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The following is published as Supplement in this Gazette:

Act No.	Short Title	
Page		
9	National Space Research and Development Agency Act, 2010	.. A1249-
1268		

**NATIONAL SPACE RESEARCH AND DEVELOPMENT AGENCY
ACT, 2010**



ARRANGEMENT OF SECTIONS

SECTION:

PART I – ESTABLISHMENT OF THE NATIONAL SPACE RESEARCH AND
DEVELOPMENT AGENCY

1. Establishment of the National Space Research and Development Agency.
2. Establishment and Composition of the Council of the Agency.
3. Tenure of Office.
4. Cessation of Membership.
5. Remuneration of non Ex-Officio members of the Council.

PART II – FUNCTIONS OF THE AGENCY AND POWERS OF THE COUNCIL

6. Functions of the Agency.
7. Powers of the Council.

PART III – STRUCTURE OF THE AGENCY, ETC.

8. Headquarters, Offices and Departments of the Agency.
9. Licensing of Activities.
10. Maintenance of register of space objects.
11. Development Centres of the Agency.

PART IV – STAFF OF THE AGENCY.

12. Secretary to the Council.
13. Appointment of principal officers of the Agency.
14. Appointment and functions of the Director-General.
15. Appointment of Directors and other members of staff of the Agency.
16. Appointment of Director for Finance and Administration.
17. Directors in the Technical Departments.

18. Appointment of Director of a Centre
19. Remuneration of employees of the Agency.

A 1250 2010 No.9

National Space Research and Development Agency Act

20. Staff Regulation.
21. Removal and Discipline of Staff.
22. Pensions.
PART-V FINANCIAL PROVISIONS.
23. Fund of the Agency.
24. Expenditure of the Agency.
25. Exemption from payment of income Tax.
26. Investment of income.
27. Submission of Programme, Income and Expenditure Estimates to the Council.
28. Audit and Accounts.
29. Annual Report.
PART VI – MISCELLANEOUS.
30. Power to purchase, build or lease property.
31. Power to sell or lease out property.
32. Power to borrow.
33. Power to accept gift.
34. Commencement of suit or action and service of notice.
35. Power to make regulations.
36. Interpretation.
37. Citation.

SCHEDULE.

**NATIONAL SPACE RESEARCH AND DEVELOPMENT AGENCY
ACT, 2010**

2010 ACT No.9

AN ACT TO ESTABLISH THE NATIONAL SPACE RESEARCH AND DEVELOPMENT
AGENCY FOR, AMONG OTHER THINGS, THE ENCOURAGEMENT OF CAPACITY
BUILDING IN SPACE SCIENCE TECHNOLOGY DEVELOPMENT AND MANAGEMENT
DEVELOP SATELLITE TECHNOLOGY FOR VARIOUS APPLICATIONS AND FOR
RELATED MATTERS

[27th Day of August, 2010]

Commencement

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

PART I-ESTABLISHMENT OF THE NATIONAL SPACE RESEARCH AND
DEVELOPMENT AGENCY

1.— (1) There is established the National Space Research and

Establishment of

Development Agency (in this Act referred to as “the Agency”).
Space
and

National
Research

(2) The Agency:

Development

(a) Shall be a body corporate with perpetual succession and
a common seal; and

Agency.

(b) may sue or be sued in its corporate name.

2.-(1) There is established for the Agency the National Space
Council (in this Act referred to as “the Council”)

Establishment and
composition of the

(2) The Council shall consist of:

Council of the

(a) the President of the Federal Republic of Nigeria as Chairman;

Agency.

(b) the Vice-President as Vice-Chairman;

(c) the Minister of Science and Technology;

(d) the Minister of Defence;

- (e) the Minister of Interior;
- (f) the Chairman of National Planning Commission;
- (g) the Minister of Information and Communication;
- (h) the Minister of Education;
- (i) the Attorney-General of the Federation and Minister of Justice;
- (j) the Director-General of the Agency;

A1252 2010 No.9 National Space Research and Development Agency Act

(k) 3 distinguished scientists, 2 of whom must have relevant knowledge and experience in space science and technology drawn from the National Academy of Science and Council of Registered Engineers.

Schedule. (3) the supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Council and other matters contained therein.

Tenure of Office. 3. A member of the Council, other than an ex-officio member or the Director-General, shall hold office for a term of 4 years and may be eligible for another term of 4 years and no more.

