

Extraordinary



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A BILL

FOR

AN ACT TO AMEND THE POLICE ACT (CAP P19), LAWS OF THE FEDERATION OF NIGERIA, 2004 AND EXPUNGE THE GENDER-DISCRIMINATORY PROVISIONS OF REGULATIONS 122,123,124 AND 127 FOR OTHER RELATED MATTERS, 2019

Sponsored by Senator Ezenwa Onyewuchi

[] Commencement

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

- 1 **1.** The Police Act (Cap P19, Laws of the Federation of Nigeria, Amendment of
2 2004 (herein referred to as the "Principal Act") is amended as set out in this the Principal Act
3 Act.
- 4 **2.** Regulation 122,123,124 and 127 is hereby expunged from the Amendment of
5 provisions of the Principal Act- Regulation 122,
6 (i) Regulation 122: restricts female police officers assigned to the 123, 124 and 127
7 General Duties Branch of the NPF to telephone, clerical and office orderly
8 duties;
9 (ii) Regulation 123: prohibits women police from drilling under
10 arms;
11 (iii) Regulation 124: mandates female police officers to apply for
12 permission to marry, while the intending fiance is also investigated for
13 criminal records. It also stipulates that a police woman who is single at the
14 time of her enlistment must spend three years in service before applying for
15 permission to marry;
16 (iv) Regulation 127: prescribes discriminatory treatment of an
17 unmarried police officer who becomes pregnant.
- 18 **3.** This Bill may be cited as the Police Act (Amendment) Bill, Short title
19 2019.

EXPLANATORY MEMORANDUM

The bill seeks to amend the Police Act (Cap P19), Laws of The Federation of Nigeria, 2004 by expunging the gender-discriminatory provisions of regulations 122,123,124 and 127.

A BILL

FOR

AN ACT TO AMEND MONEY LAUNDERING (PROHIBITION) ACT NO 11 OF 2011 TO INCLUDE NIGERIAN FINANCIAL INTELLIGENCE UNIT AND NATIONAL DRUG LAW ENFORCEMENT AGENCY IN THE SURVEILLANCE AND PREVENTION OF MONEY LAUNDERING IN NIGERIA AND FOR RELATED MATTERS, 2019

Sponsored by Senator Ezenwa Onyewuchi

[] Commencement

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

- | | | |
|----|--|-------------------|
| 1 | 1. The Money Laundering (Prohibition) Act No 11 of 2011 (in this | Amendment of |
| 2 | Bill referred to as "the Principal Act") is amended as follows- | Money Laundering |
| | | (Prohibition) Act |
| | | No 11 of 2011 |
| 3 | 2. Section 2(1) of the Principal Act is amended by inserting, after | Amendment of |
| 4 | the words "Central Bank of Nigeria" the words "Nigerian Financial | Section 2(1) |
| 5 | Intelligence Unit (in this Bill referred to as 'the Unit) and the Agency". | |
| 6 | 3. Section 6(4) of the Principal Act is amended by inserting, after | Amendment of |
| 7 | the word "Commission", the words "Unit and the Agency". | Section 6 (4) |
| 8 | 4. Section 8 of the Principal Act is amended by inserting, after the | Amendment of |
| 9 | word "Nigeria" the word "and Unit". | Section 8 |
| 10 | 5. Section 10(1) of the Principal Act is amended by inserting after | Amendment of |
| 11 | the word "Commission" the words "Unit and the Agency". | Section 10(1) |
| 12 | 6. Section 13(1) of the Principal Act is amended by inserting, after | Amendment of |
| 13 | the word "Commission" the word "Unit", inline one. | Section 13(1) |
| 14 | 7. Section 14 of the Principal Act is amended by inserting, after the | Amendment of |
| 15 | word "Commission" the word "Unit", in line one. | Section 14 |
| 16 | 8. Section 21 of the Principal Act is amended by inserting, after the | Amendment of |
| 17 | word "Agency" the words "or Unit". | Section 21 |

Amendment of Section 22	1	9. Section 22 of the Principal Act is amended by inserting, after the
	2	word "Agency" the words "or Unit".
Interpretation	3	10. In this Bill unless the context otherwise requires-
	4	'Agency" means the National Drugs Law enforcement Agency.
Citation	5	11. This Bill may be cited as the Money Laundering (Prohibition) Act
	6	(Amendment) Bill, 2019.

EXPLANATORY NOTE

This Bill is an act to amend Money Laundering (Prohibition) Act No 11 of 2011 to include Nigerian Financial Intelligence Unit and National Drug Law Enforcement Agency in the Surveillance and Prevention of money laundering in Nigeria.

A BILL

FOR

AN ACT TO PROVIDE CERTAIN RIGHTS AND PRIVILEGES FOR OLDER PERSONS IN ORDER TO ENSURE HEALTH AND ECONOMIC RELIEFS AND PROTECTION FOR THEIR SOCIAL AND CIVIL RIGHTS AND FOR OTHER RELATED MATTERS, 2019

Sponsored by Senator Ezenwa Onyewuchi

[] Commencement

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

1 PART I - PROHIBITION OF DISCRIMINATION AGAINST OLDER PERSONS

2 1.-(1) An Older Person shall not be discriminated against on the Prohibition of
3 ground of his age or disability by any person or institution in any manner or discrimination
4 circumstances whatsoever. and penalty

5 (2) Any person who contravenes subsection (1) of this Section
6 commits an offence and shall be liable on conviction to, if the person is:

7 (a) a body corporate, a fine of N2,000,000.00; and

8 (b) an individual, a fine of N200,000.00 or 6 months imprisonment
9 or both.

10 (3) Without prejudice to this Bill, any prosecution, conviction or
11 otherwise of any person for any offence under this Bill, does not preclude the
12 right the victim to maintain a civil action against any such person
13 committing the offence or causing the injury.

14 PART II - ORIENTATION

15 2. The Federal Ministry of Information shall make provisions for Orientation and
16 promotion of orientation and awareness regarding awareness

17 (a) the rights and respect for the inherent dignity of Older Persons;

18 (b) the capabilities, achievements and contributions of Older
19 Persons;

1 (c) respect for individual autonomy, including the freedom of Older
2 Persons to make individual choices;

3 (d) respect for interdependence and caring relationships of Older
4 Persons;

5 (e) respect for family relationships and intergenerational solidarity;

6 (f) respect for full and effective participation and inclusion in society;

7 (g) respect for an recognition of Older Persons as part of human and
8 cultural diversity; and

9 (h) respect for ageing as an integral and continuous part of life.

10 (i) encouraging their families and the communities they live with to
11 reaffirm the valued Nigerian tradition of caring for Older Persons;

12 PART III - RIGHTS AND PRIVILEGES OF OLDER PERSONS

Old age grants

13 **3.-(1)** States operating Social Protection Programmes shall be entitled
14 to grants from the Federal Government.

15 (2) Older Persons shall be included in every National Action
16 Programme on Income Generation of the State or Federal Government.

17 (3) Older Persons have the right to express their wishes and
18 preferences regarding future health and long term care-related decisions and to
19 have those expressions respected.

20 (4) Older Persons have the right to social protection, including
21 income security without discrimination on the basis of age or gender.

22 (5) All elderly small-holder farmers shall be entitled to financial
23 services accruing to other age groups.

24 (6) Equality, non and equal opportunity.

25 Discrimination against Older Persons on the basis of age is prohibited

Health and
Long Term Care

26 **4.-(1)** Older Persons shall have the right to:

27 (a) enjoyment of the highest attainable standards of physical and
28 mental health and long term care without discrimination on the basis of age,
29 including public health, preventive medicine, palliative care and
30 rehabilitation;

1 (b) the benefits of scientific progress and health and long term care-
2 related research;

3 (c) self-determination in health and long term care-related matters
4 and to make such decisions based on informed consent;

5 (d) dignity, privacy and autonomy in making health and long term
6 care-related decisions;

7 (e) express their wishes and preferences regarding future health
8 and long term care-related decisions and such decisions shall be respected;

9 (f) assistance and support in receiving, understanding and
10 processing information in making informed health and long term care-
11 related decisions.

12 (2) Public Hospitals shall establish geriatric wards/for Older
13 Persons:

14 (i) such geriatric wards shall be for the exclusive use of Older
15 Persons;

16 (ii) such wards shall be conspicuously labeled "Geriatric Ward"

17 (iii) geriatric wards may be used for other emergency purposes,
18 after which they shall be reverted for exclusive geriatric purposes;

19 (iv) Primary Health Care Centres shall be modified to serve
20 Geriatric Population.

21 (3) The Federal and State Ministries of Health and National Health
22 Insurance Scheme (NHIS), shall institute a National Health Programme and
23 shall provide an Integrated Health Service for Older Persons.

24 (4) Government shall encourage and create enabling environment
25 for the establishment of DAY CARE Centres throughout the country.

26 (5) The Federal and State Ministries of Health shall train
27 Community-Based Health Workers among Older Persons and Health
28 Personnel to specialize in the geriatric care and health problems of Older
29 Persons.

30 (6) NHIS shall design insurance product for coverage of the elderly

1 with sustainable funding options.

2 (7) Older Persons shall be entitled to the grant of fifty percent (50%)
3 discount and exemption from the valued-added tax (VAT), on medical and
4 dental services, diagnostic and laboratory fees in all private hospitals, medical
5 facilities, outpatient clinics and home health care services, as determined by
6 the National Health Insurance Scheme (NHIS).

7 (8) Medical and dental services, diagnostic and laboratory outfits and
8 pharmaceutical outfits shall file documentations of discounted geriatric
9 services to the Federal Inland Revenue Service (FIRS) in their tax returns for
10 commensurate tax reliefs.

11 (9) All indigent Older Persons shall be covered by the National
12 Health Insurance Programme.

13 (10) Social Safety Nets:

14 Social Safety assistance intended to cushion the effects of economics hocks,
15 disasters and calamities shall be available for Older Persons.

16 The social safety assistance which shall include, but not limited to, food,
17 medicines, and financial assistance for domicile repair, shall be sourced from
18 National Emergency Management Agency (NEMA)/State Emergency
19 Management Agency (SEMA)/Local Government Emergency Management
20 Agency (LGEMA) and the National Commission for Refugees and Internally
21 Displaced Persons (IDPs).

22 (11) To provide a comprehensive health care and rehabilitation
23 system for disabled Older Persons, to foster their capacity to attain a more
24 meaningful and productive ageing.

Additional
Government
Assistance

25 **5.** Indigent Older Persons shall be entitled to a monthly stipend
26 amounting to not less than fifty percent (50%) of the national minimum wage,
27 subject to review every five (5) years by the National Assembly.

