

Extraordinary



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FEDERAL UNIVERSITY OF EDUCATION, KONTAGORA
(ESTABLISHMENT) BILL, 2019
ARRANGEMENT OF CLAUSES

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FIRST SCHEDULE

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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL UNIVERSITY OF EDUCATION, KONTAGORA; AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Senator Aliyu Sabi Abdullahi

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE
2 FEDERAL UNIVERSITY OF EDUCATION, KONTAGORA

3 1.-(1)There is hereby Federal College of Education, Kontagora
4 upgraded and established as the Federal University of Education,
5 Kontagora.

Establishment
and Objectives
of the Federal
University of
Education,
Kontagora

6 (2)The University shall be a body corporate with perpetual
7 succession and a common seal and may sue or be sued in its corporate name.

8 (3) The University shall be a training institution for the
9 development of teacher Education in the country.

10 (4) The University shall be supervised by the Federal Ministry of
11 Education through the National Universities Commission (NUC) who shall
12 be responsible for approving and regulating all academic programmes run in
13 the University, to ensure quality compliance and provide funds for academic
14 and research programmes, infrastructures and remunerations of
15 employees.

16 (5) The objects of the University shall be-

17 (a) to encourage the advancement of learning and to hold out to all
18 persons without distinction of race, creed, sex or political conviction.

19 (b) to develop and offer academic and professional programmes
20 leading to the award of certificates, first degrees, post-graduate research,
21 diploma and higher degrees with emphasis on planning, developmental and

1 adaptive skills in Education, technology, applied science, agriculture,
2 commerce, arts, social science, humanities, management and allied
3 professional disciplines;

4 (c) to produce socially mature Educational men and women with
5 capabilities not to only understand Educational need of Nigeria as a nation, but
6 also to exploit existing Educational infrastructure and improve on it to develop
7 new ones;

8 (d) to act as agents and catalysts for effective Educational system,
9 through post graduate training , research and innovation, for effective
10 economic utilization and conservation of the country's human resources;

11 (e) to bring quality change in Education by focusing on teacher
12 Education through teaching and learning innovations;

13 (f) to collaborate with other national and international institutions
14 involved in training, research and development of Education with a view to
15 promoting governance, leadership and management skills among Educational
16 managers;

17 (g) to identify Educational needs of the society with a view to finding
18 solutions to them within the context of overall national development;

19 (h) to provide and promote sound basic Education training as a
20 foundation for the development of Nigeria, taking into account indigenous
21 culture and the need to enhance national unity;

22 (i) to provide higher Education and foster a systematic advancement
23 of the science and act of teacher Education;

24 (j) to provide for instruction in such branches of teacher Education as
25 it may deem necessary to make provision for research advancement and
26 dissemination of knowledge in such manner as it may determine;

27 (k) to provide teachers with operational competence for teaching in
28 pre-tertiary institutions, basic, senior secondary schools and non-formal
29 Education institutions;

30 (m) to undertake any other activities that is appropriate for a

1 University of Education of the highest standard.

2 **2.-** (1) The University shall consist of-

Constitution and
Principal Officers
of the University

3 (a) a Chancellor;

4 (b) a Pro-Chancellor and a Council;

5 (c) a Vice-Chancellor and a Senate;

6 (d) a body to be called Congregation;

7 (e) a body to be called Convocation;

8 (f) the campuses and colleges of the University;

9 (g) the colleges, institutes and other teaching and research units of
10 the University;

11 (h) the persons holding the offices constituted by the First Schedule
12 to this Bill other than those mentioned in paragraphs (a) to (c) of this
13 subsection;

14 (i) all graduates and undergraduates of the University; and

15 (j) all other persons who are members of the University in
16 accordance with provisions made by statute in that behalf.

17 (2) The First Schedule to this Bill shall have effect with respect to
18 the principal officers of the University.

19 (3) Subject to section 5 of this Bill provision shall be made by
20 statute with respect to the constitution of the Council, the Senate,
21 Congregation and Convocation.

22 **3.-**(1) For the carrying out of its objects as specified in section 1 of
23 this Bill, Federal; University of Education, Kontagora shall have power:

Powers of Federal
University of
Education,
Kontagora and
its exercise

24 (a) to offer courses of instruction, training and research in
25 Education and allied areas for the production of quality and skilled teachers
26 required to teach at lower, middle and higher levels of Education in Nigeria
27 in particular and the world at large;

28 (b) to establish such colleges, campuses, institutes, schools,
29 departments and other teaching and research units within the University as
30 may from time to time be deemed necessary or desirable subject to the

1 approval of National Universities Commission;

2 (c) to institute professorships, readerships or associate
3 professorships, lectureships, and other posts and offices and to make
4 appointments thereto;

5 (d) to institute and award fellowships, scholarships, exhibitions,
6 bursaries, medals, prizes and other titles, distinctions, awards and forms of
7 assistance;

8 (e) to provide for the discipline and welfare of members of the
9 University;

10 (f) to hold examinations and grant degrees, diplomas, certificates and
11 other distinctions to persons who have pursued a course of study approved by
12 the University and have satisfied such other requirements as the University
13 may lay down;

14 (g) to grant honorary degrees, fellowships or academic titles;

15 (h) to demand and receive from any student or any other person
16 attending the University for the purposes of instruction, such fees as the
17 University may from time to time determine subject to the overall directives of
18 the Minister;

19 (i) subject to section 20 of this Bill, to acquire, hold, grant, charge or
20 otherwise deal with or dispose of movable and immovable property wherever it
21 is situate;

22 (j) to accept gifts, legacies and donations, but without obligation to
23 accept the same for a particular purpose unless it approves the terms and
24 conditions attached thereto;

25 (k) to enter into contracts, establish trusts, act as trustee, solely or
26 jointly with any other person, and employ and act through agents;

27 (l) to erect, provide, equip and maintain libraries, laboratories,
28 workshops, lecture halls, halls of residence, refectories, sports grounds,
29 playing fields and other buildings or things necessary, suitable or convenient
30 for any of the objects of the University;

1 (m) to hold public lectures and to undertake printing, publishing
2 and book selling;

3 (n) subject to any limitations or conditions imposed by statute, to
4 invest any moneys appertaining to the University by way of endowment it,
5 not being immediately required for current expenditure in any investments
6 or securities or in the purchase or improvement of land, with power from
7 time to time, to vary any such investments to deposit any moneys for the
8 time being not invested with any bank on deposit or current account;

9 (o) to borrow, whether on interest or not and if need be upon the
10 security of any or all of the property, movable or immovable, of the
11 University, such moneys as the Council may from time to time in its
12 discretion find it necessary or expedient to borrow of to guarantee any loan,
13 advances or credit facilities;

14 (p) to make gifts for any charitable purpose;

15 (q) to do anything which it is authorized or required by this Bill or
16 by statute to do; and

17 (r) to do all such acts or things, whether or not incidental to the
18 foregoing powers, as may advance the objects of the University.

19 (2) Subject to the provisions of this Bill and of the statutes and
20 without prejudice to section 7(2) of this Bill, the powers conferred on the
21 University by subsection (1) of this section shall be exercisable on behalf of
22 the University by the Council or by the Senate or in many other manner
23 which may be authorized by the statute.

24 (3) The power of the University to establish further campuses and
25 colleges within the University shall be exercisable by statute and not
26 otherwise.

27 4.-(1)The Chancellor shall, in relation to the University, take
28 precedence before all other members of the University, and when he is
29 present, shall preside at all meetings of Convocation held for conferring
30 degrees.

Functions of the
Chancellor and
Pro-Chancellor

Composition,
Tenure and
Powers of the
Council of the
University

1 (2) The Pro-Chancellor shall, in relation to the University, take
2 precedence before all other members of the University, except the Chancellor
3 and except the Vice-Chancellor when acting as chairman of Congregation or
4 Convocation and the Pro-Chancellor shall, when he is present, be the chairman
5 at all meetings of the Council.

6 **5.-(1)**The Council of the University shall consist of-

7 (a) the Pro-Chancellor who shall be appointed by the President on the
8 recommendation of the Honourable Minister of Education;

9 (b) the Vice-Chancellor;

10 (c) the Deputy Vice-Chancellor(s);

11 (d) one person from the Ministry responsible for Education;

12 (e) four persons representing a variety of interests and broadly
13 representative of the whole Federation to be appointed from:

14 (i) the Teacher's Registration Council;

15 (ii) Tertiary Education Trust Fund; and

16 (iii) two other persons, one of whom shall be a representative of the
17 University host community.

18 (f) four persons appointed by the Senate from among its members;

19 (g) two persons appointed by Congregation from among its members;

20 (h) one person appointed by Convocation from among its members;

21 (i) two persons representing the community appointed by the
22 President.

23 (2) Persons to be appointed to the Council shall be of proven integrity,
24 knowledgeable and familiar with the affairs and tradition of the University.

25 (3) The Council so constituted shall have a tenure of four years from
26 the date of its inauguration provided that where a Council is found to be
27 incompetent and corrupt, it shall be dissolved by the Visitor and a new Council
28 shall be immediately constituted for the effective functioning of the University.

29 (4) The powers of the Council shall be exercised, as in this Bill and to
30 that extent establishment circulars that are inconsistent with this Bill shall not

1 apply to the University.

2 (5) The Council shall be free in the discharge of its functions and
3 exercise of its responsibilities for the good management, growth and
4 development of the University.

5 (6) The Council in the discharge of its functions shall ensure that
6 disbursement of funds of the University complies with the approved
7 budgetary ratio for-

8 (a) personnel cost;

9 (b) overhead cost;

10 (c) research and development;

11 (d) library developments; and

12 (e) the balance in expenditure between academic vis-à-vis non-
13 academic activities.

14 6.-(1) Subject to the provisions of this Bill relating to the Visitor, the
15 Council shall be the governing body of the University and shall be charged
16 with the general control and superintendence of the policy, finances and
17 property of the University.

Functions of the
Council and its
Finance and
General Purpose
Committee

18 (2) There shall be a committee of the Council, to be known as the
19 Finance, and General Purposes Committee, which shall, subject to the
20 directions of the Council, exercise control over the property and expenditure
21 of the University and perform such other functions of the Council as the
22 Council may from time to time delegate to it.

23 (3) Provision shall be made by statute with respect to the
24 constitution of the Finance and General Purposes Committee.

25 (4) The Council shall ensure that proper accounts of the University
26 are kept and that the accounts of the University are audited annually by an
27 independent firm of auditors approved by the Council and that an annual
28 report is published by the University together with certified copies of the
29 said accounts as audited.

30 (5) Subject to this Bill and the statutes, the Council and the Finance

1 and General Purposes Committee may each make rules for the purpose of
2 exercising any of their respective functions or of regulating their own
3 procedure.

4 (6) Rules made under sub-section (5) of this section by the Finance
5 and General Purposes Committee shall not come into force unless approved by
6 the Council; and in so far and to the extent that any rules so made by that
7 Committee conflict with any direction given by the Council, whether before or
8 after the coming into force of the rules in question, the directions of the Council
9 shall prevail.

10 (7) There shall be paid to the members respectively of the Council, the
11 Finance and General Purposes Committee and of any other committee set up
12 by the Council, allowances in respect of travelling and other reasonable
13 expenses, at such rates as may from time to time be fixed by the Minister.

14 (8) The Council shall meet as and when necessary for the
15 performance of its functions under this Bill and shall meet at least three times in
16 every year.

17 (9) If requested in writing by any five members of the Council, the
18 chairman shall within 28 days after the receipt of such request call a meeting of
19 the Council.

20 (10) Any request made under sub-section (9) of this section shall
21 specify the business to be considered at the meeting and no business not so
22 specified shall be transacted at that meeting.

Functions of the
Senate of the
University

23 7.-(1) Subject to section 6 of this Bill and subsections (3) and (4) of
24 this section and the provisions of this Bill relating to the Visitor, it shall be the
25 general function of the Senate to organize and control the teaching by the
26 University, the admission of student where no other enactment provides to the
27 contrary and the discipline of students; and to promote research at the
28 University.

29 (2) Without prejudice to the generality of subsection (1) of this section
30 and subject as therein mentioned, it shall in particular be the function of the

1 Senate to make provision for:

2 (a) the establishment, organization and control of campuses,
3 colleges, schools, institutes and other teaching and research units of the
4 University and the allocation of responsibility for different branches of
5 learning;

6 (b) the organization and control of courses of study at the
7 University and of the examinations held in conjunction with those courses,
8 including the appointment of examiners, both internal and external;

9 (c) the award of degrees, and such other qualifications as may be
10 prescribed in connection with examinations held as aforesaid;

11 (d) the making of recommendations to the Council with respect to
12 the award to any person of an honorary fellowship or honorary degree or the
13 title of professor emeritus;

14 (e) the establishment, organization and control of halls of residence
15 and similar institutions at the University;

16 (f) the supervision of the welfare of students at the University and
17 the regulation of their conduct;

18 (g) the granting of fellowships, scholarships, prizes and similar
19 awards in so far as the awards are within the control of the University; and

20 (h) determining what descriptions of dress shall be academic dress
21 for the purposes of the University, and regulating the use of academic
22 dress.

23 (3) The Senate shall not establish any new campus, college, school,
24 department, institute or other teaching and research units of the University,
25 or any hall of residence or similar institution at the University without the
26 approval of the Council.

27 (4) Subject to this Bill and the statutes, the Senate may make
28 regulations for the purpose of exercising any function conferred on it either
29 by the foregoing provisions of this section or otherwise or for the purpose of
30 making provision for any matter for which provision by regulations is

1 authorized or required by this Bill or by statute.

2 (5) Regulations shall provide that at least one of the persons appointed
3 as the examiners at each final or professional examination held in conjunction
4 with any course of study at the University is not a teacher at the University but
5 is a teacher of the branch of learning to which the course relates at some other
6 University of high repute or a person engaged in practicing the profession in a
7 reputable organization or institution.

8 (6) Subject to right of appeal to the Council from a decision of the
9 Senate under this sub-section, the Senate may deprive any person of any
10 degree, diploma or other award of the University which has been conferred
11 upon him if after due enquiry he is found to have been guilty of dishonourable
12 or scandalous conduct in gaining admission into the University or obtaining
13 that award.

Functions of the
Vice Chancellor

14 **8.-(1)** The Vice-Chancellor shall, in relation to the University, take
15 precedence before all other members of the University except the Chancellor
16 and subject to section 4 of this Bill except the Pro-Chancellor and any other
17 person for the time being acting as Chairman of the Council.

18 (2) Subject to sections 6, 7 and 14 of this Bill, the Vice-Chancellor
19 shall have the general function, in addition to any other functions conferred on
20 him by this Bill or otherwise of directing the activities of the University and
21 shall be the Chief Executive and Accounting Officer of the University and ex-
22 officio Chairman of the Senate.

23 (3) The Vice Chancellor shall be the Chairman of the University
24 Tenders' Board, which is saddled with the responsibility of approving the
25 conduct of public procurement of goods, works and services within the
26 approved threshold from time to time.

27 (4) It shall be the responsibility of the Vice Chancellor to establish and
28 appoint members of the Tenders' Board in line with the extant Public
29 Procurement Rules and Regulations.

1 PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC, TO THE
2 UNIVERSITY AND CONDITION OF SERVICE OF EMPLOYEES

3 **9.**-(1) There shall be a general fund of the University which shall General fund of
4 consist of the following: the University

- 5 (a) grants-in-aid;
- 6 (b) fees;
- 7 (c) income derived from investments;
- 8 (d) gifts, legacies, endowments and donations not accepted for a
9 particular purpose;
- 10 (e) income derived from the exercise of any functions conferred or
11 imposed on the University by this Bill;
- 12 (f) any other amounts, charges or dues recoverable by the
13 University;
- 14 (g) revenue, from time to time, accruing to the University by way
15 of subvention;
- 16 (h) interests on investments;
- 17 (i) donations and legacies accruing to the University from any
18 source for the general or special purposes of the University; and
- 19 (j) Regular TETFUND interventions;
- 20 (2) The general fund shall be applied for the purposes of the
21 University.

22 **10.**-(1) All property held by or on behalf of the Provisional Council Transfer of
23 of the University shall, by virtue of this sub-section and without further property
24 assurance, vest in the University and be held by it for the purpose of the
25 University.

26 (2) The provisions of the Second Schedule to this Bill shall have
27 effect with respect to, and to matters arising from, the transfer of property by
28 this section and with respect to the other matters mentioned in that
29 Schedule.

	1	PART III - STATUTES OF THE UNIVERSITY
Power of the University to make Statutes	2	11. -(1) Subject to this Bill, the University may make statutes for any
	3	of the following purposes, that is to say-
	4	(a) Making provision with respect to the composition and constitution
	5	of any authority of the University;
	6	(b) Specifying and regulating the powers and duties of any authority
	7	of the University, and regulating any other matter connected with the
	8	University or any of its authorities;
	9	(c) Regulating the admission of students (where no other enactment
	10	provides to the contrary), and their discipline and welfare;
	11	(d) Determining whether any particular matter is to be treated as an
	12	academic or non-academic matter for the purposes of this Bill and of any
	13	statute, regulation or other instrument made thereunder; or
	14	(e) Making provision for any other matter for which provision by
	15	statute is authorized or required by this Bill.
	16	(2) Subject to section 25(6) of this Bill, the Interpretation Act shall
	17	apply in relation to any statute made under this section as it applies to a
	18	subsidiary instrument within the meaning of section 28(1) of that Act.
	19	(3) The statute contained in the Third Schedule to this Bill shall be
	20	deemed to have come into force on the commencement of this Bill and shall be
	21	deemed to have been made under this section by the University.
	22	(4) The power to make statutes conferred by this section shall not be
	23	prejudiced or limited in any way by reason of the inclusion or omission of any
	24	matter in or from the statute contained in the Third Schedule to this Bill or any
	25	subsequent statute.
Third Schedule: Mode of exercising power to make statutes	26	12. -(1) The power of the University to make statutes shall be
	27	exercised in accordance with the provisions of this section and not otherwise.
	28	(2) A proposed statute shall not become law unless it has been
	29	approved:
	30	(a) at a meeting of the Senate, by the votes of not less than two thirds

1 of the members present and voting; and

2 (b) at a meeting of the Council, by the votes of not less than two
3 thirds of the members present and voting.

4 (3) A proposed statute may originate either in the Senate or in the
5 Council, and may be approved as required by subsection (2) of this section
6 by either one of those bodies or the other.

7 (4) A statute which:

8 (a) makes provision for or alters the composition or constitution of
9 the Council, the Senate or any other authority of the University; or

10 (b) provides for the establishment of a new campus or college or for
11 the amendment or revocation of any statute.

12 (5) For the purpose of section 2(2) of the Interpretation Act, a
13 statute shall be treated as being made on the date on which it is duly
14 approved by the Council after having been duly approved by the Senate, or
15 on the date on which it is duly approved by the Senate after having been duly
16 approved by the Council, as the case may be or, in the case of a statute falling
17 within subsection (4) of this section, on the date on which it is approved by
18 the President.

19 (6) In the event of any doubt or dispute arising at any time:

20 (a) as to the meaning of any provision of a statute; or

21 (b) as to whether any matter is for the purposes of this Bill an
22 academic or non-academic matter as they relate to such doubt or dispute, the
23 matter may be referred to the Visitor, who shall take such advice and make
24 such decision thereon as he shall think fit.

25 (7) The decision of the Visitor on any matter referred to him under
26 sub-section (6) of this section shall be binding upon the authorities, staff and
27 students of the University and where any question as to the meaning of any
28 provision of a statute has been decided by the Visitor under that sub-section,
29 no question as to the meaning of that provision shall be entertained by any
30 court of law in Nigeria.

	1	(8) Nothing in sub-section (7) of this section shall affect any power of
	2	a court of competent jurisdiction to determine whether any provision of a
	3	statute is wholly or partly void as being ultra vires or as being inconsistent with
	4	the Constitution of the Federal Republic of Nigeria, 1999.
Power of Statute	5	13. A statute may be proved in any court by the production of a copy
	6	thereof bearing or having affixed to it a certificate purporting to be signed by
	7	the Vice-Chancellor or the Secretary to the Council to the effect that the copy is
	8	a true copy of a statute of the University.
	9	PART IV - SUPERVISION AND DISCIPLINE
The Visitor	10	14. -(1) The President shall be the Visitor of the University.
	11	(2) The Visitor shall cause a visitation to the University when
	12	necessary, at least every five years, or direct that such a visitation be conducted
	13	by such person or persons as the Visitor may deem fit and in respect of any of
	14	the affairs of the University.
	15	(3) It shall be the duty of the bodies and persons comprising the
	16	University to make available to the Visitor and to any other person conducting a
	17	visitation in pursuance of this section, such facilities and assistance as he or
	18	they may reasonably require for the purposes of a visitation.
	19	(4) The Visitor shall make the report of such visitations and white
	20	paper thereon available to the Council which shall implement same.
Removal of certain Members of Council	21	15. -(1) If it appears to the Council that a member of the Council (other
	22	than the Pro-Chancellor or the Vice-Chancellor) should be removed from
	23	office on the ground of misconduct or inability to perform the functions of his
	24	office or employment, the Council shall make a recommendation to that effect
	25	through the Minister to the President, and the President, after making such
	26	enquiries (if any) as he may consider appropriate approves the
	27	recommendation, he may direct the removal of the person in question from
	28	office.
	29	(2) It shall be the duty of the Minister to use his best endeavours to
	30	cause a copy of the instrument embodying a direction under subsection (1) of

1 this section to be served as soon as reasonably practicable on the person to
2 whom it relates.

3 **16.-(1)** If it appears to the Council that there are reasons for
4 believing that any person employed as a member of the academic,
5 administrative or professional staff of the University, other than the Vice-
6 Chancellor, should be removed from his office or employment on the
7 ground of misconduct or of professional inability to perform the functions of
8 his office or employment, the Council shall-

Removal and
discipline of
academic,
administrative
and professional
staff

9 (a) give notice of those reasons to the person in question;

10 (b) afford him an opportunity of making representations in person
11 on the matter by the Council; and

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

18 (2) The Vice-Chancellor may, in a case of misconduct by a member
19 of the staff which in the opinion of the Vice-Chancellor is prejudicial to the
20 interest of the University, suspend such member and any such suspension
21 shall forthwith be reported to the Council.

22 (3) For good cause, any member of the staff may be suspended
23 from his duties or his appointment may be terminated by the Council; and
24 for the purposes of this subsection "good cause" means:

25 (a) conviction for any offence which the Council considers to be
26 such as to render the person concerned unfit for the discharge of the
27 functions of his office;

28 (b) any physical or mental incapacity which the Council, after
29 obtaining medical advice, considers to be such as to render the person
30 concerned unfit to continue to hold his office;

1 (c) conduct of a scandalous or other disgraceful nature which the
2 Council considers to be such as to render the person concerned unfit to continue
3 to hold his office;

4 (d) conduct which the Council considers to be such as to constitute
5 failure or inability of the person concerned to discharge the functions of his
6 office or to comply with the terms and conditions of his service; or

7 (e) conduct which the Council considers to be generally of such
8 nature as to render the continued appointment or service of the person
9 concerned prejudicial or detrimental to the interest of the University.

10 (4) Any person suspended pursuant to subsection (2) or (3) of this
11 section shall be on half pay and the Council shall before the expiration of a
12 period of three months after the date of such suspension consider the case
13 against that person and come to a decision as:

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

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

18 (c) whether to terminate the appointment of the person concerned, in
19 which case such a person shall not be entitled to the proportion of his
20 emoluments withheld during the period of suspension; or

21 (d) whether to take such lesser disciplinary action against such person
22 (including the restoration of such proportion of his emoluments that might
23 have been withheld) as the Council may determine.

24 (5) In any case where the Council, pursuant to this section, decides to
25 continue a person's suspension or decides to take further disciplinary action
26 against a person, the Council shall before the expiration of a period of three
27 months from such decision come to a final determination in respect of the case
28 concerning any such person.

29 (6) It shall be the duty of the person by whom an instrument of
30 removal is signed in pursuance of subsection (1) of this section to use his best

1 endeavours to cause a copy of the instrument to be served as soon as
2 reasonably practicable on the person to whom it relates.

3 (7) Nothing in the foregoing provisions of this section shall:

4 (a) apply to any directive given by the Visitor in consequence of
5 any visitation; or

6 (b) prevent the Council from making regulations for the discipline
7 of other categories of workers of the University as may be prescribed.

8 **17.-(1)** If, on the recommendation of the Senate, it appears to the Removal of
9 Vice-Chancellor that a person appointed as an examiner for any examiners
10 examination of the University ought to be removed from his office or
11 appointment, then, except in such cases as may be prescribed by the Vice-
12 Chancellor may, after affording the examiner an opportunity of making
13 representations in person on the matter to the Vice-Chancellor, remove the
14 examiner from the appointment by an instrument in writing signed by the
15 Vice-Chancellor.

16 (2) Subject to the provisions of regulations made in pursuance of
17 section 7(5) of this Bill, the Vice-Chancellor may, on the recommendation of
18 the Senate, appoint an appropriate person as examiner in the place of the
19 examiner removed in pursuance of subsection (1) of this section.

20 (3) It shall be the duty of the Vice-Chancellor on signing an
21 instrument of removal pursuance to this section, to use his best endeavours
22 to cause a copy of the instrument to be served as soon as reasonably
23 practicable on the person to whom it is related.

24 **18.-(1)** The Students shall be:

25 (a) represented in the University's Students Welfare Board and Participation and
Discipline of
Students
26 other committees that deal with the affairs of students;

27 (b) Participate in various aspects of curriculum development;

28 (c) Participate in the process of assessing academic staff in respect
29 of teaching; and

30 (d) Be encouraged to be more self-assured as part of the national

1 development process.

2 (2) Subject to the provisions of this section, where it appears to the
3 Vice-Chancellor that any student of the University has been guilty of
4 misconduct, the Vice-Chancellor may, without prejudice to any other
5 disciplinary powers conferred on him by statute or regulations, direct:

6 (a) that the student shall not, during such period as may be specified in
7 the directions, participate in such activities of the University, or make use of
8 such facilities of the University, as may be so specified,

9 (b) that the activities of the student shall, during such period as may be
10 specified in the direction, be restricted in such manner as may be so specified,

11 (c) that the student be rusticated for such period as may be specified in
12 the direction; or

13 (d) that the student be expelled from the University.

14 (3) Where a direction is given under subsection (1)(c) or (d) of this
15 section in respect of any student, that student may, within the prescribed period
16 and in the prescribed manner, appeal to the Council; and where such an appeal
17 is brought, the Council shall, after causing such inquiry to be made in the matter
18 as the Council considers just either confirm or set aside the direction or modify
19 it in such manner as the Council thinks fit.

20 (4) The fact that an appeal from a direction is brought in pursuance to
21 subsection (2) of this section shall not affect the operation of the direction while
22 the appeal is pending:

23 (a) The Vice-Chancellor may delegate his powers under this section to
24 a disciplinary board consisting of such members of the University as he may
25 nominate;

26 (b) Nothing in this section shall be construed as preventing the
27 restriction or termination of students' activities at the University otherwise than
28 on the ground of misconduct;

29 (c) A direction under subsection (2)(a) of this section may be
30 combined with a direction under subsection (2)(b) of this section;

PART V - MISCELLANEOUS AND GENERAL

19.-(1) No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, account of race, place of birth or of family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the University, the holder of any degree of the University or of any appointment or employment at the University, or a member of anybody established by virtue of this Bill; and no person shall be subject to any disadvantage or accorded any advantage relation to the University, by reference to any of those matters.

Exclusion of discrimination on account of race, religion, etc.

(2) Nothing in subsection (1) of this section shall be construed as preventing the University from imposing any disability or restriction on any of the persons mentioned in that subsection where such person willfully refuses or fails on grounds of religious belief to undertake any duty generally and uniformly imposed on all such person or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the University reasonably justifiable in the national interest.

20. Without prejudice to the provisions of the Land Use Act, the University shall not dispose of or charge any land or an interest in any land (including any land transferred to the University by this Bill) except with the prior written consent, either general or special, of the Governor:

Restriction on disposal of land by University

Provided that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years or any lease or tenancy to a member of the University for residential purpose.

21. Except as may be otherwise provided by statute or by regulations, the quorum and procedure of any body of persons established by this Bill shall be as determined by that body.

Quorum and procedure of bodies established by this Act

22.-(1) Anybody of persons established by this Bill shall, without prejudice to the generality of the powers of that body, have power to appoint

Appointment of committee, etc.

1 committees, which need not consist exclusively of members of that body, and
2 to authorize a committee established by it:

- 3 (a) to exercise, on its behalf, such of its functions as it may determine;
4 (b) to co-opt members, and

5 (2) Any two or more such bodies may arrange for the holding of joint
6 meetings of those bodies, or for the appointment of committees consisting of
7 members of those bodies, for the purpose of considering any matter within the
8 competence of those bodies or any of them, and either of dealing with it or of
9 reporting on it to those bodies or any of them.

10 (3) Except as may be otherwise provided by statute or by regulations,
11 the quorum and procedure of a committee established or meeting held in
12 pursuance of this section, shall be such as may be determined by the body or
13 bodies which have decided to establish the committee or hold the meeting.

14 (4) Nothing in the provisions of subsection (1), (2) and (3) of this
15 section shall be construed as:

16 (a) enabling the statutes to be made otherwise than in accordance with
17 section 1 of this Bill; or

18 (b) enabling the Senate to empower any other body to make
19 regulations of the award degrees or other qualifications.

20 (5) The Pro-Chancellor and the Vice-Chancellor shall be members of
21 every committee of which the members are wholly or partly appointed by the
22 Council (other than a committee appointed to inquire into the conduct of the
23 officer in question); and the Vice-Chancellor shall be a member of every
24 committee of which the members are wholly or partly appointed by the
25 Senate.

Retiring age
of academic
staff

26 **23.**-(1) Notwithstanding anything to the contrary in the Pension Act,
27 the compulsory retiring age of the following categories of staff shall be as
28 follows:

29 (a) Academic staff of the University in the non-Professorial cadre
30 shall be 65 years;

1 (b) Academic staff of the University in the Professorial Cadre shall
2 be 70 years;

3 (c) Non-academic staff of the University shall be 65 years.

4 (2) A law or rule requiring a person to retire from the public service
5 after serving for 35 years shall not apply to an academic staff of the
6 University.

7 **24.** An academic staff of the University who retires as a Professor
8 in the University shall be entitled to pension at a rate equivalent to his annual
9 salary provided that the Professor has served continuously in the University
10 up to the retirement age.

Special Provisions
relating to Pension
pf Professors

11 **25.-(1)** The seal of the University shall be such as may be
12 determined by the Council and approved by the Chancellor, and the affixing
13 of the seal shall be authenticated by any member of the Council and by the
14 Vice-Chancellor, Secretary to the Council or any other person authorized by
15 statute.

Miscellaneous
Administrative
Provisions

16 (2) Any document purporting to be a document executed under the
17 seal of the University shall be received in evidence and shall, unless the
18 contrary is proved, be presumed to be so executed.

19 (3) Any contract or instrument which if made or executed by a
20 person not being a body corporate would not be required to be under seal,
21 may be made or executed on behalf of the University by any person
22 generally or specially authorized to do so by the Council.

23 (4) The validity of any proceedings of anybody established in
24 pursuance of this Bill shall not be affected by any vacancy in the
25 membership of the body, or by any defect in the appointment of a member of
26 the body or by reason that any person not entitled to do so took part in the
27 preceding.

28 (5) Any member of any such body who has a personal interest in
29 any matter proposed to be considered by that body shall forthwith disclose
30 his interest to the body and shall vote on any question relating to that matter.

1 (6) Nothing in section 12 of the Interpretation Act (which provides for
2 the application in relation to subordinate legislation of certain incidental
3 provisions) shall apply to statutes or regulations made in pursuance to this Bill.

4 (7) The power conferred by this Bill on anybody to make statutes or
5 regulations shall include power to revoke or vary any statute (including the
6 statute contained in the Third Schedule of this Bill) or any regulation by a
7 subsequent statute or as the case may be, by a subsequent regulation and
8 statutes and regulations may make different provisions in relation to different
9 circumstances.

10 (8) No stamp or other duty shall be payable in respect of any transfer
11 of property to the University by virtue of section 8 or section 18 of this Bill or
12 the Second Schedule to this Bill.

13 (9) Any notice or other instrument authorized to be served by virtue of
14 this Bill may, without prejudice to any other mode of service, be served by
15 post.

Restriction of
suits and execution

16 **26.-(1) Pre-Action Notice:**

17 (a) No legal proceeding shall be instituted and/or commenced against
18 the University or any of its agents in the course of their official duties unless a 3
19 months' Pre-Action Notice of such intention is served on the University by an
20 aggrieved party;

21 (b) The Notice shall state the reason and the cause of action intended
22 to be taken against the University, the particulars of the claim, the name and
23 place of abode of the intending plaintiff and the relief which he claims;

24 (c) For the avoidance of doubt, it is hereby declared that no suit shall
25 be commenced against an officer or servant of the University, in any case where
26 the University is vicariously liable for any alleged act, neglect or default of the
27 officer or servant in the performance or intended performances of his duties,
28 unless three months at least has elapsed after written notice of intention to
29 commence the same shall have been served on the University by the intending
30 plaintiff or his agent;

1 (d) In any suit against this University, no execution or attachment
2 or process in the nature thereof shall be issued against the University, but any
3 sums of money which may be judgment of the court be awarded against the
4 University shall, subject to any direction given by the court where notice of
5 appeal has been given by the University in respect of the said judgment, be
6 paid by the University from its general fund.