Cessation of Membership. 4. —(1) Notwithstanding the provisions of section 3 of this Act, a member of the Council shall cease to hold office if he:

- (a) Resigns his appointment by notice under his hand addressed to the President;
- (b) Becomes of unsound mind;
- (c) Is convicted of a felony or any other offence involving dishonesty or corruption;
- (d) Becomes bankrupt or makes a compromise with his creditors; or
- (e) Becomes incapable of carrying out the functions of his office either arising from an infirmity of mind or body.

(2) A member may, at any time be removed from office by the President--

- (a) for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour; or
- (b) if he is satisfied that it is not in the interest of the Agency or of the

public for the member to continue in office.

Remuneration shall be in accordance with such rates as may be determined by the Revenue Mobilization, Allocation and Fiscal Commission

Of non-ex-officio Members of the Council.

PART II--FUNCTIONS OF THE AGENCY AND POWERS OF THE COUNCIL

Functions of the Agency shall be the

6. The Agency shall--
(a) encourage capability building in space science technology development and

management, thereby strengthening human resources development required for the implementation of the national space programmes;

(b) develop satellite technology for various applications and operationalize indigenous space systems for providing space services and shall be the

National Space Research and Development Agency Act

2010 No.

A 1253

government agency charged with the responsibility for building and launching satellites;

(c) enhance the development and entrenchment of research, development

and production tradition in the Agency, so as to achieve a high output and make the desired impact on national economic and social development;

(d) promote the co-ordination of space application programmes, for the purpose of optimizing resources and develop space technologies of direct relevance to national objectives;

(e) develop national strategies for the exploitation of the outer space and make these part of the overall national development strategies, and implement

strategies for promoting private sector participation in the space industry;

(f) establish and supervise relevant centres and units for the purpose of executing the national space programme;

(g) establish information network to promote exchange of information in order to facilitate communication and transmission of data concerning the activities of the agency;

(h) collaborate with international research centres, non-governmental organizations, universities, industries and other national and international

space agencies and authorities;

(i) promote active participation of Nigeria in the activities of the United Nations Committee on the Peaceful Uses of Outer Space and other United Nations Specialized Agencies involved in space science and technology applications;

applications;

(j) provide support for universities and other academic institutions in the country for research and development projects relevant to the national space programme;

(k) be the repository of all satellite data over Nigeria's territory and accordingly, all collaborations and consultation in space data related matters in Nigeria shall be carried out or undertaken by or with the Agency;

(l) review the national policy on space including long range goals and develop a strategy for national space issues; and

(m) undertake such other activities as are necessary or expedient for the carrying out of the functions of the Agency and promotion of space science and technology in Nigeria.

7. The Council shall have power to---

Powers of

Council.

(a) approve the opening of ordinary and domiciliary accounts for

the

Agency in recognized banking institutions in Nigeria, subject at any time, to the prevailing Government regulation;

A 1254 2010 N0.9

National Space Research and Development Agency Act

(b) grant approval for the Agency to enter into research and production

partnerships with any company, Non-Governmental Organisation, firm or individual;

(c) appoint technical consultants to advise it from time to time as the need and situation may arise; and

(d) do such other things as are necessary for the successful performance of the function of the Agency.

PART III---STRUCTURE OF THE AGENCY, ETC.

Headquarters,
Federal
offices and
Departments
of the
Agency.

8. ---(1) The Headquarters of the Agency shall be situated in the Capital Territory, Abuja.

(2) There shall be at the headquarters the following offices and Department---

(a) Office of the Director-General and Chief Executive;

- (b) Department of Engineering and Space Systems;
- (c) Department of Administration and Finance;
- (d) Department of Strategic Space Applications;
- (e) Department of International Cooperation;
- (f) Department of Policy, Planning and Research;
- (g) Department of Mission Planning and Satellite Data Management; and
- (h) Department of Procurement.

(3) The Agency shall have the power to establish other departments and division as the need arises.

(4) Each Department shall be headed by a Director and each Division shall be headed by a Deputy Director.

(5) The Units shall be headed by officers not below the rank of an Assistant Director.

Licensing have of activities stated in activities. Section 6(k) of this Act.

9.-(1) The Council, on the recommendation of the Agency, shall have power to grant licence to any person or body corporate for activities stated in activities. Section 6(k) of this Act.

(2) No licence shall be granted unless the Council is satisfied that the activities authorized by the licence:

- (a) will not jeopardize public health, the safety of persons or property;

(b) shall be consistent with the international obligations of the Federal Republic of Nigeria; and

(c) shall not impair the national security of the Federal republic of Nigeria.

may

(3) A licence shall describe the activities authorized by it and shall be granted for such period and subject to such conditions as the Council deems fit.

