

*Extraordinary*



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## CONTENTS

### INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>	<i>Long Title</i>	<i>Page</i>
SB. 169	A Bill for an Act to Provide the Legal Framework to Establish the Federal Medical Centre Rigasa, Kaduna State and for Related Matters ....	C 933 - 948
SB. 170	A Bill for an Act to Provide for Constituency Projects in the Annual Budget of the Federation; and for Other Matters Connected Therewith, 2019 ....	C 949 - 952
SB. 171	A Bill for an Act to Provide for the Establishment of Oil Palm Industrial Park and for Matters Connected Therewith ....	C 953 - 972
SB. 151	A Bill for an Act to Provide for the Establishment of the Federal College of Education (Technical) Kaima, Kwara State and for Other Matters Connected Therewith, 2019 ....	C 973 - 1018
SB. 47	A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for Other Purposes ....	C 1019 - 1021
SB. 48	A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for Other Purposes ....	C 1023 - 1023
SB. 50	A Bill for an Act to Amend the Federal Polytechnic Daura Katsina State (Establishment) Act, 2019 to make provision for a change of name of the Federal Polytechnic Daura, Katsina State, to Mustapha Bukar Polytechnic Daura, Katsina State; and for Related Matters ....	C 1025 - 1026
SB. 58	A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for Other Purposes ....	C 1027 - 1028

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# A BILL

## FOR

AN ACT TO PROVIDE THE LEGAL FRAMEWORK TO ESTABLISH THE  
FEDERAL MEDICAL CENTRE RIGASA, KADUNA STATE AND FOR RELATED  
MATTERS

*Sponsored by Senator Sani Uba*

[ ] Commencement

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

- |  |   |
|--|---|
| <p>1               <b>1.</b>-(1) There is hereby established the Federal Medical Centre</p> <p>2               Rigasa, Kaduna State (in this Act referred to as “the Federal Medical</p> <p>3               Centre”) and the Medical Centre shall serve as the Medical Centre subject to</p> <p>4               the provision of this Act.</p>   | <p>Establishment<br/>Federal Medical<br/>Centre Rigasa,<br/>Kaduna State</p>      |
| <p>5               (2) The hospital:</p> <p>6               (a) shall be a body corporate;</p> <p>7               (b) May sue and be sued in its corporate name;</p> <p>8               (c) Shall have perpetual succession and a common seal.</p>   |   |
| <p>9               <b>2.</b> There is hereby established for the management of the Medical</p> <p>10              Centre a Board of Management (in this Act referred to as “Board”) which</p> <p>11              shall be constituted and have the functions and powers set out in this Act.</p>   | <p>Establishment<br/>of the Board of<br/>Management of<br/>the Medical Centre</p> |
| <p>12              <b>3.</b>-(1) The Board shall consist of:</p> <p>13              (a) a chairman;</p> <p>14              (b) the Chief Medical Director of the Medical Centre;</p> <p>15              (c) the Director of Clinical Services;</p> <p>16              (d) the Director of Administration;</p> <p>17              (e) the Director of Finance;</p> <p>18              (f) the Director of Maintenance;</p> <p>19              (g) a representative of the president</p> <p>20              (h) the Federal Ministry of Health;</p> <p>21              (i) the National Planning Commission;</p> | <p>Membership of<br/>the Board</p>  |

	1	(j) the Society of Gynaecology and Obstetrics of Nigeria;
	2	(k) the Pharmaceutical Society of Nigeria;
	3	(l) the Paediatric Association of Nigeria;
	4	(m) the National Association of Nigerian Nurses and Midwives; and
	5	(n) one person to represent public interest.
	6	(2) The chairman and members of the Board, other than ex-officio
	7	members, shall be:
	8	(a) appointed by the President; and
	9	(b) persons of proven integrity and ability.
	10	(3) The supplementary provisions set out in the Schedule to this Act
	11	shall have effect with respect to the proceedings of the Board and the other
	12	matters contained therein.
	13	<i>[Schedule.]</i>
Tenure of office	14	<b>4.</b> Subject to the provisions of section 5 of this Act, a member of the
	15	Board, other than ex-officio members, shall each hold office:
	16	(a) for a term of three years in the first instance and may be re-
	17	appointed for a further term of three years and no more; and
	18	(b) on such terms and conditions as may be specified in his letter of
	19	appointment.
Cessation of membership	20	<b>5.-(1)</b> Notwithstanding the provisions of section 4 of this Act a person
	21	shall cease to hold office as a member of the Board if:
	22	(a) he becomes bankrupt, suspends payment principal loan with his
	23	creditors;
	24	(b) he is convicted of a felony or any offence involving dishonesty or
	25	fraud;
	26	(c) he becomes of unsound mind or is incapable of carrying out his
	27	duties;
	28	(d) he is guilty of a serious misconduct in relation to his duties; or
	29	(e) in the case of a person possessed of professional qualifications, he
	30	is disqualified or suspended, other than at his own request, from practising his

1 profession in any part of the world by an order of a competent authority  
2 made in respect of that member; or

3 (f) he resigns his appointment by a letter addressed to the President.

4 (2) If a member of the Board ceases to hold office for any reason  
5 whatsoever, before the expiration of the term for which he is appointed,  
6 another person representing the same Interest as that member shall be  
7 appointed to the Board for the unexpired term.

8 (3) A member of the Board may be removed by the President if he is  
9 satisfied that it is not in the interest of the Medical Centre or the interest of  
10 the public that the member continues in office.

11 6. There shall be paid to every member of the Board such Allowances of  
12 allowances and expenses as the Revenue Mobilization Allocation and Fiscal  
13 Commission may, from time to time, direct. members

#### 14 PART II - FUNCTIONS AND POWERS OF THE BOARD, ETC.

15 7.-(1) The Board shall:

16 (a) equip, maintain and operate the Medical Centre so as to provide  
17 facilities for diagnosis, curative, promotive and rehabilitative services in  
18 medical treatment;

19 (b) construct, equip, maintain and operate such training schools  
20 and similar institutions as the Board considers necessary for providing the  
21 Medical Centre at all times with a proper staff of the Medical Centre  
22 technicians and nurses;

23 (c) construct, equip, maintain and operate such clinics, out-patient  
24 departments, laboratories, research or experimental stations and other like  
25 institutions as the Board considers necessary for the efficient functioning of  
26 the Medical Centre.

27 (2) The Board shall ensure that the standards of teaching provided  
28 at all establishments under its control and the standards of treatment and care  
29 provided for patients at those establishments do not fall below those usually  
30 provided by similar establishments of international repute.

Functions of the  
Board

	1	(3) Subject to this Act, the Board shall perform such other functions
	2	which in its opinion are calculated to facilitate the carrying out of its functions
	3	under this Act.
Powers of the Board	4	<b>8.</b> The Board shall have power to:
	5	(a) Provide the general policies and guidelines relating to major
	6	expansion programmes of the Medical Centre;
	7	(b) provide facilities for the training of medical students of associate
	8	universities;
	9	(c) manage and superintend the affairs of the Medical Centre;
	10	(d) subject to the provisions of this Act, make, alter and revoke rules
	11	and regulations for carrying on the functions of the Medical Centre;
	12	(e) fix terms and conditions of service, including remuneration of the
	13	employees of the Medical Centre subject to the approval of National Salaries
	14	Incomes and Wages Commission;
	15	(f) do such other things which in the opinion of the Board are
	16	necessary to ensure the efficient performance of the functions of the Medical
	17	Centre.
	18	<b>PART III - STAFF OF THE MEDICAL CENTRE</b>
Medical Director of the Medical Centre	19	<b>9.-(1)</b> There shall be for the Medical Centre a Chief Medical Director
	20	who shall be appointed by the President on the recommendation of the Board
	21	and on such terms and conditions as may be specified in his letter of
	22	appointment or as may be determined, from time to time, by the National
	23	Salaries Income and Wages Commission.
	24	(2) The Chief Medical Director shall:
	25	(a) be the chief executive and accounting officer of the Medical
	26	Centre;
	27	(b) be responsible to the Board for the day-to-day administration of
	28	the Medical Centre;
	29	(c) be appointed for a term of four years in the first instance and may

1 be reappointed for a further term of four years subject to satisfactory  
2 performance;

3 (d) be a person who is a medical practitioner and shall have been so  
4 qualified for a period of not less than 15 years;

5 (e) have considerable administrative experience in matters of  
6 health;

7 (f) hold a post-graduate specialist qualification obtained not less  
8 than ten years prior to the appointment as Chief Medical Director.

9 **10.-(1)** The Board shall appoint for the Medical Centre:

Appointment of  
Directors and  
other staff of the  
Medical Centre

10 (a) a Director of Administration, who shall:

11 (i) be responsible to the Chief Medical Director for the effective  
12 functioning of all the administrative divisions of the Medical Centre;

13 (ii) conduct the correspondence of the Board and keep the records  
14 of the Medical Centre; and

15 (iii) perform such other functions as the Board or the Chief Medical  
16 Director, as the case may be, may, from time to time, assign to him;

17 (b) a Director of Clinical Services;

18 (c) a Director of Finance;

19 (d) a Director of Maintenance.

20 (2) The Directors appointed under paragraphs (b), (c) and (d) of  
21 subsection (1) of this section shall each be responsible to the Chief Medical  
22 Director for the effective running of the clinical services, the finance and  
23 accounts and the co-ordination of the maintenance of the Medical Centre, as  
24 the case may be.

25 (3) The Board shall appoint for the Medical Centre such number of  
26 employees as may in the opinion of the Board be expedient and necessary  
27 for the proper and efficient performance of the functions of the Medical  
28 Centre.

29 (4) Notwithstanding the provisions of subsections (1) and (2) of  
30 this section the Board shall have power to appoint for the Medical Centre

1 either directly or on secondment from any public service in the Federation,  
2 such number of employees as may, in the opinion of the Board, be required to  
3 assist the Medical Centre in the discharge of any of its functions under this Act.

4 (5) Nothing in subsection (4) of this section shall preclude the Board  
5 from appointing persons from outside the public service of the Federation or of  
6 the State whenever it deems it necessary so to do.

7 (6) The terms and conditions of service (including remuneration,  
8 allowances, benefits and pensions) of the employees of the Medical Centre  
9 shall be as determined by the National Salaries Income and Wages  
10 Commission.

Service in the  
Medical Centre  
to be pensionable

11 **11.**-(1) Service in the Medical Centre shall be approved service for the  
12 purposes of the Pensions Reforms Act.

13 (2) The officers and other persons employed in the Medical Centre  
14 shall be entitled to pensions, gratuities and other retirement benefits as are  
15 enjoyed by persons holding equivalent grades in the civil service of the  
16 Federation.

17 (3) Nothing in subsections (1) and (2) of this section shall prevent the  
18 appointment of a person to any office on terms which preclude the grant of  
19 pension and gratuity in respect of that office.

Establishment  
fo the Medical  
Advisory  
Committee, etc.

20 **12.**-(1) There shall be for the Medical Centre a Medical Advisory  
21 Committee which shall:

22 (a) consist of a chairman who shall be the Director, Clinical Services  
23 and such number of other members as may be determined from time to time;

24 (b) be responsible to the Chief Medical Director for all the clinical and  
25 training activities of the Medical Centre; and

26 (c) be appointed by the Board.

27 (2) Subject to this Act, the Board shall have power to appoint either  
28 directly or on secondment and discipline consultants holding or acting in any  
29 office in the hospital; and any such appointment shall be made having due  
30 regard to the approved personnel establishment of the Medical Centre.

1                   (3) Notwithstanding anything to the contrary, the Board may, from  
2                   time to time, appoint consultants outside the hospital to perform such  
3                   medical duties as the Board or the Chief Medical Director may assign to  
4                   such consultants.

