

Extraordinary



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FOR

Sponsored by Senator Gaidam, Ibrahim Alhaji

[] Commencement

PART I - PRELIMINARY

2. In this Bill- Interpretation

17 "ethnicity" shall be construed accordingly;

	1	"Minister" means the Minister responsible for National cohesion and
	2	integration.
	3	"peace building" means interventions designed to prevent conflicts or their
	4	escalation measures to consolidate peaceful relations through transformative
	5	short term and long term processes including conflict prevention, response,
	6	traditional dispute resolution, post conflict recovery, mediation and
	7	reconciliation;
	8	"Secretary" means the Secretary to the Commission appointed under section
	9	12; and
	10	"vilification" includes saying or writing unpleasant things about a person or
	11	persons of a particular ethnicity and or religion so that other people may have a
	12	low opinion of that ethnic group or religion.
Object of the Act	13	3. The object of this Act is to-
	14	(a) promote of national unity and non-discrimination on ethnic
	15	grounds;
	16	(b) provide a framework for the promotion of national cohesion, unity
	17	and peace-building;
	18	(c) provide mechanisms for co-ordination and implementation of
	19	interventions aimed at promoting national cohesion and peace-building; and
	20	(d) provide a framework for the promotion of national values and
	21	principles of governance..
	22	PART II - ESTABLISHMENT OF THE NATIONAL COHESION AND
	23	INTEGRATION COMMISSION
	24	<i>Establishment of the National Cohesion and Integration Commission</i>
Functions of the Commission	25	4.-(1) There is established the National Cohesion and Integration
	26	Commission.
	27	(2) The Commission shall be a body corporate with perpetual
	28	succession and a common seal and shall, in its corporate name be capable of-
	29	(a) suing and being sued;
	30	(b) acquiring, holding, charging and disposing of movable and

- 1 immovable property;
- 2 (c) entering into contracts; and
- 3 (d) doing or performing all such other things or acts for the proper
- 4 discharge of its functions under the Constitution, this Act or any written law,
- 5 as maybe lawfully done or performed by a body corporate.
- 6 **5.** The promotion of national cohesion shall be guided by the- Guiding
- 7 (a) values and principles of governance; and Principles
- 8 (b) values and principles of public service.
- 9 **6.** The functions of the Commission are to- Functions of
- 10 (a) formulate and implement strategies, plans and programmes for the Commission
- 11 the promotion of national unity;
- 12 (b) collaborate with institutions and stakeholders to give effect to
- 13 the policies relating to cohesion and integration;
- 14 (c) make recommendations to the federal and states governments
- 15 and any other relevant entities on-
- 16 (i) the review and reform of practices, policies and legislation
- 17 relating to cohesion and integration;
- 18 (ii) the criteria for deciding whether any public office or officer has
- 19 committed acts of discrimination on the grounds of ethnicity;
- 20 (d) identify factors inhibiting the attainment of harmonious
- 21 relations among different social origins and put in place measures to address
- 22 the problem;
- 23 (e) promote-
- 24 (i) equality and the elimination of discrimination on grounds of
- 25 ethnicity, race and religion;
- 26 (ii) peaceful coexistence, tolerance, understanding and acceptance
- 27 of diversity in all aspects of life and encourage appreciation by all ethnic
- 28 communities of all social, economic, cultural and political life of other
- 29 communities; and
- 30 (iii) equal access and enjoyment by persons from different ethnic,

1 racial or social origins of public or other services and facilities provided by
2 Government and private entities;

3 (f) investigate complaints of hate speech, ethnic or racial contempt
4 and discrimination on the basis of ethnic, clan, religious and racial origin and
5 make recommendations to the Director of Public Prosecution or other relevant
6 authority on the appropriate measures to be taken where such complaints are
7 valid;

8 (g) initiate investigations on its own accord or on request from any
9 institution, office or person into any issue affecting ethnic, clan, racial or social
10 relations;

11 (h) develop policies for the promotion of national values and
12 principles of governance;

13 (i) undertake research and document findings on national cohesion
14 and national values, peace building and conflict management;

15 (j) foster partnerships with relevant state actors, non -state actors,
16 bilateral and multilateral agencies on peace building and conflict management;

17 (k) establish early warning and early response system on conflict and
18 put in place an emergency preparedness and response system to curb imminent
19 conflict; and

20 (l) perform such other functions as may be necessary for the effective
21 discharge of its mandate and exercise of its powers.

Powers of the
Commission

22 7.-(1) The Commission shall have all powers necessary for the
23 effective discharge of its functions under this Act.

24 (2) Without prejudice to the generality of the foregoing, the
25 Commission shall have power to-

26 (a) issue prohibition notices directing persons or entities involved in
27 actions or conduct contrary to national cohesion, integration and peace
28 building within seven days to cease such action or conduct;

29 (b) summon witnesses and call for the production of books, plans, and
30 other documents and to examine witnesses and parties on oath;

1 (c) publish the names of persons or institutions whose words or
2 conduct may undermine or have undermined or contributed towards
3 undermining good ethnic relations, or who are involved in ethnic
4 discriminations or propagation of ethnic hatred;

5 (d) enter into association with other bodies or organizations, within
6 or outside Nigeria, as it may consider desirable or appropriate and in
7 furtherance of the objective for which the Commission is established;

8 (e) control, supervise and administer the assets of the Commission
9 in a manner and for purposes that best promote the purpose for which the
10 Commission is established;

11 (f) receive any grants gifts, donations or endowments and make
12 legitimate disbursements there from; and

13 (g) open bank accounts for the funds of the Commission.

14 **8.-(1)** The headquarters of the Commission shall be in Abuja. Headquarters

15 (2) The Commission shall ensure that all its services are accessible
16 to all parts of the country and may establish branches in the six Geo-Political
17 Zones as it may consider necessary.

18 GOVERNING COUNCIL OF THE COMMISSION

19 **9.-(1)** There shall be for the Commission, a Governing Council (in Membership
of the Commission
20 this Act referred to as "the Council") which shall be responsible for the
21 discharge of the functions of the Commission.

22 (2) The Council shall consist of:

23 (a) A Co-Chairman who shall be a nominee of the Nigerian
24 Supreme Council for Islamic Affairs;

25 (b) A Co-Chairman who shall be a nominee of the Christian
26 Association of Nigeria;

27 (c) A representative each of the following Federal Ministries, that
28 is-

29 (i) Justice;

30 (ii). Police Affairs;

- 1 (iii). Internal Affairs.
- 2 (d) Two representatives of the National Human Rights Commission;
- 3 (e) Two representatives of a registered Network of Muslim Human
- 4 rights organizations in Nigeria;
- 5 (f.) Two representatives of a registered Network of Christian Human
- 6 rights organizations in Nigeria;
- 7 (g) Two legal practitioners who shall not have less than ten years post
- 8 qualification experience and each to be nominated by the Christian Association
- 9 of Nigeria and the Nigerian Supreme Council for Islamic Affairs respectively;
- 10 (h) three representatives of the media, at least, two of whom shall be
- 11 from the private sector;
- 12 (i) three other persons to represent faiths other than Christianity
- 13 and Islam; and
- 14 (j) the Executive Secretary of the Commission.
- 15 (3) The Co-Chairmen and members of the Commission shall be-
- 16 (a.) persons of proven integrity;
- 17 (b.) persons of proven record of religious tolerance and inter-faith
- 18 cooperation; and
- 19 (c.) appointed by the President, Commander-in-Chief of the Armed
- 20 Forces, on the recommendation of the Nigerian Supreme Council for Islamic
- 21 affairs and Christian Association of Nigeria and the Attorney General in the
- 22 case of items (c), (d), (h), (i) and (j).
- 23 (4) The supplementary provisions set out in the Schedule to this Act
- 24 shall have effect with respect to the proceedings of the Council and the other
- 25 matters contained therein.
- 26 **10.-(1)** A member of the Council, other than the Executive Secretary,
- 27 shall hold office for a term of four years and may be re-appointed for one
- 28 further term of four years and no more.
- 29 (2) A member of the Council may at any time resign his office in
- 30 writing addressed to the President, Commander-in-Chief of the Armed Forces

Tenure of Office

1 and which resignation shall become effective on acceptance by the
2 President, Commander-in-Chief of the Armed Forces.

3 (3) Members of the Council shall be paid such allowances as may
4 be determined by the Federal Government.

5 **11.**-(1) A member of the Council shall cease to hold office if -

Cessation of
Membership

6 (a) he becomes of unsound mind; or

7 (b) he becomes bankrupt or makes a compromise with his
8 creditors; or

9 (c) he is convicted of a felony or of any offence involving
10 dishonesty, religious discrimination, terrorism; or

11 (d) he is guilty of serious misconduct in relation to his duties.

12 (2) A member of the Council may be removed from office by the
13 President, Commander-in-Chief of the Armed Forces if after due
14 consultation with the heads of the Nigerian Supreme Council of Islamic
15 Affairs and the Christian Association of Nigeria (CAN), he is satisfied that it
16 is not in the interest of the public that the member should remain in office.

17 (3) Where a vacancy occurs in the membership of the Council, it
18 shall be filled by the appointment of a successor to hold office for the
19 remainder of the term of office of his predecessor, so however that the
20 successor shall represent the same interest and shall be appointed by the
21 President, Commander-in-Chief of the Armed Forces.

22 **12.**-(1) There shall be for the Commission an Executive Secretary,
23 who shall be the chief executive of the Commission and be appointed by the
24 President, Commander-in-Chief of the Armed Forces, on the
25 recommendation of the Attorney-General of the Federation.

Executive
Secretary of the
Commission

26 (2) The Executive Secretary shall hold office for a term of five
27 years in the first instance on such terms and conditions as the President,
28 Commander-in-Chief of the Armed Forces, may, on the recommendation of
29 the Attorney-General of the Federation determine, and may be
30 reappointed for one further term of five years and no more.

1 (4) Subject to such general directions as the Council may give, the
2 Executive Secretary shall be responsible for the day-to-day administration of
3 the Commission and the implementation of the decisions of the Council.

4 (5) The Executive Secretary shall perform the functions of keeping
5 the record of proceedings and decisions of the Council and such other functions
6 as the Council may, from time to time, direct.

Others Staff
of the Commission
etc.

7 **13.**-(1) The Council shall have power to appoint directly, and either on
8 transfer or on secondment from any public service in the Federation, such
9 number of employees as may, in the opinion of the Council, be required to
10 assist the Commission in the discharge of any of its functions under this Act,
11 and shall have power to pay to persons so employed such remuneration
12 (including allowances) as the Council may, determine.

13 (2) The terms and conditions of service (including terms and
14 conditions as to remuneration, allowances, pensions, gratuities and other
15 benefits) of the persons employed by the Commission shall be as determined
16 by the Council from time to time.

17 (3) The Council may engage such consultants and advisers as it may
18 require for the proper and efficient discharge of the functions of the
19 Commission

Staff Regulation

20 **14.** The Commission may, subject to the provisions of this Act, make
21 staff regulations relating generally to the conditions of service of the
22 employees of the Commission and without prejudice to the generality of the
23 foregoing, such regulations may provide for-

24 (a.) the appointment, promotion and disciplinary control (including
25 dismissal) of employees of the Commission; and

26 (b.) appeals by such employees against dismissal or other disciplinary
27 measures.

Condition of
Service

28 **15.** The Commission shall, with the approval of the Attorney-
29 General of the Federation, determine its conditions of service, including
30 pensions and gratuities, as is appropriate for its employees.

Funds of the Commission

	1	(a) monies allocated by the National Assembly for purposes of the
	2	Commission;
	3	(b) such monies or assets as may accrue to the Commission in the
	4	course of exercise of its powers or in the performance of its functions under this
	5	Act; and
	6	(c) monies from any other source provided, donated or lent to the
	7	Commission.
Annual estimates	8	20. -(1) Before the commencement of each financial year, the
	9	Commission shall cause to be prepared estimates of the revenue and
	10	expenditure of the Commission for that year.
	11	(2) The annual estimates shall make provision for all the estimated
	12	expenditure of the Commission for the financial year concerned and, in
	13	particular, shall provide for the-
	14	(a) payment of remuneration in respect of the members and staff of the
	15	Commission;
	16	(b) payment of pensions, gratuities and other charges in respect of
	17	benefits which are payable out of the funds of the Commission;
	18	(c) maintenance of the buildings and grounds of the Commission;
	19	(d) funding of training, research and development of activities of the
	20	Commission; and
	21	(e) any other expenditure necessary for purposes of this Act.
Power to accept gifts	22	21. -(1) The Commission may accept gifts of land, money or other
	23	property on such terms and conditions, if any, as may be specified by the person
	24	or organization making the gift.
	25	(2) The Commission shall not accept any gift if the conditions
	26	attached by the person or organization making the gift are inconsistent with the
	27	functions of the Commission.
Borrowing Power etc.	28	22. -(1) The Council may, with the consent or in accordance with any
	29	specific authority given by the Attorney-General of the Federation, borrow by
	30	way of loan or overdraft from any source approved by the Attorney-General of

1 the Federation, such specified amount of money as may be required by the
2 Commission for meeting its obligations and discharging its functions under
3 this Act.

4 (2) The Council may, subject to the provisions of this Act and the
5 conditions of any trust created in respect of any property, invest all or any of
6 its funds with consent or general authority of the Attorney-General of the
7 Federation.

8 (3) The Council may invest any surplus funds of the Commission
9 in securities prescribed by the Trustee Investments Act or such other
10 securities as may, from time to time, be approved by the Attorney-General of
11 the Federation.

12 (4) Subject to the provisions of the Land Use Act, and any special
13 or general direction which the Attorney-General of the Federation may give
14 in that behalf, the Council may acquire or lease any land required for its
15 purpose under this Act.

16 **23.**-(1) The Council shall cause to be prepared, not later than 30th
17 December in each year, an estimate of the expenditure and income of the
18 Commission during the next succeeding year and when prepared they shall
19 be submitted, through the Attorney-General of the Federation, to the Federal
20 Executive Council for Approval

Annual Estimates,
Accounts and
Audit

21 (2) The Council shall cause to be kept proper accounts and proper
22 records in relation thereto and when certified by the Council such accounts
23 shall be audited as provided in subsection (3) of this section.

24 (3) The accounts of the Commission shall be audited by auditors
25 appointed from the list of auditors and in accordance with the guidelines
26 issued by the Auditor-General of the Federation and the fees of the auditors
27 and the expenses for the audit generally shall be paid from the funds of the
28 Commission.

29 **24.** The Council shall not later than six months after the end of
30 each year, submit, through the Attorney-General of the Federation, to the

Annual Report

Ethnic
discrimination

1 Federal Executive Council a report on the activities of the Commission and its
2 administration during the immediately preceding year and shall include in the
3 report the audited accounts of the Commission and the auditors comments
4 thereon.

5 PART IV - DISCRIMINATION, HATE SPEECH AND NEGATIVE ETHNICITY

6 **25.-(1)** A person discriminates against another person if-

7 (a) on the basis of ethnicity or religion, the person treats that other
8 person less favorably than he or she treats or would treat another person; or

9 (b) he applies to another person a requirement or condition which
10 applies or would apply to persons not of the same ethnic group as that other
11 person but-

12 (i) which is such that the proportion of persons of the same ethnic
13 group as that other person who can comply with the condition or requirement is
14 considerably smaller than the proportion of persons not of that ethnic group
15 who can comply with it;

16 (ii) the person cannot show to be justifiable irrespective of the colour,
17 race, nationality or ethnic or national origins of the person to whom it applied;
18 and

19 (iii) is to the detriment of that other person because that person cannot
20 comply with it.