(4) A licence may, in particular, contain conditions:

- (a) permitting inspection and testing of the licensee's facilities and equipment by the Council;
- (b) requiring the licensee to provide the Council as soon as possible with information as to--
 - (i) the space object,
 - (ii) the date and territory or location of launch; and
 - (iii) the basic orbital parameters, including modal period, inclination, Apogee and Perigee and such other information as the Council may require concerning the nature, conduct, location and result of the licensee's activities;
- (c) permitting the Council to inspect and take copies of documents relating to the information required to be given to it;
- (d) requiring the licensee to obtain advance approval from the Council for any intended deviation from the orbital parameters, and to inform the council immediately of any unintended deviation;
- (e) requiring the licensee to conduct operations in such a way as to--
 - (i) prevent the contamination of outer space or cause adverse changes in the environment of the earth,
 - (ii) avoid interference with the activities of others involved in the peaceful exploration and use of outer space,
 - (iii) avoid breach of any international obligations of the Federal Republic of Nigeria, and
 - (iv) preserve the national security of the Federal Republic of Nigeria;
- (f) requiring the licensee to insure himself against liability incurred in respect of damage or loss suffered by third parties in the Federal Republic of Nigeria or elsewhere as a result of the activities authorized by the licence;

A 1256 2010 No.9

National Space Research and Development Agency Act

- (g) governing the disposal of the payload in outer space on the termination of operations under the licence and requiring the licensee to inform the Council

as soon as practicable of its final disposal; and

(h) providing for the termination of the licence on a specified time and event.

Maintenance of register of space objects. **10.**--- (1) The Agency shall maintain a register of Space Objects.

(2) There shall be entered in the register particulars of such objects as the Agency considers appropriate to comply with the international obligations of the Federal Republic of Nigeria.

(3) Any person may inspect a copy of the register on payment of such fees as the Agency may prescribe.

Development Agency **11.** ---(1) To achieve the objectives of the space policy, the

Centres of the Agency shall operate through the following Development Centres---

- (a) National Centre for Remote Sensing, Jos;
- (b) Centre for Space Science and Technology Education, Ile, Ife;
- (c) Centre for Satellite Technology Development, Abuja;
- (d) Centre for Space Transportation and Propulsion, Epe;
- (e) Centre for Geodesy and Geodynamics, Toro; and
- (f) Centre for Basic Space Science and Astronomy, Nsukka.

(2) The National Centre for Remote Sensing, Jos, Plateau State

shall--

(a) be responsible for harmonizing research and development in space

science and technology, application for sustainable socio-economic development of Nigeria;

(b) go into satellite data acquisition, archiving and distribution; and

(c) develop application solutions and establish a multi-source satellite

receiving station.

(3) The Centre for Space Science and Technology Education, Ile-Ife, Osun State shall--

(a) develop curriculum, skills and knowledge of university educators, research scientists and other professionals in the application of remote sensing; and

(b) train professionals and personnel in the application or remote sensing, meteorology, communications and geographical information systems for sustainable development of Nigeria.

(4) The Centre for Satellite Technology Development, Abuja shall develop
trained engineers and scientists in the rudiments or satellite technology building,
launching, telemetry, tracking and control of all kinds of satellite through earth
observation, communications, meteorology and scientific research.

(5) the Centre for Space Transportation and Propulsion, Epe, Lagos State
shall ensure and sustain rapid advances in the propulsion systems science and
technology and rocketry.

(6) The Centre for Geodesy and Geodynamics, Toro Bauchi State shall—

(a) facilitate and sustain the growth in capacity for geodesy surveying and
mapping;

(b) monitor crustal deformation and subsidence, due to excessive oil and gas
exploitation, global mean sea level rise and other related seismic and geodynamic
phenomena

(c) implement international agreements with regard to—

(i) Satellite Laser Ranging (SLR),

(ii) Very Long Baseline Interferometry (VLBI); and

(iii) Co-operative International Geophysical Survey Network.

(7) The Centre for Basic Space Science and Astronomy, Nsukka, Enugu
State shall—

(a) provide sound education, research and knowledge in—

(i) basic space science,

(ii) astronomy and astrophysics,

(iii) solar territorial physics,

(iv) cosmology and origin of life,

(v) ionosphere physics,

(vi) rocketry and balloons,
(vii) geomagnetism; and
(b) design and fabricate appropriate systems, instrumentations
telescopes and
other observatory equipment.

