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FEDERAL UNIVERSITY OF TECHNOLOGY, MANCHOK
(ESTABLISHMENT) BILL, 2019
ARRANGEMENT OF CLAUSES

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FEDERAL UNIVERSITY OF TECHNOLOGY, MANCHOK

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FIRST SCHEDULE

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THIRD SCHEDULE

A BILL

FOR

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

Sponsored by Senator Danjuma Laa'h

[] 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 TECHNOLOGY, MANCHOK

3 1.-(1) There is hereby Federal College of Statistics, Manchok
4 Kaduna State upgraded and established as the Federal University of
5 Technology, Manchok.

Establishment
and objectives of
the Federal
University of
Technology,
Manchok

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 Technologists 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 employees.

15 (5)The objects of the University shall be:

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

18 (b) to develop and offer academic and professional programmes
19 leading to the award of certificates, first degrees, post-graduate research,
20 diploma and higher degrees with emphasis on planning, developmental and
21 adaptive skills in technology, applied science, social science, management

- 1 and allied professional disciplines;
- 2 (c) to produce socially mature technologists with capabilities not to
- 3 only understand the technology need of Nigeria as a nation, but also to exploit
- 4 existing technological infrastructure and improve on it to develop new ones;
- 5 (d) to act as agents and catalysts for effective technology system,
- 6 through post graduate training, research and innovation, for effective
- 7 economic utilization and conservation of the country's human resources;
- 8 (e) to bring quality change in Technology Education by focusing on
- 9 practical teaching and learning innovations;
- 10 (f) to collaborate with other national and international institutions
- 11 involved in training, research and development of Technology with a view to
- 12 promoting governance, leadership and management skills among
- 13 Technologists;
- 14 (g) to identify Technology needs of the society with a view to finding
- 15 solutions to them within the context of overall national development;
- 16 (h) to provide and promote sound basic technology training as a
- 17 foundation for the development of Nigeria, taking into account indigenous
- 18 culture and the need to enhance national unity;
- 19 (i) to provide higher Education and foster a systematic advancement
- 20 of the science and Technology Education;
- 21 (j) to provide for instruction in such branches of Technological
- 22 education as it may deem necessary to make provision for research
- 23 advancement and dissemination of knowledge in such manner as it may
- 24 determine;
- 25 (k) to provide students with operational competence for applying
- 26 knowledge in the society as well as making technological changes in the
- 27 society;
- 28 (m) to undertake any other activities that is appropriate for a
- 29 University of Technology of the highest standard.

| | | |
|----|--|---|
| 1 | 2.-(1) The University shall consist of: | Constitution and Principal Officers of the University |
| 2 | (a) a Chancellor; | |
| 3 | (b) a Pro-Chancellor and a Council; | |
| 4 | (c) a Vice-Chancellor and a Senate; | |
| 5 | (d) a body to be called Congregation; | |
| 6 | (e) a body to be called Convocation; | |
| 7 | (f) the campuses and colleges of the University; | |
| 8 | (g) the colleges, institutes and other teaching and research units of | |
| 9 | the University; | |
| 10 | (h) the persons holding the offices constituted by the First Schedule | |
| 11 | to this Bill other than those mentioned in paragraphs (a) to (c) of this | |
| 12 | subsection; | |
| 13 | (i) all graduates and undergraduates of the University; and | |
| 14 | (j) all other persons who are members of the University in | |
| 15 | accordance with provisions made by statute in that behalf. | |
| 16 | (2) The First Schedule to this Bill shall have effect with respect to | |
| 17 | the principal officers of the University. | |
| 18 | (3) Subject to section 5 of this Bill provision shall be made by | |
| 19 | statute with respect to the constitution of the Council, the Senate, | |
| 20 | Congregation and Convocation. | |
| 21 | 3.-(1) For the carrying out of its objects as specified in section 1 of | Power of Federal University of Technology, Manchok and its exercise |
| 22 | this Bill, Federal University of Technology, Manchok shall have power: | |
| 23 | (a) to offer courses of instruction, training and research in | |
| 24 | Technology and allied areas for the production of quality and skilled | |
| 25 | technologists required at lower, middle and higher levels of manpower in | |
| 26 | Nigeria in particular and the world at large; | |
| 27 | (b) to establish such colleges, campuses, institutes, schools, | |
| 28 | departments and other teaching and research units within the University as | |
| 29 | may from time to time be deemed necessary or desirable subject to the | |
| 30 | approval of National Universities Commission; | |

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

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

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

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

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

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

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

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

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

26 (l) to erect, provide, equip and maintain libraries, laboratories,
27 workshops, lecture halls, halls of residence, refectories, sports grounds,
28 playing fields and other buildings or things necessary, suitable or convenient
29 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 (r) to do all such acts or things, whether or not incidental
17 to the foregoing powers, as may advance the objects of the University.

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

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

26 4.-(1)The Chancellor shall, in relation to the University, take
27 precedence before all other members of the University, and when he is
28 present, shall preside at all meetings of Convocation held for conferring
29 degrees.

Functions of the
Chancellor and
Pro-Chancellor

30 (2)The Pro-Chancellor shall, in relation to the University, take

Composition,
Tenure and Powers
of the Council
of the University

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

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

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

8 (b) the Vice-Chancellor;

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

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

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

13 (i) the Teacher's Registration Council;

14 (ii) Tertiary Education Trust Fund; and

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

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

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

19 (h) one person appointed by Convocation from among its members.

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

22 (2) Persons to be appointed to the Council shall be of proven
23 integrity, knowledgeable and familiar with the affairs and tradition of the
24 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-a-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 dress.
- 22 (3) The Senate shall not establish any new campus, college, school,
23 department, institute or other teaching and research units of the University,
24 or any hall of residence or similar institution at the University without the
25 approval of the Council.
- 26 (4) Subject to this Bill and the statutes, the Senate may make
27 regulations for the purpose of exercising any function conferred on it either
28 by the foregoing provisions of this section or otherwise or for the purpose of
29 making provision for any matter for which provision by regulations is
30 authorized or required by this Bill or by statute.

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

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

Functions of the
Vice-Chancellor

13 **8.-(1)** The Vice-Chancellor shall, in relation to the University, take
14 precedence before all other members of the University except the Chancellor
15 and subject to section 4 of this Bill except the Pro-Chancellor and any other
16 person for the time being acting as Chairman of the Council.

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

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

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

PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC, TO THE

UNIVERSITY AND CONDITION OF SERVICE OF EMPLOYEES

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

General fund of
the University

(a) grants-in-aid;

(b) fees;

(c) income derived from investments;

(d) gifts, legacies, endowments and donations not accepted for a
particular purpose;

(e) income derived from the exercise of any functions conferred or
imposed on the University by this Bill;

(f) any other amounts, charges or dues recoverable by the
University;

(g) revenue, from time to time, accruing to the University by way
of subvention;

(h) interests on investments;

(i) donations and legacies accruing to the University from any
source for the general or special purposes of the University; and

(j) Regular TETFUND interventions;

(2) The general fund shall be applied for the purposes of the
University.

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

Transfer of
Property

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

PART III - STATUTES OF THE UNIVERSITY

11.-(1) Subject to this Bill, the University may make statutes for y:

Power of the
University to
make Statutes

1 any of the following purposes, that is to say:

2 (a) Making provision with respect to the composition and constitution
3 of any authority of the University;

4 (b) Specifying and regulating the powers and duties of any authority
5 of the University, and regulating any other matter connected with the
6 University or any of its authorities;

7 (c) Regulating the admission of students (where no other enactment
8 provides to the contrary), and their discipline and welfare;

9 (d) Determining whether any particular matter is to be treated as an
10 academic or non- academic matter for the purposes of this Bill and of any
11 statute, regulation or other instrument made thereunder; or

12 (e) Making provision for any other matter for which provision by
13 statute is authorized or required by this Bill.

14 (2) Subject to section 25(6) of this Bill, the Interpretation Act shall
15 apply in relation to any statute made under this section as it applies to a
16 subsidiary instrument within the meaning of section 28(1) of that Act.

17 (3) The statute contained in the Third Schedule to this Bill shall be
18 deemed to have come into force on the commencement of this Bill and shall be
19 deemed to have been made under this section by the University.

Third Schedule

20 (4) The power to make statutes conferred by this section shall not be
21 prejudiced or limited in any way by reason of the inclusion or omission of any
22 matter in or from the statute contained in the Third Schedule to this Bill or any
23 subsequent statute.

Mode of exercising
power to make
statutes

24 **12.-(1)** The power of the University to make statutes shall be
25 exercised in accordance with the provisions of this section and not otherwise.

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

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

30 (b) at a meeting of the Council, by the votes of not less than two thirds

1 of the members present and voting.

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

5 (4) A statute which:

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

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

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

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

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

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

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

29 (8) Nothing in sub-section (7) of this section shall affect any power
30 of a court of competent jurisdiction to determine whether any provision of a

| | | |
|---|----|---|
| | 1 | statute is wholly or partly void as being ultra vires or as being inconsistent with |
| | 2 | the Constitution of the Federal Republic of Nigeria, 1999. |
| Proof of Statute | 3 | 13. A statute may be proved in any court by the production of a copy |
| | 4 | thereof bearing or having affixed to it a certificate purporting to be signed by |
| | 5 | the Vice-Chancellor or the Secretary to the Council to the effect that the copy is |
| | 6 | a true copy of a statute of the University. |
| | 7 | PART IV - SUPERVISION AND DISCIPLINE |
| The Visitor | 8 | 14. -(1) The President shall be the Visitor of the University. |
| | 9 | (2) The Visitor shall cause a visitation to the University when |
| | 10 | necessary, at least every five years, or direct that such a visitation be conducted |
| | 11 | by such person or persons as the Visitor may deem fit and in respect of any of |
| | 12 | the affairs of the University. |
| | 13 | (3) It shall be the duty of the bodies and persons comprising the |
| | 14 | University to make available to the Visitor and to any other person conducting a |
| | 15 | visitation in pursuance of this section, such facilities and assistance as he or |
| | 16 | they may reasonably require for the purposes of a visitation. |
| | 17 | (4) The Visitor shall make the report of such visitations and white |
| | 18 | paper thereon available to the Council which shall implement same. |
| Removal of certain Members of Council | 19 | 15. -(1) If it appears to the Council that a member of the Council (other |
| | 20 | than the Pro- Chancellor or the Vice-Chancellor) should be removed from |
| | 21 | office on the ground of misconduct or inability to perform the functions of his |
| | 22 | office or employment, the Council shall make a recommendation to that effect |
| | 23 | through the Minister to the President, and the President, after making such |
| | 24 | enquiries (if any) as he may consider appropriate approves the |
| | 25 | recommendation, he may direct the removal of the person in question from |
| | 26 | office. |
| | 27 | (2) It shall be the duty of the Minister to use his best endeavours to |
| | 28 | cause a copy of the instrument embodying a direction under subsection (1) of |
| | 29 | this section to be served as soon as reasonably practicable on the person to |
| | 30 | whom it relates. |

- 1 16.-(1) If it appears to the Council that there are reasons for
2 believing that any person employed as a member of the academic,
3 administrative or professional staff of the University, other than the Vice-
4 Chancellor, should be removed from his office or employment on the
5 ground of misconduct or of professional inability to perform the functions of
6 his office or employment, the Council shall:
- 7 (a) give notice of those reasons to the person in question;
8 (b) afford him an opportunity of making representations in person
9 on the matter by the Council; and
- 10 (c) for the person in question to be afforded an opportunity of
11 appearing before and being heard by the investigating committee with
12 respect to the matter, and if the Council, after considering the report of the
13 investigating committee, is satisfied that the person in question should be
14 removed as aforesaid, the Council may so remove him by an instrument in
15 writing signed on the directions of the Council.
- 16 (2) The Vice-Chancellor may, in a case of misconduct by a member
17 of the staff which in the opinion of the Vice-Chancellor is prejudicial to the
18 interest of the University, suspend such member and any such suspension
19 shall forthwith be reported to the Council.
- 20 (3) For good cause, any member of the staff may be suspended
21 from his duties or his appointment may be terminated by the Council; and
22 for the purposes of this subsection "good cause" means:
- 23 (a) conviction for any offence which the Council considers to be
24 such as to render the person concerned unfit for the discharge of the
25 functions of his office;
- 26 (b) any physical or mental incapacity which the Council, after
27 obtaining medical advice, considers to be such as to render the person
28 concerned unfit to continue to hold his office;
- 29 (c) conduct of a scandalous or other disgraceful nature which the
30 Council considers to be such as to render the person concerned unfit to

Removal and
discipline of
academic,
administrative
and professional
staff

1 continue to hold his office;

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

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

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

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

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

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

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

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

27 (6) It shall be the duty of the person by whom an instrument of
28 removal is signed in pursuance of subsection (1) of this section to use his best
29 endeavours to cause a copy of the instrument to be served as soon as reasonably
30 practicable on the person to whom it relates.

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

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

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

6 **17.**-(1) If, on the recommendation of the Senate, it appears to the Removal of
7 Vice-Chancellor that a person appointed as an examiner for any examiners
8 examination of the University ought to be removed from his office or
9 appointment, then, except in such cases as may be prescribed by the Vice-
10 Chancellor may, after affording the examiner an opportunity of making
11 representations in person on the matter to the Vice-Chancellor, remove the
12 examiner from the appointment by an instrument in writing signed by the
13 Vice-Chancellor.

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

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

22 **18.**-(1) The Students shall be:

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

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

26 (c) Participate in the process of assessing academic staff in respect
27 of teaching; and

28 (d) Be encouraged to be more self-assured as part of the national
29 development process.

30 (2) Subject to the provisions of this section, where it appears to the

1 Vice-Chancellor that any student of the University has been guilty of
2 misconduct, the Vice-Chancellor may, without prejudice to any other
3 disciplinary powers conferred on him by statute or regulations, direct:

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

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

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

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

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

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

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

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

27 (c) A direction under subsection (2)(a) of this section may be
28 combined with a direction under subsection (2)(b) of this section.

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

29 PART V - MISCELLANEOUS AND GENERAL

30 **19.-(1)** No person shall be required to satisfy requirements as to any of

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

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

17 **20.** Without prejudice to the provisions of the Land Use Act, the
18 University shall not dispose of or charge any land or an interest in any land
19 (including any land transferred to the University by this Bill) except with the
20 prior written consent, either general or special, of the Governor:
21 Provided that such consent shall not be required in the case of any lease or
22 tenancy at a rack-rent for a term not exceeding 21 years or any lease or
23 tenancy to a member of the University for residential purpose.