28 (1) the social welfare units of Local Governments shall be
29 responsible for the payments of the monthly stipends referred to in this Section
30 in conjunction with an officer of the National Identity Management

1 Commission (NIMC) responsible for such disbursements.

2 **6.** Older Persons shall have the right to adequate standard of Adequate
3 living, including the right to food, water, clothing and housing, and to Standard of Living
4 improve their living conditions without discrimination on the basis of age.

5 PART IV - MOBILITY AND ACCESSIBILITY TO PHYSICAL STRUCTURES

6 **7.** An Older Person shall have right to safe and smooth movement Social Security
7 on streets, walkways, gatherings and physical structures free of
8 unreasonable physical contact from other persons.

9 **8.** Public buildings shall be constructed and provided with the
10 necessary accessibility and mobility aids such as lifts for multi-level
11 buildings, ramps, wheel chairs, automated or manual transportation carriers
12 and any other facility that shall make such facilities conveniently accessible
13 and usable by
14 Older Persons.

15 **9.** Older Persons shall enjoy safe and convenient usage of side-
16 walks, pedestrian crossings, pedestrian bridges etc including those with
17 wheel chairs and the visually impaired.

18 **10.** There shall be a transitionary period of four (4) years from the Transitional
19 commencement of this Act, within which all public buildings and structures
20 whether temporary or permanent, rented, acquired or built, moveable,
21 immoveable or automobile, which were inaccessible to Older Persons, shall
22 be modified to be accessible and usable by Older Persons, including those
23 with wheel chairs.

24 **11.-(1)** Building plans shall be scrutinized by the relevant Prohibition for
25 authorities to ensure that all public building plans conform with the approval or non-
26 intendment of this Act. complaint building
code

27 (2) No government or government agency, body or individual
28 responsible for the approval of building plans shall approve the plan of a
29 public building if the plan does not make provision for accessibility facilities
30 line with building codes that accommodate the needs and requirements of

1 Older Persons.

2 (3) Any officer who approves or directs the approval of any public
3 building plan that contravenes the building code referred to in subsection (2) of
4 this Section shall be liable to a fine of a minimum of N2,000,000 or two (2)
5 years imprisonment or to both such fine and imprisonment.

6 **12. -(1)** Subject to Section 10, in the event of the existence of a state of
7 inaccessibility or barrier to access of an Older Person to a public building or
8 facility, he may, without prejudice to his or her right to seek redress in court,
9 notify the relevant authority in charge of the environment, and it shall be the
10 duty of the relevant authority in charge to take immediate and necessary steps
11 to remove the barrier and make the environment accessible to Older Persons.

12 (2) If the relevant authority in charge receives the notice in Subsection
13 (1) above but fails to comply, it shall be liable to:

14 (a) if a corporate body, N20,000.00 damages payable to the
15 complainant for each day that the defaults continues, commencing 6 months
16 from the date the complaint was lodged;

17 (b) if an individual, N10,000.00 payable to the complainant for each
18 day that the default continues, commencing 6 months from the date that the
19 complaint was lodged.

20 PART V - HOUSING

Right to adequate
Housing

21 **13. (1)** Housing:

22 (1) An Older Person residing in a residential facility has, in addition to the
23 rights he or she has in terms of the Bill of Rights or any other right she/she may
24 have, the right to:

25 (a) adequate housing;

26 (b) choose on an equal basis with other persons, their place of
27 residence, the persons with whom they may live, and they are not obliged to
28 live in any particular living arrangement;

29 (c) security of statutory tenures, full terms of allocations and
30 tenancies.

- 1 (d) appoint a representative to act on his or her behalf;
2 (e) have reasonable access to assistance and visitation;
3 (f) keep and use personal possessions;
4 (g) be informed about the financial status of the residential facility
5 and changes of management;
6 (h) participate in social, religious and community activities of
7 his/her choice;
8 (i) privacy;
9 (j) his/her own physician if he/she can afford it.
- 10 (2) In the monitoring of registered residential facilities, a Social
11 Worker in the employment of the Local Government may at any time, and
12 any Social Worker or person designated by the LG Chairman must if
13 requested to do so by the LG Chairman:
- 14 (a) visit and monitor Older Persons in order to ensure compliance
15 with this Act;
16 (b) interview any Older Person cared for or accommodated in such
17 a residential facility;
18 (c) either with or without the assistance of a health care provider,
19 enquire into the well-being of any such Older Person;
20 (d) direct any person who has in his/her possession or custody, any
21 book or document relating to such residential facility, to submit such book or
22 document to him/her for inspection;
23 (e) submit a report to the LG Chairman on the outcome of the
24 inspection;
25 (f) provide the operator for the residential facility with a report on
26 the findings of the inspection;
- 27 (3) The Federal/State/Local Government shall include in their
28 shelter programme the social housing needs of Older Persons, such as
29 establishment of housing units for the Ageing.
- 30 (4) With respect to ensuring support for services delivered to

1 Older Persons by any Third Party:

2 (a) Social Worker must open and maintain a register of all assets
3 bought with Government funds and prescribe conditions for the management
4 of such assets.

5 (b) LG Social Worker must be included for contact in case of
6 emergency under 911 phone number.

7 (5) Long Term Care Facilities shall be provided with increased
8 residential facilities, under Formal Boarding Institutions.

9 PART VI - ROAD TRANSPORTATION

Goods, services
and facilities

10 **14.** It is unlawful for a person (the provider) who (whether for
11 payment or not) provides goods or services, or makes facilities available, to
12 discriminate against Older Person:

13 (a) by refusing to provide those goods or services or make those
14 facilities available to him;

15 (b) on such terms or conditions on which the provider provides those
16 goods or services or makes those facilities available to him; or

17 (c) in a manner in which the provider provides those goods or
18 services or makes those facilities available to him.

Accessibility
of vehicles

19 **15.-(1)** Government Transport services providers shall make
20 provisions for lifts, ramps and other accessibility aids to enhance the
21 accessibility of their vehicles, parks and bus-stop to persons for Older Persons
22 including those on wheel chairs.

23 (2) Every public vehicle should have functional audible and visual
24 display of their destination within four (4) years from the commencement of
25 this Bill.

Waiver of charges
on assistives

26 **16.** Wheelchairs, crutches, braces and any other mobility aid and
27 appliance or assistive devices used by Older Persons shall not be subject to
28 charges, provided they are not carried in commercial quantities and for
29 commercial purposes.

Reserved
spaces

30 **17.-(1)** At public parking lots, suitable spaces shall be properly

1 marked and reserved for Older Persons.

2 (2) For Older Persons to be entitled to the use of the reserved space
3 in Subsection (1) of this Section, his car shall have been properly identified
4 with the necessary insignia.

5 (3) A person, organization or corporate body in control of a public
6 parking lot who fails to provide for the reserved spaces in Subsection (1) of
7 this Section commits an offence and is liable on conviction to a fine of
8 N5,000 for each day of default.

9 (4) A non-permitted person who parks a vehicle in the reserved
10 space in Subsection (1) of this Section commits an offence and is liable on
11 conviction to a fine of N5,000.

12 (5) A person who unlawfully obstructs the reserved space in
13 subsection (1) of this Section commits an offence and is liable on conviction
14 to a fine of N5,000.

15 (6) Subsection (4) of this Section does not apply if an Older Person
16 is a passenger in the vehicle.

17 PART VII - SEAPORTS AND RAILWAYS

18 **18.**-(1) Seaports and facilities therein as well as vessels shall be Seaports and
railways
19 made accessible to and convenient for Older Persons.

20 (2) Railway stations, trains and facilities therein shall be made
21 accessible to and convenient for Older Persons.

22 **19.** The provision of Section 14 shall be subjected to the transitory Transitory period
for railway and
seaports
23 provision contained in Section (8).

24 PART VIII - AIRPORT FACILITIES

25 **20.**-(1) All airlines operating in Nigeria shall: Assistive service
and airline

26 (a) ensure the accessibility of their aircraft to Older Persons;
27 (b) make available presentable and functional wheelchairs for the
28 conveyance of Older Persons who need it to and from the aircraft;

29 (c) ensure that Older Persons are assisted to get on and off board in
30 safety and reasonable comfort;

- 1 (d) ensure that Older Persons are accorded priority while boarding
2 and disembarking from the aircraft.
- 3 (2) All airports shall make available for the conveyance of Older
4 Persons who need it to and from the aircraft, a presentable and functional
5 assistive and protective device.
- Special safety
briefing of Older
Persons 6 **21.** Any general information shall be translated into the accessible
7 format appropriate to the Older Persons present.
- 8 PART IX - REBATES
- Discounts 9 **22.**-(1) Older Persons shall be entitled to the grant of fifty percent
10 (50%), in actual fare of land transportation travel in public and private
11 facilities, buses, taxis and rail.
- 12 (2) Older Persons shall be entitled to the grant of fifty percent (50%),
13 in actual transportation by sea shipping vessels and the like, based on actual
14 fare and advanced booking;
- 15 (3) Public and private air transport establishments shall provide air
16 fares and other transport facilities at discounted rates of fifty percent (50%) to
17 Older Persons;
- 18 (4) Express lanes shall be provided for Older Persons, in all
19 commercial and government establishments (wherever queues are required),
20 in the absence thereof, priority shall be given to them.
- 21 (5) At least fifty percent (50%) discount, which shall be granted on
22 the consumption of electricity, water, and telephone by the Older Persons
23 Centre and residential care/group homes that are government-run or non-stock,
24 non-profit domestic corporation organized and operated primarily for the purse
25 of promoting the well-being of abandoned, neglected, unattached, or homeless
26 Older Persons.
- 27 (6) Older Persons shall be granted fifty percent (50%) discount, in the
28 utilization of services in hotels and similar lodging establishments, restaurants
29 and recreation centres.
- 30 (7) On admission fees charged by theatres, cinema houses and

1 concert halls, leisure and amusement, Older Persons shall be granted fifty
2 percent (50%) discount of rates charged.

3 (8) All utility companies, hotels, holiday resorts referred to in
4 subsections 5-7 of this Section shall file documentations of discounted
5 geriatric services to the Federal Inland Revenue Service (FIRS) in their tax
6 returns for commensurate tax reliefs.

7 PART X - RIGHT TO FIRST CONSIDERATION IN QUEUES AND IN

8 EMERGENCIES

9 **23.** In all situations of risks, including situations of violence, Situation of risk
10 emergencies and the occurrences of natural disasters: and humanitarian
emergencies

11 (a) government shall take all necessary steps to ensure the safety
12 and protection of Older Persons taking cognizance of their peculiar
13 vulnerability.

14 **24.-(1)** In queues, Older Persons shall be given first consideration, Service of queues
15 and as much as possible should be attended to outside the queue.

