



# Federal Republic of Nigeria

## **NIGERIA INSTITUTE OF SOIL SCIENCE (ESTABLISHMENT, ETC.) ACT 2017**

This Act establishes the Nigeria Institute of Soil Science charged with responsibility for regulating the profession of Soil Science.



**Publication of the Nigeria Institute of Soil Science**

# **NIGERIA INSTITUTE OF SOIL SCIENCE (ESTABLISHMENT, ETC) ACT, 2017**



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# NIGERIA INSTITUTE OF SOIL SCIENCE (ESTABLISHMENT, ETC) ACT, 2017

## A BILL

### FOR

An Act to establish the Nigeria Institute of Soil Science charged with the responsibility for regulating the profession of the soil science; and for related matters.

( 3<sup>rd</sup> February, 2017 )

Commencement

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

## PART I - ESTABLISHMENT AND FUNCTIONS OF THE NIGERIA INSTITUTE OF SOIL SCIENCE

(1) There is established for a profession of Soil Science, the Nigeria Institute of Soil Science (in this Act referred to as "the Institute").

Establishment of the Nigeria Institute of Soil Science :

(2) The Institute:

- (a) shall be a body corporate with perpetual succession and a common seal;
- (b) may sue and be sued in its corporate name; and
- (c) shall have power to own, hold and dispose of property whether movable or immovable.

(3) The functions of the Institute are to:

Functions of the Institute.

- (a) prescribe and regulate the standards of academic qualification and practical skills to be attained by persons seeking to become registered as Members, Associates or Fellows of the Institute, as the case may be;
- (b) regulate the practice of the profession for Soil Scientists;
- (c) establish, update and maintain a register of Soil Science Practitioners under this Act according to their various ranks and to regulate the prerogatives and privileges pertaining to those ranks;
- (d) ensure that Soil Science Practitioners in Nigeria uphold the ethics of the profession and guarantee the sustainability of high quality soil;

- (e) advance the education, science, technology and art of soil science and crop production in collaboration with Zonal Coordinating Research Institutes;
- (f) promote soil quality management;
- (g) promote rapid sustainability of high quality soil through scientific methods, and regulate all issues pertaining to soil management in Nigeria;
- (h) advise and encourage the enactment and the enforcement of laws that will guarantee efficient production and consistent supply of high quality food to Nigerians;
- (i) educate the public on soil science activities; and
- (j) cooperate or affiliate with any relevant association and soil science body either locally or internationally.

The Institute shall powers to:

Powers of the  
Institute

- (a) establish and promote soil and fertilizer testing facilities to support farmers on efficient fertilizer use;
- (b) establish such offices, departments, units and branches of the Institute as may be required for the proper administration and operation of the Institute;
- (c) subject to such terms and conditions as the Institute may approve, engage staff, agents and other workers as the Institute may from time to time require for the performance of its functions under this Act;
- (d) establish necessary organization for the proper and efficient conduct of the affairs of the Institute;
- (e) provide staff regulations for all staff of the Institute and provide pension and welfare schemes for the staff; and do such other acts and things as may be necessary for the performance of the functions of the Institute.

(1) There is established for the Institute the Council of the Nigeria Institute of Soil Science (in this Act referred to as the "Council")

Establishment of  
the Council.

(2) The Council shall consist of:

- (a) the President;
- (b) the Vice - president;
- (c) the Registrar;
- (d) five representatives who shall be elected by the Soil Science Society of Nigeria to the Institute;
- (e) one representative from the Institute of Agricultural Research and Training;
- (f) the Minister of Agriculture or his representative;
- (g) the Minister of Education or his representative;
- (h) the Minister of Environment or his representative;
- (i) the Minister of Science and Technology or his representative;
- (j) one representative of the Nigerian Chamber of Commerce, Industry, Mines and Agriculture to be elected by the Chamber;
- (k) one representative to be nominated by agro-allied division of Manufacturers Association of Nigeria; and
- (l) immediate past - president of the society (Ex-officio).