Restriction on
disposal of land
by University

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

Quorum and
procedure of
bodies established
by this Bill

27 **22.-(1)** Anybody of persons established by this Bill shall, without
28 prejudice to the generality of the powers of that body, have power to appoint
29 committees, which need not consist exclusively of members of that body,
30 and to authorize a committee established by it:

Appointment of
committee, etc.

1 (a) to exercise, on its behalf, such of its functions as it may determine;

2 (b) to co-opt members, and

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

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

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

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

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

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

Retiring age of
academic staff

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

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

28 (b) Academic staff of the University in the Professorial Cadre shall be
29 70 years;

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

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

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

Special Provisions
relating to Pension
of Professors

8 **25.**-(1)The seal of the University shall be such as may be
9 determined by the Council and approved by the Chancellor, and the affixing
10 of the seal shall be authenticated by any member of the Council and by the
11 Vice-Chancellor, Secretary to the Council or any other person authorized by
12 statute.

Miscellaneous
Administrative
Provisions

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

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

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

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 vote on any question relating to that matter.

28 (6) Nothing in section 12 of the Interpretation Act (which provides
29 for the application in relation to subordinate legislation of certain incidental

1 provisions) shall apply to statutes or regulations made in pursuance to this Bill.

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

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

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

Restriction of
suits and
execution

13 **26.-(1) Pre-Action Notice:**

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

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

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

28 (d) In any suit against this University, no execution or attachment or
29 process in the nature thereof shall be issued against the University, but any
30 sums of money which may be judgment of the court be awarded against the

1 University shall, subject to any direction given by the court where notice of
2 appeal has been given by the University in respect of the said judgment, be
3 paid by the University from its general fund.

4 (2) Service of Notices

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

8 27.-(1) In this Bill, unless the context otherwise requires:

Interpretation

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

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

12 "Council" means the Governing Council of the University established by
13 section 5 of this Bill.

14 "Functions" includes powers and duties

15 "Graduate" means a person on whom a degree, other than an honorary
16 degree, has been conferred by the University and any other person as may be
17 designated as a graduate by the Council, acting in accordance with the
18 recommendation of the Senate;

19 (Erroneously omitted)

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

21 "Notice" means notice in writing;

22 "Officer" does not include the Visitor;

23 "Prescribed" means prescribed by statute or regulations;

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

26 "Property" includes rights, liabilities and obligations;

27 "Provisional Council" means the provisional council appointed for the
28 University.

29 "Regulations" means regulations made by the Senate or the Council;

30 "Senate" means the Senate of the University established pursuant to section

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

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

Short title

21 **28.** This Bill may be cited as the Federal University of Technology,
22 Manchok, Bill, 2019.

23 SCHEDULES

24 FIRST SCHEDULE

25 [Section 2(2)]

26 PRINCIPAL OFFICERS OF THE UNIVERSITY

27 *The Chancellor*

28 1. The Chancellor shall be appointed by and hold office at the
29 pleasure of the President.

1 *The Pro-Chancellor*

2 2.-(1) The Pro-Chancellor who shall be the Chairman of Council
3 shall be appointed or removed from office by Mr. President upon
4 recommendation by the Minister of Education.

5 (2) Subject to the provisions of this Bill, the Pro-Chancellor shall
6 hold office for a period of four years beginning with the date of his
7 appointment.

8 *The Vice-Chancellor*

9 3.-(1) There shall be a Vice-Chancellor of the University who shall
10 be appointed by the Council in accordance with the provisions of this
11 paragraph.

12 (2) Where a vacancy occurs in the post of a Vice-Chancellor, the
13 Council shall:

14 (a) advertise the vacancy in a reputable journal or a widely read
15 newspaper in Nigeria, specifying:

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

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

20 (b) constitute a Search Team consisting of:

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

23 (ii) two members of the Senate who are not members of the
24 Council, one of whom shall be a Professor;

25 (iii) two members of Congregation who are not members of the
26 Council, one of whom shall be a Professor, to identify and nominate for
27 consideration, suitable persons who are not likely to apply for the post on
28 their own volition because they felt that it is not proper to do so.

29 (3) A Joint Council and Senate Selection Board consisting of:

30 (a) the Pro-Chancellor, as chairman:

1 (b) two members of the Council, not being members of the Senate;

2 (c) two members of the Senate who are Professors, but who were not
3 members of the Search Team, shall consider the candidates and persons in the
4 shortlist drawn up under subsection (2) of this paragraph through an
5 examination of their curriculum vitae and interaction with them, and
6 recommend to the Council three candidates for further consideration.

7 (4) The Council shall select and appoint as the Vice-Chancellor one
8 candidate from among the three candidates recommended to it under
9 subsection (3) of this section and thereafter inform the Visitor.

10 (5) The Vice-Chancellor shall hold office for a single term of five
11 years only on such terms and conditions as may be specified in his letter of
12 appointment.

13 (6) The Vice Chancellor may be removed from office by the Council
14 on grounds of gross misconduct or inability to discharge the functions of his
15 office as a result of infirmity of the body or mind, at the initiative of the
16 Council, Senate or the Congregation after due process.

17 (7) When the proposal for the removal of the Vice-Chancellor is
18 made, the Council shall constitute a Joint Committee of Council and Senate
19 consisting of:

20 (i) three members of the Council, one of whom shall be the Chairman
21 of the committee; and

22 (ii) two members of the Senate,

23 Provided that where the ground for removal is infirmity of the body or mind,
24 the Council shall seek appropriate medical opinion.

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

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

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

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

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

7 *Deputy Vice-Chancellor*

8 4.-(1) There shall be for the University such number of Deputy
9 Vice-Chancellors as Council may from time to time deem necessary for the
10 proper administration of the University.

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

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

17 (4) A Deputy Vice-Chancellor shall:

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

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

22 (c) perform such other functions as the Vice-Chancellor or the
23 Council may, from time to time, assign to him.

24 (5) A Deputy Vice-Chancellor:

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

28 (b) may be reappointed for one further period of two years and no
29 more.

30 (c) may be removed from office for good cause by the Council

1 acting on the recommendations of the Vice-Chancellor and Senate.

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

5 *Office of the Registrar*

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

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

14 *Other Principal Officers of the University*

15 6.-(1) There shall be for the University the following principal
16 officers, in addition to the Registrar, that is:

17 (a) the Bursar; and

18 (b) the University Librarian, who shall be appointed by the Council
19 on the recommendation of the Selection Board constituted under paragraph 7
20 of this Schedule.

21 (2) The Bursar shall be the Chief Financial Officer of the University
22 and be responsible to the Vice-Chancellor for the day-to-day administration
23 and control of the financial affairs of the University.

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

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

Selection Board for other Principal Officers

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

- (a) the Pro-Chancellor, as chairman;
 - (b) the Vice-Chancellor;
 - (c) four members of the Council not being members of the Senate;
- and
- (d) two members of the Senate.

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

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

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

Resignation and Re-appointment

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

- (a) in the case of the Chancellor or Pro-Chancellor, by notice to the Visitor;
- (b) in any other case, by notice to the Council and the Council shall, in 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

1 misconduct shall be eligible for re-appointment to that office.

2 SECOND SCHEDULE

3 TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

4 *Transfer of Property to University*

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

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

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

12 2.-(1) All agreements, contracts, deeds and other instruments to
13 which the Provisional Council was a party shall, so far as possible and subject
14 to any necessary modifications, have effect as if the University had been a party
15 thereto in place of the Provisional Council.

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

20 (3) Any legal proceedings or application to any authority pending by
21 or against the Provisional Council may be continued by or against the
22 University.

23 *Registration of transfers*

24 3.-(1) If the law in force at the place where any property transferred by
25 this Bill is situate provides for the registration of transfers of property of the
26 kind in question (whether by reference to an instrument of transfer or
27 otherwise), the law shall, so far as it provides for alterations of a register (but
28 not for avoidance of transfers, the payment of fees or any other matter) apply,
29 with necessary modifications, to the property aforesaid.

30 (2) It shall be the duty of the body to which any property is transferred

1 by this Bill to furnish the necessary particulars of the transfer to the proper
2 officer of the registration authority, and of that officer to register the transfer
3 accordingly.

4 *Transfer of Functions, etc.*

5 4.-(1)The first meeting of the Council shall be convened by the
6 Pro-Chancellor on such date and in such manner as he may determine.

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

10 (3) The first meeting of the Senate as constituted by this Bill 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
14 immediately before the coming into force of this Bill shall be deemed to
15 constitute the Senate of the University until the date when the Senate as set
16 up under the Third Schedule to this Bill shall have been duly constituted.

17 (5) Subject to any regulations which may be made by the Senate
18 after the date on which this Bill is made, the schools, school boards and
19 students of the University immediately before the coming into force of this
20 Bill shall on that day become schools, school boards and students of the
21 University as constituted by this Bill.

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

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

1 THIRD SCHEDULE

2 [Section 9 (3)]

3 FEDERAL UNIVERSITY OF TECHNOLOGY, MANCHOK.

4 Statute No.1

5 ARRANGEMENT OF ARTICLES

6 ARTICLES

7 1. The Council.

8 2. The Finance and General Purposes Committee

9 3. The Senate

10 4. The Congregation

11 5. Convocation

12 6. Division of Colleges

13 7. College/School Boards

14 8. Dean of the College

15 9. Selection of certain Principal Officers

16 10. Creation of academic posts

17 11. Appointment of academic staff

18 12. Appointment of administrative and professional staff

19 13. Interpretation.

20 14. Short Title

21 *The Council*22 1.-(1) The composition of the Council shall be as provided in section 5
23 of this Bill.24 (2) Any member of the Council holding office otherwise than in
25 pursuance of section 5 (a), (b), (c), or (d) of this Bill may, by notice to the
26 Council, resign his office.27 (3) A member of the Council holding office otherwise than in
28 pursuance of section 5 (a), (b), (c), or (d) of this Bill shall, unless he previously
29 vacates it, vacate that office on the expiration of the period of four years
30 beginning with effect from 1 August in the year which he was appointed.

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

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

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

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

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

20 *The Finance and General Purposes Committee*

21 2.-(1) The Finance and General Purposes Committee of the
22 Council shall consist of:

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

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

26 (c) six other members of the Council appointed by the Council, two
27 of whom shall be selected from among the four members of the Council
28 appointed by the Senate and one member appointed to the Council by
29 Congregation;

30 (d) the Permanent Secretary of the Federal Ministry of Education,

1 or in his absence, such member of his Ministry as he may designate to represent
2 him; and

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

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

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

9 *Annual budget and estimates, etc.*

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

13 Provided that the Vice-Chancellor may during any financial year present and
14 the Council may approve supplementary estimates of income or expenditure.

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

17 *Gifts, donations, etc.*

18 (5) (i) The Council may on behalf of the University accept by way of
19 grants, gift, testamentary disposition or otherwise, property and money in aid
20 of the finances of the University on such conditions as it may approve.

21 (ii) Registers shall be kept of all donations to the University including
22 the names of donors and any special conditions under which any donation may
23 have been given;

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

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

1 *Payment into bank*

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

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

8 *Audit*

9 3.-(1) The Council shall cause the accounts of the University to be
10 audited by auditors appointed by the Council as soon as may be after the end
11 of each financial year or for any such other period as the Council may
12 require.

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

16 *The Senate*

17 4.-(1) The Senate shall consist of:

18 (i) the Vice-Chancellor;

19 (ii) Deputy Vice-Chancellors;

20 (iii) the Deans of respective Colleges;

21 (iv) the Professors in the University;

22 (v) Heads of Academic Departments and Units;

23 (vi) the University Librarian;

24 (vii) One elected representative of each College;

25 (viii) Two members of Academic Staff elected by the
26 Congregation;

27 (ix) One elected representative of each department;

28 (x) Two members representing a variety of interests of the
29 professional bodies outside the University appointed by the Senate on the
30 recommendation of the Vice-Chancellor;

1 (xi) Registrar - Secretary.

2 (2) The procedure for election of members of Senate to the Council
3 shall be prescribed by Regulations.

4 (3) The Vice-Chancellor shall be the chairman at all meetings of the
5 Senate when he is present, and in his absence any of the Deputy Vice-
6 Chancellors present at the meeting as the Senate may appoint for that meeting
7 shall be the chairman at the meeting.

8 (4) The quorum of the Senate shall be one quarter or the nearest whole
9 number less than one quarter; and subject to paragraph (3) of this Article, the
10 Senate may regulate its own procedure.

11 (5) An elected member may, by notice to the Senate, resign his office.

12 (6) Subject to paragraph (8) of this article, there shall be elections for
13 the selection of elected members which shall be held in the prescribed manner
14 on such day in the month of May or June in each year as the Vice-Chancellor
15 may from time to time determine.

16 (7) An elected member shall hold office for the period of two years
17 beginning with 1 August in the year of his election, and may be a candidate at
18 any election held in pursuance to paragraph (6) of this article in the year in
19 which his period of office expires, so however that no person shall be such a
20 candidate if at the end of his current period of office he will have held office as
21 an elected member for a continuous period of six years or would have so held
22 office if he had not resigned it.

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

29 (9) For the avoidance of doubt it is hereby declared that no person
30 shall be precluded from continuing in or taking office as an elected member by

1 reason only of reduction in the after 30 April in any year in which he is to
2 continue in or take office as all elected member.

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

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

12 *Congregation*

13 5. -(1) Congregation shall consist of:

14 (i) Vice-Chancellor;

15 (ii) the Deputy Vice-Chancellors;

16 (iii) the full-time members of the academic staff;

17 (iv) The Registrar;

18 (v) The Librarian;

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

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

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

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

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

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

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

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

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

14 *Convocation*

15 6.-(1) Convocation shall consist of:

16 (i) the officers of the University mentioned in the First Schedule to
17 this Bill;

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

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

21 (2) A person shall be entitled to have his name registered as a member
22 of convocation if:

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

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

27 (3) Regulations shall provide for the establishment and maintenance
28 of a register for the purpose of this paragraph and subject to paragraph (4) of
29 this article 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 register

1 of the name of any person who fails to pay those fees.

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

6 (5) 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 times of the University at all reasonable
9 times.