21 (2) A person discriminates against another person under subsection
22 (1) (b), if that person applies to another person a provision, criterion or practice
23 which he or she applies or would apply equally to persons not of the same race
24 or ethnic or national origins as that other person, but which-

25 (a) puts or would put persons of the same race or ethnic or national
26 origins as that other person at a particular disadvantage when compared with
27 other persons;

28 (b) puts that other person at a disadvantage; and

29 (c) the discriminator cannot show to be a proportionate means of
30 achieving a legitimate aim.

1 (3) For the purposes of this Act, treating a person less favorably
2 than another person includes the segregation of a person from other persons
3 on ethnic grounds.

4 (4) Subsection (1) does not apply to treatment of a person who has
5 made an allegation if it is proved in a court of law that the allegation was
6 false and not made in good faith.

7 **26.** A person discriminates against another person byway of
8 victimization if the person carries out an act that is injurious to the well-
9 being and esteem of that person by treating that person less favorably than
10 other persons on grounds that the person discriminated against intends to or
11 has-

Discrimination
by through
victimization

12 (a) brought proceedings against the discriminator or any other
13 person under this Act;

14 (b) done anything under this Act in relation to the discriminator or
15 any other person;

16 (c) given evidence or information in connection with proceedings
17 brought by any person under this Act; or

18 (d) alleged that the discriminator or any other personas committed
19 an act which would amount to a contravention of this Act.

20 **27.-(1)** A public entity shall ensure representation of the diversity
21 of the people of Nigeria in the employment of staff.

Discrimination
in employment

22 (2) A public entity shall not recruit or have in its employment more
23 than one third of its staff from the same ethnic community.

24 (3) An employer shall ensure equity in the employment of persons
25 in the respective entity and shall, for this purpose.

26 **28.-(1)** It shall not be deemed discriminatory under this Part where,
27 having regard to the nature of the employment or the context in which it is
28 carried out-

Exception to
discrimination
in the employment
field

29 (a) being of a particular race or particular ethnic or national origin
30 is a genuine and determining occupational requirement; and

1 (b) it is appropriate to apply that requirement in the particular case and
2 the person to whom that requirement is applied does not meet it.

3 (2) Being of a particular ethnic group, is an occupational qualification
4 and not a ground for discrimination for a job where-

5 (a) the job involves cultural entertainment in a capacity for which a
6 person of that ethnic group is required for reasons of authenticity; or

7 (b) the job involves a work of art, visual image or sequence of visual
8 images for which a person of that ethnic group is required for reasons of
9 authenticity; or

10 (c) the holder of the job provides persons of that ethnic group with
11 personal services promoting their welfare, and those services can most
12 effectively be provided by a person of that ethnic group.

13 (3) The provisions of subsection (2) do not apply in relation to the
14 filling of a vacancy at a time when the employer already has employees of the
15 ethnic group in question-

16 (a) who are capable of carrying out the duties falling specifically
17 within that paragraph;

18 (b) whom it would be reasonable to employ on those duties; and

19 (c) whose numbers are sufficient to meet the employer's likely
20 requirements in respect of those duties without undue inconvenience.

Persuasion or
profession,
Discrimination
in membership
of organization

21 **29.**-(1) An organization shall not to discriminate against a person who
22 is not a member of the organization-

23 (a) in the terms in which it is prepared to admit that person to
24 membership; or

25 (b) by refusing or deliberately omitting to accept that person's
26 application for membership.

27 (2) Subsection (1) shall not apply to an organization whose
28 membership is limited to a given religious.

29 **30.**-(1) A public or private body, licensing authority, planning
30 authority, public authority, employment agency, educational establishment or

1 body offering training, not discriminate against any person in the provision
2 of services.

3 (2) Subsection (1) shall not apply-

4 (a) where it is proven that the alleged discriminatory act is a
5 necessary requirement in the nature of business transaction and there is no
6 alternative way of realizing the desired goal;

7 (b) to public authorities-

8 (i) in relation to any judicial act whether done by a court of law,
9 tribunal or other person or any act done on the instructions, or on behalf, of a
10 person acting in a judicial capacity; or

11 (ii) for any action undertaken by the comptroller General of
12 immigration, under any law on immigration, with respect to citizenship or
13 nationality of a person.

14 **31.**-(1) Public resources shall, as far as is practicable, be distributed
15 equitably geographically taking into account Nigeria's diversity, population
16 and poverty index.

Discrimination
in access to and
distribution of
public resources

17 (2) It shall be unlawful for any State or public officer, while in
18 charge of public resources and without justification, to distribute resources
19 in an ethnically inequitable manner.

20 (3) Public resources shall be deemed to have been distributed in an
21 ethnically inequitable manner where-

22 (a) an officer fails to use the criteria established under this Act or
23 any other law in allocating resources by regions;

24 (b) a specific region consistently receives more resources than
25 another region and there is no clear justification for it; or

26 (c) more resources are allocated to a region that requires remedial
27 resources than to an area that requires start up resources.

28 **32.**-(1) A manager under this section shall mean a person who has
29 the power to lease, let or dispose of public property or property that is wholly
30 meant for use by the;

Public
Discrimination
in property
ownership,
management and
disposal

1 (2) It is unlawful for a manager to discriminate against another
2 person-

3 (a) in the terms such manager offers, lets, manages or disposes the
4 property to another person;

5 (b) by unjustifiably refusing the other person's proposal for sale or
6 engagement in the manager's business, where the same conditions do not apply
7 to persons who are of the same ethnic group as such manager;

8 (c) in a manager's treatment of a person with regard to any list of
9 persons in need of property of that description.

10 (3) It is unlawful for a manager to discriminate against a person
11 occupying premises-

12 (a) in the way such manager affords a person access to any benefits or
13 facilities, or by refusing or deliberately omitting to afford a person such access;

14 (b) by evicting a person or subjecting that person to any other
15 detriment.

Exceptions to
discrimination/
affirmative action

16 **33.-(1)** Nothing contained in this Part shall render unlawful any act
17 done-

18 (a) to afford persons of a particular ethnic group access to facilities or
19 services to meet the special needs of such persons in regard to their education,
20 training or welfare, or other ancillary benefits; or

21 (b) on grounds other than race, ethnic or national origin for the benefit
22 of a person who is not a Nigeria citizen to afford the person access to facilities
23 for education or training or other ancillary benefits, where it appears that the
24 person in question does not intend to remain in Nigeria after the period of
25 education or training.

26 (2) Nothing in this Part shall render unlawful any act done in relation
27 to particular work by a person in or in connection with -

28 (a) affording a person of a particular racial group access to facilities
29 for training which would help to equip them for that work; or

30 (b) encouraging a person of a particular ethnic group to take

1 advantage of opportunities for doing that particular work, where it
2 reasonably appears to that person, that any time within the twelve months
3 immediately preceding the doing of that act-

4 (i) there were no persons of that group among those doing that
5 work in Nigeria; or

6 (ii) the proportion of persons of that group among those doing that
7 work in Nigeria was small in comparison with the proportion of persons of
8 that group among the population of Nigeria .

9 (3) Where in relation to particular work it reasonably appears to
10 any person that although the condition for the operation of subsection (2) is
11 not met for the whole of Nigeria it is met for an area within Nigeria, nothing
12 in this Part shall render unlawful any act done by that person in or in
13 connection with-

14 (a) affording persons who are of the ethnic group in question, and
15 who appear likely to take up that work in that area, access to training in
16 preparation for that work; or

17 (b) encouraging persons of that group to take advantage of
18 opportunities in the area for doing that work.

19 **34.-(1)** A person shall not utter, publish, write or post words or Ethnic or racial
contempt
20 images intended to incite feelings of contempt, hatred, hostility, violence or
21 discrimination against any person;

22 (2) A person who contravenes subsection (1) commits an offence
23 and shall be liable, upon conviction to a fine not exceeding one million naira,
24 or to imprisonment for a term not exceeding five years, or to both.

25 (3) A website administrator or media enterprise shall not publish
26 posts words or images intended to incite feelings of contempt, hatred,
27 hostility, violence or discrimination against any person ,group or
28 community on the basis of ethnicity or race;

29 (4) A website administrator or media enterprise that contravenes
30 subsection (3) commits an offence and shall be liable, on conviction to a fine

	1	not exceeding one million naira, or to imprisonment for a term not exceeding
	2	five years, or to both.
	3	(5) Where a website administrator or media enterprise is a corporation
	4	the principal officers shall be held personally liable on conviction to a fine not
	5	exceeding five million naira or to imprisonment for a term not exceeding five
	6	years, or to both.
Threats	7	35. A person who-
	8	(a) subjects or threatens to subject another person to any detriment
	9	because that other person, or a person associated with that other person-
	10	(i) has made a complaint against any person;
	11	(ii) has brought any other proceedings under this Act against any
	12	person; or
	13	(iii) has given evidence or information, or produced a document, in
	14	connection with any proceedings under this Act; commits an offence and shall,
	15	on conviction, be liable to a fine not exceeding two hundred thousand naira or
	16	to imprisonment for a term not exceeding one year or to both.
Offences	17	35. A person who-
	18	(a) without justification or lawful excuse obstructs ,hinders or
	19	threatens an officer acting under thisAct;
	20	(b) submits false or misleading information;
	21	(c) fails to honour summons; or
	22	(d) knowingly misleads the Commission or a member of staff of the
	23	Commission acting under this Act, commits and offence and is liable, on
	24	conviction, to a fine not exceeding two hundred thousand naira or to
	25	imprisonment for a term not exceeding one year or to both.
	26	PART V - COMPLAINTS, INVESTIGATIONS AND ENFORCEMENT
Complaints	27	37.-(1) A matter may be investigated if - Matters that maybe
	28	investigated.
	29	(a) it is of such serious nature that it warrants an investigation;
	30	(b) it concerns a possible contravention in relation to class or group of

1 persons; and

2 (c) the circumstances are such that the lodging of a complaint by
3 one person only would not be appropriate

4 (2) If the Commission after investigation is satisfied that a person
5 has contravened a provision of part IV of this Act, the Commission shall
6 make all reasonable endeavors to conciliate the matter.

7 **38.** A complaint to the Commission may be made on behalf of an
8 aggrieved person-

9 (a) if the aggrieved person is dead or otherwise notable to act for
10 himself or herself, by a member of his or her family or other person suitable
11 to represent the aggrieved person; or

12 (b) by a member of Parliament with the consent of the aggrieved
13 person or other person who, under paragraph (a), is entitled to make the
14 complaint on behalf of the aggrieved person.

15 **39.-(1)** A person wishing to lodge a complaint under this Act may Form of complaint
16 do so orally or in writing addressed to the Commission.

17 (2) Where a complaint under subsection (1) is made orally, the
18 Commission shall cause the complaint to be recorded in writing.

19 (3) A complaint under subsection (1) shall be in such form and
20 contain such particulars as the Commission may prescribe.

21 (4) Upon receipt of a complaint under subsection (1), the
22 Commission may-

23 (a) call for information or a report regarding such complaint from
24 any person within such reasonable time as may be specified by the
25 Commission; and

26 (b) without prejudice to paragraph (a), initiate such inquiry as it
27 considers necessary, having regard to the nature of the complaint.

28 (5) If the information or report called for under subsection 4 (a) is
29 not received within the time stipulated by the Commission, the Commission

1 may proceed to inquire into the complaint without such information or report.

2 (6) If on receipt of the information or report the Commission is
3 satisfied either that no further action is required or that the required action has
4 been initiated by a State organ or other body responsible for the matters
5 complained of, the Commission shall, in writing, inform the complainant
6 accordingly and take no further action.

Investigations
by the
Commission

7 **40.-(1)** The Commission may, for the purpose of conducting any
8 investigation pertaining to an inquiry, employ the services of any public officer
9 or investigation agency of the Government at the expense of the Commission.

10 (2) For the purpose of investigating any matter pertaining to an
11 inquiry, a public officer or agency whose services are employed under
12 subsection (1) may, subject to the direction and control of the commission-

13 (a) summon and enforce the attendance of any person for
14 examination;

15 (b) require the discovery and production of any document and;

16 (c) subject to the Constitution and any written law requisition any
17 public records and copy thereof from any public officer.

18 (3) The public officer or any agency whose services are employed
19 under subsection (1) shall investigate any matter pertaining to the inquiry and
20 submit a report there onto the Commission.

21 (4) The Commission shall satisfy itself on the correctness of the facts
22 stated and the conclusion, if any arrived at in the report submitted to it under
23 subsection (3) and for that purpose, the Commission may make such inquiry,
24 including the examination of any person or person's shoes conduct can assist in
25 the investigation as it considers necessary.

Notice if
complaint was
not investigated

26 **41.** If the Commission decides not to investigate or to discontinue the
27 investigation of a complaint, the Commission shall inform the complainant in
28 writing of that decision and the reasons for that decision as soon as reasonably
29 possible.

1	42. Before commencing an investigation under this Act, the	Notice of
2	Commission shall give notice of the intended investigation to the	investigation to
3	administrative head of the State organ, public office or organization.	organization
4	43. -(1) subject to subsection (2), if at any stage of an inquiry the	Person likely to
5	Commission-	be prejudiced or
6	(a) considers it necessary to inquiry into the conduct of any person;	affected to be
7	(b) is of the opinion that the reputation of any person is likely to be	heard
8	prejudiced by the inquiry, it shall give that person an opportunity to appear	
9	before the Commission by himself or by an advocate to give evidence in his	
10	own defence.	
11	(2) This section shall not apply where the credibility of a witness is	
12	being impeached.	
13	44. No statement made by a person in the course of giving	Statements made
14	evidence before the Commission shall subject such person to any civil or	by persons to the
15	criminal proceedings except forgiving false evidence by such statement.	Commission
16	45. The Commission may, upon inquiry into a complaint under	Action after
17	this Act take any of the following steps-	inquiry
18	(a) where the inquiry discloses a criminal offence, refer the matter	
19	to the Director of Public Prosecution or any other relevant authority or	
20	undertake such other action as the Commission may deem fit against the	
21	concerned person or persons;	
22	(b) recommend to the complainant a course of other judicial	
23	redress;	
24	(c) recommend to the complainant and to the relevant	
25	governmental agency or other body concerned in the alleged violation, other	
26	appropriate methods of settling the complaint or to obtain relief;	
27	(d) provide a copy of the inquiry report to all interested parties; and	
28	(e) submit summonses as it deems necessary in fulfillment of its	
29	mandate.	
30	46. -(1) After concluding an investigation or an inquiry under this	

1 Act, the Commission shall make a report to the State organ, public office or
2 organization to which the investigation relates.

3 (2) The report shall include-

4 (a) the findings of the investigation and any recommendations made
5 by the Commission;

6 (b) the action the Commission considers should be taken and the
7 reasons for the action; and

8 (c) any recommendation the Commission considers appropriate.

9 (3) The Commission may require the State organ, public office or
10 organization that was the subject of the investigation to submit a report to the
11 Commission within a specified period on the steps, if any, taken to implement
12 the recommendations of the Commission.

13 (4) If there is failure or refusal to implement the recommendations of
14 the Commission within the specified time, the Commission may prepare and
15 submit to the National Assembly report detailing the failure or refusal to
16 implement its recommendations and Parliament shall take appropriate action

Report to
organization

17 **47.** If, after an investigation, the Commission is of the opinion that
18 there is evidence that a person, an officer or employee of the State organ, public
19 office or organization which was investigated under this Act is guilty of
20 misconduct, the Commission shall report the matter to the appropriate
21 authority.