16 (2) Any person in breach of this Section shall be liable on
17 conviction to 6 months imprisonment or fine of N50,000.00 or both.

18 PART XI - LIBERTY

19 **25.-(1)** No person shall: Penalty

20 (a) employ, use or involve an Older Person in begging:

21 (b) parade Older Persons in public with intention of soliciting
22 alms;

23 (c) use condition of old age as a guise for the purpose of begging
24 in public.

25 (d) Older Persons have a right to liberty and security of persons;

26 (e) Older Persons have a right to personal mobility with the greatest
27 possible independence;

28 (2) A person who contravenes Subsection (1) of this Section
29 commits an offence and is liable on conviction to 6 months imprisonment or
30 a fine of N100,000.00 or both.

	1	(3) Any person who suspects that an Older Person has been abused or
	2	suffers from abuse related injury, must immediately notify the Local
	3	Government Social Worker or a Police Officer, of his/her suspicion. Nothing
	4	in this Bill invalidate the existing Act prohibiting all forms of violence.
	5	(4) Any conduct or lack of appropriate action, occurring within any
	6	relationship, where there is an expectation of trust, which causes harm or
	7	distress is likely to cause harm or distress to an Older Person constitutes abuse
	8	of an Older Person.
	9	(5) For the purposes of Subsection (4) "abuse" includes physical,
	10	sexual, psychological, or economic abuse.
	11	PART XII - COMMUNAL LIFE
Freedom of movement	12	26. Older Persons shall have the liberty of movement within or out of
	13	the country and freedom to choose their residence on an equal basis with
	14	others.
Freedom from segregation	15	27. Except on medical grounds or in accordance with the provisions
	16	of the Constitution of the Federal Republic of Nigeria 1999 (as amended), an
	17	Older Person shall not be isolated or segregated from the community or
	18	compelled to live in a particular area.
Right to free education	19	28. -(1) Every Older Person shall have an unfettered right to education
	20	without discrimination or segregation in any form.
	21	(2) Older Persons shall be entitled to free education to secondary
	22	school level.
	23	(3) The Federal/State Ministries of Education and Local
	24	Governments in consultation with non-governmental organizations (NGOs),
	25	CSOs and CBOs for Older Persons, shall institute programmes that will ensure
	26	access to formal and informal education.
	27	(4) Older Persons shall be entitled to educational assistance to pursue
	28	post-secondary, tertiary, post-tertiary, vocational and technical education, as
	29	well as short term courses for retooling in both public and private schools
	30	through provision of scholarships, grants, financial aids, subsidies and other

1 incentives to qualified Older Persons, including support for books, learning
 2 materials, uniform allowances, to the extent feasible: provided that Older
 3 Persons shall meet minimum admission requirement.

4 **29.**-(1) All public schools, whether primary, secondary or tertiary Inclusiveness
of education
 5 shall be run to be inclusive of an accessible to Older Persons, accordingly
 6 every school shall have:

7 (a) at least a trained personnel to cater for the educational
 8 development of Older Persons;

9 (b) special facilities for the effective education of Older Persons.

10 (2) Braille, sign language and other skills for communicating with
 11 Older Persons shall form part of the curricula of primary, secondary and
 12 tertiary institutions.

13 **30.** The education of special education personnel shall be highly Free education
for special education
personnel
 14 subsidized.

15 **31.** Government shall ensure that the education of Older Persons, Appropriate mode
of education for
Older Persons
 16 particularly, who are blind or deaf is delivered in the most appropriate
 17 languages and modes and means of communication for the individual, and
 18 in environments which maximizes academic and social development.

19 **32.** -(1) Government shall guarantee that Older Persons have Free health care
 20 unfettered access to adequate health care without discrimination on the basis
 21 of old age.

22 (2) A person with mental disability shall be entitled to free medical
 23 and health service in all public health institutions.

24 **33.**-(1) Every Older Person shall obtain a Certificate of Old Age. Certificate of
Old Age

25 (2) The National Identity Management Commission (NIMC) shall
 26 issue Certificates of Old Age to Older Persons within sixty (60) days of
 27 attaining the age of 65 years.

28 (3) Any person issued with a Certificate of Old Age, shall be
 29 entitled to all rights and privileges in this Bill.

30 (4) Any person who unlawfully issues or unlawfully obtains

	1	Certificate of Old Age shall be liable to a fine of N200,000.00 or 1 year
	2	imprisonment or both.
Provision of special communication at hospitals	3	34. Any public hospital where a person with old age is medically
	4	attended to shall ensure provision for special communication.
Equal right to work	5	35. -(1) Older Persons shall have the right to work, on an equal basis
	6	with others this includes the right to opportunity to gain a living by work freely
	7	chosen or accepted in a labour market and work environment that is open.
	8	(2) A person in breach of this Section shall be liable on conviction to
	9	nominal damages of a minimum of N250,000.00 payable to the affected Old
	10	Person.
	11	(3) Where a company is in breach of this Section:
	12	(a) the company shall be liable to nominal damages of a minimum of
	13	N500,000.00 payable to the affected old person; and
	14	(b) any principal officer of the company involved in the violation
	15	shall be liable to N50,000 damages payable to the affected Older Person.
Job security	16	36. All employers of labour in public organization shall as much as
	17	possible have Older Persons constituting at least 5% of their employment.
	18	PART XIII - ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION
Accommodation	19	37. Where accommodation is being provided by schools for their
	20	students, employers for their employees, service providers for their customers,
	21	organizations for their members, government for the people and in any other
	22	circumstance whatsoever, Older Persons shall be given first consideration.
	23	PART XIV - PARTICIPATION IN POLITICS AND PUBLIC LIFE
Participation in politics	24	38. -(1) Older Persons shall be encouraged to fully participate in
	25	politics and public life.
	26	(2) Government shall actively promote an environment in which
	27	Older Persons can effectively and fully participate:
	28	(a) the conduct of public affairs without discrimination;
	29	(b) Non-governmental organizations and associations concerned
	30	with the public and political life of the country; and

1 (c) activities and administration of political parties.

2 PART XV - INTERPRETATION

3 **39.** In this Act:

Interpretation

4 "Accessibility aid" includes any fixture and device that aids accessibility;

5 "Accommodation" (in the context of housing) include residential or
6 business accommodation;

7 "Assistive Device" means any device that assist, increases or improves the
8 functional capabilities of Older Persons;

9 "Closed Captioning" is a term describing several systems developed to
10 display text on a television or video screen to provide additional or
11 interpretive information to viewers who wish to access it;

12 "Old Age" means any age above 65 years;

13 "Discrimination" means differential treatment and its verbs and infinite
14 form (discriminate, to discriminate) have the corresponding signification;

15 "Document" includes any book register or other record of information,
16 however compiled, record or stored;

17 "Educational Authority" means a body of person(s) administering an
18 education institution;

19 "Employer" includes prospective employer, principal and a person who
20 engages or proposes to engage a commission agent, contract worker or
21 independent contractor;

22 "Employer of Labour" means "Employer" as interpreted by the workmen's
23 Compensation Act;

24 "Economic Abuse" means:

25 (i) the deprivation of economic and financial resources to which
26 an Older Person is entitled under any law;

27 (ii) the unreasonable deprivation of economic and financial
28 resources which the Older Person requires out of necessity; or

29 (iii) the disposal of household effects or other property that belongs
30 to the Older Person without the older person's consent.

- 1 "Function" includes duty;
- 2 "Government employee" means a person who is appointed, employed or
3 engaged in the public service of, or by a public authority of the Federation, a
4 State, the Federal Capital Territory or a Local Government, or holds an
5 administrative office;
- 6 "Indigent Person" means any Older Person who is not on a pension, or income
7 from any other Social Security/Service;
- 8 "Persons" includes natural, artificial, juristic or judicial persons, companies,
9 enterprises firms, organizations, association, government departments,
10 ministries, parastatals;
- 11 "Older Persons" means: a person who has received Certificate of Old Age from
12 the National Identity Management Commission (NIMC);
- 13 "Physical Abuse" means an act or threat of physical violence towards an Older
14 Persons;
- 15 "President" means President and Commander in Chief of the Armed Forces of
16 the Federal Republic of Nigeria;
- 17 "Premises" includes a structure, building, aircraft, vehicle, train or vessel; a
18 place (whether enclosed or built on or not); and a part of any premises;
- 19 "Psychological Abuse" means any pattern of degrading or humiliating conduct
20 towards an Older Person; including:
- 21 (i) repeated insults, ridicule or name calling;
- 22 (ii) repeated threats to cause emotional pain; and
- 23 (iii) repeated invasion of an Older Person's privacy, liberty, integrity
24 or security;
- 25 "Public Building" means a building owned or used by government or
26 government agency or a building available for the use of members of the
27 public;
- 28 "Sexual Abuse" means any conduct that violates the sexual integrity of an
29 Older Person;
- 30 "Subtitles Caption" means caption displayed at the bottom of a movie or

- 1 television screen that translate or transcribe the dialogue or narrative;
- 2 "Special Facilities" means any provision whether movable or immovable
- 3 that will enhance easy access and enjoyment in public buildings by Older
- 4 Persons, significantly decreased endurance so that he cannot perform his
- 5 everyday' routine, living and working without significantly increased
- 6 hardship and vulnerability to everyday obstacles and hazards;
- 7 "Student" in relation to an education institution, includes a candidate or
- 8 application for admission into that education institution;
- 9 "Undue hardship" means significant difficulty or expense, when considered
- 10 in light of such factor as:
- 11 (a) the nature and cost of the accommodation needed to take care
- 12 of an Older Person's needs;
- 13 (b) the overall financial resources of the facility or facilities
- 14 involved in the provision of the reasonable accommodation; the number of
- 15 persons employed at such facility;
- 16 (c) the effect on expenses and resources or the impact otherwise of
- 17 such accommodation upon the operation of the facility;
- 18 (d) the overall finances of the persons or organization having to
- 19 deal with Older Persons, with overall size of his or its business with respect
- 20 to the number of its employees; the number, type, and location of its
- 21 facilities; and
- 22 (e) the type of operation or operations of such person or
- 23 organization, including the composition, structure and function of his or its
- 24 workforce; the geographic, separateness, administrative, or fiscal
- 25 relationship of the facility or facilities in question to such person or
- 26 organization.
- 27 **40.-(1)** Nothing in this Act shall invalidate the provisions of:
- 28 (a) Pensions Reform Act, 2004;
- 29 (b) National Health Insurance Scheme Act, 2004;
- 30 (c) National Social Insurance Trust Fund Act, 2004; or

1 (d) Provident Fund Act.

2 (2) Any other law in relation to any matter under this Bill shall be read
3 in conformity with the provisions of this Bill, but this Bill shall not apply to any
4 individual who is a beneficiary of any scheme established under the Act listed
5 in subsection (1) including all Military, Para-Military or private pension
6 schemes.

