

## **CHAPTER 52**

### **ENUGU STATE DIRECTORATE OF SCIENCE AND TECHNOLOGY LAW**

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CHAPTER 52

ENUGU STATE DIRECTORATE OF SCIENCE AND TECHNOLOGY  
LAW

A Law to make provisions for the promotion of science and technology, scientific and technological research and for connected purposes.

ENSL1WI  
NO. 2

[18<sup>th</sup> November 1991]

1. This Law may be cited as the Enugu State Directorate of Science and Technology Law

Short title.

2. In this Law —

- "Board" means Governing Board of the Directorate established in section 4;
- "Chairman" means Chairman of Board;
- "Directorate" means Enugu State Directorate of Science and Technology established by section 3;
- "Executive Director" means Executive Director Directorate;
- "Government" means Government of the State.
- "Governor" means Governor of the State;
- "member" means member of Board;
- "State" means Enugu State of Nigeria.

Interpretation

PART II—ESTABLISHMENT AND FUNCTIONS

3. (1) There is hereby established in the State under the office of the Governor a directorate to be known as the Enugu State Directorate of Science and Technology.

Establishment  
of the  
Directorate

(2) The Directorate shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued in its corporate name and to acquire hold and dispose of property.

4. (1) There is hereby established for the Directorate, a Board to be known as the Directorate Governing Board which shall comprise —

Establishment  
of Board

- (a) a Chairman appointed by the Governor upon such terms and conditions as may be specified in the letter or instrument by which he is appointed;

- (b) not less than five and not more than eight fit and proper persons appointed on part-time basis by the Governor; and
- (c) the following public officers

a representative each of —

- (i) the Office of the Governor;
- (ii) the Ministry for the time being responsible for matters relating to education;
- (iii) the Ministry for the time being responsible' for matters relating to commerce and industry,
- (iv) the Ministry for the time being responsible for matters relating to agriculture;
- (v) the Ministry for the time being responsible for matters relating to health;
- (vi) the Ministry for the time being responsible for matters relating to public works
- (vii) the Ministry for the time being responsible for matters relating to information. and
- (d) the Executive Director who shall have no voting rights.

(2) In making appointments pursuant to paragraph (b) of subsection (1) the Governor shall have regard for persons who are knowledgeable in the following scientific fields, that is to say —

- (a) agricultural sciences;
- (b) biological sciences;
- (c) engineering and
- (d) medical sciences;
- (e) physical sciences; and
- (f) social sciences.

(3) The persons who are members by virtue of section 4(1 l(c)) are ex-officio members,

Beard to  
exercise  
function of  
directorate

**5.** The Board is the governing body of the Directorate and shall in that capacity —

- (a) exercise all the functions and powers of the Directorate; and
- (b) do or carry out all acts or things which the Directorate is by this Law; or may by any other Law be required to do or carry out.

Validity of  
proceedings

**6.** The validity of the proceedings of the Board shall not be affected by any vacancy among the members or any irregularity in the appointment of any member.

7.(1) Subject to the pleasure of the Governor a member not being an *ex officio* member shall hold office for such period not exceeding three years as may be specified in the instrument or letter by which he is appointed.

Tenure of  
office

Provided that every such member shall be eligible for reappointment for only one more term.

(2) Notwithstanding anything contained in the instrument or letter by which he is appointed, the office of a member who is not an *ex officio* member shall become vacant if —

- (a) he resigns his office by a letter addressed by him to the Governor; or
- (b) the Governor is satisfied that it is not in the interest of the State that member shall continue in office and in writing to notifies that member accordingly.

8. There shall be paid to the members, other than *ex officio* members, such remuneration or allowances as the Governor may prescribe.

Remuneration  
and  
allowances.

9. The Board may delegate to any person or body such of the functions of the Directorate under this law as the Board thinks may be efficient for the conduct of the affairs of the Directorate,

Delegati  
on of

10. (1) The Board shall hold meetings as and when the need arises; but the Board shall hold at least one meeting in every quarter

Meeting of  
the

(2) All meetings of the Board shall be summoned at the direction of the Chairman or at the request made to the Chairman in writing by three members.

(3) At any meeting of the Board, the Chairman and six other members shall form a quorum., but where the Chairman is absent from the meeting any seven members shall form a quorum,

(4) Every meeting of the Board shall be presided over by the Chairman, but in his absence or incapacity the members present shall elect one of their number to preside at the meeting and the person so elected shall for that meeting have all the powers and privileges of the Chairman.

(5) Subject to this section, the Board may make standing orders regulating its procedure.