5                   PART IV - FINANCIAL PROVISIONS

6                   **13.** There shall be established and maintained for the Medical      Fund of the  
7                   Centre a fund into which shall be paid and credited:                   Medical Centre

8                   (a) all subventions and budgetary allocation from the Government  
9                   of the Federation;

10                  (b) all fees and funds accruing from the sale of drugs and other  
11                  services;

12                  (c) all sums accruing to the Medical Centre by way of gifts,  
13                  endowments, bequests, grants or other contributions by persons and  
14                  organisations;

15                  (d) foreign aid and assistance from bilateral agencies; and

16                  (e) all other sums which may, from time to time, accrue to the  
17                  Medical Centre.

18                  **14.** The hospital shall, from time to time, apply the funds at its      Expenditure of  
19                  disposal to:   the Medical Centre

20                  (a) the cost of administration and maintenance of the Medical  
21                  Centre;

22                  (b) publicize and promote the activities of the Medical Centre;

23                  (c) pay allowances, expenses and other benefits of members of the  
24                  Board and committees of the Board;

25                  (d) pay the salaries, allowances and benefits of employees of the  
26                  Medical Centre;

27                  (e) pay other overhead allowances, benefits and other  
28                  administrative costs of the Medical Centre; and

29                  (f) undertake such other activities as are connected with all or any  
30                  of the functions of the Medical Centre under this Act.



Power to accept gifts	1	<b>15.-(1)</b> The Medical Centre may accept gifts of land, money or other
	2	property on such terms and conditions, if any, as may be specified by the person
	3	or organisation making the gift.
	4	(2) The Medical Centre shall not accept any gift if the conditions
	5	attached by the person or organisation making the gift are inconsistent with the
	6	functions of the Medical Centre under this Act.
Annual estimates and expenditure	7	<b>16.-(1)</b> The Board shall, not later than 30 September in each year,
	8	submit to the President through the Secretary to the Government of the
	9	Federation an estimate of the expenditure and income of the Medical Centre
	10	during the next succeeding year.
	11	(2) The Board shall cause to be kept proper accounts of the Medical
	12	Centre in respect of each year and proper records in relation thereto and shall
Annual report	13	cause the accounts to be audited not later than six months after the end of each
	14	year by auditors appointed from the list and in accordance with the guidelines
	15	supplied by the Auditor-General for the Federation.
	16	<b>17.</b> The Board shall prepare and submit to the President, not later than
	17	30 June in each year, a report in such form as the President may direct on the
	18	activities of the Medical Centre during the immediately preceding year, and
Power to borrow	19	shall include in the report a copy of the audited accounts of the Federal Medical
	20	Centre for that year and the auditor's report thereon.
	21	<b>18.-(1)</b> The Medical Centre may, from time to time, borrow by
	22	overdraft or otherwise such sums as it may require for the performance of its
	23	functions' under this Act.
	24	(2) The Medical Centre shall not, without the approval of the
	25	President, borrow money which exceeds, at any time, the limit set by the
	26	President.
	27	(3) Notwithstanding subsection (I) of this section, where the sum to be
	28	borrowed is in foreign currency, the Medical Centre shall not borrow the sum
	29	without the prior approval of the President.

1                   **19.-(1)** The Medical Centre shall not pay income tax on any income                   Exemption from  
2                   derived by the Federal Medical Centre under this Act or accruing to it from                   tax  
3                   any of its investments.

4 (2) Accordingly, the provisions of any enactment relating to the  
5 taxation of companies or trust funds shall not apply to the Board of the  
6 Federal Medical Centre.

7                   **20.** The Medical Centre shall not pay customs duty on or be                   Exemption from  
8                   restricted or prohibited from importing any equipment, material, supply and                   customs duties, etc  
9                   any other thing required by the Medical Centre for the purposes of this Bill.

## 10 PART V - GENERAL

11                   **21.-(1)** Notwithstanding anything to the contrary contained in any                   Discipline of  
12                   other enactment, where it appears to the Board that any student of the                   students  
13                   Medical Centre has been guilty of misconduct, the Board may, without  
14                   prejudice to any other disciplinary powers conferred on it by regulations,  
15                   direct:

(a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the Medical Centre, or make use of such facilities of the Medical Centre as may be so specified;

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

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

24 (d) that the student be expelled from the Medical Centre.

(2) The fact that an appeal from a direction is brought in pursuance of subsection (1) of this section shall not affect the operation of the direction while the appeal is pending.

(3) The Board may delegate its powers under this section to a disciplinary committee consisting of such members of the Medical Centre as the Board may nominate.

1 (4) Nothing in this section shall be construed as preventing the  
2 restriction or termination of student's activities at the Medical Centre otherwise  
3 than on the ground of misconduct.

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

6 (6) Nothing in this Act shall affect the provisions of any enactment  
7 relating to the discipline of medical practitioners, pharmacists, midwives,  
8 nurses or members of any other profession or calling.

Removal and  
discipline of  
clinical,  
administrative  
and technical  
staff

9 **22.**-(1) If it appears to the Board that there are reasons for believing  
10 that any person employed as a member of the clinical, administrative or  
11 technical staff of the Medical Centre, other than the Chief Medical Director,  
12 should be removed from his office or employment, the Board shall require the  
13 Director of Administration to:

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

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

17 (c) if the person in question so requests within a period of 1 month  
18 beginning with the date of the notice, make arrangements for:

19 (i) a committee to investigate the matter and report on it to the Board;  
20 and

21 (ii) the person in question to be afforded an opportunity of appearing  
22 before and being heard by an investigating committee set up with respect to the  
23 matter, and if the Board, after considering the report of the investigating  
24 committee, is satisfied that the person in question should be removed as  
25 aforesaid, the Board may so remove him by a letter signed on the direction of  
26 the Board.

27 (2) The Chief Medical Director may, in a case of misconduct by a  
28 member of the staff which in the opinion of the Chief Medical Director is  
29 prejudicial to the interest of the Medical Centre, suspend any such member and  
30 any such suspension shall forthwith be reported to the Board.

1                   (3) For good cause, any member of staff may be suspended from  
2                   his duties or his appointment may be terminated or he may be dismissed by  
3                   the Board and for the purposes of this section, "good cause" means:

4                   (a) a conviction for any offence which the Board considers to be  
5                   such as to render the person concerned unfit for the discharge of the  
6                   functions of his office;

7                   (b) any physical or mental incapacity which the Board, after  
8                   obtaining medical advice, considers to be such as to render the person  
9                   concerned unfit to continue to hold his office;

10                  (c) conduct of a scandalous or other disgraceful nature which the  
11                  Board considers to be such as to render the person concerned unfit to  
12                  continue to hold his office; or

13                  (d) conduct which the Board considers to be such as to constitute a  
14                  failure or inability of the person concerned to discharge the functions of his  
15                  office or to comply with the terms and conditions of his service.

16                  (4) Any person suspended shall, subject to subsections (2) and (3)  
17                  of this section be on half pay and the Board shall before the expiration of a  
18                  period of three months after the date of such suspension consider the case  
19                  against that person and come to a decision as to:

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

22                  (b) whether to reinstate the person, in which case the Board shall  
23                  restore his full emoluments to him with effect from the date of suspension;

24                  (c) whether to terminate the appointment of the person concerned,  
25                  in which case he shall not be entitled to the proportion of his emoluments  
26                  withheld during the period of suspension; or

27                  (d) whether to take such lesser disciplinary action against the  
28                  person (including the restoration of his emoluments that might have been  
29                  withheld), as the Board may determine, and in any case where the Board,  
30                  pursuant to this section, decides to continue a person's suspension or decides

1 to take further disciplinary action against a person, the Board shall before the  
2 expiration of a period of three months from such decision come to a final  
3 determination in respect of the case concerning any such person.

4 (5) It shall be the duty of the person by whom a letter of removal is  
5 signed in pursuance of subsection (1) of this section to use his best endeavors to  
6 cause a copy of the letter to be served as soon as reasonably practicable on the  
7 person to whom it relates.

8 (6) Nothing in the foregoing provisions of this section shall preclude  
9 the Board from making such regulations not inconsistent with the provisions of  
10 this Act for the discipline of students and all other categories of employees of  
11 the hospital as the Board may prescribe.

12 (7) Regulations made under subsection (6) of this section need not be  
13 published in the Gazette but the Board shall cause them to be brought to the  
14 notice of all affected persons in such manner as it may, from time to time,  
15 determine.

Discipline of  
junior staff

16 **23.**-(1) If any junior staff is accused of misconduct or inefficiency, the  
17 Chief Medical Director may suspend him for not more than a period of 3  
18 months and shall direct a committee to:

19 (a) consider the case; and

20 (b) make recommendations as to the appropriate action to be taken by  
21 the Chief Medical Director.

22 (2) In all cases under this section of this Act, the officer shall be  
23 informed of the charge against him and given a reasonable opportunity to  
24 defend himself.

25 (3) The Chief Medical Director may, after considering the  
26 recommendation made pursuant to subsection (1) (b) of this section, dismiss,  
27 or take such other disciplinary action against the officer concerned.

28 (4) Any person aggrieved by a decision of the Chief Medical Director  
29 made under subsection (3) of this section may, within a period of 21 days from  
30 the date of the letter communicating the decision to him, address a petition to

1 the Board to reconsider his case.

2 **PART VI - MISCELLANEOUS**

3 **24.-(1)** The Board may, with the approval of the President, make Regulations  
4 regulations

5 (a) as to the access of members of the public either generally or of a  
6 particular class, to premises under the control of the Board and as to the  
7 orderly conduct of members of the public on those premises; and

8 (b) for safeguarding any property belonging to or controlled by the  
9 Board from damage by members of the public.

10 (2) Bye-laws under this section shall not come into force until they  
11 are confirmed (with or without modification) by the National Assembly and  
12 published in such manner as he may direct.

13 **25.** The President may give to the Board directions of a general Power to give  
14 character or relating generally to particular matters (but not to any individual directives  
15 person or case) with regard to the exercise by the Board of its functions  
16 under this Act, and it shall be the duty of the Board to comply with the  
17 directions; but no direction shall be given which is inconsistent with the  
18 duties of the Board under this Act.

19 **26.-(1)** On the commencement of this Act, any person employed by Transition and  
20 or serving in, the Medical Centre shall be deemed to have been employed or savings provision  
21 serving in the Medical Centre established under this Act.

22 (2) All Assets or liabilities belonging to the Medical Centre shall be  
23 deemed to belong to the Medical Centre established under this Act.

24 **27.** In this Act, unless the context otherwise requires: Interpretation

25 "associate universities" means the universities whose medical students  
26 receive aspects of their training from the Medical Centre;

27 "Board" means the Board of Management of the Medical Centre;

28 "chairman" means the chairman of the Board;

29 "functions" include powers and duties;

30 "Federal Medical Centre "means the Medical Centre Rigasa, Kaduna State;

1 "junior staff" means staff of such grade as may be determined, from time to  
2 time, by the Board;

3 "medical student" means a student whose course of instruction is:

4 (a) designed (either alone or in conjunction with other courses) to  
5 enable him to qualify as a medical practitioner; or

6 (b) designed for the further training of medical practitioners;

7 "Minister" means the Minister charged with responsibility for matters relating  
8 to health and "Ministry" shall be construed accordingly;

9 "student" means a person enrolled at an institution controlled by the Board for  
10 the purpose of pursuing a course of instruction at the institution.

Short title

11 **28.** This Bill may be cited as the Federal Medical Centre Rigasa,  
12 Kaduna State (Establishment) Bill, 2019.

13 SCHEDULE

14 [Section 3 (3).]

15 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

16 *Proceedings of the Board*

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

20 (2) The quorum of the Board shall be the chairman or the person  
21 presiding at the meeting and 5 other members of the Board, 2 of whom shall be  
22 ex-officio members, and the quorum of any Committee of the Board shall be as  
23 determined by the Board.