Hearings of the
Commission

22 **48.** The hearings of the Commission during an inquiry shall be open
23 to the public, except where the Commission decides otherwise.

Protection of
persons giving
evidence and
information

24 **49.** A person shall not be liable for any loss, damage or injury suffered
25 by another person by reason of lodging of a complaint or the production of
26 documents, information or evidence.

Report to the
complaint

27 **50.-(1)** If the Commission considers that a complaint may be
28 conciliated successfully, the Commission shall refer the complaint to the
29 Secretary for conciliation.

1	(2) The Commission shall endeavor to resolve any matter before it	Commission may refer complaint to conciliation
2	through conciliation, mediation and negotiation.	
3	(3) The Commission shall constitute a conciliation committee	
4	from amongst its members.	
5	(4) A conciliation committee shall, by written notice require any	
6	person to-	
7	(a) attend the committee sittings to discuss the subject matter of the	
8	complaint; or	
9	(b) produce any documents specified in the notice.	
10	51. -(1) If, pursuant to section 53, the parties to the complaint reach	Conciliation agreements
11	an agreement, the conciliation committee shall record the conciliation	
12	agreement.	
13	(2) The parties shall be bound to comply with the conciliation	
14	agreement under subsection (1).	
15	52. -(1) The Commission may decline to consider a complaint if it	Commission may decline to entertain Complaint
16	considers that a complaint-	
17	(a) is frivolous, vexatious, misconceived or lacking in substance;	
18	(b) involves a subject matter that would be more appropriately	
19	dealt with by a court of law; or	
20	(c) relates to an alleged contravention of the Act that took place	
21	more than twelve months before the complaint was lodged	
22	(2) The Commission shall notify the complainant and the	
23	respondent of its decision in writing within thirty days after the complaint	
24	was lodged.	
25	53. -(1) A respondent may apply in writing to the Commission to	Application to strike out complaint
26	have a complaint or any part of it struck out on grounds that it is frivolous,	
27	vexatious, misconceived or lacking in substance.	
28	(2) An application under subsection (1) may be made at any time-	
29	(a) before the respondent has been given notice to attend under	

1 section 53 or has otherwise been notified by the Commission of a date for
2 conciliation; or

3 (b) after the conciliation has been completed but before the complaint
4 is set down for hearing.

5 (3) The Commission shall begin to hear the application within
6 fourteen days after conciliation has failed and shall determine it as
7 expeditiously as possible.

decisions of
the Commission

8 **54.** The Commission shall after, hearing the evidence that the parties
9 to a complaint, adduce-

10 (a) find the complaint or any part of it proven and issue a compliance
11 notice in a manner provided for under section 63; or

12 (b) find the complaint or any part of it not proven and make an order
13 that the complaint or part of it be dismissed

Compliance
Notice

14 **55.**-(1) The Commission may issue a compliance notice to any person
15 requiring the person to whom it is issued to comply with the duty specified
16 therein.

17 (2) A person issued with a compliance notice under subsection (1)
18 shall inform the Commission within thirty days of the date on which the notice
19 is served, of the steps that the person has taken, or is taking, to comply with the
20 duty specified in the notice.

21 (3) A compliance notice issued under subsection (1) may require the
22 person concerned to furnish the
23 Commission with such documents required by the notice in order to verify that
24 the notice has been complied with.

25 (4) A compliance notice issued under subsection (1) may require the
26 person concerned to furnish the Commission with such documents required by
27 the notice in order to verify that the notice has been complied with.

28 (5) A compliance notice shall specify-

29 (a) the date, no later than three months from the date on which the
30 notice is served, when any information specified in the notice is to be furnished

1 to the Commission; and

2 (b) the manner and form in which any information is to be
3 furnished.

4 (6) A compliance notice issued under this section shall not require a
5 person to furnish information which that person would not be compelled to
6 furnish in evidence in civil proceedings before a court of law

7 **56.**-(1) The Commission may apply to the High Court for an order
8 requiring a person to furnish any information required by a compliance
9 notice if-

Enforcement of
Compliance
Notice

10 (a) that person fails to furnish the information to the Commission in
11 accordance with the compliance notice; or

12 (b) the Commission has reasonable cause to believe that the person
13 does not intend to furnish the information.

14 (2) If a person has not complied with section 63, the Commission
15 may apply to the High Court for an order requiring the person to comply
16 with the requirement of the notice

17 **57.**-(1) The Commission shall, in exercising its powers, expedite
18 the disposal of special references.

Special References

19 (2) A special reference is-

20 (a) a complaint the resolution of which may have significant social,
21 economic or financial effects on a community or a section of a community;

22 (b) a complaint the subject matter of which involves issues of a
23 particular complexity and the resolution of which may establish important
24 precedents in the interpretation or application of this Act.

25 (3) The Commission shall determine whether or not a matter
26 brought before it is a special reference.

27 PART VI - MISCELLANEOUS PROVISIONS

28 **58.**-(1) Proceedings against the Commission shall be deemed to be
29 proceedings against the Government and shall be subject to the Government
30 Proceedings Act.

Legal Proceedings
against the
Commission

	1	(2) Any notice or other process in respect of legal proceedings under
	2	subsection (1) shall be served upon the Secretary to the Commission.
Confidentiality of information	3	59. -(1) A person shall not, either directly or indirectly disclose,
	4	communicate, or make a record of any information obtained during the
	5	performance of their functions or duties under this Act, unless it is necessary to
	6	do so for the purpose of or in connection with, the performance of a function or
	7	duty or the exercise of power under this Act or any other written law.
	8	(2) Subsection (1) applies to every person who-
	9	(a) is or has been-
	10	(i) a member of the Commission;
	11	(ii) the Secretary to the Commission;
	12	(iii) a member of staff of the Commission; or
	13	(iv) any other person acting under the authority of the Commission;
	14	(b) has obtained information as a result of another person performing
	15	functions or duties or exercising powers under this Act.
	16	(3) A person who contravenes subsection (1) commits an offence and
	17	shall be liable on conviction to a fine not exceeding one hundred thousand
	18	shillings or to imprisonment to a term not exceeding of six months or both.
Protection of witnesses and informants	19	60. If a complaint has been lodged or a document or any information
	20	or evidence has been produced or given to the Commission, a person is not
	21	personally liable for any loss, damage, or injury suffered by another person by
	22	reason only of the lodging of the complaint or the production or giving of the
	23	document, information or evidence.
Offences by members of staff	24	61. -(1) A member of the Commission or member of staff commits an
	25	offence if he or she-
	26	(a) causes anything to be done through another person that would
	27	constitute a contravention of the Act if done by the member or officer; or
	28	(b) allows or directs a person under their supervision or control to do
	29	anything that is in contravention of the Act.
	30	(2) Subsection (1) (b) shall not apply where any thing is done without

1 the member of staff's knowledge or consent or if the member of staff has
2 taken reasonable steps to prevent it.

3 (3) A member of staff who acts under an unlawful direction shall be
4 responsible for his or her action.

5 **62.**-(1) If a public officer considers that anything required of them Reporting
6 is in contravention of the Act or is otherwise improper or unethical, the
7 member or officer shall report the matter to the Commission.

8 (2) The Commission shall investigate the report and take
9 appropriate action within ninety days of receiving the report. improper
10 orders.

11 **63.**-(1) A person who-

12 (a) fails to comply with a notice by the Commission issued under
13 section 64;

14 (b) without reasonable justification or other lawful cause hinders
15 or obstructs or uses insulting language against a Commissioner, member of
16 staff of the Commission or the Secretary in the exercise of powers or the
17 performance of functions under this Act; or

18 (c) gives any information or makes any statement which the person
19 knows is false or misleading in any material particular to the Commission,
20 the Secretary or a person acting on behalf of the Commission commits an
21 offence, and on conviction, is liable to a fine not exceeding one hundred
22 thousand naira or to imprisonment for a term not exceeding one year or to
23 both.

24 **64.** Any person who commits an offence under this Act for which Other offences
25 no penalty is provided is liable, on conviction, to a fine not exceeding one
26 million naira or to a term of imprisonment not exceeding two years or to
27 both.

28 **65.**-(1) A person who is aggrieved by a decision of the Commission General penalty
29 under this Act may, within fourteen days apply to the Commission for
30 review of that decision.

1 (2) The Commission shall, within thirty days, determine and
2 communicate its decision to the appellant Review.

Regulations	3	66. -(1) The Minister may, in consultation with the Commission make
	4	Regulations for the effective implementation of this Act.

5 (3) Despite the generality of subsection (1) the Minister shall make
6 Regulation.

7 (a) promoting the use of alternative and traditional dispute resolution
8 mechanisms;

9 (b) prescribing procedures of complaints, conciliation committee and
10 other bodies established under this Act; or

11 (c) prescribing forms for the purposes of this Act.

12 SCHEDULE

13 Section 9 (4)

14 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC

15 *Proceedings of the Council*

16 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the
17 Council may make standing orders regulating its proceedings or those of any of
18 its committees.

19 (2) The quorum of the Council shall be eleven members, including the
20 Chairman and Co-Chairman or, in their absence, the person elected under
21 paragraph 2(2) of this Schedule to preside, and nine other members and the
22 quorum of any committee of the Council shall be determined by the Council.

23 2.-(1) The Council shall meet at least once a month in each calendar
24 year and subject thereto, the Council shall meet whenever it is summoned by
25 the Co-Chairmen, and if the Co-Chairmen are required to do so, by notice given
26 to them by not less than six other members, they shall summon a meeting of the
27 Council to be held within fourteen days from the date on which the notice is
28 given.

29 (2) At any meeting of the Council, Co-Chairmen shall preside but if
30 any of both is absent, the members present at the meeting shall elect one of their

1 number to preside at the meeting.

2 (3) Where the Council desires to obtain the advice of any person on
3 a particular matter, the Council may co-opt him to the Council for such
4 period as it thinks fit, but a person who is in attendance by virtue of this sub-
5 paragraph shall not be entitled to vote at any meeting of the Council and
6 shall not count towards a quorum.

7 (4) The decision of the Council shall be by simple majority.

8 *Committees*

9 3.-(1) The Council may appoint one or more committees to carry
10 out, on behalf of the Council, such of its functions as the Council may
11 determine.

12 (2) A committee appointed under sub-paragraph (1) of this
13 paragraph shall consist of such number of persons (not necessarily members
14 of the Council) as may be determined by the Council, and a person other than
15 a member of the Council, shall hold office on the committee in accordance
16 with the terms of his appointment.

17 (3) A decision of a committee of the Council shall be of no effect
18 until it is confirmed by the Council.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the National Cohesion and Integration Commission; outlaw discrimination on ethnic grounds; provide for the establishment of an Institutional framework for national cohesion and peace building

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY, GASHUA AND TO
MAKE COMPREHENSIVE PROVISIONS FOR ITS DUE MANAGEMENT AND
ADMINISTRATION AND OTHER RELATED MATTERS, 2019

Sponsored by Senator Ahmad Lawan

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF

2 FEDERAL UNIVERSITY, GASHUA

3 1.-(1) There is established the Federal University, Gashua (in this Establishment
4 Act referred to as “the University”) and Objects of
the Federal
University,
Gashua

5 (2) The University-

6 (a) shall be a body corporate with perpetual succession and a
7 common seal; and

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

9 2. The objects of the University shall be to-

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

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

16 (c) encourage and promote scholarship and conduct research in
17 restricted fields of learning and human endeavour;

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

20 (e) undertake other activities appropriate for a university of the

	1	highest standard.
Constitution of the University and its Constituent Bodies, etc.	2	3.-(1) The University shall consist of-
	3	(a) a Chancellor;
	4	(b) a Pro-Chancellor and a Council;
	5	(c) a Vice Chancellor and a Senate;
	6	(d) a Deputy Vice-Chancellor;
	7	(e) a body to be called Congregation;
	8	(f) a body to be called Convocation;
	9	(g) the campuses and colleges of the University;
	10	(h) the faculties, schools, institutes and other teaching and research
	11	units of the University;
	12	(i) the persons holding the offices constituted by the First Schedule to
	13	this Act other than those mentioned in paragraphs (a) to (c) of this subsection;
	14	(j) all graduates and undergraduates; and
	15	(k) all other persons who are members of the University in accordance
	16	with provisions made by Statute in that behalf.
	17	(2) The First Schedule to this Act shall have effect with respect to the
	18	Principal Officers of the University mentioned therein.
	19	(3) Provision shall be made by Statute with respect to the constitution
	20	of the following bodies, namely-
	21	(a) the Council;
	22	(b) the Senate;
	23	(c) the Congregation; and
	24	(d) the Convocation.
Powers of the University	25	4.-(1) For the carrying out of its objects as specified in Section 2 of
	26	this Act, the University shall have power to-
	27	(a) establish such campuses, colleges, faculties, institutes, schools,
	28	extra-mural departments and other teaching and research units within the
	29	University as may from time to time seem necessary or desirable, subject to the
	30	approval of the National Universities Commission;

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

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

7 (d) provide for the residence, discipline and welfare of members of
8 the University;

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

13 (f) award honorary degrees, fellowships or academic titles;

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

18 (h) subject to section 22 of this Act, to acquire, hold, grant, charge
19 or otherwise deal with or dispose of movable and immovable property
20 wherever situate;

21 (i) 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 attaching thereto;

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

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

30 (l) hold public lectures and undertake printing, publishing and

1 book selling;

2 (m) subject to any limitations or conditions imposed by Statute, to
3 invest any moneys appertaining to the University by law of endorsement,
4 whether for general or special purposes, and such other moneys as may not be
5 immediately required for current expenditure, in any investments or securities
6 or in the purchase or improvement of land, with power from time to time to vary
7 any such investments and to deposit any moneys for the time being un-invested
8 with any bank on deposit or current account;

9 (n) 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 University,
11 such moneys as the Council may from time to time in its discretion find
12 necessary or expedient to borrow or to guarantee any loan, advances or credit
13 facilities;

14 (o) make gifts for any charitable purpose;

15 (p) do anything which it is authorized or required by this Act or by any
16 other Statute to do; and

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

19 (2) Subject to the provisions of this Act and of the Statutes made
20 thereunder and without prejudice to Section 9 (2) of this Act, the powers
21 conferred on the University by subsection (1) of this section shall be
22 exercisable on behalf of the University by the Council or by the Senate or in any
23 other manner which may be authorized by this Act.

Functions of the
Chancellor and
Proc-Chancellor

24 **5.-(1)** The Chancellor shall in relation to the University, take
25 precedence before all other members of the University, and when he is present
26 shall preside at all meetings of convocation held for conferring degrees.

27 (2) The Pro-Chancellor shall, in relation to the University, take
28 precedence before all other members of the University except the Chancellor,
29 and except for the Vice Chancellor when acting as Chairman of Congregation

1 or Convocation, and the Pro-Chancellor shall when he is present, be the
2 Chairman at all meetings of the Council.

3 **6.-(1)** There shall be a Council for the University consisting of:

Establishment
and Composition
of Council

4 (a) the Pro-Chancellor;

5 (b) the Vice-Chancellor;

6 (c) the Deputy Vice-Chancellor;

7 (d) one person from the Federal Ministry responsible for
8 Education;

9 (e) four persons representing a variety of interest and broadly
10 representative of the whole Federation;

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

12 (g) two persons appointed by the congregation from among its
13 members; and

14 (h) one persons appointed by Convocation from among its
15 members.