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

15 (7) The quorum of Convocation shall be fifty or one third or the
16 whole number nearest to one third or the whole number of members of
17 Convocation whichever is less.

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

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

24 *Division of Colleges*

25 Each College shall be divided into such number of branches as may be
26 prescribed.

27 *College Boards*

28 8.-(1) There shall be established in respect of each College, a Board
29 of Studies which, subject to the provisions of this Statute, and subject to the
30 directions of the Vice-Chancellor, shall:

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

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

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

7 (2) Each College Board of Studies shall consist of:

8 (a) the Vice-Chancellor;

9 (b) the Dean;

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

11 (d) the College Examination Officer;

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

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

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

20 *Deans of the Colleges*

21 9.-(1) The Board of each College shall, at a meeting in the last term of
22 any academic year which the term of office of the Dean expires, nominate one
23 of its members, being one of the Professors assigned to that teaching unit, for
24 appointment by the Senate as Dean of the College

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

29 (3) The Dean shall hold office for two years and shall be eligible for
30 re-appointment one further period of two years. Thereafter he shall not be

1 eligible for re-appointment until two years have elapsed.

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

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

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

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

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

18 (8) In this article "good cause" has the same meaning as in section
19 15(3) of the Act.

20 *Departmental Board of Studies*

21 10.-(1) There shall be a Departmental Board of Studies whose
22 membership shall be made of all academic staff of the Department;

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

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

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

30 (5) The Board shall handle all disciplinary matters in the

1 Department and make recommendations to the College where necessary;
2 (6) Allocation of courses in the department shall be done by the
3 Departmental Board on recommendation of the Head of Department.

4 *Selection of Directors of Physical Planning and Development, Works*
5 *and Services and Health*

6 11.-(1) When a vacancy occurs in the office of the Directors of
7 Physical Planning and Development, Works and Services and Health, a
8 Selection Board shall be constituted by the Council which shall consist of:

- 9 (a) the Pro-Chancellor;
10 (b) the Vice-Chancellor;
11 (c) two members appointed by the Council, not being members of the
12 Senate;
13 (d) Two members appointed by the Senate.

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

18 *Tenure of Directors*

19 12. A Director shall hold office on such terms and conditions as may
20 be specified in his letter of appointment subject to the extant Regulations.

21 *Creation of Academic Posts*

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

25 *Appointment of Academic Staff*

26 14.-(1) Subject to the Act and statutes, the filling of vacancies in
27 academic posts (including newly created ones) shall be the responsibility of the
28 Council through the Departments and Colleges.

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

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

- 4 (a) the Vice-Chancellor - Chairman;
5 (b) Deputy Vice-Chancellor - Member;
6 (c) The Dean of the College - Member;
7 (d) Head of Department - Member;
8 (e) such other person(s), not exceeding two in number, deemed
9 capable of helping the Board in assessing both the professional and
10 academic suitability of a candidate under consideration, as the Senate may
11 from time to time appoint;
12 (f) Registrar - Secretary.

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

- 15 (a) the Vice-Chancellor or his representative- Chairman;
16 (b) The Dean of the College - Member
17 (c) Head of the Department concerned - Member;
18 (d) An internal member of Council (not below the Rank of Senior
19 Lecturer from the sister college in the Candidate's subject-area) - Member;
20 (e) Registrar or his representative - Secretary.

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

25 (6) Boards of Selection may interview candidates directly or
26 consider the reports of specialist interviewing panels and shall in addition, in
27 the case of Professorships, Associate Professorship, Readerships or
28 equivalent Posts, consider the reports of External Assessors relevant to the
29 area in which the appointment is being considered. Quorum shall be three
30 (3) including the Chairman.

Appointment of Administrative and Professional Staff

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

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

(i) Vice Chancellor;

(ii) Deputy Vice Chancellor;

(iii) Registrar;

(iv) Bursar;

(v) University Librarian;

(vi) The Head of Department concerned;

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

Interpretation

16. In this Statute, the expression "the Act" means the Federal University of Technology, Manchok Act and any word or expression defined in the Act has the same meaning in this Statute.

Short Title

17. This Statute may be cited as the Federal University of Technology, Manchok, Statute No. 1.

EXPLANATORY MEMORANDUM

This Bill seeks to upgrade the Federal College of Statistics, Manchok Kaduna State to Federal University of Technology, Manchok.

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN PEACE CORPS TO DEVELOP, EMPOWER AND PROVIDE GAINFUL EMPLOYMENT FOR THE YOUTH, FACILITATE PEACE, VOLUNTEERISM, COMMUNITY SERVICES, NEIGHBOURHOOD WATCH, NATION-BUILDING; AND FOR RELATED MATTERS

Sponsored by Senator Ali Ndume

[] Commencement

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

1 PART I - ESTABLISHMENT, OBJECTIVES AND FUNCTIONS OF THE 2 NIGERIAN PEACE CORPS

3 1.-(1) There is established the Nigerian Peace Corps (in this Act
4 referred to as “the Peace Corps”) and: Establishment ,
5 (a) shall be a corporate body with perpetual succession and a Functions and
6 common seal; and Objectives of the
7 Nigerian Peace
8 Corps

7 (b) may sue and be sued in its corporate name.
8 (2) The Headquarters of the Nigerian Peace Corps shall be located
9 in the Federal Capital Territory (FCT), and the Peace Corps shall have
10 offices in all the States, Local Government Areas and educational
11 institutions.

12 (3) Without prejudice to the generality of the provisions relating to
13 the general duties of the Peace Corps set out in this Act, the objectives of the
14 Peace Corps shall be to:

- 15 (a) train, educate and re-orientate the youth of this nation, on:
16 (i) their future leadership roles in the society,
17 (ii) the art of nation-building,
18 (iii) the need to become good citizens of the country with due

Functions of
the Peace Corps

1 respect for constituted authorities, and
2 (iv) democratic norms and the rule of law; and
3 (b) re-direct the productive energies of the youth towards the socio-
4 economic and political advancement of the nation.

5 2.-(1) The core mandate of the Peace Corps is to Develop; Empower
6 and provide Gainful Employment for the Youths; to facilitate Peace;
7 Volunteerism, Community Services; Neighbourhood Watch and Nation-
8 building.

9 (2) The functions of the Peace Corps shall include to:

10 (a) enlist, mobilise, train and orientate the youths in order to develop
11 them as supporting agents of social order by providing a second line of public
12 safety;

13 (b) serve as a think tank and engage in educating residents of every
14 community on security and safety measures peculiar to their neighbourhood;

15 (c) uphold a bottom-up surveillance through monitoring, observation,
16 evaluate and to detect, collate and analyse intelligence data on matters that may
17 likely cause breach of peace and security within the neighbourhood and
18 transmit same to the appropriate Security Agency for pre-emptive
19 measures/actions;

20 (d) engage in Peace Advocacy, Mediation and Conflict Resolution in
21 order to advance the course of Peace-building, Reconciliation and Conflict
22 Transformation in all communities in Nigeria;

23 (e) secure Educational Institutions from intruders and to combat all
24 forms of social decadence/vices, including cultism and examination
25 malpractices with a view to creating peaceful and conducive atmosphere for
26 learning;

27 (f) serve as a Reservoir and Spring-board of man-power for
28 volunteerism and involvement in Social and Community Services such as
29 Crowd Control, Tour Guard/Guide, Emergency Relief Services, Rehabilitation
30 of Internally Displaced Persons, Voters' Registration, Election Duties, Census,

| | | |
|----|---|--------------------|
| 1 | Immunization, Sanitation and First Aid; | |
| 2 | (g) set up a Centre saddled with the responsibility of training and | |
| 3 | building the capacity of the youths in the areas of Critical Thinking, | |
| 4 | Creativity, Innovation, Entrepreneurial and Skill Acquisition and; | |
| 5 | (h) carry out other functions as may be prescribed by an Act of the | |
| 6 | National Assembly or any Bye-law | |
| 7 | PART II - GOVERNING BOARD, COMPOSITION AND POWERS | |
| 8 | 3. There is established for the management of the Peace Corps a | Governing Board |
| 9 | Governing Board (in this Act referred to as "the Board"). | of the Peace Corps |
| 10 | 4. The Board shall consist of: | Composition of |
| 11 | (a) a Chairman to be appointed by the President; | the Board |
| 12 | (b) a nominee each appointed by the President from the six (6) | |
| 13 | Geo-Political Zones of the Country; | |
| 14 | (c) a representatives of the Ministry charged with the responsibility | |
| 15 | for matters relating to Youth Development; | |
| 16 | (d) the National Commandant, who shall serve as the Secretary; | |
| 17 | and | |
| 18 | (e) other members appointed by the President from the following | |
| 19 | Ministries or Bodies- | |
| 20 | (i) Ministry of Youth Development, | |
| 21 | (ii) Ministry of Interior, | |
| 22 | (iii) Ministry of Justice; | |
| 23 | (iv) Ministry of Finance, | |
| 24 | (v) Ministry of Finance; | |
| 25 | (vi) Institute for Peace and Conflict Resolution; | |
| 26 | (vii) National Orientation Agency, | |
| 27 | 5.-(1) The Chairman shall be a person who has cognate experience | Qualifications |
| 28 | and proven capacity to discharge his responsibilities to facilitate the | of the Chairman |
| 29 | accomplishment of the objectives of the Peace Corps. | and other members |
| 30 | (2) The members referred to in section 4 of this Act shall: | of the Peace Corps |

| | | |
|---|----|---|
| | 1 | (a) not be below the rank of Director or its equivalent in the Force; and |
| | 2 | (b) be persons who have cognate experience and proven capacity to |
| | 3 | discharge their duties. |
| Appointment of the Chairman and Members of the Board | 4 | 6. -(1) The President shall appoint the Chairman and Members of the |
| | 5 | Board on the recommendation of the Minister. |
| | 6 | (2) Without prejudice to the provisions of this Act, the Minister shall |
| | 7 | perform the functions of the Board where the Board has: |
| | 8 | (a) not been constituted; and |
| | 9 | (b) been dissolved. |
| Schedule | 10 | (3) The provisions of the Schedule to this Act shall have effect with |
| | 11 | respect to the proceedings of the Board and other matters contained in the |
| | 12 | Schedule. |
| Tenure of office | 13 | 7. The Chairman and other members of the Board, other than ex- |
| | 14 | officio members: |
| | 15 | (a) shall hold office for a term of 4 years on such terms and conditions |
| | 16 | as may be specified in their letters of appointments; and |
| | 17 | (b) may be re-appointed for another term of 4 years and no more. |
| Removal from office | 18 | 8.-(1) Notwithstanding the provisions of section 7 of this Act, a |
| | 19 | member may at any time be removed from office by the President if he: |
| | 20 | (a) is unable to discharge the functions of his office whether arising |
| | 21 | from infirmity of the body or mind; |
| | 22 | (b) is convicted by a court of law of a felony, fraud or any serious act |
| | 23 | of misconduct; and |
| | 24 | (c) without permission of the Board, is absent for more than 3 |
| | 25 | consecutive meetings of the Board or without such permission is absent from |
| | 26 | the country for a period exceeding 1 year. |
| | 27 | (2) The Chairman or a member may resign by a notice addressed |
| | 28 | through the Secretary to the Government of the Federation to the President and |
| | 29 | such notice of resignation becomes effective from the date of acceptance of the |
| | 30 | resignation by the President. |

| | | |
|----|---|--|
| 1 | 9. A member shall be paid such allowances as may be determined | Allowances |
| 2 | by the National Salaries, Income and Wages Commission. | |
| 3 | 10. The Board shall be responsible for: | Powers of the Board |
| 4 | (a) providing the general policies and guidelines relating to major | |
| 5 | expansion programmes of the Peace Corps; | |
| 6 | (b) the supervision of management and general administration of | |
| 7 | the Peace Corps; | |
| 8 | (c) recruiting regular members of the Peace Corps; | |
| 9 | (d) organising basic development and refresher courses for | |
| 10 | members of the Peace Corps; | |
| 11 | (e) fixing, with the approval of the Minister, the terms and | |
| 12 | conditions of service of members and employees of the Peace Corps, | |
| 13 | including their remuneration; and | |
| 14 | (f) doing such other things, which, in the opinion of the Board, are | |
| 15 | necessary to ensure the efficient performance of the functions of the Peace | |
| 16 | Corps. | |
| 17 | PART III - STAFF AND MEMBERSHIP OF THE PEACE CORPS | |
| 18 | 11.-(1) There shall be for the Peace Corps a National Commandant | National Commandant of the Peace Corps |
| 19 | who shall be appointed by the President and Commander-in-Chief on the | |
| 20 | recommendation of the Minister- | |
| 21 | (a) Notwithstanding any provision in this Act, the position of the | |
| 22 | National Commandant shall be appointed from among the very Senior | |
| 23 | Officers cadre of the Peace Corp; and | |
| 24 | (b) The appointee must have occupied an office in Peace Corps not | |
| 25 | below the position of Assistant National Commandant and would have | |
| 26 | served in the Peace Corps meritoriously for not less than Ten (10) years. | |
| 27 | (2) The National Commandant shall hold office: | |
| 28 | (a) in the first instance for a term of 5 years and may be eligible for | |
| 29 | reappointment for another term of 5 years and no more; and | |

1 (b) on such terms and conditions as may be specified in his letter of
2 appointment.

3 (3) The National Commandant shall be the Chief Executive and
4 Accounting Officer of the Peace Corps.

5 (4) The National Commandant shall, in the performance of his
6 functions, be directly responsible to the President but shall regularly consult
7 with the Minister and the Board.

8 (5) The National Commandant shall be responsible for the execution
9 of the policies of the Peace Corps and its day-to-day administration.

10 (6) Subject to the provisions of this Act, the National Commandant
11 shall hold office on such terms and emolument as may be specified in his letter
12 of appointment, and as may be approved by the President.

Deputy National
Commandants,
National Corps
Secretary, Assistant
National
Commandants
and other
employees of
the Peace Corps

13 **12.-(1)** The National Commandant shall recommend for appointment
14 by the Board such number of Deputy National Commandants, National Corps
15 Secretary, Assistant National Commandants, Commandants and such officers
16 from Level 8 and above as it may deem necessary for the purposes of the
17 effective administration of the Peace Corps.

