without prejudice to the generality of the power to make rules under his subsection, the rules shall in particular contain provisions-

- (a) specifying the manner in which the assets of the fund of the Authority are to be held and regulating the making of payments into and out of the fund; and
- (b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in the rules.

17. Expenditure of the Authority

The Board may, from time to time, apply the proceeds of the fund established pursuant to section 16 of this Act to-

- (a) the cost of programme implementation and administration of the Authority;
- (b) the payments of the salaries, fees and other remuneration, allowances, pensions and gratuities payable to employees of the Authority.

18. Power to borrow and invest

(1) The Board may, with the consent of the President, borrow, on such terms and conditions as the Board may determine, such sums of money as the Board may require in the exercise of the functions conferred on it under this Act.

(2) The Board may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds in accordance with the general guidelines approved by the Federal Government.

(3) Subject to section 20 of this Act, the Board may invest such surplus funds in any security as it may determine from time to time.

19. Annual estimates and income

(1) The Board shall, not later than 31 October in each year, submit to the President an estimate of its expenditure and income during the next succeeding year.

(2) The Board shall keep proper accounts of the Authority in respect of each year and proper records in relation thereto and shall cause its accounts to be audited not later than six months after the end of each year by auditors appointed from the list and in accordance with guidelines supplied by the Auditor-General for the Federation.

20. Power to give directives

The President may give the Board directives of a general nature with respect to any of the functions of the Authority and it shall be the duty of the Board to comply with such directives or cause them to be complied with.

21. Interpretation

In this Act, unless the context otherwise requires-

"Authority" means the National Agricultural Land Development Authority established by section 1 of this Act;

"Board" means the Governing Board of the Authority established by section 2 of this Act;

"development" means the physical preparation of land for crop and livestock production and includes actual crop and livestock production, storage, processing and marketing as well as the provision of social infrastructural facilities;

"member" means a member of the Authority and includes the chairman.

22. Short title

This Act may be cited as the National Agricultural Land Development Authority Act.

SCHEDULE
[Section 2 (2).]

Proceedings of the Board

1. Subject to the provisions of section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a second or casting vote) the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

[Cap. 123.]

2. At any meeting of the Board the chairman shall preside but if the chairman is absent, the members present shall appoint one of their number to preside at the meeting.

3. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt that person as a member for such period as the Board may deem fit; but a person who is a member of the Board by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

4. The quorum for meetings of the Board shall be the chairman and three other members and the quorum of any meeting of a committee of the Board shall be determined by the Authority.

5. The Board shall meet not less than two times in each year and on such other occasions as the Board may consider necessary.

6. Any member of the Board or any committee thereof having a personal interest in any contract or arrangement entered into or proposed to be entered into by the Board or any committee thereof shall forthwith declare his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.

7. The Board may also establish other standing, or *ad-hoc* committees to carry out on behalf of the Board such of its functions as the Board may determine.

Miscellaneous

8. The fixing of the seal of the Authority shall be authenticated by the signature of the executive secretary and of any other member of the Authority authorised in that behalf by the Authority.

9. Any contract or 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 Authority by the executive secretary or any person generally or specially authorised by the Authority to act for that purpose.

10. Any document purporting to be a document executed under the seal of the Authority and authenticated as aforesaid shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

11. The validity of any proceeding of the Board shall not be affected by any vacancy in the membership of the Board or by any defect in the appointment of a member of the Board or by reason that any person not entitled to do so took part in the proceedings of the Board.