16 (2) Persons to be appointed to the Council shall be persons of
17 proven integrity, knowledgeable and familiar with the affairs and tradition
18 of the University.

19 **7.-(1)** Subject to the provisions of this Act relating to the Visitor,
20 the Council shall be the Governing Body of the University and shall be
21 charged with the general control and superintendence of the policy, finances
22 and property of the University, including its public relations.

Functions of the
Council and its
Finance and
General Purpose

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

27 (3) Provision shall be made by Statute with respect to the
28 constitution of the Finance and General Purposes Committee.

29 (4) The Council shall ensure proper accounts of the University are
30 kept and that the accounts of the University are audited annually by auditors

1 appointed by the Council from the list and in accordance with guidelines
2 supplied by the Auditor-General of the Federation, and that an annual report is
3 published by the University together with certified copies of the said accounts
4 as audited.

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

9 (6) Rules made under subsection (S) of this section by the Finance and
10 General Purposes Committee shall not come into force unless approved by the
11 Council, and where any rule so made by the Committee conflict with any
12 directions given by the Council (whether before or after the coming into force
13 of the rules in question), the direction of the Council shall prevail.

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

18 (8) The Council shall meet as and when necessary for the
19 performance of its functions under this Act, and shall meet at least four times
20 every year.

21 (9) If required in writing by any five members of the Council, the
22 Chairman shall within twenty-eight days after the receipt of such request call a
23 meeting of the Council:

24 PROVIDED that if after 28 days of the receipt or delivering to him of
25 such request, the chairman fails or neglects to call a meeting, the Registrar shall
26 within 14 days thereof, cause a meeting of the Council to be convened for that
27 purpose. The request shall specify the business to be considered at the meeting
28 and no business not so specified shall be transacted at that meeting.

Functions of
the Senate

29 8.-(1) Subject to section 5 of this Act and subsections (3) and (4) of this
30 section and to the provisions of this Act relating to the Visitor, it shall be the

1 general function of the Senate to organize and control teaching in the
2 University, admission to Postgraduate courses and other admission of
3 students, the discipline of students and to promote research in the
4 University.

5 (2) Without prejudice to the generality of the provisions of
6 subsection (1) of this section, it shall in particular be the function of the
7 Senate to make provision for the-

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

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

15 (c) award of degrees, and such other qualifications as may be
16 prescribed, in connection with examinations conducted by the University;

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

20 (e) establishment, organization and control of halls of residence
21 and similar institutions in the University;

22 (f) supervision of the welfare of students in the University and the
23 regulation of their conduct;

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

26 (h) determination of what description of dress shall be academic
27 dress for the purposes of the University, and regulating the use of academic
28 dress.

29 (3) The Senate shall not establish any new campus, college,
30 faculty, department, school, institute or other teaching and research units of

1 the University, or any hall of residence or similar institution at the University
2 without the approval of the Council.

3 (4) (a) Subject to this Act and the Statutes, the Senate may make
4 regulations for the purpose of exercising any function conferred on it either by
5 the provisions of this section or for the purpose of providing for any matter for
6 which provision by regulation is authorized or required by this Act or by
7 Statute;

8 (b) The Senate shall, by regulation, provide that at least one of the
9 persons appointed as examiners at each final or professional examination held
10 in conjunction with any course of study in the University is not a teacher at the
11 University but is a teacher at the branch of learning to which the course relates
12 in some other university of high repute.

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

Functions of the
Vice-Chancellor

19 9.-(1) The Vice-Chancellor shall, in relation to the University, take
20 precedence before all other members of the University except the Chancellor
21 and, subject to section 5 of this Act, the Pro-Chancellor and any other person
22 for the time being acting as Chairman of the Council.

23 (2) Subject to the provisions of this Act, the Vice-Chancellor shall
24 have general function, in addition to any other functions conferred on him by
25 this Act or otherwise, of directing the activities of the University, and shall to
26 the exclusion of any other person or authority be the chief executive and
27 academic officer of the University and ex-officio Chairman of the Senate.

28 PART II - TRANSFER OF PROPERTY

Transfer of
Property to the
University

29 10.-(1) All property held by or on behalf of the Provisional Council
30 shall, by virtue of this subsection and without further assurance, vest in the

1 University and be held by it for the purpose of the University.

2 (2) The provisions of the Second Schedule to this Act shall have
3 effect with respect to the transfer of property by this section and to matters
4 arising therefrom and with respect to other matters mentioned in that
5 Schedule.

6 PART III — STATUTES OF THE UNIVERSITY

7 11.-(1) Subject to this Act, the University may make Statutes for
8 any of the following purposes- Power of the
University to
make Statues

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

11 (b) specifying and regulating the powers and duties of any
12 authority of the University, and regulating any other matter connected with
13 the University or any of its authorities;

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

16 (d) determining whether any particular matter is to be treated as an
17 academic or non-academic matter for the purposes of this Act and of any
18 Statute, regulation or other instrument made there-under; and

19 (e) making provision for other matters for which provision by
20 Statute is authorized or required by this Act.

21 (2) Subject to section 25 (6) of this Act, the Interpretation Act shall
22 apply in relation to any Statute made under this section as it applies to a
23 subsidiary instrument within the meaning of section 27 (1) of that Act.

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

27 (4) The power to make Statute conferred by this section shall not be
28 prejudiced or limited in any way by reason of the inclusion or omission of
29 any matter in or from the Statute contained in the Third Schedule to this Act
30 or any subsequent Statute.

Mode of exercising the power to make Statutes	1	12.-(1) The power of the University to make Statutes shall be
	2	exercised in accordance with the provisions of this section.
	3	(2) A proposed Statute shall not have the force of law until it has been
	4	approved at a meeting of the-
	5	(a) Senate, by the votes of not less than two thirds of the members
	6	present and voting; and
	7	(b) Council by the votes of not less than two thirds of the members
	8	present and voting.
	9	(3) A proposed Statute may originate either in the Senate or Council,
	10	and may be approved as required by subsection (2) of this section by both
	11	bodies in no particular order.
Proof of Statute	12	(4) A Statute which-
	13	(a) makes provision for or alters the composition or constitution of the
	14	Council, the Senate or any other authority of the University; or
	15	(b) provides for the establishment of a new campus or college or for
	16	the amendment or revocation of any Statute whereby a campus or college is
	17	established;
	18	shall not come into operation unless it has been approved by the Visitor.
	19	(5) For the purpose of section 2 (2) of the Interpretation Act, a Statute
	20	shall be treated as being made on the date on which it is approved by the
	21	Council and the Senate in accordance with subsection (3) of this section or in
	22	the case of a Statute falling within subsection (4) of this section, on the date on
Power to decide the meaning of Statute	23	which it is approved by the President.
	24	13. A Statute may be proved in any court by the production of a copy
	25	thereof bearing or having affixed to it a certificate signed by the Vice-
	26	Chancellor or the Registrar to the effect that the copy is a true copy of a Statute
	27	of that University.
	28	14.-(1) In the event of any doubt or dispute arising at any time as to the
	29	meaning of any provision of a Statute, the matter may be referred to the Visitor,
	30	who shall take such advice and make such decision thereon as he deems fit.

(2) The decision of the Visitor on any matter referred to him under this section shall be binding upon the authorities, staff and students of that University and where any question as to the meaning of any provision of a statute has been decided by the Visitor under this section, no question as to the meaning of that provision shall be entertained by any other authority in Nigeria:

PROVIDED that nothing in this subsection shall affect the power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution.

(3) The foregoing provisions of this section shall apply in relation to any doubt or dispute as to whether any matter is, for the purposes of this Act, academic or a non-academic matter as they apply in relation to any such doubt or dispute as is mentioned in subsection (1) of this section, and accordingly the reference in subsection (2) of this section to any question as to the meaning of any provision of a statute shall include references to any question as to whether any matter is for the said purposes an academic or non-academic matter.

PART IV - SUPERVISION AND DISCIPLINE

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

The Visitor

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

(3) It shall be the duty of the bodies and persons comprising the University to-

(a) make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purpose of the visitation; and

Removal of
certain Members
of the Council

1 (b) give effect to any instructions consistent with the provisions of
2 this Act which may be given by the Visitor in consequence of the visitation.

3 **16.-(1)** If it appears to the Council that a member (other than the Pro-
4 Chancellor or the Vice-Chancellor) should be removed from office on grounds
5 of misconduct or inability to perform the functions of his office, the Council
6 shall make a recommendation to that effect through the Minister to the Federal
7 Executive Council and if the Federal Executive Council, after making such
8 enquiries (if any) as may be considered necessary, approves the
9 recommendation it may direct the removal of the member from office.

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

Removal and
discipline of
Academic,
Administrative
and Professional
Staff

14 **17.-(1)** If it appears to the Council that there are reasons for believing
15 that any person employed as a member of the academic, administrative or
16 professional staff of the University, other than the Vice-Chancellor, should be
17 removed from office or on grounds of misconduct or inability to perform the
18 functions of his office Council shall-

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

20 (b) afford such person an opportunity of making representation in
21 person on the matter to the Council; and

22 (c) take a decision to terminate or not to terminate the appointment.

23 (2) If the affected staff or any three members of the Council so request
24 within a period of one month from the date of receipt of the notice of the
25 Council's decision, the Council shall make arrangements for

26 (a) a joint committee of the Council and the Senate to review the
27 matter and to report on it to the Council;

28 (b) the person in question to be afforded an opportunity to appear
29 before and be heard by an investigating committee with respect to the matter;
30 and if the Council after considering the report of the investigating committee, is

1 satisfied that the person in question should be removed, the Council may so
2 remove him by an instrument in writing signed on the directions of the
3 Council.

4 (3) The Vice-Chancellor may, in a case of gross misconduct by a
5 member of staff which in the opinion of the Vice-Chancellor is prejudicial to
6 the interest of the University, suspend such member and any such
7 suspension shall immediately be reported to the Council.

8 (4) Any member of staff may be suspended from duty or his
9 appointment may be terminated by Council for a good cause and for the
10 purposes of this subsection “good cause” means-

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

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

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

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

23 (5) Any person suspended pursuant to subsection (3) of this section
24 shall be on half pay and the Council shall before the expiration of a period of
25 three months from the date of such suspension consider the case against that
26 person and come to a decision as to whether to —

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

29 (b) reinstate such person in which case the Council shall restore his
30 full emoluments with effect from the date of suspension;

1 (c) terminate the appointment of the person concerned in which case
2 such a person will not be entitled to the proportion of his emoluments withheld
3 during the period of suspension; or

4 (d) take such lesser disciplinary action against such person (including
5 the restoration of such proportion of his emoluments that might have been
6 withheld) as the Council may determine.

7 (6) Where the Council, pursuant to this section, decides to continue a
8 person's suspension or decides to take further disciplinary action against the
9 person, the Council shall, before the expiration of three months from such
10 decision come to a final determination in respect of the case concerning such a
11 person.

12 (7) It shall be the duty of the person by whom an instrument of
13 removal is signed in pursuance of subsection (1) above to use his best
14 endeavours to cause a copy of the instrument to be served as soon as reasonably
15 practicable on the person to whom it relates.

16 (8) Nothing in the foregoing provisions of this section shall prevent
17 the Council from making regulations for the discipline of staff and workers of
18 the University as may be appropriate.

Removal of
Examiners

19 **18.-(1)** If, on the recommendation of the Vice-Chancellor, it appears
20 to the Senate that a person appointed as an examiner for any examination of the
21 University ought to be removed from his office or appointment, then, the
22 Senate may, after affording the examiner an opportunity of making
23 representations in person on the matter, direct the Vice-Chancellor to remove
24 the examiner by an instrument in writing signed by the Registrar.

25 (2) Subject to the provisions of any regulation made pursuant to
26 section 8 (4) of this Act, the Vice-Chancellor may, on the recommendation of
27 Senate, appoint an appropriate person as examiner in the place of the examiner
28 removed.

29 (3) It shall be the duty of the Registrar on signing an instrument of
30 removal pursuant to this section, to use his best endeavours to cause a copy of

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

3 **19.-(1)** Subject to the provisions of this section, where it appears to
4 the Vice-Chancellor that any student is guilty of misconduct, the Vice-
5 Chancellor may, without prejudice to any other disciplinary powers
6 conferred on him by Statute or regulations, direct that the-

Discipline of
Students

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

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

13 (c) student be rusticated for such period as may be specified in the
14 direction; or

15 (2) Where a direction is given under subsection (1) paragraphs (c)
16 or (d) of this section in respect of any student, the student may, within the
17 prescribed period and in the prescribed manner, appeal against the direction
18 to the Senate.

19 (3) Where an appeal is brought pursuant to subsection (2) of this
20 section, the Senate shall, after causing such inquiry to be made in the matter
21 as the Senate considers just, either confirm or set aside the direction or
22 modify it in such manner as the Senate thinks fit.

23 (4) The fact that an appeal from a direction is brought pursuant to
24 subsection (2) of this section shall not affect the operation of the direction
25 while the appeal is pending.

26 (5) The Vice-Chancellor may delegate his powers under this
27 section to a disciplinary board consisting of such members of the University
28 as he may nominate.

29 (6) Nothing in this section shall be construed as preventing the
30 restriction or termination of a student's activities at the University for

1 conduct which in the opinion of Senate is prejudicial to the interest of the
2 University or to its corporate objective or image.

3 (7) A direction under subsection (1) (a) of this section may be
4 combined with a direction under subsection (1) (b) of this section.

5 PART V - MISCELLANEOUS AND GENERAL PROVISIONS

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

6 **20.-(1)** No person shall be required to satisfy requirements as to any of
7 the following matters, that is to say, race (including ethnic grouping) sex, place
8 of birth, family origin, religious or political persuasion, as a condition for
9 becoming or continuing to be a-

10 (a) student in the University;

11 (b) holder of any degree, appointment or employment in the
12 University; or

13 (c) member of any body established by virtue of this Act.

14 (2) No person shall be subjected to any disadvantage or accorded any
15 advantage in relation to the University by reference to any of the matters
16 referred to in subsection (1) of this section.

17 (3) Nothing in subsection (1) of this section shall be construed as
18 preventing the University from imposing any disability or restriction on any of
19 the persons specified in subsection (1) of this section where such persons
20 wilfully refuse or fail on grounds of religious belief to undertake any duty
21 generally and uniformly imposed on all such persons or any group of them
22 which duty, having regard to its nature and the special circumstances, is in the
23 opinion of the University reasonably justifiable in the national interest.

Transfer of land
to the University

24 **21.-(1)** For the purpose of the Land Use Act (which provides for the
25 compulsory acquisition of land for public purposes) any purpose of the
26 University shall be the same as that of the Federation.

27 (2) Where an estate or interest in land is acquired by the Government
28 pursuant to this section, the Government may, by a certificate under the hand
29 and seal of the Chief Federal Lands Officer or any other person authorized in
30 that behalf transfer it to the University.

1 **22.** Without prejudice to the provisions of the Land Use Act, the
2 University shall not dispose of or charge any land or an interest in any land
3 (including any land transferred to the University by this Act) except with the
4 prior written consent, either general or special, of the Visitor:

Restriction on
disposal of land
by University

5 PROVIDED that such consent shall not be required in the case of
6 any lease or tenancy at a rack-rent for a term not exceeding twenty-one years
7 of any lease or tenancy to a member of the University for residential
8 purpose.