18 (2) The terms and conditions of service (including remuneration,
19 allowances, benefits and pensions) of regular members and employees of the
20 Peace Corps shall be determined by the Board using the same criteria as may be
21 applied to other similar Agencies with the approval of the Minister.

22 (3) The Volunteers of the Peace Corps shall, for any period they are on
23 duty for the Peace Corps, be paid such allowances and other benefits as may be
24 approved by the National Commandant in consultation with the Minister.

25 (4) The National Commandant, after due consultation with the
26 Minister, shall appoint for the Peace Corps such number of officers, other ranks
27 and employees below Level 8 as it may deem necessary for the purposes of
28 effective administration of the Peace Corps.

Membership
of the Peace
Corps

29 **13.-(1)** The Personnel of the Peace Corps shall consist of:

30 (a) regular members and volunteers; and

1 (b) officers and other ranks.

2 (2) Members of the Peace Corps shall be Nigerians within the age
3 of 18-35 years at the time of enlistment.

4 (3) Regular members and other staff shall be recruited by the Board
5 periodically to meet the personnel requirements of the Peace Corps, while
6 the recruitment of the volunteers shall be handled by the National
7 Commandant as the need arises.

8 **14.**-(1) The service in the Peace Corps shall be approved service for
9 the purposes of the Pension Reform Act and, regular members and
10 employees of the Peace Corps are entitled to pensions, gratuities and other
11 retirement benefits as prescribed under the Pension Reform Act.

Pensions
Act No. 4, 2014

12 (2) Notwithstanding the provisions of subsection (1) of this
13 section, nothing in this Act prevents the appointment of a person to any
14 office on such terms which preclude the grant of pension, gratuity or other
15 retirement benefits in respect of that office.

16 (3) For the purposes of the application of the provisions of the
17 Pension Reform Act, any power exercisable by the Minister or other
18 authority of the Federal Government, other than the power to make
19 regulations under section 40 of the Act is vested in, and shall be exercisable
20 by, the Peace Corps and not by any other person or authority.

21 (4) For the purpose of the application of the provisions of the
22 Pension Reform Act any power exercisable by the Secretary to the
23 Government of the Federation or other authority of the Government of the
24 Federation, other than the power to make regulations under section 40 of this
25 Act is vested in, and shall be exercisable by the Peace Corps and not by any
26 other persons or authority.

27 **PART IV - APPOINTMENT, PROMOTION, OFFENCES AND**

28 **DISCIPLINE OF STAFF**

29 **15.**-(1) The Senior Staff of the rank of Commandant and above
30 shall be appointed by the President upon nomination by the National

Appointment of
staff of the Peace
Corps

1 Commandant and on the recommendation of the Board.

2 (2) The appointment of State Commandants shall be by the Board on
3 the recommendation of the National Commandant.

4 (3) The post of the Deputy National Commandant shall be a terminal
5 post on which the holder shall retire from Peace Corps as may be determined by
6 the President.

7 (4) The National Commandant shall, in consultation with the Board,
8 establish such number of offices or units in the Headquarters and recruit
9 officers to discharge responsibilities.

10 (5) If for any reason, the National Commandant is unable to perform
11 his functions and there exists a vacancy in the office of the National
12 Commandant, the officer who is next in rank to the National Commandant is to
13 act for the period of his inability or vacancy, until a National Commandant is
14 appointed in accordance with the provisions of this Act, and the officer shall,
15 while so acting, have all the powers to perform the functions of the National
16 Commandant.

Condition of
service of other
staff of the Peace
Corps

17 **16.-(1)** The appointment of other staff of the Peace Corps shall be
18 governed by the general terms and conditions of service as the Board may, after
19 consultation with the Federal Civil Service Commission or related
20 organisations, determine.

21 (2) The Board may, subject to the provisions of this Act, make staff
22 regulations relating generally to the conditions of service of the staff of the
23 Peace Corps, and the regulations may provide for:

24 (a) the appointment, promotion, termination, dismissal and
25 disciplinary control of the staff of the Peace Corps; and

26 (b) appeal by such staff against wrongful dismissal or other
27 disciplinary measures, and until such regulations are made, any instrument
28 relating to the conditions of service of officers in the civil service of the
29 Federation or related organisations shall be applicable, with such
30 modifications as may be necessary to the staff of the Peace Corps.

1 (3) The staff of Peace Corps shall be Public Officers as defined in
2 the Constitution of the Federal Republic of the Nigeria.

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

7 17.-(1) The power of appointment, promotion and discipline of the
8 junior staff of the Peace Corps is vested in the National Commandant.

Discipline of
staff of the Peace
Corps

9 (2) The National Commandant may delegate his powers in respect
10 of discipline of junior staff to Deputy or Assistant National Commandant in
11 the Headquarters and State Command who shall discipline such staff in their
12 Departments and Commands respectively in accordance with existing
13 Peace Corps regulations.

14 (3) Appeal against all decisions concerning the discipline of such
15 staff shall be to the Senior Staff Disciplinary Committee.

16 (4) There is established the Senior Staff Disciplinary Committee
17 vested with the power to discipline the senior staff of the Peace Corps.

18 (5) The Senior Staff Disciplinary Committee shall consist of:

19 (a) a Deputy National Commandant and Assistant National
20 Commandant with the Deputy National Commandant serving as Chairman,
21 while in the absence of a Deputy National Commandant, the most Senior
22 Assistant National Commandant shall serve as Chairman;

23 (b) the Provost Marshal;

24 (c) the Head of Legal Matters; and

25 (d) National Corps Secretary.

26 (6) There is established the Junior Staff Disciplinary Committee
27 vested with the power to discipline the junior staff of the Peace Corps.

28 (7) In addition to functions specified in subsection (3) of this
29 section, the Senior Staff Disciplinary Committee shall consider and
30 determine appeals emanating from decisions of the Junior Staff Disciplinary

1 Committee of the Peace Corps and decisions on such appeals shall be final.

2 (8) Appeal against the decisions of the Senior Staff Disciplinary
3 Committee shall lie with the Board.

4 (9) The National Commandant shall, in relation to the staff of the
5 Peace Corps, ensure:

6 (a) probity and accountability;

7 (b) maintenance of a system of screening and vetting at the
8 recruitment stages which shall be a continuous exercise throughout the career
9 of personnel in the Peace Corps; and

10 (c) maintenance of a policy of continuous staff assessment.

11 (10) The National Commandant shall promulgate and distribute a
12 code of conduct to staff of the Peace Corps the breach of which shall attract the
13 appropriate penalty stipulated in the code.

14 (11) For the purpose of proper legal guidance and accountability, the
15 heads of the legal and audit unit shall report directly to the National
16 Commandant.

17 PART V - ADMINISTRATIVE STRUCTURES AND ZONAL COMMANDS

18 OF THE PEACE CORPS

Administrative
structures of the
Peace Corps

19 **18.**-(1) The Peace Corps Headquarters shall be in the Federal Capital
20 Territory, Abuja and headed by the National Commandant.

21 (2) There shall be established in the National Headquarters of the
22 Peace Corps the Departments of:

23 (a) Administration;

24 (b) Finance and Accounts;

25 (c) Peace Building and Conflict Resolution;

26 (d) Intelligence and General Duties;

27 (e) Training and Operations;

28 (f) Planning Research and Statistics; and

29 (g) Logistics and Supply.

30 (3) The Department shall be headed by an officer not below the rank

1 of a Deputy National Commandant.

2 (4) Each of these Departments shall be established at the various
3 Command structures of the Peace Corps as provided in subsection (2) and
4 shall be headed by an officer not below the rank of Assistant Commandant.

5 **19.**-(1) The Board shall:

6 (a) create such number of Zones as it deems fit for the effective
7 operations of the Peace Corps; and

Zones and Zonal
Commands of
the Peace Corps

8 (b) establish, in each zone, a Zonal Command, which shall be
9 headed by an officer not below the rank of Assistant National Commandant.

10 (2) The Zonal Command shall, subject to the direction and overall
11 command of the Peace Corps, be responsible for coordinating the activities
12 of the Peace Corps in the zone.

13 **20.**-(1) The Peace Corps shall have a State Command in each State
14 of the Federation and the Federal Capital Territory, Abuja.

State Command

15 (2) The State Command shall, subject to the directive and overall
16 command of the Peace Corps Headquarters and Zonal Command, be
17 responsible for carrying out the functions of the Peace Corps in the State and
18 the Federal Capital Territory, Abuja.

19 **21.**-(1) The Peace Corps shall have a Command in each Local
20 Government Area of the Federation and Area Council of the Federal Capital
21 Territory, Abuja.

Local Government
Command

22 (2) The Local Government and Area Council Commands shall,
23 subject to the directive and overall command of the Peace Corps and State
24 Command, be responsible for carrying out the functions of the Peace Corps
25 in each of the Local Government Areas or Area Councils of the Federal
26 Capital Territory, Abuja.

27 **22.**-(1) The Peace Corps shall establish a Squadron Command in
28 each educational institution in the Federation, which shall be headed by a
29 Squadron Commander.

Squadron
Command

30 (2) The Squadron Command shall, subject to the direction and

| | | |
|--|----|---|
| | 1 | overall Command of the Peace Corps, State Command, be responsible for |
| | 2 | carrying out the functions of the Peace Corps in the educational institutions. |
| | 3 | PART VI - FINANCIAL PROVISIONS |
| Funds of the Peace Corps | 4 | 23. The Peace Corps shall establish and maintain a fund into which |
| | 5 | shall be paid: |
| | 6 | (a) all subventions and budgetary allocations from the Federal |
| | 7 | Government; |
| | 8 | (b) all sums accruing to the Peace Corps from donations made by |
| | 9 | local or international donor agencies; |
| | 10 | (c) statutory allocations from the Federal Government; |
| | 11 | (d) gifts from the three tiers of government, ministries or agencies and |
| | 12 | private corporations; |
| | 13 | (e) loans, grants and aid; and |
| | 14 | (f) bequests. |
| Expenditure of the Peace Corps | 15 | 24. The Peace Corps may apply the proceeds of the Fund established |
| | 16 | under section 23 of this Act: |
| | 17 | (a) to the cost of administration of the Peace Corps; and |
| | 18 | (b) to the payment of salaries, fees or other remuneration or |
| | 19 | allowances, gratuities payable to the officers and other employees of the Peace |
| | 20 | Corps, and no payment of any kind under this paragraph (except such as may be |
| | 21 | expressly authorised), shall be made to any person who is in receipt of |
| | 22 | emoluments from the Government; |
| | 23 | (c) for the maintenance of any property vested in the Peace Corps; and |
| | 24 | (d) for and in connection with all or any of its functions under this Act. |
| Annual estimates, accounts and audit | 25 | 25. -(1) The Peace Corps shall, not later than 30th September in each |
| | 26 | year, submit to the Minister an estimate of its expenditure and income |
| | 27 | (including payments to the Peace Corps Fund) during the next succeeding year, |
| | 28 | after approval by the Board. |
| | 29 | (2) The Peace Corps shall keep proper records in relation to those |
| | 30 | accounts and shall cause its accounts to be audited within six months after the |

1 end of each year by auditors appointed from the list, and in accordance with
2 the guidelines, supplied by the Auditor-General for the Federation.

3 **26.** The Peace Corps shall prepare and submit to the Federal Annual report
4 Executive Council, through the Minister after approval by the Governing
5 Board, not later than six months after the end of each year, a report in such
6 form as the Minister may direct on the activities of the Peace Corps during
7 the immediate preceding year, and shall include in such report a copy of the
8 audited accounts of the Peace Corps for that year and the auditor's report on
9 the accounts.

10 **27.**-(1) The Peace Corps may accept gifts of land, money or other Powers to accept
11 property on such terms and conditions, if any, as may be specified by the donations
12 person or organisation making the donations.

13 (2) The Peace Corps shall not accept any gift if the conditions
14 attached by the person or organisation offering the gift are inconsistent with
15 the functions or objectives of the Peace Corps.

16 **28.**-(1) The Peace Corps may borrow, by overdraft or otherwise, Power to borrow
17 such sums as it may require for the performance of its functions under this
18 Act.

19 (2) The Peace Corps shall not, without the approval of the Board,
20 borrow money which exceeds, at any time, the amount set by the Board.

21 **29.** The Peace Corps may, subject to the provisions of this Act and Investment
22 the conditions of any trust created in respect of any property, invest all or any Cap. T22 LFN,
23 of its funds in any security prescribed by the Trustee Investments Act, in 2004
24 such other securities as may be approved by the Minister.

25 **30.** The Board shall provide and maintain a library at the Provision of
26 Headquarters and State Commands of the Peace Corps comprising such library facilities
27 books and publications as may be provided for the advancement of the
28 knowledge and skills of members of the Peace Corps, for research purposes,
29 and for other purposes connected with the objects and functions of the Peace
30 Corps.

| | | |
|---|----|---|
| Exemption from tax | 1 | 31. -(1) The Peace Corps is exempted from payment of any income tax |
| | 2 | on any income accruing from investments made by the Board for the Peace |
| | 3 | Corps. |
| Limitation of suits against the Peace Corps | 4 | (2) The provisions of any enactment relating to the taxation of |
| | 5 | company or trust funds does not apply to the Peace Corps or the Board. |
| | 6 | PART VII - LEGAL PROCEEDINGS |
| Cap, P41 LFN, 2004 | 7 | 32. -(1) Subject to the provisions of this Act, the provisions of the |
| | 8 | Public Officers Protection Act shall apply in relation to any suit instituted |
| | 9 | against any officer or employee of the Peace Corps |
| Service of documents | 10 | (2) Notwithstanding anything contained in any other enactment, no |
| | 11 | suit against any member of the Board or the National Commandant or any other |
| | 12 | officer or employee of the Peace Corps, for any act done in pursuance or |
| | 13 | execution or in respect of any alleged enactment or law, or of any public duty or |
| | 14 | authority or in respect of any alleged neglect or default in the execution of this |
| | 15 | Act or any other enactment or law, duty or authority, shall lie or be instituted in |
| | 16 | any court unless it is commenced: |
| | 17 | (a) within three months after the act, neglect or default complained of; |
| | 18 | (b) in the case of a continuation of damage or injury, within six |
| | 19 | months after the ceasing of the damage or injury. |
| | 20 | (3) No suit shall be commenced against a member of the Board or the |
| | 21 | National Commandant or any other officer or employee of the Peace Corps |
| | 22 | before the expiration of one month after a written notice of intention to |
| | 23 | commence the suit shall have been served on Peace Corps by the intending |
| | 24 | plaintiff or his agent. |
| | 25 | (4) The notice referred to in subsection (3) shall clearly state: |
| | 26 | (a) the cause of action; |
| | 27 | (b) the particulars of claim; |
| | 28 | (c) the name and place of abode of the intending plaintiff; and |
| | 29 | (d) the relief, which the plaintiff claims. |
| | 30 | 33. A notice, summons or other document required or authorised to |

1 be served on the Peace Corps under the provisions of this Act or any other
2 enactment or law may be served by delivering it to the National
3 Commandant or by sending it by registered post and addressed to the
4 National Commandant at the Headquarters of the Peace Corps

5 **34.**-(1) In any action or suit against the Peace Corps, no execution
6 or attachment of process in that nature shall be issued against the Peace
7 Corps unless a notice of at least three months, of the intention to execute or
8 attach has been given to the Peace Corps.