7 (2) Service of Notices:

8 Service upon the University of any notice, order or other document may be
9 effected by delivering the same or by sending it by registered post addressed
10 to the Registrar and Secretary of the Council.

11 27.-(1) In this Bill, unless the context otherwise requires:

Interpretation

12 "Campus" means any campus which may be established by the University;

13 "College" means the College established pursuant to section 2 (1) (b) of this
14 Bill for the University;

15 "Council" means the Governing Council of the University established by
16 section 5 of this Bill;

17 "Functions" includes powers and duties;

18 "Graduate" means a person on whom a degree, other than an honorary
19 degree, has been conferred by the University and any other person as may be
20 designated as a graduate by the Council, acting in accordance with the
21 recommendation of the Senate; (Erroneously omitted);

22 "Minister" means the Hon. Minister of Education;

23 "Notice" means notice in writing;

24 "Officer" does not include the Visitor;

25 "Prescribed" means prescribed by statute or regulations;

26 "Professor" means a person designated as a Professor of the University in
27 accordance with provisions made in that behalf by statute or by regulations;

28 "Property" includes rights, liabilities and obligations;

29 "Provisional Council" means the provisional council appointed for the
30 University;

1 "Regulations" means regulations made by the Senate or the Council;
2 "Senate" means the Senate of the University established pursuant to section
3 2(1)(e) of this Bill;
4 "School" means a unit of closely related academic programmes;
5 "Statute" means a statute made by each University under section 10 of this Bill
6 and in accordance with the provisions of section 11 of this Bill, and
7 "the statutes" means all such statutes as are in force from time to time;
8 "Teacher" means a person holding a full-time appointment as a member of the
9 teaching or research staff of the University;
10 "Undergraduate" means a person registered as a student undergoing a course of
11 study for a first degree of the University or such other course in the University
12 as may be approved by the Senate as qualifying a student undergoing it for the
13 status of an under-graduate;
14 "University" means the Federal University of Education, Kontagora
15 established and incorporated by section I of this Bill.

16 (2) It is hereby declared that where in any provision of this Bill it is
17 laid down that the proposals are to be submitted or a recommendation is to be
18 made by one authority or another through one or more intermediate authorities,
19 it shall be the duty of every such intermediate authority to forward any
20 proposals of that or recommendations received by it in pursuance of that
21 provision to the appropriate authority; but any such intermediate authority
22 may, if it thinks fit, forward therewith its own comments thereon.

Short Title

23 **28.** This Bill may be cited as the Federal University of Education,
24 Kontagora Bill, 2019.

1 SCHEDULES

2 FIRST SCHEDULE

3 *[Section 2(2)]*

4 PRINCIPAL OFFICERS OF THE UNIVERSITY

5 *The Chancellor*6 1. The Chancellor shall be appointed by and hold office at the
7 pleasure of the President.8 *The Pro-Chancellor*9 2.-(1) The Pro-Chancellor who shall be the Chairman of Council
10 shall be appointed or removed from office by Mr. President upon
11 recommendation by the Minister of Education.12 (2) Subject to the provisions of this Bill, the Pro-Chancellor shall
13 hold office for a period of four years beginning with the date of his
14 appointment.15 *The Vice-Chancellor*16 3.-(1) There shall be a Vice-Chancellor of the University who shall
17 be appointed by the Council in accordance with the provisions of this
18 paragraph.19 (2) Where a vacancy occurs in the post of a Vice-Chancellor, the
20 Council shall:21 (a) advertise the vacancy in a reputable journal or a widely read
22 newspaper in Nigeria, specifying:

23 (i) the qualities of the persons who may apply for the post; and

24 (ii) the terms of conditions of service applicable to the post, and
25 thereafter draw up a short list of suitable candidates for the post for
26 consideration:

27 (b) constitute a Search Team consisting of:

28 (i) a member of the Council, who is not a member of the Senate, as
29 chairman;

30 (ii) two members of the Senate who are not members of the

- 1 Council, one of whom shall be a Professor;
- 2 (iii) two members of Congregation who are not members of the
- 3 Council, one of whom shall be a Professor, to identify and nominate for
- 4 consideration, suitable persons who are not likely to apply for the post on their
- 5 own volition because they felt that it is not proper to do so.
- 6 (3) A Joint Council and Senate Selection Board consisting of:
- 7 (a) the Pro-Chancellor, as chairman;
- 8 (b) two members of the Council, not being members of the Senate;
- 9 (c) two members of the Senate who are Professors, but who were not
- 10 members of the Search Team, shall consider the candidates and persons in the
- 11 shortlist drawn up under subsection (2) of this paragraph through an
- 12 examination of their curriculum vitae and interaction with them, and
- 13 recommend to the Council three candidates for further consideration.
- 14 (4) The Council shall select and appoint as the Vice-Chancellor one
- 15 candidate from among the three candidates recommended to it under
- 16 subsection (3) of this section and thereafter inform the Visitor.
- 17 (5) The Vice-Chancellor shall hold office for a single term of five
- 18 years only on such terms and conditions as may be specified in his letter of
- 19 appointment.
- 20 (6) The Vice Chancellor may be removed from office by the Council
- 21 on grounds of gross misconduct or inability to discharge the functions of his
- 22 office as a result of infirmity of the body or mind, at the initiative of the
- 23 Council, Senate or the Congregation after due process.
- 24 (7) When the proposal for the removal of the Vice-Chancellor is
- 25 made, the Council shall constitute a Joint Committee of Council and Senate
- 26 consisting of:
- 27 (i) three members of the Council, one of whom shall be the Chairman
- 28 of the committee; and
- 29 (ii) two members of the Senate,
- 30 Provided that where the ground for removal is infirmity of the body or mind,

1 the Council shall seek appropriate medical opinion.

2 (8) The committee shall conduct investigation into the allegations
3 made against the Vice-Chancellor and shall report its findings to the
4 Council.

5 (9) The Council may where the allegations are proved remove the
6 Vice-Chancellor or apply any other disciplinary action it may deem fit and
7 notify the Visitor accordingly provided that a Vice-Chancellor who is
8 removed shall have right of appeal to the Visitor.

9 (10) There shall be no sole administrator in the University.

10 (11) In any case of a vacancy in the office of the Vice-Chancellor,
11 the Council shall appoint an acting Vice-Chancellor on recommendation of
12 the Senate.

13 (12) An acting Vice Chancellor in all circumstances shall not be in
14 office for more than 6 months.

15 *Deputy Vice-Chancellor*

16 4.-(1) There shall be for the University such number of Deputy
17 Vice-Chancellors as Council may from time to time deem necessary for the
18 proper administration of the University.

19 (2) Where a vacancy occurs in the post of Deputy Vice-Chancellor,
20 the Vice-Chancellor shall forward to the Senate a list of two candidates for
21 each post of Deputy Vice-Chancellor that is vacant.

22 (3) The Senate shall select for each vacant post one candidate from
23 each list forwarded to it under subsection (2) of this paragraph and forward
24 his name to the Council for confirmation.

25 (4) A Deputy Vice-Chancellor shall:

26 (a) assist the Vice-Chancellor in the performance of his functions;

27 (b) act in the place of the Vice-Chancellor when the post of the
28 Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent
29 or unable to perform his functions as Vice-Chancellor; and

30 (c) perform such other functions as the Vice-Chancellor or the

1 Council may, from time to time, assign to him.

2 (5) A Deputy Vice-Chancellor:

3 (a) shall hold office for a period of two years beginning from the
4 effective date of his appointment and on such terms and conditions as may be
5 specified in his letter of appointment;

6 (b) may be reappointed for one further period of two years and no
7 more;

8 (c) may be removed from office for good cause by the Council acting
9 on the recommendations of the Vice-Chancellor and Senate; and

10 (d) "Good cause" for the purpose of this section means gross
11 misconduct or inability to discharge the functions of his office arising from
12 infirmity of the body or mind.

13 *Office of the Registrar*

14 5.-(1) There shall be for the University, a Registrar, who shall be the
15 chief administrative officer of the University and shall be responsible to the
16 Vice-Chancellor for the day-to-day administrative work of the University
17 except as regards matters for which the Bursar is responsible in accordance
18 with paragraph 6(2) of this Schedule.

19 (2) The person holding the office of the Registrar shall by virtue of
20 that office be Secretary to the Council, the Senate, Congregation and
21 Convocation.

22 *Other Principal Officers of the University*

23 6.-(1) There shall be for the University the following principal
24 officers, in addition to the Registrar, that is:

25 (a) the Bursar; and

26 (b) the University Librarian,

27 who shall be appointed by the Council on the recommendation of the Selection
28 Board constituted under paragraph 7 of this Schedule.

29 (2) The Bursar shall be the Chief Financial Officer of the University
30 and be responsible to the Vice-Chancellor for the day-to-day administration

1 and control of the financial affairs of the University.

2 (3) The University Librarian shall be responsible to the Vice-
3 Chancellor for the administration of the University Library and the co-
4 ordination of the library services in the University and its campuses,
5 colleges, schools, departments, institutes and other teaching or research
6 units.

7 (4) Any question as to the scope of the responsibilities of the
8 aforesaid officers shall be determined by the Vice-Chancellor.

9 *Selection Board for other Principal Officers*

10 7.-(1) There shall be, for the University, a Selection Board for the
11 appointment of principal officers, other than the Vice-Chancellor or Deputy
12 Vice-Chancellor, which shall consist of:-

13 (a) the Pro-Chancellor, as chairman;

14 (b) the Vice-Chancellor;

15 (c) four members of the Council not being members of the Senate;

16 and

17 (d) two members of the Senate.

18 (2) The functions, procedure and other matters relating to the
19 Selection Board constituted under subsection (1) of this paragraph shall be
20 as the Council may, from time to time, determine.

21 (3) The Registrar, Bursar and Librarian shall hold office for a single
22 term of five years only beginning from the effective date of their
23 appointments and on such terms and conditions as may be specified in their
24 letters of appointment.

25 (4) Notwithstanding subsection (3) of this section, the Council
26 may, upon satisfactory performance, extend the tenure of the Registrar,
27 Bursar or Librarian for a further period of one year only and thereafter such
28 principal officer shall relinquish his post and be assigned to other duties in
29 the University.

1 *Resignation and Re-appointment*

2 8.-(1) Any officer mentioned in the foregoing provisions of this
3 Schedule may resign his office:

4 (a) in the case of the Chancellor or Pro-Chancellor, by notice to the
5 Visitor;

6 (b) in any other case, by notice to the Council and the Council shall, in
7 the case of the Vice-Chancellor, immediately notify the Visitor.

(2) Without prejudice to paragraph 4 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

11 SECOND SCHEDULE

12 TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

13 *Transfer of Property to University*

14 1. Without prejudice to the generality of section 9 (1) of this Bill:

(a) the reference in that subsection to property held by the Provisional Council shall include a reference to the right to receive and give a good discharge for any grants or contributions which may have been voted or promised to the Provisional Council;

19 (b) all debts and liabilities of the Provisional Council outstanding
20 shall become debts or liabilities of the University.

21 2.-(1) All agreements, contracts, deeds and other instruments to
22 which the Provisional Council was a party shall, so far as possible and subject
23 to any necessary modifications, have effect as if the University had been a party
24 thereto in place of the Provisional Council.

(2) Documents not falling within subsection (1) of this paragraph, including enactment which refer, whether specially or generally, to the Provisional Council, shall be construed in accordance with that sub-section so far as applicable.

29 (3) Any legal proceedings or application to any authority pending by

1 or against the Provisional Council may be continued by or against the
2 University.

3 *Registration of transfers*

4 3.-(1) If the law in force at the place where any property transferred
5 by this Bill is situate provides for the registration of transfers of property of
6 the kind in question (whether by reference to an instrument of transfer or
7 otherwise), the law shall, so far as it provides for alterations of a register (but
8 not for avoidance of transfers, the payment of fees or any other matter)
9 apply, with necessary modifications, to the property aforesaid.

10 (2) It shall be the duty of the body to which any property is
11 transferred by this Bill to furnish the necessary particulars of the transfer to
12 the proper officer of the registration authority, and of that officer to register
13 the transfer accordingly.

14 *Transfer of Functions, etc.*

15 4.-(1) The first meeting of the Council shall be convened by the
16 Pro-Chancellor on such date and in such manner as he may determine.

17 (2) The persons who were members of the Provisional Council
18 shall be deemed to constitute the Council until the date when the Council as
19 set up under the Third Schedule to this Bill shall have been duly constituted.

20 (3) The first meeting of the Senate as constituted by this Bill shall
21 be convened by the Vice-Chancellor on such date and in such manner as he
22 may determine.

23 (4) The persons who were members of the Academic Board
24 immediately before the coming into force of this Bill shall be deemed to
25 constitute the Senate of the University until the date when the Senate as set
26 up under the Third Schedule to this Bill shall have been duly constituted.

27 (5) Subject to any regulations which may be made by the Senate
28 after the date on which this Bill is made, the schools, school boards and
29 students of the University immediately before the coming into force of this
30 Bill shall on that day become schools, school boards and students of the

1 University as constituted by this Bill.

2 (6) Persons who were Deans of schools and Heads of Academic
3 Departments shall continue to be Deans or HODs of the corresponding
4 School/Department, until new appointments are made in pursuance of the
5 statutes.

6 (7) Any person who was a member of the staff of the University as
7 established or was otherwise employed by the Provisional Council shall
8 become the holder of an appointment at the University with the status,
9 designation and functions which correspond as nearly as may be to those which
10 appertained to him as member of that staff or as such an employee.

11 THIRD SCHEDULE

12 [Section 9 (3)]

13 FEDERAL UNIVERSITY OF EDUCATION, KONTAGORA

14 Statute No. 1

15 ARRANGEMENT OF ARTICLES

16 *Articles*

- 17 1. The Council
- 18 2. The Finance and General Purposes Committee
- 19 3. The Senate
- 20 4. The Congregation
- 21 5. Convocation
- 22 6. Division of Colleges
- 23 7. College/School Boards
- 24 8. Dean of the College
- 25 9. Selection of certain Principal Officers
- 26 10. Creation of academic posts
- 27 11. Appointment of academic staff
- 28 12. Appointment of administrative and professional staff
- 29 13. Interpretation.
- 30 14. Short Title

1 *The Council*

2 1.-(1) The composition of the Council shall be as provided in
3 section 5 of this Bill.

4 (2) Any member of the Council holding office otherwise than in
5 pursuance of section 5 (a), (b), (c), or (d) of this Bill may, by notice to the
6 Council, resign his office.

7 (3) A member of the Council holding office otherwise than in
8 pursuance of section 5 (a), (b), (c), or (d) of this Bill shall, unless he
9 previously vacates it, vacate that office on the expiration of the period of
10 four years beginning with effect from 1 August in the year which he was
11 appointed.

12 (4) Where a member of the Council holding office otherwise than
13 in pursuance of section 5 (a), (b), (g), or (h) of this Bill vacates office before
14 the expiration of the period aforesaid, the body or person by whom he was
15 appointed may appoint a successor to hold office for the residue of the term
16 of his predecessor.

17 (5) A person ceasing to hold office as a member of the Council
18 otherwise than by removal for misconduct shall be eligible for re-
19 appointment for only one further period of four years.

20 (6) The quorum of the Council shall be five, at least one of whom
21 shall be a member appointed pursuant to section 5 (d) or (e) of this Bill.

22 (7) If the Pro-Chancellor is not present at a meeting of the Council,
23 such other member of the Council present at the meeting as the Council may
24 appoint as respects that meeting shall be the chairman at that meeting, and
25 subject to section 4 of this Bill and the foregoing provisions of this
26 paragraph, the Council may regulate its own procedure.

27 (8) Where the Council desires to obtain advice with respect to any
28 particular matter may co-opt not more than two persons for that purpose, and
29 the persons co-opted may take part in the deliberations of the Council at any
30 meeting but shall not be entitled to vote.

1 *The Finance and General Purposes Committee*

2 2.-(1) The Finance and General Purposes Committee of the Council
3 shall consist of-

4 (a) the Pro-Chancellor, who shall be the chairman of the Committee at
5 any meeting at which he is present;

6 (b) the Vice-Chancellor and Deputy Vice-Chancellors;

7 (c) six other members of the Council appointed by the Council, two of
8 whom shall be selected from among the four members of the Council
9 appointed by the Senate and one member appointed to the Council by
10 Congregation;

11 (d) the Permanent Secretary of the Federal Ministry of Education, or
12 in his absence, such member of his Ministry as he may designate to represent
13 him; and

14 (e) the Executive Secretary of the Petroleum Technology
15 Development Fund, or in his absence, such member of the Fund as he may
16 designate to represent him.

17 (2) The quorum of the Committee shall be five.

18 (3) Subject to any directions given by the Council, the Committee
19 may regulate its own procedure.

20 *Annual budget and estimates, etc.*

21 (4) (i) The estimates of income and expenditure for a financial year
22 shall be presented by the Vice-Chancellor to the Council and may be approved
23 by the Council before the beginning of that financial year;

24 Provided that the Vice-Chancellor may during any financial year present and
25 the Council may approve supplementary estimates of income or expenditure;

26 (ii) The annual and supplementary estimates shall be prepared in such
27 form and shall contain such information as the Council may direct.

28 *Gifts, donations, etc.*

29 (5) (i) The Council may on behalf of the University accept by way of
30 grants, gift, testamentary disposition or otherwise, property and money in aid

1 of the finances of the University on such conditions as it may approve;

2 (ii) Registers shall be kept of all donations to the University
3 including the names of donors and any special conditions under which any
4 donation may have been given.

5 Provided that the University shall not be obliged to accept a donation for a
6 particular purpose unless it approves of the terms and conditions attaching to
7 such donation.

8 (iii) All property, money or funds donated for any specific purposes
9 shall be applied and administered in accordance with the purposes for which
10 they are donated and shall be accounted for separately.

11 *Payment into bank*

12 (6) All sums of money received on account of the University shall
13 be paid into such bank as may be approved by the Council for the credit of
14 the University's general, current or deposit account:

15 Provided that the Council may invest, as it deems fit, any money not
16 required for immediate use other than donations of money referred to in
17 subsection (1) of this section.

18 *Audit*

19 3.-(1) The Council shall cause the accounts of the University to be
20 audited by auditors appointed by the Council as soon as may be after the end
21 of each financial year or for any such other period as the Council may
22 require.

23 (2) The appointment and other matters relative to the auditors, their
24 continuance in office and their functions, as the case may be, shall, subject to
25 the provisions of this section, be prescribed by statute.

26 *The Senate*

27 4.-(1) The Senate shall consist of:

28 (i) the Vice-Chancellor;

29 (ii) Deputy Vice-Chancellors;

30 (iii) the Deans of respective Colleges;

- 1 (iv) the Professors in the University;
- 2 (v) Heads of Academic Departments and Units;
- 3 (vi) the University Librarian;
- 4 (vii) One elected representative of each College;
- 5 (viii) Two members of Academic Staff elected by the Congregation;
- 6 (ix) One elected representative of each department;
- 7 (x) Two members representing a variety of interests of the
- 8 professional bodies outside the University appointed by the Senate on the
- 9 recommendation of the Vice-Chancellor;
- 10 (xi) Registrar - Secretary.
- 11 (2) The procedure for election of members of Senate to the Council
- 12 shall be prescribed by Regulations .
- 13 (3) The Vice-Chancellor shall be the chairman at all meetings of the
- 14 Senate when he is present, and in his absence any of the Deputy Vice-
- 15 Chancellors present at the meeting as the Senate may appoint for that meeting
- 16 shall be the chairman at the meeting.
- 17 (4) The quorum of the Senate shall be one quarter or the nearest whole
- 18 number less than one quarter; and subject to paragraph (3) of this Article, the
- 19 Senate may regulate its own procedure.
- 20 (5) An elected member may, by notice to the Senate, resign his office.
- 21 (6) Subject to paragraph (8) of this article, there shall be elections for
- 22 the selection of elected members which shall be held in the prescribed manner
- 23 on such day in the month of May or June in each year as the Vice-Chancellor
- 24 may from time to time determine.
- 25 (7) An elected member shall hold office for the period of two years
- 26 beginning with 1 August in the year of his election, and may be a candidate at
- 27 any election held in pursuance to paragraph (6) of this article in the year in
- 28 which his period of office expires, so however that no person shall be such a
- 29 candidate if at the end of his current period of office he will have held office as
- 30 an elected member for a continuous period of six years or would have so held

1 office if he had not resigned it.

2 (8) No election shall be held in pursuance of this article in any year
3 if the number specified in the certificate given in pursuance to paragraph
4 (11) of this article does not exceed by more than one the figure which is
5 thrice the number of those elected members holding office on the date of the
6 certificate who do not vacate office during that year in pursuance of
7 paragraph (7) of this article.

8 (9) For the avoidance of doubt it is hereby declared that no person
9 shall be precluded from continuing in or taking office as an elected member
10 by reason only of reduction in the after 30 April in any year in which he is to
11 continue in or take office as all elected member.

12 (10) If so requested in writing by any fifteen members of the
13 Senate, the Vice-Chancellor or in his absence any of the Deputy Vice-
14 Chancellor duly appointed by him, shall convene a meeting of the Senate to
15 be held not later than the tenth day following that on which the request was
16 received.

17 (11) In this article "total of non-elected members" means as respect
18 any year, such number as may be certified by the Vice-chancellor on 30 April
19 of that year to be the number of persons holding office as members of the
20 Senate on that day otherwise than as elected members.

21 *Congregation*

22 5.-(1) Congregation shall consist of:

23 (i) Vice-Chancellor;

24 (ii) the Deputy Vice-Chancellors;

25 (iii) the full-time members of the academic staff

26 (iv) The Registrar;

27 (v) The Librarian;

28 (vi) Every member of the administrative staff who holds a degree,
29 other than honorary degree, of any University recognized for the purposes of
30 this statute by the Vice-Chancellor.

1 (2) Subject to section 4 of this Bill, the Vice-Chancellor shall be the
2 chairman at all meetings of Congregation when he is present; and in his
3 absence any of the Deputy Vice Chancellors present at the meeting as
4 Congregation may appoint for that meeting, shall be the chairman at the
5 meeting.

6 (3) The quorum of Congregation shall be one third or the whole
7 number nearest to one third of the total number of members of Congregation of
8 fifty, whichever is less.

9 (4) A certificate signed by the Vice-Chancellor specifying:

10 (a) the total number of members of Congregation for the purpose of
11 any particular meeting or meetings of Congregation; or

12 (b) the names of the persons who are members of Congregation
13 during a particular period, shall be conclusive evidence of that number or, as
14 the case may be, of the names of those persons.

15 (5) The procedure for election of members of Congregation to the
16 Council and the Senate shall be prescribed by Regulations.

17 (6) Subject to the foregoing provisions of this article, Congregation
18 may regulate its own procedure.

19 (7) Congregation shall be entitled to express by resolutions or
20 otherwise its opinion on all matters affecting the interest and welfare of the
21 University and shall have such other functions, in addition to the function of
22 electing a member of the Council, as may be provided by statute or regulations.

23 *Convocation*

24 6.-(1) Convocation shall consist of:

25 (i) the officers of the University mentioned in the First Schedule to
26 this Bill;

27 (ii) All teachers within the meaning of this Bill;

28 (iii) All other persons whose names are registered in accordance with
29 paragraph (2) of this article.

30 (2) A person shall be entitled to have his name registered as a member

1 of convocation if-

2 (a) he is either a graduate of a University or a person satisfying such
3 requirements as may be prescribed for the purposes of this paragraph; and

4 (b) he applies for the registration of his name in the prescribed
5 manner and pay the prescribed fees.

6 (3) Regulations shall provide for the establishment and
7 maintenance of a register for the purpose of this paragraph and subject to
8 paragraph (4) of this article may provide for the payment, from time to time,
9 of further fees by persons whose names are on the register and for the
10 removal from the register of the name of any person who fails to pay those
11 fees.

12 (4) The person responsible for maintaining the register shall,
13 without the payment of any fees, ensure that the names of all persons who
14 are for the time being members of the Convocation by virtue of paragraph
15 (1) (a) or (b) of this article are entered and retained on the register.

16 (5) A person who reasonably claims that he is entitled to have his
17 name on the register shall be entitled on demand to inspect the register or a
18 copy of the register at the principal times of the University at all reasonable
19 times.

20 (6) The register shall, unless the contrary is proved, be sufficient
21 evidence that any person named therein is not, a member of Convocation;
22 but for the purpose of ascertaining whether a particular person was such a
23 member on a particular date, any entries in and deletions from the register
24 made on or after that date shall be disregarded.

25 (7) The quorum of Convocation shall be fifty or one third or the
26 whole number nearest to one third or the whole number of members of
27 Convocation whichever is less.

28 (8) Subject to section 4 of the Act, the Chancellor shall be chairman
29 at all meetings of Convocation when he is present, and in his absence the
30 Vice-chancellor shall be the chairman at the meeting.

1 (9) Convocation shall have such functions, in addition to the function
2 of appointing a member of the Council, as may be provided by statute or
3 regulations.

4 *Division of Colleges*

5 7. Each College shall be divided into such number of branches as
6 may be prescribed.

7 *College Boards*

8 8.-(1) There shall be established in respect of each College, a Board of
9 Studies which, subject to the provisions of this Statute, and subject to the
10 directions of the Vice-Chancellor, shall:

11 (a) Regulate the teaching and study of, and the conduct of
12 examinations connected with, the subjects assigned to the college;

13 (b) Deal with any other matter assigned to it by statute or by the Vice-
14 Chancellor or by the Senate; and

15 (c) Advise the Vice-Chancellor or the Senate on any matter referred to
16 it by the Vice-Chancellor or the Senate.

17 (2) Each College Board of Studies shall consist of:-

18 (a) the Vice-Chancellor;

19 (b) the Dean;

20 (c) the persons severally in charge of the branches of the school;

21 (d) the College Examination Officer;

22 (e) such of the teachers assigned to the college and having the
23 prescribed qualifications as the Board may determine; and

24 (f) such persons, whether or not members of the University, as the
25 Board may determine with the general or special approval of the Senate.

26 (3) The quorum of the Board shall be eight members or one quarter,
27 whichever is greater, of the members for the time being of the board; and
28 subject to the provisions of this statute and to any provision made by
29 regulations in that behalf, the Board may regulate its own procedure.

1 *Deans of the Colleges*

2 9.-(1) The Board of each College shall, at a meeting in the last term
3 of any academic year which the term of office of the Dean expires, nominate
4 one of its members, being one of the Professors assigned to that teaching
5 unit, for appointment by the Senate as Dean of the College.

6 (2) The person appointed under paragraph 1 of this Article shall act
7 as Dean of the College and chairman of all meetings of the College Board
8 when he is present and shall be a member of all committees and other boards
9 appointed by the College.

10 (3) The Dean shall hold office for two years and shall be eligible for
11 re-appointment one further period of two years. Thereafter he shall not be
12 eligible for re-appointment until two years have elapsed.

13 (4) The Dean of a College shall exercise general superintendence
14 over the academic and administrative affairs of the College.

15 (5) It shall be the function of the Dean to present to Convocation for
16 the conferment of degrees to persons who have qualified for the degrees of
17 the University at examination held in the branches of learning for which
18 responsibility is allocated to that College.

19 (6) There shall be a committee to be known as the Committee of
20 Deans consisting of all the Deans of the several Colleges and that
21 Committee shall advise the Vice-Chancellor on all academic matters and on
22 particular matters referred to the University by the Senate.

23 (7) The Dean of a College may be removed from office for good
24 cause by the College Board after a vote would have been taken at a meeting
25 of the Board, and in the event of a vacancy occurring following the removal
26 of a Dean, an acting Dean may be appointed by the Vice-Chancellor:

27 Provided that at the next College Board meeting an election shall
28 be held for a new Dean.

29 (8) In this article "good cause" has the same meaning as in section
30 15(3) of the Act.

1 *Departmental Board of Studies*

2 10.-(1) There shall be a Departmental Board of Studies whose
3 membership shall be made of all academic staff of the Department;

4 (2) It shall be headed by a Professor who shall be appointed by the
5 Vice Chancellor and in the absence of a Professor, a senior academic staff shall
6 be appointed in acting capacity;

7 (3) For a Professor the term is for 3 years while 1 year is for acting
8 capacity.

9 (4) The Board shall superintend over all teachings and examinations
10 in the Department;

11 (5) The Board shall handle all disciplinary matters in the Department
12 and make recommendations to the College where necessary;

13 (6) Allocation of courses in the department shall be done by the
14 Departmental Board on recommendation of the Head of Department.

15 *Selection of Directors of Physical Planning and Development, Works and*
16 *Services and Health.*

17 11.-(1) When a vacancy occurs in the office of the Directors of
18 Physical Planning and Development, Works and Services and Health, a
19 Selection Board shall be constituted by the Council which shall consist of:

20 (a) the Pro-Chancellor;

21 (b) the Vice-Chancellor;

22 (c) two members appointed by the Council, not being members of the
23 Senate;

24 (d) Two members appointed by the Senate.

25 (2) The Selection Board after making such inquiries as it thinks fit,
26 shall recommend a candidate to the Council for appointment to the vacant
27 office; and after considering the recommendation of the board the Council may
28 make an appointment to that office.

29 *Tenure of Directors*

30 12. A Director shall hold office on such terms and conditions as may

1 be specified in his letter of appointment subject to the extant Regulations.

2 *Creation of Academic Posts*

3 13. Recommendations for the creation of academic posts other
4 than principal officers shall be made by the Senate to the Council through
5 the Finance and General Purposes Committee.

6 *Appointment of Academic Staff*

7 14. -(1) Subject to the Act and statutes, the filling of vacancies in
8 academic posts (including newly created ones) shall be the responsibility of
9 the Council through the Departments and Colleges.

10 (2) For the purpose of filling such vacancies, suitable selection
11 boards to select and make appointments on behalf of the Council shall be set
12 up.

13 (3) For appointment to Professorships, Associate Professorship or
14 Readerships or equivalent posts, a Board of Selection, with power to
15 appoint, shall consist of:

- 16 (a) the Vice-Chancellor - Chairman;
17 (b) Deputy Vice-Chancellor - Member;
18 (c) The Dean of the College - Member;
19 (d) Head of Department - Member;
20 (e) such other person(s), not exceeding two in number, deemed
21 capable of helping the Board in assessing both the professional and
22 academic suitability of a candidate under consideration, as the Senate may
23 from time to time appoint;
24 (f) Registrar - Secretary.

25 (4) For other academic posts, a Selection Board, with power to
26 appoint, shall consist of:

- 27 (a) the Vice-Chancellor or his representative - Chairman;
28 (b) The Dean of the College - Member;
29 (c) Head of the Department concerned - Member;
30 (d) An internal member of Council (not below the Rank of Senior

1 Lecturer from the sister college in the Candidate's subject-area) - Member;

2 (e) Registrar or his representative - Secretary.

3 (5) All appointments to senior library posts shall be made in the same
4 way as equivalent appointments in the academic cadre; and for all such posts
5 other than that of the Librarian, the Librarian shall be a member of the Selection
6 Board.

7 (6) Boards of Selection may interview candidates directly or consider
8 the reports of specialist interviewing panels and shall in addition, in the case of
9 Professorships, Associate Professorship, Readerships or equivalent Posts,
10 consider the reports of External Assessors relevant to the area in which the
11 appointment is being considered. Quorum shall be three (3) including the
12 Chairman.

13 *Appointment of Administrative and Professional Staff*

14 15.-(1) The administrative and professional staff of the University
15 other than principal officers shall be appointed by the Council or on its behalf
16 by the Vice-Chancellor in accordance with delegation of powers made by the
17 Council on its behalf.

18 (2) A Selection Board, with power to appoint, shall consist of:

19 (i) Vice Chancellor;

20 (ii) Deputy Vice Chancellor;

21 (iii) Registrar;

22 (iv) Bursar;

23 (v) University Librarian;

24 (vi) The Head of Department concerned;

25 (vii) Establishment and Human Resources Officer who shall serve as
26 Secretary Quorum shall be three (3) including the Chairman.

27 *Interpretation*

28 16. In this Statute, the expression "the Act" means the Federal
29 University of Education, Kontagora Act and any word or expression defined in
30 the Act has the same meaning in this Statute.

1 *Short Title*

2 17. This Statute may be cited as the Federal University of
3 Education, Kontagora Statute No. I.

EXPLANATORY MEMORANDUM

This Bill seeks to upgrade the Federal College of Education, Kontagora to
Federal University of Education, Kontagora.

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF EDUCATION, ILLO, THAT SHALL PROVIDE FULL-TIME COURSES OF TEACHING, INSTRUCTION AND TRAINING IN THE SCIENCES, SOCIAL SCIENCES, COMMERCE, ARTS, APPLIED SCIENCES, MANAGEMENT AND HUMANITIES; AND CARRY OUT RESEARCH, INNOVATION, DEVELOPMENT AND ADAPTATION OF TEACHING TECHNIQUES, AND OTHER RELATED MATTERS

Sponsored by Senator Yahaya A. Abdullahi

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 PART I - ESTABLISHMENT OF THE FEDERAL GOVERNMENT COLLEGE
2 OF EDUCATION, ILLO

3 1.-(1) There is established the Federal Government College of Establishment
4 Education, Illo, (in this Act referred to as "the College") which shall have of the Federal
5 such powers and exercise such functions as conferred on it by this Act. Government
College of
Education, Illo

6 (2) The college shall be a body corporate with perpetual succession
7 and a common seal, and shall have power to acquire and dispose of interests
8 in moveable and immoveable property and may sue and be sued in its
9 corporate name.