9 **23.** Except as may be otherwise provided by Statute or by
10 Regulation, the quorum and procedure of any body of persons established
11 by this Act shall be such as may be determined by that body.

Quorum and
procedure of
bodies established
by this Act

12 **24.**-(1) Any body of persons established by this Act shall, without
13 prejudice to the generality of the powers of that body, have power to appoint
14 committees, which need not consist exclusively of members of that body
15 and authorize a committee established by it to —

Appointment of
Committees, etc.

16 (a) exercise on its behalf, such of its functions as it may determine;
17 and

18 (b) co-opt members and direct whether or not co-opted members
19 shall be entitled to vote in that committee.

20 (2) Any two or more such bodies may arrange for the holding of
21 joint meetings of those bodies or for the appointment of committees
22 consisting of members of those bodies, for the purpose of considering any
23 matter within the competence of those bodies or any of them and either
24 dealing with it or of reporting on it to those bodies or any of them.

25 (3) Except as may be otherwise provided by Statute or Regulations,
26 the quorum and procedure of a committee established or meeting held
27 pursuant to this section shall be such as may be determined by the body or
28 bodies which have decided to establish the committee or hold the meeting.

29 (4) The Pro-Chancellor and the Vice-Chancellor shall be members
30 of every committee of which the members are wholly or partly appointed by

Miscellaneous
Administrative
provisions

1 the Council, (other than a committee appointed to inquire into the conduct of
2 the officer in question) and the Vice-Chancellor shall be a member of every
3 committee of which the members are wholly or partly appointed by the Senate.

4 (5) Nothing in the foregoing provisions of this section shall be
5 construed as enabling-

6 (a) statutes to be made otherwise than in accordance with section 11 of
7 this Act; or

8 (b) the Senate to empower any other body to make Regulations or to
9 award degrees or other qualifications.

10 **25.-(1)** The seal of the University shall be such as may be determined
11 by the Council and approved by the Chancellor and the affixing of the seal
12 shall-

13 (a) in the case of certificates issued by the University, be authenticated
14 by the Vice-Chancellor and the Registrar; and

15 (b) in the case of any other document, be authenticated by any
16 member of Council, the Vice-Chancellor and the Registrar or any other person
17 authorized by Statute.

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

21 (3) Any contract or instrument which, if made or executed by a person
22 not being a body corporate, would not be required to be under seal, may be
23 made or executed on behalf of the University by any person generally or
24 specially authorized to do so by the Council without seal.

25 (4) The validity of the proceedings of any body established pursuant
26 to this Act shall not be affected by-

27 (5) Any member of any such body who has a personal interest in any
28 matter proposed to be considered by that body shall disclose his interest to the
29 body and shall not vote on any question relating to that matter.

30 (6) Nothing in section 12 of the Interpretation Act (which provides for

1 the application, in relation to subordinate legislation, of certain incidental
2 provisions) shall apply to Statutes or Regulations made pursuant to this Act.

3 (7) The power conferred by this Act on any body to make Statute or
4 Regulations shall include power to revoke or vary any-

5 (a) Statute (including the Statute contained in the Third Schedule to
6 this Act; or

7 (b) regulation by a subsequent Statute or Regulation as the case
8 may be;

9 PROVIDED that the Statutes and Regulations may have
10 different provisions in relation to different circumstances.

11 (8) No stamp or other duty shall be payable in respect of any
12 transfer of property to the University by virtue of sections 10, 21 and the
13 Second Schedule to this Act.

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

17 **26.-(1)** In this Act-

Interpretation

18 “appropriate authority” means any person, body or authority authorized by
19 law to act in a specific or general capacity in relation to a subject matter;

20 “campus” means any campus which may be established by the University;

21 “college” means any college which may be established by the University;

22 “graduate” means a person on whom a degree (other than an honorary
23 degree) has been conferred by the University;

24 “gross misconduct” means any act of misconduct and improper behaviour
25 that may be designated as gross misconduct by any Statute or Regulation
26 made, pursuant to this Act;

27 “Minister” means the Minister charged with responsibility for education;

28 “misconduct” means any conduct which is prejudicial to the good name of
29 the University and or discipline and the proper administration of the
30 business of the University;

- 1 “notice” means notice in writing;
- 2 “officer” does not include the Visitor;
- 3 “prescribed” means prescribed by Statute or Regulation made under this Act;
- 4 “professor” means a person designated as a professor of the University in
5 accordance with provisions made in that behalf by Statute or by Regulations;
- 6 “property” includes rights, liabilities and obligations;
- 7 “the provisional Council” means the provisional Council appointed for the
8 University by the President with effect from September 2011;
- 9 “regulations” means regulations made by the Senate or Council;
- 10 “Senate” means the Senate of the University established by the Act;
- 11 “Statute” means a Statute made by the University under section 11 of this Act
12 and in accordance with the provisions of section 12 of this Act;
- 13 “the Statutes” means all such Statutes as are in force from time to time;
- 14 “teacher” means a person holding a full time appointment as a member of the
15 teaching or research staff of the University;
- 16 “Government” means the Federal Government of Nigeria;
- 17 “President” means the President of the Federal Republic of Nigeria;
- 18 “Constitution” means the Constitution of the Federal Republic of Nigeria;
- 19 “undergraduate” means a person in statu pupillari in the University, other than-
20 (a) a graduate; and
21 (b) a person of such description as may be prescribed for the purposes
22 of this definition.
- 23 “the University” the Federal University, Gashua as incorporated and
24 constituted by this Act; and
- 25 “the Act” means the Federal University, Gashua Act.
- 26 (2) Where in any provision of this Act, it is laid down that proposals
27 are to be submitted or a recommendation is to be made by one authority to
28 another through one or more intermediate authorities, it shall be the duty of
29 every such intermediate authority to forward any proposals or
30 recommendations received by it pursuant to that provision to the appropriate

1 authority; but any such intermediate authority may, if it thinks fit, forward
2 therewith its own comments thereon.

3 27. This Act may be cited as the Federal University, Gashua Short Title
4 (Establishment, etc.) Bill, 2019.

5 SCHEDULES

6 FIRST SCHEDULE

7 Section 3 (2)

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
14 office by the President.

15 (2) Subject to the provisions of this Act, the Pro-Chancellor shall
16 hold office for a period of four years from the date of his appointment.

17 *The Vice-Chancellor*

18 3. The procedure for the appointment and removal of the Vice-
19 Chancellor shall be in accordance with the provision of the University
20 (Miscellaneous Provisions) Act 1993 as amended.

21 *Deputy Vice-Chancellor*

22 4.-(1) There shall be for the University, two Deputy Vice-
23 Chancellors or such number of Deputy Vice Chancellors as the Council may,
24 from time to time, deem necessary for the proper administration of the
25 University.

26 (2) The procedure for the appointment and removal of the Deputy
27 Vice Chancellor shall be in accordance with the provisions of the
28 Universities {Miscellaneous Provisions} Act 1993 as amended.

29 (3) A Deputy Vice-Chancellor shall-

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

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

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

6 *Office of the Registrar, Bursar and University Librarian*

7 5.-(1) There shall be for the University, a Registrar, who shall be the
8 Chief Administrative Officer of the University and shall be responsible to the
9 Vice-Chancellor for the day-to-day administration of the University except as
10 regards matters for which the Bursar is responsible in accordance with
11 paragraph 6 (2) below.

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

14 (3) The Registrar shall hold office for such period and on such terms
15 and conditions as to emoluments as may be specified in his letter of
16 appointment.

17 6.-(1) There shall be for the University, the following Principal
18 Officers in addition to the Registrar, that is-

19 (a) the Bursar; and

20 (b) the University Librarian.

21 (2) The Bursar shall be the Chief Financial Officer of the University
22 and shall be responsible to the Vice-Chancellor for the day-to-day
23 administration 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 all library services in the University and its campuses, colleges,
27 faculties, schools, departments and institutes and other teaching or research
28 units.

29 (4) The Bursar and the University Librarian-

30 (a) shall each hold office for such period and on such terms and

1 conditions as to emoluments as may be specified in his letter of
2 appointment.

3 *Other Officers of the University*

4 7. There shall be for the University, a Director of Works, who shall
5 be responsible to the Vice Chancellor for the administration of the Works
6 Department. He shall be responsible for all works, services and maintenance
7 of University facilities.

8 8. There shall be for the University, a Director of Health Services,
9 who shall be responsible to the Vice Chancellor for the administration of the
10 Health Centre. He shall be the Chief Medical Officer of the University and
11 shall coordinate all matters relating to the health of all staff and students.

12 *Resignation and re-appointment*

13 9.-(1) Any officer mentioned in the foregoing provisions of this
14 schedule may resign his office in-

15 (a) the case of the Chancellor or Pro-Chancellor, by notice to the
16 Visitor;

17 (b) the case of the Vice-Chancellor by notice to the Council which
18 shall immediately notify the Minister; and

19 (2) A person who has ceased to hold an office so mentioned
20 otherwise than by removal for misconduct shall be eligible for re-
21 appointment to that office.

22 **SECOND SCHEDULE**

23 *Section 10 (2)*

24 **TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.**

25 *Transfer of Property to the University*

26 1. Without prejudice to the generality of Section 10 (1) of this Act-

27 (a) the reference in the subsection to property held by the
28 provisional Council and the University shall include a reference to the right
29 to receive and give a good discharge for any grants or contributions which
30 may have been voted or promised to the provisional Council and the

1 University; and

2 (b) all outstanding debts and liabilities of the provisional Council
3 shall become debts and liabilities of the University established by this Act.

4 2.-(1) All agreements, contracts, deeds and other instruments to
5 which the provisional Council was a party shall, so far as possible and subject
6 to any necessary modifications, have effect as if the University established by
7 this Act had been a party to it in place of the provisional Council.

8 (2) Documents not falling within sub-paragraph (I) above, including
9 enactments, which refer whether specially or generally to the provisional
10 Council shall be construed in accordance with that subparagraph so far as
11 applicable.

12 (3) Any legal proceedings or application to any authority pending by
13 or against the provisional Council may be continued by or against the
14 University established by this Act.

15 *Registration of Transfers*

16 3.-(1) If the law in force at the place where any property transferred by
17 this Act is situated provides for the registration of transfers of property of the
18 kind in question (whether by reference to an instrument of transfer or
19 otherwise), the law shall, so far as it provides for alterations of a register (but
20 not for avoidance of transfers, the payment of fees of any other matter) apply,
21 with the necessary modifications to the transfer of the property in question.

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

26 4.-(1) The first meeting of the Council shall be convened by the Pro-
27 Chancellor on such date and in such manner as he may determine.

28 (2) The persons who were members of the provisional Council shall
29 be deemed to constitute the Council until the date when the Council set up
30 under the Third Schedule to this Act must have been duly constituted.

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

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

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

(6) Persons who were deans or associate deans of faculties or members of faculty boards shall continue to be deans or associate deans or become members of the corresponding faculty boards, until new appointment are made in pursuance of the Statutes under this Act.

17 5. Any person who was a member of the staff of the University as
18 established or was otherwise employed by the provisional Council shall be
19 employed at the University on such designation, status and functions which
20 correspond as nearly as possible to those which pertained to him as a
21 member of that staff or as such an employee.

22 6. Questions as to the scope of the responsibilities of the aforesaid
23 officers shall be determined by the Vice-Chancellor.

24 THIRD SCHEDULE

25 *Section 11 (3)*

26 Federal University, Gashua Statute No. 1

27 *Articles:*

- 28 1. The Council.
- 29 2. Finance and General Purpose Committee
- 30 3. The Senate.

- | | | |
|---|-----|--|
| 1 | 4. | The Congregation. |
| 2 | 5. | Convocation. |
| 3 | 6. | Organization of Faculties and the Branches thereof. |
| 4 | 7. | Faculty Board. |
| 5 | 8. | The Dean of the Faculty. |
| 6 | 9. | Selection of Certain Principal and other key officers. |
| 7 | 10. | Creation of Academic Post. |
| 8 | 11. | Appointment of Academic Staff. |
| 9 | 12. | Appointment of Administrative and Technical Staff. |

10 *The Council*

(1) Any member of Council holding office pursuant to section 6 (e) (f) (g) or (h) of this Act may, by notice to the Council resign his office.

(2) A member of Council holding office pursuant to section 6 (e) (f) (g) or (h) of this Act shall, unless he previously vacates it, vacate that office on the expiration of a period of four years starting from 1st August in the year in which he was appointed.

(3) Where a member of Council holding office pursuant to section 6 (e) (f) (g) or (h) of this Act vacates office before the expiration of his tenure, the body that appointed him may appoint a successor to hold office for the residue of his unexpired term.

21 (4) A person ceasing to hold office as a member of Council otherwise
22 than by removal for misconduct shall be eligible for reappointment for only
23 one further period of four years.

(5) The quorum of the Council shall be five, at least one of whom shall be a member pursuant to Section 6 (d) and (e) of this Act.

(6) If the Pro-Chancellor is not present at a meeting of the Council, the members present at the meeting may appoint one of them to be the Chairman at that meeting, and subject to section 5 of this Act and the provisions of this paragraph the Council may regulate its own procedure.

30 (7) Where the Council desires to obtain advice with respect to any not

1 particular matter, it may co-opt not more than two persons for that purpose;
2 and the persons co-opted may take part in the deliberations of the Council at
3 any meeting but shall not be entitled to vote.

4 (8) The Council constituted by this Act shall have a four year tenure
5 from the date of its inauguration, provided that where a Council is found to
6 be incompetent and corrupt, it shall be dissolved by the visitor and a new
7 Council shall be immediately constituted for the effective functioning of the
8 University.

9 (9) The powers of the Council shall be exercised in accordance
10 with the laws and Statutes of the University, and to that extent, establishment
11 circulars that are inconsistent with the laws and Statutes of the University
12 shall not apply to the' University.

13 *The Finance and General Purpose Committee*

14 2.-(1) The Finance and General Purpose Committee of the Council
15 shall consist of-

16 (a) the Pro-Chancellor, who shall be the Chairman of the
17 committee at any meeting at which he is present;

18 (b) the Vice-Chancellor and a Deputy Vice-Chancellor;

19 (c) six other members of the Council appointed by the Council two
20 of whom shall be selected from among the four members of the Council
21 appointed by the Senate and one of whom shall be selected from among
22 members of the Council appointed by the congregation; and

23 (d) the Permanent Secretary, Federal Ministry of Education or, in
24 his absence, such member of his Ministry as he may designate to represent
25 him.

26 (2) The quorum of the Committee shall be six.

27 (3) Subject to any directions given by the Council, the committee
28 may regulate its own procedure.

29 *The Senate*

30 3.—(1) There shall be a Senate for the University consisting of:

- 1 (a) the Vice-Chancellor;
2 (b) the Deputy Vice-Chancellor;
3 (c) all Professors of the University;
4 (d) all Deans, Provosts and Directors of Academic units of the
5 University;
6 (e) all Heads of Academic Departments, Units and Research Institutes
7 of the University;
8 (f) the University Librarian; and
9 (g) academic members of the congregation who are not Professors as
10 specified in the Laws of the University.

11 (2) The Vice-Chancellor shall be the chairman at all meetings of the
12 Senate when he is present and in his absence, one of the Deputy Vice-
13 Chancellors appointed by him shall be the chairman at the meeting.

14 (3) The quorum of the Senate shall be one-quarter (or the nearest
15 whole number less than one quarter), and subject to paragraph (2) above the
16 Senate may regulate its own procedure.