Restriction on
execution against
property of the
Peace Corps

9 (2) Any sum of money, which may, by the judgment of any court,
10 be awarded against the Peace Corps shall, subject to any direction given by
11 the court where the notice of, appeal against the judgment has been given, be
12 paid from the Fund of the Peace Corps.

13 **35.** A member of the Board or the National Commandant or any
14 officer or employee of the Peace Corps shall be indemnified out of the assets
15 of the Peace Corps against any liability incurred by him in defending any
16 proceeding, whether civil or criminal, if the proceeding is brought against
17 him in his capacity as a member, National Commandant, officer or other
18 employee of the Peace Corps.

Indemnity of
officers

19 **36.**-(1) A member of the Board, the National Commandant or any
20 other officer or the employee of the Peace Corps shall:

Secrecy

21 (a) not, for his personal gain, make use of any information, which
22 has come to his knowledge in the exercise of his powers or is obtained by
23 him in the ordinary course of his duty as a member of the Board, the National
24 Commandant or officer or employee of the Peace Corps;

25 (b) treat as confidential any information which has come to his
26 knowledge in the exercise of his powers or is obtained by him in the
27 discharge of his duties under this Act; and

28 (c) not disclose any information referred to under paragraph (b) of
29 this subsection except when required to do so by any court or in such other
30 circumstances as may be prescribed by the Board.

| | | |
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| | 1 | (2) A person who contravenes the provisions of section 36 (1) (a) |
| | 2 | commits an offence and is liable on conviction to a fine of at least N100,000 or |
| | 3 | imprisonment for a term not exceeding two years. |
| Power to obtain information | 4 | 37. -(1) For the purpose of performing the functions conferred on the |
| | 5 | Peace Corps under this Act, the National Commandant or any other officer or |
| | 6 | employee of the Peace Corps authorised in that behalf: |
| | 7 | (a) shall have a right of access to all the records of any person or |
| | 8 | authority affected by this Act for the specific purpose of discharging his duties |
| | 9 | under this Act; and |
| | 10 | (b) may, by notice in writing served on any person or premises require |
| | 11 | that person or authority to furnish information on such matters as may be |
| | 12 | specified by the notice. |
| | 13 | (2) The person or authority served with the notice under section 33 |
| | 14 | shall furnish information as required under section 37 (1) (a) and comply with |
| | 15 | the notice within a reasonable time. |
| | 16 | PART VIII - DISSOLUTION OF THE EXISTING PEACE CORPS OF |
| | 17 | NIGERIA AND SAVINGS |
| Dissolution of the existing Peace Corps of Nigeria | 18 | 38. -(1) The Peace Corps of Nigeria (in this section referred to as the |
| | 19 | "Peace Corps") existing before the commencement of this Act is dissolved. |
| | 20 | (2) There shall be vested in the Peace Corps, immediately at the |
| | 21 | commencement of this Act, all assets, funds, resources and other movable or |
| | 22 | immovable property which immediately before the commencement of this Act, |
| | 23 | were vested in the dissolved Peace Corps. |
| | 24 | (3) As from the commencement of this Act: |
| | 25 | (a) all rights, interest, obligations and liabilities of the dissolved Peace |
| | 26 | Corps existing immediately before the commencement of this Act under any |
| | 27 | contract or instrument, at law or in equity, shall by virtue of this Act, be |
| | 28 | assigned to and vested in the Peace Corps; |
| | 29 | (b) any contract or instrument as mentioned in paragraph (c) of this |
| | 30 | subsection shall have the same force and effect against or in favour of the Peace |

1 Corps and shall be enforceable as fully and effectively as if, the Peace Corps
2 had been a party to the contract; and

3 (c) the Peace Corps shall be subject to all obligations and liabilities
4 to which the dissolved Peace Corps was subject to immediately before the
5 commencement of this Act, and all other persons shall, as from the
6 commencement of this Act, have the same rights, powers and remedies
7 against the Peace Corps as they had against the dissolved Peace Corps
8 immediately before the commencement of this Act.

9 (4) Any action pending or existing immediately before the
10 commencement of this Act by or against the dissolved Peace Corps in
11 respect of any right, interest, obligation or liability of the dissolved Peace
12 Corps, an action may be commenced, continued or enforced by or against
13 the Peace Corps.

14 (5) Notwithstanding the provision of this Act, but subject to such
15 directions as may be issued by Peace Corps, a person who, immediately
16 before the commencement of this Act, was either regular member volunteer
17 or a volunteer of or held office in the dissolved Peace Corps shall be deemed
18 to have been transferred to the Peace Corps on such terms and conditions not
19 less favourable than those obtained immediately before commencement of
20 this Act.

21 (6) The service in the dissolved Peace Corps shall be deemed to be
22 service in the Peace Corps for purpose of pension.

23 (7) Notwithstanding the provision of this Act or any other existing
24 law in force, apart from all officers regular and volunteer members of the
25 dissolved Peace Corps, any individual, Group, Association or body that may
26 be absorbed as a member of the Peace Corps either by transfer, enlistment or
27 by whatsoever legal means shall not, as at the time of commencement of this
28 Act be less than 18 years of age and not above the age of 45 years.

29 (8) Individuals, Groups, Associations or bodies that have shown or
30 demonstrated interest to be absorbed as members of the Nigeria Peace Corps

1 shall be absorbed subject to the mandatory initial training four weeks and
2 orientation programme of the Peace Corps as prescribed from time to time
3 upon the commencement of this Act.

4 (9) Notwithstanding the provision of subsection (8) the Basic training
5 and orientation programme of the Peace Corps may be subject to periodic
6 review after the commencement of this Act as the Board may deem fit.

7 (10) Notwithstanding any provision in this Act, an individual who has
8 served in any capacity in the public service at any level (Federal, State, Local
9 Government or Area Councils) and is entitled to gratuity and pension benefit is
10 not eligible for consideration as a staff of the Peace Corps.

11 PART IX - MISCELLANEOUS

Directives by
the Minister

12 **39.**-(1) The Minister may give to the Peace Corps, the Board or
13 National Commandant such directives:

14 (a) of a general nature or relating generally to matters of policy with
15 regards to the exercise of its functions; and

16 (b) with respect to the maintenance and securing of public safety and
17 order, as he may consider necessary and the Peace Corps, the Board or the
18 National Commandant shall comply with the directives or cause them to be
19 complied with.

20 (2) Subject to the provisions of subsection (1) of this section, a
21 Governor of a State may give to a State Commandant such directives with
22 respect to the maintenance and securing of public safety and order in the State
23 as he may consider necessary and the State Commandant shall comply with the
24 directives or cause them to be complied with.

Regulations

25 **40.** The Peace Corps or the Board may, with the approval of the
26 Minister, make such regulations as in its opinion are necessary or expedient for
27 giving full effects to the provisions of this Act and the regulations shall be laid
28 before the National Assembly and published in the Federal Government
29 Gazette.

Interpretation

41. In this Act:

" Board" means the Governing Board of the Nigerian Peace Corps established under section 3 of this Act;

"Minister" means the Minister charged with responsibility for matters relating to Youth Development;

"Peace Corps" means the Nigerian Peace Corps established under section 1 of this Act;

"Peace Corps Volunteers" means accreted youth within the age range of 18-29 years not on full remuneration but are on monthly stipend to be determined by the Governing Board and are to serve as reservoirs for the Corps and other security agencies;

"President" means the President of the Federal Republic of Nigeria;

"regular staff officers" means main core staff of the Peace Corps on full remuneration; and

15 42. This Bill may be cited as the Nigerian Peace Corps Citation
16 (Establishment) Bill, 2019.

17 SCHEDULE

18 Section 6 (3)

19 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

20 *Proceedings*

21 1.-(1) The Board shall, for the purpose of this Act meet at least four
22 times in each year.

(2) The Board shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by a notice given to him by at least five other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

(3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt the person to the Board for such period as it deems fit but a person who is a member by virtue of this subparagraph is not entitled to vote at any meeting of the Board and is not

1 counted towards a quorum.

2 *Committees*

3 2.-(1) The Board may set up one or more Committees to carry out, on
4 behalf of the Board, its functions under this Act as the Board may deem fit.

5 (2) A Committee set up under this paragraph shall consist of such
6 number of persons (not necessarily members of the Board as may be
7 determined by the Board) and a person other than a member of the Board shall
8 hold office in the Committee in accordance with the terms of his appointment.

9 (3) A decision of the Committee of the Board shall be of no effect until
10 it is confirmed by the Board.

11 *Seal*

12 3.-(1) The fixing of the Seal of the Peace Corps shall be authenticated
13 by the signature of the Chairman or any other person authorised generally or
14 specifically to act for that purpose by the Board and the National Commandant.

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Peace Corps to develop empower and provide gainful employment for the youth, facilitate peace, volunteerism, community services, neighbourhood watch and nation-building.

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIA MARITIME UNIVERSITY,
OKERENKOKO, DELTA STATE AND FOR RELATED MATTERS, 2019

Sponsored by Senator Manager, James Ebiowou

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF
2 NIGERIA MARITIME UNIVERSITY, OKERENKOKO

3 1.-(1) There is hereby established the Nigeria Maritime University,
4 Okerenkoko.

Establishment
of the Nigeria
Maritime
University,
Okerenkoko

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

7 (3) (a) The University shall be supervised by the Federal Ministry
8 of Education;

9 (b) The Federal Ministry of Education through the National
10 Universities Commission (NUC) shall be responsible for approving and
11 regulating all academic programmes run in the University, to ensure quality
12 compliance for academic and research programmes.

13 (4) Sources of Funding for the University in addition to other
14 sources of funding:

15 (i) 5% sums in the Cabotage Finance Fund

16 (5) The objectives 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, the
19 opportunity of acquiring higher education in maritime technology;

20 (b) to develop and offer academic and professional programmes
21 leading to the award of diplomas, first degrees, post-graduate research and

1 higher degrees with emphasis on planning, adaptive, technical, maintenance,
2 developmental and productive skills in the engineering, scientific, and allied
3 professional disciplines relating to Maritime resources with the aim of
4 producing socially mature men and women with capability not only to
5 understand, use and adapt existing technologies in the maritime industry, but
6 also to improve on them and develop new ones;

7 (c) to act as agents and catalysts, through post-graduate training,
8 research and innovation for the effective and economic utilization, exploitation
9 and conservation of the country's maritime resources;

10 (d) to offer to the general population particularly the maritime
11 industry, as a form of public service, the results of training and research and to
12 foster the practical applications of these results;

13 (e) to establish appropriate relationships with other national
14 institutions involved in training, research and development of technologies in
15 the maritime sector;

16 (f) to identify the technological problems and needs of the maritime
17 industry and to find solutions to them within the context of overall national
18 development;

19 (g) to provide and promote sound basic scientific training as a
20 foundation for the development of maritime technology and applied sciences,
21 taking into account indigenous cultures and the need to enhance national unity;
22 and

23 (h) to undertake any other activities appropriate for a maritime
24 university of the highest standard.

Constitution
and Principal
Officers of the
University

25 **2.-(1)** The University shall consist of-

26 (a) a Chancellor;

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

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

29 (d) a body to be called Congregation;

30 (e) a body to be called Convocation;

- 1 (f) the campuses and colleges of the University;
- 2 (g) the colleges, institutes and other teaching and research units of
- 3 the University;
- 4 (h) the persons holding the offices constituted by the First Schedule
- 5 to this bill other than those mentioned in paragraphs (a) to (c) of this
- 6 subsection;
- 7 (i) all graduates and undergraduates of the University; and all other
- 8 persons who are members of the university in accordance with provisions
- 9 made by statute in that behalf.
- 10 (2) The First Schedule to this Bill shall have effect with respect to
- 11 the principal officers of the University.
- 12 (3) Subject to section 5 of this Bill provision shall be made by
- 13 statute with respect to the constitution of the Council, the Senate,
- 14 Congregation and Convocation.
- 15 3.-(1) For the carrying out of its objects as specified in section 1
- 16 of this Bill, the University shall have power:
- 17 (a) to establish such campuses, institutes, schools, extra-mural
- 18 departments and other teaching and research units within the University as
- 19 may from time to time be deemed necessary or desirable subject to the
- 20 approval of the National Universities Commission;
- 21 (b) to institute professorships, readerships or associate
- 22 professorships, lectureships, and other posts and offices and to make
- 23 appointments thereto;
- 24 (c) to institute and award fellowships, scholarships, exhibitions,
- 25 bursaries, medals, prizes and other titles, distinctions, awards and forms of
- 26 assistance;
- 27 (d) to provide for the discipline and welfare of members of the
- 28 University;
- 29 (e) to hold examinations and grant degrees, diplomas, certificates
- 30 and other distinctions to persons who have pursued a course of study

Powers of the
University and
its exercise

1 approved by the University and have satisfied such other requirements as the
2 University may lay down;

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

4 (g) to demand and receive from any student or any other person
5 attending the University for the purpose of instruction, such fees as the
6 University may from time to time determine subject to the overall directives of
7 the Council;

8 (h) subject to section 19 of this Bill, to acquire, hold, grant, charge or
9 otherwise deal with or dispose of movable and immovable property wherever
10 situate;

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

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

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

20 (l) to hold public lectures and to undertake printing, publishing and
21 book selling;

22 (m) to engage students in distance learning programs while they are
23 at sea or in areas of maritime business;

24 (n) subject to any limitations or conditions imposed by statute, to
25 invest any moneys appertaining to the University by way of endowment it, not
26 being immediately required for current expenditure, not being immediately
27 required for current expenditure, in any investments or securities or in the
28 purchase or improvement of land, with power from time to time, to vary any
29 such investments to deposit any moneys for the time being not invested with
30 any bank on deposit or current account;

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

6 (p) to engage income generating ventures as appropriate;

7 (q) to collaborate, co-operate, partner or associate with any other
 8 University, authority, Government, organization or institution of higher
 9 learning both in Nigeria and abroad;

10 (r) to invest outside of Nigeria which includes building replica
 11 institutions;

12 (s) the University may grant scholarships to both local and foreign
 13 students as may be deemed necessary;

14 (t) to adopt foreign maritime administration requirements for the
 15 purpose of raising standards of training above the minimum IMO
 16 requirements;

17 (u) to make gifts for any charitable purpose;

18 (v) to do anything which it is authorized or required by this Bill or
 19 by statute to do; and

20 (w) to do all such acts or things, whether or not incidental to the
 21 foregoing powers, as may advance the objects of the University.