(8) The Centres shall carry other activities that are necessary for the
successful implementation of their mandates.

(9) Each Centre of the Agency shall have—

(a) Administration and Finance; and

A 1258 2010 NO.9 National Space Research and Development Agency Act

(b) Technical Divisions, which shall not be more than 4 and if more
divisions are to be established, it shall be with the approval of the Council
or the Minister.

(10) The Agency may, with the approval of the Council, establish other
centres which shall be located in such places in Nigeria as may be selected
by
the Agency.

PART IV—STAFF OF THE AGENCY.

Secretary to **12.**—(1) The Director-General shall be the Secretary to the Council and
shall the Council. be in charge of the Secretariat of the Council .

(2) The Secretary of the Council shall carry out such functions and
duties as the Council may assign including functions specified in
subsection (3a) –

(d) of the section.

(3) The Secretary of the Council shall, in addition to such other
functions
and duties as the council may assign to him;

(a) prepare the minutes of meetings of the Council and its
Committees;

(b) keep and secure the records of the Council;

(c) issue notices of meetings of the Council and other
correspondences as

may be directed by the Minister; and

(d) ensure proper dissemination of the decisions of the Council to the appropriate persons, institutions or authorities.

Office of the
and
Director-
General and
Other
Directorates.

13. The Agency shall establish the office of the Director-General

such other directorates as may be established from time to time.

Appointment
by
and
confirmation

14.—(1) There shall be a Director-General for the Agency appointed

the President on the recommendation of the Council subject to confirmation

functions of
the

by the Senate.

Director-
years
General

(2) The Director-General shall be a person with a minimum of 15

demonstrable research experience in science and technology and knowledgeable in space science.

(3) The Director-General shall---

(a) be the Chief Executive of the Agency;

National Space Research and Development Agency Act

2010 No.9 A

1259

(b) implement the policy and programmes of the Agency;

(c) carry out the day-to-day administration of the Agency;

(d) co-ordinate the activities of the Centres;

(f) supervise the activities of the Directors in the Agency and

(g) report to the Council through the Minister of Science and Technology.

(4) The Director-General shall hold office for a term of 5 years in the first instance and may be eligible for another term of years and no more.

15.—(1) The Minister shall on the recommendation of the Director-Appointment

General appoint well qualified and experienced persons to hold the office of
Directors

and be in charge of:

and other
members

of

(a) Finance and Administration as Director; and

staff of the

(b) Technical Departments and Centres as Directors. Agency.

(2) The Minister shall, on the recommendation of the Director-General, appoint for the Agency other staff as he may consider necessary for the performance of the functions set out in this Act.

16.---(1) The Director of Finance and Administration shall hold a
Appointment
university degree or its equivalent, with an adequate experience in of
Director
administration. for Finance
and

(2) The Director of Finance and Administration shall: administra
- (a) be the head of the Finance and Administration Department of the
tion
Agency.

(c) Prepare draft expenditure estimates and development plan of his
Department; and

(c) perform such other functions as may be determined by the Director-
General or the Council.

17.---(1) The Directors in the Technical Departments shall assist the Directors
in
Director-General in the management of the Agency. the
Technical

Department

(2) A Director in a Technical Department shall be a professional with
adequate practical experience in the subject area which he is in charge of.

(3) A Director of a Technical Department shall—

(a) be the head of the professional department of the Agency which he
Co-ordinates;

(b) supervise work of the technical officers and Assistant Directors in
his Department.

A 1260 2010 No.9

National Space Research and Development Agency Act

(c) Supervise the work of the Research Scientists and
Assistant

Research Fellows in the Department;

(d) prepare draft expenditure estimates and development plans
of his

Department; and

(e) perform such other functions as may be determined by the

Director-General or the Council.

Appointment
Council
of Director
of a Centre

18. ---(1) The Director of a centre shall be appointed by the Council on the recommendation of the Director-General.

(2) The Director of a centre shall be a professional with a minimum of

12 years practical experience in the activity area of the Centre which he is in charge.

(3) the Director shall coordinate the activities of the centre and has the same responsibility as a Director of a Technical Department in the Agency.

Remuneration
Agency
as may
of employees
and
of the Agency.

19. The salaries and benefits of all the members of staff of the Agency shall be in accordance with the conditions of service of the Agency be approved by the Council on the recommendation of the Salaries and Wages Commission.