10 2.-(1) The general administration and governance of the college, Governing
11 including the direction of its affairs, shall be vested in the governing council Council of the
College
12 of the college, (in this Act referred to as "the Council").

13 (2) Without prejudice to the provisions of subsection (1) of this
14 section, it shall be the responsibility of the council to consider and approve
15 the following;

16 (a) The programme of studies, courses and research, to be
17 undertaken by the college;

	1	(b) The annual financial estimates of the college;
	2	(c) The investment plans of the college, and
	3	(d) The plan of activities of the college.
Membership of the Council	4	3.-(1) The council shall comprise the chairman and the following
	5	other members, who shall be appointed by the president;
	6	(a) A representative of the federal ministry responsible for education;
	7	(b) Three distinguished Nigerians with records of years of quality
	8	public service and contributions to the development of the country;
	9	(c) Two members of the academic board of the college;
	10	(d) A representative of the National Commission for Colleges of
	11	Education;
	12	(e) A representative of the alumni association of the college;
	13	(f) Three persons with vast experiences and knowledge in the fields of
	14	education, science and humanities, one of whom shall be a woman, to be
	15	appointed by the president;
	16	(g) The provost of the college.
Tenure of members of the Council	17	4.-(1) A member of the council, (other an ex-officio member) shall
	18	hold office for a term of three years, and subject to the provisions of subsection
	19	(2) of this section, shall be eligible for reappointment for a further
	20	period of three years, and no more;
	21	(2) The office of a member appointed under sections 3 (1) (b) and 3 (1)
	22	(f), of this Act, shall be vacant if:
	23	(a) The member resigns his office by notice in writing under his hand,
	24	and addressed to the minister responsible for education; or
	25	(b) The minister is satisfied it is not in the interest of the college for the
	26	person to continue in office, and notifies the member in writing to that effect.
Functions of the College	27	5. The functions of the college shall be:
	28	(a) To provide full-time courses in teaching, instruction and training;
	29	(i) In science, arts, technology, commerce, social science, humanities,
	30	management and applied science;

1 (ii) In such relevant areas and fields of applied learning as would
2 serve the human capital development needs of Nigeria, particularly in
3 regard to technical and industrial skill development, agriculture,
4 information technology and such adapted basic techniques which the
5 council may, from time-to-time determine;

6 (b) To conduct courses of study in education for qualified teachers;

7 (c) To plan and organize workshops, conferences and seminars in
8 specific fields and areas of learning as contained in paragraph (a) of this
9 section;

10 (d) To undertake such other functions, which in the consideration
11 of the council, would serve the institutional goals and objectives of the
12 college.

13 **6.-(1)** For the smooth discharge of the responsibilities of the
14 college, the council shall:

Powers of the
Council

15 (a) Conduct examinations and grant certificates, diplomas and
16 other distinctions to persons who have pursued approved courses of study
17 as are accredited by the National Commission for Colleges of Education;

18 (b) Demand and receive from any student, or any other person who
19 attends academic classes in the college for the purpose of instruction, such
20 fees as the council may, with the approval of the minister, determine from
21 time-to-time;

22 (c) Hold public lectures, print, publish books and such other
23 materials for purposes of selling them;

24 (d) Provide amenities and such other facilities that promote the
25 welfare of staff and students and ensure good learning and research
26 environment;

27 (e) Borrow money within Nigeria in such manner and terms as the
28 minister may authorize, from time-to-time;

29 (f) Enter into such contracts as may be necessary or expedient for
30 carrying into effect the goals and objectives of the college;

1 (g) Recruit staff of the right training and experience and determine the
2 career structure of such staff;

3 (h) Establish and maintain such departments, schools and other
4 teaching units within the college, or extra-mural departments, as the council
5 may determine, from time-to-time;

6 (i) Award and confer fellowships, medals, prizes and other honours on
7 deserving individuals;

8 (j) Organize, build, equip and maintain such educational, recreational
9 and residential facilities as the college may require;

10 (k) Create all such academic positions and offices and make
11 appointments accordingly;

12 (l) Encourage, promote and make provisions for research in the
13 college;

14 (m) Undertake all such acts and things whether or not incidental to the
15 foregoing powers as may advance the goals and objectives of the college.

Visitation

16 7.-(1) The minister shall be the visitor of the college;

17 (2) The visitor shall, not less than once in every five years, conduct a
18 visitation of the college, or appoint a visitation panel comprising, not less than
19 five experts, to conduct the visitation:

20 (a) For the purpose of evaluating the academic and administrative
21 performance of the college; or

22 (b) For such other purpose, in respect of any other affairs of the
23 college, as the visitor may deem fit.

Academic board
and its functions

24 8.-(1) There shall be established for the college a board to be known as
25 the academic board, which shall be made up of the following members:

26 (a) The provost of the college, who shall be the chairman;

27 (b) All heads of departments;

28 (c) The librarian of the college; and

29 (d) Not more than two members of the academic staff other than the
30 heads of departments, to be appointed by the council.

1 (2) The academic board shall be responsible for:

2 (a) The management and direction of all academic matters of the
3 college, including the regulation of students admission, the award of
4 certificates, scholarships, prizes and such other academic distinctions;

5 (b) Making periodic reports on such academic matters to the
6 council as the council may, from time-to-time direct;

7 (c) Performing any other functions as the council may, from time-
8 to-time, delegate to it.

9 **9.** In accordance with the provisions of this Act, the minister may
10 generally direct the council, in matters of policy, with regard to the exercise,
11 by the council, of its functions as contained in this Act, and it shall be the
12 duty of the council to comply with such directives.

Powers of the
Minister to direct
the Council

13 **10.-(1)** There shall be a provost, (in this Act referred to as "the
14 Provost"), who shall be appointed by the president in accordance with the
15 provisions as contained in this section.

The Provost of
the College

16 (2) In the event of a vacancy in the post of provost, the council
17 shall:

18 (a) Advertise the vacancy in widely circulated and read national
19 newspapers, and, or a reputable professional journal, stating:

20 (i) The qualifications and qualities of the person who may apply for
21 the post, and

22 (ii) The terms and conditions of service applicable to the post, and
23 draw up a list of suitable applicants for consideration;

24 (b) Set up a selection team, consisting of:

25 (i) One member of the college council, not being a member of the
26 academic board, as chairman;

27 (ii) Two members of the academic board, not below the rank of
28 chief lecturer;

29 (iii) Two members of the college academic community, not below
30 the rank of chief lecturer, selected by the council. The team shall identify and

1 make a short list of suitable persons.

2 (3) The joint council and academic selection board, comprising:

3 (a) The chairman of the council;

4 (b) Two members of the council, not being members of the academic
5 board;

6 (c) Two members of the academic board, not below the rank of chief
7 lecturer, and not members of the search team, shall consider the candidates on
8 the short list, drawn up under subsection (2) of this section, by thoroughly
9 examining their curriculum vitae and interacting with them, after which they
10 shall recommend through the council to the president, three candidates for his
11 consideration.

12 (4) The president shall appoint one of the candidates as provost, as
13 recommended to him, under the provisions as contained in subsection (3) of
14 this section.

15 (5) Subject to the provisions of this Act, and the general policy role of
16 the council, the provost shall be the chief executive of the college, and shall be
17 charged with the general responsibility for matters relating to the day-to-day
18 management and operations of the college.

19 (6) The provost:

20 (a) Shall hold office for four years, effective from the date of
21 appointment, and on such terms and conditions as may be specified in his letter
22 of appointment; and

23 (b) May be reappointed for another period of four years, and no more.

Deputy Provost

24 **11.-(1)** There shall be a deputy provost.

25 (2) The deputy provost shall be appointed by the council, from among
26 the chief lecturers through:

27 (a) A short list of three candidates, submitted by the provost; or

28 (b) The recommendation of a selection board, constituted in
29 accordance with the provisions of this section.

1 (3) The selection board as referred to in subsection (2), (b), shall
2 comprise:

3 (i) Chairman of the council;

4 (ii) The provost;

5 (iii) Two members of the council, not being on the academic board
6 of the college;

7 (iv) Two members of the academic board.

8 (4) The deputy provost shall;

9 (a) Assist the provost in the discharge of the duties and
10 responsibilities of his office;

11 (b) Act in the capacity of the provost when and if the post of provost
12 is vacant; or if the provost is, for any reason, absent or unable to discharge
13 the functions of his office;

14 (c) Perform such other functions as the provost, or the council may,
15 from time-to-time assign him.

16 (5) (a) The deputy provost shall hold office for a period of two
17 years, with effect from the date of his appointment, and on such terms and
18 conditions as may be spelt out in the letter of his appointment; and

19 (b) may be reappointed for one further period of two years, and no
20 more.

21 **12.-(1)** The council shall appoint a registrar to the college, (herein
22 referred to as "the Registrar"), who shall keep the records and conduct the
23 council correspondence, and perform such other duties as the council, and or
24 the provost may, from time-to-time direct.

The registrar and
other staff of the
College

25 (2) The registrar shall, in addition to other duties as contained in
26 this Act, be the secretary to the council, the academic board and any
27 committee of the council, and in his absence, may be appointed, any other
28 person who shall function in his behalf but shall have no vote at the
29 proceedings of the meeting.

30 (3) The registrar:

1 (a) Shall hold office for a period of five years, effective from the date
2 of his appointment, and on such terms and conditions as may be stated in his
3 letter of appointment;

4 (b) The registrar may be reappointed for one further five years, and no
5 more.

6 (4)where, on the commencement of this section, the registrar is
7 appointed before the commencement of this section, has held office:

8 (a) For five years, or less, he shall be deemed to be serving his first
9 term of office, and may be reappointed for another term of five years;

10 (b) For more than five years, but less than ten years, he shall complete
11 the maximum of ten years and thereafter, relinquish his post, and be assigned
12 other duties in the college;

13 (c) For ten years or more, the council may allow him to serve as
14 registrar for a further period of one year only and thereafter he shall relinquish
15 his post and be assigned other duties in the college.

Other principal
officers of the
College

16 **13.-(1)** There shall be the following principal officers, in addition to
17 the registrar;

18 (a) The bursar; and

19 (b) The librarian who shall be appointed by the council on the
20 recommendation of the selection board as shall be constituted under section 10
21 (3) of this Act.

22 (2) The college bursar shall be the chief financial officer of the college
23 and be responsible to the provost, for the day-to-day operations and financial
24 affairs of the college.

25 (3) The college librarian shall be responsible to the provost for the
26 administration, coordination and management of library services of the
27 college, as they pertain to teaching and research in departments and units of the
28 college.

29 (4) A bursar or librarian:

30 (a) Shall hold office for a period of five years, effective from the date

1 of his appointment, and on such terms and conditions as may be stated in his
2 letter of appointment; and

3 (b) May be reappointed for a period of five years, and no more.

4 (5) Where, on the commencement of this section the bursar or
5 librarian has held office:

6 (a) For five years, or less, he shall be deemed to be serving his first
7 term of office and may be reappointed for a further term of five years;

8 (b) For more than five, but less than ten years, he shall complete the
9 maximum period of ten years and thereafter, relinquish his post and be
10 assigned other duties in the college;

11 (c) For ten years or more, the council may allow him to serve in
12 same capacity for another period of one year only, and thereafter shall
13 relinquish his post and be assigned other duties in the college.

14 **14.** A principal officer may resign his appointment:

Resignation of
appointment of
principal officers

15 (a) In the case of the provost, by written notice to the visitor; and

16 (b) In any other case, by written notice to the council.

17 **15.-(1)** The council may appoint such other persons as employees
18 of the college, on such terms and conditions which the council may
19 determine, to assist the provost and the principal officers of the college in the
20 optimal discharge of their duties and responsibilities, under this Act.

Other employees
of the College

21 (2) In accordance with the provisions of this Act, the remuneration,
22 tenure and the general conditions of service of the employees, shall be
23 determined by the council, in line with the guidelines as contained in the
24 federal civil service commission.

25 **16.-(1)** It is hereby declared that service in the college shall be as
26 approved for purposes as specified in the Pension Act, and accordingly,
27 officers and other employees shall, with regard to their service in the
28 college, be entitled to pensions, gratuities and other retirement benefits, as
29 so stated, however, nothing in this Act shall prevent the appointment of any
30 person to an office on terms which preclude the grant of pension and gratuity

Pensions

1 in respect of the said office.

2 (2) For purposes of the application of the provisions of the Pension
3 Act, any power excisable thereunder by the minister or other authority of
4 government of the federation,(other than the power to make regulations) shall
5 be exercisable by the college, and not by any other person, or authority.

6 PART II FINANCIAL PROVISIONS

Establishment
of fund for the
College

7 **17.**-(1) The council shall establish and maintain a fund which shall be
8 applied to the promotion of the institutional goals and objectives as are
9 contained in this Act.

10 (2) There shall be paid and credited to the fund as established under
11 subsection (1) of this section;

12 (a) Such sums as may be granted to the council by the federal
13 government, through the National Commission for Colleges of Education,
14 from time-to-time;

15 (b) Funds raised for the purposes of the council by way of gifts,
16 grants-in-aid, and

17 (c) All subscriptions, fees and charges for services rendered by the
18 council, and all other sums that may accrue to the council from any source.

19 (3) The council shall submit to the minister, through the National
20 Commission for Colleges of Education, not later than three months before the
21 end of each financial year, or at such other time as he may so direct, an estimate
22 of its revenue and expenditure for the next financial year.

Power to accept
gifts

23 **18.**-(1) The council may accept gifts of land, cash, or other property
24 on such terms and conditions, if any, as may be specified by the person, or body
25 making the gift.

26 (2) The council shall not accept any gift, if the conditions attached by
27 the person or body making the gift are inconsistent with the functions of the
28 council as contained in this Act.

Accounts and
audit

29 **19.** The council shall keep proper accounts of its receipts, payments,

1 assets and liabilities, and shall, in respect of each year, cause the accounts to
2 be audited.

3 **20.** The council shall, at the expiration of each financial year, Annual reports
4 prepare and submit to the minister, a report of its activities during preceding
5 financial year, and shall include in the report, a copy of the audited accounts
6 of the college, for that year, and of the auditor's report on the accounts.

7 PART III - SUPPLEMENTAL PROVISIONS

8 **21.**-(1) For purposes of providing premises and office buildings, Premises and
9 necessary for the effective performance of its functions, the council my: office buildings

10 (a) Build, equip, and maintain offices and premises;

11 (b) Take on lease any land, or purchase any interest in same.

12 (2) The council may, with the approval of the minister, sell any
13 interest in, or lease any land, offices or premises held by it, when no longer
14 required for the performance of its functions.

15 **22.**-(1) The council may make rules empowering the provost to Discipline of
16 conduct enquiries into any allegation of breaches of discipline by students, students
17 and such rules may make provisions for specific circumstances.

18 (2) Such rules shall provide for the procedure and rules of evidence
19 to be followed at enquiries under this section.

20 (3) In accordance with the provisions of subsection (1) of this
21 section, where it is proven during the enquiry that any student of the college
22 has been guilty of misconduct, the provost may, without prejudice to any
23 other disciplinary powers conferred on him by this Act, or any regulations so
24 made, direct:

25 (a) that the student shall not, during such period as may be specified
26 in the directive, participate in such activities of the college, or make use of
27 such facilities of the college, as he may specify;

28 (b) that the activities of the student shall, during such period as
29 may be specified in the directive, be restricted in such manner as may be so
30 specified; or

1 (c) That the student may be suspended for such period as may be
2 specified in the directive; or

3 (d) That the student be expelled from the college.

4 (4) Where there is temporarily no provost, or where the provost
5 refuses to apply any disciplinary measures, the council may, either directly or
6 through some other staff, apply such disciplinary actions as are specified in
7 subsection (3) of this section, to any student of the college who is guilty of
8 misconduct.

9 (5) Where a directive is given under subsection (3) (c) or (d) of this
10 section, in respect of any student, the student may, within 21 days, from the date
11 of the letter communicating the decision to him, appeal to the council, and
12 where the appeal is brought, the council shall, after causing such enquiry to be
13 made in the matter as the council considers just, either confirm, or set aside the
14 directive, or modify it in such manner as the council may deem fit.

15 (6) The fact that an appeal from a directive is brought pursuant to
16 subsection (5) of this section shall not affect the operation of the directive,
17 while the appeal is pending.

18 (7) The provost may delegate his powers under this section to a
19 disciplinary committee, comprising such members of the college as he may
20 nominate.

21 (8) Nothing in this section shall be construed as preventing the
22 restriction or termination of a student's activities in the college, otherwise than
23 on grounds of misconduct.

24 (9) It is hereby declared that the directive under subsection (3) (a) of
25 this section may be considered in relation to subsection (3) (b) of this section.

26 (10) In all cases under this section, the decision of the council shall
27 be final, unless countermanded by the minister on appeal by the student.

Interpretation

28 **23.** In this Act, unless the context indicates otherwise;

29 "Chairman" means the chairman of the council;

30 "College" means the Federal College of Education, Illo;

1 "Council" means the governing council of the Federal College of Education,
2 Illo;
3 "Functions" means powers, duties and responsibilities as contained in this
4 Act;
5 "Member" means member of the council, including the chairman;
6 "Minister" means the minister responsible for educational matters;
7 "Provost" means the provost of the college.

8 **24.** This Bill may be cited as the Federal College of Education, Citation
9 Illo, (Establishment) Bill, 2019.

10 SCHEDULE

11 *Terms of service*

12 1. There may be paid to members of the council committee, other
13 than ex-officio members, such remuneration and allowance as may be
14 determined by the president, from time-to-time.

15 2. Where a vacancy occurs in respect of the membership specified
16 in sections 3 (1) (d) and 3 (2) (d), it shall be filled by the appointment of a
17 successor to hold office for the remainder of the term of office of his
18 predecessor in office, and such successor shall represent the same interest as
19 his predecessor.

20 3. The council may act notwithstanding any vacancy in its
21 membership, or any defect in the appointment of a member or the absence of
22 a member.

23 *Proceedings*

24 4.-(1) The council shall meet for the conduct of business at such
25 times, places and on such days as the chairman may so appoint, but shall
26 meet not less than once every three months.

27 (2) The chairman may, at any time, and shall, at the request in
28 writing of not less than six members, convene a meeting of the council.

29 (3) At any meeting of the council, the chairman shall preside, but in

1 his absence, members present shall elect one among them to preside at the
2 meeting.

3 (4) Where the council desires to obtain the advice of any person on
4 any given matter, the council may co-opt persons who are not members of the
5 council, but persons so co-opted shall not be entitled to vote at a meeting of the
6 council.

7 (5) The quorum of the council shall be one half of the total members of
8 the council, at least one of whom shall be a member appointed by the president.

9 (6) Decisions of the council shall be made on approval by a simple
10 majority of members.

11 *Miscellaneous*

12 5.-(1) The fixing of the seal of the college shall be authenticated by the
13 signature of the chairman, provost and of some other members of the council,
14 authorized generally or specially by the council to act for that purpose.

15 (2) Any contract or instrument which, if made or executed by a person
16 other than a body corporate, would not be required to be under seal, may be
17 made or executed on behalf of the college by any person generally or specially
18 authorized to act for that purpose by the council.

19 (3) Any document purporting to be duly executed under the seal of the
20 college shall be received in evidence and shall, unless the contrary is proven, be
21 presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Education, Illo, that shall provide full-time courses of teaching, instruction and training in the sciences, social sciences, commerce, arts, applied sciences, management and humanities; and carry out research, innovation, development and adaptation of teaching techniques.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL
POLYTECHNIC, ABA, ABIA STATE; AND FOR OTHER MATTERS CONNECTED
THEREWITH

Sponsored by Senator T.A Orji

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows:

- 1 1.-(1) The Abia State Polytechnic is hereby upgraded and
2 established as the Federal Polytechnic Aba, Abia State which shall have
3 such powers and exercise such functions as is conferred on it by this Act.
- 4 (2) The Polytechnic shall be a body corporate with perpetual
5 succession and a common seal and shall have power to acquire and dispose
6 of interests in movable and immovable property and may sue and be sued in
7 its corporate name.
- 8 2.-(a) to provide full-time and part-time courses of instruction and
9 training to produce middle and high level manpower:
- 10 (i) in technology, applied science, commerce and management;
11 and
- 12 (ii) in such other fields of applied learning relevant to the needs of
13 the development of Nigeria in the areas of industrial and agricultural
14 production and distribution and for research in the development and
15 adaptation of techniques as the Council may from time to time determine;
- 16 (b) to arrange conference, seminars and study groups relative to
17 the fields of learning specified in paragraph (a) of this subsection (1);
- 18 (c) to perform such other functions as in the opinion of the Council
19 may serve to promote the objectives of the Polytechnic.
- 20 (2) Nothing in this section shall preclude the government of a State

Establishment
of the Federal
Polytechnic, Aba,
Abia State

Functions of the
Polytechnic

Establishment
and Constitution
of the Council, etc.

1 or any of its agencies from setting up a polytechnic similar to any polytechnic
2 established under this Act.

3 **3.-(1)** There shall be established for the Polytechnic a Governing
4 Council (hereafter in this Act referred to as "the Council").

5 (2) The Council shall consist of a Chairman and the following other
6 members:

7 (a) four persons representing a variety of interests and broadly
8 representative of the whole Federation, at least one of whom shall be a woman;

9 (b) one person to represent the alumni association;

10 (c) a representative of the community where the Polytechnic is
11 situated;

12 (d) the Rector;

13 (e) the Deputy Rector(s);

14 (f) one person representing the Federal Ministry of Education or
15 regulatory agency;

16 (g) two persons not below the rank of Chief Lecturer elected by the
17 Academic Board from among its members;

18 (h) three persons not below the rank of Senior Lecturer or its
19 equivalent elected by the Congregation from among its members in which one
20 shall be non-teaching staff.

21 (3)(i) The Chairman and members of the Council other than ex-
22 officio members shall be appointed by the President and Commander-in-Chief
23 of the Armed Forces;

24 (ii) Persons to be appointed to the Council shall be persons of proven
25 integrity, knowledgeable and acquainted with the working and tradition of the
26 Technical and Vocational Education.

27 (4) Any member of the Council other than an ex-officio member shall
28 hold office for a period of three years at the first instance and may be eligible for
29 re-appointment for another period of three years and no more.

30 (5) The governance structure of the Polytechnic shall be composed of:

- 1 (a) Governing Council;
2 (b) Academic Board;
3 (c) Management Committee;
4 (d) School Board; and
5 (e) Departmental Board.

6 (6) The provisions set out in the First Schedule to this Bill, shall
7 apply in relation to the Council governance structure and other matters
8 therein specified.

9 4.-(1) The President and Commander-in-Chief of the Armed Visitation
10 Forces shall be the Visitor to the Polytechnic.

11 (2) The Visitor shall, not less than once in every five years, conduct
12 a visitation of the college or appoint a Visitation Panel, consisting of not less
13 than five experts, to conduct the visitation-

14 (a) for the purpose of evaluating the academic and administrative
15 performance of the Polytechnic;

16 (b) for such other purpose or in respect of any other affairs of the
17 Polytechnic as the Visitor may deem fit. [1993 No. 5]

18 5.-(1) There shall be a Registrar to the Polytechnic who shall be Registrar of the
19 responsible to the Rector for the day-to-day administration of the Polytechnic
20 polytechnic and shall perform such other duties as the Council or as the case
21 may be, the Rector may from time to time require him.

22 (2) The Registrar shall be the Secretary to the Council, the
23 Academic Board and any committee of the Council and shall attend all the
24 meetings of those bodies unless excused for good reason by the chairman of
25 the Council.

26 (3) In the absence of the Registrar, the Chairman of the Council
27 may, after consultation with the Rector, appoint a suitable person to act as
28 Secretary for any particular meeting of the Council.

29 (4) The Secretary to the Council or a person appointed to act under
30 subsection (3) of this section, shall not vote on any question before the

	1	Council or count towards a quorum unless he is so entitled as a member of the
	2	Council.
Tenure of office of the Registrar	3	6.-(1) A Registrar shall hold office for a single tenure of five years
	4	beginning from the effective date of his appointment and on such terms and
	5	conditions as may be specified in the letter of his appointment;
	6	(2) Where a Registrar has held office for five years or less on the
	7	commencement of this Act, he shall be deemed to have been serving his final
	8	term of office.
General functions of the Council	9	7.-(1) Subject to provision of this Act, the Council shall be the
	10	governing body of the Polytechnic concerned and shall have the general
	11	management of the affairs of the Polytechnic, and in particular, the control of
	12	the property and finances of the polytechnic; and shall have power to do
	13	anything which in its opinion is calculated to facilitate the carrying out of the
	14	activities of the Polytechnic and promote its best interests.
	15	(2) The Council may acquire and hold such movable or immovable
	16	property as may be necessary or expedient for carrying into effect the
	17	provisions of this Act, and for the same purpose may sell, lease, mortgage or
	18	otherwise alienate or dispose of any property so acquired.
	19	(3) The Council may enter into such contracts as may be necessary or
	20	expedient for carrying into effect the provisions of this Act.
	21	(4) The Minister may give to the Council directions of a general
	22	character or relating generally to particular matters (but not any individual
	23	person or case) with regard to the exercise by the Council of its functions and it
	24	shall be the duty of the Council to comply with the directions.
The Rector of the Polytechnic	25	8.-(1) There shall be a Rector for the Polytechnic ("the Rector") who
	26	shall be appointed by the President, Commander-in-Chief of the Armed Forces
	27	in accordance with the provision of this section.
	28	(2) Where a vacancy occurs in the post of the Rector, the Council
	29	shall:
	30	(a) advertise the vacancy not later than six (6) months to the

1 expiration of the term of the sitting Rector in not less than two national
2 newspapers in Nigeria, specifying:

3 (i) the qualifications of the persons who may apply for the post,
4 who shall be a Chief Lecturer in the Polytechnic sector with at least five
5 years of experience on that position among other criteria ; and

6 (ii) the terms and conditions of service applicable to the post, and
7 thereafter, draw up a short list of suitable candidates for consideration;

8 (b) constitute a Search Team consisting of:

9 (i) a member of the Council, not being a member of the Academic
10 Board, as Chairman;

11 (ii) two members of the Academic Board, not below the rank of
12 Chief Lecturer;

13 (iii) two members of Academic Staff not below the rank of Chief
14 Lecturers to be elected from among its members.

15 (3) A Joint Council, Academic Board and Congregation Selection
16 Board consisting of:

17 (a) the Chairman of the Council;

18 (b) two members of the Council not being members of the
19 Academic Board;

20 (c) two members of the Academic Board not below the rank of
21 Chief Lecturer, who were not members of the Search Team elected among
22 its members; and

23 (d) two members of the Congregation not below the rank of Chief
24 Lecturer who were not members of the Search Team elected among its
25 members, shall consider the candidates on the short list drawn up under
26 subsection (2) of this section through an examination of their curriculum
27 vitae and interaction with them and recommend in order of performance
28 ranking through the Council, to the President and Commander-in-Chief of
29 the Armed Forces, three candidates for his consideration.

30 (4) The President shall appoint, as Rector, one of the candidates

1 recommended to him under the provisions of subsection (3) of this section.

2 (5) Subject to this Act and the general control of the Council, the
3 Rector shall be the Chief Executive of the Polytechnic and shall be charged
4 with general responsibility for matters relating to the day-to-day management
5 operations of the Polytechnic.

6 (6) The Rector shall:

7 (a)(i) hold office for a single term of five years beginning with the
8 effective date of his appointment and on such terms and conditions as may be
9 specified in his letter of appointment;

10 (ii) where a Rector was appointed on four-year tenure on the
11 commencement of this Act, his tenure shall be extended for a period of one year
12 to complete the single-tenure of five years in line with subsection (6) (a) above;

13 (iii) where a Rector is serving second tenure of four years on the
14 commencement of this Act, he shall be deemed to have been serving his final
15 term of office.

16 (b) have power to exercise general authority over staff and be
17 responsible for discipline in the Polytechnic; and

18 (c) his remuneration shall be determined by the National Salaries and
19 Wages Commission.

Deputy Rectors

20 9.-(1) There shall be for the Polytechnic such number of Deputy
21 Rectors as the Council may, from time to time, deem necessary for the proper
22 administration of the Polytechnic.

23 (2) Where a vacancy occurs in the post of Deputy Rector, the Rector
24 shall forward to the Academic Board a list of two candidates for each post of
25 Deputy Rector that is vacant.

26 (3) The Academic Board shall elect for each vacant post one candidate
27 from each list forwarded to it under subsection (2) of this section and forward
28 his name to the Council for confirmation.

29 (4) Where-

30 (a) the Academic Board rejects the two candidates forwarded to it by

1 the Rector under subsection (2) of this section, the Rector shall submit
2 another list.

3 (b) the Council rejects the name sent to it under subsection (3) of
4 this section, the Academic Board shall send the name of the other candidate
5 on the list forwarded to it by the Rector under subsection (2) of this section.

6 (5) The Deputy Rector(s) shall:

7 (a) assist the Rector in the performance of his functions;

8 (b) act in the place of the Rector when the post of Rector is vacant
9 or if the Rector is for any reason absent or unable to perform their functions
10 as Rector; and

11 (c) perform such other functions as the Rector or the Council may
12 from time to time assign to him.

13 (6) The Deputy Rectors:

14 (a) shall hold office for a single tenure of four years beginning from
15 the effective date of his appointment and on such terms and conditions as
16 may be specified in his letter of appointment;

17 (b) where a Deputy Rector was appointed on a two year tenure on
18 the commencement of this Act, his tenure shall be extended for a period of
19 two years to complete the single-tenure of four years in line with subsection
20 (6) (a) above;

21 (c) where a Deputy Rector is serving second tenure of two years on
22 the commencement of this Act, he shall be deemed to have been serving his
23 final term of office.

24 **10.-(1)** There shall be for the polytechnic the following other
25 principal officers in addition to the Deputy Rector(s):

Other Principal
officers of the
Polytechnic

26 (a) the Registrar;

27 (b) the Bursar; and

28 (c) the Polytechnic Librarian,

29 who shall be appointed by the Council on the recommendation of the
30 Selection Board constituted under section 12 of this Act.

1 (2) The Bursar shall be the Chief Financial Officer of the Polytechnic
 2 and be responsible to the Rector for the day-to-day administration and control
 3 of the financial affairs of the Polytechnic.

4 (3) The Polytechnic Librarian shall be responsible to the Rector for
 5 the administration of the polytechnic library and the co-ordination of the
 6 library services in the teaching units of the Polytechnic.

7 (4) The Bursar or Librarian-

8 (a) shall hold office for a single tenure of five years beginning from
 9 the effective date of his appointment and on such terms and conditions as may
 10 be specified in his letter of appointment;

11 (b) where a Bursar or Librarian has held office for five years or less on
 12 the commencement of this Act, he shall be deemed to have been serving his
 13 final term of office.

Resignation of
 appointment of
 Principal Officers

14 **11.** A Principal Officer may resign his appointment:

15 (a) in the case of the Rector, by notice to the Visitor;

16 (b) in any other case by notice to the Council.

Selection Board
 for other
 Principal Officers

17 **12.-(1)** There shall be, for the Polytechnic a Selection Board which
 18 shall consist of:

19 (a) the Chairman of the Council;

20 (b) the Rector;

21 (c) four members of the Council not being members of the Academic
 22 Board;

23 (d) two members of the Academic Board not being members of
 24 Council and not below the rank of Chief Lecturer elected from among its
 25 members; and

26 (e) three members of the Congregation not below the rank of Principal
 27 Lecturer or its equivalent elected from among its members in which one shall
 28 be a non-teaching staff.

29 (2) The functions and procedure and other matters relating to the
 30 Selection Board constituted under subsection (1) of this section shall be as the

1 Council may, from time to time, determine.

2 13.-(1) The Council may appoint such other persons to be Other employees
3 employees of the Polytechnic as the Council may determine to assist the of the Polytechnic
4 Rector and the Principal Officers of the Polytechnic in the performance of
5 their functions under this Act.

6 (2) The power to appoint all other employees of the polytechnic
7 shall be exercised:

8 (a) in the case of senior employees, by the Council on the
9 recommendation of Appointment and Promotions Committee set up under
10 the provisions of paragraph 3(2)(a) of the First Schedule to this Act;

11 (b) in the case of junior employees, by the Rector on the
12 recommendation of the Junior Staff Appointment and Promotions
13 Committee constituted under paragraph 3(2)(b) of the First Schedule to this
14 Act.

15 (3) Subject to the provisions of this Act, the remuneration, tenure of
16 office and conditions of service of the employees of the Council shall be
17 determined by the Council in consultation with the Federal Civil Service
18 Commission.

19 14.-(1) The Federal Civil Service Commission may by order Application of
20 published in the Federal Gazette declare the office of the Rector or any other the Pensions Act
21 person employed by the Council to be a pensionable office for the purposes
22 of the Pensions Act.