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

27 (3) The power of the University to establish further campuses and
 28 colleges within the University shall be exercisable by statute and not
 29 otherwise.

| | | |
|---|----|---|
| Sources of funding for the University in addition to other sources of funding | 1 | 4.-(i) 1% of the total annual revenue of Nigerian Petroleum |
| | 2 | Development Company (NPDC) Ltd; |
| | 3 | (ii) 1% of the total annual revenue of Nigerian Content Monitoring |
| | 4 | Board (NCMB); |
| | 5 | (iii) the Tertiary Education Trust Fund (TETFUND); |
| | 6 | (iv) 5% of total NIMASA Revenue; |
| | 7 | (v) Petroleum Technology Development Fund (PTDF) should extend |
| | 8 | its statutory duties to the Nigeria Maritime University. |
| Functions of the Chancellor and the Pro-Chancellor | 9 | 5.-(1) The Chancellor shall, in relation to the University, take |
| | 10 | precedence Chancellor and the Pro- before all other members of the University, |
| | 11 | and when he is present, shall Chancellor preside at all meetings of Convocation |
| | 12 | held for conferring degrees. |
| | 13 | (2) The Pro-Chancellor Shall, in relation to the University, take |
| | 14 | precedence before all other members of the University, except the Chancellor |
| Composition of the Council | 15 | and except the Vice-Chancellor when acting as chairman of Congregation or |
| | 16 | Convocation and the Pro-Chancellor shall, when he is present, be the chairman |
| | 17 | at all meetings of the Council. |
| | 18 | 6. The Council of the University shall consist of - |
| | 19 | (a) the Pro-Chancellor; |
| | 20 | (b) the Vice-Chancellor; |
| | 21 | (c) two Deputy Vice-Chancellors; |
| | 22 | (d) one person from the Ministry responsible for education; |
| | 23 | (e) four persons representing a variety of interests with requisite |
| | 24 | knowledge and experience in maritime sector, and broadly, representatives of |
| | 25 | the whole Federation to be appointed by the President; |
| | 26 | (f) four persons appointed by the Senate from among its members; |
| | 27 | (g) two persons appointed by Congregation from among its members; |
| | 28 | (h) one person appointed by convocation from among its members. |
| | 29 | (i) Minister responsible for transportation or his representative; |
| | 30 | (j) Director-General of NIMASA or his representative. |

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

5 (3) The powers of the Council shall be exercised, as in this Bill and
 6 to that extent establishment circulars that are inconsistent with this Bill shall
 7 not apply to the University.

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

11 (5) The Council in the discharge of its functions shall ensure that
 12 disbursement of funds of the University complies with the approved
 13 budgetary ratio for:

- 14 (a) personnel cost;
- 15 (b) overhead cost;
- 16 (c) research and development;
- 17 (d) library developments, and
- 18 (e) the balance in expenditure between academic vis-à-vis non-
 19 academic activities.

20 7.-(1) Subject to the provisions of this Bill relating to the Visitor,
 21 the Council shall be the governing body of the University and shall be
 22 charged with the general control and superintendence of the policy, finances
 23 and property of the University.

Functions of the
 Council and its
 Finance and
 General Purpose
 Committee

24 (2) There shall be a committee of the Council, to be known as the
 25 Finance and General Purposes Committee, which shall, subject to the
 26 directions of the Council, exercise control over the property and expenditure
 27 of the University and perform such other functions of the Council as the
 28 Council may from time to time delegate to it.

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

1 (4) The Council shall ensure that proper accounts of the University
2 are kept and that the accounts of the University are audited annually by an
3 independent firm of auditors approved by the Council and that an annual report
4 is published by the University together with certified copies of the said
5 accounts as audited.

6 (5) Subject to this Bill and the statutes, the Council and the Finance
7 and General Purposes Committee may each make rules for the purpose of
8 exercising any of their respective functions or of regulating their own
9 procedure.

10 (6) Rules made under subsection (5) of this section by the Finance and
11 General Purposes Committee shall not come into force unless approved by the
12 Council; and in so far and to the extent that any rules so made by that
13 Committee conflict with any direction given by the Council whether before or
14 after the coming into force of the rules in question, the directions of the Council
15 shall prevail.

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

20 (8) The Council shall meet for the performance of its functions under
21 this Bill and shall meet at least three times a year.

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

25 (10) Any request made under subsection (9) of this section shall
26 specify the business to be considered at the meeting and no business not so
27 specified shall be transacted at that meeting.

Functions of
the Senate

28 8.-(1) Subject to section 6 of this Bill and subsections (3) and (4) of
29 this section and the provisions of this Bill relating to the Visitor, it shall be the
30 general function of the Senate to organise and control the teaching by the

1 University, the admission of student where no other enactment provides to
2 the contrary and the discipline of students; and to promote research at the
3 University.

4 (2) Without prejudice to the generality of subsection (1) of this
5 section and subject as there mentioned, it shall in particular be the function
6 of the Senate to make provision for-

7 (a) the establishment, organization and control of campuses,
8 colleges, schools, institutes and other teaching and research units of the
9 University and the allocation of responsibility for different branches of
10 learning;

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

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

16 (d) the making of recommendations to the Council with respect to
17 the award to any person of an honorary fellowship or honorary degree or the
18 title of professor emeritus;

19 (e) the establishment, organization and control of halls or residence
20 and similar institutions at the University;

21 (f) the supervision of the welfare of students at the university and
22 the regulation of their conduct;

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

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

27 (3) The Senate shall not establish any new campus, college, school,
28 department, institute or other teaching and research units of the university,
29 or any hall of residence or similar institution at the University without the
30 approval of the Council.

1 (4) Subject to this Bill and the statutes, the Senate may make
2 regulations for the purpose of exercising any function conferred on it either by
3 the foregoing provisions of this section of otherwise or for the purpose of
4 making provision for any matter for which provision by regulations is
5 authorized or required by this Bill or by statute.

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

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

Functions of
the Vice Chancellor

18 9.-(1) The Vice-Chancellor shall, in relation to the University, take
19 precedence before all other members of the University except the Chancellor
20 and subject to section 4 of this Bill except the Pro-Chancellor and any other
21 person for the time being acting as chairman of the Council.

22 (2) Subject to sections 6, 7 and 14 of this Bill, the Vice-Chancellor
23 shall have the general function, in addition to any other functions conferred on
24 him by this Bill or otherwise of directing the activities of the University and
25 shall be the chief executive and accounting officer of the University and ex-
26 officio chairman of the Senate.

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

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

4 PART II - TRANSFER OF PROPERTY, ETC, TO THE UNIVERSITY

5 10. -(1) All property held by or on behalf of the provisional council
6 of the University shall by virtue of this sub-section and without further
7 assurance, vest in the University and be held by it for the purpose of the
8 University.

Transfer of
Property

9 (2) The provisions of the Second Schedule to this Bill shall have
10 effect with respect to, and to matters arising from, the transfer of property by
11 this section and with respect to the other matters mentioned in that Schedule.
12 Conditions of Service of the Employees.

Second Schedule

13 (3) The Condition of Service of Employees in the University shall
14 be in line with what is obtainable in the maritime industry to enable the
15 University attract best brains for training and research.

16 PART III - STATUTES OF THE UNIVERSITY

17 11.-(1) Subject to this Bill, the University may make statutes for any
18 of the following purposes, that to say:

Power of the
University to make
Statutes

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

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

24 (c) regulating the admission of students (where no other enactment
25 provides to the contrary), and their discipline and welfare;

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

29 (e) making provision for any other matter for which provision by
30 statute is authorized or required by this Bill.

| | | |
|--|----|---|
| | 1 | (2) Subject to section 2 (6) of this Bill, the Interpretation Act shall |
| | 2 | apply in relation to any statute made under this section as it applies to a |
| | 3 | subsidiary instrument within the meaning of section 29 (1) of that Act. |
| Third Schedule | 4 | (3) The Statute contained in the Third Schedule to this Bill shall be |
| | 5 | deemed to have come into force on the commencement of this Bill and shall be |
| | 6 | deemed to have been made under this section by the University. |
| | 7 | (4) The power to make statutes conferred by this section shall not be |
| | 8 | prejudiced or limited in any way by reason of the inclusion or omission of any |
| | 9 | matter in or from the statute contained in the Third Schedule to this Bill or any |
| | 10 | subsequent statute. |
| Mode of exercising powers to make statutes | 11 | 12. -(1) The power of the University to make statutes shall be |
| | 12 | exercised in accordance with the provisions of this section and not otherwise. |
| | 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 thirds |
| | 16 | of the members present and voting; and |
| | 17 | (b) at a meeting of the Council, by the votes of not less than two thirds |
| | 18 | 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 by |
| | 21 | either of the body. |
| | 22 | (4) A statute which- |
| | 23 | (a) makes provision for or alters the composition or constitution of the |
| | 24 | 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 | President. |
| | 29 | (5) For the purpose of section 2 (2) of the Interpretation act, a statute |
| | 30 | shall be treated as being made on the date on which it is duly approved by the |

1 Council after having been duly approved by the Senate, or on the date on
2 which it is duly approved by the Senate after having been duly approved by
3 the Council, as the case may be or, in the case of a statute falling within
4 subsection (4)'of this section, on the date on which it is approved by the
5 President.

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

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

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

12 (7) The decision of the Visitor on any matter referred to him under
13 subsection (6) of this section shall be binding upon the authorities, staff and
14 students of the University and where any question as to the meaning of any
15 provision of a statute has been decided by the Visitor under that sub-section,
16 no question as to the meaning of that provision shall be entertained except
17 court of competent Jurisdiction in Nigeria.

18 (8) Nothing in subsection (7) of this section shall affect any power
19 of a court of competent jurisdiction to determine whether any provision of a
20 statute is wholly or partly void as being ultra vires or as being inconsistent
21 with the provision of Constitution of the Federal Republic of Nigeria, 1999
22 as amended.

23 13. A statute may be proved in any court by the production of a
24 copy thereof bearing or having affixed to it a certificate purporting to be
25 signed by the Vice-chancellor or the secretary to the Council to the effect
26 that the copy is a true copy of a statute of the University.

Proof of Statutes

27 PART IV - SUPERVISION AND DISCIPLINE

28 14. -(1) The President shall be the Visitor of the University.

The Visitor

29 (2) The Visitor shall as often as the circumstances may require, not
30 being less than once every five years, conduct a visitation of the University

1 or direct (that such a visitation be conducted by such person or persons as the
2 Visitor may deem fit and in respect of any of the affairs of the University.

3 (3) It shall be the duty of the bodies and persons comprising the
4 University to make available to the Visitor and to any other person conducting a
5 visitation in pursuance of this section, such facilities and assistance as he or
6 they may reasonably require for the purposes of a visitation.

7 (4) The Visitor shall make the report of such visitations and white
8 paper thereon available to the Council which shall implement same.

Removal of certain
members of
Council

9 **15.**-(1) If it appears to the Council that a member of the Council (other
10 than the Pro-Chancellor or the Vice-chancellor) should be removed from office
11 on the ground of misconduct or inability to perform the functions of his office
12 or employment, the Council shall make a recommendation to that effect
13 through the Minister to the President, and the President, after making such
14 enquiries (if any) as he may consider appropriate approves the
15 recommendation, he may direct the removal of the person in question from
16 office.

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

Removal and
discipline of
academic,
administrative
and professional
staff

21 **16.**-(1) If it appears to the Council that there are reasons for believing
22 that any person employed as a member of the academic, administrative or
23 professional staff of the University, other than the Vice-chancellor, should be
24 removed from his office or employment on the ground of misconduct or of
25 inability to perform the functions of his office or employment, the Council
26 shall-

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

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

30 (c) for the person in question to be afforded an opportunity of

1 appearing before and being heard by the investigating committee with
 2 respect to the matter, and if the Council, after considering the report of the
 3 investigating committee, is satisfied that the person in question should be
 4 removed as aforesaid, the Council may so remove him by an instrument in
 5 writing signed on the directions of the Council.

6 (2) The Vice-chancellor may, in a case of misconduct by a member
 7 of the staff which in the opinion of the Vice-chancellor is prejudicial to the
 8 interest of the university, suspend such member and any such suspension
 9 shall forthwith be reported to the Council.

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

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

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

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

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

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

28 (4) Any person suspended pursuant to subsection (2) or (3) of this
 29 section shall be on half pay and the Council shall before the expiration of a
 30 period of three months after the date of such suspension consider the case

1 against that person and come to a decision as-

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

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

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

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

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

17 (6) It shall be the duty of the person by whom an instrument of
18 removal is signed in pursuance of subsection (1) of this section to use his best
19 endeavours to cause a copy of the instrument to be served as soon as reasonably
20 practicable on the person to whom it relates.

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

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

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

Removal of
examiners

26 **17.-(1)** If on the recommendation of the Senate it appears to the Vice-
27 Chancellor that a person appointed as an examiner for any examination of the
28 University ought to be removed from his office or appointment, then except in
29 such cases as may be prescribed, the Vice-chancellor may after affording the
30 examiner an opportunity of making representations in person remove the

1 examiner from the appointment by an instrument in writing signed by the
2 Vice-chancellor.

3 (2) Subject to the provisions of regulations made in pursuant to
4 section 7 (5) of this Bill. The Vice-Chancellor may on recommendation of
5 the Senate, appoint an appropriate person as examiner in the place of the
6 examine removed in pursuance of subsection (1) of this section.