24 2.-(1) The Board shall meet whenever it is summoned by the  
25 chairman and if the chairman is required to do so by notice given to him by not  
26 less than 8 other members, he shall summon a meeting of the Board to be held  
27 within 14 days from the date on which the notice is given.

28 (2) At any meeting of the Board, the chairman shall preside but if he is  
29 absent, the members present at the meeting shall appoint one of their number to  
30 preside at the meeting.

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

## Committees

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

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.

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

### Miscellaneous

4.-(1) The fixing of the seal of the Medical Centre shall be authenticated by the signatures of the Chairman, the Chief Medical Director or any person generally or specifically authorized by the Board to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Medical Centre by the Chief Medical Director or any person generally or specifically authorized by the Board to act for that purpose.

(3) A document purporting to be a document duly executed under the seal of the Medical Centre shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

5. The validity of any proceedings of the Board or of a committee shall not be adversely affected by:

(a) a vacancy in the membership of the Board or committee;



- 1                   (b) a defect in the appointment of a member of the Board or  
2   committee; or  
3                   (c) reason that a person not entitled to do so took part in the  
4   proceedings of the Board or committee.

EXPLANATORY NOTE

This Bill seeks to Provide for the Legal Framework to Establish the Federal Medical Centre Rigasa, Kaduna State.

# A BILL

## FOR

AN ACT TO PROVIDE FOR CONSTITUENCY PROJECTS IN THE ANNUAL BUDGET OF THE FEDERATION; AND FOR OTHER MATTERS CONNECTED THEREWITH, 2019

*Sponsored by Senator Stella Oduah*

[ ] Commencement

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

- |   |   |
|---|---|
| <p>1               <b>1.</b> As from the commencement of this Act, there shall be a</p> <p>2       provision for Constituency Projects in the Annual Budget of the Federation</p> <p>3       by a minimum of 20%.</p>   | <p>Establishment<br/>of Constituency<br/>Projects</p> |
| <p>4               <b>2.</b> The provisions of this Act shall apply, as more specifically</p> <p>5       provided for in the Act, and shall ensure that specific portion of the Federal</p> <p>6       annual budget is devoted to the constituencies for the purposes of</p> <p>7       infrastructural development, wealth creation and the fight against poverty at</p> <p>8       the constituency level.</p> | <p>Object and purpose<br/>of the Act</p>              |
| <p>9               <b>3.-(1)</b> The list of proposed Constituency Projects to be covered by</p> <p>10       this Act shall be submitted by the member of the National Assembly</p> <p>11       representing that Constituency.</p>   | <p>Submission of<br/>Constituency<br/>proposals</p>   |
| <p>12               (2) The member shall submit the project proposal to the</p> <p>13       Appropriation Committee for input into the budget.</p>  |   |
| <p>14               <b>4.-(1)</b> The list of projects shall be submitted on Standard</p> <p>15       Constituency Projects submission form set out in the Schedule to this Bill.</p>   | <p>Submission form</p>                                |
| <p>16               (2) All projects to every Constituency shall be listed in the Form</p> <p>17       together with the amount allocated to such project.</p>  |   |
| <p>18               <b>5.</b> For every project listed in the form there shall be attached a</p> <p>19       Standard Project Description Form set out in the Schedule to this Act.</p>   | <p>Project<br/>Description Form</p>                   |

(6) Environmental activities may be considered as development projects for purposes of this Act provided that the allocation to such activities does not exceed two per cent of the total allocation of the constituency in that financial year.

(2) A joint project may be constructed for the benefit of two or more of the members constituencies subject to the approval of the National Assembly in those constituencies.

30 (2) Where a particular project involves several sectors and therefore

1 several Government departments, then the Government department under  
2 which the project is listed shall take lead in the implementation of the  
3 project.

4 (3) Where a project in a constituency involves the purchase of  
5 equipment, such equipment shall remain for the exclusive use of that  
6 constituency.

7 **9.** In this Act, unless the context otherwise requires:

Interpretations

8 "community" means residents of a particular geographical area or region  
9 defined as a constituency, location, sub-location or village and having  
10 common interests;

11 "constituency" has the meaning assigned to it in the Electoral Act, 2010;

12 "project" means an eligible development project as described in the Act;

13 "sub-project" means a complete unit or part of a project that can be put to use  
14 towards the achievement of the project objectives.

15 **10.** This Bill may be cited as the Constituency Projects (Budgetary  
16 Provision) Bill, 2019.

Short title

#### EXPLANATORY MEMORANDUM

This Bill seeks to ensure that specific portion of the Federal annual budget is devoted to the constituencies for the purposes of infrastructural development, wealth creation and the fight against poverty at the constituency level.

## SCHEDULE

(Section 5)

## CONSTITUENCY PROJECT APPLICATION FORM

- 1.0 PROJECT DETAILS
  - 1.1 Name of Project
  - 1.2 Location
    - 1.2.1 Village
    - 1.2.2 Ward No/Name
    - 1.2.3 Constituency
  - 1.3 Basic Information about Project (state what the project involves)
  - 1.4 Project Management (describe briefly how the project will be managed)
  - 1.5 Name and Address of Applicant or Name and Address of Committee Members (if community project)
  - 1.6 Project Implementation
    - 1.6.1 Project Activities/Timeframe
  - 1.7 Intended Outcome of Project (what will project provide when completed)
  - 1.8 Project Beneficiaries (state approx number of persons/population)
    - 1.8.1 Direct:
    - 1.8.2 Indirect:
- 2.0 PROJECT COSTS
  - 2.1 Budget Details (Provide a breakdown of budget. Proforma invoices from Legitimate Suppliers must be attached)
- 3.0 DECLARATION

I declare that all information provided are true and accurate details of this proposed project

Applicant Name:..... Signature:.....

Date:.....

NIGERIA OIL PALM INDUSTRIAL PARK BILL, 2019

ARRANGEMENT OF SECTION

*Sections:*

1. Establishment of the Nigerian Oil Palm Industrial Park
2. Establishment, of the Nigeria Oil Palm Industrial Park and its governing Board, etc.
3. Membership of the governing Board
4. Functions of the Authority
5. Appointment of Managing Director, Secretary and other employees.
6. Approved activities, etc. Second Schedule
7. Vesting of property in the Authority.
8. Exemption from taxes.
9. Approval of enterprise to undertake approved activity.
10. Power to grant licence
11. Payment of goods and services
12. Import of goods into the Park
13. Persons not to enter Park without permission
14. Prohibition of retail trade
15. Special provisions relating to article imported with custom duty cessions
16. Prohibition of storage of ammunition and dangerous explosives
17. Export of goods from a Park
18. Incentives and related matters
19. Enterprises to submit returns
20. Work permits
21. Staff Regulations
22. Fund of the Authority
23. Annual estimates, accounts, etc.
24. Enactments applicable in customs territory to apply
25. Omission and none compliance
26. Regulations



# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF OIL PALM INDUSTRIAL  
PARK AND FOR MATTERS CONNECTED THEREWITH

*Sponsored by Senator Nnachi, Michael Ama*

[ ] Commencement

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

- 1           **1.**-(1) The President may, from time to time by order, upon the  
2       recommendation of the Nigeria Oil Palm Industrial Park established under  
3       this Act, designate such area as he thinks fit to be an Oil Palm Industrial Park,  
4       (in this Act referred to as "Park").
- 5           (2) The Park established pursuant to subsection (1) of this section,  
6       may be operated and managed by a public, private or a combination of  
7       public and private entity under the supervision of and with the approval of  
8       Nigeria Oil Palm Industrial Park established by section 3 of this Act.
- 9           (3) Every order made pursuant to subsection (1) of this section,  
10      shall specify the limits of the area designated and ascribe a name to that Park.
- 11          (4) The Nigeria Oil Palm Industrial Park may, from time to time, by  
12      order, amend, vary or add to the limits of a Park or change the name of a Park.
- 13          (5) An order, made under subsection (3) of this section, shall not  
14      affect an approved enterprise existing before the commencement of the  
15      order.
- 16          **2.** It shall be the intent, purpose and objectives of this Act to:  
17      Establish the legal framework and mechanism for the integration,  
18      coordination, planning and monitoring of the Park;  
19          (a) Establish the legal framework and mechanism for the  
20      integration, coordination, planning and monitoring the operation of the  
21      Park;

Establishment  
of the Nigerian  
Oil Palm Industrial  
Park

Objectives and  
Purpose



1 (b) Transform selected areas in the country into highly developed  
2 agricultural centers highly trained personnel and efficient services will be  
3 available to investors;

4 (c) promote the flow of investors, both Foreign and Local into the  
5 processing Park which would generate employment opportunities establish  
6 backward and forward integration in the Park;

7 (d) stimulate the repatriation of Nigerian capital by providing  
8 attractive climate and incentives for business activities in the Park established  
9 under this Act.

10 (e) Promote financial and agricultural cooperation between Nigeria  
11 and other advanced agricultural countries that will revolutionize the oil Palm  
12 sector and improve productivity levels.

Establishment  
of the Nigeria  
Oil Palm Industrial  
Park and its  
governing Board,  
etc.

13 **3.-(1)** There is hereby established for the Nigeria Oil Palm Industrial  
14 Park, an Authority to be known as the Nigeria Oil Palm Industrial Park  
15 Authority (in this Act referred to as "the Authority")

16 (2) The Authority shall be a body corporate, with perpetual succession  
17 and a common seal and may sue and be sued in its corporate name and shall be  
18 capable of acquiring, holding or disposing of any property movable or  
19 immovable for the purpose of carrying out its functions.

20 (3) The Headquarter shall be located in Afikpo South, Ebonyi  
21 State.

Membership  
of the governing  
Board

22 **4.-(1)** There shall be for the Authority, a governing Board which shall  
23 consist of a Chairman to be appointed by the President on the recommendation  
24 of the Minister and the following other members, that is to say:

25 (a) a representative each from the following Federal Ministries, that  
26 is:

27 (i) Agriculture and Rural development;

28 (ii) Trade and Investment;

29 (iii) Finance;

30 (iv) Science and Technology;

- 1 (v) Health.
- 2 (b) The Comptroller-General of Customs or his representative not
- 3 below the grade of Assistant Director;
- 4 (c) the Managing Director of the Nigerian Ports Authority or his
- 5 representative not below the grade of a Deputy Director;
- 6 (d) one representative each from the following:
- 7 (i) the 36 States including the FCT;
- 8 (ii) the Nigerian Association of Chambers of Commerce,
- 9 Industries, Mines and Agriculture;
- 10 (iii) All Farmers Association;
- 11 (iv) the Manufacturers Association of Nigeria;
- 12 (v) the Association of Nigerian Exporters.
- 13 (e) two persons to be appointed by the Minister from the private
- 14 sector who shall be persons possessing practical experience in industry,
- 15 commerce, finance, export promotion and other related fields;
- 16 (f) a representative of the Central Bank of Nigeria not below the
- 17 grade of Director; and (g) the Managing Director of the Authority.
- 18 (2) A member of the Board other than ex-officio member shall
- 19 subject to the provisions of this Act, hold office for a period of four years
- 20 from the date of his appointment as a member and shall be eligible for re-
- 21 appointment for one further period of two years and thereafter he shall no
- 22 longer be eligible for re-appointment.
- 23 (3) Notwithstanding subsection (2) of this section, the President
- 24 may on the recommendation of the Minister require any member to vacate
- 25 his office if his continued membership will not be in the interest of the
- 26 Authority.
- 27 (4) Any member of the Board other than an ex-officio member may
- 28 by notice in writing to the Board resign his appointment.
- 29 (5) The supplementary provisions contained in the First Schedule
- 30 to this Act shall have effect with respect to the tenure of office of the

Functions of the  
Authority

1 members and the proceedings of the Board and other matters relating to the  
2 Board.