Citation

7 **41.** This Bill may be cited as Older Persons (Rights and Privileges)
8 Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to confer privileges and benefits on Older Persons that are aimed at enhancing their quality of life.

1 SCHEDULES

2 *Section 18 (2)*

3 SPECIAL FACILITIES

4 1. Wheel Chairs: Clear floors or ground space on wheel chairs,
5 wheel chair passage and turning space;

6 2. Crutches, guide canes, etc.

7 3. Hearing Aid

8 4. Curb ramps

9 5. Ramps

10 6. Handrails, grab bars

11 7. Stair-lifts

12 8. Elevators/Lifts

13 9. Windows

14 10. Entrance Doors

15 11. Drinking fountains and water coolers

16 12. Toilet facilities

17 13. Door protective and re-opening devices maneuvering
18 entrances at doors

19 14. Parking spaces and passenger loading zones

20 15. Accessible routes including walkways, halls, windows, aisles
21 and spaces

22 16. Alarm:

23 (i) Audible alarms

24 (ii) Visual alarms

25 (iii) Auxiliary alarms

1 FIRST SCHEDULE

2 *Section 5*

3 COMPLIANCE ORDER

4 Notice has been taken of the fact that your programme is not inclusive of Older
5 Persons issues.

6 In particular:

7 This contravenes Section 5 of Older Persons Act, you are hereby ordered to
8 immediately comply with the said law.

9 Take note that if after 3 months from receipt of this order, you still remain in
10 default; your operational licence shall be withdrawn.

11 Signed

12 PART I - CERTIFICATE OF OLD AGE

13 This is to certify that the birth record of

14 ofwas examined and found

15 qualified to be an Older Person, in accordance with the Older Persons (Rights
16 and Privileges) Bill, 2019

FEDERAL UNIVERSITY OF AGRICULTURE AND TECHNOLOGY, OKE-OGUN
(ESTABLISHMENT, ETC) BILL, 2019

ARRANGEMENT OF SECTIONS

Section:

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

1. Incorporation and objects of the Federal University of Agriculture and Technology Oke-Ogun
2. Constitution and principal officers of the University.
3. Powers of the University, and their exercise.
4. Functions of the chancellor and Pro-Chancellor.
5. Functions of the Council and its finance and general purposes committee
6. Functions of the Senate
7. Functions of the Vice-Chancellor

PART II - STATUTES OF THE UNIVERSITY

8. Power of University to make statutes
9. Mode of exercising power to make statutes
10. Proof of statutes
11. Power of visitor to decide meaning of statutes

PART III - SUPERVISION AND DISCIPLINE

12. The visitor
13. Removal of certain members of Council
14. Removal of and discipline of academic, administrative and professional staff
15. Removal of examiners
16. Discipline of students

PART IV - MISCELLANEOUS AND GENERAL

17. Exclusion of discrimination on account of race, religion, etc.
18. Restriction on disposal of land by University.

19. Quorum and procedure of bodies established by this Act
20. Appointment of committees, etc.
21. Miscellaneous administrative provisions
22. Interpretation
23. Short Title

First Schedule - Principal Officers of the University

Second Schedule - Transitional Provision as to Property, Functions, etc.

Third Schedule - Federal University of Agriculture and Technology, Oke-Ogun

Statute No.1.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL
UNIVERSITY OF AGRICULTURE AND TECHNOLOGY OKE-OGUN AND FOR
OTHER RELATED MATTERS THEREOF, 2019

Sponsored by Senator Adefatai Buhari

[] Commencement

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

1 PART I - CONSTITUTION AND FUNCTIONS OF THE UNIVERSITY AND ITS

2 CONSTITUENT BODIES, ETC.

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

Incorporation
and objects of
the Federal
University of
Agriculture and
Technology
Oke-Ogun

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

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

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

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

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

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

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

Constitution
and principal
officers of the
University

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

Powers of the
University and
their exercise

- 20 **3.**-(1) For the carrying out its objects as specified in section 1 of this
- 21 Act the University shall have power-
- 22 (a) to establish such campuses, colleges, faculties, institutes, schools,
- 23 extra-mural departments and other teaching and research units within the
- 24 University as may from time to time seem necessary or desirable subject to the
- 25 approval of the National Universities Commission;
- 26 (b) to institute professorships, readerships, lectureships and other
- 27 posts and offices and to make appointments thereto;
- 28 (c) to institute and award fellowships, scholarships, exhibitions,
- 29 bursaries, medals, prizes and other titles, distinctions, awards and forms of
- 30 assistance;

1 (d) to provide for the discipline and welfare of members of the
2 University;

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

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

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

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

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

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

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

24 (l) to hold public lectures and to undertake printing, publishing
25 and bookselling;

26 (m) subject to any limitations or conditions imposed by statute, to
27 invest any moneys appertaining to the University by way of endowment,
28 whether for general or special purposes, and such other moneys as may not
29 be immediately required for current expenditure, in any investments or
30 securities or in the purchase or improvement of land, with power from time

1 to time to vary any such investments, and to deposit any moneys for the time
2 being uninvested with any bank on deposit or current account;

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

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

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

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

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

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

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

Functions of
the Chancellor
and Pro-Chancellor

22 4.-(1) The chancellor shall, in relation to the University, take
23 precedence before all other members of the University, and when he is present
24 shall preside at all meetings of convocation held for conferring degrees.

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

- 1 **5.-(1)** Subject to the provisions of this Act relating to the visitor, the
2 Council shall be the governing body of the University and shall be charged
3 with the general control and superintendence of the policy, finances and
4 property of the university, including its public relations.
- 5 (2) There shall be a committee of the Council, to be known as the
6 finance and general purposes committee, which shall, subject to the
7 directions of the Council, exercise control over the property and expenditure
8 of the University and perform such other functions of the Council as the
9 Council may from time to time delegate to it.
- 10 (3) Provision shall be made by statute with respect to the
11 constitution of the finance and general purposes committee.
- 12 (4) The Council shall ensure that proper accounts of the University
13 are kept and that the accounts of the University are audited annually by
14 auditors appointed by the Council from the list and in accordance with
15 guidelines supplied by the Auditor-General of the Federation; and that an
16 annual report is published by the University together with certified copies of
17 the said accounts as audited.
- 18 (5) Subject to this Act the statutes, the Council and the finance and
19 general purposes committee may each make rules for the purpose of
20 exercising any of their respective functions or of regulating their own
21 procedure.
- 22 (6) Rules made under subsection (5) of this section by the finance
23 and general purposes committee shall not come into force unless approved
24 by the Council; and in so far and to the extent that any rules so made by that
25 committee conflict with any directions given by the Council (whether
26 before or after the coming into force of the rules in question), the directions
27 of the Council shall prevail.
- 28 (7) There shall be paid to the members of the Council, of the
29 finance and general purposes committee and of any other committee set up
30 by the Council respectively allowances in respect of traveling and other

Functions of the
Council and its
finance and general
purposes committee

1 reasonable expenses, at such rates as may from time to time be fixed by the
2 Council.

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

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

Functions of
the Senate

11 **6.-(1)** Subject to section 5 of this Act and subsections (3) and (4) of
12 this section, and to the provisions of this Act relating to the visitor, it shall be the
13 general function of the Senate to organise and control the teaching of the
14 University, the admission (where no other enactment provides to the contrary)
15 of students and the discipline of students and to promote research at the
16 University.

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

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

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

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

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

1 professor emeritus;

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

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

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

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

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

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

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

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

Functions of
the Vice-Chancellor

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

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

10 PART II - STATUTES OF THE UNIVERSITY

Power of
University to
make Statutes.
Cap. 192

11 8.-(1) Subject to this Act, the University may make statutes for any of
12 the following purposes, that is to say-

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

15 (b) specifying and regulating the powers and duties of any authority
16 of the University, and regulating any other matter connected with the
17 University or any of its authorities;

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

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

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

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

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

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

5 9.-(1) The power of the University to make statutes shall be
6 exercised in accordance with the provisions of this section and not
7 otherwise.

Mode of exercising
power to make
statutes. Cap. 192

8 (2) A proposed statute shall not become law unless it has been
9 approved-

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

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

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

17 (4) A statute which-

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

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

24 (5) For the purposes of section 2 (2) of the Interpretation Act, a
25 statute shall be treated as being made on the date on which it is duly
26 approved by the Council after having been duly approved by the Senate, or
27 on the date on which it is duly approved by the Senate after having been duly
28 approved by the Council, as the case may be or, in the case of a statute falling
29 within subsection (4) of this section, on the date on which it is approved by
30 the National Council of Ministers.

Proof of statutes 1 **10.** A statute may be proved in any court by the production of a copy
2 thereof bearing or having affixed to it a certificate purporting to be signed by
3 the Vice-Chancellor or the registrar to the effect that the copy is a true copy of a
4 statute of the University.

Power of Visitor 5 **11.-(1)** In the event of any doubt or dispute arising at any time as to the
to decide meaning 6 meaning of any provision of a statute, the matter may be referred to the visitor,
of statutes 7 who shall take such advice and make such decision thereon as he shall think fit.

8 (2) The decision of the visitor on any matter referred to him under this
9 section shall be binding upon the authorities, staff and students of the
10 University, and where any question as to the meaning of any provision of a
11 statute has been decided by the visitor under this section, no question as to the
12 meaning of that provision shall be entertained by any court of law in Nigeria:

13 Provided that nothing in this subsection shall affect any power of a court of
14 competent jurisdiction to determine whether any provision of a statute is
15 wholly or partly void as being ultra vires or as being inconsistent with the
16 Constitution of the Federal Republic of Nigeria.

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

24 **PART III - SUPERVISION AND DISCIPLINE**

The Visitor 25 **12.-(1)** The President shall be the visitor of the University.

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

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

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

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

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

Removal of
certain members
of Council

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

21 **14.-(1)** If it appears to the Council that there are reasons for
22 believing that any person employed as a member of the academic or
23 administrative or professional staff of the University other than the Vice-
24 Chancellor, should be removed from his office or employment on the
25 ground of misconduct or of inability to perform the functions of his office or
26 employment the Council shall-

Removal of and
discipline of
academic,
administrative
and professional
staff

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

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

30 (c) if he or any three members of the Council so request within the

1 period of one month beginning with the date of the notice, make arrangements-

2 (i) for a joint committee of the Council and the Senate to investigate
3 the matter and to report on it to the Council, or

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

10 (2) The Vice-Chancellor may, in a case of misconduct by a member of
11 the staff which in the opinion of the Vice-Chancellor is prejudicial to the
12 interests of the University, suspend such member and any such suspension
13 shall forthwith be reported to the Council.