7 (3) It shall be the duty of the Vice-Chancellor on signing an
8 instrument of removal pursuant to this section, to use his best endeavours to
9 cause a copy of the instrument to be served as soon as reasonably practicable
10 on the person to whom it relates.

11 **18.-(1)** Subject to the provisions of this section, where it appears to
12 the Vice-chancellor that any student of the University has been guilty of
13 misconduct, the Vice-chancellor may, without prejudice to any other
14 disciplinary powers conferred on him by statute or regulations, direct:

Discipline of
Students

15 (a) that the student shall not, during such period as may be specified
16 in the directions, participate in such activities of the University, or make use
17 of such facilities of the University, as may be so specified;

18 (b) that the activities of the student shall, during such period as may
19 be specified in the direction, be restricted in such manner as may be so
20 specified;

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

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

24 (2) Where a direction is given under subsection (1) (c) or (d) of this
25 section in respect of any student, that student may, within the prescribed
26 period and in the prescribed manner, appeal to the Council; and where such
27 an appeal is brought, the Council shall, after causing such inquiry to be made
28 in the matter as the Council considers just either confirm or set aside the
29 direction or modify it in such manner as the Council deems fit.

30 (3) The fact that an appeal from a direction is brought in pursuance

1 of subsection (2) of this section shall not affect the operation of the direction
2 while the appeal is pending.

3 (4) The Vice-chancellor may delegate his powers under this section to
4 a disciplinary board consisting of such members of the University as he may
5 nominate.

6 (5) Nothing in this section shall be construed as preventing the
7 restriction or termination of a student's activities at the University otherwise
8 than on the ground of misconduct.

9 (6) A direction under subsection (1) (a) of this section may be
10 combined with a direction under subsection (1)(b) of this section.

11 PART V - MISCELLANEOUS AND GENERAL

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

12 **19.-(1)** No person shall be required to satisfy requirements as to any of
13 the following matters. that is to say, race (including ethnic grouping), sex, place
14 of birth or of family origin, or religious or political persuasion, as a condition of
15 becoming or continuing to be a student at the university, the holder of any
16 degree of the University or of any appointment or employment at the
17 University, or a member of anybody established by virtue of this Bill; and no
18 person shall be subject to any disadvantage or accorded any advantage relating
19 to the University, by reference to any of those matters.

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

Restriction on
disposal of Land
by University

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

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

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

7 **22.-(1)** Anybody of persons established by this Bill shall, without Appointment of
Committees, etc.
8 prejudice Appointment of to the generality of the powers of that body, have
9 power to appoint which need not consist exclusively of members of that
10 body and to authorize a committee established by it:

11 (a) to exercise, on its behalf, such of its functions as it may
12 determine;

13 (b) to co-opt members, and

14 (2) Any two or more such bodies may arrange for the holding of
15 joint meetings of those bodies, or for the appointment of committees
16 consisting of members of those bodies, for the purpose of considering any
17 matter within the competence of those bodies or any of them, and either of
18 dealing with it or of reporting on it to those bodies or any of them.

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

24 (4) Nothing in the provisions of subsection (1), (2) and (3) of this
25 section shall be construed as-

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

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

30 (5) The Pro-Chancellor and the Vice-chancellor shall be members

| | | |
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| | 1 | of every committee of which the members are wholly or partly appointed by the |
| | 2 | Council (other than a committee appointed to inquire into the conduct of the |
| | 3 | officer in question); and the Vice-chancellor shall be a member of every |
| | 4 | committee of which the members are wholly or partly appointed by the |
| | 5 | Senate. |
| Retiring age of staff of the University | 6 | 23. -(1) Notwithstanding anything to the contrary in the Pension Act, |
| | 7 | the compulsory retiring age of staff shall be as follows: |
| | 8 | (a) Academic staff of the University in the non-Professional cadre |
| | 9 | shall be 65 years; |
| | 10 | (b) Academic staff of the University in the Professional cadre shall be |
| | 11 | 70 years; |
| | 12 | (c) Non-academic staff of the University shall be 65 years. |
| | 13 | (2) A law or rule requiring a person to retire from the public service |
| | 14 | after serving for 35 years shall not apply to academic staff of the University. |
| Special provisions relating to pension of Professors | 15 | 24. -(1) An academic staff who retires as a professor in a recognized |
| | 16 | University shall be entitled to a pension at a rate equivalent to his annual salary |
| | 17 | provided that the professor has served continuously in a recognized University |
| | 18 | up to the retirement age. |
| | 19 | (2) Notwithstanding subsection (1), where the professor has not |
| | 20 | served up to the retirement age, he shall be entitled to the rate of pension |
| | 21 | mentioned under subsection (1) provided that he has served a minimum of 20 |
| | 22 | years as professor in a recognized University. |
| | 23 | (3) Where an academic joins a Nigerian University as a professor, |
| | 24 | such a professor shall have served continuously for at least 20 years in a |
| | 25 | recognized University. |
| Miscellaneous administrative provisions | 26 | 25. -(1) The seal of the University shall be such as may be determined |
| | 27 | by the Council and approved by the Chancellor, and the affixing of the seal |
| | 28 | shall be authenticated by any member of the Council and by the Vice- |
| | 29 | Chancellor, secretary to the Council or any other person authorized by statute. |
| | 30 | (2) Any document purporting to be a document executed under the |

1 seal of the University shall be received in evidence and shall, unless the
2 contrary is proved, be presumed to be so executed.

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

7 (4) The validity of any proceedings of anybody established in
8 pursuance of this Bill shall not be affected by any vacancy in the
9 membership of the body, or by any defect in the appointment of a member of
10 the body or by reason that any person not entitled to do so took part in the
11 proceedings.

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

15 (6) Nothing in section 12 of the Interpretation Act (which provides
16 for the application in relation to subordinate legislation of certain incidental
17 provisions) shall apply to statutes of regulations made in pursuance of this
18 Bill.

19 (7) The power conferred by this Bill on anybody to make statutes or
20 regulations shall include power to revoke or vary any statute (including the
21 statute contained in the Third Schedule of this Bill) or any regulation by a
22 subsequent statute or as the case may be, by a subsequent regulation and
23 statutes and regulations may make different provisions in relation to
24 different circumstances.

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

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

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| Pro-Action Notice | <p>1 (10) (a) No legal proceedings shall be instituted and /or commenced</p> <p>2 against the University or any of its agents in the course of their official duties</p> <p>3 unless a 3 months Pre-Action Notice of such intention is served on the</p> <p>4 University by an aggrieved party;</p> <p>5 (b) The Notice shall state the reason and the cause of action intended</p> <p>6 to be taken against the University, the particulars of the claim, the name and</p> <p>7 place of abode of the intending plaintiff and the relief which he claims;</p> <p>8 (c) For the avoidance of doubt, it is hereby declared that no suit shall</p> <p>9 be commenced against an officer or servant of the University, in any case where</p> <p>10 the University is vicariously liable for any alleged act, neglect or default of the</p> <p>11 officer or servant in the performance or intended performances of his duties,</p> <p>12 unless three months at least have elapsed after written notice of intention to</p> <p>13 commence the same shall have been served on the University by the intending</p> <p>14 plaintiff or his agent;</p> <p>15 (d) In any suit against this University, no execution or attachment or</p> <p>16 process in the nature thereof shall be issued against the University, but any</p> <p>17 sums of money which may be judgment of the Court be awarded against the</p> <p>18 University shall, subject to any direction given by the Court where notice of</p> <p>19 appeal has been given by the University in respect of the said judgment, be paid</p> <p>20 by the University from its general fund.</p> |
| Service of Notice | <p>21 (11) Service upon the University of any notice, order or other</p> <p>22 document may be effected by delivering the same or by sending it by registered</p> <p>23 post addressed to the Registrar and Secretary of the Council.</p> |
| Interpretation | <p>24 26. -(1) In this Bill, unless the context otherwise requires:</p> <p>25 "Campus" means any campus which may be established by each University;</p> <p>26 "College" means the Council established pursuant to section 2 (1) (g) of this</p> <p>27 Bill for the University;</p> <p>28 "Graduate" means a person on whom a degree, other than an honorary degree</p> <p>29 has been conferred by the University;</p> <p>30 "Minister" means the Minister charged with responsibility for matters relating</p> |

- 1 to higher education;
- 2 "Notice" means notice in writing;
- 3 "Officer" does not include the Visitor;
- 4 "Prescribed" means prescribed by statute or regulations;
- 5 "Professor" means a person designated as a professor of the University in
- 6 accordance with provisions made in that behalf by statute or by regulations;
- 7 "Property" includes rights, liabilities and obligations;
- 8 "Provisional Council" means the provisional council appointed for the
- 9 University;
- 10 "Regulations" means regulations made by the Senate or the Council;
- 11 "Senate" means the Senate of the University established pursuant to section
- 12 2(1)(c) of this Bill;
- 13 "School" means a unit of closely related academic programmes;
- 14 "Statute" means a statute made by the University under section 11 of this Bill
- 15 and in accordance with the provisions of section 12 of this Bill, and "the
- 16 statutes" means all such statutes as are in force from time to time;
- 17 "Teacher" means a person holding a full-time appointment as a member of
- 18 the teaching or research staff of the University;
- 19 "Undergraduate" means a person in statu pupil lariat the University other
- 20 than-
- 21 (a) a graduate; and
- 22 (b) a person of such description as may be prescribed for the
- 23 purpose of the definition;
- 24 "University" means Nigeria Maritime University, Okerenkoko established
- 25 under section 1 of this Bill;
- 26 "Visitor" means the President of the Federal Republic of Nigeria;
- 27 (2) It is hereby declared that where in any provision of this Bill it is
- 28 laid down that the proposals are to be submitted or a recommendation is to
- 29 be made by one authority or another through one or more intermediate
- 30 authorities, it shall be the duty of every such intermediate authority to

1 forward any proposals or recommendations received by it in pursuance of that
2 provision to the appropriate authority; but any such intermediate authority
3 may, if it thinks fit, forward therewith its own comments thereon.

Short title 4 **27.** This Bill may be cited as Nigeria Maritime University,
5 Okerenkoko (Establishment) Bill, 2019.

6 SCHEDULES
7 FIRST SCHEDULE
8 PRINCIPAL OFFICERS OF THE UNIVERSITY
9 *The Chancellor*
10 1. The Chancellor shall be appointed by and hold office at the
11 pleasure of the President.
12 *The Pro-Chancellor*
13 2.-(1) The Pro-Chancellor shall be appointed or removed from office
14 by the President.
15 (2) Subject to the provisions of this Bill, the Pro-Chancellor shall hold
16 office for a period of four years beginning with the date of his appointment.
17 *The Vice-Chancellor*
18 3.-(1) The First Vice-Chancellor of the University who shall be
19 appointed by the President while the subsequent Vice- Chancellors shall be
20 appointed by the Governing Council in accordance with the provisions of the
21 University Miscellaneous Act as amended 1993.
22 (2) Where a vacancy occurs in the post of a Vice-chancellor, the
23 Council shall-
24 (a) advertise the vacancy in a reputable journal or a widely read
25 newspaper in Nigeria, specifying:
26 (i) the qualities of the persons who may apply for the post; and
27 (ii) the terms of conditions of service applicable to the post, and
28 thereafter draw up a short list of suitable candidates for the post for
29 consideration.
30 (b) constitute a Search Team consisting of:

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

3 (ii) two members of the Senate who are not members of the
4 Council, one of whom shall be a professor;

5 (iii) two members of Congregation who are not members of the
6 Council one of whom shall be a professor, to identify and nominate for
7 consideration, suitable persons who are not likely to apply for the post on
8 their own volition because they felt that it is not proper to do so.

9 (3) A Joint Council and Senate Selection Board consisting of:

10 (a) the Pro-Chancellor, as chairman:

11 (b) two members of the Council, not being members of the Senate;

12 (c) two members of the Senate who are professors, but who were
13 not members of the Search Team, shall consider the candidates and persons
14 in the short list drawn up under subparagraph (2) of this paragraph through
15 an examination of their curriculum vitae and Interaction with them, and
16 recommend to the Council suitable candidates for further consideration.

17 (4) The Joint Council and Senate selection Board shall select three
18 candidates from among the candidates recommended to it under
19 subparagraph (3) of this paragraph and may indicate its order of preference.

20 (5) The Council shall select and appoint as Vice-Chancellor one
21 candidate from among the three candidates recommended thereafter inform
22 the Visitor.

23 (6) The Vice-Chancellor shall hold office for a single term of five
24 years only on such terms and conditions as may be specified in his letter of
25 appointment.

26 (7) When the proposal for the removal of the Vice-Chancellor is
27 made, the Council shall constitute a Joint Committee of Council and Senate
28 consisting of:

29 (i) three members of the Council, one of whom shall be the
30 Chairman of the Committee, and

1 (ii) two members of the Senate:

2 Provided that where the ground for removal is infirmity of the body or
3 mind, the Council shall seek appropriate medical opinion.

4 (8) The Committee shall conduct investigation into the allegation
5 made against the Vice-Chancellor and shall report its findings to the Council.

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

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

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

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

16 *Deputy Vice-Chancellors*

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

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

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

26 (4) A Deputy Vice-chancellor shall:

27 (a) assist the Vice-chancellor in the performance of his functions;

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

1 (c) perform such other functions as the Vice-chancellor of the
2 Council may, from time to time, assign to him.

3 (5) A Deputy Vice-Chancellor:

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

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

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

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

14 *Office of the Registrar*

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

20 (2) The person holding the office of the Registrar shall by virtue of
21 that office be (3) Secretary to the Council, the Senate, Congregation and
22 Convocation.

23 *Other Principal Officers of the University*

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

26 (a) the Bursar; and

27 (b) the University Librarian, who shall be appointed by the Council
28 on the recommendation of the Selection Board constituted under paragraph
29 7 of this Schedule.

30 (2) The Bursar shall be the Chief Financial Officer of the

1 University and responsible to the Vice-chancellor for the day-to-day
2 administration and control of the financial affairs of the University.

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

7 (4) Any question as to the scope of the responsibilities of the aforesaid
8 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; and

16 (d) two members of the Senate.

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

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

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

29 *Resignation and Reappointment*

30 8.-(1) Any officer mentioned in the foregoing provisions of this

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Registration of transfers

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

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

Transfer of Functions, etc.