- (6) The Board may co-opt any person to be a member for such meeting or meetings as may be required and such person while so co-opted shall have the rights and privileges of a member except that he shall not be entitled to vote upon any question.

Function of the  
Directorate.

11.(1) Subject to this Law, the Directorate is charged with the following functions, that is to say —

- (a) to advise the Government on science policies and priorities and on scientific and technological activities generally;
- (b) to prepare periodic master plans for the development of science and technology and advise the Government on the financial requirements for the implementation of such plans;
- (c) to take such steps as it may consider necessary to facilitate the practical application of the results of scientific and technological research by Government Ministries and Departments and other agencies of the Government;
- (d) to advise on scientific and technical manpower requirements of the State and to promote manpower training for research;
- (e) to encourage and promote the commercialization of the results of scientific and technological research in the State;
- (d) to encourage and promote the acquisition and transfer of such technology appropriate for the development and utilization of such natural resources as abound in the State;
- (g) to liaise, as may be necessary, with similar bodies established by the Federal Government, State Governments and the private sector of the economy in matters relating to the development and application of science and technology;
- (h) to publish and sponsor the publication of scientific research journals as it may consider desirable;
- (h) to create and maintain an effective data bank on human and material resources available to the State for the development of science and technology;
- (i) to promote co-operation in science and technology with similar bodies established by the Federal Government, other State Governments and with international bodies connected with science and technology.

(2) In the performance of its functions under this Law, the Directorate shall have and be given access to such information and

facilities as it may consider desirable or necessary, being such information and facilities as are available in, or can be secured from or with the aid of, a Government Ministry or Department or any other agency of the Government.

**12. The Directorate shall have power —**

**(a) with the approval of the Governor —**

<sup>(i)</sup> to invest any moneys standing to the credit of the Directorate in securities and other investment;

<sup>(ii)</sup> to acquire land;

**(b) to charge and collect such fees as it considers necessary for doing anything pertaining to, or connected with, its functions under this Law;**

**(c) to do such other things as are necessary for or conducive to, the discharge by the Directorate of its functions under this Law;**

Powers of the  
Directorate.

**13. (1) The Directorate may enter into such contracts as may be necessary or expedient for giving effect to the provisions of this Law,**

**(2) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed on behalf of the Directorate by any person generally or specifically authorized by it for that purpose.**

Powers of the  
Directorate to  
enter into  
contracts

**(3) Any member who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board shall as soon as he becomes aware of the existence of such contract or arrangement forthwith disclose his interest to the Board and shall not vote on any question pertaining to such contract or arrangement.**

**14(1) The Governor shall appoint a fit and suitable person to be the Executive Director of the Directorate from the existing Staff of the Directorate.**

Appointment and  
Functions of  
Executive  
Directors

**(2) The Executive Director shall —**

**(a) be responsible for carrying out the policy decisions of the Board and for the co-ordination and direction of all functions of the departments of the Directorate;**

**(b) be responsible for the proper management of all the business of the Directorate, the upkeep and preservation of the property of the Directorate, and the overall supervision of staff matters.**

(3) The Executive Director shall carry out such functions as may from time to time be delegated to him by the Board,

Secretary 15. (1) The Board may, with the approval of the Governor, appoint a fit and proper person to be Secretary to the Directorate and the person so appointed shall act as Secretary to the Board.

(2) It shall be the duty of the Secretary —

- (a) to conduct the correspondence of the Board and keep the record of such correspondence;
- (b) to take and keep record of the proceedings of the Board;
- (e) to take charge of and keep the seal of the Directorate; and
- (d) to perform such other duties as the Board or the Executive Director may assign to him

Directions o  
the Governor.

Engagement  
of public  
servants 16. (1) For the effectual carrying out of its functions under this Law, the Directorate may request for, and with the approval of the Governor obtain, the assistance or services of any person being a person Governor in the public service of the State, and may assign to that person such general or specific duties as it considers fit.

(2) Without prejudice to subsection (1), the Board may, with the approval of the Governor —

- (a) appoint such persons as it may consider necessary to be officers and servants of the Directorate and shall determine their salaries, emoluments and other conditions of service;
- (h) grant or guarantee loans to such officers and servants for such purpose as it may approve

re of  
ce 17. Service under the Directorate shall be public service for pension purposes within the meaning of the Pensions Law in force in the State.

regulation 18. The Board may with the approval of the Governor make regulations generally relating to the schemes and conditions of service of the staff of the Directorate and, subject to this Law, may in particular make regulations for —

- (a) the appointment dismissal, discipline, remuneration and leave entitlements of staff;
- (b) appeals by such staff against dismissal or other disciplinary measures;
- (c) the retiring benefits of staff and their dependants;
- (d) the grant of loans to staff; and
- (e) the welfare and other benefits of the staff,

19. The Governor may give to the Directorate directions of a general character with regard to the exercise by the Directorate of its functions under this Law and it shall be duty of the Board to comply with such directions.