17 (4) If so requested in writing by any ten members of the Senate, the
18 Vice-Chancellor, or in his absence a person duly appointed by him, shall
19 convene a meeting of the Senate to be held not later than the tenth day
20 following that on which the request was received.

21 *Congregation*

22 4.—(1) Congregation shall consist of-

- 23 (a) the Vice-Chancellor and the Deputy Vice-Chancellor;
24 (b) the full time members of the academic staff;
25 (c) the Registrar;
26 (d) the Bursar; and
27 (e) every member of the administrative and technical staff who holds
28 a degree of any University recognized for the purpose of this Statute by the
29 Vice-Chancellor, not being an honorary degree.

30 (2) Subject to section 5 of this Act, the Vice-Chancellor shall be the l

1 Chairman at all meetings of congregation when he is present, and in his
2 absence one of the Deputy Vice Chancellors appointed by him shall be the
3 chairman at the meeting.

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

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

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

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

14 (5) Subject to the provisions of this schedule, congregation may
15 regulate its own procedure.

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

21 *Convocation*

22 5.-(1) Convocation shall consist of-

23 (a) the Officers of the University mentioned in Schedule 1 to this
24 Act;

25 (b) all teachers within the meaning of this Act; and

26 (c) all other persons whose names are registered in accordance with
27 paragraph (2) below.

28 (2) A person shall be entitled to have his name registered as a
29 member of convocation if he-

30 (a) is either a graduate of the University or a person satisfying such

- 1 requirements as may be prescribed for the purposes of this paragraph; and
- 2 (b) applies for the registration of his name in the prescribed manner
- 3 and pays the prescribed fee.
- 4 (3) Regulations shall provide for the establishment and maintenance
- 5 of a register for the purpose of this paragraph and, subject to paragraph (3)
- 6 below, may provide for the payment from time to time of further fees by
- 7 persons whose names are on the register and for the removal from the register
- 8 of the name of any person who fails to pay those fees.
- 9 (4) The person responsible for maintaining the register shall, without
- 10 the payment of any fees, ensure that the names of all persons who are for the
- 11 time being members of convocation by virtue of paragraph (1) (a) or (b) of this
- 12 paragraph are entered and retained on the register.
- 13 (5) A person who reasonably claims that he is entitled to have his
- 14 name on the register shall be entitled on demand to inspect the register, or a
- 15 copy of the register at the principal offices of the University at all reasonable
- 16 times.
- 17 (6) The register shall, unless the contrary is proved, be sufficient
- 18 evidence that any person named therein is, and that any person not named
- 19 therein is not, a member of convocation; but for the purpose of ascertaining
- 20 whether a particular person was such a member on a particular date, any entries
- 21 in and deletions from the register made on or after that date shall be
- 22 disregarded.
- 23 (7) The quorum of convocation shall be fifty or one-third (or the
- 24 whole number nearest to one-third) of the total number of members of
- 25 convocation whichever is less.
- 26 (8) Subject to section 5 of this Act, the Chancellor shall be chairman at
- 27 all meetings of convocation when he is present, and in his absence the Vice
- 28 Chancellor shall be the chairman at the meeting.
- 29 (9) Convocation shall have such functions, in addition to the function

1 of appointing a member of the Council, as may be provided by statute.

2 *Organisation of Faculties and Branches thereof*

3 6. Each Faculty shall be divided into such number of branches as
4 may be prescribed.

5 7.-(1) There shall Be established in respect of each Faculty, a
6 Faculty Board, which, subject to the provisions of this Act, and subject to the
7 directions of the Vice-Chancellor, shall-

8 (a) regulate the teaching and study of, and the conduct of
9 examinations connected with the subjects assigned to the faculty;

10 (b) deal with other matters assigned to it by Statute, by the Vice-
11 Chancellor or by the Senate; and

12 (c) advice the Vice-Chancellor or Senate on any matter referred to
13 it by the Vice-Chancellor or Senate.

14 (2) Each Faculty Board shall consists of-

15 (a) the Vice-Chancellor;

16 (b) the persons severally in charge of the branches of the faculty;

17 (c) such number of the teachers assigned to the faculty and having
18 the prescribed qualifications as the Board may determine; and

19 (d) such persons whether or not members of the University as the
20 Board may determine with the general or special approval of Senate.

21 (3) The quorum of the Board shall be eight members or one-quarter
22 of the members of the Board for the time being whichever is greater.

23 (4) Subject to the provisions of this statute and to any provision
24 made by regulations in that behalf, the Board may regulate it own procedure.

25 *The Dean of the Faculty*

26 8.-(1) The Dean of a faculty shall be a professor elected by the
27 Faculty Board and such Dean shall hold office for a term of two years. He
28 will be eligible for re-election for another term of two years after which he
29 may not be elected again until two years have elapsed.

30 (2) If there is no professor in a faculty, the Vice-Chancellor shall ll

1 appoint an Acting Dean who shall not be below the rank of Senior Lecturer for
2 the faculty, who will act for a period of one year in the first instance, renewable
3 for another one year only.

4 (3) In the absence of the Vice-Chancellor, the Dean shall be the
5 chairman at all meetings of the Faculty Board when he is present and he shall be
6 a member of all committees and other boards appointed by the faculty.

7 (4) The Dean of a faculty shall exercise general superintendence over
8 the academic and administrative affairs of the faculty and it shall be the
9 function of the Dean to present to the convocation for the conferment of
10 Degrees, persons who have qualified for the Degrees of the University at
11 examinations held in the branches of learning for which responsibility is
12 allocated to that faculty.

13 (5) There shall be a committee to be known as the Committee of
14 Deans which shall consist of all the Deans of the several faculties and that
15 committee shall advise the Vice-Chancellor on all academic matters and on
16 particular matters referred to the Committee by the Senate.

17 (6) The Dean of a faculty may be removed from office for a good
18 cause by the Faculty Board after a vote would have been taken at a meeting of
19 the Board, and in the event of a vacancy occurring following the removal of the
20 Dean, an Acting Dean may be appointed by the Vice-Chancellor provided that
21 at the next faculty board meeting an election shall be held for a new Dean.

22 (7) In this article, "good cause" has the same meaning as in section 17
23 (4) of this Act.

24 *Selection of Certain Principal and other key Officers*

25 9.-(1) When a vacancy occurs in the Office of the Registrar, Bursar,
26 the University Librarian, Director of Works or Director of Health Services, a
27 Selection Board shall be constituted by the Council and shall consist of-

28 (i) the Pro-Chancellor;

29 (ii) the Vice-chancellor;

30 (iii) two members appointed by the Council, not being members of

1 Senate; and

2 (iv) two members appointed by the Senate not being members of
3 Council.

4 (2) The Selection Board, after making such inquiries as it thinks fit,
5 shall recommend a candidate to the Council for appointment to the vacant
6 office, and after considering the recommendation of the Board the Council
7 may make an appointment to that office.

8 (3) A person appointed to the office of Director of Works or
9 Director of Health Services shall hold office for such period and on such
10 terms and conditions as may be specified in his letter of appointment.

11 *Creation of Academic Post*

12 10. Recommendation for the creation of posts other than those
13 mentioned in paragraph 9 of this Schedule shall be made by the Senate to the
14 Council through the Finance and General Purposes Committee.

15 *Appointment of Academic Staff*

16 11. Subject to this Act and the Statutes derived from it, the filling of
17 vacancies in academic posts (including newly created ones) shall be as
18 prescribed from time to time by Statutes.

19 *Appointment of Administrative and Technical Staff*

20 12.-(1) The administrative and technical staff of the University,
21 other than those mentioned in paragraph 9 of this schedule shall be
22 appointed by the Council or on its behalf by the Vice-Chancellor or the
23 Registrar in accordance with any delegation of powers made by the Council
24 in that behalf.

25 (2) In the case of administrative or technical staff that has close and
26 important contacts with the academic staff, there shall be Senate

- 1 participation in the process of selection.

EXPLANATORY MEMORANDUM

(This memo does not form part of this Bill)

This Bill seeks to establish the Federal University, Gashua to ensure equity and access to tertiary education in the country. The University is a conventional university with restricted programmes and limited and focused faculties.

FEDERAL COLLEGE OF EDUCATION, GIWA KADUNA STATE
(ESTABLISHMENT) BILL, 2019
ARRANGEMENT OF CLAUSES

Clauses

PART 1 - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE
FEDERAL COLLEGE OF EDUCATION, GIWA KADUNA STATE
*Establishment and Objectives of the Federal College of Education,
Giwa Kaduna State*

1. Constitution and Principal Officers of the College
2. Powers of the College and their exercise
3. Composition, Tenure and Powers of the Council of the College
4. Functions of the Council and its Finance and General Purposes
Committee
5. Functions of the Senate of the College
6. Functions of the Provost

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

8. General Fund of the College
9. Transfer of Property, etc.

PART III - STATUTES OF THE COLLEGE

10. Power of the College to make Statutes
11. Mode of exercising power to make Statutes
12. Proof of Statutes

PART IV - SUPERVISION AND DISCIPLINE

13. The Visitor
14. Removal of certain members of the Council
15. Removal and discipline of academic, administrative and
professional staff
16. Removal of examiners
17. Participation and Discipline of Students

PART V - MISCELLANEOUS AND GENERAL

18. Exclusion of discrimination on account of race, religion, etc.
19. Restriction on disposal of land by College
20. Quorum and procedure of bodies established by this Bill
21. Appointment of committees, etc
22. Retiring age of academic staff
23. Special provisions relating to pensions of Professors
24. Miscellaneous Administrative Provisions
25. Restriction of suits and execution
26. Interpretation
27. Short title

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE OF EDUCATION, GIWA, KADUNA STATE; AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Senator Uba Sanni

[] 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 COLLEGE OF EDUCATION, GIWA, KADUNA STATE

3 1.-(1) There is hereby established the Federal College of
4 Education, Giwa, Kaduna State.

5 (2) The College 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) The College shall be a training institution for the development
8 of teacher Education in the country.

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

15 (5) The objects of the College 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

Establishment
and Objectives
of the Federal
College of
Education, Giwa
Kaduna State

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

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

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

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

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

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

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

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

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

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

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

1 of Education of the highest standard.

2 2.-(1) The College shall consist of:

Constitution and
Principal Officers
of the College

3 (a) a Provost;

4 (b) Deputy provost;

5 (c) a Provost and a Senate;

6 (d) a body to be called Congregation;

7 (e) a body to be called Convocation;

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

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

10 the College;

11 (h) the persons holding the offices constituted by the First Schedule

12 to this Bill other than those mentioned in paragraphs (a) to (c) of this

13 subsection;

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

15 (j) all other persons who are members of the College in accordance

16 with provisions made by statute in that behalf.

17 (2) The First Schedule to this Bill shall have effect with respect to

18 the principal officers of the College.

19 (3) Subject to section 5 of this Bill provision shall be made by

20 statute with respect to the constitution of the Council, the Senate,

21 Congregation and Convocation.

22 3.-(1) For the carrying out of its objects as specified in section 1 of

Powers of the
Federal College
of Education, Giwa
Kaduna and its
exercise

23 this Bill, Federal; College of Education, Giwa, Kaduna State shall have

24 power:

25 (a) to offer courses of instruction, training and research in

26 Education and allied areas for the production of quality and skilled teachers

27 required to teach at lower, middle and higher levels of Education in Nigeria

28 in particular and the world at large;

29 (b) to establish such colleges, campuses, institutes, schools,

30 departments and other teaching and research units within the College as may

1 from time to time be deemed necessary or desirable subject to the approval of
2 National Universities Commission;

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

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

9 (e) to provide for the discipline and welfare of members of the
10 College;

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

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

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

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

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

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

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

- 1 for any of the objects of the College;
- 2 (m) to hold public lectures and to undertake printing, publishing
- 3 and book selling;
- 4 (n) subject to any limitations or conditions imposed by statute, to
- 5 invest any moneys appertaining to the College by way of endowment it, not
- 6 being immediately required for current expenditure in any investments or
- 7 securities or in the purchase or improvement of land, with power from time
- 8 to time, to vary any such investments to deposit any moneys for the time
- 9 being not invested with any bank on deposit or current account;
- 10 (o) to borrow, whether on interest or not and if need be upon the
- 11 security of any or all of the property, movable or immovable, of the College,
- 12 such moneys as the Council may from time to time in its discretion find it
- 13 necessary or expedient to borrow of to guarantee any loan, advances or
- 14 credit facilities;
- 15 (p) to make gifts for any charitable purpose;
- 16 (q) to do anything which it is authorized or required by this Bill or
- 17 by statute to do; and
- 18 (r) to do all such acts or things, whether or not incidental to the
- 19 foregoing powers, as may advance the objects of the College.
- 20 (2) Subject to the provisions of this Bill and of the statutes and
- 21 without prejudice to section 7(2) of this Bill, the powers conferred on the
- 22 College by subsection (1) of this section shall be exercisable on behalf of the
- 23 College by the Council or by the Senate or in many other manner which may
- 24 be authorized by the statute.
- 25 (3) The power of the College to establish further campuses and
- 26 colleges within the College shall be exercisable by statute and not
- 27 otherwise.
- 28 4.-(1) The Council of the College shall consist of:
- 29 (a) the Provost;
- 30 (c) the Deputy Provost(s);

Composition,
Tenure and Powers
of the Council
of the College

- 1 (d) one person from the Ministry responsible for Education;
- 2 (e) four persons representing a variety of interests and broadly
- 3 representative of the whole Federation to be appointed from:
- 4 (i) the Teacher's Registration Council;
- 5 (ii) Tertiary Education Trust Fund; and
- 6 (iii) two other persons, one of whom shall be a representative of the
- 7 College host community.
- 8 (f) four persons appointed by the Senate from among its members;
- 9 (g) two persons appointed by Congregation from among its members;
- 10 (h) one person appointed by Convocation from among its members.
- 11 (i) two persons representing the community appointed by the
- 12 President.
- 13 (2) Persons to be appointed to the Council shall be of proven integrity,
- 14 knowledgeable and familiar with the affairs and tradition of the College.
- 15 (3) The Council so constituted shall have a tenure of four years from
- 16 the date of its inauguration provided that where a Council is found to be
- 17 incompetent and corrupt, it shall be dissolved by the Visitor and a new Council
- 18 shall be immediately constituted for the effective functioning of the College.
- 19 (4) The powers of the Council shall be exercised, as in this Bill and to
- 20 that extent establishment circulars that are inconsistent with this Bill shall not
- 21 apply to the College.
- 22 (5) The Council shall be free in the discharge of its functions and
- 23 exercise of its responsibilities for the good management, growth and
- 24 development of the College.
- 25 (6) The Council in the discharge of its functions shall ensure that
- 26 disbursement of funds of the College complies with the approved budgetary
- 27 ratio for-
- 28 (a) personnel cost;
- 29 (b) overhead cost;
- 30 (c) research and development;

1 (d) library developments; and
 2 (e) the balance in expenditure between academic vis-à-vis non-
 3 academic activities.

4 5.-(1) Subject to the provisions of this Bill relating to the Visitor,
 5 the Council shall be the governing body of the College and shall be charged
 6 with the general control and superintendence of the policy, finances and
 7 property of the College.

Functions of
 the Council and
 its Finance and
 General Purpose
 Committee

8 (2) There shall be a committee of the Council, to be known as the
 9 Finance, and General Purposes Committee, which shall, subject to the
 10 directions of the Council, exercise control over the property and expenditure
 11 of the College and perform such other functions of the Council as the
 12 Council may from time to time delegate to it.