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

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

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

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

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

29 (4) Any person suspended pursuant to subsection (2) or (3) of this
30 section shall be on half pay and the Council shall before the expiration of a

1 period of three months after the date of such suspension consider the case
2 against that person and come to a decision as to-

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

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

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

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

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

22 (6) Nothing in the foregoing provisions of this section shall prevent
23 the Council from making regulations for the discipline of other categories of
24 staff and workers of the University as may be prescribed.

25 **15.-(1)** If on the recommendation of the Senate, it appears to the
26 Vice-Chancellor that a person appointed as an examiner for any
27 examination of the University ought to be removed from his office or
28 appointment, then except in such cases as may be prescribed, he may, after
29 affording the examiner an opportunity of making representation in person
30 on the matter to the Vice-Chancellor, remove the examiner from the

Removal of
examiners

1 appointment by an instrument in writing signed by the Vice-Chancellor and,
2 subject to the provisions of regulations made in pursuance of section 6 (5) of
3 this Act, the Vice-Chancellor may, on the recommendation of the Senate,
4 appoint an appropriate person as examiner in the place of the examiner
5 removed in pursuance of this subsection.

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

Discipline of
students

10 **16.**-(1) Subject to the provisions of this section, where it appears to
11 the Vice-Chancellor that any student of the University has been guilty of
12 misconduct, the Vice-Chancellor may, without prejudice to any other
13 disciplinary powers conferred on him by statute or regulations, direct-

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

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

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

21 (d) that the student be, expelled from the University.

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

28 (3) The fact that an appeal from a direction is brought in pursuance of
29 the last foregoing subsection shall not affect the operation of the direction
30 while the appeal is pending.

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

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

7 (6) It is hereby declared that a direction under subsection (1) (a) of
8 this section may be combined with a direction under subsection 1 (b) of this
9 section.

10 PART V - MISCELLANEOUS AND GENERAL

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

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

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

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

Restriction on
disposal of land
by University.
Cap. 202

30 Provided that such consent shall not be required in the case of any

1 lease or tenancy at a rack-rent for a term not exceeding twenty-one years or
2 lease or tenancy to a member of the University for residential purposes.

Quorum and
procedure of
bodies established
by this Act 3 **19.** Except as may be otherwise provided by statute or by regulations,
4 the quorum and procedure of any body of persons established by this Act shall
5 be such as may be determined by that body.

Appointment
of committees,
etc. 6 **20.-(1)** Any body of persons established by the Act shall, without
7 prejudice to the generality of the powers of that body, have power to appoint
8 committees, which need not consist exclusively of members of that body, and
9 to authorize a committee established by it-
10 (a) to exercise, on its behalf, such of its functions as it may determine;
11 and
12 (b) to co-opt members, and may direct whether or not co-opted
13 members (if any) shall be entitled to vote in that committee.

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

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

23 (4) Nothing in the foregoing provisions of this section shall be
24 construed as-
25 (a) enabling statutes to be made otherwise than in accordance with
26 section 10 of this Act; or
27 (b) enabling the Senate to empower any other body to make
28 regulations or to award degrees or other qualifications.

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

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

5 **21.**-(1) The seal of the University shall be such as may be
6 determined by the Council and approved by the chancellor; and the affixing
7 of the seal shall be authenticated by any member of the Council and by the
8 vice- chancellor, registrar or any other person authorized by statute.

Miscellaneous
administrative
provisions.
Cap. 192

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

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

16 (4) The validity of any proceedings of anybody established in
17 pursuance of this Act shall not be affected by any vacancy in the
18 membership of the body, or by any defect in the appointment of a member of
19 the body or by reason that any person not entitled to do so took part in the
20 proceedings.

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

25 (6) Nothing in section 12 of the Interpretation Act (which provides
26 for the application, in relation to subordinate legislation, of certain
27 incidental provisions) shall apply to statutes or regulations made in
28 pursuance of this Act; but the power conferred by this Act to make statutes or
29 regulations shall include power to revoke or vary any statute (including the
30 Statute contained in the Third Schedule of this Act) or any regulation by a

1 subsequent statute or, as the case may be, by a subsequent regulation, and
 2 statutes and regulations may make different provision in relation to different
 3 circumstances.

4 (7) No stamp or other duty shall be payable in respect of any transfer
 5 of property to the University by virtue of sections 8 and 19 of this Act or the
 6 Second Schedule to this Act.

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

Interpretation

9 **22.-(1)** In this Act, unless the context otherwise requires -
 10 "campuses" means any campus which may be established by the University;
 11 "college" means any college which may be established by the University;
 12 "Council" means the Council established by this Act for the University;
 13 "graduate" means a person on whom a degree (other than an honorary degree)
 14 has been conferred by the University;
 15 "Minister" means the Minister charged with responsibility for education;
 16 "notice" means notice in writing;
 17 "officer" does not include the visitor;
 18 "prescribed" means prescribed by statute or regulations;
 19 "professor" means a person designated as a professor of the University in
 20 accordance with provision made in that behalf by statute or by regulations;
 21 "property" includes rights, liabilities and obligations;
 22 "regulations" means regulations made by the Senate or Council;
 23 "statute" means the statute of the University under section 9 of this Act and in
 24 accordance with the provisions of section 10 of this Act, and "the statute"
 25 means all such statutes as are in force from time to time;
 26 "teacher" means a person holding a full time appointment as a member of the
 27 teaching or research staff of the University;
 28 "undergraduate" means a person in statu pupillari at the University, other than-
 29 (a) a graduate; and
 30 (b) a person of such description as may be prescribed for the purposes

1 of this definition;

2 "University" means the Federal University of Agriculture and Technology,
3 Oke-Ogun as incorporated and constituted by this Act.

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

11 23. This Bill may be cited as the Federal University of Agriculture and Technology, Oke-Ogun (Establishment) Bill, 2019. Short title

13 SCHEDULES

14 FIRST SCHEDULE

15 *Section 2*

16 PRINCIPAL OFFICERS OF THE UNIVERSITY

17 *The Chancellor*

18 1. The chancellor shall be appointed by the President.

19 2.-(1) The chancellor shall hold office for a period of five years.

20 (2) If it appears to the visitor, that the chancellor should be removed
21 from his office on the ground of misconduct or of inability to perform the
22 functions of his office, the visitor may by notice in the Federal Gazette
23 remove the chancellor from office.

24 *The Pro-Chancellor*

25 3.-(1) The Pro-Chancellor shall be appointed or removed by the
26 President on the recommendation of the Minister.

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

29 *The Vice-Chancellor*

30 4.-(1) Subject to the provisions of this paragraph, the Vice-

1 Chancellor shall be appointed or removed from his office by the President after
2 consultation with the University Council.

3 (2) The Vice-Chancellor shall hold office for four years in the first
4 instance and shall be eligible for re-appointment for a second term of three
5 years, thereafter he shall no longer be eligible for appointment until at least four
6 years have elapsed since the last held office as Vice-Chancellor.

7 (3) Subject to this paragraph, the Vice-Chancellor shall hold office on
8 such terms as to emoluments and otherwise as may be specified in his
9 instrument of appointment.

10 *Other principal officers of the University*

11 5.-(1) There shall be a registrar, who shall be the chief administrative
12 officer of the University and shall be responsible to the Vice-Chancellor for the
13 day-to-day administrative work of the University except as regards matters for
14 which the bursar is responsible in accordance with subparagraph (3) of this
15 Schedule.

16 (2) The person holding the office of registrar shall by virtue of that
17 office be secretary to the Council, the Senate, congregation and convocation.

18 (3) There shall be a bursar, who shall be the chief financial officer of
19 the University and shall be responsible to the Vice-Chancellor for the day-to-
20 day administration and control of the financial affairs of the University.

21 (4) There shall be a librarian who shall be responsible to the Vice-
22 Chancellor for the administration of the University library and the co-
23 ordination of all library service in the University and its campuses, colleges,
24 faculties, schools, departments and institutes and other teaching or research
25 units.

26 (5) The officers aforesaid shall be appointed in such manner as may be
27 specified by statute and shall hold office for such period and on such terms as to
28 the emoluments of their offices and otherwise as may be specified.

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

1 *Resignation and re-appointment*

2 6.-(1) Any officer mentioned in the foregoing provisions of this
3 Schedule may resign his office-

4 (a) in the case of the chancellor, by notice to the President; and

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

7 (2) Subject to paragraph 4 of this Schedule, a person who has
8 ceased to hold an office so mentioned otherwise than by removal for
9 misconduct shall be eligible for re-appointment to that office.

10 SECOND SCHEDULE

11 *Section 9 (3)*

12 FEDERAL UNIVERSITY AGRICULTURE AND TECHNOLOGY, OKE-OGUN

13 STATUTE NO. 1

14 ARRANGEMENT OF ARTICLES

15 *Article*

- 16 1. The Council.
17 2. The Senate.
18 3. Congregation.
19 4. Convocation.
20 5. Organisation of Academic Work of the University.
21 6. The Dean of the Faculty.
22 7. Selection of certain Principal Officers.
23 8. Creation of academic posts.
24 9. Appointments of academic staff.
25 10. Appointment of Administrative and Professional Staff.
26 11. Interpretation.
27 12. Short Title.

28 *The Council*

29 1.-(1) The Council shall consist of-

30 (a) the Pro-Chancellor;

1 (b) the Vice-Chancellor and the deputy Vice-Chancellor;

2 (c) six persons representing a variety of interests and broadly
3 representative of the whole Federation appointed by the National Council of
4 Ministers.

5 (d) four person appointed by the Senate from among the members of
6 that body;

7 (e) one person appointed by congregation from among the members
8 of that body;

9 (f) one person appointed by convocation from among the members of
10 that body;

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

14 (h) one person to represent the armed forces of the Federation and the
15 Police Force.

16 (2) Any member of the Council holding office otherwise than in
17 pursuance of paragraph (1) (a), (b), (g) or (h) of this article may, by notice to the
18 Council, resign his office.

19 (3) A member of the Council holding office otherwise than in
20 pursuance of paragraph (1) (a), (b), (g) or (h) of this article shall, unless he
21 previously vacates it, vacate that office on the expiration of the period of four
22 years beginning with effect from the 1st of August in the year in which he was
23 appointed.

24 (4) Where a member of the Council holding office otherwise than in
25 pursuance of paragraph (1) (a), (b), (g) or (h) of this article vacates office before
26 the expiration of the period aforesaid, the body or person by whom he was
27 appointed may appoint a successor to hold office for the residue of the term of
28 his predecessor.