23 [Cap. P4]

24 (2) Nothing in the provisions of subsection (1) of this section shall
25 prevent the appointment of any person to any office on terms which preclude
26 the grant of a pension or gratuity in respect of service in that office.

27 (3) A law or rule requiring a person to retire from the Public Service
28 after serving for thirty five (35) years or having attained the age of 60 years
29 in service, shall not apply to staff of Polytechnic.

30 (4) Notwithstanding anything to the contrary contained in the

Establishment
of the Academic
Board

1 Pensions Reform Act, the compulsory retirement age of staff of Polytechnic
2 shall be sixty-five (65) years.

3 **15.-(1)** There shall be established for the Polytechnic a Board to be
4 known as the Academic Board which shall consist of the following members:

5 (a) the Rector of the Polytechnic, as the Chairman;

6 (b) the Deputy Rector(s) of the Polytechnic;

7 (c) all Heads of academic Departments and units;

8 (d) the Polytechnic Librarian;

9 (e) not more than two members of the academic staff who are not
10 members of the Academic Board and not below the rank of Senior Lecturer
11 elected from among its members, such members shall serve for non-renewable
12 term of three (3) years;

13 (f) all Deans and Academic Directors; and

14 (g) all Chief Lecturers.

15 (2) The Academic Board shall be responsible for:

16 (a) the direction and management of academic matters of the
17 Polytechnic including the regulation of admission of students, the award of
18 certificates and diplomas, scholarships, prizes and other academic distinctions;

19 (b) the making to the Council of such periodic reports on such
20 academic matters as the Academic Board may think fit or as the Council may
21 from time to time direct; and

22 (c) the discharge of any other functions which the Council may
23 delegate to it.

24 *Tenure of Office*

Removal from
office of members
of the Council
and the Rector

25 **16.-(1)** Where it appears to the Governing Council that a member of
26 the Council other than an ex-officio member or the Rector should be removed
27 from office on the ground of misconduct or inability to perform the functions of
28 his office, the Council shall make a recommendation through the Minister to
29 the Federal Executive Council approves of it, the Minister shall declare the
30 office of such member or Rector vacant.

1 (2) The Minister may recommend the removal of any member of
2 the Governing Council or Rector to the Federal Executive Council, if he is
3 satisfied that it is not in the interest of the Public or of the Polytechnic that
4 such a person should continue as a member of the Council.

5 (3) In case of vacancy in the office of the Rector, the Council shall
6 appoint an Acting Rector who shall not be in office for more than 6 months.

7 (4) There shall be no sole administration in any Polytechnic in
8 Nigeria.

9 17.-(1) If it appears to the Council that there are reasons for
10 believing that any person employed as a member of the academic,
11 administrative or technical staff of the polytechnic, other than the Rector,
12 should be removed from office on the ground of misconduct or inability to
13 perform the functions of his office, the Council shall:

Removal and
discipline of
Academic,
Administrative
and Technical
Staff

14 (a) give notice of those reasons to the person in question;

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

17 (c) if he or any three members of the Council so request within the
18 period of one month beginning with the date of the notice, make
19 arrangements:

20 (i) if he is an academic staff, for a Joint Committee of the Council
21 and the Academic Board to investigate the matter and to report on it to the
22 Council;

23 (ii) for a Committee of the Council to investigate the matter, where
24 it relates to any other member of the staff of the Polytechnic and to report on
25 it to the Council; and

26 (iii) for the person in question to be afforded an opportunity of
27 appearing before and being heard by the Investigating Committee with
28 respect to the matter, and if the Council, after considering the report of the
29 Investigating Committee, is satisfied that the person in question should be
30 removed as aforesaid, the Council may so remove him by an instrument in

1 writing signed on the directions of the Council.

2 (2) The Rector may, in a case of misconduct by a member of the staff
3 which in the opinion of the Rector is prejudicial to the interests of the
4 Polytechnic, suspend such member and any such suspension shall forthwith be
5 reported to the Council.

6 (3) For good cause, any member of staff may be suspended from
7 office or his appointment may be terminated by the Council and for the purpose
8 of this subsection, "good cause" means:

9 (a) any physical or mental incapacity which the Council, after
10 obtaining medical advice, considers to be such as to render the person
11 concerned unfit for the discharge of the functions of his office;

12 (b) any physical or mental incapacity which the Council, after
13 medical advice, considers to be such as to render the person concerned unfit to
14 continue to hold his office;

15 (c) conduct of a scandalous or other disgraceful nature which the
16 Council considers to be such as to render the person concerned unfit to continue
17 to hold his office;

18 (d) conduct which the Council considers to be such as to constitute
19 failure or inability of the person concerned to discharge the functions of his
20 office or to comply with the terms and conditions of his service.

21 (4) Any person suspended pursuant to subsection (2) or (3) of this
22 section, shall be placed on half pay and the Council shall before the expiration
23 of the period of three months after the date of such suspension consider the case
24 against that person and come to a decision as to:

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

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

29 (c) whether to terminate the appointment of the person in question, in
30 which case such a person, will not be entitled to the proportion of his

1 emoluments withheld during the period of suspension;

2 (d) whether to take such lesser disciplinary action against such
3 person (including the restoration of such proportion of his emoluments that
4 might have been withheld) as the Council may determine, and in any case
5 where the Council, pursuant to this section, decides to continue a person's
6 suspension or decides to take further disciplinary action against a person, the
7 Council shall before the expiration of a period of three months from such
8 decision come to a final determination in respect of the case concerning any
9 such person.

10 (5) It shall be the duty of the person by whom an instrument of
11 removal is signed in pursuance of subsection (1) of this section, to use his
12 best endeavours to cause a copy of the instrument to be served as soon as
13 reasonably practicable on the person to whom it relates.

14 (6) Nothing in the foregoing provisions of this section shall prevent
15 the Council from making such regulations for the discipline of other
16 categories of staff and workers of the Polytechnic as it may think fit.

17 **18.-(1)** Subject to the provisions of this section, where it appears to
18 the Rector that any student of the Polytechnic has been guilty of misconduct,
19 the Rector may, without prejudice to any other disciplinary powers
20 conferred on him by this Act or regulations made hereunder direct:

Discipline of
students

21 (a) that the student shall not during such period as may be specified
22 in the direction, participate in such activities of the Polytechnic, or make use
23 of such facilities of the Polytechnic, as he may specify;

24 (b) that the activities of the student shall, during such period as may
25 be specified in the directions, be restricted in such manner as may be so
26 specified;

27 (c) that the student be suspended for such period as may be
28 specified in the directions; and

29 (d) that the student be expelled from the Polytechnic.

30 (2) Where there is temporarily no Rector or where the Rector

1 refuses to apply any disciplinary measures, the Council, either directly or
2 through some other staff, may apply such disciplinary actions as are specified
3 in subsection (1) of this section to any student of the Polytechnic who is guilty
4 of misconduct.

5 (3) Where a direction is given under subsection (1)(c) or (d) of this
6 section in respect of any student, the student may, within a period of 21 days
7 from the date of the letter communicating the decision to him, appeal from the
8 direction to the Council; and where such an appeal is brought, the Council
9 shall, after causing such inquiry to be made into the matter as the Council
10 considers just, either confirm or set aside the direction or modify it in such
11 manner as the Council may think fit.

12 (4) The fact that an appeal from a direction is brought in pursuance of
13 subsection (3) of this section shall not affect the operation of the direction while
14 the appeal is pending.

15 (5) The Rector may delegate his power under this section to a
16 Disciplinary Committee considering of such members of the Polytechnic as he
17 may nominate.

18 (6) Nothing in this section shall be construed as preventing the
19 restriction or termination of a student's activities at the Polytechnic otherwise
20 than on the ground of misconduct.

21 (7) It is hereby declared that a direction under subsection (1)(a) of this
22 section may be combined with a direction under subsection (1)(b) of this
23 section.

24 (8) In all cases under this section, the decision of the Council shall be
25 final.

Discipline of
Junior staff

26 **19.-(1)** If any junior staff is accused of misconduct or inefficiency, the
27 Rector may suspend him for not more than three months and shall forthwith
28 direct the Junior Staff Appointments and Promotions Committee:

29 (a) to consider the case; and

1 (b) to make recommendations as to the appropriate action to be
2 taken by the Rector.

3 (2) In all cases under this section, the officer shall be informed of
4 the charge against him and shall be given reasonable opportunity to defend
5 himself.

6 (3) The Rector may, after considering the recommendation made
7 pursuant to subsection (1)(b) of this section, dismiss, terminate, retire or
8 down-grade the officer concerned.

9 (4) Any person aggrieved by the Rector's decision under
10 subsection (3) of this section, may within a period of 21 days from the date of
11 the letter communicating the decision to him, address a petition to the
12 Council to consider his case and the Council's decision thereon shall be
13 final.

14 (5) In any case of gross misconduct on the part of a junior staff, the
15 Rector shall forthwith suspend him and thereafter refer the matter to the
16 Junior Staff Appointments and Promotions Committee to be dealt with
17 according to the foregoing provisions of this section.

Audit of Accounts

18 **20.-(1)** The Council shall keep proper accounts and proper records
19 in relation thereto and shall cause to be prepared, not later than 1st October in
20 each financial year, an estimate of its revenue and expenditure for the
21 ensuing financial year and when prepared, the estimate shall be submitted to
22 the National Board for Technical Education for approval.

23 (2) At the end of each financial year but not later than 30th June the
24 Council shall cause to be prepared a statement of its income and expenditure
25 during the previous financial year.

26 (3) The statement of accounts referred to in subsection (2) of this
27 section shall, when certified by the Rector, be audited by a firm of auditors
28 appointed from the list and in accordance with the guidelines supplied by the
29 Auditor General of the Federation and shall be published in the annual report
30 of the Polytechnic.

Funds of the Council	1	21. The funds of the Council shall include-
	2	(a) fees charged by and payable to the Council in respect of students;
	3	(b) any other amounts due to or recoverable by the Council;
	4	(c) revenue from time to time accruing to the Council from the
	5	Federal Government by way of subvention, grant-in-aid, endowment or
	6	otherwise howsoever; and
	7	(d) donations and legacies accruing to the Council from any source
	8	for the special purpose of the Council.
Donation for particular purposes	9	22. -(1) Donations of money to be applied to any particular purpose
	10	shall be placed to the credit of a special reserve account approved by the
	11	Council until such time as they may be expended in fulfillment of such
	12	purpose.
	13	(2) No Council shall be obliged to accept a donation for a particular
	14	purpose unless it approves of the terms and conditions attached to such
	15	donation.
Payment into bank	16	23. All sums of money received on account of the Council shall be
	17	paid into such bank for the credit of the Council as may be approved by the
	18	Council.
Annual Report	19	24. The Council shall on or before 31st December in each year
	20	prepare and submit to the President through the Minister, a report of the
	21	activities during the preceding financial year and shall include in the report, the
	22	audited accounts of the polytechnic in respect of that financial year and the
	23	auditor's comments on the account.
	24	<i>Miscellaneous and Supplemental</i>
Power to make bye-laws	25	25. -(1) The Council may make bye-laws relating to any matter within
	26	its competence under this Act other than matters for which provision is to be
	27	made by standing orders pursuant to paragraph 7 of the Schedule to this Act.
	28	(2) All such bye-laws shall be in writing and shall come into force
	29	when sealed with the seal of the Council unless some other date for their
	30	commencement is prescribed therein.

1 (3) (Nothing in subsection (2) of this section, shall make it
2 obligatory for the Council to publish any of the said bye-laws in the Federal
3 Gazette but the Council shall bring such bye-laws to the notice of all affected
4 thereby.

5 **26.** No person shall be required to satisfy requirements as to any of
6 the following matters, that is to say race (including ethnic grouping), sex,
7 place of birth or of family origin or religious or political persuasion or as a
8 condition of becoming or continuing to be a student at the polytechnic or as a
9 holder of any certificate of the Polytechnic, or of any appointment or
10 employment at the Polytechnic, or a member of anybody established by
11 virtue of this Act; and no person shall be subjected to any disadvantage or
12 accorded any advantage in relation to the Polytechnic by reference to any of
13 those matters:

Exclusion of
discrimination
on account of
race, religion, etc.

14 Provided that, nothing in this section shall be construed as preventing the
15 polytechnic from imposing any disability or restriction on any of the
16 aforementioned persons where such a person willfully refuses or fails on
17 grounds of religious belief to undertake any duty, having regard to its nature
18 and the special circumstances pertaining thereto is, in the opinion of the
19 Polytechnic, reasonably justifiable in the national interest.

20 **27.** Subject to the provisions of paragraph 6(2) of the First
21 Schedule to this Act and any standing orders or bye-law made under this Ac,
22 the quorum and procedure of any body of persons established by this Act
23 shall be such as may be determined by that body.

Quorum and
procedure of
bodies established
under this Act

24 **28.** In this Act, unless the context otherwise requires:
25 "the Academic Board" means the board establish under section 10 of this
26 Act;
27 "the Appointments and Promotions Committee" means a body by that name
28 established under paragraph 3(2)(a) of the Schedule to this Act;
29 "polytechnic" means the respective Polytechnic set up under this section 1
30 of this Act;

Interpretation

Short title

1 "the Junior Staff Appointments and Promotion Committee" means a body by
2 that name set up under paragraph 3(2)(b) of the Schedule to this Act;
3 "the Minister" means the Minister charged with responsibility for matters
4 relating to technical education;
5 "the Registrar" means the Registrar of the Polytechnic appointed under section
6 4(1) of this Act.

7 **29.** This Bill may be cited as the Federal Polytechnic Aba, Abia State,
8 2019.

9 FIRST SCHEDULE

10 [Section 7]

11 PUBLIC OFFICERS FOR THE PURPOSES OF THE CODE OF CONDUCT

12 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

13 *Terms of office of members*

14 1.-(1) A member of the Council other than an ex-officio member shall
15 hold office for a period of three years beginning with the date on which he was
16 appointed and shall be eligible for re-appointment for a further term of three
17 years and thereafter he shall no longer be eligible for re-appointment.

18 (2) Members of the Council holding office as specified in paragraph
19 1(1) of this Schedule, shall be paid remuneration or allowance in accordance
20 with rates specified from time to time by the National Council of Ministers.

21 (3) A member of the Council holding office as specified in paragraph
22 1(1) of this Schedule may by notice in writing to the Minister resign his office.

23 2.-(1) Where a vacancy occurs in the membership of the Council, that
24 vacancy shall be filled by the appointment of a successor to hold office for the
25 remainder of the term of office of his predecessor, so however that the
26 successor shall represent the same interest as his predecessor.

27 (2) The Council may act notwithstanding any vacancy in its
28 membership or the absence of any member or that a person not entitled to do so
29 took part in its proceedings.

1 *Committees*

2 3.-(1) The Council may appoint one or more committees to which it
3 may delegate any of its functions.

4 (2) Without prejudice to the generality of sub-paragraph (1) of this
5 Schedule, the Council shall appoint the following committees, that is:

6 (a) the Appointments and Promotions Committees which shall:

7 (i) consist of Rector as the chairman and four other members who
8 shall be appointed by the Council;

9 (ii) be charged with the responsibility for making
10 recommendations to the Council on the appointment and promotion of the
11 academic and senior non-teaching staff of the Polytechnic and have a
12 quorum of three members.

13 (b) the Junior Staff Appointments and Promotions Committee
14 which shall consist of a Deputy Rector as Chairman and four other members
15 to be appointed by the Rector and shall have the powers set out in section
16 13(2)(b) and section 19 of this Act;

17 (c) the Committee on Students' Affairs which shall consist of the
18 following members:

19 (i) a Deputy Rector as chairman;

20 (ii) one member of the Council;

21 (iii) Dean of Students Affairs;

22 (iv) two members of the academic staff not below the rank of
23 Senior Lecturer; and

24 (d) two representatives of the Students Union of the Polytechnic;
25 and a committee on students affairs shall be charged with the duty of:

26 (i) considering any matter which relates to the welfare of students;

27 (ii) any other matter referred to it by either the Council or
28 management of the Polytechnic;

29 (iii) any matter which the students wish to refer to the Council shall
30 be referred to the management in the first instance which may in turn refer

1 the matter to the Committee on Students' Affairs.

2 (3) No decision of a Committee of the Council shall have effect unless
3 it is confirmed by the Council.

4 *Proceedings of the Council*

5 4.-(1) The Council shall meet for the conduct of business once in a
6 quarter except for emergency.

7 (2) The Chairman of the Council may at any time and shall at the
8 request in writing of not less than five members of the Council summon a
9 meeting of the Council.

10 (3) Particulars of the business to be transacted shall be circulated to
11 members with the notice of the meeting at least two weeks before the date of the
12 meeting.

13 5. Where the Council desires to obtain the advice of any person on any
14 particular matter, it may co-opt such person as a member for a meeting whether
15 or not expressly convened for the purpose of considering the particular matter
16 but no co-opted member shall be entitled to vote or shall count towards
17 quorum.

18 6.-(1) Every question put before the Council at a meeting shall be
19 decided by a simple majority of the members present and voting.

20 (2) Two third of members shall form a quorum at any meeting of the
21 Council.

22 (3) The Chairman shall, at any meeting of the Council, have a vote
23 and, in the case of an equality of votes, may exercise a casting vote.

24 7. Subject as aforesaid, the Council may make standing orders with
25 respect to the holding of meetings, the nature of notices to be given, the
26 proceedings thereat, the keeping of minutes of such proceedings and the
27 custody and production for inspection of such minutes.

28 8. If the Chairman of the Council is absent from a meeting of the
29 Council, the members present shall elect one of their number to act as chairman
30 for the purposes of the meeting.

1 *Miscellaneous*

2 9. Composition and Functions of Management Committee,
3 School and Departmental Boards:

4 (a)(i) There shall be a Management Committee made up of all the
5 Principal Officers of the Polytechnic, all Deans and Directors in the
6 Polytechnic;

7 (ii) the Rector shall be the Chairman of the Management
8 Committee; and

9 (iii) the Management Committee shall meet at least once in a
10 month to discuss and take decisions on matters of general interest to the
11 Polytechnic.

12 (b) (i) There shall be a School Board for each school in the
13 Polytechnic made up of all the Academic Staff in that School;

14 (ii) The School Board deal with academic matters and any other
15 matter of interest to the School or any matter assigned to it by the Council,
16 the Rector or the Academic Board;

17 (iii) The Dean shall be the Chairman of the School Board;

18 (iv) The Dean shall be elected from among the Academic Staff not
19 below the rank of Chief Lecturer in that School for a tenure of three years
20 and not immediately renewable.

21 (c) (i) There shall be a Departmental Board for each Department in
22 the Polytechnic made up of all the Academic Staff in that department;

23 (ii) The Departmental Board shall deal with academic matters and
24 any other matter of interest to the Department;

25 (iii) The Head of Department shall be chairman of the
26 Departmental Board;

27 (iv) The Head of Department shall be elected from among the
28 Academic staff not below the rank of Senior Lecturer in that department for
29 a tenure of three years and not immediately renewable.

30 (d) Where there is no qualified candidate for the position of Dean

1 or Head of Department, the Rector shall appoint an Acting Dean not below the
2 rank of Senior Lecturer or Acting Head of Department not below the rank of
3 Lecturer I for a period of one year in the first instance and renewable once and
4 no more.

5 (e) Nothing in this Act shall prevent the Management Committee and
6 Boards from making supplementary rules to guide their proceedings provided
7 such rules are not inconsistent with the provisions of this Act.

8 *Establishment of the Congregation*

9 10.-(a) There shall be for the Polytechnic, a Congregation made of
10 both Academic and Senior Non-Teaching staff, who holds at least a first degree
11 or its equivalent;

12 (b) The Rector shall be the Chairman of the Congregation;

13 (c) The Congregation shall meet at least once in a year.

14 11. Any contract or instrument which if entered into by a person not
15 being a body corporate would not be required to be under seal, may in like
16 manner be entered into or executed on behalf of the Council by any person
17 generally or specifically authorized by it for that purpose.

18 12.-(1) The common seal of the Council shall not be used or affixed to
19 any document except in pursuance of a resolution duly passed at a properly
20 constituted meeting of the Council and recorded in the minutes of such
21 meeting.

22 (2) The fixing of the seal of the Council shall be authenticated by the
23 signature of the Chairman of the Council and some other member authorized
24 generally or specifically by the Council to act for that purpose.

25 (3) Any document purporting to be a document duly executed under
26 the seal of the Council shall be received in evidence and shall, unless the
27 contrary is proved, be deemed to be so executed.

28 13. Any member of the Council or a committee thereof who has a
29 personal interest in any contract or arrangement entered into or proposed to be
30 considered by the Council or a committee thereof, shall forthwith disclose his

- 1 interest to the Council and shall not vote on any question relating to such
2 contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Federal Polytechnic, Aba, Abia State; and to provide full-time and part-time courses of instruction and training to produce middle and high level manpower.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE CITY UNIVERSITY
OF TECHNOLOGY, AUCHI AND OTHER RELATED MATTERS THEREOF

Sponsored by Senator Francis Alimikhena

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows:

1 PART I - CONSTITUTION AND FUNCTIONS OF THE UNIVERSITY AND
2 ITS CONSTITUENT BODIES, ETC.

3 1.-(1) There is hereby established the City University of
4 Technology, Auchi (hereafter in this Act referred to as "the University")
5 which shall be a body corporate with perpetual succession and a common
6 seal.

Incorporation
and Objects of
the City University
of Technology,
Auchi.

7 (2) The University may sue and be sued in its corporate name.

8 (3) The objects of the University shall be to:

9 (a) encourage the advancement of learning and to hold out to all
10 persons without distinction of race, creed, sex or political conviction the
11 opportunity of acquiring a higher and liberal education;

12 (b) provide courses of instruction and other facilities for the pursuit
13 of learning in all its branches, and to make those facilities available on
14 proper terms to such persons as are equipped to benefit from them;

15 (c) encourage and promote scholarship and conduct research in all
16 fields of learning with emphasis on technical education;

17 (d) relate its activities to the social, cultural and economic needs of
18 the people of Nigeria; and

19 (e) undertake any other activities appropriate for a university of the
20 highest standard.

Constitution and
Principal Officers
of the University

- 1 **2.-(1)** The University shall consist of:
- 2 (a) a Chancellor;
- 3 (b) a Pro-Chancellor and a Council;
- 4 (c) a Vice-Chancellor and a Senate;
- 5 (d) Deputy Vice-Chancellor
- 6 (e) a body to be called Congregation;
- 7 (f) a body to be called Convocation;
- 8 (g) the campuses and colleges of the University;
- 9 (h) the faculties, schools, institutes and other teaching and research
- 10 units of the University;
- 11 (i) the persons holding the offices constituted by the First Schedule to
- 12 this Act other than those mentioned in paragraphs (a) to (c) of this subsection;
- 13 (j) all graduates and undergraduates; and
- 14 (k) all other persons who are members of the University in accordance
- 15 with provision made by statute in that behalf.
- 16 (2) The First Schedule to this Act shall have effect with respect to the
- 17 principal officers of the University therein mentioned.
- 18 (3) Provision shall be made by Statute with respect to the constitution
- 19 of the following bodies, namely the Council, the Senate, Congregation and
- 20 Convocation.

Powers of the
University and
their Exercise

- 21 **3.-(1)** For the carrying out its objects as specified in section 1 of this
- 22 Act the University shall have power:
- 23 (a) to establish such campuses, colleges, faculties, institutes, schools,
- 24 extra-mural departments and other teaching and research units within the
- 25 University as may from time to time seem necessary or desirable subject to the
- 26 approval of the National Universities Commission;
- 27 (b) to institute professorships, readerships, lectureships and other
- 28 posts and offices and to make appointments thereto;
- 29 (c) to institute and award fellowships, scholarships, exhibitions,

1 bursaries, medals, prizes and other titles, distinctions, awards and forms of
2 assistance;

3 (d) to provide for the discipline and welfare of members of the
4 University;

5 (e) to hold examinations and grant degrees, diplomas, certificates
6 and other distinctions to persons who have pursued a course of study
7 approved by the University and have satisfied such other requirements as the
8 University may lay down;

9 (f) to grant honorary degrees, fellowships or academic titles;

10 (g) to demand and receive from any student or any other person
11 attending the University for the purpose of instruction such fees as the
12 University may from time to time determine, subject to the overall directives
13 of the Minister;

14 (h) subject to section 19 of this Act, to acquire, hold, grant, charge
15 or otherwise deal with or dispose of movable and immovable property
16 wherever situate;

17 (i) to accept gifts, legacies and donations, but without obligation to
18 accept the same for a particular purpose unless it approves the terms and
19 conditions attaching thereto;

20 (j) to enter into contracts, establish trusts, act as trustee, solely or
21 jointly with any other person, and employ and act through agents;

22 (k) to erect, provide, equip and maintain libraries, laboratories,
23 lecture halls, halls of residence, refectories, sports grounds, playing fields
24 and other buildings or things necessary or suitable or convenient for any of
25 the objects of the University;

26 (l) to hold public lectures and to undertake printing, publishing and
27 bookselling;

28 (m) subject to any limitations or conditions imposed by statute, to
29 invest any moneys appertaining to the University by way of endowment,
30 whether for general or special purposes, and such other moneys as may not

1 be immediately required for current expenditure, in any investments or
2 securities or in the purchase or improvement of land, with power from time to
3 time to vary any such investments, and to deposit any moneys for the time
4 being uninvested with any bank on deposit or current account;

5 (n) to borrow, whether on interest or not and if need be upon the
6 security of any or all of the property movable or immovable of the University,
7 such moneys as the Council may from time to time in its discretion find it
8 necessary or expedient to borrow or to guarantee any loan, advances or credit
9 facilities;

10 (o) to make gifts for any charitable purpose;

11 (p) to arrange for the general welfare of children of members of staff;

12 (q) to do anything which it is authorised or required by this Act or by
13 statute to do; and

14 (r) to do all such acts or things, whether or not incidental to the
15 foregoing powers, as may advance the objects of the University.

16 (2) Subject to the provisions of this Act and of the statutes and without
17 prejudice to section 7 (2) of this Act, the powers conferred on the University by
18 subsection (1) of this section shall be exercisable on behalf of the University by
19 the Council or by the Senate or in any other manner which may be authorised
20 by statute.

21 (3) The power of the University to establish further campuses and
22 colleges within the University shall be exercisable by statute and not
23 otherwise.

Functions of the
Chancellor and
Pro-Chancellor

24 4.-(1) The chancellor shall, in relation to the University, take
25 precedence before all other members of the University, and when he is present
26 shall preside at all meetings of convocation held for conferring degrees.

27 (2) The Pro-Chancellor shall, in relation to the University, take
28 precedence before all other members of the University except the Chancellor
29 and except the Vice-Chancellor when acting as chairman of congregation or
30 convocation the Pro-Chancellor shall, when he is present, be the chairman at all

1 meetings of the Council

2 **5.-(1)** Subject to the provisions of this Act relating to the visitor, the
3 Council shall be the governing body of the University and shall be charged
4 with the general control and superintendence of the policy, finances and
5 property of the university, including its public relations.

Functions of the
Council and its
Finance and
General Purposes
Committee

6 (2) There shall be a committee of the Council, to be known as the
7 finance and general purposes committee, which shall, subject to the
8 directions of the Council, exercise control over the property and expenditure
9 of the University and perform such other functions of the Council as the
10 Council may from time to time delegate to it.

11 (3) Provision shall be made by statute with respect to the
12 constitution of the finance and general purposes committee.

13 (4) The Council shall ensure that proper accounts of the University
14 are kept and that the accounts of the University are audited annually by
15 auditors appointed by the Council from the list and in accordance with
16 guidelines supplied by the Auditor-General of the Federation; and that an
17 annual report is published by the University together with certified copies of
18 the said accounts as audited.

19 (5) Subject to this Act the statutes, the Council and the finance and
20 general purposes committee may each make rules for the purpose of
21 exercising any of their respective functions or of regulating their own
22 procedure.

23 (6) Rules made under subsection (5) of this section by the finance
24 and general purposes committee shall not come into force unless approved
25 by the Council; and in so far and to the extent that any rules so made by that
26 committee conflict with any directions given by the Council (whether
27 before or after the coming into force of the rules in question), the directions
28 of the Council shall prevail.

29 (7) There shall be paid to the members of the Council, of the
30 finance and general purposes committee and of any other committee set up

Functions of
the Senate

1 by the Council respectively allowances in respect of traveling and other
2 reasonable expenses, at such rates as may from time to time be fixed by the
3 Council.

4 (8) The Council shall meet as and when necessary for the
5 performance of its functions under this Act, and shall meet at least three times
6 in every year.

7 (9) If requested in writing by any five members of the Council, the
8 chairman shall within twenty-eight days after the receipt of such request call a
9 meeting of the Council; and the request shall specify the business to be
10 considered at the meeting and no business not so specified shall be transacted at
11 that meeting.

12 **6.-(1)** Subject to section 5 of this Act and subsections (3) and (4) of
13 this section, and to the provisions of this Act relating to the visitor, it shall be the
14 general function of the Senate to organise and control the teaching of the
15 University, the admission (where no other enactment provides to the contrary)
16 of students and the discipline of students and to promote research at the
17 University.

18 (2) Without prejudice to the generality of subsection (1) of this section
19 and subject as there mentioned, it shall in particular be the function of the
20 Senate to make provision for:

21 (a) the establishment, organisation and control of campuses, colleges,
22 faculties, departments, schools, institutes and other teaching and research units
23 of the University, and the allocation of responsibility for different branches of
24 learning;

25 (b) the organisation and control of courses of study at the University
26 and o' the examinations held in conjunction with those courses, including the
27 appointment of examiners, both internal and external;

28 (c) the award of degrees, and such other qualifications as may be
29 prescribed, in connection with examinations held as aforesaid;

30 (d) the making of recommendations to the Council with respect to the

1 award to any person of an honorary fellowship or honorary degree or the title
2 or professor emeritus;

3 (e) the establishment, organisation and control of halls or residence
4 and similar institutions at the University;

5 (f) the supervision of the welfare of students at the University and
6 the regulations of their conduct;

7 (g) the granting of fellowships, scholarships, prizes and similar
8 awards in so far as the awards are within the control of the University; and

9 (h) determining what descriptions of dress shall be academic dress
10 for the purposes of the University, and regulating the use of academic dress.

11 (3) The Senate shall not establish any new campus, college,
12 faculty, department, school, institute or other teaching and research units of
13 the University, or any hall of residence or similar institution at the
14 University, without the approval of the Council.

15 (4) Subject to this Act and the statutes, the Senate may make
16 regulations for the purpose of exercising any function conferred on it either
17 by the foregoing provisions of this section or otherwise or for the purpose of
18 making provision for any matter for which provision by regulation is
19 authorised or required by this Act or by statute.

20 (5) Regulations shall provide that at least one of the persons
21 appointed as the examiners at each final or professional examination held in
22 conjunction with any course of study at the University is not a teacher at the
23 University but is a teacher of the branch of learning to which the course
24 relates at some other university of high repute.

25 (6) Subject to a right of appeal to the Council from a decision of the
26 Senate under this subsection, the Senate may deprive any person of any
27 degree, diploma, or other award of the University which has been conferred
28 upon him if after due enquiry he is shown to have been guilty of
29 dishonourable or scandalous conduct in gaining admission into the
30 University or obtaining that award.

Functions of the
Vice-Chancellor

1 7.-(1) The Vice-Chancellor shall, in relation to the University, take
2 precedence before all other members of the University except the chancellor
3 and, subject to section 4 of this Act, except the Pro-Chancellor and any other
4 person for the time being acting as chairman of the Council.

5 (2) Subject to sections 5, 6 and 13 of this Act, the Vice-Chancellor
6 shall have the general function, in addition to any other functions conferred on
7 him by this Act or otherwise, of directing the activities of the University, and
8 shall to the exclusion of any other person or authority be the chief executive and
9 academic officer of the University and ex-officio chairman of the Senate.

Transfer of
Property,
Functions, etc.

10 8.-(1) All properties held by or on behalf of the Federal Polytechnic,
11 Auchi shall, by virtue of this subsection and without further assurance, be
12 vested in the University and be held by it for the purposes of the University.

13 (2) The provisions of the Second Schedule to this Act shall have effect
14 with respect to, and to matters arising from, the transfer of property by this
15 section and with respect to the other matters mentioned in that Schedule.

Power of
University to
make Statutes,
Cap. 192

16 9.-(1) Subject to this Act, the University may make statutes for any of
17 the following purposes, that is to say:

18 (a) making provision with respect to the composition and constitution
19 of any authority of the University;

20 (b) specifying and regulating the powers and duties of any authority
21 of the University, and regulating any other matter connected with the
22 University or any of its authorities;

23 (c) regulating the admission of students where it is done by the
24 University, and their discipline and welfare;

25 (d) determining whether any particular matter is to be treated as an
26 academic or non-academic matter for the purposes of this Act and of any
27 statute, regulation or other instrument made thereunder; or

28 (e) making provision for any other matter for which provision by
29 statute is authorised or required by this Act.

30 (2) Subject to section 22 (6) of this Act, the Interpretation Act shall

1 apply in relation to any statute made under this section as it applies to a
2 subsidiary instrument within the meaning of section 27 (1) of that Act.

3 (3) The Statute contained in the Third Schedule to this Act shall be
4 deemed to have come into force on the commencement of this Act and shall
5 be deemed to have been made under this section.