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

15 (4) The Council shall ensure that proper accounts of the College are
 16 kept and that the accounts of the College are audited annually by an
 17 independent firm of auditors approved by the Council and that an annual
 18 report is published by the College together with certified copies of the said
 19 accounts as audited.

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

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

30 (7) There shall be paid to the members respectively of the Council,

Functions of
the Senate of
the College

1 the Finance and General Purposes Committee and of any other committee set
2 up by the Council, allowances in respect of travelling and other reasonable
3 expenses, at such rates as may from time to time be fixed by the Minister.

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

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

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

13 **6.-(1)** Subject to section 5 of this Bill and subsections (3) and (4) of
14 this section and the provisions of this Bill relating to the Visitor, it shall be the
15 general function of the Senate to organize and control the teaching by the
16 College, the admission of student where no other enactment provides to the
17 contrary and the discipline of students; and to promote research at the College.

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

21 (a) the establishment, organization and control of campuses, colleges,
22 schools, institutes and other teaching and research units of the College and the
23 allocation of responsibility for different branches of learning;

24 (b) the organization and control of courses of study at the College and
25 of the examinations held in conjunction with those courses, including the
26 appointment of examiners, both internal and external;

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

29 (d) the making of recommendations to the Council with respect to the
30 award to any person of an honorary fellowship or honorary degree or the title of

1 professor emeritus;

2 (e) the establishment, organization and control of halls of residence
3 and similar institutions at the College;

4 (f) the supervision of the welfare of students at the College and the
5 regulation of their conduct;

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

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

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

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

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

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

Functions of
the Provost

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

5 (2) Subject to sections 6, 7 and 14 of this Bill, the Provost shall have
6 the general function, in addition to any other functions conferred on him by this
7 Bill or otherwise of directing the activities of the College and shall be the Chief
8 Executive and Accounting Officer of the College and ex-officio Chairman of
9 the Senate.

10 (3) The Provost shall be the Chairman of the College Tenders' Board,
11 which is saddled with the responsibility of approving the conduct of public
12 procurement of goods, works and services within the approved threshold from
13 time to time.

14 (4) It shall be the responsibility of the Provost to establish and appoint
15 members of the Tenders' Board in line with the extant Public Procurement
16 Rules and Regulations.

17 PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC., TO THE
18 COLLEGE AND CONDITION OF SERVICE OF EMPLOYEES

General fund
of the College t

19 8.-(1) There shall be a general fund of the College which shall consist
20 of the following:

21 (a) grants-in-aid;

22 (b) fees;

23 (c) income derived from investments;

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

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

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

29 (g) revenue, from time to time, accruing to the College by way of
30 subvention;

- 1 (h) interests on investments;
- 2 (i) donations and legacies accruing to the College from any source
- 3 for the general or special purposes of the College; and
- 4 (j) Regular TETFUND interventions;

5 (2) The general fund shall be applied for the purposes of the
6 College.

7 **9.-(1)** All property held by or on behalf of the Provisional Council Transfer of
Property
8 of the College shall, by virtue of this sub-section and without further
9 assurance, vest in the College and be held by it for the purpose of the
10 College.

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

15 PART III - STATUTES OF THE COLLEGE

16 **10.-(1)** Subject to this Bill, the College may make statutes for any Power of the
College to make
Statutes
17 of the following purposes, that is to say:

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

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

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

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

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

30 (2) Subject to section 25(6) of this Bill, the Interpretation Act shall

	1	apply in relation to any statute made under this section as it applies to a
	2	subsidiary instrument within the meaning of section 28(1) of that Act.
	3	(3) The statute contained in the Third Schedule to this Bill shall be
	4	deemed to have come into force on the commencement of this Bill and shall be
	5	deemed to have been made under this section by the College.
Third Schedule	6	(4) The power to make statutes conferred by this section shall not be
	7	prejudiced or limited in any way by reason of the inclusion or omission of any
	8	matter in or from the statute contained in the Third Schedule to this Bill or any
	9	subsequent statute.
Mode of exercising power to make statutes	10	11.-(1) The power of the College to make statutes shall be exercised in
	11	accordance with the provisions of this section and not otherwise.
	12	(2) A proposed statute shall not become law unless it has been
	13	approved:
	14	(a) at a meeting of the Senate, by the votes of not less than two thirds
	15	of the members present and voting; and
	16	(b) at a meeting of the Council, by the votes of not less than two thirds
	17	of the members present and voting.
	18	(3) A proposed statute may originate either in the Senate or in the
	19	Council, and may be approved as required by subsection (2) of this section by
	20	either one of those bodies or the other.
	21	(4) A statute which:
	22	(a) makes provision for or alters the composition or constitution of the
	23	Council, the Senate or any other authority of the College; or
	24	(b) provides for the establishment of a new campus or college or for
	25	the amendment or revocation of any statute.
	26	(5) For the purpose of section 2(2) of the Interpretation Act, a statute
	27	shall be treated as being made on the date on which it is duly approved by the
	28	Council after having been duly approved by the Senate, or on the date on which
	29	it is duly approved by the Senate after having been duly approved by the
	30	Council, as the case may be or, in the case of a statute falling within subsection

1 (4) of this section, on the date on which it is approved by the President.

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

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

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

8 (7) The decision of the Visitor on any matter referred to him under
9 sub-section (6) of this section shall be binding upon the authorities, staff and
10 students of the College and where any question as to the meaning of any
11 provision of a statute has been decided by the Visitor under that sub-section,
12 no question as to the meaning of that provision shall be entertained by any
13 court of law in Nigeria.

14 (8) Nothing in sub-section (7) of this section shall affect any power
15 of a court of competent jurisdiction to determine whether any provision of a
16 statute is wholly or partly void as being ultra vires or as being inconsistent
17 with the Constitution of the Federal Republic of Nigeria, 1999.

18 **12.** A statute may be proved in any court by the production of a Proof of Statute
19 copy thereof bearing or having affixed to it a certificate purporting to be
20 signed by the Provost or the Secretary to the Council to the effect that the
21 copy is a true copy of a statute of the College.

22 PART IV - SUPERVISION AND DISCIPLINE

23 **13.-(1)** The President shall be the Visitor of the College. The Visitor

24 (2) The Visitor shall cause a visitation to the College when
25 necessary, at least every five years, or direct that such a visitation be
26 conducted by such person or persons as the Visitor may deem fit and in
27 respect of any of the affairs of the College.

28 (3) It shall be the duty of the bodies and persons comprising the
29 College to make available to the Visitor and to any other person conducting a
30 visitation in pursuance of this section, such facilities and assistance as he or

1 they may reasonably require for the purposes of a visitation.

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

Removal of
certain Members
of Council

4 **14.**-(1) If it appears to the Council that a member of the Council (other
5 than the Pro-Chancellor or the Provost) should be removed from office on the
6 ground of misconduct or inability to perform the functions of his office or
7 employment, the Council shall make a recommendation to that effect through
8 the Minister to the President, and the President, after making such enquiries (if
9 any) as he may consider appropriate approves the recommendation, he may
10 direct the removal of the person in question from office.

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

Removal and
discipline of
academic,
administrative
and professional
staff

15 **15.**-(1) If it appears to the Council that there are reasons for believing
16 that any person employed as a member of the academic, administrative or
17 professional staff of the College, other than the Provost, should be removed
18 from his office or employment on the ground of misconduct or of professional
19 inability to perform the functions of his office or employment, the Council
20 shall:

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

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

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

30 (2) The Provost may, in a case of misconduct by a member of the staff

1 which in the opinion of the Provost is prejudicial to the interest of the
2 College, suspend such member and any such suspension shall forthwith be
3 reported to the Council.

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

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

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

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

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

19 (e) conduct which the Council considers to be generally of such
20 nature as to render the continued appointment or service of the person
21 concerned prejudicial or detrimental to the interest of the College.

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

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

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

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

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

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

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

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

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

19 (b) prevent the Council from making regulations for the discipline of
20 other categories of workers of the College as may be prescribed.

Removal of
examiners

21 **16.**-(1) If, on the recommendation of the Senate, it appears to the
22 Provost that a person appointed as an examiner for any examination of the
23 College ought to be removed from his office or appointment, then, except in
24 such cases as may be prescribed by the Provost may, after affording the
25 examiner an opportunity of making representations in person on the matter to
26 the Provost, remove the examiner from the appointment by an instrument in
27 writing signed by the Provost.

28 (2) Subject to the provisions of regulations made in pursuance of
29 section 7(5) of this Bill, the Provost may, on the recommendation of the Senate,
30 appoint an appropriate person as examiner in the place of the examiner

1 removed in pursuance of subsection (1) of this section.

2 (3) It shall be the duty of the Provost on signing an instrument of
3 removal pursuant to this section, to use his best endeavours to cause a copy
4 of the instrument to be served as soon as reasonably practicable on the
5 person to whom it is related.

6 **17.-(1)** The Students shall be:

Participation
and Discipline
of Students

7 (a) represented in the College's Students Welfare Board and other
8 committees that deal with the affairs of students;

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

10 (c) Participate in the process of assessing academic staff in respect
11 of teaching; and

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

14 (2) Subject to the provisions of this section, where it appears to the
15 Provost that any student of the College has been guilty of misconduct, the
16 Provost may, without prejudice to any other disciplinary powers conferred
17 on him by statute or regulations, direct:

18 (a) that the student shall not, during such period as may be specified
19 in the directions, participate in such activities of the College, or make use of
20 such facilities of the College, as may be so specified;

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

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

26 (d) that the student be expelled from the College.

27 (3) Where a direction is given under subsection (1)(c) or (d) of this
28 section in respect of any student, that student may, within the prescribed
29 period and in the prescribed manner, appeal to the Council; and where such
30 an appeal is brought, the Council shall, after causing such inquiry to be made

1 in the matter as the Council considers just either confirm or set aside the
2 direction or modify it in such manner as the Council thinks fit.

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

(a) The Provost may delegate his powers under this section to a disciplinary board consisting of such members of the College as he may nominate;

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

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

14 PART V - MISCELLANEOUS AND GENERAL

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

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

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

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

Restriction on
disposal of land
by College

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

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

Quorum and
procedure of
bodies established
by this Bill

11 **21.**-(1) Anybody of persons established by this Bill shall, without
12 prejudice to the generality of the powers of that body, have power to appoint
13 committees, which need not consist exclusively of members of that body,
14 and to authorize a committee established by it:

Appointment of
Committee, etc.

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

17 (b) to co-opt members, and

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

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

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

30 (a) enabling the statutes to be made otherwise than in accordance

1 with section 1 of this Bill; or

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

4 (5) The Pro-Chancellor and the Provost shall be members of every
5 committee of which the members are wholly or partly appointed by the Council
6 (other than a committee appointed to inquire into the conduct of the officer in
7 question); and the Provost shall be a member of every committee of which the
8 members are wholly or partly appointed by the Senate.

Retiring age of
academic staff

9 **22.**-(1) Notwithstanding anything to the contrary in the Pension Act,
10 the compulsory retiring age of the following categories of staff shall be as
11 follows:

12 (a) Academic staff of the College in the non-Professorial cadre shall
13 be 65 years;

14 (b) Academic staff of the College in the Professorial Cadre shall be 70
15 years;

16 (c) Non-academic staff of the College shall be 65 years.

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

Special Provisions
relating to Pension
of Professors

20 **23.** An academic staff of the College who retires as a Professor in the
21 College shall be entitled to pension at a rate equivalent to his annual salary
22 provided that the Professor has served continuously in the College up to the
23 retirement age.

Miscellaneous
Administrative
Provisions

24 **24.**-(1) The seal of the College shall be such as may be determined by
25 the Council and approved by the Chancellor, and the affixing of the seal shall
26 be authenticated by any member of the Council and by the Provost, Secretary to
27 the Council or any other person authorized by statute.

28 (2) Any document purporting to be a document executed under the
29 seal of the College shall be received in evidence and shall, unless the contrary is
30 proved, be presumed to be so executed.

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

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

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

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

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

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

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

29 **25.-(1) Pre-Action Notice:**

30 (a) No legal proceeding shall be instituted and/or commenced

Restriction of
suits and execution

1 against the College or any of its agents in the course of their official duties
2 unless a 3 months' Pre-Action Notice of such intention is served on the College
3 by an aggrieved party;

4 (b) The Notice shall state the reason and the cause of action intended
5 to be taken against the College, the particulars of the claim, the name and place
6 of abode of the intending plaintiff and the relief which he claims.

7 (b) For the avoidance of doubt, it is hereby declared that no suit shall
8 be commenced against an officer or servant of the College, in any case where
9 the College is vicariously liable for any alleged act, neglect or default of the
10 officer or servant in the performance or intended performances of his duties,
11 unless three months at least has elapsed after written notice of intention to
12 commence the same shall have been served on the College by the intending
13 plaintiff or his agent;

14 (c) In any suit against this College, no execution or attachment or
15 process in the nature thereof shall be issued against the College, but any sums
16 of money which may be judgment of the court be awarded against the College
17 shall, subject to any direction given by the court where notice of appeal has
18 been given by the College in respect of the said judgment, be paid by the
19 College from its general fund.

20 (2) Service of Notices:

21 Service upon the College of any notice, order or other document may be
22 effected by delivering the same or by sending it by registered post addressed to
23 the Registrar and Secretary of the Council.

Interpretation

24 **26.-(1)** In this Bill, unless the context otherwise requires-

25 "Campus" means any campus which may be established by the College;

26 "College" means the College established pursuant to section 2 (1) (b) of this
27 Bill for the College;

28 "Council" means the Governing Council of the College established by section
29 5 of this Bill;

30 "Functions" includes powers and duties;

1 "Graduate" means a person on whom a degree, other than an honorary
2 degree, has been conferred by the College and any other person as may be
3 designated as a graduate by the Council, acting in accordance with the
4 recommendation of the Senate; (Erroneously omitted)

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

6 "Notice" means notice in writing;

7 "Officer" does not include the Visitor;

8 "Prescribed" means prescribed by statute or regulations;

9 "Professor" means a person designated as a Professor of the College in
10 accordance with provisions made in that behalf by statute or by regulations;

11 "Property" includes rights, liabilities and obligations;

12 "Provisional Council" means the provisional council appointed for the
13 College;

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

15 "Senate" means the Senate of the College established pursuant to section
16 2(1)(e) of this Bill;

17 "School" means a unit of closely related academic programmes;

18 "Statute" means a statute made by each College under section 10 of this Bill
19 and in accordance with the provisions of section 11 of this Bill, and

20 "the statutes" means all such statutes as are in force from time to time;

21 "Teacher" means a person holding a full-time appointment as a member of
22 the teaching or research staff of the College;

23 "Undergraduate" means a person registered as a student undergoing a course
24 of study for a first degree of the College or such other course in the College
25 as may be approved by the Senate as qualifying a student undergoing it for
26 the status of an under-graduate;

27 "College" means the Federal College of Education, Giwa established and
28 incorporated by section I of this Bill.

29 (2) It is hereby declared that where in any provision of this Bill it is
30 laid down that the proposals are to be submitted or a recommendation is to

1 be made by one authority or another through one or more intermediate
2 authorities, it shall be the duty of every such intermediate authority to forward
3 any proposals of that or recommendations received by it in pursuance of that
4 provision to the appropriate authority; but any such intermediate authority
5 may, if it thinks fit, forward therewith its own comments thereon.