29 (5) A person ceasing to hold office as a member of the Council
30 otherwise than by the removal for misconduct shall be eligible for re-

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- 1 (a) the Vice-Chancellor and the deputy Vice-Chancellor;
 - 2 (b) the deans of the several faculties;
 - 3 (c) the directors of the several institutes;
 - 4 (d) the professors;
 - 5 (e) the librarian;
 - 6 (f) the persons for the time being holding such appointments on the
 - 7 staff of the University as may be specified by the Vice-Chancellor; and
 - 8 (g) such teachers (of seniors lecturer rank and above and not being
 - 9 more than two in respect of each faculty) as may be elected from among the
 - 10 members of each faculty, the total number thereto to be determined from time
 - 11 to time by the Senate; and
 - 12 (h) such persons, not exceeding two in number, whether or not
 - 13 members of the University, as may be appointed by the Senate to be members
 - 14 of the Senate.
- 15 (2) The Vice-Chancellor shall be the chairman at all meetings of the
- 16 Senate when he is present; and in his absence such other member of the Senate
- 17 present at the meeting as the Senate may appoint for that meeting, shall be the
- 18 chairman at the meeting.
- 19 (3) The quorum of the Senate shall be one-quarter (or the nearest
- 20 whole number less than one-quarter); and subject to paragraph (2) of this
- 21 article, the Senate may regulate its own procedure.
- 22 (4) An elected member may, by notice to the Senate, resign his office.
- 23 (5) Subject to paragraph (7) of this article, there shall be elections for
- 24 the selection of elected members which shall be held in the prescribed manner
- 25 on such day in the month of May or June in each year as the Vice-Chancellor
- 26 may from time to time determine.
- 27 (6) An elected member shall hold office for the period of two years
- 28 beginning with 1st August in the year of his election, and may be a candidate at
- 29 any election held in pursuance of paragraph (5) above in the year in which his
- 30 period of office expires, so however that no person shall be such a candidate if

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(2) Subject to section 4 of the Act, the Vice-Chancellor shall be the chairman at all meetings of congregation when he is present; and in his absence such other member of congregation present at the meeting as congregation may appoint for that meeting, shall be the chairman at the meeting.

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

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

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

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

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

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

20 *Convocation*

21 5.-(1) Convocation shall consist of-

22 (a) the officers of the University mentioned in the First Schedule to
23 the Act

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

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

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

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

1 (b) he applies for the registration of his name in the prescribed
2 manner and pays the prescribed fees; and regulations shall provide for the
3 establishment and maintenance of a register for the purposes of this
4 paragraph and, subject to paragraph (3) below, may provide for the payment
5 from time to time of further fees by persons whose names are on the register
6 and for the removal from the register of the name of any person who fails to
7 pay those fees.

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

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

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

22 (6) The quorum of convocation shall be fifty or one-third (or the
23 whole number nearest to one-third) of the total number of members of
24 convocation, whichever is less.

25 (7) Subject to section 4 of the Act, the Vice-Chancellor shall be
26 chairman at all meetings of convocation when he is present, and in his
27 absence the Vice Chancellor shall be the chairman at the meeting.

28 (8) Convocation shall have such functions, in addition to the
29 function of appointing a member of the Council, as may be provided by
30 statute.

1 Organisation of faculties and branches thereof

2 6. Each faculty shall be divided into such number of branches as may
3 be prescribed.

4 7.-(1) There shall be established in respect of each faculty a faculty
5 board, which, subject to the provisions of this Statute, and subject to the
6 directions of the Vice-Chancellor, shall-

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

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

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

13 (2) Each faculty board shall consist of-

14 (a) the Vice-Chancellor;

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

16 (c) such of the teachers assigned to the faculty and having the
17 prescribed qualifications as the board may determine; and

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

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

24 *The Dean of the Faculty*

25 8.-(1) The dean of a faculty shall be a professor elected by the faculty
26 board and each dean shall hold office for years. He will be eligible for re-
27 election for another term of two years after which he may not be elected again
28 until two years have elapsed.

29 (2) If there is no professor in a faculty, the office of the dean of the
30 faculty shall be held in rotation by members of the faculty holding the ranks of

1 reader or senior lecturer on the basis of seniority as determined by the
2 statute.

3 (3) The dean shall be the chairman at all meetings of the faculty
4 board when he is present and he shall be a member of all committees and
5 other boards appointed by the faculty.

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

12 (5) There shall be a committee to be known as the committee of
13 deans consisting of all the deans of the several faculties and that committee
14 shall advise the Vice-Chancellor on all academic matters and on particular
15 matters referred to the University Council by Senate.

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

21 (7) In this article, "good cause" has the same meaning as in section
22 15 (3) of the Act.

23 *Selection of certain principal officers*

24 9.-(1) When a vacancy occurs in the office of the registrar, bursar,
25 librarian, or director of works, a selection board shall be constituted by the
26 Council and shall consist of-

27 (a) the Pro-Chancellor;

28 (b) the Vice-Chancellor;

29 (c) two members appointed by the Council, not being members of
30 the Senate; and

1 (d) two members appointed by the Senate.

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

6 *Creation of academic posts*

7 10. Recommendations for the creation of posts other than those
8 mentioned in article 9 of this Statute shall be made by the Senate to the Council
9 through the finance and general purposes committee.

10 *Appointment of academic staff*

11 11. Subject to the Act and the statutes, the filling of vacancies in
12 academic posts (including newly created ones) shall be as prescribed from time
13 to time by statutes.

14 *Appointment of administrative and technical staff*

15 12.-(1) The administrative and professional staff of the University
16 other than those mentioned in article 9 of this Statute, shall be appointed by the
17 Council or on its behalf by the Vice-Chancellor or the registrar in accordance
18 with any delegation of powers made by the Council in that behalf.

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

22 *Interpretation*

23 13. In this Statute, the expression "the Act" means the Federal
24 University of Agriculture and Technology, Oke-Ogun Act and any expression
25 defined in the Act has the same meaning in this Statute.

26 *Short Title*

27 14. The Statute may be cited as Federal University of Agriculture and
Technology, Oke-Ogun Statute No. 1.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Federal University
of Agriculture and Technology Oke-ogun

FEDERAL COLLEGE OF FORESTRY TECHNOLOGY AND RESEARCH,
BIRNIN GWARI, KADUNA STATE (ESTABLISHMENT, ETC.) BILL, 2019

ARRANGEMENT OF SECTIONS

*Establishment of the Federal College of Forestry Technology
and Research*

1. Establishment of Federal College of Forestry Technology and Research, Birnin Gwari, Kaduna State
2. Functions of the College
3. Establishment and constitution of each Council, etc.
4. Visitation
5. Registrar of the College
6. Tenure of office of the Registrar
7. General Functions of the Council

Staff

8. The Rector of the College
9. Deputy Rector
10. Other principal officers of the College
11. Resignation of appointment of principal officers
12. Selection Board for other principal officers
13. Other employees of the College
14. Application of the Pensions Act

Establishment of the Academic Board

15. The Academic Board

Tenure of Office

16. Removal from office of members of the Council and the Rector
17. Removal and discipline of academic, administrative and technical staff

Discipline

18. Discipline of students
19. Discipline of junior staff

Financial Provisions

- 20. Audit of accounts
- 21. Funds of each Council
- 22. Donations for particular purposes
- 23. Payment into bank
- 24. Annual report

Miscellaneous and Supplemental

- 25. Power to make bye-laws
- 26. Exclusion of discrimination on account of race, religion, etc.
- 27. Quorum and Procedure of bodies established under this Act
- 28. Interpretation
- 29. Short title

SCHEDULE

Supplementary Provisions relating to the Council

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF FORESTRY TECHNOLOGY AND RESEARCH, BIRNIN GWARI, KADUNA STATE TO PROVIDE FULL-TIME COURSES IN FORESTRY TECHNOLOGY, PRESERVATION, DEVELOPMENT AND OTHER FIELDS OF STUDIES AND TO MAKE PROVISIONS FOR THE GENERAL ADMINISTRATION OF THE COLLEGE AND FOR RELATED MATTERS

Sponsored by Senator Uba Sani

[] Commencement

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

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5 | 1. There is hereby established the Federal College of Forestry Technology and Research, Birnin Gwari, Kaduna State specified in the First Schedule to this Act (in this Act severally referred to as "the College") which shall have such powers and exercise such functions as are specified in this Act. | Establishment
of Federal College
of Forestry
Technology and
Research, Birnin
Gwari, Kaduna
State |
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17 | 2.-(1) The functions of the college shall be
(a) to provide full-time or part-time courses in forestry technology training and award National and Higher National Diploma;
(b) to carry out research, training, extension and dissemination of findings in forestry technology, development, applied science, commerce and management; and
(c) to improve genetic resources of forest trees and ecosystem for economic development;
(d) to improve silvicultural practices relating to forest trees of economic importance;
(e) to research on the control of pest and diseases of forest trees;
(f) to conduct research into the different suitable biological | Functions |

1 materials and appropriate methods of control of ecological and environmental
2 problems of the country in respect to desertification, soil erosion and
3 deforestation;

4 (g) to make suitable arrangements for the application of the result of
5 the research work by the Federal, state governments and the private sector for
6 the economic development of Nigeria;

7 (h) to carry out such other fields of applied learning relevant to the
8 needs of the development of Nigeria in the area of industrial and agricultural
9 production and distribution and for research in the development and adaptation
10 of forestry techniques as the Council may from time to time determine;

11 (i) to arrange conferences, seminars and study groups relative to the
12 fields of learning specified in section 2;

13 (j) to perform such other functions as in the opinion of the Council
14 may serve to promote the objectives of the college

Establishment
and constitution
of each Council,
etc.

15 **3.-(1)** There shall be established for the college a Council (hereafter in
16 this Act referred to as "the Council") which shall be a body corporate with
17 perpetual succession and a common seal and may sue and be sued in its
18 corporate name.

19 (2) The Council shall consist of a Chairman and the following other
20 members, that is:

21 (a) one person to represent the Ministry of Education;

22 (b) one person to represent the Ministry of Agriculture;

23 (c) one person with requisite knowledge and training in forestry
24 technology;

25 (d) one person to represent professional bodies whose disciplines are
26 taught at the college;

27 (e) one person selected from a Federal or State public utility statutory
28 corporation;

29 (f) one person of standing in the community where the college is
30 situate;

1 (g) the Rector of the college;
 2 (h) one representative of the Permanent Secretary of the Ministry
 3 charged with responsibility for matters relating to commerce and industries;
 4 (i) one representative of the academic board of the college;
 5 (j) one representative of the State Commissioner of Education; and
 6 (k) five other persons, at least one of whom shall be a woman, to be
 7 selected each on his personal merit based on his contribution to either the
 8 development of forestry technology or commerce or special interest in
 9 technical education.

10 (3) The Chairman and members of the Council other than ex-
 11 officio members shall be appointed by the President.