The President, the Vice - president and other members of the Council mentioned in section 4(2) (d) of this Act shall be elected by the Soil Science Society of Nigeria from amongst the members, at an annual general meeting of the Soil Science Society of Nigeria.

Election of members of the Council.

- (1) The term of office of a member of the Council other than an ex-officio member shall be three years but such member may, at the end of that term, be eligible for re-election, for one more term only.

Tenure of office.

- (2) The office of a member of the Council shall become vacant if the member:

- (a) resigns from office, by a written notice to the Council;
- (b) is removed from office by the council, by reason of professional misconduct or physical or mental infirmity; or
- (c) without leave of Council, absents from 3 consecutive meetings of the Council.

The functions of the Council shall be to:

Functions of the Council.

- (a) carry into effect, the functions and powers of the Institute;
- (b) govern the affairs of the Institute;
- (c) effect proper management of the Institute; and
- (d) undertake other activities as the Council may consider necessary for carrying out the functions and powers of the Institute.

The funds of the Institute shall consist of:

Funds.

- (a) contributions, levies, subscriptions, fees and other dues paid by the members;
- (b) revenue accruing to the Institute from its investments, activities and services;
- (c) grants, endowments and donations from Governments, agencies, organizations, benefactors and other donors; and
- (d) revenue accruing to the Institute from any other source approved by the Council.

9 The funds of the Institute shall be paid into an account in a reputable bank approved by the Council and no instrument for the withdrawal of any money from that account shall be valid unless it is authenticated by the signatures of the President and the Registrar or by the signatures of such officers of the Institute as may from time to time be approved by the Council.

Bank account.

10 The Institute may, from time to time, subject to such terms and conditions as the Council may approve, invest any part of its funds in any security and may at any time dispose of such securities.

Investment.

11. The Institute may from time to time, subject to such terms and conditions as the Council may approve, borrow such money as the Council may require for carrying out any of the functions or the powers of the Institute.

Power to borrow

12. (1) The Institute shall keep and maintain proper accounts of its income and expenditure and shall, by the 30<sup>th</sup> day of September of each year, submit such accounts to be audited by any auditor approved by the Accountant - General of the Federation.

Accounts of the Institute

(2) The audited accounts of the Institute and the auditor's report shall, not later than the 31<sup>st</sup> day of December of each year, be submitted by the Institute, or the Council.

## PART II - REGISTRAR AND REGISTRATION

- |     |   |                            |
|-----|---|----------------------------|
| (1) | The Council shall appoint, a fit and proper person to be the Registrar of the Institute.  | Appointment of Registrar   |
| (2) | The Registrar shall, subject to the overall control of the Council: <ul style="list-style-type: none"><li>(a) be the Secretary to the Council;</li><li>(b) keep custody of the register of the Institute and make such entries in the register as the Council may, from time to time by resolution, direct;</li><li>(c) keep custody of the common seal of the Institute and affix same to such documents as the Council may direct; and</li><li>(d) carry out other duties as the Council or the President may, from time to time, direct.</li></ul> |                            |
| 14. | The Institute shall keep and maintain a register of all the members including the Associates, Fellows and Honorary Fellows.   | Registrar of the Institute |
| 15. | The Institute may, subject to the provisions of this Act and such rules as the Council may make in that regard, admit and register any person as: <ul style="list-style-type: none"><li>(a) a Member;</li><li>(b) an Associate;</li><li>(c) a Fellow; or</li><li>(d) an Honorary Fellow</li></ul>   | Registration of Members    |
| 16. | A person is eligible to be admitted and registered as a Member if that person is: <ul style="list-style-type: none"><li>(a) at least a holder of a first degree or equivalent qualification in soil science or agronomy from any accredited institution and has duly completed the mandatory one year National Youth Service Corps scheme with proof of participation; and</li><li>(b) a member of any equivalent soil science body or institute; recognized by the Council.</li></ul>  | Eligibility for membership |
| 17. | A person who is a member is eligible to be registered as an Associate if:   | Associates                 |



- (a) that person has, by research efforts, publications and experience in any area of soil science, contributed significantly to the growth and development of soil science or related areas; and
- (b) the Council is satisfied that the Member is a fit and proper person to be elevated to the rank of Associate.