3           **5.** In addition to any other functions conferred on the Authority by  
4 this Act, the functions and responsibilities of the Authority shall include:

5           (a) Provision of accelerated development of farming communities  
6 across the country with the necessary infrastructures such that make outreach  
7 programmes on inputs and out easy to accomplish;

8           (b) provision of price support programmes that will guarantee  
9 minimum price for Oil Palm produce and make the authority a buyer of last  
10 resort for designated produce;

11           (c) coordination, monitoring and maintenance of quality and  
12 standards of value chain additions to meet the expected local and export  
13 grades;

14           (d) promotion of import substitution by deploying a low-import  
15 strategy for all Oil Palm based manufacturing process in Nigeria;

16           (e) employment generation through the involvement of young school  
17 leavers in the outreach and processing activities of the enterprises operating  
18 within the Park;

19           (f) the administration of the Authority and management of all the Oil  
20 Palm Industrial Park;

21           (g) the approval of development plans of the Authority and the Park  
22 annual budgets in respect of infrastructures, administrative buildings,  
23 promotion of Park, the provision and maintenance of services and facilities;

24           (h) the establishment of customs, police, immigration and similar  
25 posts in the Park;

26           (i) the supervision and co-ordination of the functions of various  
27 public sector and private sector organisations operating within the Park and  
28 resolving any dispute that may arise amongst them;

29           (j) the resolution of trade disputes between employers and employees  
30 in the Park in consultation with the Federal Ministry of Employment, Labor

1 and Productivity;

2 (k) the adaptation of investment promotion strategies in the Park,  
3 including the opening of Investment Promotion Offices abroad; ,

4 (l) the recommendation to the Federal Government of additional  
5 incentive measures for the park;

6 (m) the establishment and supervision of Zonal Administrations  
7 for the purpose of managing the Park and the grant of all requisite permits  
8 and licences to, approved enterprises.

9 **6.-(1)** There shall be for the Authority, a Managing Director who  
10 shall be the Chief Executive and shall be appointed by the President on the  
11 recommendation of the Minister.

Appointment of  
Managing Director,  
Secretary and  
other employees

12 (2) The Managing Director shall be responsible for:

13 (a) the preparation of plans, annual programmes and budget;

14 (b) the recommendation of bye-laws applicable in each Park;

15 (c) the development of strategies for the promotion of the Park  
16 inside and outside the country;

17 (d) the implementation of the approved plans, programmes and  
18 budgets;

19 (e) the day-to-day administration of the Authority.

20 (3) Without prejudice to the generality of subsection (1) of this  
21 section, the Authority shall have power to:

22 (a) appoint a Secretary who shall be qualified to practice as a legal  
23 practitioner in Nigeria and has been so qualified for not less than ten years;

24 (b) pay the employees such remuneration and allowances as it may,  
25 from time to time, determine;

26 (c) pay the employees such pensions and gratuities as are payable  
27 to persons of equivalent grades in the public service of the Federation.

28 **7.-(1)** Subject to subsection (2) of this section, the activities  
29 specified in the Second Schedule to this Act shall be approved activities for  
30 the purposes of this Act.

Approved  
activities, etc.  
Second  
Schedule

Third Schedule	1	(2) The Authority may, from time to time, prescribe the activities
	2	which may be carried on in a Park, and for this purpose may, by Order, amend
	3	the Second Schedule to this Act.
Vesting of property in the Authority	4	<b>8.</b> The President or Governor of a State respectively may, by Order,
	5	transfer to the Authority, any property belonging to the Federal or State
	6	Governments respectively which appears to be necessary or expedient to the
	7	Authority in carrying out its functions under this Act and such property shall
	8	vest in the Authority by virtue of the Order and without further assurance.
Exemption from taxes	9	<b>9.</b> Approved enterprises operating within a Park shall be exempted
	10	from all Federal, State and Government taxes, levies and rates.
Approval of enterprise to undertake approved activity	11	<b>10.-(1)</b> Any enterprise which proposes to undertake an approved
	12	activity within a Park, shall apply to the Authority in writing for permission to
	13	do so and shall submit such documents and information in support of its
	14	application, as the Authority may require.
	15	(2) Subject to the provisions of this Act, the Authority may grant,
	16	subject to such terms and conditions as it thinks fit, approval for an enterprise to
	17	undertake the approved activity specified in its application brought under
	18	subsection (1) of this section.
	19	(3) For the purposes of this section, "approved activity" means any of
	20	the activities specified in the Third Schedule to this Act.
Power to grant licence	21	<b>11.-(1)</b> The Authority may grant a licence for any approved activity in
	22	a Park to an individual or business concerned whether or not the business is
	23	incorporated in the customs territory.
	24	(2) The grant of a license by the Authority shall constitute registration
	25	for the purposes of company registration within the Park:
	26	(3) A licensed company operating within a Park and undertaking an
	27	approved activity shall notify the Authority of any purchase, assignment or
	28	transfer of shares in the company, except where the company's shares are
	29	quoted and are freely transferable on any international Stock Exchange.
	30	(4) The Authority shall by order from time to time prescribe the

1 regulations governing the Park.

2           **12.**-(1) Where an approved enterprise operating in a Park supplies  
3 goods and services to customers within the customs territory, that enterprise  
4 shall be entitled to receive payment for such goods and services in foreign  
5 currency and for the purposes of such payment, the normal rules and  
6 regulations applicable to importation of goods and services into Nigeria and  
7 repatriation of the proceeds of sales or services shall apply.

Payments for  
goods and service

8           (2) Where a person within the customs territory supplies goods and  
9 services to an approved enterprise established within a Park, that person  
10 shall be entitled to receive payment for such goods or services in foreign  
11 currency and the rules and regulations applicable to export from Nigeria and  
12 the repatriation of proceeds from sales or services shall apply.

13           **13.**-(1) The Authority and any approved enterprise shall be entitled  
14 to import into a Park, free of customs duty, any capital goods, consumer  
15 goods, raw materials, components or articles intended to be used for the  
16 purposes of and in connection with an approved activity, including any  
17 article for the construction, alteration, reconstruction, extension or repair of  
18 premises in a Park or for equipping such premises but with emphasis on low-  
19 import-content.

Import of goods  
into the Park,  
1988 No. 1

20           (2) For the purposes of this section, articles for equipping premises  
21 shall be deemed to include equipment for offices and other ancillary  
22 facilities necessary for the proper administration of the premises and for the  
23 health, safety, hygiene and welfare of the premises and of persons employed  
24 therein.

25           (3) The Authority may by Order, amend or vary the articles  
26 specified in the Fourth Schedule to this Act.

27           (4) All goods brought into a Park shall be consigned:

28           (a) to the Authority or to an approved enterprise and the goods may,  
29 with the approval of the Authority, be transferred from one approved  
30 enterprise to another or from the Authority to an approved enterprise or from

1 an approved enterprise to the Authority; or (b) without prejudice to the  
2 provisions of section (2) of this section, to a bank acting on behalf of any party  
3 to a transaction involving the Authority or an approved enterprise.

4 (5) The Authority may take such steps as it deems necessary to  
5 preserve goods within a PARK, whether by moving the goods from one place to  
6 another or by storing the goods and where any expenses are incurred by the  
7 Authority in so doing, the owner or consignee of the goods shall reimburse the  
8 Authority for the expenses.

9 (6) Subject to the provisions of this Act and any regulations made  
10 thereunder, goods brought into a Park pursuant to this section may:

11 (a) unless otherwise directed by the Authority, be stored, sold,  
12 exhibited, broken up, packed, graded, cleaned, marked, re-marked, loaded,  
13 unloaded, reloaded, divided, mixed, separated or otherwise manipulated;

14 (b) be worked, processed or reprocessed or otherwise manipulated or  
15 manufactured;

16 (c) be consumed if the goods are meant for consumption in the Park,  
17 unless otherwise directed by the Authority;

18 (d) subject to subsection (7) of this section, be removed from a Park or  
19 sent into the customs territory, whether as originally packed or otherwise; or

20 (e) subject to any enactment pertaining thereto, be destroyed.

21 (7) Where any goods which are dutiable on entry into the customs  
22 territory are sent from a Park into the customs territory, the goods shall be  
23 subject to the provisions of the Customs, Excise Tariff, Etc. (Consolidation)  
24 Act and any regulations made. Thereunder, and if the goods are intended to be  
25 disposed of in the customs' territory, shall not be removed from the Park unless:

26 (a) the consent of the Authority has been obtained; and

27 (b) the relevant customs authorities are satisfied that all import  
28 restrictions relevant thereto have been complied with and all duties payable in  
29 connection with the importation thereof into the customs territory have been  
30 paid.

1 (8) Samples of goods being taken into the customs territory shall be  
2 subject to the provisions of subsection (6) of this section, except in cases  
3 where the relevant customs authority is satisfied that such goods are of no  
4 commercial value.

5 (9) Where goods are brought from the customs territory into a Park  
6 for the purposes of an approved activity, the goods shall be deemed to be  
7 exported.

8 (10) The Pre-Import Inspection Scheme shall not apply to imports  
9 of goods into the Park for use by approved enterprises in the park.

10 **14.**-(1) No person shall enter, remain in or reside in a Park without  
11 the prior permission of the Authority. Persons not to  
enter Park without  
permission

12 (2) Any person who contravenes the provisions of subsection (1) of  
13 this section shall have his permit revoked by the Authority.

14 **15.**-(1) No retail trade shall be conducted within a Park without the  
15 prior approval of the Authority and which may be subject to such terms and  
16 conditions as may be imposed, from time to time, by the Authority Prohibition of  
retail trade

17 (2) Any person who contravenes the provisions of subsection (1) of  
18 this section or of a term or condition imposed pursuant to that subsection  
19 shall have his licence revoked by the Authority.

20 **16.**-(1) An approved enterprise which imports into a Park an article  
21 with a benefit in respect of customs duty under the provisions of this Act  
22 shall: Special provisions  
relating to articles  
imported with  
custom duty  
concessions

23 (a) keep such records of the articles so imported in such forms and  
24 containing such particulars as may be required by the Authority;

25 (b) cause the articles to be marked with such mark and in such  
26 manner as may be required by the Authority;

27 (c) permit the Authority or a person authorised by the Authority at  
28 all reasonable times:

29 (i) to inspect the records relating to those articles; and

30 (ii) to have access to any factory, warehouse, assembly plant or



	1	other premises under the control of the approved enterprise for the purpose of
	2	examining the article which the Authority believes to be therein and of
	3	satisfying itself of the accuracy of the particulars in relation to the article
	4	contained in such records.
	5	(2) Any person who contravenes the provisions of subsection (1) of
	6	this section is guilty of an offence.
Prohibition of storage of ammunition and dangerous explosives	7	<b>17.</b> -(1) Notwithstanding any other provision of this Act, the following
	8	goods shall not be imported, taken into or stored in a Park:
	9	(a) firearms and ammunition, other than by members of the Nigeria
	10	Police Force or the Armed Forces of the Federation or by Security Agencies
	11	employed to work in a Park in the course of their duties or by such other persons
	12	as may be authorised by the Authority;
	13	(b) dangerous explosives, without prior approval of the Authority;
	14	(c) petrol, inflammable materials, hazardous cargoes or oil fuels,
	15	other than in such quantities and on such terms and conditions as may be
	16	prescribed by the Authority;
	17	(d) goods which the Authority by Order has imposed specific or
	18	absolute prohibition on their importation into a Park.
	19	(2) Any person who contravenes the provisions of subsection (1) of
	20	this section is guilty of an offence.
Export of goods from a Park	21	<b>18.</b> Export of goods from a Park to the customs territory shall, except
	22	prescribed by or pursuant to this Act, be subject to the same customs
	23	requirements as apply to goods imported from other countries as otherwise and
	24	licensing.
Incentives and related matters	25	<b>19.</b> -(1) Approved enterprises within the Park shall be entitled to the
	26	following incentives:
	27	(a) legislative provisions pertaining to taxes, levies, duties and
	28	foreign exchange regulations shall not apply within the Park;
	29	(b) repatriation of foreign capital investment in the Park at any time
	30	with capital appreciation of the investment; Park

1 (c) remittance of profits and dividends earned by foreign investors  
2 in the Park;

3 (d) no import or export licences shall be required;

4 (e) up to 25 per-cent of production may be sold in the customs  
5 territory against a valid permit, and on payment of appropriate duties;

6 (f) rent free land at construction stage, thereafter rent shall be as  
7 determined by the Authority;

8 (g) up to 100 per-cent foreign ownership of business in the Park  
9 allowable;

10 (h) foreign managers and qualified personnel may be employed by  
11 companies operating in the Park.