12 (4) The provisions set out in the Second Schedule to this Act shall
 13 apply in relation to the constitution of the Council and the other matters
 14 therein specified.

15 **4.-(1)** The Minister of Education shall be the Visitor to the College. Visitation

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

19 (a) for the purpose of evaluating the quality of research, academic
 20 and administrative performance of the college;

21 (b) for such other purpose or in respect of any other affairs of the
 22 college as the Visitor may deem fit.

23 **5.-(1)** There shall be a Registrar of the college who shall be Registrar of the
 24 responsible to the Rector and the day- to-day administration of the college College
 25 and shall perform such other duties from time to time as may be required of
 26 him.

27 (2) The Registrar shall be the secretary to the Council, the
 28 Academic Board and any committee of the Council and shall attend all the
 29 meetings of those bodies unless excused for good reason by the chairman of
 30 the Council.

	1	(3) In the absence of the Registrar, the Chairman of the Council may,
	2	after consultation with the Rector, appoint a suitable person to act as secretary
	3	for any particular meeting of the Council.
	4	(4) The secretary to the Council who is appointed to act under
	5	subsection (3) of this section, shall not vote on any question before the Council
	6	or count towards a quorum unless he is so entitled as a member of the Council.
Tenure of office of the Registrar	7	6.-(1) A Registrar:
	8	(a) shall hold office for a period of five years beginning from the
	9	effective date of his appointment and on such terms and conditions as may be
	10	specified in the letter of his appointment; and
	11	(b) may be re-appointed for one further period of five years and no
	12	more.
	13	(2) Where on the commencement of this section, a Registrar has held
	14	office-
	15	(a) for five years or less, he shall be deemed to be serving his first term
	16	of office and may be re-appointed for a further term of five years;
	17	(b) for more than five years but less than ten years, he shall complete
	18	the maximum period of ten years and thereafter relinquish his post and be
	19	assigned other duties in the college;
	20	(c) for ten years or more, the Council may allow him to serve as
	21	Registrar for a further period of one year only and thereafter he shall relinquish
	22	his post and be assigned other duties in the college.
General functions of the Council	23	7.-(1) Subject to provision of this Act, the Council shall be the
	24	governing body of the college concerned and shall have the general
	25	management of the affairs of the college, and in particular, the control of the
	26	property and finances of the college; and shall also have power to do anything
	27	which in its opinion is calculated to facilitate the carrying out of the activities of
	28	the college and promote its best interests.
	29	(2) The Council may acquire and hold such movable or immovable
	30	property as may be necessary or expedient for carrying into effect the nd for the

1 provisions of this Act, and for the same purpose may sell, lease, and
2 mortgage or otherwise alienate or dispose of any property so acquired.

3 (3) The Council may enter into such contracts as may be necessary
4 or expedient for carrying into effect the provisions of this Act.

5 (4) The Minister may give to the Council directions of a general
6 character or relating generally to particular matters (but not any individual
7 person or case) with regard to the exercise by the Council of its functions and
8 it shall be the duty of the Council to comply with the directions.

9 *Staff*

10 **8.-(1)** There shall be a Rector of the college who shall be appointed The Rector
11 by the President in accordance with the provisions of this section.

12 (2) Where a vacancy occurs in the post of Rector, the Council shall:

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

15 (i) the qualities of the person who may apply for the post; and

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

18 (b) constitute a Search Team consisting of:

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

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

23 (iii) Two members of the Academic Community of the college not
24 below the rank of Chief Lecturer, to be selected by Council, to identify and
25 draw up a short list of persons who are not likely to apply on their own
26 volition because they feel that it is not proper to do so.

27 (3) A Joint Council and Academic Board Selection Board
28 consisting of:

29 (a) the Chairman of the Council;

30 (b) two members of the Council not being members of the

1 Academic Board;

2 (c) two members of the Academic Board not below the rank of Chief
3 Lecturer, who were not members of the Search Team, shall consider the
4 candidates on the short list drawn up under subsection (2) of this section
5 through an examination of their curriculum vitae and interaction with them and
6 recommend, through the Council, to the President, three candidates for his
7 consideration.

8 (4) The President shall appoint, as Rector, one of the candidates
9 recommended to him under the provisions of subsection (3) of this section.

10 (5) Subject to this Act and the general control of the Council, the
11 Rector shall be the Chief Executive of the college and shall be charged with
12 responsibility for matters relating to the day-to-day management operations of
13 the college.

14 (6) The Rector:

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

18 (b) may be re-appointed for a further period of four years and no more.

Deputy Rector

19 **9.-(1)** There shall be for the college a Deputy Rector.

20 (2) The Council shall appoint the Deputy Rector from among the
21 chief lecturers in the college in one of the following ways:

22 (a) from a list of three candidates, in order of preference, submitted by
23 the Rector;

24 (b) on the recommendation of a Selection Board constituted under
25 this section for that purpose; or

26 (c) on the nomination of the Rector.

27 (3) The Selection Board referred to in subsection (2) of this section
28 shall:

29 (a) consist of:

30 (i) the Chairman of the Council;

1 (ii) the Rector;
2 (iii) two members of the Council not being members of the
3 Academic Board;

4 (iv) two members of the Academic Board; and
5 (b) make such inquiries as it deems fit before making the
6 commendation required under that subsection.

7 (4) The Deputy Rector:
8 (a) shall assist the Rector in the performance of his functions;
9 (b) act in the place of the Rector when the post of Rector is vacant
10 or if the Rector is for any reason absent or unable to perform his functions as
11 Rector; and

12 (c) perform such other functions as the Rector may, from time to
13 time, assign to him.

14 (5) The Deputy Rector:
15 (a) shall hold office for a period of two years beginning from the
16 effective date of his appointment and on such terms and conditions as may
17 be specified in his letter of appointment; and

18 (b) may be re-appointed for one further period of two years and no
19 more.

20 **10.-(1)** There shall be for the college the following other principal
21 officers in addition to the Registrar, that is:

Other principal
officers of the
College

22 (a) the Bursar; and
23 (b) the college Librarian, who shall be appointed by the Council on
24 the recommendation of the Selection Board constituted under section 9 (b)
25 of this Act.

26 (2) The Bursar shall be the Chief Financial Officer of the college
27 and be responsible to the Rector for the day to day administration and
28 control of the financial affairs of the college.

29 (3) The college Librarian shall be responsible to the Rector for the
30 administration of the college library and the co-ordination of the library ege.

	1	services in the teaching units of the college.
	2	(4) The Bursar or Librarian:
	3	(a) shall hold office for a period of five years in the first instance and
	4	on such terms and conditions as may be specified in his letter of appointment;
	5	(b) may be re-appointed for a further period of five years and no more.
	6	(5) Where on the commencement of this section, a Bursar or Librarian
	7	has held office:
	8	(a) for five years or less, he shall be deemed to be serving his first term
	9	of office and may be reappointed for a further term of five years;
	10	(b) for more than five years but less than ten years, he shall complete
	11	the maximum period of ten years and thereafter relinquish his post and be
	12	assigned other duties in the college;
	13	(c) for ten years or more, the Council may allow him to serve as
	14	Registrar for a further period of one year only and thereafter he shall relinquish
	15	his post and be assigned other duties in the college.
Resignation of appointment of principal officers	16	11. A principal officer may resign his appointment:
	17	(a) in the case of the Rector, by notice to the Visitor;
	18	(b) in any other case, by notice to the Council.
Selection Board for other principal officers	19	12.-(1) There shall be, for each college, a Selection Board which shall
	20	consist of:
	21	(a) the chairman of the Council;
	22	(b) the Rector;
	23	(c) four members of the Council not being members of the Academic
	24	Board;
	25	(d) two members of the Academic Board.
	26	(2) The functions and procedure and other matters relating to the
	27	Selection Board constituted under subsection (1) of this section shall be as the
	28	Council may, from time to time, determine.
Other employees of the College	29	13.-(1) The Council may appoint such other persons to be employees
	30	of the college as the Council may determine to assist the Rector and the

1 principal officers of the college in the performance of their functions under
2 this Act.

3 (2) The power to appoint all other employees of the college shall be
4 exercised:

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

9 (b) in the case of junior employees, by the Rector on the
10 recommendation of the Junior Staff Appointments and Promotions
11 Committee constituted under paragraph 3 (2) (b) of the Second schedule to
12 this Act.

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

17 **14.**-(1) The Federal Civil Service Commission may by order
18 published in the Federal Gazette declare the office of the Rector or any other
19 person employed by the Council to be a pensionable office for the purposes
20 of the Pensions Act.

Application of
the Pension Act

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

24 *Establishment of the Academic Board*

25 **15.**-(1) There shall be established for each college a board to be
26 known as the Academic Board which shall consist of the following
27 members:

The Academic
Board

28 (a) the Rector of the college, as the Chairman;

29 (b) the Deputy-Rector of the college;

30 (c) all Heads of Departments;

- 1 (d) the college Librarian; and
- 2 (e) not more than two members of the academic staff, other than heads
- 3 of departments, who may be appointed by the Academic Board.
- 4 (2) The Academic Board shall be responsible for:
- 5 (a) the direction and management of academic matters of the college
- 6 including the regulation of admission of students, the award of certificates and
- 7 diplomas, scholarships, prizes and other academic distinctions;
- 8 (b) the making to the Council of such periodic reports on such
- 9 academic matter as the Academic Board may think fit or as the Council may
- 10 from time to time direct; and
- 11 (c) the discharge of any other functions which the Council may
- 12 delegate to it.

Tenure of Office

Removal from
office of members
of the Council
and the Rector

14 **16.**-(1) If it appears to the Council that a member of the Council (other
15 than an ex-officio member) or the Rector should be removed from office on the
16 ground of misconduct or inability to perform the functions of his office, the
17 Council shall make a recommendation to that effect to the President, and if the
18 President, after making such inquiries as he considers necessary, approves the
19 recommendation, the President, shall, in writing, declare the office of such
20 member vacant.

21 (2) The President may remove any member of the Council if he is
22 satisfied that it is not in the public interest or in the interest of the college that
23 such member should continue as a member of the Council.

Removal and
discipline of
academic,
administrative
and technical
staff

24 **17.**-(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 technical staff of the college, other than the Rector, should be removed from
27 office on the ground of misconduct or inability to perform the functions of his
28 office, the Council shall:

- 29 (a) give notice of those reasons to the person in question;
- 30 (b) afford him an opportunity of making representations in person on

1 the matter to the Council; and

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

5 (i) if he is an academic staff, for a joint committee of the Council
6 and the Academic Board to investigate the matter and to report on it to the
7 Council; or

8 (ii) for a committee of the Council to investigate the matter, where
9 it relates to any other member of the staff of the college and to report on it to
10 the Council; and

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

17 (2) The Rector may, in a case of misconduct by a member of the
18 staff which in the opinion of the Rector is prejudicial to the interests of the
19 college, suspend such member and any such suspension shall forthwith be
20 reported to the Council.