Staff
conditions
regulation.
Federation

20. The Council may make staff regulations and adopt staff conditions of service, which are independent of the Civil Service of the Federation and which may provide for---

- (a) The remuneration of members of staff of the Agency; and
- (b) Appointment, promotion, fringe benefits and productivity incentive of members of staff of the Agency.

Removal and
discipline of
office by
staff.
process has
removed

21.---(1) The Directors of the Agency may be removed from office by the Council on the recommendation of the Minister after due process has been followed.

(2) Any other senior member of staff of the Agency may be removed from office by the Minister on the recommendation of the Director-General after due process has been followed.

(3) The removal from office of a junior staff shall be by the Director-General on the recommendation of the Director of Finance

and Administration after due process has been followed.

Pensions **22.** Service in the Agency shall be approved service under the

Act, 2004 No. 2 Pension Act, accordingly, officers and employees of the Agency shall, in respect of their services be entitled to pension and other retirement benefits as are prescribed thereunder.

National Space Research and Development Agency Act **2010 NO.9 A**
1261

PART V – FINANCIAL PROVISIONS

23.---(1) The Agency shall establish a fund from which shall be defrayed all expenditure incurred by the Agency for the purpose of this Act.

(2) There shall be paid and credited to the Fund

- (a) allocations from the Federal Government budget
- (b) foreign aid and assistance from bilateral and multilateral agencies
- (c) fees charged for services rendered by the Agency; and
- (d) all sums accruing to the Agency by way of gifts, endowments, bequest or other voluntary contributions by persons and organization.

24. The Agency shall apply the funds at its disposal to---

(a) the cost of establishing and maintaining the Headquarters of the Agency; of the Agency.

(b) pay the emoluments and entitlements of the Director-General and non ex-officio members of the Council and the committees of the Agency.

(c) pay the personnel, overhead allowances, benefits and other Administrative costs of the Agency;

(d) the cost of establishing and operating centres and units;

(e) other research, development and production activities necessary for the achievement of the objectives of the Agency;

(f) the training of members of staff of the Agency and provision of Scholarships and awards for specialized training of personnel;

(g) publicise and promote research and development results for adoption by industrial establishments.

(h) support the National Council for Science and Technology and the Annual Science and Technology Week Celebration;

(i) support scientific bodies whose activities are related to the functions of the Agency; and

(j) undertake any other activity in connection with all or any of the

functions of the Agency.

25. All income derived by the Agency from the sources specified in exemption

Section 23(2) of this Act shall be exempted from income tax and all from

Contributions to the fund of the Agency shall be tax deductible. Payment

tax

income

A 1262 2010 No.9

National Space Research and Development Agency Act

Investment
invest

26. Subject to the approval of the Council, the Agency may

of Income

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 of the Agency.

Submission

27. The Agency shall submit to the Council, not later than 31st July in

of
programme,
income and
expenditure
estimates to
the Council.

each year, its programme of work and estimates of its income and expenditure for the following year

Audit and
Account.

28. The Accounts of the Agency shall be audited not later than 6 months after the end of the year to which they relate by auditors appointed by the Agency from the list of auditors supplied and in accordance with the guidelines issued by the Auditor-General for the Federation.

Annual

29.---(1) The Agency shall prepare and submit to the Council not

report.

Later than 30th June in each year, a report on the activities of the Agency, audited accounts of the Agency and the auditors' report for each year preceding the report.

(2) The Agency shall, not later than 30th September in each year,

submit to the Council, the annual report of each of its centers for the preceding year.

PART VI---MISCELLANEOUS.

Power to necessary Purchase, Land Build or lease Property. **30.** For the purpose of providing offices and premises for the performance of its functions, the Agency may, subject to the Use Act---
(a) purchase or take on lease any interest in land, building or Property; and
(c) Build, equip and maintain offices and premises.

Power to sell out or lease out the Property. **31.** The Agency may, subject to the Land Use Act, sell or lease any land, office or premises held by it, which is no longer required for Performance of its functions under this Act.

Power to borrow. **32.** The Council may, with the consent of or in accordance with the General authority given to it by Government, borrow by way of loan or overdraft from any source or money required by the Agency for meeting its obligations in the discharge of its functions under this Act.

Power to or loan, Accept gift. person **33.** The Agency may accept gift of land, money, property upon such terms and conditions if any, as may be specified by the or organization making the gift provided that the conditions attached by

National Space Research and Development Agency Act. **2010 No.9 A 1263**

the person making the gifts are not inconsistent with the objectives of the Agency and the Federal Government Policy.