12 (2) The Authority shall be the only agency qualified to:

13 (a) give all approvals; and

14 (b) cancel all licenses.

15 (3) The Authority shall simplify all procedure necessary for  
16 authorisation of investments in a Park and state by Order from time to time  
17 its requirements for the grant of authorisations for investments in a Park.

18 (4) Operations within a Park shall commence on the date when the  
19 construction of the perimeter fence and gate of the Park has been completed  
20 and the Authority has assumed duties.

21 (5) There shall be no strikes or lockouts for a period of 10 years  
22 following the commencement of operations within a Park and any trade  
23 dispute arising within a Park shall be resolved by the Authority.

24 **20.** An approved enterprise shall submit to the Authority at such  
25 intervals as may be prescribed, such statistical data, and such information  
26 and returns as regards the sales and purchases and other operations of the  
27 enterprise as the Authority may require or as may be prescribed, from time to  
28 time.

Enterprises to  
submit returns

29 **21.** Where a person who is a non-Nigerian citizen is employed by  
30 the Authority or by an approved enterprise established in a Park, upon

Work permits

1 application by the enterprise for a licence to establish itself within the Park or at  
2 any time thereafter, the enterprise shall apply on behalf of the non-Nigerian  
3 citizen, direct to the Authority for the purpose of immigration and employment  
4 permits, in such manner as may be prescribed by the Authority.

5           **22.**-(1) The Authority may make staff regulations relating generally to  
6 the conditions of service of the employees of the Authority and without  
7 prejudice to the generality of the foregoing such regulations may provide for:

8           (a) the appointment, promotion and disciplinary control of all  
9 employees of the Authority; and

10           (b) appeal by such employees against dismissal or other disciplinary  
11 measures and until such regulations are made, the regulations relating to the  
12 conditions of service of the officers in the civil service of the Federation and the  
13 provisions of the Pensions Act shall be applicable with such modifications as  
14 may be necessary to the staff of the Authority.

15           (2) Approved enterprises operating within the Park shall make  
16 provisions for the pensions and gratuities for their employees.

Fund of the  
Authority

17           **23.**-(1) The Authority shall establish and maintain a fund which shall  
18 consist of:

19           (a) all moneys received from the Federal, States and Local  
20 Government;

21           (b) proceeds from all activities, services and operations of the  
22 Authority;

23           (c) grants, gifts and donations made to the Authority; and

24           (d) such other sum as may accrue, from time to time, to the Authority.

25           (2) The Authority shall, from time to time, apply the proceeds of the  
26 fund established pursuant to subsection (1) of this section:

27           (a) to the cost of administration of the Authority;

28           (b) to the payment of the salaries, fees or other remuneration or  
29 allowances, pensions and gratuities payable to the officers and employees of  
30 the Authority;

1 (c) for reimbursing members of the Board or of any committee set  
2 up by the Board for such expenses as may be expressly authorised by the  
3 Authority in accordance with the rates approved by the President;

4 (d) for the maintenance of any property vested in the Authority; and

5 (e) for investment, maintenance of Park, marketing, promotion,  
6 training, research and similar activities.

7 **24.**-(1) The Authority shall, not later than 31st October in each  
8 year, submit to the Minister an estimate of its expenditure and income  
9 (including payments into the fund of the Authority) during the next  
10 succeeding year.

Annual estimates,  
accounts, etc.

11 (2) The Authority shall keep proper accounts in respect of each  
12 year (and proper records in relation thereto) and shall cause its accounts to  
13 be audited within six months after the end of each year by auditors appointed  
14 from the list and in accordance with the guidelines supplied by the Auditor-  
15 General for the Federation.

16 **25.**-(1) Except as provided under this Act, an enactment applicable  
17 in a customs territory shall apply within the Park.

Enactments  
applicable in  
customs territory  
to apply

18 (2) The Minister may, by Order published in the Gazette, modify  
19 the application of any enactment which is made applicable in a Park by  
20 subsection (1) of this section, where the enactment concerned restricts or  
21 interferes with the smooth running of the Park or operation of licences  
22 therein.

23 **26.**-(1) Every omission or neglect to comply with and every act  
24 done or attempted to be done contrary to the provisions of this Acts or any  
25 regulations made thereunder shall be an offence and in respect of any such  
26 offence for which no penalty is expressly provided the offender shall be  
27 liable on conviction to a fine of N100,000 or to a term of imprisonment for  
28 three months or both.

Omission and  
none compliance

29 (2) Whoever attempts to commit any offence punishable under this  
30 Act or any regulations made thereunder or abets the commission of such

	1	offence shall be punished with the punishment provided for such an offence.
	2	(3) Where a body corporate is guilty of an offence under this Act, and
	3	that offence is proved to have been committed with the consent or connivance
	4	of, or to be attributable to any neglect on the part of any director, manager,
	5	secretary or other similar officer of the body corporate, or any person who was
	6	purporting to act in any such capacity; he, as well as the body corporate, shall
	7	be guilty of that offence and shall be liable to be proceeded against and
	8	punished accordingly.
Regulations	9	27. The Authority may, with the approval of the Minister make
	10	regulations for the proper implementation of this Act.
Interpretation	11	28. In this Act, unless the context otherwise requires:
	12	"approved activities" means activities specified in the Third Schedule to this
	13	Act; "approved enterprise" means any enterprise established within a Park
	14	approved by the Authority;
	15	"Authority" means the Nigeria Oil Palm Industrial Park established by section
	16	2 of this Act;
	17	"member" means a member of the Board and includes the Chairman;
	18	"Minister" means the Minister charged with responsibility for matters relating
	19	to trade.
Short title	20	29. This Bill may be cited as the Nigeria Oil Palm Industrial Park
	21	Bill, 2019.

## EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Nigerian Oil Palm Industrial Park that will coordinate the establishment of Processing Park in the geo-political Park of the federation and facilitate a conducive environment and incentives for Oil Palm development in Nigeria. The Bill also seeks to revive the neglected Oil Palm institute value addition, diversify the economy through processing of Oil Palm products and ensuring a minimum price guarantee.

## 1 FIRST SCHEDULE

2 *Section 3(5)*

## 3 SUPPLEMENTARY PROVISIONS RELATING TO THE AUTHORITY

4 *Proceedings of the Board*

5 1.-(1) Subject to this Act and to section 27 of the Interpretation Act,  
6 the Board may make standing orders regulating the proceedings of the  
7 Authority or of any committee thereof.

8 (2) The quorum of the Board shall be eight and the quorum of any  
9 committee of the Board shall be as may be determined by the Board from  
10 time to time.

11 2.-(1) The Board shall meet not less than four times in each year  
12 and, subject thereto, the Board shall meet whenever it is summoned by the  
13 Chairman, and if the Chairman is required to do so by notice given to him by  
14 not less than three other members; he shall summon a meeting of the Board  
15 to be held within fourteen days from the date on which the notice is given.

16 (2) At any meeting of the Board, the Chairman shall preside, but if  
17 he is absent, the members present at the meeting shall appoint one of their  
18 number to preside at that meeting.

19 (3) Where the Board desires to obtain the advice of any person on a  
20 particular matter, the Board may co-opt him as a member for such period as  
21 it thinks fit:

22 Provided that a person who is a member by virtue of this sub-  
23 paragraph shall not be entitled to vote at any meeting of the Board and shall  
24 not count towards the quorum.

25 *Committees*

26 3.-(1) The Board may appoint one or more committees to carry out  
27 on behalf of the Board such of its functions as the Authority may determine.

28 (2) A committee appointed under this paragraph shall consist of  
29 such number of persons (not necessarily members of the Board) as may be  
30 determined by the Board; and a person other than a member of the Board

1 shall hold office on the committee in accordance with the terms of his  
2 appointment.

3 *Miscellaneous*

4 4.-(1) The fixing of the seal of the Authority shall be authenticated by  
5 the 'signature' of the Chairman and of any other member authorized generally  
6 or specially by the Board to act for that purpose.

7 (2) Any contract or instrument which, if made or executed by a person  
8 not being a body corporate, would not be required to be under seal may be made  
9 or executed on behalf of the Board by the Chairman and the Managing Director  
10 or any person authorized generally or specially by the Authority to act for that  
11 purpose.

12 5. Members of the Board shall be paid out of moneys at the disposal  
13 of the Board such remuneration; fee or allowances in accordance with such  
14 scales as may be approved, from time to time, by the Minister.

15 6. The validity of any proceedings of the Board or of a committee  
16 thereof shall not be adversely affected by any vacancy in the membership of the  
17 Board or of a committee or by the defect in the appointment of any member of  
18 the Board or committee or by reason that a person not entitled to do so took part  
19 in the proceedings.

20 7.-(1) A member of the Board who is-

21 (a) directly or indirectly interested in any company or enterprise the  
22 affairs of which are being deliberated upon by the Authority; or

23 (b) is interested in any contract made or proposed to be made by the  
24 Authority; shall as soon as possible after the relevant facts have come to his  
25 knowledge disclose the nature of his interest at a meeting of the Board.

26 (2) A disclosure under subparagraph (1) of this paragraph shall be  
27 recorded in the minutes of the meeting of the Board and the member shall:

28 (a) not take part after such disclosure in any deliberation or decision  
29 of the Board with regard to the subject matter in respect of which his interest is  
30 thus disclosed;

1 (b) be excluded for the purposes of constituting a quorum of the  
2 Board for any such deliberation or decision.

3 SECOND SCHEDULE

4 *Section 6(2)*

5 APPROVED ACTIVITIES

- 6 1. Processing of Oil Palm products for local consumption and  
7 export;  
8 2. Warehousing freight forwarding and customs clearance;  
9 3. Handling of duty free goods (transshipment, sorting, marketing,  
10 packaging, etc.);  
11 4. Banking, stock exchange and other financial services;  
12 insurance and re-insurance;  
13 5. Import of goods for special services, exhibitions and publicity;  
14 6. International Commercial Arbitration Services;  
15 7. Activities relating to integrated Park;  
16 8. Other activities deemed appropriate by Nigeria Oil Palm  
17 Industrial Park.

18 THIRD SCHEDULE

19 *Section 12(3)*

20 DUTY FREE ARTICLES

- 21 1. Building materials;  
22 2. Tools;  
23 3. Plant;  
24 4. Machinery;  
25 5. Pipes;  
26 6. Pumps;  
27 7. Conveyor belts;



1           8. Other appliances and materials necessary for construction,  
2 alteration, and repair of premises;

3           9. Capital and consumer goods, raw materials components of all  
4 articles intended to be used for the purpose of, and in connection with  
5 reconstruction, extension or repair of premises in a Park or for equipping such  
6 premises and any other items approved by the Authority.