18. A person who is a Member or Associate is eligible to be registered as a Fellow if: Fellows

- (a) that person has, by research efforts, publications and experience in any area of soil science, contributed significantly to the growth and development of soil science or related areas; and
- (b) the Council is satisfied that the Member is a fit and proper person to be elevated to the rank of Fellow.

19. A person may be registered as an Honorary Fellow if: Honorary

- (a) that person is distinguished in any area of soil management or related industry; and
- (b) the Council is satisfied that the person is a fit and proper person to be elevated to the rank of Honorary Fellow.

20. The Council may, subject to its rules in that regard, award distinctive certificate and other honours certificate to any person, Member, Associate, Fellow or Honorary Fellow as the case may be, for any distinctive honours, achievement in any discipline or area of agriculture. Certificate and honours

### **PART III ACCREDITATION OF SOIL ANALYTICAL LABORATORIES**

21. (1) The Council shall delegate a Committee of the Council to undertake inspection of soil analytical laboratories in Nigeria for the purpose of accreditation. Accreditation
- (2) Subject to this Act, a person who has not obtained his first degree or equivalent academic qualification from an accredited institution is not eligible to be registered as a Member.

## PART IV - PROFESSIONAL DISCIPLINE

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|-----|--|-------------------------|
| 22. | In this Part, "professional misconduct" means any conduct considered by the Council to be professional misconduct and includes professional indiscipline, unjust enrichment of any person, abuse of office and corrupt practice in the conduct of a member in the public service.  | Professional Misconduct |
| 23. | (1) There is established for the Institute the Nigerian Institute of Soil Science Disciplinary Tribunal (in this Act referred to as the "Tribunal").<br><br>(2) The Tribunal shall hear and determine any case of professional misconduct against any Soil Scientist in the discharge of official duties as a professional Soil Scientist.<br><br>(3) The Tribunal shall consist of the President and six other Members to be appointed by the Council.  | Disciplinary Tribunal   |
| 24. | (1) There is, for the purpose of the proceedings before the Tribunal the Investigating Panel of the Nigeria Institute of Soil Science (in this Act referred to as the "Panel").<br>(2) The Panel shall:<br>(a) conduct preliminary investigations into any allegation of complaint of professional misconduct against any Member Associate or Fellow of the Institute; and<br>(b) decide whether or not such Member, Associate or Fellow has a case to answer before the Tribunal and where applicable, to refer such case to the Tribunal for hearing and determination.<br>(3) The panel shall consist of a chairman and 4 other members to be appointed by the Council. | Investigating Panel     |
| 25. | The Council may make rules to regulate the proceedings of the Tribunal and the Investigating Panel, but until such rules contained in the Schedule to this Act are applicable.   | Council to make rules   |
| 26. | Where:<br>(a) a Member is adjudged by the Tribunal to be guilty of professional misconduct;<br><br>(b) a Member is convicted of an offence by any court in Nigeria or elsewhere having power to sentence an offender to imprisonment (whether or not punishable with imprisonment) and the offence in the opinion of the Tribunal derogates from membership in the Institute; or   | Penalties               |

- (c) the Tribunal is satisfied that any person has been fraudulently registered in the register of Members,
- (d) The Tribunal shall give directions to the Registrar either to reprimand that Member or to strike that Member's name off the register and the Registrar shall comply with such direction.