Short title

6 **27.** This Bill may be cited as the Federal College of Education, Giwa
7 Kaduna State (Establishment) Bill, 2019.

8 SCHEDULES

9 FIRST SCHEDULE

10 [Section 2(2)]

11 PRINCIPAL OFFICERS OF THE COLLEGE

12 *The Provost*

13 1.-(1) There shall be a Provost of the College who shall be appointed
14 by the Council in accordance with the provisions of this paragraph.

15 (2) Where a vacancy occurs in the post of a Provost, the Council shall:

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

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

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

22 (b) constitute a Search Team consisting of:-

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

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

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

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

1 Visitor accordingly provided that a Provost who is removed shall have right of
2 appeal to the Visitor

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

(11) In any case of a vacancy in the office of the Provost, the Council shall appoint an acting Provost on recommendation of the Senate.

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

8 Deputy Provost

2.-(1) There shall be for the College such number of Deputy Provosts
as Council may from time to time deem necessary for the proper administration
of the College.

(2) Where a vacancy occurs in the post of Deputy Provost, the Provost shall forward to the Senate a list of two candidates for each post of Deputy Provost that is vacant.

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

18 (4) A Deputy Provost shall:

19 (a) assist the Provost in the performance of his functions;

(b) act in the place of the Provost when the post of the Provost is vacant or if the Provost is, for any reason, absent or unable to perform his functions as Provost; and

23 (c) perform such other functions as the Provost or the Council may,
24 from time to time, assign to him.

25 (5) A Deputy Provost:

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

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

(c) may be removed from office for good cause by the Council acting on the recommendations of the Provost and Senate.

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

Office of the Registrar

3.-(1) There shall be for the College, a Registrar, who shall be the chief administrative officer of the College and shall be responsible to the Provost for the day-to-day administrative work of the College except as regards matters for which the Bursar is responsible in accordance with paragraph 6(2) of this Schedule.

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

Other Principal Officers of the College

4.-(1) There shall be for the College the following principal officers, in addition to the Registrar, that is:

(a) the Bursar; and

(b) the College Librarian,

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

(2) The Bursar shall be the Chief Financial Officer of the College and be responsible to the Provost for the day-to-day administration and control of the financial affairs of the College.

(3) The College Librarian shall be responsible to the Provost for the administration of the College Library and the co-ordination of the library services in the College and its campuses, colleges, schools, departments, institutes and other teaching or research units.

(4) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Provost.

Selection Board for other Principal Officers

5.-(1) There shall be, for the College, a Selection Board for the appointment of principal officers, other than the Provost or Deputy Provost, which shall consist of:

- (a) the Pro-Chancellor, as chairman;
- (b) the Provost;
- (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 College

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 Provost, immediately notify the Visitor.

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

SECOND SCHEDULE

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to College

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

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

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

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

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

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

Registration of transfers

3.-(1) If the law in force at the place where any property transferred by this Bill is situate 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

1 the proper officer of the registration authority, and of that officer to register the
2 transfer accordingly.

3 *Transfer of Functions, etc.*

4 4.-(1) The first meeting of the Council shall be convened by the Pro-
5 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.

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

(4) The persons who were members of the Academic Board immediately before the coming into force of this Bill shall be deemed to constitute the Senate of the College 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 College immediately before the coming into force of this Bill shall on that day become schools, school boards and students of the College as constituted by this Bill.

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

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

1 THIRD SCHEDULE

2 [Section 9 (3)]

3 FEDERAL COLLEGE OF EDUCATION, GIWA KADUNA STATE

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
23 section 5 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
29 previously vacates it, vacate that office on the expiration of the period of

1 four years beginning with effect from 1 August in the year which he was
2 appointed.

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

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

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

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

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

22 *The Finance and General Purposes Committee*

23 2.-(1) The Finance and General Purposes Committee of the Council
24 shall consist of-

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

27 (b) the Provost and Deputy Provosts;

28 (c) six other members of the Council appointed by the Council, two of
29 whom shall be selected from among the four members of the Council

1 appointed by the Senate and one member appointed to the Council by
2 Congregation;

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

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

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

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

12 *Annual budget and estimates, etc.*

13 (4) (i) The estimates of income and expenditure for a financial year
14 shall be presented by the Provost to the Council and may be approved by the
15 Council before the beginning of that financial year;

16 Provided that the Provost may during any financial year present
17 and the Council may approve supplementary estimates of income or
18 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 College accept by way of
23 grants, gift, testamentary disposition or otherwise, property and money in
24 aid of the finances of the College on such conditions as it may approve;

25 (ii) Registers shall be kept of all donations to the College including
26 the names of donors and any special conditions under which any donation
27 may have been given;

28 Provided that the College shall not be obliged to accept a donation
29 for a particular purpose unless it approves of the terms and conditions
30 attaching to such donation;

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

4 *Payment into bank:*

(6) All sums of money received on account of the College shall be paid into such bank as may be approved by the Council for the credit of the College'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 3.-(1) The Council shall cause the accounts of the College 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.

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

18 *The Senate*

19 4.-(1) The Senate shall consist of:

- 20 (i) the Provost;
- 21 (ii) Deputy Provosts;
- 22 (iii) the Deans in the College;
- 23 (iv) the Professors in the College;
- 24 (v) Heads of Academic Departments and Units;
- 25 (vi) the College Librarian;
- 26 (vii) One elected representative of the College;
- 27 (viii) Two members of Academic Staff elected by the Congregation;
- 28 (ix) One elected representative of each department;
- 29 (x) Two members representing a variety of interests of the
- 30 professional bodies outside the College appointed by the Senate on the

1 recommendation of the Provost;

2 (xi) Registrar - Secretary.

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

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

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

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

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

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

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

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

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

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

13 *Congregation*

14 5.-(1) Congregation shall consist of:

- 15 (i) Provost;
- 16 (ii) the Deputy Provosts;
- 17 (iii) the full-time members of the academic staff;
- 18 (iv) The Registrar;
- 19 (v) The Librarian;
- 20 (vi) Every member of the administrative staff who holds a degree,
- 21 other than honorary degree, of any College recognized for the purposes of this
- 22 statute by the Provost.

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

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

30 (4) A certificate signed by the Provost 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 College 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
14 regulations.

15 *Convocation*

16 6.-(1) Convocation shall consist of:

17 (i) the officers of the College mentioned in the First Schedule to
18 this Bill;

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

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

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

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

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

28 (3) Regulations shall provide for the establishment and
29 maintenance of a register for the purpose of this paragraph and subject to
30 paragraph (4) of this article may provide for the payment, from time to time,

1 of further fees by persons whose names are on the register and for the removal
2 from the register of the name of any person who fails to pay those fees.

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

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

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

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

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

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

24 *Division of the College*

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

27 College Boards

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

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

(b) Deal with any other matter assigned to it by statute or by the Provost or by the Senate; and

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

7 (2) The Board of Studies shall consist of:

8 (a) the Provost:

9 (b) the Dean;

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

11 (d) the College Examination Officer;

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

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

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

20 *Deans of the Colleges*

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

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

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

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

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

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

(6) There shall be a committee to be known as the Committee of Deans consisting of all the Deans of the several Colleges and that Committee shall advise the Provost on all academic matters and on particular matters referred to the College by the Senate.

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

16 Provided that at the next College Board meeting an election shall be
17 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;

(2) It shall be headed by a Professor who shall be appointed by the Provost and in the absence of a Professor, a senior academic staff 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 examinations
29 in the Department;

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

1 and make recommendations to the College where necessary;

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

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

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

9 (a) the Pro-Chancellor;

10 (b) the Provost;

11 (c) two members appointed by the Council, not being members of
12 the Senate;

13 (d) Two members appointed by the Senate.

(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.

18 *Tenure of Directors*

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

22 *Creation of Academic Posts*

13. 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.

26 *Appointment of Academic Staff*

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

30 (2) For the purpose of filling such vacancies, suitable selection

1 boards to select and make appointments on behalf of the Council shall be set
2 up.

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

6 (a) the Provost - Chairman;

7 (b) Deputy Provost - Member;

8 (c) The Dean of the College - Member;

9 (d) Head of Department - Member;

10 (e) such other person(s), not exceeding two in number, deemed
11 capable of helping the Board in assessing both the professional and academic
12 suitability of a candidate under consideration, as the Senate may from time to
13 time appoint.

14 (f) Registrar - Secretary;

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

17 (a) the Provost or his representative- Chairman;

18 (b) The Dean of the College - Member;

19 (c) Head of the Department concerned - Member;

20 (d) An internal member of Council (not below the Rank of Senior
21 Lecturer from the sister college in the Candidate's subject-area) - Member

22 (e) Registrar or his representative - Secretary.

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

27 (6) Boards of Selection may interview candidates directly or consider
28 the reports of specialist interviewing panels and shall in addition, in the case of
29 Professorships, Associate Professorship, Readerships or equivalent Posts,
30 consider the reports of External Assessors relevant to the area in which the

A BILL

FOR

AN ACT TO AMEND THE FLAG AND COAT OF ARMS ACT. CAP. F30, LAWS
OF THE FEDERATION OF NIGERIA, 2004 AND FOR RELATED MATTERS

Sponsored by Senator Lekan Mustafa

[] Commencement

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

- | | | |
|---|--|----------------------------|
| 1 | 1. Section 17(1) of the Principal Act is amended by substituting | Amendment of
Section 17 |
| 2 | the words "One Hundred Naira" with the words "Fifty Thousand Naira" and | |
| 3 | substituting the words "Ten Naira" with the words "Five Thousand Naira". | |
| 4 | 2. The Bill may be cited as the Flag and Coat of Arms Act CAP | Citation |
| 5 | F30 Laws of Federation of Nigeria 2011 by increasing the penalties for | |
| 6 | contravention from One Hundred Naira to Twenty Thousand Naira and from | |
| 7 | ten naira to One Thousand Naira. | |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Flag and Coat of Arms Act, Cap. F30, LFN,
2004.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA, 1999 TO ENABLE THE PRESIDENT AND
STATE GOVERNORS TO DESIGNATE AND ASSIGN PORTFOLIOS TO PERSONS
NOMINATED AS MINISTERS OR COMMISSIONERS BEFORE CONFORMATION
BY THE SENATE OR STATE HOUSES OF ASSEMBLY AND OTHER RELATED
MATTERS

Sponsored Senator T.A. Orji

[] Commencement

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

- 1 **1.** The Constitution of the Federal Republic of Nigeria, 1999 (as
2 amended) (hereinafter referred to as "the Principal Act") is hereby altered as
3 set out below. Amendment of
the Principal Act
- 4 **2.** Section 147 Subsection (1) of the Principal Act is amended by
5 inserting the words “and designated” immediately after the word
6 “established” in the second line of that subsection. Amendment of
Section 147
- 7 **3.** Section 147 is further amended in subsection (2) by inserting the
8 words “and designated” immediately after the word “nomination”.
- 9 **4.** Section 147 of the Principal Act is again amended by adding a
10 proviso to subsection (2) to read as follows:
- 11 “Provided that the President shall assign portfolios and designation
12 to the names of persons nominated as ministers and forward same to the
13 Senate for confirmation within 60 days from the day he takes the oath of
14 office as President”.
- 15 **5.** Section 192 Subsection (1) of the Principal Act is amended by
16 inserting the words 'and designated' immediately after the word 'established'
17 in the second line of that subsection. Amendment of
Section 192

1 **6.** Section 192 is further amended in subsection (2) by inserting the
2 words 'and designation' immediately after the word 'nomination'.

3 **7.** Section 192 of the Principal Act is again amended by adding- a
4 proviso to subsection (2) to read as follows:

5 “Provided that the Governor of a State shall assign portfolios and
6 designation to the names of persons nominated as Commissioners and forward
7 same to the House of Assembly of a State for confirmation within 60 days from
8 the day he takes the oath of office as Governor”.

Citation

9 **8.** This Bill may be cited as the Constitution of the Federal Republic of
10 Nigeria, 1999 (Alteration) (Portfolio Designation) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 to enable the President or Governor of a State to designate and assign portfolios to persons nominated as Ministers or Commissioners respectively, and set a time frame within which such nominations shall be forwarded to the Senate or a State House of Assembly for confirmation.

A BILL

FOR

AN ACT TO AMEND THE COMPULSORY, FREE, UNIVERSAL BASIC EDUCATION ACT OF 2004 TO INCREASE THE BLOCK GRANT OF THE FEDERAL GOVERNMENT AND REDUCE THAT OF THE STATES GOVERNMENTS AND FOR RELATED MATTERS

Sponsored by Senator Aliyu Wamakko

[] Commencement

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

- | | | |
|----|--|--|
| 1 | 1. The Compulsory, Free, Universal Basic Education Act, 2004 | Amendment of the Compulsory, Free, Universal Basic Education Act, 2004 |
| 2 | (hereinafter referred to as "the Principal Act") is amended as set out in this | |
| 3 | Bill. | |
| 4 | 2. Section 11 of the Principal Act is amended: | Amendment of Section 11(1) |
| 5 | (i) by substituting the figure "2%" in subsection (1) with the figure | Amendment of Section 11(2) |
| 6 | "3%"; | |
| 7 | (ii) by substituting the figure "50%" in subsection (2) with the | |
| 8 | figure "10%"; | |
| 9 | 3. This Bill may be cited as the Compulsory, Free, Universal Basic | Citation |
| 10 | Education Act, 2004 (Amendment) Bill, 2019. | |

EXPLANATORY NOTE

This Bill seeks to amend the Compulsory, Free, Universal Basic Education Act, 2004 to increase the block grant contribution of the Federal Government while reducing those of the State Governments. This is aimed at redressing the current situation where most States are unable to access the grant owing to their inability to contribute the 50% of the total cost of the project as its commitment in its execution.

A BILL**FOR**

AN ACT TO FURTHER AMEND THE PENSION REFORM ACT CAP. P4 LFN 2004
TO PROVIDE FOR DEFINITE PERCENTAGE A RETIREE CAN WITHDRAW
FROM HIS RETIREMENT SAVINGS ACCOUNTED AND FOR OTHER MATTERS
RELATED THERETO

Sponsored by Senator Aliyu Magatakada Wamako

[] Commencement

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

- | | |
|---|---|
| <p>1 1. The Pension Reform Act CAP P.4 LF 2004 (hereafter referred to</p> <p>2 as "the Principal Act"), is hereby amended as set out in this Bill.</p> | <p>Amendment of
Pension Reform
Act, Cap. P4
LFN, 2004</p> |
| <p>3 2. Section 7 of the Principal Act is amended in:</p> <p>4 (a) Section 7(1) by inserting the words "or retires, disengages or is</p> <p>5 disengaged from employment" as provided under section 16 (2) (a) and (b)</p> <p>6 of this Act immediately after the phrase "whichever is later" in line two</p> <p>7 instead thereof;</p> <p>8 (b) In 7 (1) (a) by inserting the words "of up to 75 percent"</p> <p>9 immediately after the words "a lump sum" instead thereof;</p> <p>10 (c) In 7(2) by inserting the words "(C)" immediately after the</p> <p>11 words "16 (2)" in line two instead thereof.</p> | <p>Amendment of
Section 7</p> |
| <p>12 3. This Bill may be cited as the Pension Reform Act (Amendment)</p> <p>13 Bill, 2019.</p> | <p>Citation</p> |

EXPLANATORY MEMORANDUM

The Bill seeks to provide succor to retirees in the delay and other difficulties they are encountering in withdrawing their saving from retirement savings accounts.