FEDERAL COLLEGE OF EDUCATION (TECHNICAL) KAIMA, KWARA STATE  
(ESTABLISHMENT) BILL, 2019  
ARRANGEMENT OF CLAUSES

*Clauses*

PART 1 - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE  
FEDERAL COLLEGE OF EDUCATION (TECHNICAL) KAIMA, KWARA STATE

1. Establishment and Objectives of the Federal College of Education  
(Technical) Kaima, Kwara State
2. Constitution and Principal Officers of the College.
3. Powers of the College and their exercise.
4. Functions of the Provost and Pro-Chancellor.
5. Composition, Tenure and Powers of the Council of the College.
6. Functions of the Council and its Finance and General Purposes  
Committee.
7. Functions of the Senate of the College
8. Functions of the Provost

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

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

PART III -STATUTES OF THE COLLEGE

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

PART IV -SUPERVISION AND DISCIPLINE

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

18. Participation and Discipline of Students

PART V -MISCELLANEOUS AND GENERAL

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

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE OF EDUCATION (TECHNICAL) KAIMA, KWARA STATE; AND FOR OTHER MATTERS CONNECTED THEREWITH, 2019

*Sponsored by Senator Umar, Sadiq Suleiman*

[       ] 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 (TECHNICAL) KAIMA, KWARA STATE

3                1.-(1) There is hereby established the Federal College of Education  
4        (Technical) Kaima, Kwara 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 Universities Commission (NUC) who shall  
11       be responsible for approving and regulating all academic programmes run in  
12       the College, to ensure quality compliance and provide funds for academic  
13       and research programmes, infrastructures and remunerations of employees.

14               (5) The objects of the College shall be-

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

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

Establishment  
and Objectives  
of the Federal  
College of  
Education  
(Technical) Kaima,  
Kwara State

1 commerce, arts, social science, humanities, management and allied  
2 professional disciplines;

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

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

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

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

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

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

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

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

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

29 (m) to undertake any other activities that is appropriate for a College  
30 of Education of the highest standard.

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

1 of National Universities Commission;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Functions of the  
Provost and  
Pro-Chancellor

29 (2) The Pro-Chancellor shall, in relation to the College, take  
30 precedence before all other members of the College, except the Chancellor



Composition,  
Tenure and  
Powers of the  
Council of the  
College

1 and except the Provost when acting as chairman of Congregation or  
2 Convocation and the Pro-Chancellor shall, when he is present, be the chairman  
3 at all meetings of the Council.

4 **5.-(1)**The Council of the College shall consist of:

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

7 (b) the Provost;

8 (c) the Deputy Provost(s);

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

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

12 (i) the Teacher's Registration Council;

13 (ii) Tertiary Education Trust Fund; and

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

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

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

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

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

21 (2) Persons to be appointed to the Council shall be of proven integrity,  
22 knowledgeable and familiar with the affairs and tradition of the College.

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

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

30 (5) The Council shall be free in the discharge of its functions and

1 exercise of its responsibilities for the good management, growth and  
2 development of the College.

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

6 (a) personnel cost;

7 (b) overhead cost;

8 (c) research and development;

9 (d) library developments; and

10 (e) the balance in expenditure between academic vis-à-vis non-  
11 academic activities.

12 **6.-(1)** Subject to the provisions of this Bill relating to the Visitor, the  
13 Council shall be the governing body of the College and shall be charged with  
14 the general control and superintendence of the policy, finances and property  
15 of the College.

Functions of the  
Council and its  
Finance and  
General Purpose  
Committee

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

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

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

28 (5) Subject to this Bill and the statutes, the Council and the Finance  
29 and General Purposes Committee may each make rules for the purpose of

1 exercising any of their respective functions or of regulating their own  
2 procedure.

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

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

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

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

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

Functions of  
the Senate of  
the College

22 7.-(1) Subject to section 6 of this Bill and subsections (3) and (4) of  
23 this section and the provisions of this Bill relating to the Visitor, it shall be the  
24 general function of the Senate to organize and control the teaching by the  
25 College, the admission of student where no other enactment provides to the  
26 contrary and the discipline of students; and to promote research at the College.

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

30 (a) the establishment, organization and control of campuses, colleges,

1 schools, institutes and other teaching and research units of the College and  
2 the allocation of responsibility for different branches of learning;

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

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

8 (d) the making of recommendations to the Council with respect to  
9 the award to any person of an honorary fellowship or honorary degree or the  
10 title of professor emeritus;

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

13 (f) the supervision of the welfare of students at the College and the  
14 regulation of their conduct;

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

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

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

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

28 (5) Regulations shall provide that at least one of the persons  
29 appointed as the examiners at each final or professional examination held in  
30 conjunction with any course of study at the College is not a teacher at the

	1	College but is a teacher of the branch of learning to which the course relates at
	2	some other College of high repute or a person engaged in practicing the
	3	profession in a reputable organization or institution.
	4	(6) Subject to right of appeal to the Council from a decision of the
	5	Senate under this sub-section, the Senate may deprive any person of any
	6	degree, diploma or other award of the College which has been conferred upon
	7	him if after due enquiry he is found to have been guilty of dishonourable or
	8	scandalous conduct in gaining admission into the College or obtaining that
	9	award.
Functions of the Provost	10	8.-(1) The Provost shall, in relation to the College, take precedence
	11	before all other members of the College except the Chancellor and subject to
	12	section 4 of this Bill except the Pro-Chancellor and any other person for the
	13	time being acting as Chairman of the Council.
	14	(2) Subject to sections 6, 7 and 14 of this Bill, the Provost shall have
	15	the general function, in addition to any other functions conferred on him by this
	16	Bill or otherwise of directing the activities of the College and shall be the Chief
	17	Executive and Accounting Officer of the College and ex-officio Chairman of
	18	the Senate.
	19	(3) The Provost shall be the Chairman of the College Tenders' Board,
	20	which is saddled with the responsibility of approving the conduct of public
	21	procurement of goods, works and services within the approved threshold from
	22	time to time.
	23	(4) It shall be the responsibility of the Provost to establish and appoint
	24	members of the Tenders' Board in line with the extant Public Procurement
	25	Rules and Regulations.
	26	PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC, TO THE
	27	COLLEGE AND CONDITION OF SERVICE OF EMPLOYEES
General fund of the College	28	9.-(1) There shall be a general fund of the College which shall consist
	29	of the following:
	30	(a) grants-in-aid;

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

16 **10.-(1)** All property held by or on behalf of the Provisional Council  
17 of the College shall, by virtue of this sub-section and without further  
18 assurance, vest in the College and be held by it for the purpose of the  
19 College.

Transfer of  
Property

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

### 23 PART III - STATUTES OF THE COLLEGE

24 **11.-(1)** Subject to this Bill, the College may make statutes for any  
25 of the following purposes, that is to say:

Power of the  
College to make  
Statutes

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

28 (b) Specifying and regulating the powers and duties of any  
29 authority of the College, and regulating any other matter connected with the  
30 College or any of its authorities;

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

1 Council, the Senate or any other authority of the College; or

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

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

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

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

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

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

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

27 **13.** A statute may be proved in any court by the production of a  
28 copy thereof bearing or having affixed to it a certificate purporting to be  
29 signed by the Provost or the Secretary to the Council to the effect that the  
30 copy is a true copy of a statute of the College.

Proof of Statute



	1	PART IV - SUPERVISION AND DISCIPLINE
The Visitor	2	<b>14.</b> -(1) The President shall be the Visitor of the College.
	3	(2) The Visitor shall cause a visitation to the College when necessary,
	4	at least every five years, or direct that such a visitation be conducted by such
	5	person or persons as the Visitor may deem fit and in respect of any of the affairs
	6	of the College.
	7	(3) It shall be the duty of the bodies and persons comprising the
	8	College to make available to the Visitor and to any other person conducting a
	9	visitation in pursuance of this section, such facilities and assistance as he or
	10	they may reasonably require for the purposes of a visitation.
	11	(4) The Visitor shall make the report of such visitations and white
	12	paper thereon available to the Council which shall implement same.
Removal of certain Members of Council	13	<b>15.</b> -(1) If it appears to the Council that a member of the Council (other
	14	than the Pro-Chancellor or the Provost) should be removed from office on the
	15	ground of misconduct or inability to perform the functions of his office or
	16	employment, the Council shall make a recommendation to that effect through
	17	the Minister to the President, and the President, after making such enquiries (if
	18	any) as he may consider appropriate approves the recommendation, he may
	19	direct the removal of the person in question from office.
	20	(2) It shall be the duty of the Minister to use his best endeavours to
	21	cause a copy of the instrument embodying a direction under subsection (1) of
	22	this section to be served as soon as reasonably practicable on the person to
	23	whom it relates.
Removal and discipline of academic, administrative and professional staff	24	<b>16.</b> -(1) If it appears to the Council that there are reasons for believing
	25	that any person employed as a member of the academic, administrative or
	26	professional staff of the College, other than the Provost, should be removed
	27	from his office or employment on the ground of misconduct or of professional
	28	inability to perform the functions of his office or employment, the Council
	29	shall:
	30	(a) give notice of those reasons to the person in question;

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

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

9 (2) The Provost may, in a case of misconduct by a member of the  
10 staff which in the opinion of the Provost is prejudicial to the interest of the  
11 College, suspend such member and any such suspension shall forthwith be  
12 reported to the Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Removal of  
examiners

29 17.-(1) If, on the recommendation of the Senate, it appears to the  
30 Provost that a person appointed as an examiner for any examination of the

1 College ought to be removed from his office or appointment, then, except in  
2 such cases as may be prescribed by the Provost may, after affording the  
3 examiner an opportunity of making representations in person on the matter  
4 to the Provost, remove the examiner from the appointment by an instrument  
5 in writing signed by the Provost.

6 (2) Subject to the provisions of regulations made in pursuance of  
7 section 7(5) of this Bill, the Provost may, on the recommendation of the  
8 Senate, appoint an appropriate person as examiner in the place of the  
9 examiner removed in pursuance of subsection (1) of this section.

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

14 **18.-(1)** The Students shall be:

Participation and  
Discipline of  
Students

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

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

18 (c) Participate in the process of assessing academic staff in respect  
19 of teaching; and

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

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

26 (a) that the student shall not, during such period as may be specified  
27 in the directions, participate in such activities of the College, or make use of  
28 such facilities of the College, as may be so specified, or

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

1 specified, or

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

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

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

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

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

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

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

#### 22 PART V - MISCELLANEOUS AND GENERAL

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

23 **19.-(1)** No person shall be required to satisfy requirements as to any of  
24 the following matters, that is to say, race (including ethnic grouping), sex,  
25 account of race, place of birth or of family origin, or religious or political  
26 persuasion, as a condition of becoming or continuing to be a student at the  
27 College, the holder of any degree of the College or of any appointment or  
28 employment at the College, or a member of anybody established by virtue of  
29 this Bill; and no person shall be subject to any disadvantage or accorded any  
30 advantage relation to the College, by reference to any of those matters.

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

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

Restriction on  
disposal of land  
by College

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

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

Quorum and  
procedure of  
bodies established  
by this Bill

19           **22.**-(1) Anybody of persons established by this Bill shall, without  
20       prejudice to the generality of the powers of that body, have power to appoint  
21       committees, which need not consist exclusively of members of that body,  
22       and to authorize a committee established by it:

Appointment of  
committee, etc.

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

25           (b) to co-opt members, and

26           (2) Any two or more such bodies may arrange for the holding of  
27       joint meetings of those bodies, or for the appointment of committees  
28       consisting of members of those bodies, for the purpose of considering any  
29       matter within the competence of those bodies or any of them, and either of  
30       dealing with it or of reporting on it to those bodies or any of them.