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

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

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

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

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

(6) Persons who were Deans or associate Deans of schools or

1 members of school boards shall continue to be Deans or associate Deans or
2 become members of the corresponding school boards, until new
3 appointments are made in pursuance of the statutes.

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

9 THIRD SCHEDULE

10 NIGERIA MARITIME UNIVERSITY, OKERENKOKO

11 STATUTE NO. 1

12 ARRANGEMENT OF ARTICLES

13 *Articles:*

- 14 1. The Council.
- 15 2. The Finance and General Purposes Committee;
- 16 3. The Senate
- 17 4. The Congregation.
- 18 5. Convocation.
- 19 6. Division of schools.
- 20 7. School boards.
- 21 8. Dean of the school.
- 22 9. Selection of certain principal officers.
- 23 10. Creation of academic posts.
- 24 11. Appointment of academic staff.
- 25 12. Appointment of administrative and professional staff.
- 26 13. Interpretation.
- 27 14. Short Title.

28 *The Council.*

29 1.-(1) The composition of the Council shall be as provided in
30 section 5 of this Bill.

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

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

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

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

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

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

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

27 *The Finance and General Purposes Committee.*

28 2.-(1) The Finance and General Purposes Committee of the Council
29 shall consist of:

30 (a) the Pro-Chancellor, who shall be the chairman of the Committee at

- 1 any meeting at which he is present;
- 2 (b) the Vice-chancellor and Deputy Vice-Chancellors;
- 3 (c) six other members of the Council appointed by the Council, two
- 4 of whom shall be selected from among the three members of the Council
- 5 appointed by the Senate and one member appointed to the Council by
- 6 Congregation;
- 7 (d) the Permanent Secretary of the Federal Ministry of Education,
- 8 or in his absence, Such member of his Ministry as he may designate to
- 9 represent him; and
- 10 (2) The quorum of the Committee shall be five.
- 11 (3) Subject to any directions given by the Council, the Committee
- 12 may regulate its own procedure.
- 13 *Annual budget and estimates, etc.*
- 14 (4) (i) The estimates of income and expenditure for a financial year
- 15 shall be presented by the Vice-Chancellor to the Council and may be
- 16 approved by the Council before the beginning of that financial year.
- 17 Provided that the Vice-Chancellor may during any financial year present
- 18 and the Council may supplementary estimates of income or expenditure.
- 19 (ii) The annual and supplementary estimates shall be prepared in
- 20 such form and shall contain such information as the Council may direct.
- 21 *Gifts, donations, etc.*
- 22 (5) (i) The Council may on behalf of the University accept by way
- 23 of grants, gifts, testamentary disposition or otherwise, property and money
- 24 in aid of the finances of the University on such conditions as it may approve;
- 25 (ii) Registers shall be kept of all donations to the University
- 26 including the names of donors and any special conditions under which any
- 27 donation may have been given:
- 28 Provided that the University shall not be obliged to accept a
- 29 donation for a particular purpose unless it approves of the terms and
- 30 conditions attached to such donation.

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

4 *Payment into bank*

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

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

11 *Audit.*

12 (7) (i) The Council shall cause the accounts of the University to be
13 audited by auditors appointed by the Council as soon as may be after the end of
14 each financial year or for any such other period as the Council may require;

15 (ii) The appointment and other matters relative to the auditors, their
16 continuance in office and their functions, as the case may be, shall, subject to
17 the provisions of this section, be prescribed by statute.

18 *The Senate.*

19 3.-(1) The Senate shall consist of:

20 (i) the Vice-chancellor;

21 (ii) Deputy Vice Chancellors;

22 (iii) all Professors of the University;

23 (iv) all Deans, Provosts, and Directors of Academic Units of the
24 University;

25 (v) all Heads of Academic Departments, Units and research institutes
26 of the University;

27 (vi) the Librarian;

28 (vii) all Academic Members of the Congregation who are not
29 Professors as specified in the law of the University;

30 (viii) such teachers, not being more than one third of the, total number

1 of non-elected members, elected by Congregation and at least one of whom
2 shall come from each school; and

3 (ix) two members representing a variety of interests of the
4 professional bodies outside the University appointed by the Senate on the
5 recommendation of the Vice-chancellor.

6 (2) The Vice-chancellor shall be the chairman at all meetings of the
7 Senate when he is present, and in his absence any of the Deputy Vice-
8 Chancellors present at the meeting as the Senate may appoint for that
9 meeting shall be the Chairman at the meeting.

10 (3) The quorum of the Senate shall be one quarter or the nearest
11 whole number less than one quarter; and subject to paragraph (2) of this
12 article, the Senate may regulate its own procedure.

13 (4) All elected member may, by notice to the Senate, resign his
14 office.

15 (5) Subject to paragraph (7) of this article, there shall be elections
16 for the selection of elected members which shall be held in the prescribed
17 manner on such day in the month of May or June in each year as the Vice-
18 chancellor may from time to time determine.

19 (6) An elected member shall hold office for the period of two years
20 beginning with 1st August in the year of his election, and may be a candidate
21 at any election held in pursuance of paragraph (5) of this article in the year in
22 which his period of office expires so however that no person shall be such a
23 candidate if at the end of his current period of office he will have held office
24 as all elected member for a continuous period of six years or would have so
25 held office if he had not resigned it.

26 (7) No election shall be held in pursuance of this article in any year
27 if the number specified in the certificate given in pursuance of paragraph

28 (10) of this article does not exceed by more than one the figure
29 which is thrice the number of those elected members holding office on the
30 date of the certificate who do not vacate office during that year in pursuance

1 of paragraph (6) of this article.

2 (8) For the avoidance of doubt it is hereby declared that no person
3 shall be precluded from continuing in or taking office as all elected member by
4 reason only of reduction in the number of non-elected members occurring on or
5 after 30 April in any year in which he is to continue in or take office as all
6 elected member.

7 (9) If so requested in writing by any fifteen members of the Senate, the
8 vice-chancellors or in his absence any of the Deputy Vice Chancellors duly
9 appointed by him, shall convene a meeting of the Senate to be held not later
10 than the tenth day following that on which the request was received.

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

15 *Congregation.*

16 4.-(1) Congregation shall consist of:

- 17 (i) Vice-chancellor and the Deputy Vice Chancellors;
18 (ii) The full -time members of the academic staff;
19 (iii) The Registrar;
20 (iv) The Bursar;
21 (v) The Librarian;
22 (vi) The Director of Works;
23 (vii) The Director of Health Services; and
24 (viii) Every member of the administrative staff who holds a degree,
25 other than honorary degree, of any University recognized for the purposes of
26 this statute by the Vice-Chancellor.

27 (2) Subject to section 4 of this Bill, the Vice-chancellor shall be the
28 chairman at all meetings of Congregation when he is present; and in his
29 absence any of the Deputy Vice Chancellors present at the meeting as

1 Congregation may appoint for that meeting, shall be the chairman at the
2 meeting.

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

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

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

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

12 (5) Subject to the foregoing provisions of this article, Congregation
13 may regulate its own procedure.

14 (6) Congregation shall be entitled to express by resolutions or
15 otherwise its opinion on all matters affecting the interest and welfare of the
16 University and shall have such other functions, in addition to the function of
17 electing a member of the Council, as may be provided by statute or
18 regulations.

19 *Convocation.*

20 5.-(1) Convocation shall consist of:

21 (i) the officers of the University mentioned in the First Schedule to
22 this Bill;

23 (ii) all teachers within the meaning of this Bill;

24 (iii) all other persons whose names are registered in accordance
25 with paragraph (2) of this article.

26 (2) A person shall be entitled to have his name registered as a
27 member of convocation if he:

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

30 (b) applies for the registration of his name in the prescribed manner

1 and pay the prescribed fees.

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

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

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

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

19 (7) The quorum of Convocation shall be fifty or one third or the whole
20 number nearest to one third or the whole number of members of Convocation
21 whichever is less.

22 (8) Subject to section 4 of the Bill, the Chancellor shall be chairman
23 at all meetings of Convocation when he is present, and in his absence the Vice-
24 chancellor shall be the chairman at the meeting.

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

28 *Division of Faculties/Schools.*

29 6. The faculties' shall be divided into such number of branches as may
30 be prescribed.

1 *Faculties/School Boards.*

2 7.-(1) There shall be established in respect of each faculty/school, a
3 board of studies which, subject to the provisions of this Statute, and subject
4 to the directions of the Vice-Chancellor, shall:

5 (a) regulate the teaching and study of, and the conduct of
6 examinations connected with the subjects assigned to the college;

7 (b) deal with any other matter assigned to it by statute or by the
8 Vice-Chancellor or by the Senate; and

9 (c) advice the Vice-chancellor or the Senate on any matter referred
10 to it by the Vice-Chancellor or the Senate.

11 (2) Each faculty/school board of studies shall consist of:

12 (a) the Vice-chancellor:

13 (b) the Dean;

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

15 (d) such other teachers assigned to the college and having the
16 prescribed qualifications as tire board may determine; and

17 (e) such persons, whether or not members of the University, as the
18 Board may determine with the general or special approval of the Senate.

19 (3) The quorum of the board shall be eight members or one quarter.
20 Whichever is greater, of the members for the time being of the board; and
21 subject to the provisions of this statute and to any provision made by
22 regulations in that behalf, the board may regulate its own procedure.

23 *Deans of the Faculties/Schools.*

24 8.-(1) The Board of Provost shall, at a meeting in the last term of
25 any academic year which the term, of office of the Dean express, nominate
26 one of, its members, being one of the professors assigned to that teaching
27 unit, for appointment by the Senate as Dean of the school.

28 (2) The person appointed under paragraph 1 of this article shall act
29 as Dean of the faculty and chairman of all meetings of the University board
30 when he is present and shall be a member of all committees and other boards

1 appointed by the University.

2 (3) The Dean shall hold office for two years and shall be eligible for
3 reappointment One further period of two years, thereafter he shall not be
4 eligible for reappointment.

5 (4) The Dean of a faculty shall exercise general superintendence over
6 the academic and administrative affairs of the University.

7 (5) It shall be the function of the Dean to present to Convocation for
8 the conferment of degrees persons who have qualified for the degrees of the
9 University at examination held in the branches of learning for which
10 responsibility is allocated to the University.

11 (6) There shall be a committee to be known as the Committee of
12 Deans consisting of all the Deans of the several faculties and that Committee
13 shall advise the Vice-chancellor on all academic matters and on particular
14 matters referred to the University by the Senate.

15 (7) The Dean of faculty/school may be removed from office for good
16 cause by the faculty/school board after a vote would have been taken at a
17 meeting of the board, and in the event of a vacancy occurring following the
18 removal of a Dean, an acting Dean may be appointed by the Vice-chancellor
19 provided that at the next school board meeting an election shall be held.

20 (8) In this article "good cause" has the same meaning as in section
21 14(3) of the Bill.

22 *Selection of Director of Works.*

23 9.-(1) When a vacancy occurs in the office of the Director of Works, a
24 selection board shall be constituted by the council which shall consist of:

25 (a) the Pro-Chancellor;

26 (b) the Vice-chancellor;

27 (c) two members appointed by the Council, not being members of the
28 Senate;

29 (d) two members appointed by the Senate.

30 (2) The selection board after making such inquiries as it thinks fit,

shall recommend a candidate to the Council for appointment to the vacant office; and after, considering the recommendation of the board the Council may make an appointment to that office.

Creation of Academic Posts.

10. Recommendations for the creation of academic posts other than principal officers shall be made by the Senate to the council through the Finance and General purposes Committee.

Appointment of Academic Staff.

11.-(1) Subject to the Bill and statutes, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Senate.

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

(3) For appointment to professorships, associate professorship or readerships or equivalent posts, a board of selection, with power to appoint, shall consist of:

(a) the Vice-chancellor;

(b) two members appointed by the Council;

(c) four members appointed by the Senate, at least two of whom shall be members of the Senate, while the other two members shall be professional peers in the professional area in which an appointment is to be considered;

(d) if the post is tenable at a faculty/school, the Dean of the faculty/school;

(e) if the post is within a school, institute or other teaching unit in the University, the Dean of the school or the teaching unit, or the director of the institute, as the case may be; and

(f) such other persons, not exceeding two in number, deemed capable of helping the board in assessing both the professional and academic

1 suitability of a candidate under consideration, as the Senate may from time to
2 time appoint.

3 (4) For other academic posts, a selection board, with power to
4 appoint, shall consist of:

5 (a) the Vice-chancellor:

6 (b) four members appointed by the Senate, at least two of whom shall
7 be members of the Senate, while the other two members shall be professional
8 peers in the professional area in which an appointment is to be considered;

9 (c) if the post is tenable at a faculty/school, the Dean of
10 faculty/school;

11 (d) if the post is within a school, institute or other teaching unit in the
12 University, the Dean of the school or the teaching unit or the director of the
13 institute, as the case may be; and

14 (e) such other persons, not exceeding two in number, deemed capable
15 of helping the board in assessing both the professional and academic suitability
16 of a candidate under consideration, as the Senate may from time to time
17 appoint.

18 (5) All appointments to senior library posts shall be made in the same
19 way as equivalent appointments in the academic cadre; and for all such posts
20 other than that of the Librarian, the Librarian shall be a Member of the selection
21 Board.

22 (6) Boards of selection may interview candidates directly or consider
23 the reports of specialist interviewing panels and shall in addition, in the case of
24 professorships, associate professorship, readerships or equivalent posts,
25 consider the reports of external assessors relevant to the area in which the
26 appointment is being considered.

27 *Appointment of Administrative and Professional Staff.*

28 12.-(1) The administrative and professional staff of the University
29 other than principal officers shall be appointed by the Council or on its behalf
30 by the vice-chancellors or the Registrar in accordance with delegation of any

1 powers made by the Council in that behalf.

(2) In the case of administrative or professional staff who have close and important connection with the academic staff, there shall be Senate participation in the process of selection.

5 *Interpretation*

13. In this Statute, the expression "the Act" means the Nigeria
Maritime University, Okerenkoko Bill and any word or expression defined
in the Bill has the same meaning in this Statute.

9 *Short Title*

10 14. This Statute may be cited as Nigeria Maritime University,
11 Okerenkoko Statute NO. 1

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigeria Maritime University, Okerenkoko, Delta State.