### **PART III-FUNDS AND ACCOUNTS.**

20. The funds of the Directorate shall consist of—

(a) such money as may from time to time be appropriated by the Government or the Federal Government or any of their agencies

For the purposes of the Directorate;

(b) moneys accruing to the Directorate by way of endowment, Grants, donations, gifts or otherwise.

(c) all charges made and fees received by the Directorate:

(d) such other sums of money as may in any manner become payable to or vested in the Directorate in connection with its functions under this Law.

(e) any loans made to the Directorate: and

(f) such other sums of money as may in any manner become payable to or vested in the Directorate in connection with its functions under this law.

Borrowing  
powers

21 The funds of the Directorate shall be applied by the Directorate in pursuance of its functions and obligations.

22 The Directorate shall not later than 30<sup>th</sup> day of November in each year, prepare and submit to the Governor estimates of the incomes and expenditure of the Directorate for the next ensuring financial year.

Annual  
estimate

23. The Directorate may with the approval of the Governor as to

(a) the amount which the Directorate seeks to borrow;

(b) the proposed lender;

(c) the particular purpose for which the loan is required; and

(d) the terms upon which the loan is to be raised; borrow any money required for meeting its obligations or discharging its functions under this Law

Funds  
of  
Directorate

24. (1) Immediately after the end of each financial year but not later than the 31st day of March next following, the Directorate shall —

(a) prepare a general report of its proceedings and activities during the preceding year: and

(b) transmit to the audited accounts of the Directorate.

(2) The Directorate shall —

(a) keep proper books of accounts;

(b) keep proper records relating to such accounts; and

(c) prepare in respect of each financial year a statement of accounts in form prescribed by the State Commissioner responsible for finance.

(3) The accounts of the Directorate shall be audited annually by such firm of auditors

Application  
of  
funds

Reports and  
Accounts

as the Directorate may, with the approval of the Governor, appoint in that behalf;

(4) The accounts of the Directorate together with the auditor's report thereon shall in each year be laid before the State Public Accounts Committee

## **PART IV —MISCELLANEOUS**

### **Limitation of Actions against Directorate**

25. (1) No suit against the Directorate or any member, staff or servant of Directorate for any act done or neglect or default which has occurred in the execution or intended execution of any duty or function under this Law shall be brought or instituted in any court unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of a continuing damage or injury within twelve months next after the ceasing thereof

(2) No suit shall be commenced against the Directorate until one month at least after written notice of intention to commence the suit shall have been served upon the Directorate by the intending plaintiff or his agent; and such notice shall clearly and explicitly state —

(a) the cause of action;

(b) the particulars of the claim.

(c) the name and place of abode (or of business, if a firm or corporation) of the intending plaintiff; and

(d) the relief sought by the intending plaintiff

26 The notice referred to in section 25 and any summons, notice or other document required or authorized to be served upon Directorate under this Law or any other law may, unless in any case there is express provision to the contrary, be served by —

(a) delivering the same to the Chairman or Secretary; or

(b) sending it by registered post addressed to the Secretary at the principal office of the Directorate

27 In any suit against the Directorate, no writ of execution or attachment or other process in the nature of any such writ, shall be issued against the Directorate, but any judgment debt accruing against the Directorate shall be paid from the funds of the Directorate.

Representa  
tion in  
court

Service of  
documents

Restriction on  
execution

Representati  
on in court

28 (1) At any stage of the proceedings in any suit, the Directorate may be represented by —

(a) a servant of the Directorate duly authorized in that behalf in writing by the Directorate;  
or

(b) a legal practitioner authorized in writing in that behalf by the Directorate

29 No member or servant of the Directorate shall be personally liable for any act or default of the Directorate done omitted to be done, in good faith, in the course of the business of the Directorate,

Exemption  
from liability

30. The affixing of the seal of the Directorate shall be authenticated by the signatures of the Chairman or some other person authorized, either generally or specifically, by the Directorate to act in his stead for the purpose; and of the Secretary or some other person authorized either generally or specifically by the Directorate to act in his stead for the purpose

Common seal

31 Any document purporting to be duly executed under the seal of the Directorate shall in any case be deemed to be so executed unless the Contrary is shown to be the case

32. The Directorate may with the approval of the Governor make regulations relating to such matters as in its opinion are necessary for the proper execution of the provision of this Law

Regulation