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

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

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

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

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

Retiring age  
of academic  
staff

16 **23.**-(1) Notwithstanding anything to the contrary in the Pension Act,  
17 the compulsory retiring age of the following categories of staff shall be as  
18 follows:

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

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

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

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

Special provisions  
relating to Pension  
of Professors

26 **24.** An academic staff of the College who retires as a Professor in the  
27 College shall be entitled to pension at a rate equivalent to his annual salary  
28 provided that the Professor has served continuously in the College up to the  
29 retirement age.

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

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

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

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

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

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

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

30                  (8) No stamp or other duty shall be payable in respect of any



Restriction of  
suits and  
execution

1 transfer of property to the College by virtue of section 8 or section 18 of this  
2 Bill or the Second Schedule to this Bill.

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

5 **26.-(1) Pre-Action Notice:**

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

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

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

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

26 **(2) Service of Notices:**

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

1	<b>27.-(1)</b> In this Bill, unless the context otherwise requires:	Interpretation
2	"Campus" means any campus which may be established by the College;	
3	"College" means the College established pursuant to section 2 (1) (b) of this	
4	Bill for the College;	
5	"Council" means the Governing Council of the College established by	
6	section 5 of this Bill.	
7	"Functions" includes powers and duties;	
8	"Graduate" means a person on whom a degree, other than an honorary	
9	degree, has been conferred by the College and any other person as may be	
10	designated as a graduate by the Council, acting in accordance with the	
11	recommendation of the Senate; (Erroneously omitted)	
12	"Minister" means the Hon. Minister of Education;	
13	"Notice" means notice in writing;	
14	"Officer" does not include the Visitor;	
15	"Prescribed" means prescribed by statute or regulations;	
16	"Professor" means a person designated as a Professor of the College in	
17	accordance with provisions made in that behalf by statute or by regulations;	
18	"Property" includes rights, liabilities and obligations;	
19	"Provisional Council" means the provisional council appointed for the	
20	College;	
21	"Regulations" means regulations made by the Senate or the Council;	
22	"Senate" means the Senate of the College established pursuant to section	
23	2(1)(e) of this Bill;	
24	"School" means a unit of closely related academic programmes;	
25	"Statute" means a statute made by each College under section 10 of this Bill	
26	and in accordance with the provisions of section 11 of this Bill, and	
27	"the statutes" means all such statutes as are in force from time to time;	
28	"Teacher" means a person holding a full-time appointment as a member of	
29	the teaching or research staff of the College;	
30	"Undergraduate" means a person registered as a student undergoing a course	

1 of study for a first degree of the College or such other course in the College as  
2 may be approved by the Senate as qualifying a student undergoing it for the  
3 status of an under-graduate;

4 "College" means the Federal College of Education (Technical) Kaima, Kwara  
5 State established and incorporated by section I of this Bill.

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

Short title

13 **28.** This Bill may be cited as the Federal College of Education  
14 (Technical) Kaima, Kwara State Bill, 2019.

#### 15 SCHEDULES

#### 16 FIRST SCHEDULE

17 [Section 2(2)]

#### 18 PRINCIPAL OFFICERS OF THE COLLEGE

##### 19 *The Provost*

20 1. The Provost shall be appointed by and hold office at the pleasure of  
21 the President.

##### 22 *The Pro-Chancellor*

23 2.-(1) The Pro-Chancellor who shall be the Chairman of Council shall  
24 be appointed or removed from office by Mr. President upon recommendation  
25 by the Minister of Education.

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

##### 28 *The Provost*

29 3.-(1) There shall be a Provost of the College who shall be appointed  
30 by the Council in accordance with the provisions of this paragraph.

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

3 (a) advertise the vacancy in a reputable journal or a widely read  
4 newspaper in Nigeria, specifying-

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

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

9 (b) constitute a Search Team consisting of:

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

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

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

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

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

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

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

26 (4) The Council shall select and appoint as the Provost one  
27 candidate from among the three candidates recommended to it under  
28 subsection (3) of this section and thereafter inform the Visitor.

29 (5) The Provost shall hold office for a single term of five years only

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

2 (6) The Provost may be removed from office by the Council on  
3 grounds of gross misconduct or inability to discharge the functions of his office  
4 as a result of infirmity of the body or mind, at the initiative of the Council,  
5 Senate or the Congregation after due process.

6 (7) When the proposal for the removal of the Provost is made, the  
7 Council shall constitute a Joint Committee of Council and Senate consisting of:

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

10 (ii) two members of the Senate,

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

13 (8) The committee shall conduct investigation into the allegations  
14 made against the Provost and shall report its findings to the Council.

15 (9) The Council may where the allegations are proved remove the  
16 Provost or apply any other disciplinary action it may deem fit and notify the  
17 Visitor accordingly provided that a Provost who is removed shall have right of  
18 appeal to the Visitor.

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

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

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

24 *Deputy Provost*

25 4.-(1) There shall be for the College such number of Deputy Provosts  
26 as Council may from time to time deem necessary for the proper administration  
27 of the College.

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

(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.

1 Other Principal Officers of the College

2 6.-(1) There shall be for the College the following principal officers,  
3 in addition to the Registrar, that is:

4 (a) the Bursar; and

5 (b) the College Librarian,

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

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

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

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

17 *Selection Board for other Principal Officers*

18 7. -(1) There shall be, for the College, a Selection Board for the  
19 appointment of principal officers, other than the Provost or Deputy Provost,  
20 which shall consist of:

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

22 (b) the Provost;

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

24 (d) two members of the Senate.

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

28 (3) The Registrar, Bursar and Librarian shall hold office for a single  
29 term of five years only beginning from the effective date of their appointments

1 and on such terms and conditions as may be specified in their letters of  
2 appointment.

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

8 *Resignation and Re-appointment*

9 8.-(1) Any officer mentioned in the foregoing provisions of this  
10 Schedule may resign his office:

11 (a) in the case of the Provost or Pro-Chancellor, by notice to the  
12 Visitor;

13 (b) in any other case, by notice to the Council and the Council shall,  
14 in the case of the Provost, immediately notify the Visitor.

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

18 **SECOND SCHEDULE**

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

20 *Transfer of Property to College*

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

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

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

28 2.-(1) All agreements, contracts, deeds and other instruments to  
29 which the Provisional Council was a party shall, so far as possible and  
30 subject to any necessary modifications, have effect as if the College had



1       been a party thereto in place of the Provisional Council.

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

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

8                               *Registration of transfers*

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

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

19                              *Transfer of Functions, etc.*

20              4.-(1) The first meeting of the Council shall be convened by the Pro-  
21       Chancellor on such date and in such manner as he may determine.

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

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

27              (4) The persons who were members of the Academic Board  
28       immediately before the coming into force of this Bill shall be deemed to  
29       constitute the Senate of the College until the date when the Senate as set up  
30       under the Third Schedule to this Bill shall have been duly constituted.

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

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

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

#### 15 THIRD SCHEDULE

16 [Section 9 (3)]

17 FEDERAL COLLEGE OF EDUCATION (TECHNICAL) KAIMA, KWARA STATE

#### 18 STATUTE NO. 1

#### 19 ARRANGEMENT OF ARTICLES

#### 20 *Articles*

- 21 1. The Council.
- 22 2. The Finance and General Purposes Committee
- 23 3. The Senate
- 24 4. The Congregation
- 25 5. Convocation
- 26 6. Division of Colleges
- 27 7. College/School Boards
- 28 8. Dean of the College
- 29 9. Selection of certain Principal Officers
- 30 10. Creation of academic posts

1 11. Appointment of academic staff

2 12. Appointment of administrative and professional staff

3 13. Interpretation.

4 14. Short Title

5 *The Council*

6 1.-(1) The composition of the Council shall be as provided in section 5  
7 of this Bill.

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

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

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

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

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

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

30 (8) Where the Council desires to obtain advice with respect to any

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

4 *The Finance and General Purposes Committee*

5 2.- (1) The Finance and General Purposes Committee of the  
6 Council shall consist of-

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

9 (b) the Provost and Deputy Provosts;

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

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

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

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

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

23 *Annual budget and estimates, etc.*

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

27 Provided that the Provost may during any financial year present  
28 and the Council may approve supplementary estimates of income or  
29 expenditure.

30 (ii) The annual and supplementary estimates shall be prepared in

1 such form and shall contain such information as the Council may direct.

2 *Gifts, donations, etc.*

3 (5) (i) The Council may on behalf of the College accept by way of  
4 grants, gift, testamentary disposition or otherwise, property and money in aid  
5 of the finances of the College on such conditions as it may approve;

6 (ii) Registers shall be kept of all donations to the College including  
7 the names of donors and any special conditions under which any donation may  
8 have been given:

9 Provided that the College shall not be obliged to accept a donation for  
10 a particular purpose unless it approves of the terms and conditions attaching to  
11 such donation.

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

15 *Payment into bank*

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

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

22 *Audit*

23 3.-(1) The Council shall cause the accounts of the College to be  
24 audited by auditors appointed by the Council as soon as may be after the end of  
25 each financial year or for any such other period as the Council may require.

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

29 *The Senate*

30 4.-(1) The Senate shall consist of:

- 1 (i) the Provost;
- 2 (ii) Deputy Provosts;
- 3 (iii) the Deans of respective Colleges;
- 4 (iv) the Professors in the College;
- 5 (v) Heads of Academic Departments and Units;
- 6 (vi) the College Librarian;
- 7 (vii) One elected representative of each College;
- 8 (viii) Two members of Academic Staff elected by the
- 9 Congregation;
- 10 (ix) One elected representative of each department;
- 11 (x) Two members representing a variety of interests of the
- 12 professional bodies outside the College appointed by the Senate on the
- 13 recommendation of the Provost;
- 14 (xi) Registrar - Secretary.
- 15 (2) The procedure for election of members of Senate to the Council
- 16 shall be prescribed by Regulations.
- 17 (3) The Provost shall be the chairman at all meetings of the Senate
- 18 when he is present, and in his absence any of the Deputy Provosts present at
- 19 the meeting as the Senate may appoint for that meeting shall be the chairman
- 20 at the meeting.
- 21 (4) The quorum of the Senate shall be one quarter or the nearest
- 22 whole number less than one quarter; and subject to paragraph (3) of this
- 23 Article, the Senate may regulate its own procedure.
- 24 (5) An elected member may, by notice to the Senate, resign his
- 25 office.
- 26 (6) Subject to paragraph (8) of this article, there shall be elections
- 27 for the selection of elected members which shall be held in the prescribed
- 28 manner on such day in the month of May or June in each year as the Provost
- 29 may from time to time determine.
- 30 (7) An elected member shall hold office for the period of two years

1 beginning with 1 August in the year of his election, and may be a candidate at  
2 any election held in pursuance to paragraph (6) of this article in the year in  
3 which his period of office expires, so however that no person shall be such a  
4 candidate if at the end of his current period of office he will have held office as  
5 an elected member for a continuous period of six years or would have so held  
6 office if he had not resigned it.

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

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

17 (10) If so requested in writing by any fifteen members of the Senate,  
18 the Provost or in his absence any of the Deputy Provost duly appointed by him,  
19 shall 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 (11) In this article "total of non-elected members" means as respect  
22 any year, such number as may be certified by the Provost on 30 April of that  
23 year to be the number of persons holding office as members of the Senate on  
24 that day otherwise than as elected members.

25 *Congregation*

26 5.-(1) Congregation shall consist of:

27 (i) Provost;

28 (ii) the Deputy Provosts;

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

30 (iv) The Registrar;

1 (v) The Librarian;  
2 (vi) Every member of the administrative staff who holds a degree,  
3 other than honorary degree, of any College recognized for the purposes of  
4 this statute by the Provost.

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

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

12 (4) A certificate signed by the Provost specifying:

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

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

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

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

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

27 *Convocation*

28 6.-(1) Convocation shall consist of:

29 (i) the officers of the College mentioned in the First Schedule to  
30 this Bill;



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

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

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

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

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

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

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

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

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

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

30 (8) Subject to section 4 of the Act, the Chancellor shall be chairman at

1 all meetings of Convocation when he is present, and in his absence the  
2 Provost shall be the chairman at the meeting.