6 (4) The power to make statutes conferred by this section shall not
7 be prejudiced or limited in any way by reason of the inclusion or omission of
8 any matter in or from the Statute contained in the Third Schedule to this Act
9 or any subsequent statute.

10 **10.-(1)** The power of the University to make statutes shall be
11 exercised in accordance with the provisions of this section and not
12 otherwise.

Mode of
Exercising Power
to make Statutes
Cap. 192

13 (2) A proposed statute shall not become law unless it has been
14 approved:

15 (a) at a meeting of the Senate, by the votes of not less than two-
16 thirds of the members present and voting; and

17 (b) at a meeting of the Council, by the votes of not less than two-
18 thirds of the members present and voting.

19 (3) A proposed statute may originate either in the Senate or in the
20 Council, and may be approved as required by subsection (2) of this section
21 by either one of those bodies before the other.

22 (4) A statute which:

23 (a) makes provision for or alters the composition or constitution of
24 the Council, the Senate or any other authority of the University; or

25 (b) provides for the establishment of a new campus or college or for
26 the amendment or revocation of any statute whereby a campus or college is
27 established, shall not come into operation unless it has been approved by the
28 National Council of Ministers.

29 (5) For the purposes of section 2 (2) of the Interpretation Act, a
30 statute shall be treated as being made on the date on which it is duly

	1	approved by the Council after having been duly approved by the Senate, or on
	2	the date on which it is duly approved by the Senate after having been duly
	3	approved by the Council, as the case may be or, in the case of a statute falling
	4	within subsection (4) of this section, on the date on which it is approved by the
	5	National Council of Ministers.
Proof of Statutes	6	11. A Statute may be proved in any court by the production of a copy
	7	thereof bearing or having affixed to it a certificate purporting to be signed by
	8	the Vice-Chancellor or the Registrar to the effect that the copy is a true copy of a
	9	statute of the University.
Power of Visitor to decide meaning of Statutes	10	12. -(1) In the event of any doubt or dispute arising at any time as to the
	11	meaning of any provision of a statute, the matter may be referred to the visitor,
	12	who shall take such advice and make such decision thereon as he shall think fit.
	13	(2) The decision of the Visitor on any matter referred to him under this
	14	section shall be binding upon the authorities, staff and students of the
	15	University, and where any question as to the meaning of any provision of a
	16	statute has been decided by the Visitor under this section, no question as to the
	17	meaning of that provision shall be entertained by any court of law in Nigeria:
	18	Provided that nothing in this subsection shall affect any power of a
	19	court of competent jurisdiction to determine whether any provision of a statute
	20	is wholly or partly void as being ultra vires or as being inconsistent with the
	21	Constitution of the Federal Republic of Nigeria.
	22	(3) The foregoing provisions of this section shall apply in relation to
	23	any doubt or dispute as to whether any matter is for the purposes of this Act an
	24	academic or a non-academic matter as they apply in relation to any such doubt
	25	or dispute as is mentioned in subsection (1) of this section; and accordingly the
	26	references in subsection (2) of this section to any question as to the meaning of
	27	any provision of a statute shall include references to any question as to whether
	28	any matter is for the said purposes an academic or a non-academic matter.
	29	PART IV - SUPERVISION AND DISCIPLINE
The Visitor	30	13. -(1) The President shall be the visitor of the University.

1 (2) The Visitor shall as often as the circumstances may require, not
2 being less than once every five years, conduct a visitation of the University
3 or direct that such a visitation be conducted by such persons as the visitor
4 may deem fit and in respect of any of the affairs of the University.

5 (3) It shall be the duty of the bodies and persons comprising the
6 University:

7 (a) to make available to the visitor, and to any other persons
8 conducting a visitation in pursuance of this section, such facilities and
9 assistance as he or they may reasonably require for the purposes of a
10 visitation; and

11 (b) to give effect to any instructions consistent with the provisions
12 of this Act which may be given by the visitor in consequence of a visitation.

13 **14.**-(1) If it appears to the Council that a member of the Council
14 (other than the Pro-Chancellor, or the Vice-Chancellor) should be removed
15 from office on the ground of misconduct or inability to perform the
16 functions of his office or employment, the Council shall make a
17 recommendation to that effect through the Minister to the President and if
18 the President, after making such enquiries (if any) as may be considered
19 appropriate, approves the recommendation, may direct the removal of the
20 person in question from office.

Removal of
certain Members
of Council

21 (2) It shall be the duty of the Minister to use his best endeavours to
22 cause a copy of the instrument embodying a direction under subsection (1)
23 of this section to be served as soon as reasonably practicable on the person to
24 whom it relates.

25 **15.**-(1) If it appears to the Council that there are reasons for
26 believing that any person employed as a member of the academic or
27 administrative or professional staff of the University other than the Vice-
28 Chancellor, should be removed from his office or employment on the
29 ground of misconduct or of inability to perform the functions of his office or
30 employment the Council shall:

Removal of and
Discipline of
Academic,
Administrative
and Professional
Staff

- 1 (a) give notice of those reasons to the person in question;
- 2 (b) afford him an opportunity of making representations in person on
- 3 the matter to the Council; and
- 4 (c) if he or any three members of the Council so request within the
- 5 period of one month beginning with the date of the notice, make arrangements:
- 6 (i) for a Joint Committee of the Council and the Senate to investigate
- 7 the matter and to report on it to the Council, or
- 8 (ii) for the person in question to be afforded an opportunity of
- 9 appearing before and being heard by the investigating Committee with respect
- 10 to the matter, and if the Council, after considering the report of the
- 11 investigating Committee, is satisfied that the person in question should be
- 12 removed as aforesaid, the Council may so remove him by an instrument in
- 13 writing signed on the directions of the Council.
- 14 (2) The Vice-Chancellor may, in a case of misconduct by a member of
- 15 the staff which in the opinion of the Vice-Chancellor is prejudicial to the
- 16 interests of the University, suspend such member and any such suspension
- 17 shall forthwith be reported to the Council.
- 18 (3) For good cause, any member of staff may be suspended from his
- 19 duties or his appointment may be terminated by Council; and for the purposes
- 20 of this subsection "good cause" means:
- 21 (a) conviction for any offence which the Council considers to be such
- 22 as to render the person concerned unfit for the discharge of the functions of his
- 23 office;
- 24 (b) any physical or mental incapacity which the Council, after
- 25 obtaining medical advice, considers to be such as to render the person
- 26 concerned unfit to continue to hold his office;
- 27 (c) conduct of a scandalous or other disgraceful nature which the
- 28 Council considers to be such as to render the person concerned unfit to continue
- 29 to hold his office; or
- 30 (d) conduct which the Council considers to be such as to constitute

1 failure or inability of the person concerned to discharge the functions of his
2 office or to comply with the terms and conditions of his service.

3 (4) Any person suspended pursuant to subsection (2) or (3) of this
4 section shall be on half pay and the Council shall before the expiration of a
5 period of three months after the date of such suspension consider the case
6 against that person and come to a decision as to:

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

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

11 (c) whether to terminate the appointment of the person concerned,
12 in which case such a person shall not be entitled to the proportion of his
13 emoluments withheld during the period of suspension; or

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

22 (5) It shall be the duty of the person by whom an instrument of
23 removal is signed in pursuant of subsection (1) above to use his best
24 endeavours to cause a copy of the instrument to be served as soon as
25 reasonably practicable on the person to whom it relates.

26 (6) Nothing in the foregoing provisions of this section shall prevent
27 the Council from making regulations for the discipline of other categories of
28 staff and workers of the University as may be prescribed.

29 16.-(1) If on the recommendation of the Senate, it appears to the
30 Vice-Chancellor that a person appointed as an examiner for any

Removal of
Examiners

Discipline of
Students

1 examination of the University ought to be removed from his office or
2 appointment, then except in such cases as may be prescribed, he may, after
3 affording the examiner an opportunity of making representation in person on
4 the matter to the Vice-Chancellor, remove the examiner from the appointment
5 by an instrument in writing signed by the Vice-Chancellor and, subject to the
6 provisions of regulations made in pursuance of section 6 (5) of this Act, the
7 Vice-Chancellor may, on the recommendation of the Senate, appoint an
8 appropriate person as examiner in the place of the examiner removed in
9 pursuance of this subsection.

10 (2) It shall be the duty of the Vice-Chancellor, on signing an
11 instrument of removal in pursuance of this section, to use his best endeavours
12 to cause a copy of the instrument to be served as soon as reasonably practicable
13 on the person to whom it relates.

14 17.-(1) Subject to the provisions of this section, where it appears to
15 the Vice-Chancellor that any student of the University has been guilty of
16 misconduct, the Vice-Chancellor may, without prejudice to any other
17 disciplinary powers conferred on him by statute or regulations, direct:

18 (a) that the student shall not, during such period as may be specified in
19 the direction, participate in such activities of the University, or make use of
20 such facilities of the University, as may be so specified;

21 (b) that the activities of the student shall, during such period as may be
22 specified in the direction, be restricted in such manner as may be so specified;

23 (c) that the student be rusticated for such period as may be specified in
24 the direction; or

25 (d) that the student be, expelled from the University.

26 (2) Where a direction is given under subsection (1) (c) or (d) of this
27 section in respect of any student, the student may, within the prescribed period
28 and in the prescribed manner, appeal from the direction to the Council; and
29 where such an appeal is brought, the Council shall, after causing such inquiry to
30 be made in the matter as the Council considers just, either confirm or set aside

1 the direction or modify it in such manner as the Council thinks fit.

2 (3) The fact that an appeal from a direction is brought in pursuance
3 of the last foregoing subsection shall not affect the operation of the direction
4 while the appeal is pending.

5 (4) The Vice-Chancellor may delegate his powers under this
6 section to a disciplinary board consisting of such members of the University
7 as he may nominate.

8 (5) Nothing in this section shall be construed as preventing the
9 restriction or termination of a student's activities at the University otherwise
10 than on the ground of misconduct.

11 (6) It is hereby declared that a direction under subsection (1) (a) of
12 this section may be combined with a direction under subsection 1 (b) of this
13 section.

14 PART V - MISCELLANEOUS AND GENERAL

15 **18.** No person shall be required to satisfy requirements as to any of
16 the following matters, that is to say, race (including ethnic grouping), sex,
17 place of birth or of family, origin, or religious or political persuasion, as a
18 condition of becoming or continuing to be a student at the University, the
19 holder of any degree of the University or of any appointment or employment
20 at the University, or a member of anybody established by virtue of this Act;
21 and no person shall be subjected to any disadvantage or accorded any
22 advantage in relation to the University, by reference to any of those matters:
23 Provided that nothing in this section shall be construed as preventing the
24 University from imposing any disability or restriction on any of the
25 aforementioned persons where such person willfully refuses or fails on
26 grounds of religious belief to undertake any duty generally and uniformly
27 imposed on all such persons or any group of them which duty, having regard
28 to its nature and the special circumstances pertaining thereto, is in the
29 opinion of the University reasonably justifiable in the national interest.

Exclusion of
Discrimination
on account of
Race, Religion,
etc.

Restriction on
disposal of Land
by University,
Cap. 202

1 **19.** Without prejudice to the provisions of the Land Use Act, the
2 University shall not dispose of or charge any land or an interest in any land
3 (including any land transferred to the University by this Act) except with the
4 prior written consent, either general or special, of the Minister:

5 Provided that such consent shall not be required in the case of any
6 lease or tenancy at a rack-rent for a term not exceeding twenty-one years or
7 lease or tenancy to a member of the University for residential purposes.

Quorum and
procedure of
bodies established
by this Act

8 **20.** Except as may be otherwise provided by statute or by regulations,
9 the quorum and procedure of any body of persons established by this Act shall
10 be such as may be determined by that body.

Appointment
of Committee,
etc.

11 **21.-(1)** Any body of persons established by the Act shall, without
12 prejudice to the generality of the powers of that body, have power to appoint
13 Committees, which need not consist exclusively of members of that body, and
14 to authorize a committee established by it:

15 (a) to exercise, on its behalf, such of its functions as it may determine;
16 and

17 (b) to co-opt members, and may direct whether or not co-opted
18 members (if any) shall be entitled to vote in that Committee.

19 (2) Any two or more such bodies may arrange for the holding of joint
20 meetings of those bodies, or for the appointment of committees consisting of
21 members of those bodies, for the purpose of considering any matter within the
22 competence of those bodies or any of them, and either of dealing with it or of
23 reporting on it to those bodies or any of them.

24 (3) Except as may be otherwise provided by statute or by regulations,
25 the quorum and procedure of a committee established or meeting held in
26 pursuance of this section shall be such as may be determined by the body or
27 bodies which have decided to establish the committee or hold the meeting.

28 (4) Nothing in the foregoing provisions of this section shall be
29 construed as:

30 (a) enabling statutes to be made otherwise than in accordance with

1 section 10 of this Act; or

2 (b) enabling the Senate to empower any other body to make
3 regulations or to award degrees or other qualifications.

4 (5) The Pro-Chancellor and the Vice-Chancellor shall be members
5 of every committee of which the members are wholly or partly appointed by
6 the Council (other than a Committee appointed to inquire into the conduct of
7 the officer in question); and the Vice-Chancellor shall be a member of every
8 Committee of which the members are wholly or partly appointed by the
9 Senate.

10 22.-(1) The seal of the University shall be such as may be
11 determined by the Council and approved by the Chancellor; and the affixing
12 of the seal shall be authenticated by any member of the Council and by the
13 Vice-Chancellor, Registrar or any other person authorized by statute.

Miscellaneous
Administrative
Provisions.
Cap. 192

14 (2) Any document purporting to be a document executed under the
15 seal of the University shall be received in evidence and shall, unless the
16 contrary is proved, be deemed to be so executed.

17 (3) Any contract or instrument which, if made or executed by a
18 person not being a body corporate, would not be required to be under seal
19 may be made or executed on behalf of the University by any person
20 generally or specially authorized to do so by the Council.

21 (4) The validity of any proceedings of any body established in
22 pursuance of this Act shall not be affected by any vacancy in the membership
23 of the body, or by any defect in the appointment of a member of the body or
24 by reason that any person not entitled to do so took part in the proceedings.

25 (5) Any member of any such body who has a personal interest in
26 any matter proposed to be considered by that body shall forthwith disclose
27 his interest to the body and shall not vote on any question relating to that
28 matter.

29 (6) Nothing in section 12 of the Interpretation Act (which provides
30 for the application, in relation to subordinate legislation, of certain

1 incidental provisions) shall apply to statutes or regulations made in pursuance
2 of this Act; but the power conferred by this Act to make statutes or regulations
3 shall include power to revoke or vary any statute (including the Statute
4 contained in the Third Schedule of this Act) or any regulation by a subsequent
5 statute or, as the case may be, by a subsequent regulation, and statutes and
6 regulations may make different provision in relation to different
7 circumstances.

8 (7) No stamp or other duty shall be payable in respect of any transfer
9 of property to the University by virtue of sections 8 and 19 of this Act or the
10 Second Schedule to this Act.

11 (8) Any notice or other instrument authorized to be served by virtue of
12 this Act may, without prejudice to any other mode of service, be served by post.

13 SAVINGS AND TRANSITIONAL PROVISIONS

Repeal of Federal
Polytechnics Act
Cap. F17 LFN
2004 First
Schedule,
Section 1
Paragraph (q)

14 **23.**-(1) The Federal Polytechnics Act CAP F17 LFN 2004, First
15 Schedule, Section 1 Paragraph (q) shall be deemed to have been repealed under
16 this Act.

17 (2) Anything done or purported to have been done under The Federal
18 Polytechnics Act CAP F17 LFN 2004 Statute Laws of the Federation of Nigeria
19 remains valid, except otherwise provided under this Act.

20 (3) Subsidiary legislation made or deemed to have been made under
21 the repealed Federal Polytechnics Act CAP F17 LFN 2004 as if it was in force
22 immediately before the commencement of this Act, shall continue in force with
23 necessary modification and may be amended or revoked as if it had been made
24 under this Act.

25 (4) The rights, Assets, obligations and liabilities of the Federal
26 Polytechnic Auchi shall, at the commencement of this Act, rest in and devolve
27 on the City University of Technology, Auchi.

Interpretation

28 **24.**-(1) In this Act, unless the context otherwise requires:
29 "campuses" means any campus which may be established by the University;
30 "College" means any college which may be established by the University;

- 1 "Council" means the Council established by this Act for the University;
- 2 "Polytechnic" means the Federal Polytechnic, Auchi;
- 3 "graduate" means a person on whom a degree (other than an honorary
- 4 degree) has been conferred by the University;
- 5 "Minister" means the Minister charged with responsibility for education;
- 6 "notice" means notice in writing;
- 7 "Officer" does not include the Visitor;
- 8 "prescribed" means prescribed by statute or regulations;
- 9 "Professor" means a person designated as a professor of the University in
- 10 accordance with provision made in that behalf by statute or by regulations;
- 11 "property" includes rights, liabilities and obligations;
- 12 "regulations" means regulations made by the Senate or Council;
- 13 "Statute" means the statute of the University under section 9 of this Act and
- 14 in accordance with the provisions of section 10 of this Act, and "the statute"
- 15 means all such statutes as are in force from time to time;
- 16 "Teacher" means a person holding a full time appointment as a member of
- 17 the teaching or research staff of the University;
- 18 "undergraduate" means a person in *statu pupiari* at the University, other
- 19 than-
- 20 (a) a graduate; and
- 21 (b) a person of such description as may be prescribed for the
- 22 purposes of this definition;
- 23 "University" means the City University of Technology, Auchi as
- 24 incorporated and constituted by this Act.
- 25 (2) It is hereby declared that where in any provision of this Act it is
- 26 laid down that proposals are to be submitted or a recommendation is to be
- 27 made by one authority to another through one or more intermediate
- 28 authorities, it shall be the duty of every such intermediate authority to
- 29 forward any proposals or recommendations received by it in pursuance of
- 30 that provision to the appropriate authority; but any such intermediate

	1	authority may, if it thinks fit, forward therewith its own comments thereon.
Short title	2	25. This Bill may be cited as the City University of Technology,
	3	Auchi Bill, 2019.
	4	SCHEDULES
	5	FIRST SCHEDULE
	6	<i>Section 2</i>
	7	PRINCIPAL OFFICERS OF THE UNIVERSITY
	8	<i>The Chancellor</i>
	9	1. The Chancellor shall be appointed by the President.
	10	2.-(1) The Chancellor shall hold office for a period of five years.
	11	(2) If it appears to the Visitor, that the Chancellor should be removed
	12	from his office on the ground of misconduct or of inability to perform the
	13	functions of his office, the visitor may by notice in the Federal Gazette remove
	14	the Chancellor from office.
	15	<i>The Pro-Chancellor</i>
	16	3.-(1) The Pro-Chancellor shall be appointed or removed by the
	17	President on the recommendation of the Minister.
	18	(2) Subject to the provisions of this Act, the Pro-Chancellor shall hold
	19	office for a period of four years beginning with the date of his appointment.
	20	<i>Other Principal Officers of the University</i>
	21	5.-(1) There shall be a registrar, who shall be the chief administrative
	22	officer of the University and shall be responsible to the Vice-Chancellor for the
	23	day-to-day administrative work of the University except as regards matters for
	24	which the bursar is responsible in accordance with subparagraph (3) of this
	25	Schedule.
	26	(2) The person holding the office of registrar shall by virtue of that
	27	office be secretary to the Council, the Senate, congregation and convocation.
	28	(3) There shall be a bursar, who shall be the chief financial officer of
	29	the University and shall be responsible to the Vice-Chancellor for the day-to-
	30	day administration and control of the financial affairs of the University.

1 (4) There shall be a librarian who shall be responsible to the Vice-
2 Chancellor for the administration of the University library and the co-
3 ordination of all library service in the University and its campuses, colleges,
4 faculties, schools, departments and institutes and other teaching or research
5 units.

6 (5) The officers aforesaid shall be appointed in such manner as may
7 be specified by statute and shall hold office for such period and on such
8 terms as to the emoluments of their offices and otherwise as may be
9 specified.

10 (6) Any question as to the scope of the responsibilities of the
11 aforesaid officers shall be determined by the Vice-Chancellor.

12 *Resignation and Re-appointment*

13 6.-(1) Any officer mentioned in the foregoing provisions of this
14 Schedule may resign his office:

15 (a) in the case of the chancellor, by notice to the President; and

16 (b) in any other case, by notice to the Council and the Council shall
17 immediately notify the Minister in the case of the Vice-Chancellor.

18 (2) Subject to paragraph 4 of this Schedule, a person who has
19 ceased to hold an office so mentioned otherwise than by removal for
20 misconduct shall be eligible for re-appointment to that office.

21 SECOND SCHEDULE

22 *Section 8 (2)*

23 TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTION, ETC.

24 *Transfer of Property to the University*

25 1. Without prejudice to the generality of section 8 (1) of this Act:

26 (a) the reference in that subsection to property held by the Federal
27 Polytechnic, Auchi shall include a reference to the right to receive and give a
28 good discharge for any grants or contributions which may have been voted
29 or promised to the Polytechnic;

30 (b) all debts and liabilities of the Polytechnic provisional Council

1 outstanding shall become debts or liabilities of the University.

2 2.-(1) All agreements, contracts, deeds and other instrument to which
3 the Polytechnic was party shall, so far as possible and subject to any necessary
4 modifications, have effect as if the University had been a party thereto in place
5 of the Polytechnic.

6 (2) Documents not falling within subparagraph (1) of this section,
7 including enactments, which refer whether specially or generally to the
8 Polytechnic, shall be construed in accordance with that subparagraph so far as
9 applicable.

10 (3) Any legal proceedings or application to any authority pending by
11 or against the Polytechnic may be continued by or against the University.

12 *Registration of Transfer*

13 3. If the law in force at the place where any property transferred by
14 this Act is situated provides for the registration of transfers of property of the
15 kind in question (whether by reference to an instrument of transfer or
16 otherwise), the law shall, so far as it provides for alterations of a register (but
17 not for avoidance of transfers, the payment of fees or any other matter) apply
18 with the necessary modifications to the transfer of the property aforesaid; and it
19 shall be the duty of the body to which any property is transferred by this Act to
20 furnish the necessary particulars of the transfer to the property officer of the
21 registration authority, and of that officer to register the transfer accordingly.

22 *Transfer of Functions, etc.*

23 4.-(1) The first meeting of the Council shall be convened by the pro-
24 chancellor on such date and in such manner as he may determine.

25 (2) The persons who were members of the Governing Council of the
26 Polytechnic shall be deemed to constitute the Council until the date when the
27 Council set up under the Third Schedule of this Act shall have been duly
28 constituted.

29 (3) (a) The person who is the Rector of the Polytechnic shall become
30 the acting Vice Chancellor for not more than two years from the day of

1 approval of this Act;

2 (b) The persons who are Chief Lecturers and Principal Lecturers in
3 the service of the Polytechnic on the day of approval of this Act shall be
4 appraised and or evaluated and placed as professor(s) and Associate
5 Professor respectively in the service of the University;

6 (c) The persons who were Registrar, Librarian and Bursar of the
7 Polytechnic immediately before the coming into force of this Act shall
8 continue to hold their offices until the expiration of their tenure and shall not
9 be eligible for reappointment;

10 (d) The first meeting of the Senate as constituted by this Act shall
11 be convened by the Vice-Chancellor on such date and in such manner as he
12 may determine.

13 (4) The persons who were members of the Academic Board of the
14 Polytechnic immediately before the coming into force of this Act shall be
15 deemed to constitute the Senate of the University until the date when the
16 Senate as set up under Schedule 3 to this Act shall have been duly
17 constituted.

18 (5) Subject to any regulations which may be made by the Senate
19 after the date on which this Act is made, the faculties, faculty boards and
20 students of the Polytechnic immediately before the coming into forces of
21 this Act shall on that day become faculties, faculty boards and students of the
22 University as constituted by this Act.

23 (6) Persons who were deans or associate deans of faculties or
24 schools or members of faculty boards shall continue to be deans or associate
25 deans or become members of the corresponding faculty boards, until new
26 appointments are made in pursuance of the statutes.

27 5. All the staff of the Polytechnic are hereby transferred to the
28 University and previous service in the Polytechnic shall count as service for
29 the purposes of any pension payable by the University.

1 THIRD SCHEDULE

2 *Section 9 (3)*

3 CITY UNIVERSITY OF TECHNOLOGY, AUCHI NO. 1

4 ARRANGEMENT OF ARTICLES

5 *Article*

6 1. The Council.

7 2. The Senate.

8 3. Congregation.

9 4. Convocation.

10 5. Organisation of Academic Work of the University.

11 6. The Dean of the Faculty.

12 7. Selection of certain Principal Officers.

13 8. Creation of academic posts.

14 9. Appointments of academic staff.

15 10. Appointment of Administrative and Professional Staff.

16 11. Interpretation.

17 12. Short Title.

18 *The Council*

19 1.-(1) The Council shall consist of:

20 (a) the Pro-Chancellor;

21 (b) the Vice-Chancellor and the deputy Vice-Chancellor;

22 (c) six persons representing a variety of interests and broadly
23 representative of the whole Federation appointed by the National Council of
24 Ministers;25 (d) four person appointed by the Senate from among the members of
26 that body;27 (e) one person appointed by congregation from among the members
28 of that body;29 (f) one person appointed by convocation from among the members of
30 that body;

1 (g) the Permanent Secretary, Federal Ministry of Education or, in
2 his absence, such member of his Ministry as may be designated to represent
3 him; and

4 (h) one person to represent the armed forces of the Federation and
5 the Police Force.

6 (2) Any member of the Council holding office otherwise than in
7 pursuance of paragraph (1) (a), (b), (g) or (h) of this article may, by notice to
8 the Council, resign his office.

9 (3) A member of the Council holding office otherwise than in
10 pursuance of paragraph (1) (a), (b), (g) or (h) of this article shall, unless he
11 previously vacates it, vacate that office on the expiration of the period of
12 four years beginning with effect from the 1st of August in the year in which
13 he was appointed.

14 (4) Where a member of the Council holding office otherwise than
15 in pursuance of paragraph (1) (a), (b), (g) or (h) of this article vacates office
16 before the expiration of the period aforesaid, the body or person by whom he
17 was appointed may appoint a successor to hold office for the residue of the
18 term of his predecessor.

19 (5) A person ceasing to hold office as a member of the Council
20 otherwise than by the removal for misconduct shall be eligible for re-
21 appointment for only one further period of four years.

22 (6) The quorum of the Council shall be five at least one of whom
23 shall be a member appointed pursuant to paragraph (1) (c), (f), (g) and (h) of
24 this article.

25 (7) If the Pro-Chancellor is not present at a meeting of the Council
26 such other member of the Council present at the meeting as the Council may
27 appoint as respects that meeting shall be the chairman at that meeting, and
28 subject to section 4 of the Act and the foregoing provisions of this paragraph,
29 the Council may regulate its own procedure.

30 (8) Where the Council desires to obtain advice to with respect to

1 any particular matter, it may co-opt not more than two persons for that purpose;
2 and the persons co-opted may take part in the deliberations of the Council at
3 any meeting but shall not be entitled to vote.

4 2.-(1) The finance and general purposes committee of the Council
5 shall consist of:

6 (a) the Pro-Chancellor, who shall be the chairman of the Committee at
7 any meeting at which he is present;

8 (b) the Vice-Chancellor and the deputy Vice-Chancellor;

9 (c) six other members of the Council appointed by the Council, two of
10 whom shall be selected from among the four members of the Council
11 appointed by the Senate and one member appointed to Council by the
12 Congregation;

13 (d) the Permanent Secretary, Federal Ministry of Finance or, in his
14 absence, such member of his Ministry shall as may be designated to represent
15 him.

16 (2) The quorum of the Committee shall be five.

17 (3) Subject to any directions given by the Council, the Committee
18 may regulate its own procedure.

19 *The Senate*

20 3.-(1) The Senate shall consist of:

21 (a) the Vice-Chancellor and the Deputy Vice-Chancellor;

22 (b) the Deans of the several Faculties;

23 (c) the Directors of the several Institutes;

24 (d) the Professors;

25 (e) the Librarian;

26 (f) the persons for the time being holding such appointments on the
27 staff of the University as may be specified by the Vice-Chancellor; and

28 (g) such teachers (of seniors lecturer rank and above and not being
29 more than two in respect of each faculty) as may be elected from among the
30 members of each faculty, the total number thereto to be determined from time

1 to time by the Senate; and

2 (h) such persons, not exceeding two in number, whether or not
3 members of the University, as may be appointed by the Senate to be
4 members of the Senate.

5 (2) The Vice-Chancellor shall be the chairman at all meetings of the
6 Senate when he is present; and in his absence such other member of the
7 Senate present at the meeting as the Senate may appoint for that meeting,
8 shall be the chairman at the meeting.

9 (3) The quorum of the Senate shall be one-quarter (or the nearest
10 whole number less than one-quarter); and subject to paragraph (2) of this
11 article, the Senate may regulate its own procedure.

12 (4) An elected member may, by notice to the Senate, resign his
13 office.

14 (5) Subject to paragraph (7) of this article, there shall be elections
15 for the selection of elected members which shall be held in the prescribed
16 manner on such day in the month of May or June in each year as the Vice-
17 Chancellor may from time to time determine.

18 (6) An elected member shall hold office for the period of two years
19 beginning with 1st August in the year of his election, and may be a candidate
20 at any election held in pursuance of paragraph (5) above in the year in which
21 his period of office expires, so however that no person shall be such a
22 candidate if at the end of his current period of office he would have held
23 office as an elected member for a continuous period of six years or would
24 have so held office if he had not resigned it.

25 (7) No election shall be held in pursuance of this article in any year
26 if the number specified in the certificate given in pursuance of paragraph(9)
27 of this article does not exceed by more than one the figure which is thrice the
28 number of those elected members holding office on the date of the certificate
29 who do not vacate office during that year in pursuance of paragraph (6) of
30 this article; but for the avoidance of doubt it is hereby declared that no

1 person shall be precluded from continuing in or taking office as an elected
2 member by reason only of a reduction in the total of non-elected members
3 occurring on or after 30th April in any year in which he is to continue in or take
4 office as an elected member.

5 (8) If so requested in writing by any ten members of the Senate, the
6 vice- chancellor, or in his absence a person duly appointed by him, shall
7 convene a meeting of the Senate to be held not later than the tenth day
8 following that on which the request was received.

9 (9) In this article, "total of non-elected members" means, as respects
10 any year, such number as may be certified by the Vice-Chancellor on the 30
11 April of that year to be the number of persons holding office as members of the
12 Senate on that day otherwise than as elected members.

13 *The Congregation*

14 4.-(1) Congregation shall consist of:

15 (a) the Vice-Chancellor;

16 (b) the full time members of the academic staff;

17 (c) the Registrar;

18 (d) the Bursar; and

19 (e) every member of the administrative staff who holds a degree of
20 any university recognised for the purposes of this statute by the Vice-
21 Chancellor, not being an honorary degree.

22 (2) Subject to section 4 of the Act, the Vice-Chancellor shall be the
23 chairman at all meetings of congregation when he is present; and in his absence
24 such other member of congregation present at the meeting as congregation may
25 appoint for that meeting, shall be the chairman at the meeting.

26 (3) The quorum of the congregation shall be one-third (or the whole
27 number nearest to one-third) of the total number of members of members of the
28 congregation or fifty, whichever is less.

29 (4) A certificate signed by the Vice-Chancellor specifying:

30 (a) the total number of members of congregation for the purposes of

1 any particular meeting or meetings of congregation; or
2 (b) the names of the persons who are members of congregation
3 during a particular period;
4 shall be conclusive evidence of that number or, as the case may be, of the
5 names of those persons.

6 (5) Subject to the foregoing provisions of this article, congregation
7 may regulate its own procedure.

8 (6) Congregation shall be entitled to express by resolution or
9 otherwise its opinion on all matters affecting the interest and welfare of the
10 University and shall have such other functions in addition to the function of
11 electing a member of the Council, as may be provided by statute or
12 regulations.

13 *The Convocation*

14 5.-(1) Convocation shall consist of:

15 (a) the officers of the University mentioned in the First Schedule to
16 the Act;

17 (b) all teachers within the meaning of the Act; and

18 (c) all other persons whose names are registered in accordance with
19 paragraph (2) of this article.

20 (2) A person shall be entitled to have his name registered as a
21 member of convocation if-

22 (a) he is either a graduate of the University or a person satisfying
23 such requirements as may be prescribed for the purposes of this paragraph;
24 and

25 (b) he applies for the registration of his name in the prescribed
26 manner and pays the prescribed fees;

27 and regulations shall provide for the establishment and maintenance of a
28 register for the purposes of this paragraph and, subject to paragraph (3)
29 below, may provide for the payment from time to time of further fees by
30 persons whose names are on the register and for the removal from the

1 register of the name of any person who fails to pay those fees.

2 (3) The person responsible for maintaining the register shall, without
3 the payment of any fees, ensure that the names of all persons who are for the
4 time being members of convocation by virtue of paragraph (1) (a) or (b) of this
5 article are entered and retained on the register.

6 (4) A person who reasonably claims that he is entitled to have his
7 name on the register shall be entitled on demand to inspect the register, or a
8 copy of the register at the principal offices of the University at all reasonable
9 times.