#### **PART V – MEETINGS**

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|-----|---|---|
| 27. | The Council shall hold at least 4 Council meetings every year, but the President shall upon the requisition of at least 5 members, convene an emergency Council meeting to transact the business of the council specified in the notice of that emergency Council meeting.  | Meetings                                |
| 28. | The President shall preside at any meeting of the Council and in the absence of the President, the Vice – President shall preside, but where both President and the Vice – president are absent, members of the Council present shall elect one of them to preside at such meeting.   | President at council meetings           |
| 29. | The proceedings of the Council shall not be affected by: <ul style="list-style-type: none"> <li>(a) the absence of any member of the council;</li> <li>(b) any defect in the election or appointment of any member, or</li> <li>(c) reason that a person not entitled to attend a proceeding, has taken part in such proceeding.</li> </ul>   | Validity of proceedings                 |
| 30. | The Council may make standing orders to regulate its proceedings and those of any of its committees.  | Standing orders                         |
| 31. | <ul style="list-style-type: none"> <li>(1) The Institute shall hold an annual general meeting of the Members.</li> <li>(2) The President shall preside at any annual general meeting of the Institute and, in the absence of the president, the Vice President shall preside, and where both the President and Vice President are absent, the members present shall elect one of them to preside at such meetings.</li> </ul> | Annual general meeting of the Institute |

#### **PART VI – MISCELLANEOUS**

- |     |  |             |
|-----|--|-------------|
| (1) | The Council may make regulations to carry into effect any of the provisions of this Act. |             |
| (2) | Without prejudice to subsection (1), the Council may make regulations to:                | Regulations |

- (a) Prescribe the fees, dues and subscriptions payable by the Members;
- (b) Prescribe the forms of the licenses and certificates to be issued to Soil Scientists;
- (c) Prescribe the date procedure and agenda of the annual general meeting of the Institute; and
- (d) Specify the offices and duties of the officers of the Institute.

33. In this Act:

- "Council" means Council established under section 4(1) of this Act;
- "Institution" means Faculty, College or |University of Agriculture;
- "Member" means a Member of the Institute and includes an Associate and a Fellow of the Institute;
- "President" means President of the Institute;
- "Rank" means status of Members, Associates or Fellows;
- "Register" means a register created and maintained under section 14 of this Act;
- "Tribunal" means Tribunal established under section 23 of this Act;
- "Vice - President" means the Vice - president of the Institute;
- "Ex - officio" means the immediate past President of the Institute

Interpretation

This Act may be cited as the Nigeria Institute of Soil Science (Establishment) Act, 2016.

Citation

## **SCHEDULE**

### **NIGERIA INSTITUTE OF SOIL SCIENCE DISCIPLINARY TRIBUNAL RULES**

#### **PROCEEDINGS BEFORE THE TRIBUNAL**

##### **Parties**

1. (1) The parties to any proceeding of the Tribunal shall be:
  - (a) the complainant;
  - (b) the respondent; and
  - (c) any other person required by the Tribunal to be joined, or joined by leave of the Tribunal.

Subject to subparagraph (3) of this paragraph, parties to the proceedings may enter an appearance in person, or by their respective legal practitioners acting as counsel.

The Tribunal may require the attendance of the complainant or respondent in person if that is necessary in the interest of justice.

##### **Notice of Hearing**

2. (1) When a complaint is referred by the Panel to the Tribunal, the Registrar shall:
  - (a) after consultation with the Chairman, appoint a time and place for the hearing; and
  - (b) in the form specified in the Schedule, give notice to all interest parties (including members of the Tribunal and the assessor) as directed or required by the Chairman.
- (2) If the directions are, for any reason, not given, it is sufficient compliance with this paragraph if the notice is:
  - (a) handed to the party concerned or affected, personally, or
  - (b) sent by registered post to the last known place of abode of the party.

##### **Hearing in absence of parties**

3. (1) Subject to paragraph 2(2) of this schedule, the Tribunal may hear and determine a case in the absence of any party.

A party to any proceeding before a Tribunal who fails to appear or be represented may apply within one month after the date when the pronouncement of the findings and directions of the Tribunal were given, for a rehearing on the ground of want of notice or other good and sufficient reason, and the Tribunal in appropriate cases, may grant the application upon such terms as to costs or otherwise as it deems fit.

##### **Hearing of witnesses**

4. The Tribunal may, in the course of its proceedings, hear witnesses and receive any documentary evidence necessary in its opinion to assist it in arriving at a conclusion as to the truth or otherwise of the allegation of misconduct in the complaint referred to it by the Panel, and in the application of this paragraph, the provisions of the Evidence Act shall apply in any proceedings.