34.---(1) A suit shall not be commenced against the Agency, before Commence- the expiration of a period of one month, after written notice of intention ment of suit to commence the suit shall have been served upon the Agency by the or action and

intending plaintiff or his agent, and the notice shall clearly and explicitly notice.
state the---

- (a) Cause of action;
- (b) Particulars of the claim;
- (c) Name and place of abode of the intending plaintiff; and
- (d) Relief which he claims.

(2) The notice referred to in subsection (1) of this section and any Summons, notice or other documents required or authorized to be served upon the Agency under this Act or any other enactment or law, may be served by---

- (a) Delivering the same to the Director-General;
- (b) Sending it by registered post to the registered address of the Agency.

(3) In any action or suit against the Agency, no execution or process in the nature thereof shall be issued against the Agency, but if the judgment of the court be awarded against the Agency, it shall be paid from the general reserve of the Agency.

35. The Council may make regulations generally for the purpose of giving effect to the provisions of this Act, facilitating the discharge of the Agency's functions or pursuing the Agency objectives regulations.

36. In this Act---

Interpretation.

"Agency" means the National Space Research and Development Agency established under section 1 (1) of this Act;

"Centre" means Development Centres of the Agency established under section 11 of this Act;

"Chairman" means the Chairman of the Council of the Agency appointed under section 2(2)(a) of this Act;

"Council" means the National Space Council of the Agency established by section 2 of this Act;

"Fund" means the Fund of the Agency established under section 23(1) of this Act;

"Member" means a member of the Council and includes the Chairman;

"Minister" means the Minister responsible for science and technology;

A 1264 2010 No.9

National Space Research and Development Agency

"Principal Officer" means the Director-General and any of the Directors Appointed under this Act;

"Public Service" has the meaning assigned to it in the Constitution of

the Federal Republic of Nigeria;
"Secretary" means the Secretary of the Council appointed under
section
12(1) of this Act; and
"Technical Officer" includes scientists, engineers and lawyers working
in the Agency.

Citation. **37.** This Act may be cited as the National Space Research and
Development
Agency Act, 2010.

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Proceeding of the Council

1. Subject to this Act and section 27 of the Interpretation Act, the Council may make standing orders regulating the proceedings of the Council or any of its committees.

2. At any meeting of the Council, the Chairman shall preside and in his absence,
and in his absence, the Vice-Chairman shall preside at the meeting and in his absence, members present at the meeting shall appoint one of them to preside at the meeting.

3. The Council shall meet, not less than 4 times in each year, and the Council shall meet whenever it is summoned by the Chairman.

4. The quorum for the meetings of the Council shall be 5.

5. The Council shall meet for the conduct of business at such places and on such days as the Chairman may appoint.

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

7. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.

8. Where the Council desires to seek the advice of any person on a particular matter, the council may co-opt the person as a member for such period as it deems fit, but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards the quorum.

9. Subject to the provisions of the Act, the Council shall have power to regulate its proceedings and may, make standing orders with respect to the—

- (a) holding of its meeting and those of its committees;
- (b) notice to be given;
- (c) proceedings of the council;
- (d) keeping of minutes of such proceedings; and
- (e) custody and production for inspection of such minutes.

Committees

10. The Council may set up one or more committees to carry out on its behalf such functions as it may determine.

11. A committee set up under this Schedule shall consist of such number of persons (not necessarily all members of the Council), as may be determined by the Council, and a person other than members of the Council shall hold office on the committee in accordance with the terms of his appointment.

12. A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

13. The fixing of the seal of the Agency shall be authenticated by the signature of the Director-General or of some other person authorized generally by the Council to act for that purpose.

14. A contract or instrument which, if made or executed by any 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 any person generally or specially authorized by the Council to act for that purpose.

15. The validity of any proceeding of the Council or its committees, shall not be affected by---

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

16. A member of the Council and any person holding office on a committee of the Council who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee shall---

- (a) disclose his interest to the council or committee, as the case may be ; and
- (b) not vote on any question relating to the contract or arrangement.

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.

SALISU ABUBAKAR MAIKASUWA, mni
Acting Clerk to the National Assembly
16th Day of August, 2010

EXPLANATORY MEMORANDUM

This Act establishes the National Space Research and Development Agency for, among other things, to encourage capacity building in space science technology development and management, develop satellite technology for various applications and enhance the development and entrenchment of research.