10 (5) The register shall, unless the contrary is proved, be sufficient
11 evidence that any person named therein is, and that any person not named
12 therein is not, a member of convocation; but for the purpose of ascertaining
13 whether a particular person was such a member on a particular date, any entries
14 in and deletions from the register made on or after that shall be disregarded.

15 (6) The quorum of convocation shall be fifty or one-third (or the
16 whole number nearest to one-third) of the total number of members of
17 convocation, whichever is less.

18 (7) Subject to section 4 of the Act, the Vice-Chancellor shall be
19 chairman at all meetings of convocation when he is present, and in his absence
20 the Vice Chancellor shall be the chairman at the meeting.

21 (8) Convocation shall have such functions, in addition to the function
22 of appointing a member of the Council, as may be provided by statute

23 *Organisation of Faculties and Branches thereof*

24 6. Each faculty shall be divided into such number of branches as may
25 be prescribed.

26 7.-(1) There shall be established in respect of each faculty a faculty
27 board, which, subject to the provisions of this Statute, and subject to the
28 directions of the Vice-Chancellor, shall:

29 (a) regulate the teaching and study of, and the conduct of
30 examinations connected with, the subjects assigned to the faculty;

1 (b) deal with any other matter assigned to it by the statute or by the
2 Vice-Chancellor or by the Senate; and

3 (c) advise the Vice-Chancellor or the Senate on any matter referred
4 to it by the Vice-Chancellor or the Senate.

5 (2) Each faculty board shall consist of:

6 (a) the Vice-Chancellor;

7 (b) the persons severally in charge of the branches of the faculty;

8 (c) such of the teachers assigned to the faculty and having the
9 prescribed qualifications as the board may determine; and

10 (d) such persons whether or not members of the University as the
11 board may determine with the general or special approval of the Senate.

12 (3) The quorum of the board shall be eight members or one-quarter
13 (whichever is greater) of the members for the time being of the board; and
14 subject to the provisions of this statute and to any provisions made by
15 regulations in that behalf, the board may regulate its own procedure.

16 *The Dean of the Faculty*

17 8.-(1) The dean of a faculty shall be a professor elected by the
18 faculty board and each dean shall hold office for years. He will be eligible
19 for re-election for another term of two years after which he may not be
20 elected again until two years have elapsed.

21 (2) If there is no professor in a faculty, the office of the dean of the
22 faculty shall be held in rotation by members of the faculty holding the ranks
23 of reader or senior lecturer on the basis of seniority as determined by the
24 statute.

25 (3) The dean shall be the chairman at all meetings of the faculty
26 board when he is present and he shall be a member of all committees and
27 other boards appointed by the faculty.

28 (4) The dean of a faculty shall exercise general superintendence
29 over the academic and administrative affairs of the faculty. It shall be the
30 function of the dean to present to convocation for the conferment of degrees

1 persons who have qualified for the degrees of the University at examinations
2 held in the branches of learning for which responsibility is allocated to that
3 faculty.

4 (5) There shall be a committee to be known as the committee of deans
5 consisting of all the deans of the several faculties and that committee shall
6 advise the Vice-Chancellor on all academic matters and on particular matters
7 referred to the University Council by Senate.

8 (6) The dean of a faculty may be removed from office for good cause
9 by the faculty board after a vote would have been taken at a meeting of the
10 board, and in the event of a vacancy occurring following the removal of a dean,
11 an acting dean may be appointed by the Vice-Chancellor provided that at the
12 next faculty board meeting an election shall held for a new dean.

13 (7) In this article, "good cause" has the same meaning as in section 15
14 (3) of the Act.

15 *Selection of certain Principal Officers*

16 9.-(1) When a vacancy occurs in the office of the Registrar, Bursar,
17 Librarian, or Director of Works, a selection board shall be constituted by the
18 Council and shall consist of:

19 (a) the Pro-Chancellor;

20 (b) the Vice-Chancellor;

21 (c) two members appointed by the Council, not being members of the
22 Senate; and

23 (d) two members appointed by the Senate.

24 (2) The selection board, after making such inquiries as it thinks fit,
25 shall recommend a candidate to the Council for appointment to the vacant
26 office; and after considering the recommendation of the board the Council may
27 make an appointment to that office.

28 *Creation of Academic Posts*

29 10. Recommendations for the creation of posts other than those
30 mentioned in article 9 of this Statute shall be made by the Senate to the Council

1 through the finance and General Purposes Committee.

2 *Appointment of Academic Staff*

3 11. Subject to the Act and the statutes, the filling of vacancies in
4 academic posts (including newly created ones) shall be as prescribed from
5 time to time by Statutes.

6 *Appointment of Administrative and Technical Staff*

7 12.-(1) The administrative and professional staff of the University
8 other than those mentioned in article 9 of this Statute, shall be appointed by
9 the Council or on its behalf by the Vice-Chancellor or the registrar in
10 accordance with any delegation of powers made by the Council in that
11 behalf.

12 (2) In the case of administrative or professional staff who have
13 close and important contacts with the academic staff, there shall be Senate
14 participation in the process of selection.

15 *Interpretation*

16 13. In this Statute, the expression "the Act" means the City
17 University of Technology, Auchi Act and any expression defined in the Act
18 has the same meaning in this Statute.

19 *Short Title*

20 14. The Statute may be cited as City University of Technology,
21 Auchi Statute No. 1.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the City University of Technology, Auchi, Edo State and to encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring a higher and liberal education.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL
POLYTECHNIC, SILAME, SOKOTO STATE; AND FOR OTHER MATTERS
CONNECTED THEREWITH

Sponsored by Senator Wammako

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows :

1 1.-(1) There is established the Federal Polytechnic Silame,
2 SokotoState which shall have such powers and exercise such functions as is
3 conferred on it by this Act. Establishment of the Federal Polytechnic Silame, Sokoto State

4 (2) The Polytechnic shall be a body corporate with perpetual
5 succession and a common seal and shall have power to acquire and dispose
6 of interests in movable and immovable property and may sue and be sued in
7 its corporate name.

8 2. The functions of the Polytechnic shall be to: Functions of the Polytechnic

9 (a) to provide full-time and part-time courses of instruction and
10 training to produce middle and high level manpower:

11 (i) in technology, applied science, commerce and management;
12 and

13 (ii) in such other fields of applied learning relevant to the needs of
14 the development of Nigeria in the areas of industrial and agricultural
15 production and distribution and for research in the development and
16 adaptation of techniques as the Council may from time to time determine;

17 (b) to arrange conference, seminars and study groups relative to
18 the fields of learning specified in paragraph (a) of this subsection(1);

19 © to perform such other functions as in the opinion of the Council
20 may serve to promote the objectives of the Polytechnic.

Establishment
and Constitution
of the Council,
etc.

1 (2) Nothing in this section shall preclude the government of a State or
2 any of its agencies from setting up a polytechnic similar to any polytechnic
3 established under this Act.

4 **3.-(1)** There shall be established for the Polytechnic a Governing
5 Council (hereafter in this Act referred to as "the Council").

6 (2) The Council shall consist of a Chairman and the following other
7 members:

8 (a) four persons representing a variety of interests and broadly
9 representative of the whole Federation, at least one of whom shall be a woman;

10 (b) one person to represent the alumni association;

11 (c) a representative of the community where the Polytechnic is
12 situated;

13 (d) the Rector;

14 (e) the Deputy Rector(s);

15 (f) one person representing the Federal Ministry of Education or
16 regulatory agency;

17 (g) two persons not below the rank of Chief Lecturer elected by the
18 Academic Board from among its members;

19 (h) three persons not below the rank of Senior Lecturer or its
20 equivalent elected by the Congregation from among its members in which one
21 shall be non-teaching staff.

22 (3)(i) The Chairman and members of the Council other than ex-
23 officio members shall be appointed by the President and Commander-in-Chief
24 of the Armed Forces;

25 (ii) Persons to be appointed to the Council shall be persons of proven
26 integrity, knowledgeable and acquainted with the working and tradition of the
27 Technical and Vocational Education.

28 (4) Any member of the Council other than an ex-officio member shall
29 hold office for a period of three years at the first instance and may be eligible for
30 re-appointment for another period of three years and no more.

1 (5) The governance structure of the Polytechnic shall be composed

2 of:

3 (a) Governing Council;

4 (b) Academic Board;

5 (c) Management Committee;

6 (d) School Board; and

7 (e) Departmental Board.

8 (6) The provisions set out in the First Schedule to this Bill, shall

9 apply in relation to the Council governance structure and other matters

10 therein specified.

11 4.-(1) The President and Commander-in-Chief of the Armed Visitation
12 Forces shall be the Visitor to the Polytechnic.

13 (2) The Visitor shall, not less than once in every five years, conduct
14 a visitation of the college or appoint a Visitation Panel, consisting of not less
15 than five experts, to conduct the visitation-

16 (a) for the purpose of evaluating the academic and administrative
17 performance of the Polytechnic;

18 (b) for such other purpose or in respect of any other affairs of the
19 Polytechnic as the Visitor may deem fit. [1993 No. 5]

20 5.-(1) There shall be a Registrar to the Polytechnic who shall be Registrar of the
21 responsible to the Rector for the day-to-day administration of the Polytechnic
22 polytechnic and shall perform such other duties as the Council or as the case
23 may be, the Rector may from time to time require him.

24 (2) The Registrar shall be the Secretary to the Council, the
25 Academic Board and any committee of the Council and shall attend all the
26 meetings of those bodies unless excused for good reason by the chairman of
27 the Council.

28 (3) In the absence of the Registrar, the Chairman of the Council
29 may, after consultation with the Rector, appoint a suitable person to act as
30 Secretary for any particular meeting of the Council.

	1	(4) The Secretary to the Council or a person appointed to act under
	2	subsection (3) of this section, shall not vote on any question before the Council
	3	or count towards a quorum unless he is so entitled as a member of the
	4	Council.
Tenure of office of the Registrar	5	6.-(1) A Registrar shall hold office for a single tenure of five years
	6	beginning from the effective date of his appointment and on such terms and
	7	conditions as may be specified in the letter of his appointment;
	8	(2) Where a Registrar has held office for five years or less on the
	9	commencement of this Act, he shall be deemed to have been serving his final
	10	term of office.
General functions of the Council	11	7.-(1) Subject to provision of this Act, the Council shall be the
	12	governing body of the Polytechnic concerned and shall have the general
	13	management of the affairs of the Polytechnic, and in particular, the control of
	14	the property and finances of the polytechnic; and shall have power to do
	15	anything which in its opinion is calculated to facilitate the carrying out of the
	16	activities of the Polytechnic and promote its best interests.
	17	(2) The Council may acquire and hold such movable or immovable
	18	property as may be necessary or expedient for carrying into effect the
	19	provisions of this Act, and for the same purpose may sell, lease, mortgage or
	20	otherwise alienate or dispose of any property so acquired.
	21	(3) The Council may enter into such contracts as may be necessary or
	22	expedient for carrying into effect the provisions of this Act.
	23	(4) The Minister may give to the Council directions of a general
	24	character or relating generally to particular matters (but not any individual
	25	person or case) with regard to the exercise by the Council of its functions and it
	26	shall be the duty of the Council to comply with the directions.
The Rector of the Polytechnic	27	8.-(1) There shall be a Rector for the Polytechnic ("the Rector") who
	28	shall be appointed by the President, Commander-in-Chief of the Armed Forces
	29	in accordance with the provision of this section.

1 (2) Where a vacancy occurs in the post of the Rector, the Council
2 shall:

3 (a) advertise the vacancy not later than six (6) months to the
4 expiration of the term of the sitting Rector in not less than two national
5 newspapers in Nigeria, specifying:

6 (i) the qualifications of the persons who may apply for the post,
7 who shall be a Chief Lecturer in the Polytechnic sector with at least five
8 years of experience on that position among other criteria ; and

9 (ii) the terms and conditions of service applicable to the post, and
10 thereafter, draw up a short list of suitable candidates for consideration;

11 (b) constitute a Search Team consisting of:

12 (i) a member of the Council, not being a member of the Academic
13 Board, as Chairman;

14 (ii) two members of the Academic Board, not below the rank of
15 Chief Lecturer;

16 (iii) two members of Academic Staff not below the rank of Chief
17 Lecturers to be elected from among its members.

18 (3) A Joint Council, Academic Board and Congregation Selection
19 Board consisting of:

20 (a) the Chairman of the Council;

21 (b) two members of the Council not being members of the
22 Academic Board;

23 (c) two members of the Academic Board not below the rank of
24 Chief Lecturer, who were not members of the Search Team elected among
25 its members; and

26 (d) two members of the Congregation not below the rank of Chief
27 Lecturer who were not members of the Search Team elected among its
28 members, shall consider the candidates on the short list drawn up under
29 subsection (2) of this section through an examination of their curriculum
30 vitae and interaction with them and recommend in order of performance

1 ranking through the Council, to the President and Commander-in-Chief of the
2 Armed Forces, three candidates for his consideration.

3 (4) The President shall appoint, as Rector, one of the candidates
4 recommended to him under the provisions of subsection (3) of this section.

5 (5) Subject to this Act and the general control of the Council, the
6 Rector shall be the Chief Executive of the Polytechnic and shall be charged
7 with general responsibility for matters relating to the day-to-day management
8 operations of the Polytechnic.

9 (6) The Rector shall:

10 (a)(i) hold office for a single term of five years beginning with the
11 effective date of his appointment and on such terms and conditions as may be
12 specified in his letter of appointment;

13 (ii) where a Rector was appointed on four-year tenure on the
14 commencement of this Act, his tenure shall be extended for a period of one year
15 to complete the single-tenure of five years in line with subsection (6) (a) above;

16 (iii) where a Rector is serving second tenure of four years on the
17 commencement of this Act, he shall be deemed to have been serving his final
18 term of office.

19 (b) have power to exercise general authority over staff and be
20 responsible for discipline in the Polytechnic; and

21 (c) his remuneration shall be determined by the National Salaries and
22 Wages Commission.

Deputy Rectors

23 9.-(1) There shall be for the Polytechnic such number of Deputy
24 Rectors as the Council may, from time to time, deem necessary for the proper
25 administration of the Polytechnic.

26 (2) Where a vacancy occurs in the post of Deputy Rector, the Rector
27 shall forward to the Academic Board a list of two candidates for each post of
28 Deputy Rector that is vacant.

29 (3) The Academic Board shall elect for each vacant post one candidate
30 from each list forwarded to it under subsection (2) of this section and forward

1 his name to the Council for confirmation.

2 (4) Where-

3 (a) the Academic Board rejects the two candidates forwarded to it
4 by the Rector under subsection (2) of this section, the Rector shall submit
5 another list;

6 (b) the Council rejects the name sent to it under subsection (3) of
7 this section, the Academic Board shall send the name of the other candidate
8 on the list forwarded to it by the Rector under subsection (2) of this section.

9 (5) The Deputy Rector(s) shall:

10 (a) assist the Rector in the performance of his functions;

11 (b) act in the place of the Rector when the post of Rector is vacant
12 or if the Rector is for any reason absent or unable to perform their functions
13 as Rector; and

14 (c) perform such other functions as the Rector or the Council may
15 from time to time assign to him.

16 (6) The Deputy Rectors:

17 (a) shall hold office for a single tenure of four years beginning from
18 the effective date of his appointment and on such terms and conditions as
19 may be specified in his letter of appointment;

20 (b) where a Deputy Rector was appointed on a two year tenure on
21 the commencement of this Act, his tenure shall be extended for a period of
22 two years to complete the single-tenure of four years in line with subsection
23 (6)(a) above;

24 (c) where a Deputy Rector is serving second tenure of two years on
25 the commencement of this Act, he shall be deemed to have been serving his
26 final term of office.

27 **10.-(1)** There shall be for the polytechnic the following other
28 principal officers in addition to the Deputy Rector(s):

Other Principal
officers of the
Polytechnic

29 (a) the Registrar;

30 (b) the Bursar; and

1 (c) the Polytechnic Librarian,
2 who shall be appointed by the Council on the recommendation of the Selection
3 Board constituted under section 12 of this Act.

4 (2) The Bursar shall be the Chief Financial Officer of the Polytechnic
5 and be responsible to the Rector for the day-to-day administration and control
6 of the financial affairs of the Polytechnic.

7 (3) The Polytechnic Librarian shall be responsible to the Rector for
8 the administration of the polytechnic library and the co-ordination of the
9 library services in the teaching units of the Polytechnic.

10 (4) The Bursar or Librarian-

11 (a) shall hold office for a single tenure of five years beginning from
12 the effective date of his appointment and on such terms and conditions as may
13 be specified in his letter of appointment;

14 (b) where a Bursar or Librarian has held office for five years or less on
15 the commencement of this Act, he shall be deemed to have been serving his
16 final term of office.

Resignation of
appointment of
Principal Officers

17 **11.** A Principal Officer may resign his appointment:

18 (a) in the case of the Rector, by notice to the Visitor;

19 (b) in any other case by notice to the Council.

Selection Board
for other Principal
Officers

20 **12.-(1)** There shall be, for the Polytechnic a Selection Board which
21 shall consist of:

22 (a) the Chairman of the Council;

23 (b) the Rector;

24 (c) four members of the Council not being members of the Academic
25 Board;

26 (d) two members of the Academic Board not being members of
27 Council and not below the rank of Chief Lecturer elected from among its
28 members; and.

29 (e) three members of the Congregation not below the rank of Principal
30 Lecturer or its equivalent elected from among its members in which one shall

1 be a non-teaching staff.

2 (2) The functions and procedure and other matters relating to the
3 Selection Board constituted under subsection (1) of this section shall be as
4 the Council may, from time to time, determine.

5 13.-(1) The Council may appoint such other persons to be Other employees
of the Polytechnic
6 employees of the Polytechnic as the Council may determine to assist the
7 Rector and the Principal Officers of the Polytechnic in the performance of
8 their functions under this Act.

9 (2) The power to appoint all other employees of the polytechnic
10 shall be exercised:

11 (a) in the case of senior employees, by the Council on the
12 recommendation of Appointment and Promotions Committee set up under
13 the provisions of paragraph 3(2)(a) of the First Schedule to this Act;

14 (b) in the case of junior employees, by the Rector on the
15 recommendation of the Junior Staff Appointment and Promotions
16 Committee constituted under paragraph 3(2)(b) of the First Schedule to this
17 Act.

18 (3) Subject to the provisions of this Act, the remuneration, tenure of
19 office and conditions of service of the employees of the Council shall be
20 determined by the Council in consultation with the Federal Civil Service
21 Commission.

22 14.-(1) The Federal Civil Service Commission may by order Application of
the Pensions Act
23 published in the Federal Gazette declare the office of the Rector or any other
24 person employed by the Council to be a pensionable office for the purposes
25 of the Pensions Act.

26 *[Cap. P4]*

27 (2) Nothing in the provisions of subsection (1) of this section shall
28 prevent the appointment of any person to any office on terms which preclude
29 the grant of a pension or gratuity in respect of service in that office.

30 (3) A law or rule requiring a person to retire from the Public Service

1 after serving for thirty five (35) years or having attained the age of 60 years in
2 service, shall not apply to staff of Polytechnic.

3 (4) Notwithstanding anything to the contrary contained in the
4 Pensions Reform Act, the compulsory retirement age of staff of Polytechnic
5 shall be sixty-five (65) years.

Establishment
of the Academic
Board

6 **15.-(1)** There shall be established for the Polytechnic a Board to be
7 known as the Academic Board which shall consist of the following members:

8 (a) the Rector of the Polytechnic, as the Chairman;

9 (b) the Deputy Rector(s) of the Polytechnic;

10 (c) all Heads of academic Departments and units;

11 (d) the Polytechnic Librarian;

12 (e) not more than two members of the academic staff who are not
13 members of the Academic Board and not below the rank of Senior Lecturer
14 elected from among its members, such members shall serve for non-renewable
15 term of three (3) years;

16 (f) all Deans and Academic Directors; and

17 (g) all Chief Lecturers.

18 (2) The Academic Board shall be responsible for:

19 (a) the direction and management of academic matters of the
20 Polytechnic including the regulation of admission of students, the award of
21 certificates and diplomas, scholarships, prizes and other academic distinctions;

22 (b) the making to the Council of such periodic reports on such
23 academic matters as the Academic Board may think fit or as the Council may
24 from time to time direct; and

25 (c) the discharge of any other functions which the Council may
26 delegate to it.

27 *Tenure of Office*

Removal from
office of members
of the Council
and the Rector

28 **16.-(1)** Where it appears to the Governing Council that a member of
29 the Council other than an ex-officio member or the Rector should be removed
30 from office on the ground of misconduct or inability to perform the functions of

1 his office, the Council shall make a recommendation through the Minister to
2 the Federal Executive Council approves of it, the Minister shall declare the
3 office of such member or Rector vacant.

4 (2) The Minister may recommend the removal of any member of
5 the Governing Council or Rector to the Federal Executive Council, if he is
6 satisfied that it is not in the interest of the Public or of the Polytechnic that
7 such a person should continue as a member of the Council.

8 (3) In case of vacancy in the office of the Rector, the Council shall
9 appoint an Acting Rector who shall not be in office for more than 6 months.

10 (4) There shall be no sole administration in any Polytechnic in
11 Nigeria.

12 17.-(1) If it appears to the Council that there are reasons for
13 believing that any person employed as a member of the academic,
14 administrative or technical staff of the polytechnic, other than the Rector,
15 should be removed from office on the ground of misconduct or inability to
16 perform the functions of his office, the Council shall:

Removal and
discipline of
Academic,
Administrative
and Technical
Staff

17 (a) give notice of those reasons to the person in question;

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

20 (c) if he or any three members of the Council so request within the
21 period of one month beginning with the date of the notice, make
22 arrangements:

23 (i) if he is an academic staff, for a Joint Committee of the Council
24 and the Academic Board to investigate the matter and to report on it to the
25 Council;

26 (ii) for a Committee of the Council to investigate the matter, where
27 it relates to any other member of the staff of the Polytechnic and to report on
28 it to the Council; and

29 (iii) for the person in question to be afforded an opportunity of
30 appearing before and being heard by the Investigating Committee with

1 respect to the matter, and if the Council, after considering the report of the
2 Investigating Committee, is satisfied that the person in question should be
3 removed as aforesaid, the Council may so remove him by an instrument in
4 writing signed on the directions of the Council.

5 (2) The Rector may, in a case of misconduct by a member of the staff
6 which in the opinion of the Rector is prejudicial to the interests of the
7 Polytechnic, suspend such member and any such suspension shall forthwith be
8 reported to the Council.

9 (3) For good cause, any member of staff may be suspended from
10 office or his appointment may be terminated by the Council and for the purpose
11 of this subsection, "good cause" means:

12 (a) any physical or mental incapacity which the Council, after
13 obtaining medical advice, considers to be such as to render the person
14 concerned unfit for the discharge of the functions of his office;

15 (b) any physical or mental incapacity which the Council, after
16 medical advice, considers to be such as to render the person concerned unfit to
17 continue to hold his office;

18 (c) conduct of a scandalous or other disgraceful nature which the
19 Council considers to be such as to render the person concerned unfit to continue
20 to hold his office;

21 (d) conduct which the Council considers to be such as to constitute
22 failure or inability of the person concerned to discharge the functions of his
23 office or to comply with the terms and conditions of his service.

24 (4) Any person suspended pursuant to subsection (2) or (3) of this
25 section, shall be placed on half pay and the Council shall before the expiration
26 of the period of three months after the date of such suspension consider the case
27 against that person and come to a decision as to:

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

30 (b) whether to reinstate such person, in which case the Council shall

- 1 restore his full emoluments to him with effect from the date of suspension;
- 2 (c) whether to terminate the appointment of the person in question,
- 3 in which case such a person, will not be entitled to the proportion of his
- 4 emoluments withheld during the period of suspension;
- 5 (d) whether to take such lesser disciplinary action against such
- 6 person (including the restoration of such proportion of his emoluments that
- 7 might have been withheld) as the Council may determine, and in any case
- 8 where the Council, pursuant to this section, decides to continue a person's
- 9 suspension or decides to take further disciplinary action against a person, the
- 10 Council shall before the expiration of a period of three months from such
- 11 decision come to a final determination in respect of the case concerning any
- 12 such person.
- 13 (5) It shall be the duty of the person by whom an instrument of
- 14 removal is signed in pursuance of subsection (1) of this section, to use his
- 15 best endeavours to cause a copy of the instrument to be served as soon as
- 16 reasonably practicable on the person to whom it relates.
- 17 (6) Nothing in the foregoing provisions of this section shall prevent
- 18 the Council from making such regulations for the discipline of other
- 19 categories of staff and workers of the Polytechnic as it may think fit.
- 20 **18.-(1)** Subject to the provisions of this section, where it appears to
- 21 the Rector that any student of the Polytechnic has been guilty of misconduct,
- 22 the Rector may, without prejudice to any other disciplinary powers
- 23 conferred on him by this Act or regulations made hereunder direct:
- 24 (a) that the student shall not during such period as may be specified
- 25 in the direction, participate in such activities of the Polytechnic, or make use
- 26 of such facilities of the Polytechnic, as he may specify;
- 27 (b) that the activities of the student shall, during such period as may
- 28 be specified in the directions, be restricted in such manner as may be so
- 29 specified;
- 30 (c) that the student be suspended for such period as may be

Discipline of
students

1 specified in the directions; and

2 (d) that the student be expelled from the Polytechnic.

3 (2) Where there is temporarily no Rector or where the Rector refuses
4 to apply any disciplinary measures, the Council, either directly or through
5 some other staff, may apply such disciplinary actions as are specified in
6 subsection (1) of this section to any student of the Polytechnic who is guilty of
7 misconduct.

8 (3) Where a direction is given under subsection (1)(c) or (d) of this
9 section in respect of any student, the student may, within a period of 21 days
10 from the date of the letter communicating the decision to him, appeal from the
11 direction to the Council; and where such an appeal is brought, the Council
12 shall, after causing such inquiry to be made into the matter as the Council
13 considers just, either confirm or set aside the direction or modify it in such
14 manner as the Council may think fit.

15 (4) The fact that an appeal from a direction is brought in pursuance of
16 subsection (3) of this section shall not affect the operation of the direction while
17 the appeal is pending.

18 (5) The Rector may delegate his power under this section to a
19 Disciplinary Committee considering of such members of the Polytechnic as he
20 may nominate.

21 (6) Nothing in this section shall be construed as preventing the
22 restriction or termination of a student's activities at the Polytechnic otherwise
23 than on the ground of misconduct.

24 (7) It is hereby declared that a direction under subsection (1)(a) of this
25 section may be combined with a direction under subsection (1)(b) of this
26 section.

27 (8) In all cases under this section, the decision of the Council shall be
28 final.

Discipline of
Junior Staff

29 **19.-(1)** If any junior staff is accused of misconduct or inefficiency, the
30 Rector may suspend him for not more than three months and shall forthwith

1 direct the Junior Staff Appointments and Promotions Committee:

2 (a) to consider the case; and

3 (b) to make recommendations as to the appropriate action to be
4 taken by the Rector.

5 (2) In all cases under this section, the officer shall be informed of
6 the charge against him and shall be given reasonable opportunity to defend
7 himself.

8 (3) The Rector may, after considering the recommendation made
9 pursuant to subsection (1)(b) of this section, dismiss, terminate, retire or
10 down-grade the officer concerned.

11 (4) Any person aggrieved by the Rector's decision under
12 subsection (3) of this section, may within a period of 21 days from the date of
13 the letter communicating the decision to him, address a petition to the
14 Council to consider his case and the Council's decision thereon shall be
15 final.

16 (5) In any case of gross misconduct on the part of a junior staff, the
17 Rector shall forthwith suspend him and thereafter refer the matter to the
18 Junior Staff Appointments and Promotions Committee to be dealt with
19 according to the foregoing provisions of this section.

20 **20.-(1)** The Council shall keep proper accounts and proper records
21 in relation thereto and shall cause to be prepared, not later than 1st October in
22 each financial year, an estimate of its revenue and expenditure for the
23 ensuing financial year and when prepared, the estimate shall be submitted to
24 the National Board for Technical Education for approval.

Audit of Accounts

25 (2) At the end of each financial year but not later than 30th June the
26 Council shall cause to be prepared a statement of its income and expenditure
27 during the previous financial year.

28 (3) The statement of accounts referred to in subsection (2) of this
29 section shall, when certified by the Rector, be audited by a firm of auditors
30 appointed from the list and in accordance with the guidelines supplied by the

	1	Auditor General of the Federation and shall be published in the annual report of
	2	the Polytechnic.
Funds of the Council	3	21. The funds of the Council shall include-
	4	(a) fees charged by and payable to the Council in respect of students;
	5	(b) any other amounts due to or recoverable by the Council;
	6	(c) revenue from time to time accruing to the Council from the
	7	Federal Government by way of subvention, grant-in-aid, endowment or
	8	otherwise howsoever; and
	9	(d) donations and legacies accruing to the Council from any source
	10	for the special purpose of the Council.
Donations for particular purposes	11	22. -(1) Donations of money to be applied to any particular purpose
	12	shall be placed to the credit of a special reserve account approved by the
	13	Council until such time as they may be expended in fulfillment of such
	14	purpose.
	15	(2) No Council shall be obliged to accept a donation for a particular
	16	purpose unless it approves of the terms and conditions attached to such
	17	donation.
Payment into bank	18	23. All sums of money received on account of the Council shall be
	19	paid into such bank for the credit of the Council as may be approved by the
	20	Council.
Annual Report	21	24. The Council shall on or before 31st December in each year
	22	prepare and submit to the President through the Minister, a report of the
	23	activities during the preceding financial year and shall include in the report, the
	24	audited accounts of the polytechnic in respect of that financial year and the
	25	auditor's comments on the account.
	26	<i>Miscellaneous and Supplemental</i>
Power to make bye-laws	27	25. -(1) The Council may make bye-laws relating to any matter within
	28	its competence under this Act other than matters for which provision is to be
	29	made by standing orders pursuant to paragraph 7 of the Schedule to this Act.
	30	(2) All such bye-laws shall be in writing and shall come into force

1 when sealed with the seal of the Council unless some other date for their
2 commencement is prescribed therein.

3 (3) (Nothing in subsection (2) of this section, shall make it
4 obligatory for the Council to publish any of the said bye-laws in the Federal
5 Gazette but the Council shall bring such bye-laws to the notice of all affected
6 thereby.

7 **26.** No person shall be required to satisfy requirements as to any of
8 the following matters, that is to say race (including ethnic grouping), sex,
9 place of birth or of family origin or religious or political persuasion or as a
10 condition of becoming or continuing to be a student at the polytechnic or as a
11 holder of any certificate of the Polytechnic, or of any appointment or
12 employment at the Polytechnic, or a member of anybody established by
13 virtue of this Act; and no person shall be subjected to any disadvantage or
14 accorded any advantage in relation to the Polytechnic by reference to any of
15 those matters:

Exclusion of
discrimination
on account of
race, religion, etc.

16 Provided that, nothing in this section shall be construed as
17 preventing the polytechnic from imposing any disability or restriction on
18 any of the aforementioned persons where such a person willfully refuses or
19 fails on grounds of religious belief to undertake any duty, having regard to its
20 nature and the special circumstances pertaining thereto is, in the opinion of
21 the Polytechnic, reasonably justifiable in the national interest.

22 **27.** Subject to the provisions of paragraph 6(2) of the First
23 Schedule to this Act and any standing orders or bye-law made under this Ac,
24 the quorum and procedure of any body of persons established by this Act
25 shall be such as may be determined by that body.

Quorum and
procedure of
bodies established
under this Act

26 **28.** In this Act, unless the context otherwise requires:
27 "the Academic Board" means the board establish under section 10 of this
28 Act;
29 "the Appointments and Promotions Committee" means a body by that name
30 established under paragraph 3(2)(a) of the Schedule to this Act;

Interpretation

1 "polytechnic" means the respective Polytechnic set up under this section 1 of
2 this Act;

3 "the Junior Staff Appointments and Promotion Committee" means a body by
4 that name set up under paragraph 3(2)(b) of the Schedule to this Act;

5 "the Minister" means the Minister charged with responsibility for matters
6 relating to technical education;

7 "the Registrar" means the Registrar of the Polytechnic appointed under section
8 4(1) of this Act.

Short title

9 **29.** This Bill may be cited as the Federal Polytechnic Silame, Sokoto
10 State, Bill, 2019.

11 FIRST SCHEDULE

12 [Section 7]

13 PUBLIC OFFICERS FOR THE PURPOSES OF THE CODE OF CONDUCT

14 SUPPLEMENTARY PROVISIONS RELATING TO

15 THE COUNCIL

16 *Terms of office of members*

17 1.-(1) A member of the Council other than an ex-officio member shall
18 hold office for a period of three years beginning with the date on which he was
19 appointed and shall be eligible for re-appointment for a further term of three
20 years and thereafter he shall no longer be eligible for re-appointment.

21 (2) Members of the Council holding office as specified in paragraph
22 1(1) of this Schedule, shall be paid remuneration or allowance in accordance
23 with rates specified from time to time by the National Council of Ministers.

24 (3) A member of the Council holding office as specified in paragraph
25 1(1) of this Schedule may by notice in writing to the Minister resign his office.

26 2.-(1) Where a vacancy occurs in the membership of the Council, that
27 vacancy shall be filled by the appointment of a successor to hold office for the
28 remainder of the term of office of his predecessor, so however that the
29 successor shall represent the same interest as his predecessor.