#### **Amendment of Complaint**

5. If in the course of the proceedings, it appears to the Tribunal that the complaint before it requires to be amended in any respect, the Tribunal may, on such terms as it deems fit, allow the amendment to be made and the complaint as amended shall thereupon be dealt with accordingly.

#### **Proceedings to be in public**

6. The proceedings of the Tribunal shall be held, and its findings and directions shall be delivered in public unless otherwise directed by the Tribunal.

#### **Findings and Costs in Certain cases**

7. The Tribunal may, on its own motion or upon the application of any part, adjourn the hearing, on such terms as to cost or otherwise, as the Tribunal deems fit.

#### **False evidence**

8. If any person willfully gives false evidence on oath before the Tribunal during the course of any proceedings or willfully make a false statement in any affidavit sworn to for the purpose of such proceedings, the Tribunal may refer the matter to the Attorney - General of the Federation for such action as the Attorney - General may think fit.

If after the hearing, the Tribunal adjudges that the charge of professional misconduct has not been proved, the Tribunal:

- (a) Shall record findings that the respondent is not guilty of such misconduct in respect of which the charge was preferred; and
- (b) May nevertheless order any party (except the complainant) to pay the costs of the proceedings, having regard in his conduct and to all the circumstances of the case.

#### **Publication of findings**

9. Any finding made or direction given by the Tribunal shall be published in the Federal Gazette immediately after such findings or direction, as the case may be.
10. The Chairman shall, during the hearing, take the minutes of the proceedings which shall be open to inspection by the parties and shall be made available to any party upon the payment of such charges as the Registrar may, by instrument published in the Federal Gazette, fix.

#### **Miscellaneous powers of Tribunal**

11. The Tribunal may dispense with any requirement of these Schedule regarding notices, affidavits, documents, services or time for doing or omitting anything in any case where it appears to the Tribunal to be just or expedient to do so, and the Tribunal may, in any particular case, extend the time for doing anything under the Schedule.

### **Powers to retain exhibit pending appeal**

13. Books and other exhibits produced or used at the hearing shall, unless the Tribunal otherwise directs, be retained by the Registrar until the expiry of the time for filing an appeal against any finding or direction of the Tribunal or, if notice of any such appeal is given, until the hearing and disposal of the appeal.

### **Appointment and duties of Assessors**

- 14(1) The Council shall, by instrument, appoint an Assessor who shall hold and vacate office as provided in his instrument of appointment, and where the appointment is not a general one, it shall have effect only in respect of a particular proceeding of the Tribunal.
- (2) Subject to the terms of appointment, an Assessor shall attend the proceedings of the Tribunal whenever required to do so by notice in writing given to the Assessor by the Registrar, not later than 3 days, before the date fixed for the hearing of such proceeding and the Assessor shall advise the Tribunal on questions of law only.

### **Miscellaneous**

### **Interpretation**

15. In this Schedule:

"Complainant" means a person or body who brings a complaint before the Tribunal, alleging professional misconduct against a member of the Institute;

"Respondent" means the person required to answer to any charge of professional misconduct.

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.

**MOHAMMED ATABA SANI-OMOLORI**  
CLERK TO THE NATIONAL ASSEMBLY  
4<sup>TH</sup> DAY OF JANUARY, 2017.



## Schedule to the Nigeria Institute of Soil Science (Establishment, Etc) Bill, 2016

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
Nigeria Institute of Soil Science (Establishment, Etc) Bill, 2016	An Act to establish the Nigeria Institute of Soil Science charged with the responsibility for regulating the profession of the Soil Science; and for related matters	This bill establishes the Nigeria Institute of Soil Science charged with responsibility for regulating the profession of Soil Science	8 <sup>th</sup> June, 2016	27 <sup>th</sup> October, 2016

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.

**MOHAMMED ATABA SANI-OMOLORI**

Clerk to the National Assembly

4<sup>th</sup> Day of January, 2017.

I ASSENT

**PROF YEMI OSINBAJO, SAN GCON**

Acting President of the Federal Republic of Nigeria

3<sup>rd</sup> Day of February, 2017.