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

6 *Division of Colleges*

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

9 *College Boards*

10 8. -(1) There shall be established for the College, a Board of  
11 Studies which, subject to the provisions of this Statute, and subject to the  
12 directions of the Provost, shall:

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

15 (b) Deal with any other matter assigned to it by statute or by the  
16 Provost or by the Senate; and

17 (c) Advise the Provost or the Senate on any matter referred to it by  
18 the Provost or the Senate.

19 (2) The College Board of Studies shall consist of:

20 (a) the Provost;

21 (b) the Dean;

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

23 (d) the College Examination Officer;

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

26 (f) such persons, whether or not members of the College, as the  
27 Board may determine with the general or special approval of the Senate.

28 (3) The quorum of the Board shall be eight members or one quarter,  
29 whichever is greater, of the members for the time being of the board; and  
30 subject to the provisions of this statute and to any provision made by

1 regulations in that behalf, the Board may regulate its own procedure.

2 *Deans of the Colleges*

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

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

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

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

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

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

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

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

30 (8) In this article "good cause" has the same meaning as in section

1 15(3) of the Act.

2 *Departmental Board of Studies*

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

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

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

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

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

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

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

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

21 (a) the Pro-Chancellor;

22 (b) the Provost;

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

25 (d) Two members appointed by the Senate.

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

1 *Tenure of Directors*

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

4 *Creation of Academic Posts*

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

8 *Appointment of Academic Staff*

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

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

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

17 (a) the Provost - Chairman;

18 (b) Deputy Provost - Member;

19 (c) The Dean of the College - Member;

20 (d) Head of Department - Member;

21 (e) such other person(s), not exceeding two in number, deemed  
22 capable of helping the Board in assessing both the professional and academic  
23 suitability of a candidate under consideration, as the Senate may from time to  
24 time appoint;

25 (f) Registrar - Secretary.

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

28 (a) the Provost or his representative- Chairman;

29 (b) The Dean of the College - Member;

30 (c) Head of the Department concerned - Member;

1 (d) An internal member of Council (not below the Rank of Senior  
2 Lecturer from the sister college in the Candidate's subject-area) - Member;

3 (e) Registrar or his representative - Secretary.

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

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

14 *Appointment of Administrative and Professional Staff*

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

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

20 (i) Provost;

21 (ii) Deputy Provost;

22 (iii) Registrar;

23 (iv) Bursar;

24 (v) College Librarian;

25 (vi) The Head of Department concerned;

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

28 *Interpretation*

29 16. In this Statute, the expression "the Act" means the Federal  
30 College of Education (Technical) Kaima, Kwara State Act and any word or

1 expression defined in the Act has the same meaning in this Statute.

2 *Short Title*

3 17. This Statute may be cited as the Federal College of Education  
4 (Technical) Kaima, Kwara State No. I.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Education (Technical) Kaima, Kwara State and to offer courses of instruction, training and research in Education and allied areas for the production of quality and skilled teachers required to teach at lower, middle and higher levels of Education in Nigeria in particular and the world at large.

# A BILL

## FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO ABROGATE THE STATE JOINT LOCAL GOVERNMENT ACCOUNTS AND EMPOWER EACH LOCAL GOVERNMENT COUNCIL TO MAINTAIN ITS OWN SPECIAL ACCOUNT; AND FOR OTHER PURPOSES

*Sponsored by Senator Rose Oke*

[ ] Commencement

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

- 1           **1.** The Constitution of the Federal Republic of Nigeria, 1999 (in  
2           this Bill referred to as "the Principal Act") is altered as set out in this Bill. Alteration of  
the Constitution
- 3           **2.** Substitute for section 162 of the Principal Act, a new "162"- Alteration of  
Section 162
- 4           “(1) The Federation shall maintain a special account to be called  
5           "the Federation Account" into which shall be paid all revenues collected by  
6           the Government of the Federation, except proceeds from the personal  
7           income tax of the personnel of the armed forces of the Federation, the  
8           Nigeria Police, the Ministry or department of government charged with  
9           responsibility for Foreign Affairs and the residents of the Federal Capital  
10          Territory, Abuja.
- 11          (2) The Revenue Mobilisation Allocation and Fiscal Commission,  
12          shall table before the National Assembly proposals for revenue allocation  
13          from the Federation Account, and in determining the formula, the National  
14          Assembly shall take into account, the allocation principles especially those  
15          of population, equality of States, internal revenue generation, land mass,  
16          terrain as well as population density;
- 17          Provided that the principle of derivation shall be constantly  
18          reflected in any approved formula as being not less than thirteen per cent of



1 the revenue accruing to the Federation Account directly from any natural  
2 resources.

3 (3) Any amount standing to the credit of the Federation Account shall  
4 be distributed among the Federal and State Governments and the Local  
5 Government Councils in each State on such terms and in such manner as may  
6 be prescribed by the National Assembly.

7 (4) Any amount standing to the credit of the States and Local  
8 Government Councils in the Federation Account shall be distributed among the  
9 States and Local Government Councils on such terms and in such manner as  
10 may be prescribed by an Act of the National Assembly.

11 (5) Each local Government Council shall maintain a special account  
12 to be called "Local Government Council Allocation Account" into which shall  
13 be paid directly such allocations to the Local Government Council from the  
14 Federation Account and from the Government of the State.

15 (6) Each State shall pay to Local Government Councils in its area of  
16 jurisdiction such proportion of its internally generated revenue on such terms  
17 and in such manner as may be prescribed by the House of Assembly.

18 (7) The House of Assembly of each State shall by law prescribe such  
19 percentage of the money allocated to the State and its Local Government  
20 Council from the Federation Account to be used for the purpose of payment of  
21 salaries of primary school teachers and such other purposes as it may  
22 determine.

23 (8) For the purpose of subsection (7), the Federation Account  
24 Allocation Committee shall deduct and remit the salaries of primary school  
25 teachers to a body as may be prescribed by the House of Assembly of each  
26 State."

Citation

27 **3.** This Bill may be cited as the Constitution of the Federal Republic  
28 of Nigeria, 1999 (Fifth Alteration) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution to abrogate the State Joint Local Government Accounts and empower each Local Government Council to maintain its own special account to be called Local Government Allocation Account into which all allocations due to the Local Government Council shall be paid directly from the Federation Account and from the Government of the State.



A BILL  
FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL  
REPUBLIC OF NIGERIA, 1999 TO REDUCE THE PERIOD WITHIN WHICH THE  
PRESIDENT OR THE GOVERNOR OF A STATE MAY AUTHORISE WITHDRAWAL  
OF MONIES FROM THE CONSOLIDATED REVENUE FUND IN THE ABSENCE OF  
AN APPROPRIATION ACT FROM 6 MONTHS TO 3 MONTHS; AND FOR OTHER  
PURPOSES

*Sponsored by Senator Rose Oke*

[ ] Commencement

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

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- The Constitution of the Federal Republic of Nigeria, 1999 (in

this Bill referred to as "the Principal Act") is altered as set out in this Bill.

Section 82 of the Principal Act is altered by:

(a) substituting for the word, "six" in line 5, the word, "three"; and

(b) deleting, in lines 5 and 6, the words "or until the coming into

operation of the Appropriation Act whichever is earlier:"

Section 122 of the Principal Act is altered by:

(a) substituting for the word, "six" in line 5, the word, "three"; and

(b) deleting, in lines 5 and 6, the words "or until the coming into

operation of the Appropriation Act whichever is earlier:"

This Bill may be cited as the Constitution of the Federal

Republic of Nigeria, 1999 (Fifth Alteration) Bill, 2019.
- Alteration of

the Constitution

Alteration of

Section 82

Alteration of

Section 122

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal  
Republic of Nigeria, 1999 to reduce the period within which the President or  
the Governor of a State may authorize the withdrawal of monies from the  
Consolidated Revenue Fund in the absence of an Appropriation Act from 6  
months to 3 months; and for other purposes.



A BILL  
FOR

AN ACT TO AMEND THE FEDERAL POLYTECHNIC DAURA KATSINA STATE  
(ESTABLISHMENT) ACT, 2019 TO MAKE PROVISION FOR A CHANGE OF NAME  
OF THE FEDERAL POLYTECHNIC DAURA, KATSINA STATE, TO MUSTAPHA  
BUKAR POLYTECHNIC DAURA, KATSINA STATE; AND FOR RELATED  
MATTERS

*Sponsored by Senator Ahmad Babba Kaita*

[ ] Commencement

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

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1. The Federal Polytechnic Daura Katsina State (Establishment)

Act, 2019 (in this Bill referred to as "the Principal Act") is amended as set out

in this Bill.

2. The Long Title of the Principal Act is amended by inserting

before the word "Federal" in line 1, the words "Mustapha Bukar"

3. Section 1 of the Principal Act is amended by inserting before the

word "Federal" in line one, the words "Mustapha Bukar"

4. Section 28 of the principal Act is amended by substituting for

the definition of the word "Polytechnic" in line 4, a new definition of

"Polytechnic"-

"Polytechnic" means the Mustapha Bukar Federal Polytechnic, Daura,

Katsina State established under section 1 of this Bill.

5. This Bill may be cited as the Federal Polytechnic Daura, Katsina

State (Establishment) Act (Amendment) Bill, 2019.
- Amendment of  
the Federal  
Polytechnic Daura,  
Katsina State  
(Establishment)  
Act, 2019

Amendment of  
the Long Title

Amendment of  
Section 1

Amendment of  
Section 28

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Federal Polytechnic Daura Katsina State (Establishment) Act, 2019 to make provision for a change of name of the Federal Polytechnic Daura, Katsina State to Mustapha Bukar Federal Polytechnic Daura, Katsina State to provide full and part time courses of instructions in different fields of studies.

# A BILL

## FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO PROVIDE A TIMEFRAME WITHIN WHICH THE PRESIDENT OR GOVERNOR SHALL LAY THE APPROPRIATION BILL BEFORE THE NATIONAL ASSEMBLY OR HOUSE OF ASSEMBLY, AND FOR OTHER PURPOSES.

*Sponsored by Senator Rose Oke*

[ ] Commencement

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

- 1           **1.** The Constitution of the Federal Republic of Nigeria, 1999 (in  
2           this Bill referred to as "the Principal Act") is altered as set out in this Bill. Alteration of  
the Constitution
- 3           **2.** Section 81 of the Principal Act is altered by substituting for  
4           subsection (1) a new subsection "(1)": Alteration of  
Section 81
  - 5               "(a) The President shall cause to be prepared and laid before each  
6               House of the National Assembly not later than ninety days to the end of a  
7               financial year estimates of the revenues and expenditure of the Federation  
8               for the next following financial year;
  - 9               (b) The National Assembly shall pass the Appropriation Bill before  
10              the commencement of the next financial year."
- 11           **3.** Section 121 of the Principal Act is altered by substituting for Alteration of  
Section 121
  - 12              subsection (1) a new subsection "(1)":
    - 13                  "(a) The Governor shall cause to be prepared and laid before the  
14                  House of Assembly not later than ninety days to the end of a financial year  
15                  estimates of the revenues and expenditure of the State for the next following  
16                  financial year.
    - 17                  (b) The House of Assembly shall pass the Appropriation Bill before  
18                  the commencement of the next financial year."



Citation                    1                    **4.** This Bill may be cited as the Constitution of the Federal Republic  
                                     2                    of Nigeria, 1999 (Fifth Alteration) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to encourage early presentation and timely passage of Appropriation Bills by providing for a timeframe within which the President or Governor shall lay the Appropriation Bill before the National Assembly or House of Assembly.