30 (2) The Council may act notwithstanding any vacancy in its

1 membership or the absence of any member or that a person not entitled to do
2 so took part in its proceedings.

3 *Committees*

4 3.-(1) The Council may appoint one or more committees to which it
5 may delegate any of its functions.

6 (2) Without prejudice to the generality of sub-paragraph (1) of this
7 Schedule, the Council shall appoint the following committees, that is:

8 (a) the Appointments and Promotions Committees which shall:

9 (i) consist of Rector as the chairman and four other members who
10 shall be appointed by the Council;

11 (ii) be charged with the responsibility for making
12 recommendations to the Council on the appointment and promotion of the
13 academic and senior non-teaching staff of the Polytechnic and have a
14 quorum of three members.

15 (b) the Junior Staff Appointments and Promotions Committee
16 which shall consist of a Deputy Rector as Chairman and four other members
17 to be appointed by the Rector and shall have the powers set out in section
18 13(2)(b) and section 19 of this Act;

19 (c) the Committee on Students' Affairs which shall consist of the
20 following members:

21 (i) a Deputy Rector as chairman;

22 (ii) one member of the Council;

23 (iii) Dean of Students Affairs;

24 (iv) two members of the academic staff not below the rank of
25 Senior Lecturer; and

26 (d) two representatives of the Students Union of the Polytechnic;
27 and a committee on students affairs shall be charged with the duty of:

28 (i) considering any matter which relates to the welfare of students;

29 (ii) any other matter referred to it by either the Council or
30 management of the Polytechnic;

1 (iii) any matter which the students wish to refer to the Council shall be
2 referred to the management in the first instance which may in turn refer the
3 matter to the Committee on Students' Affairs.

4 (3) No decision of a Committee of the Council shall have effect unless
5 it is confirmed by the Council.

6 *Proceedings of the Council*

7 4.-(1) The Council shall meet for the conduct of business once in a
8 quarter except for emergency.

9 (2) The Chairman of the Council may at any time and shall at the
10 request in writing of not less than five members of the Council summon a
11 meeting of the Council.

12 (3) Particulars of the business to be transacted shall be circulated to
13 members with the notice of the meeting at least two weeks before the date of the
14 meeting.

15 5. Where the Council desires to obtain the advice of any person on any
16 particular matter, it may co-opt such person as a member for a meeting whether
17 or not expressly convened for the purpose of considering the particular matter
18 but no co-opted member shall be entitled to vote or shall count towards
19 quorum.

20 6. -(1) Every question put before the Council at a meeting shall be
21 decided by a simple majority of the members present and voting.

22 (2) Two third of members shall form a quorum at any meeting of the
23 Council.

24 (3) The Chairman shall, at any meeting of the Council, have a vote
25 and, in the case of an equality of votes, may exercise a casting vote.

26 7. Subject as aforesaid, the Council may make standing orders with
27 respect to the holding of meetings, the nature of notices to be given, the
28 proceedings thereat, the keeping of minutes of such proceedings and the
29 custody and production for inspection of such minutes.

30 8. If the Chairman of the Council is absent from a meeting of the

1 Council, the members present shall elect one of their number to act as
2 chairman for the purposes of the meeting.

3 *Miscellaneous*

4 9. Composition and Functions of Management Committee,
5 School and Departmental Boards:

6 (a)(i) There shall be a Management Committee made up of all the
7 Principal Officers of the Polytechnic, all Deans and Directors in the
8 Polytechnic;

9 (ii) the Rector shall be the Chairman of the Management
10 Committee; and

11 (iii) the Management Committee shall meet at least once in a
12 month to discuss and take decisions on matters of general interest to the
13 Polytechnic;

14 (b) (i) There shall be a School Board for each school in the
15 Polytechnic made up of all the Academic Staff in that School;

16 (ii) The School Board deal with academic matters and any other
17 matter of interest to the School or any matter assigned to it by the Council,
18 the Rector or the Academic Board;

19 (iii) The Dean shall be the Chairman of the School Board;

20 (iv) The Dean shall be elected from among the Academic Staff not
21 below the rank of Chief Lecturer in that School for a tenure of three years
22 and not immediately renewable.

23 (c) (i) There shall be a Departmental Board for each Department in
24 the Polytechnic made up of all the Academic Staff in that department;

25 (ii) The Departmental Board shall deal with academic matters and
26 any other matter of interest to the Department;

27 (iii) The Head of Department shall be chairman of the
28 Departmental Board;

29 (iv) The Head of Department shall be elected from among the
30 Academic staff not below the rank of Senior Lecturer in that department for

1 a tenure of three years and not immediately renewable.

2 (d) Where there is no qualified candidate for the position of Dean or
3 Head of Department, the Rector shall appoint an Acting Dean not below the
4 rank of Senior Lecturer or Acting Head of Department not below the rank of
5 Lecturer I for a period of one year in the first instance and renewable once and
6 no more;

7 (e) Nothing in this Act shall prevent the Management Committee and
8 Boards from making supplementary rules to guide their proceedings provided
9 such rules are not inconsistent with the provisions of this Act.

10 *Establishment of the Congregation*

11 10.-(a) There shall be for the Polytechnic, a Congregation made of
12 both Academic and Senior Non-Teaching staff, who holds at least a first degree
13 or its equivalent;

14 (b) The Rector shall be the Chairman of the Congregation;

15 (c) The Congregation shall meet at least once in a year.

16 11. Any contract or instrument which if entered into by a person not
17 being a body corporate would not be required to be under seal, may in like
18 manner be entered into or executed on behalf of the Council by any person
19 generally or specifically authorized by it for that purpose.

20 12.-(1) The common seal of the Council shall not be used or affixed to
21 any document except in pursuance of a resolution duly passed at a properly
22 constituted meeting of the Council and recorded in the minutes of such
23 meeting.

24 (2) The fixing of the seal of the Council shall be authenticated by the
25 signature of the Chairman of the Council and some other member authorized
26 generally or specifically by the Council to act for that purpose.

27 (3) Any document purporting to be a document duly executed under
28 the seal of the Council shall be received in evidence and shall, unless the
29 contrary is proved, be deemed to be so executed.

30 13. Any member of the Council or a committee thereof who has a

- 1 personal interest in any contract or arrangement entered into or proposed to
- 2 be considered by the Council or a committee thereof, shall forthwith
- 3 disclose his interest to the Council and shall not vote on any question
- 4 relating to such contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Federal Polytechnic, Silame, Sokoto State; and to provide full-time and part-time courses of instruction and training to produce middle and high level manpower.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE OF EDUCATION SABON-BIRNI, SOKOTO; AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Senator Ibrahim Gobir

[] Commencement

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

PART I - ESTABLISHMENT OF FEDERAL COLLEGE OF EDUCATION

SABON BIRNI, SOKOTO

- 1 **1.-(1)** There is hereby established the Federal College of Education Sabon-Birni, Sokoto State which shall have such powers and exercise such functions as is conferred on it by this Act. Establishment of Federal College of Education Sabon-Birni, Sokoto State
- 2
- 3
- 4 **(2)** The College shall be a body corporate with perpetual succession and a common seal and shall have power to acquire and dispose of interests in movable and immovable property and may sue and be sued in its corporate name.
- 5
- 6
- 7
- 8 **2.** The functions of the College shall be- Functions of the College
- 9 **(a)** to provide full-time and part-time courses in teaching, instruction and training to produce middle and high level teachers-
- 10
- 11 **(i)** in technology, sciences/applied sciences, commerce, arts, social sciences, humanities and management; and
- 12
- 13 **(ii)** in such other fields of applied learning relevant to the needs of the development of Nigeria in the areas of industrial and agricultural production and distribution and for research in the development and adaptation of techniques as the Council may from time to time determine.
- 14
- 15
- 16
- 17 **(b)** to conduct courses in education for qualified teachers;
- 18 **(c)** to arrange conferences, seminars, inaugural lectures and

Governing
Council of
College

1 workshops relative to the fields of learning specified in paragraph (a) of this
2 section; and

3 (d) to perform such other functions as in the opinion of the Council
4 may serve to promote the objectives of the College.

5 **3.-(1)** The governance of the College and the direction of its affairs
6 shall vest in the Governing Council of the College (hereafter in this Act referred
7 to as "the Council").

8 (2) Without prejudice to the generality of subsection (1) of this
9 section, it shall be the responsibility of the Council to consider and approve-

10 (a) the plan of activities of the College;

11 (b) the programme of studies, courses and research to be undertaken
12 by the College;

13 (c) the annual estimates of the College; and

14 (d) the investment plans of the College.

15 (3) The provisions of Schedule 1 to this Act shall have effect with
16 respect to the Council as specified therein.

Membership of
the Governing
Council

17 **4.-(1)** The Council of the College shall consist of a Chairman to be
18 appointed by the President, Commander-in-Chief of the Armed Forces, and the
19 following other members:

20 (a) the Hon. Minister of Education or his Representative;

21 (b) two elected representatives of the Academic Board and the
22 congregation (one each) of the College;

23 (c) an elected Representative of the National Commission for
24 Colleges of Education;

25 (d) a Representative of the Alumni Association of the College;

26 (e) four persons of note in the areas of Arts, Sciences and Technical
27 Education, who shall be former or serving teachers/educationists, to be
28 appointed by the President, Commander-in-Chief of the Armed Forces;

29 (f) the Provost of the College;

30 (g) the Deputy Provost of the College; and

1 (h) the Registrar shall be a member and Secretary.

2 **5.-(1)** A member of the Council shall hold office for a term of four
3 years and, subject to the provisions of subsection (2) of this section, shall be
4 eligible for re-appointment for a further period of four years.

Tenure of Council
Members

5 (2) The office of a member appointed under sections 4 (1) (d) and 4
6 (2) (d) of this Act shall become vacant if-

7 (a) the member resigns his office by notice in writing under his
8 hand, addressed to the Minister; or

9 (b) the Minister is satisfied that it is not in the interest of the College
10 for the person appointed to continue in office and notifies the member in
11 writing to that effect.

12 **6.-(1)** For the carrying out of the functions of the College, the
13 Council shall have power to-

Power of the
Governing Council

14 (a) hold examinations and award diplomas, professional
15 certificates, Degrees and other distinctions of the College, to persons who
16 have pursued a course of study approved by the Council and who have
17 satisfied such other requirements as the Council as accredited by NCCE;

18 (b) demand and receive from any student or any other person
19 attending the College for the purpose of instruction such fees as the Council
20 may, with the prior approval of NCCE from time to time determine;

21 (c) hold public lectures and undertake printing, publishing and
22 bookselling;

23 (d) make gifts for any charitable purpose;

24 (e) hold examinations in education for qualified teachers;

25 (f) provide amenities for and make such other provision for the
26 welfare of the staff of the College;

27 (g) invest the funds of the College in securities specified by law or
28 in such other securities in Nigeria as may be approved by the NCCE;

29 (h) borrow money within Nigeria in such manner and upon such
30 security as the NCCE may from time to time authorize;

1 (i) recruit staff of the right caliber and determine the career structure
2 of such staff;

3 (j) establish and maintain such schools and other teaching units within
4 the College or extramural departments as the Council may from time to time
5 decide;

6 (k) provide such courses of instruction either alone or in association
7 with other institutions whether in Nigeria or not as the Council may determine
8 approve;

9 (l) institute and award fellowships, medals, prizes and other titles;

10 (m) mount exhibitions and displays designed to foster an appreciation
11 of trends in the scope and requirements of education;

12 (n) erect, provide, equip and maintain such educational, recreational
13 and residential facilities as the College may require;

14 (o) create lecturerships and other academic posts and offices and to
15 make appointments thereto;

16 (p) encourage and make provision for research and research grant in
17 the College, and

18 (q) do such acts and things whether or not incidental to the foregoing
19 powers as may advance the objects of the College.

20 (r) the President and Commander-in-chief shall be the visitor to the
21 College;

22 (s) The Minister shall arrange visitation every 4 years on behalf of the
23 Visitor.

24 (2) The power of the Council to establish further schools within the
25 College shall be exercisable by order and not otherwise.

The Academic
Board and its
functions

26 7.-(1) There shall be established for the College a Board to be known
27 as the Academic Board, which shall consist of the following members-

28 (a) the Provost of the College, who shall be the Chairman;

29 (b) all Heads of Academic Units;

30 (c) the College Librarian;

1 (d)not more than two members of the academic staff Congregation,
2 other than Heads of Department to be appointed by the congregation; and

3 (e) Deputy Provosts, Deans, Academic Directors/Coordinators,
4 All Chief lecturers with Ph.D/Professors.

5 (2) The Academic Board shall be responsible for:

6 (a) the direction and management of academic matters of the
7 College including the regulation of admission of students, the award of
8 certificates, scholarships, teaching and research, prizes and other academic
9 distinctions;

10 (b) making periodic reports on such academic matters to the
11 Council; and

12 (c) discharging any other functions which the Council may from
13 time to time delegate to it.

14 **8.**-(a) There shall be a Management Committee made up of all the
15 Principal Officers of the College, all Deans and Directors in the College;

Establishment
of Management
Committee

16 (b) The Provost shall be the Chairman of the Management
17 Committee; and

18 (c) The Management Committee shall meet at least once in a month
19 to discuss and take decisions on matters of general interest to the College.

20 **9.**-(a) (i) There shall be a School Board for each school in the
21 College of Education made up of all the Academic Staff in that School;

Establishment
of School/
Departmental
Board

22 (ii) The School Board shall deal with academic matters and any
23 other matter of interest to the School or any matter assigned to it by the
24 Council, the Provost or the Academic Board;

25 (iii) The Dean shall be the Chairman of the School Board;

26 (iv) The Dean shall be elected from among the Academic Staff not
27 below the rank of Chief Lecturer in that School for a tenure of three years
28 and not immediately renewable.

29 (b)(i) There shall be a Departmental Board for each Department in

1 the College of Education made up of all the Academic Staff in that department;

2 (ii) The Departmental Board shall deal with academic matters and any
3 other matter of interest to the Department;

4 (iii) The Head of Department shall be chairman of the Departmental
5 Board;

6 (iv) The Head of Department shall be elected from among the
7 Academic staff not below the rank of Senior Lecturer in that department for a
8 tenure of three years and not immediately renewable.

9 (c) Where there is no qualified candidate for the position of Dean or
10 Head of Department, the Provost shall appoint an Acting Dean not below the
11 rank of Senior Lecturer or Acting Head of Department not below the rank of
12 Lecturer I for a period of one year in the first instance and renewable once and
13 no more;

14 (d) Nothing in this Act shall prevent the management Committee and
15 Boards from making supplementary rules to guide their proceedings provided
16 such rules are not inconsistent with the provisions of this Act.

Establishment
of the Congregation

17 **10.** There shall be for the College of Education, a Congregation made
18 of both Academic and Senior Non-Teaching staff, who holds at least a first
19 degree or its equivalent-

20 (a) the Provost shall be the Chairman of the Congregation; and

21 (b) the Congregation shall meet at least once in a year.

Power of Minister
over Council

22 **11.** Subject to the provisions of this Act, the Minister may give to the
23 Council directives of a general character or relating generally to matters of
24 policy with regard to the exercise by the Council of its functions under this Act,
25 and it shall be the duty of the Council to comply with such directives.

Office of Provost

26 **12.-(1)** There shall be a Provost of the College (in his Act referred to as
27 "the Provost who shall be appointed by the President, Commander-in-Chief of
28 the Armed Forces in accordance with the provisions of this section.

29 (2) Where vacancy occurs in the post of Provost, the Council shall-

30 (a) advertise the vacancy in a reputable journal or a widely read

1 newspaper in Nigeria specifying:

2 (i) The qualifications of the person who may apply for the post; and

3 (ii) the terms and conditions of service applicable to the post, and

4 thereafter draw up a short list of suitable candidates for consideration.

5 (b) constitute a Search Team consisting of-

6 (i) a member of Council, not being a member of the Academic
7 Board, as Chairman;

8 (ii) two members of the Academic Board not below the rank of
9 Chief Lecturer/Professor;

10 (iii) two members of the academic community of the college not
11 below the rank of Principal Lecturer/Associate Professor/ Reader and not
12 members of Academic Board to be selected by the Academic Staff
13 Congregation. To identify and draw up a short list of suitable persons who
14 are not likely to apply for the post for any reason whatsoever.

15 (3) A Joint Council and Academic Board Selection Committee
16 consisting of-

17 (a) the Chairman of the Council;

18 (b) two members of the Council, not being members of the
19 Academic Board; and

20 (c) two members of the Academic Board not below the rank of
21 Chief Lecturer/Professor, who were not members of the Search Team, shall
22 consider the candidates and persons on the shortlists drawn up under
23 subsection (2) of this section through an examination of their curriculum
24 vitae and interaction with them and recommend, through the Council, to the
25 President, Commander-in-Chief of the Armed Forces, three candidates for
26 his consideration.

27 (4) The President, commander-in-Chief of the Armed Forces shall
28 appoint as Provost one of the candidates recommended to him under the
29 provisions of subsection (3) of this section.

30 (5) Subject to this Act and the general control of the Council, the

Tenure of and
Procedure for
the removal of
Provost

1 Provost shall be the chief executive of the College and shall be charged with
2 general responsibility for matters relating to the day-to-day management
3 operations of the College.

4 **13.-(1)** The Provost shall hold office for a period of 5 years only
5 beginning with the effective date of his appointment and on such terms and
6 conditions as may be specified in his letter of appointment.

7 (2) Where on the commencement of this section a Provost appointed
8 before the commencement of this section has held office-

9 (a) for less than five years, he shall be deemed to be serving his 5 years
10 single tenure and shall not have right for the renewal of his appointment for a
11 further term of four years;

12 (b) for more than five years and has more than 1 year to complete his
13 second term, the Council may allow him to serve as Provost for a further period
14 of one year only and thereafter he shall relinquish his post and be assigned other
15 duties in the College;

16 (c) for more than 5 years and has less than 1 year to complete his
17 second term, the Council may allow him to serve as Provost to complete his
18 second term and thereafter he shall relinquish his post and be assigned other
19 duties in the College.

20 (3) (a) The Provost may be removed from office by the Visitor on
21 grounds of gross misconduct or inability to discharge the functions of his
22 office as a result of infirmity of the body or mind after due consultation with the
23 Council and the Academic Board acting through the Minister of Education;

24 (b) When the proposal for the removal of the Provost is made, the
25 Council shall constitute a joint committee of Council and Academic Board
26 consisting of-

27 (i) three members of the Council one of whom shall be the chairman
28 of the Committee; and

29 (ii) two members of Academic Board, provided that where the ground
30 for the removal is infirmity of the body or mind, the Council shall seek

1 appropriate medical opinion;

2 (c) The committee shall conduct investigation into the allegations
3 made against the Provost and shall report its findings to the Council;

4 (d) The Council shall where the allegations are proved inform the
5 Visitor who shall remove the Provost;

6 (e) There shall be no sole administrator in any Nigerian College of
7 Education;

8 (f) In any case of a vacancy in the office of the Provost, the Council
9 shall appoint an Acting Provost on the recommendation of the Academic
10 Board;

11 (g) An Acting Provost in all circumstances shall not be in office for
12 more than 6 months.

13 **14.**-(1) There shall be for the College Deputy Provosts.

14 (2) The Council shall appoint the Deputy Provost from among the
15 Chief Lecturers in the college in one of the following ways that is-

16 (a) from a list of three candidates, in order of preference, submitted
17 by the Provost; or

18 (b) on the nomination of one candidate by the Academic Board
19 through election.

20 (3) The Deputy Provost shall-

21 (a) assist the Provost in the performance of his functions;

22 (b) act in the place of the Provost when the post of the Provost is
23 vacant or if the Provost is, for any reason, absent or unable to perform his
24 functions as Provost; and

25 (c) perform such other functions as the Provost or the Council may,
26 from time to time, assign to him.

27 (4) The Deputy Provost-

28 (a) shall hold office for a period of two years beginning from the
29 effective date of his appointment and on such terms and conditions as may
30 be specified in his letter of appointment; and

Office of the
Deputy Provost
and Functions,
Tenure and
Procedure of
Removal

1 (b) may be re-appointed for a further period of two years and no more.

2 (5) A Deputy Provost may be removed from office for good cause by
3 the Council acting on the recommendation of the Provost and Academic board.

4 (6) "Good cause" for the purpose of this section means gross
5 misconduct or inability to discharge the functions of his office arising from
6 infirmity of body or mind.

Other Principal
Officers

7 **15.** There shall be for the college, the following principal officers, in
8 addition to the Provost and Deputy Provost, that is-

9 (a) the Registrar;

10 (b) the Bursar; and

11 (c) the College Librarian,

12 who shall be appointed by the Council on the recommendation of the Selection
13 Board constituted under section 12 (3).

Functions of
Registrar and
Tenure

14 **16.-(1)** The Registrar shall keep the records and conduct the
15 correspondence of the council and shall perform such other duties as the
16 council subject thereto as the Provost may from time to time direct.

17 (2) The Registrar shall, in addition to the other duties conferred on
18 him by or under this Act, be a Secretary to the Council; Secretary to Academic
19 Board and any committee of the Council and in his absence, the Council or any
20 such committee may appoint some other persons to act as Secretary. The
21 Registrar shall not vote on any question before the Council or count towards a
22 quorum.

23 (3) (a) A Registrar shall hold office for a single term of five years only
24 beginning from the effective date of his appointment and such terms and
25 conditions as may be specified in his letter of appointment;

26 (b) Where on the commencement of this section a Registrar appointed
27 before the commencement of this section has held office:

28 (i) for less than five years, he shall be allowed to complete the five
29 years specified in his appointment letter and shall not have right for the renewal
30 of his appointment for a further term of five years;

1 (ii) for more than five years and has more than 1 year to complete
2 his second term, the council may allow him to serve as Registrar for a further
3 period of one year only and thereafter he shall relinquish his post and be
4 assigned other duties in the College;

5 (iii) for more than five years and has less than 1 year to complete his
6 second term, the council may allow him to serve as Registrar for a further
7 period of one year only and thereafter he shall relinquish his post and be
8 assigned other duties in the College.

9 **17.-(1)** The Bursar shall be the Chief Financial Officer of the
10 College and be responsible to the Provost for the day-to-day administration
11 and control of financial affairs of the college.

Functions of
Bursar and Tenure

12 (2)(a) A Bursar shall hold office for a single term of five years only
13 beginning from the effective date of his appointment and such terms and
14 conditions as may be specified in his letter of appointment;

15 (b) Where on the commencement of this section a Bursar appointed
16 before the commencement of this section has held office-

17 (i) for less than five years, he shall be allowed to complete the five
18 years specified in his appointment letter and shall not have right for the
19 renewal of his appointment for a further term of five years;

20 (ii) for more than five years and has more than 1 year to complete
21 his second term, The Council may allow him to serve as Bursar for a further
22 period of one year only and thereafter he shall relinquish his post and be
23 assigned other duties in the College;

24 (iii) for more than five years and has less than 1 year to complete his
25 second term, The Council may allow him to serve as Bursar for a further
26 period of one year only and thereafter he shall relinquish his post and be
27 assigned other duties in the College.

28 **18.-(1)** The College Librarian shall be responsible to the Provost
29 for the administration of the College Library and co-ordination of the
30 Library services in the teaching units of the College.

Functions of
College Librarian
and Tenure

1 (2) (a) A College Librarian shall hold office for a single term of five
 2 years only and upon such terms and conditions as may be specified in his letter
 3 of appointment;

4 (b) Where on the commencement of this section a College Librarian
 5 appointed before the commencement of this section has held office-

6 (i) for less than five years, he shall be allowed to complete the five
 7 years specified in his appointment letter and shall not have right for the renewal
 8 of his appointment for a further term of five years;

9 (ii) for more than five years and has more than 1 year to complete his
 10 second term, the Council may allow him to serve as College Librarian for a
 11 further period of one year only and thereafter he shall relinquish his post and be
 12 assigned other duties in the College;

13 (iii) for more than 5 years and has less than 1 year to complete his
 14 second term, the Council may allow him to serve as College Librarian to
 15 complete his second term and thereafter he shall relinquish his post and be
 16 assigned other duties in the College.

How a principal
 officer can resign

17 **19.** A Principal Officer may resign his appointment-

18 (a) in the case of the Provost, by notice to the Visitor;

19 (b) in any other case, by notice to the Council.

Appointment of
 Registrar, College
 Librarian and
 Bursar

20 **20.-(1)** (a) There shall be for the College, a Selection Board which
 21 shall consists of-

22 (i) the Chairman of the Council;

23 (ii) The Provost;

24 (iii) four members of the Council not being members of Academic
 25 Board; and

26 (iv) two members of Academic Board.

27 (b) The functions, procedure and other matters relating to the
 28 Selection Board constituted under subsection (i) of this section shall be as the
 29 Council may determine from time to time.

21.-(1) The Council may appoint such other persons to be employees of the College as the Council may determine to assist the Provost and the Principal Officers of the College in the performance of their functions under this Act.

Appointment of other staff of the College that are not Principal Officers

(2) Subject to the provisions of this Act, the remuneration, tenure of office and conditions of service of the employees of the Council shall be determined by the Council in consultation with appropriate authorities.

8 (3) The Council may appoint such other persons to be employees of
9 the College as the council may determine to assist the Provost in the exercise
10 of his functions under this Act.

11 **22.** The remuneration, tenure of office and conditions of service of
12 the Provost and other employees of the Council shall be determined by the
13 Council, in consultation with the Head of the Civil Service of the
14 Federation/Revenue Mobilisation, Allocation and Fiscal Commission,
15 National Salaries, Income and Wages Commission.

Remuneration
of Provost and
other employees

16 **23.-(1)** It is hereby declared that service in the College shall be
17 approved service for the purposes of the Pensions Act and accordingly,
18 officers and other persons employed in the College, except Principal
19 Officers shall, in respect of their service in the College, be entitled to
20 pensions, gratuities and other retirement benefits as are prescribed
21 thereunder, so however that nothing in this Act shall prevent the
22 appointment of a person to any office on terms which preclude the grant of a
23 pension and gratuity in respect of that office.

Pension Act provisions

(2) For the purposes 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) shall be exercisable by the College and not by any other person or authority.

29 PART II - FINANCIAL PROVISIONS

30 **24.**-(1) The Council shall establish and maintain a fund which shall

Establishment of
College of
Education Fund

1 be applied towards the promotion of the objectives specified in this Act.

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

4 (a) such sums as may from time to time be granted to the Council by
5 the Government of the Federation;

6 (b) all monies raised for the purposes of the Council by way of gifts,
7 grants-in-aid or testamentary dispositions;

8 (c) all subscriptions, fees and charges for services rendered by the
9 Council and all other sums that may accrue to the Council from any source.

10 (3) The Council shall submit to the Minister, not later than 3 months
11 before the end of each financial year or at least at such other time as he may
12 direct, an estimate of its revenue and expenditure for the succeeding financial
13 year.

Power to accept
gifts

14 **25.-(1)** The Council may accept gifts of land, money or other property
15 upon such terms and conditions, if any, as may be specified by the person
16 making the gift.

17 (2) The Council shall not accept any gift if the conditions attached by
18 the person making the gift are inconsistent with the functions of the
19 Council.

Accounts and
Audit

20 **26.** The Council shall keep proper accounts of its receipts, payments,
21 assets and liabilities and shall in respect of each year cause the accounts to be
22 audited.

Annual Reports
of Operations,
Finance and
Audit

23 **27.** The Council shall soon after the expiration of each financial year
24 prepare and submit to the Minister, through NCCE a report of its activities
25 during the immediate preceding financial year and shall include in the report a
26 copy of the audited accounts of the College for that year and of the auditor's
27 report on the accounts.

28 PART III - MISCELLANEOUS AND SUPPLEMENTARY

Office and
premises

29 **28.-(1)** For the purpose of providing offices and premises necessary
30 for the performance of its functions, the Council may-

1 (a) purchase any interest in or take on lease any land; and

2 (b) build, equip and maintain offices and premises.

3 (2) The Council may, with the approval of the Minister, sell any
4 interest in or lease any land, offices or premises held by it and no longer
5 required for the performance of its functions.

6 **29.**-(1)The Council may make rules providing for the Provost to Discipline of
7 conduct enquiries into alleged breaches of discipline (including lack of students
8 diligence) by students and such rules may make different provisions for
9 different circumstances.

10 (2) The rules shall provide for the procedure and rules of evidence
11 to be followed at enquiries under this section.

12 (3) Subject to the provisions of subsection (1) of this section, where
13 it is proved during the enquiry that any student of the College has been found
14 guilty of misconduct, the Provost may, without prejudice to any other
15 disciplinary powers conferred on him by this Act or any regulations made
16 thereunder, direct-

17 (a) that the student shall not, during such period as may be specified
18 in the direction, participate in such activities of the College, or make use of
19 such facilities of the College, as he may specify;

20 (b) that the activities of the student shall, during such period as may
21 be specified in the directions, be restricted in such manner as may be so
22 specified;

23 (c) that the student be suspended for such period as may be
24 specified in the direction; or

25 (d) that the student shall be expelled from the College.

26 (4) Where there is temporarily no Provost or where the Provost
27 refuses to apply any disciplinary measures, the Council may, either directly
28 or through some other staff, apply such disciplinary actions as are specified
29 in subsection (3) of this section to any student of the College who is guilty of
30 misconduct.

1 (5) Where a direction is given under subsection 3(c) or (d) of this
2 section in respect of any student, the student may, within 21 days from the date
3 of the letter communicating the decision to him appeal against the decision of
4 the Council, and where such an appeal is, brought, the Council shall, after
5 causing such inquiry to be made in the matter as the Council considers just,
6 either confirm or set aside the decision or modify it in such manner as the
7 Council may think fit.

8 (6) The fact that an appeal from a decision is brought in pursuance of
9 the last foregoing subsection shall not affect the operation of the decision while
10 the appeal is pending, except the Council direct otherwise.

11 (7) The Provost may delegate his powers under this section to a
12 disciplinary committee, consisting of such members of the College as he may
13 nominate.

14 (8) Nothing in this section shall be construed as prevention or
15 restriction or termination of a student's activities at the College otherwise than
16 on the ground of misconduct.

17 (9) It is hereby declared that a direction under subsection (3) (a) of this
18 section may be combined with a direction under subsection (3) (b) of this
19 section.

20 (10) In all cases under this section, the decision of the Council shall be
21 final unless reversed by the Minister on appeal by the student.

Interpretation

22 **30.** In this Act, unless the context otherwise requires-

23 "Chairman" means the Chairman of the Council,

24 "College" means any of the Federal College of Education specified in Schedule
25 1 to this Act and

26 "Council" means the Governing Council of the College established by or
27 pursuant to section 1 of this Act;

28 "Provost" means the Provost of a College appointed under section 9 of this Act;

29 "function" includes powers and duties;

30 "Minister" means the Minister charged with responsibility for matters relating

1 to education;

2 "Member" means a member of the Council including the Chairman.

3 **31.** This Bill may be cited as the Federal College of Education Short title
4 Sabon Birni, Sokoto State, Bill, 2019.

5 SCHEDULE

6 *Section 3 (3)*

7 SCHEDULE I

8 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC

9 *Terms of Service*

10 *Remuneration of Council Members*

11 1. There may be paid to the members of the Council or any
12 Committee, such remuneration and allowances as may from time to time be
13 determined by the President, Commander-in-Chief of the Armed Forces.

14 *Vacancy of Council Seat*

15 2. Where a vacancy occurs in respect of the membership specified
16 in section 3 (1) (a) and (2) (d), it shall be filled by the appointment of a
17 successor to hold offices for the remainder of the term of office of his
18 predecessor.

19 3. The Council may act notwithstanding any vacancy in its
20 membership or any defect in the appointment of a member or the absence of
21 a member.

22 *Proceedings*

23 4.-(1) The Council shall meet for the conduct of business at such
24 times, places and on such days as the Chairman may appoint but shall meet
25 not less than once in every three months.

26 (2) The Chairman may at any time and shall, at the request in
27 writing of not less than 6 members, convene a meeting of the Council.

28 (3) At any meeting of the Council the Chairman shall preside; but
29 in his absence, members present shall elect one of their members to preside
30 at the meeting.

(4) Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt persons who are not members of the Council but persons co-opted shall not be entitled to vote at a meeting of the Council.

(5) The quorum of the Council shall be one half of the total members of the Council at least one of whom shall be a member appointed by the President, Commander-in-Chief of the Armed Forces.

8 (6) Decisions of the Council shall be made on approval by a simple
9 majority of members.

10 *Miscellaneous*

11 5.-(1) The fixing of the seal of the College shall be authenticated by
12 the signature of the Chairman, Provost and some other members of the Council
13 authorized generally or specially by the Council to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person other than a body corporate would not be required to be under seal may be made and executed on behalf of the College by any person generally or specially authorized to act for that purpose by the Council.

(3) Any document purporting to be duly executed under the seal of the College shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

EXPLANATORY NOTE

(This note does not form part of the above Act, but is intended to explain its purport)

This Bill seeks to establish the Federal College of Education Sabon Birni, Sokoto State. The functions of the College, amongst other things are:

(a) To provide full-time and part-time courses in teaching, instruction and training to produce middle and high level teachers in technology, applied sciences, commerce, arts, social sciences, humanities, Law and management;

(b) Carry out research in the development and adaptation of techniques as the Council may, from time to time, determine.

The Act also provides for the appointment of a Provost to be the Chief executive of the College, Principal Officers and other members of staff.

Other provisions relate to the discipline of students, finances, pensions of staff and supplementary matters: schedule 1 to the Act prescribes the terms of service of members of the Council and proceedings thereof.

A BILL

FOR

AN ACT TO AMEND THE INDUSTRIAL DEVELOPMENT (INCOME TAX RELIEF)
ACT CAP.17, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND FOR
RELATED MATTERS, 2019

Sponsored by Senator Sabo Mohammed

[] Commencement

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

- 1 **1.** The Industrial Development (Income Tax Relief) Act CAP.17, Amendment of
- 2 Laws of the Federation of Nigeria, 2004 (hereinafter referred to as "the Cap. 17 LFN,
- 3 Principal Act") is amended as set out in this Bill - 2004
- 4 **2.** Section 1 of the Principal Act is amended- Amendment of
- 5 (a) by inserting a new "subsection (4)" immediately after the Section 1
- 6 existing "subsection (3)", and renumbering accordingly-
- 7 "(4) Notwithstanding the provisions of sections 1 (2) and (3), any
- 8 company expanding its operations in a pioneer industry or pioneer product
- 9 may apply under this Act for the issue of a new pioneer certificate, and
- 10 nothing precludes any company whose application was rejected on the
- 11 grounds of expansion from re-applying for reconsideration under this
- 12 subsection."
- 13 (b) In subsection (4) paragraph (a) and (b) by substituting for the
- 14 figure " N50,000", the figure " N100,000,000", and the figure "N150,000",
- 15 with the figure "N120,000,000" respectively-
- 16 (a) in the case of an indigenous-controlled company, not less than
- 17 N100,000,000; or
- 18 (b) in the case of any other company, not less than N120,000,000;
- 19 (c) by inserting a proviso after the word 'products' in the last line of
- 20 subsection (5)-

1 "Provided that a three (3) year notice period is given for the commencement of
2 the amendment".

3 (d) In subsection (6) paragraph (b) by substituting for "paragraph (b)",
4 a new "paragraph (b)"-

5 "(b) Notwithstanding the provisions of the subsection (5) and (6)(a)
6 of this section, any pending application made before the deletion or removal of
7 the industry or product from the list of pioneer industries and pioneer products
8 shall be processed by the Minister and forwarded to the President for approval
9 or disapproval".

Amendment of
Section 2

10 **3.** Section 2 of the Principal Act is amended-

11 (a) in subsection (4) line 1, by substituting for the figure "N100", the
12 figure "N200,000"-

13 (4) The application shall be accompanied by a fee of N200, 000
14 (which sum shall not be refundable to the applicant, whether the application is
15 approved or not) and the fee shall be credited to the Consolidated Revenue
16 Fund of the Federation.

17 (b) by inserting a new subsection " (7) " immediately after the existing
18 "subsection (6)", that is-

19 (7) All application for pioneer status certificate made pursuant to the
20 provisions of this Bill shall be processed by the Minister and forwarded to the
21 President and a Notice of disapproval or approval shall be issued within one
22 (1) year from the date of submission of application".

Amendment of
Section 3

23 **4.** (a) Section 3(6) of the Principal Act is amended by inserting new
24 "subsections (c)& (d) after the existing subsection(b) to read as follows-

25 (c) for any company whose investment is in the rural area where
26 infrastructures like road, electricity, housing, water etc. are provided by the
27 company, the pioneer certificate may specify the maximum tax relief period,
28 not exceeding seven years; and

29 (d) for any company whose investment is in Agriculture and Agro-
30 processing, where over 90% of inputs are local materials, the pioneer

1 certificate may specify the maximum tax relief period, not exceeding fifteen
2 years.

3 (b) by inserting a new "subsection (7) "immediately after the
4 existing "subsection (6)" to read as follows -

5 "(7) where an application for the issue of a pioneer certificate is
6 made pursuant to section 1 (4) of this Bill , the company shall be required to
7 prepare and maintain separate audited accounts in respect of income and
8 expenditure from the expansion of the pioneer industry or pioneer product."

9 **5.** Section 6 of the Principal Act is amended in subsection (11)
10 paragraphs(a) and (b), by substituting for the sum "N50,000", the figure "
11 N100,000,000", and for the figure "N150,000", the figure "N120,000,000
12 respectively

Amendment of
Section 6

13 (11) Where a certificate issued by the Board Under subsection (5)
14 of this section certifies that the pioneer company has on or before production
15 day incurred qualifying capital expenditure of an amount which-

16 (a) in the case of an indigenous-controlled company, is less than
17 N100,000,000; or

18 (b) in the case of any other company, is less than N120,000,000the
19 Commissioner shall report that fact to the President and the President shall
20 cancel the pioneer certificate of the company.

21 **6.** Section 25 of the Principal Act is amended by inserting the
22 definition of the words:

Amendment of
Section 25

23 "Commission" means Nigeria Investment Promotion Commission (NIPC)
24 immediately after the definition of the words "company".

25 "Board" means Federal Inland Revenue Service established under section 1
26 of the Principal Act.

27 **7.** This Bill may be cited as the Industrial Development (Income
28 Tax Relief) (Amendment) Bill, 2019.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to increase the capital expenditure for companies applying for pioneer status under the provisions of this Bill from N50,000 to N100,000,000 for indigenous controlled companies and from N150,000 as stipulated in the Principal Act for other companies to N120,000,000. The application fee of N100,000 is also increased to N200,000 to reflect value of the Naira and recent administrative changes introduced by the Council. The Bill further recognizes the need to provide the necessary incentives for additional investments by companies. Fundamentally, all proposed amendment is meant to ensure smooth implementation of the pioneer status incentive scheme by NIPC.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE OF EDUCATION USUGBENU, IRRUA, EDO STATE; AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored Senator Clifford Ordia

[] Commencement

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

1 PART I - ESTABLISHMENT OF FEDERAL COLLEGE OF EDUCATION

2 USUGBENU, IRRUA, EDO STATE

3 1.-(1) There is established the Federal College of Education Establishment of
4 Usugbenu, Irrua, Edo State which shall have such powers and exercise such Federal College
5 functions as is conferred on it by this Act. of Education
Usugbenu, Irrua,
Edo State

6 (2) The College shall be a body corporate with perpetual
7 succession and a common seal and shall have power to acquire and dispose
8 of interests in movable and immovable property and may sue and be sued in
9 its corporate name.

10 2. The functions of the College shall be-

Functions of the
College

11 (a) to provide full-time and part-time courses in teaching,
12 instruction and training to produce middle and high level teachers-

13 (i) in technology, sciences/applied sciences, commerce, arts, social
14 sciences, humanities and management; and

15 (ii) in such other fields of applied learning relevant to the needs of
16 the development of Nigeria in the areas of industrial and agricultural
17 production and distribution and for research in the development and
18 adaptation of techniques as the Council may from time to time determine.

19 (b) to conduct courses in education for qualified teachers;

20 (c) to arrange conferences, seminars, inaugural lectures and

	1	workshops relative to the fields of learning specified in paragraph (a) of this
	2	section; and
	3	(d) to perform such other functions as in the opinion of the Council
	4	may serve to promote the objectives of the College.
Governing Council of College	5	3.-(1) The governance of the College and the direction of its affairs
	6	shall vest in the Governing Council of the College (in this Bill referred to as
	7	"the Council").
	8	(2) Without prejudice to the generality of subsection (1) of this
	9	section, it shall be the responsibility of the Council to consider and approve-
	10	(a) the plan of activities of the College;
	11	(b) the programme of studies, courses and research to be undertaken
	12	by the College;
	13	(c) the annual estimates of the College; and
	14	(d) the investment plans of the College.
	15	(3) The provisions of Schedule 1 to this Bill shall have effect with
	16	respect to the Council as specified therein.
Membership of the Governing Council	17	4.-(1) The Council of the College shall consist of a Chairman to be
	18	appointed by the President, Commander-in-Chief of the Armed Forces, and the
	19	following other members:
	20	(a) the Hon. Minister of Education or his Representative;
	21	(b) two elected representatives of the Academic Board and the
	22	congregation (one each) of the College;
	23	(c) an elected representative of the National Commission for Colleges
	24	of Education;
	25	(d) a representative of the Alumni Association of the College;
	26	(e) four persons of note in the areas of Arts, Sciences and Technical
	27	Education, who shall be former or serving teachers/educationists, to be
	28	appointed by the President, Commander-in-Chief of the Armed Forces;
	29	(f) the Provost of the College;
	30	(g) the Deputy Provost of the College; and

1 (h) the Registrar shall be a member and Secretary.

2 **5.-(1)** A member of the Council shall hold office for a term of four tenure of Council
3 years and, subject to the provisions of subsection (2) of this section, shall be Members
4 eligible for re-appointment for a further period of four years.

5 (2) The office of a member appointed under sections 4 (1) (d) and 4
6 (2) (d) of this Bill shall become vacant if-

7 (a) the member resigns his office by notice in writing under his
8 hand, addressed to the Minister; or

9 (b) the Minister is satisfied that it is not in the interest of the College
10 for the person appointed to continue in office and notifies the member in
11 writing to that effect.

12 **6.-(1)** For the carrying out of the functions of the College, the Power of the
13 Council shall have power to- Governing Council

14 (a) hold examinations and award diplomas, professional
15 certificates, Degrees and other distinctions of the College, to persons who
16 have pursued a course of study approved by the Council and who have
17 satisfied such other requirements as the Council as accredited by NCCE;

18 (b) demand and receive from any student or any other person
19 attending the College for the purpose of instruction such fees as the Council
20 may, with the prior approval of NCCE from time to time determine;

21 (c) hold public lectures and undertake printing, publishing and
22 bookselling;

23 (d) make gifts for any charitable purpose;

24 (e) hold examinations in education for qualified teachers;

25 (f) provide amenities for and make such other provision for the
26 welfare of the staff of the College;

27 (g) invest the funds of the College in securities specified by law or
28 in such other securities in Nigeria as may be approved by the NCCE;

29 (h) borrow money within Nigeria in such manner and upon such
30 security as the NCCE may from time to time authorize;

1 (i) recruit staff of the right caliber and determine the career structure
2 of such staff;

3 (j) establish and maintain such schools and other teaching units within
4 the College or extramural departments as the Council may from time to time
5 decide;

6 (k) provide such courses of instruction either alone or in association
7 with other institutions whether in Nigeria or not as the Council may determine
8 approve;

9 (l) institute and award fellowships, medals, prizes and other titles;

10 (m) mount exhibitions and displays designed to foster an appreciation
11 of trends in the scope and requirements of education;

12 (n) erect, provide, equip and maintain such educational, recreational
13 and residential facilities as the College may require;

14 (o) create lecturerships and other academic posts and offices and to
15 make appointments thereto;

16 (p) encourage and make provision for research and research grant in
17 the College; and

18 (q) do such acts and things whether or not incidental to the foregoing
19 powers as may advance the objects of the College.

20 (2) The President and Commander-in-chief shall be the visitor to the
21 College.

22 (3) The Minister shall arrange visitation every 4 years on behalf of the
23 Visitor.

24 (4) The power of the Council to establish further schools within the
25 College shall be exercisable by order and not otherwise.

The Academic
Board and its
Functions

26 **7.-(1)** There shall be established for the College a Board to be known
27 as the Academic Board, which shall consist of the following members-

28 (a) the Provost of the College, who shall be the Chairman;

29 (b) all Heads of Academic Units;

30 (c) the College Librarian;

1 (d) not more than two members of the academic staff
 2 Congregation, other than Heads of Departments to be appointed by the
 3 congregation; and

4 (e) Deputy Provosts, Deans, Academic Directors/Coordinators, all
 5 Chieflecturers with Ph.D/Professors.

6 (2) The Academic Board shall be responsible for:

7 (a) the direction and management of academic matters of the
 8 College including the regulation of admission of students, the award of
 9 certificates, scholarships, teaching and research, prizes and other academic
 10 distinctions;

11 (b) making periodic reports on such academic matters to the
 12 Council; and

13 (c) discharging any other functions which the Council may from
 14 time to time delegate to it.

15 **8.**-(a) There shall be a Management Committee made up of all the
 16 Principal Officers of the College, all Deans and Directors in the College;

Establishment
of Management
Committee

17 (b) The Provost shall be the Chairman of the Management
 18 Committee;

19 (c) The Management Committee shall meet at least once in a month
 20 to discuss and take decisions on matters of general interest to the College.

21 **9.**-(a) (i) There shall be a School Board for each school in the
 22 College of Education made up of all the Academic Staff in that School;

Establishment of
School/Departmental
Board

23 (ii) The School Board shall deal with academic matters and any
 24 other matter of interest to the School or any matter assigned to it by the
 25 Council, the Provost or the Academic Board;

26 (iii) The Dean shall be the Chairman of the School Board;

27 (iv) The Dean shall be elected from among the Academic Staff not
 28 below the rank of Chief Lecturer in that School for a tenure of three years
 29 and not immediately renewable.

30 (b)(i) There shall be a Departmental Board for each Department in

- 1 the College of Education made up of all the Academic Staff in that department;
- 2 (ii) The Departmental Board shall deal with academic matters and any
- 3 other matter of interest to the Department;
- 4 (iii) The Head of Department shall be Chairman of the Departmental
- 5 Board;
- 6 (iv) The Head of Department shall be elected from among the
- 7 Academic Staff not below the rank of Senior Lecturer in that department for a
- 8 tenure of three years and not immediately renewable.
- 9 (c) Where there is no qualified candidate for the position of Dean or
- 10 Head of Department, the Provost shall appoint an Acting Dean not below the
- 11 rank of Senior Lecturer or Acting Head of Department not below the rank of
- 12 Lecturer I for a period of one year in the first instance and renewable once and
- 13 no more;
- 14 (d) Nothing in this Bill shall prevent the Management Committee and
- 15 Boards from making supplementary rules to guide their proceedings provided
- 16 such rules are not inconsistent with the provisions of this Bill.
- 17 **10.**-(a) There shall be for the College of Education, a Congregation
- 18 made up of both Academic and Senior non-teaching staff, who holds at least a
- 19 first degree or its equivalent;
- 20 (b) The Provost shall be the Chairman of the Congregation;
- 21 (c) The Congregation shall meet at least once in a year.
- 22 **11.** Subject to the provisions of this Bill, the Minister may give to the
- 23 Council directives of a general character or relating generally to matters of
- 24 policy with regard to the exercise by the Council of its functions under this Bill,
- 25 and it shall be the duty of the Council to comply with such directives.
- 26 **12.**-(1) There shall be a Provost of the College (in his Bill referred to
- 27 as "the Provost) who shall be appointed by the President, Commander-in-Chief
- 28 of the Armed Forces in accordance with the provisions of this section.
- 29 (2) Where vacancy occurs in the post of Provost, the Council shall-
- 30 (a) advertise the vacancy in a reputable journal or a widely read

Establishment
of the Congregation

Power of Minister
over Council

Office of Provost

- 1 newspaper in Nigeria specifying-
- 2 (i) the qualifications of the person who may apply for the post; and
- 3 (ii) the terms and conditions of service applicable to the post, and
- 4 thereafter draw up a short list of suitable candidates for consideration.
- 5 (b) constitute a Search Team consisting of-
- 6 (i) a member of Council, not being a member of the Academic
- 7 Board, as Chairman;
- 8 (ii) two members of the Academic Board not below the rank of
- 9 Chief Lecturer/Professor;
- 10 (iii) two members of the academic community of the College not
- 11 below the rank of Principal Lecturer/Associate Professor/ Reader and not
- 12 members of Academic Board to be selected by the Academic Staff
- 13 Congregation to identify and draw up a short list of suitable persons who are
- 14 not likely to apply for the post for any reason whatsoever.
- 15 (3) A Joint Council and Academic Board Selection Committee
- 16 shall consist of-
- 17 (a) the Chairman of the Council;
- 18 (b) two members of the Council, not being members of the
- 19 Academic Board; and
- 20 (c) two members of the Academic Board not below the rank of
- 21 Chief Lecturer/Professor, who were not members of the Search Team, shall
- 22 consider the candidates and persons on the shortlists drawn up under
- 23 subsection (2) of this section through an examination of their curriculum
- 24 vitae and interaction with them and recommend, through the Council, to the
- 25 President, Commander-in-Chief of the Armed Forces, three candidates for
- 26 his consideration.
- 27 (4) The President, Commander-in-Chief of the Armed Forces shall
- 28 appoint as Provost one of the candidates recommended to him under the
- 29 provisions of subsection (3) of this section.
- 30 (5) Subject to this Bill and the general control of the Council, the

Tenure of and
Procedure for
the removal of
Provost

1 Provost shall be the Chief Executive of the College and shall be charged with
2 general responsibility for matters relating to the day-to-day management
3 operations of the College.

4 **13.-(1)** The Provost shall hold office for a period of 5 years only
5 beginning with the effective date of his appointment and on such terms and
6 conditions as may be specified in his letter of appointment.

7 (2) Where on the commencement of this Bill a Provost appointed
8 before the commencement of this Bill has held office-

9 (a) for less than five years, he shall be deemed to be serving his 5 years
10 single tenure and shall not have right for the renewal of his appointment for a
11 further term of four years;

12 (b) for more than five years and has more than 1 year to complete his
13 second term, the Council may allow him to serve as Provost for a further period
14 of one year only and thereafter he shall relinquish his post and be assigned other
15 duties in the College;

16 (c) for more than 5 years and has less than 1 year to complete his
17 second term, the Council may allow him to serve as Provost to complete his
18 second term and thereafter he shall relinquish his post and be assigned other
19 duties in the College.

20 (3) (a) The Provost may be removed from office by the Visitor on
21 grounds of gross misconduct or inability to discharge the functions of his
22 office as a result of infirmity of the body or mind after due consultation with the
23 Council and the Academic Board acting through the Minister of Education;

24 (b) When the proposal for the removal of the Provost is made, the
25 Council shall constitute a Joint Committee of Council and Academic Board
26 consisting of-

27 (i) three members of the Council one of whom shall be the chairman
28 of the Committee; and

29 (ii) two members of Academic Board, provided that where the ground
30 for the removal is infirmity of the body or mind, the Council shall seek

1 appropriate medical opinion.

2 (c) The Committee shall conduct investigation into the allegations
3 made against the Provost and shall report its findings to the Council;

4 (d) The Council shall where the allegations are proved inform the
5 Visitor who shall remove the Provost;

6 (e) There shall be no sole administrator in any Nigerian College of
7 Education;

8 (f) In any case of a vacancy in the office of the Provost, the Council
9 shall appoint an Acting Provost on the recommendation of the Academic
10 Board;

11 (g) An Acting Provost in all circumstances shall not be in office for
12 more than 6 months.

13 **14.-(1)** There shall be for the College Deputy Provost.

14 (2) The Council shall appoint the Deputy Provost from among the
15 Chief Lecturers in the college in one of the following ways that is-

Office of the
Deputy Provost
and Functions,
Tenure and
Procedure of
Removal

16 (a) from a list of three candidates, in order of preference, submitted
17 by the Provost; or

18 (b) on the nomination of one candidate by the Academic Board
19 through election.

20 (3) The Deputy Provost shall-

21 (a) assist the Provost in the performance of his functions;

22 (b) act in the place of the Provost when the post of the Provost is
23 vacant or if the Provost is, for any reason, absent or unable to perform his
24 functions as Provost; and

25 (c) perform such other functions as the Provost or the Council may,
26 from time to time, assign to him.

27 (4) The Deputy Provost-

28 (a) shall hold office for a period of two years beginning from the
29 effective date of his appointment and on such terms and conditions as may
30 be specified in his letter of appointment; and

1 (b) may be re-appointed for a further period of two years and no more.

2 (5) A Deputy Provost may be removed from office for good cause by
3 the Council acting on the recommendation of the Provost and Academic board.

4 (6) "Good cause" for the purpose of this section means gross
5 misconduct or inability to discharge the functions of his office arising from
6 infirmity of body or mind.

Other Principal
Officers

7 **15.** There shall be for the College, the following principal officers, in
8 addition to the Provost and Deputy Provost, that is-

9 (a) the Registrar;

10 (b) the Bursar; and

11 (c) the College Librarian,

12 who shall be appointed by the Council on the recommendation of the Selection
13 Board constituted under section 12 (3).

Functions of
Registrar and
Tenure

14 **16.-(1)** The Registrar shall keep the records and conduct the
15 correspondence of the Council and shall perform such other duties as the
16 Council subject thereto as the Provost may from time to time direct.

17 (2) The Registrar shall, in addition to the other duties conferred on
18 him by or under this Bill, be a Secretary to the Council, Secretary to Academic
19 Board and any committee of the Council and in his absence, the Council or any
20 such committee may appoint some other persons to act as Secretary. The
21 Registrar shall not vote on any question before the Council or count towards a
22 quorum.

23 (3) (a) A Registrar shall hold office for a single term of five years only
24 beginning from the effective date of his appointment and such terms and
25 conditions as may be specified in his letter of appointment;

26 (b) Where on the commencement of this Bill a Registrar appointed
27 before the commencement of this Bill has held office:

28 (i) for less than five years, he shall be allowed to complete the five
29 years specified in his appointment letter and shall not have right for the renewal
30 of his appointment for a further term of five years;

1 (ii) for more than five years and has more than 1 year to complete
 2 his second term, the council may allow him to serve as Registrar for a further
 3 period of one year only and thereafter he shall relinquish his post and be
 4 assigned other duties in the College;

5 (iii) for more than five years and has less than 1 year to complete his
 6 second term, the council may allow him to serve as Registrar for a further
 7 period of one year only and thereafter he shall relinquish his post and be
 8 assigned other duties in the College.

9 **17.-(1)** The Bursar shall be the Chief Financial Officer of the
 10 College and be responsible to the Provost for the day-to-day administration
 11 and control of financial affairs of the college.

Functions of
Bursar and Tenure

12 (2)(a) A Bursar shall hold office for a single term of five years only
 13 beginning from the effective date of his appointment and such terms and
 14 conditions as may be specified in his letter of appointment;

15 (b) Where on the commencement of this Bill a Bursar appointed
 16 before the commencement of this Bill has held office-

17 (i) for less than five years, he shall be allowed to complete the five
 18 years specified in his appointment letter and shall not have right for the
 19 renewal of his appointment for a further term of five years;

20 (ii) for more than five years and has more than 1 year to complete
 21 his second term, The Council may allow him to serve as Bursar for a further
 22 period of one year only and thereafter he shall relinquish his post and be
 23 assigned other duties in the College;

24 (iii) for more than five years and has less than 1 year to complete his
 25 second term, The Council may allow him to serve as Bursar for a further
 26 period of one year only and thereafter he shall relinquish his post and be
 27 assigned other duties in the College.

28 **18.-(1)** The College Librarian shall be responsible to the Provost
 29 for the administration of the College Library and co-ordination of the
 30 Library services in the teaching units of the College.

Functions of
College Librarian
and Tenure

1 (2) (a) A College Librarian shall hold office for a single term of five
2 years only and upon such terms and conditions as may be specified in his letter
3 of appointment;

4 (b) Where on the commencement of this Bill a College Librarian
5 appointed before the commencement of this Bill has held office-

6 (i) for less than five years, he shall be allowed to complete the five
7 years specified in his appointment letter and shall not have right for the renewal
8 of his appointment for a further term of five years;

9 (ii) for more than five years and has more than 1 year to complete his
10 second term, the Council may allow him to serve as College Librarian for a
11 further period of one year only and thereafter he shall relinquish his post and be
12 assigned other duties in the College;

13 (iii) for more than 5 years and has less than 1 year to complete his
14 second term, the Council may allow him to serve as College Librarian to
15 complete his second term and thereafter he shall relinquish his post and be
16 assigned other duties in the College.

How a principal
Officer can resign

17 **19.** A Principal Officer may resign his appointment-

18 (a) in the case of the Provost, by notice to the Visitor;

19 (b) in any other case, by notice to the Council.

Appointment of
Registrar, College
Librarian and
Bursar

20 **20.-(1)** (a) There shall be for the College, a Selection Board which
21 shall consists of-

22 (i) the Chairman of the Council;

23 (ii) the Provost;

24 (iii) four members of the Council not being members of Academic
25 Board; and

26 (iv) two members of Academic Board.

27 (b) The functions, procedure and other matters relating to the
28 Selection Board constituted under subsection (i) of this section shall be as the
29 Council may determine from time to time.

1 **21.**-(1) The Council may appoint such other persons to be
2 employees of the College as the Council may determine to assist the Provost
3 and the Principal Officers of the College in the performance of their
4 functions under this Bill.

Appointment of other staff of the College that are not Principal Officers

(2) Subject to the provisions of this Bill, the remuneration, tenure of office and conditions of service of the employees of the Council shall be determined by the Council in consultation with appropriate authorities.

(3) The Council may appoint such other persons to be employees of the College as the Council may determine to assist the Provost in the exercise of his functions under this Bill.

11 **22.** The remuneration, tenure of office and conditions of service of
12 the Provost and other employees of the Council shall be determined by the
13 Council, in consultation with the Head of the Civil Service of the
14 Federation/Revenue Mobilisation, Allocation and Fiscal Commission,
15 National Salaries, Income and Wages Commission.

Remuneration
of Provost and
other employees

16 **23.-(1)** It is hereby declared that service in the College shall be
17 approved service for the purposes of the Pensions Reform Act and
18 accordingly, officers and other persons employed in the College, except
19 Principal Officers shall, in respect of their service in the College, be entitled
20 to pensions, gratuities and other retirement benefits as are prescribed
21 thereunder, so however that nothing in this Bill shall prevent the
22 appointment of a person to any office on terms which preclude the grant of a
23 pension and gratuity in respect of that office.

Pension Act Provisions

(2) For the purposes of the application of the provisions of the Pensions Reform 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) shall be exercisable by the College and not by any other person or authority.

29 PART II - FINANCIAL PROVISIONS

30 **24.-(1)** The Council shall establish and maintain a fund which shall

Establishment of
College of
Education Fund

1 be applied towards the promotion of the objectives specified in this Bill.

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

4 (a) such sums as may from time to time be granted to the Council by
5 the Government of the Federation;

6 (b) all monies raised for the purposes of the Council by way of gifts,
7 grants-in-aid or testamentary dispositions;

8 (c) all subscriptions, fees and charges for services rendered by the
9 Council and all other sums that may accrue to the Council from any source.

10 (3) The Council shall submit to the Minister, not later than 3 months
11 before the end of each financial year or at least at such other time as he may
12 direct, an estimate of its revenue and expenditure for the succeeding financial
13 year.

Power to accept
gifts

14 **25.**-(1) The Council may accept gifts of land, money or other property
15 upon such terms and conditions, if any, as may be specified by the person
16 making the gift.

17 (2) The Council shall not accept any gift if the conditions attached by
18 the person making the gift are inconsistent with the functions of the
19 Council.

Accounts and
Audit

20 **26.** The Council shall keep proper accounts of its receipts, payments,
21 assets and liabilities and shall in respect of each year cause the accounts to be
22 audited.

Annual Reports
of Operations,
Finance and Audit

23 **27.** The Council shall soon after the expiration of each financial year
24 prepare and submit to the Minister, through NCCE a report of its activities
25 during the immediate preceding financial year and shall include in the report a
26 copy of the audited accounts of the College for that year and of the auditor's
27 report on the accounts.

28 **PART III - MISCELLANEOUS AND SUPPLEMENTARY**

Offices and
premises

29 **28.**-(1) For the purpose of providing offices and premises necessary
30 for the performance of its functions, the Council may-

1 (a) purchase any interest in or take on lease any land; and

2 (b) build, equip and maintain offices and premises.

3 (2) The Council may, with the approval of the Minister, sell any
4 interest in or lease any land, offices or premises held by it and no longer
5 required for the performance of its functions.

6 **29.**-(1)The Council may make rules providing for the Provost to Discipline of
7 conduct enquiries into alleged breaches of discipline (including lack of students
8 diligence) by students and such rules may make different provisions for
9 different circumstances.

10 (2) The rules shall provide for the procedure and rules of evidence
11 to be followed at enquiries under this section.

12 (3) Subject to the provisions of subsection (1) of this section, where
13 it is proved during the enquiry that any student of the College has been found
14 guilty of misconduct, the Provost may, without prejudice to any other
15 disciplinary powers conferred on him by this Bill or any regulations made
16 thereunder, direct-

17 (a) that the student shall not, during such period as may be specified
18 in the direction, participate in such activities of the College, or make use of
19 such facilities of the College, as he may specify;

20 (b) that the activities of the student shall, during such period as may
21 be specified in the directions, be restricted in such manner as may be so
22 specified;

23 (c) that the student be suspended for such period as may be
24 specified in the direction; or

25 (d) that the student shall be expelled from the College.

26 (4) Where there is temporarily no Provost or where the Provost
27 refuses to apply any disciplinary measures, the Council may, either directly
28 or through some other staff, apply such disciplinary actions as are specified
29 in subsection (3) of this section to any student of the College who is guilty of
30 misconduct.

1 (5) Where a direction is given under subsection (3) (c) or (d) of this
2 section in respect of any student, the student may, within 21 days from the date
3 of the letter communicating the decision to him appeal against the decision of
4 the Council, and where such an appeal is, brought, the Council shall, after
5 causing such inquiry to be made in the matter as the Council considers just,
6 either confirm or set aside the decision or modify it in such manner as the
7 Council may think fit.

8 (6) The fact that an appeal from a decision is brought in pursuance of
9 the last foregoing subsection shall not affect the operation of the decision while
10 the appeal is pending, except the Council direct otherwise.

11 (7) The Provost may delegate his powers under this section to a
12 disciplinary committee, consisting of such members of the College as he may
13 nominate.

14 (8) Nothing in this section shall be construed as prevention or
15 restriction or termination of a student's activities at the College otherwise than
16 on the ground of misconduct.

17 (9) It is hereby declared that a direction under subsection (3) (a) of this
18 section may be combined with a direction under subsection (3) (b) of this
19 section.

20 (10) In all cases under this section, the decision of the Council shall be
21 final unless reversed by the Minister on appeal by the student.

Interpretation

22 **30.** In this Act, unless the context otherwise requires-
23 "Chairman" means the Chairman of the Council;
24 "College" means any of the Federal College of Education specified in Schedule
25 1 to this Bill;
26 "Council" means the Governing Council of the College established by or
27 pursuant to section 1 of this Act;
28 "Provost" means the Provost of a College appointed under section 9 of this Act;
29 "function" includes powers and duties;
30 "Minister" means the Minister charged with responsibility for matters relating

1 to education;

2 "Member" means a member of the Council including the Chairman.

3 **31.** This Bill may be cited as the Federal College of Education Short title
4 Usugbenu, Irrua, Edo State (Est, etc.) Bill, 2019.

5 SCHEDULE

6 *Section 3 (3)*

7 SCHEDULE I

8 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC

9 *Terms of Service*

10 *Remuneration of Council Members*

11 1. There may be paid to the members of the Council or any
12 Committee, such remuneration and allowances as may from time to time be
13 determined by the President, Commander-in-Chief of the Armed Forces.

14 *Vacancy of Council Seat*

15 2. Where a vacancy occurs in respect of the membership specified
16 in section 3 (1) (a) and (2) (d), it shall be filled by the appointment of a
17 successor to hold offices for the remainder of the term of office of his
18 predecessor.

19 3. The Council may act notwithstanding any vacancy in its
20 membership or any defect in the appointment of a member or the absence of
21 a member.

22 *Proceedings*

23 4.-(1) The Council shall meet for the conduct of business at such
24 times, places and on such days as the Chairman may appoint but shall meet
25 not less than once in every three months.

26 (2) The Chairman may at any time and shall, at the request in
27 writing of not less than 6 members, convene a meeting of the Council.

28 (3) At any meeting of the Council the Chairman shall preside but in
29 his absence, members present shall elect one of their members to preside at
30 the meeting.

(4) Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt persons who are not members of the Council but persons co-opted shall not be entitled to vote at a meeting of the Council.

(5) The quorum of the Council shall be one half of the total members of the Council at least one of whom shall be a member appointed by the President, Commander-in-Chief of the Armed Forces.

8 (6) Decisions of the Council shall be made on approval by a simple
9 majority of members.

10 *Miscellaneous*

11 5.-(1) The fixing of the seal of the College shall be authenticated by
12 the signature of the Chairman, Provost and some other members of the Council
13 authorized generally or specially by the Council to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person other than a body corporate would not be required to be under seal may be made and executed on behalf of the College by any person generally or specially authorized to act for that purpose by the Council.

(3) Any document purporting to be duly executed under the seal of the College shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

EXPLANATORY NOTE

(This note does not form part of the above Act, but is intended to explain its purport)

This Bill seeks to establish the Federal College of Education Usugbenu, Irrua, Edo State. The functions of the College, amongst other things are:

(a) to provide full-time and part-time courses in teaching, instruction and training to produce middle and high level teachers in technology, applied sciences, commerce, arts, social sciences, humanities, Law and management;

(b) carry out research in the development and adaptation of techniques as the Council may, from time to time, determine.

The Bill also provides for the appointment of a Provost to be the Chief Executive of the College, Principal Officers and other members of staff.

Other provisions relate to the discipline of students, finances, pensions of staff and supplementary matters: schedule 1 to the Act prescribes the terms of service of members of the Council and proceedings thereof.