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

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

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

30 (c) conduct of a scandalous or other disgraceful nature which the ed

1 Council considers to be such as to render the person concerned unfit to continue
2 to hold his office; or

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

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

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

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

14 (c) whether to terminate the appointment of the person in question, in
15 which case such a person, will not be entitled to the proportion of his
16 emoluments withheld during the period of suspension; or

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

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

28 (6) Nothing in the foregoing provisions of this section shall prevent
29 the Council from making such regulations for the discipline of other categories
30 of staff and workers of the college as it may think fit.

Discipline

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

Discipline of students

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

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

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

(d) that the student be expelled from the college.

(2) Where there is temporarily no Rector or where the Rector refuses to apply any disciplinary measures, the Council, either directly or through some other staff, may apply such disciplinary actions as are specified in subsection (1) of this section to any student of the college who is guilty of misconduct.

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

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

(5) The Rector may delegate his power under this section to a as he

1 disciplinary committee consisting of such members of the college as he may
2 nominate.

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

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

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

Discipline of
junior staff

11 **19.-(1)** If any junior staff is accused of misconduct or inefficiency, the
12 Rector may suspend him for not more than three months and forthwith shall
13 direct the Junior Staff Appointments and Promotions Committee:

14 (a) to consider the case; and

15 (b) to make recommendations as to the appropriate action to be taken
16 by the Rector.

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

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

23 (4) Any person aggrieved by the Rector's decision under subsection
24 (3) of this section, may within a period of 21 days from the date of the letter
25 communicating the decision to him, address a petition to the Council to
26 reconsider his case and the Council's decision thereon shall be final.

27 (5) In any case of gross misconduct on the part of a junior staff, the
28 Rector shall forthwith suspend him and thereafter refer the matter to the Junior
29 Staff Appointments and Promotions Committee to be dealt with according to
30 the foregoing provision of this section.

1 *Financial Provisions*

2 **20.**-(1) Each Council shall keep proper accounts and proper Audits of accounts
3 records in relation thereto and shall cause to be prepared, not later than 1
4 October in each financial year, an estimate of its revenue and expenditure for
5 the ensuing financial year and when prepared, the estimate shall be
6 submitted to the National Board for Technical Education for approval.

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

10 (3) The statement of accounts referred to in subsection (2) of this
11 section shall, when certified by the Rector, be audited by a firm of auditors
12 appointed from the list and in accordance with the guidelines supplied by the
13 Auditor-General of the Federation and shall be published in the annual
14 report of the college.

15 **21.** The funds of the Council shall include:

Funds of the
Council

16 (a) fees charged by and payable to the Council in respect of
17 students;

18 (b) any other amounts due to or recoverable by the Council;

19 (c) revenue from time to time accruing to the Council from the
20 Federal Government by way of subvention, grant-in-aid, endowment or
21 otherwise howsoever;

22 (d) donations and legacies accruing to the Council from any source
23 for the special purpose of the Council.

24 **22.**-(1) Donations of money to be applied to any particular purpose Donations for
25 shall be placed to the credit of a special reserve account approved by the particular purposes
26 Council until such time as they may be expended in fulfilment of such
27 purpose.

28 (2) No Council shall be obliged to accept a donation for a particular
29 purpose unless it approves of the terms and conditions attached to such
30 donation.

Payment into bank 1 **23.** All sums of money received on account of the Council shall be
2 paid into such bank for the credit of the Council as may be approved by the
3 Council.

Annual report 4 **24.** The Council shall on or before 31 December in each year prepare
5 and submit to the President through the Minister, a report of the activities
6 during the preceding financial year and shall include in the report, the audited
7 accounts of the college in respect of that financial year and the auditors'
8 comments on the account.

9 *Miscellaneous and Supplemental*

Power to make bye-laws 10 **25-(1)** The Council may make bye-laws relating to any matter within
11 its competence under this Act other than matters for which provision is to be
12 made by standing orders pursuant to paragraph 7 of the Schedule to this Act.

13 (2) All such bye-laws shall be in writing and shall come into force
14 when sealed with the seal of the Council unless some other date for their
15 commencement is prescribed therein.

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

Exclusion of discrimination on account of race, religion, etc. 19 **26.** No person shall be required to satisfy requirements as to any of
20 the following matters, that is to say race (including ethnic grouping), sex, place
21 of birth or of the family origin or religious or political persuasion or as a
22 condition of becoming or continuing to be a student at the college or as a holder
23 of any certificate of the college, or of any appointment or employment at the
24 college, or a member of anybody established by virtue of this Act; and no
25 person shall be subjected to any disadvantage or accorded any advantage in
26 relation to the college by reference to any of those matters:

27 Provided that, nothing in this section shall be construed as preventing
28 the college from imposing any disability or restriction on any of the
29 aforementioned persons where such a person willfully refuses or fails on
30 grounds of religious belief to undertake any duty generally and uniformly

1 imposed on all such persons or any group of them which duty, having regard
2 to its nature and the special circumstances pertaining thereto is, in the
3 opinion of the college, reasonably justifiable in the national interest.

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

Quorum and
procedure of
bodies established
under this Act

8 **28.** In this Act, unless the context otherwise requires:

Interpretation

9 "The Academic Board" means the board establish under section 10 of this
10 Act;

11 "The Appointments and Promotions Committee" means a body by that
12 name established under paragraph 3 (2) (a) of the Schedule to this Act;

13 "College" means the Federal College of Forestry Technology and Research,
14 Birnin Gwari, Kaduna State;

15 "The Junior Staff Appointments and Promotion Committee" means a body
16 by that name set up under paragraph 3 (2) (b) of the Schedule to this Act;

17 "The Minister" means the Minister charged with responsibility for matters
18 relating to technical education;

19 "The Registrar" means the Registrar of Federal College of Forestry
20 Technology and Research, Birnin Gwari, Kaduna State appointed under
21 section 4 (1) of this Act.

22 **29.** This Bill may be cited as the Federal College of Forestry
23 Technology and Research, Birnin Gwari, Kaduna State (Est, etc.) Bill, 2019.

Short title

24 **SCHEDULE**

25 *[Section 7]*

26 **PUBLIC OFFICERS FOR THE PURPOSES OF THE CODE OF CONDUCT**

27 **SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL**

28 *Terms of office of members*

29 1.-(1) A member of the Council other than an ex-officio member
30 shall hold office for a period of three years beginning with the date on which

1 he was appointed and shall be eligible for re-appointment for a further term of
2 three years and thereafter he shall no longer be eligible for re-appointment.

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

6 (3) A member of the Council holding office as specified in paragraph
7 1 (1) of this Schedule may by notice in writing to the Minister resign his office.

8 2.-(1) Where a vacancy occurs in the membership of the Council, that
9 vacancy shall be filled by the appointment of a successor to hold office for the
10 remainder of the term of office of his predecessor; so however that the
11 successor shall represent the same interest as his predecessor.

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

15 *Committees*

16 3.-(1) The Council may appoint one or more committees to which it
17 may delegate any of its functions.

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

20 (a) the Appointments and Promotions Committee which shall without
21 prejudice to section 7 (4) of this Act:

22 (i) consist of a chairman to be appointed by the Rector from members
23 of the senior staff of the college and four other members who shall be appointed
24 by the Council;

25 (ii) be charged with the responsibility for making recommendations
26 to the Council on the appointment and promotion of the academic and senior
27 staff of the college and have a quorum of three members;

28 (b) the Junior Staff Appointments and Promotions Committee which
29 shall consist of a chairman and four other members to be appointed by the
30 Council and shall have the powers set out in sections 7 (5) and 14 of this Act;

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

3 (i) a chairman who shall be appointed by the Rector from among
4 the senior employees of the college;

5 (ii) one member of the Council;

6 (iii) two members of the academic staff of the college; and

7 (iv) four students of the college, and the Committee on Students'
8 Affairs shall be charged with the duty of:

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

10 (ii) any other matter referred to it by either the Council or students
11 of the college;

12 (iii) any matter which the students wish to refer to the Council shall
13 be referred to the Committee on Student's Affairs in the first instance.

14 (3) No decision of a committee shall have effect unless it is
15 confirmed by the Council.

16 *Proceedings of the Council*

17 4.-(1) The Council shall meet for the conduct of business at such
18 times as the chairman of the Council may appoint but shall meet not less than
19 twice in a year.

20 (2) The chairman of the Council may at any time and shall at the
21 request in writing of not less than five members of the Council summon a
22 meeting of the Council.

23 (3) Particulars of the business to be transacted shall be circulated to
24 members with the notice of the meeting at least two weeks before the date of
25 the meeting.

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

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

3 (2) Seven members shall form a quorum at any meeting of the
4 Council.

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

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

11 8. If the Chairman of the Council is absent from a meeting of the
12 Council, the members present shall elect one of their number to act as chairman
13 for the purposes of that meeting.

14 *Miscellaneous*

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

19 10.-(1) The common seal of the Council shall not be used or affixed to
20 any document except in pursuance of a resolution duly passed at a properly
21 constituted meeting of the Council and recorded in the minutes of such
22 meeting.

(2) The fixing of the seal of the Council shall be authenticated by the signature of the chairman of the Council and some other members authorized generally or specifically by the Council to act for that purpose.

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

29 11. Any member of the Council or a committee thereof who has a
30 personal interest in any contract or arrangement entered into or proposed to be e

- 1 considered by the Council or a committee thereof, shall forthwith disclose
- 2 his interest to the Council and shall not vote on any question relating to such
- 3 contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Forestry Technology and Research, Birnin Gwari, Kaduna State to provide full-time courses in Forestry Technology and development to improve genetic resources of forest trees and ecosystem for economic development and Applied Science Management and other fields of studies and to make provisions for the general administration of the College.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO DESIGNATE A DEFINITE AND CERTAIN DAY FOR CONVENING THE FIRST SESSION AND INAUGURATION OF ELECTED MEMBERS OF NATIONAL ASSEMBLY AND STATE HOUSE OF ASSEMBLY FOLLOWING THEIR DISSOLUTION BY THE PRESIDENT AND GOVERNOR PURSUANT TO SECTIONS 64 (3) AND SECTION 105 (3), PROVIDE SAVING PROVISIONS REGARDING THE STANDING ORDERS OF THE LEGISLATIVE HOUSES DISSOLVED BY THE PRESIDENT AND GOVERNOR IN EXERCISE OF THEIR POWERS UNDER SECTIONS 64(3) AND 105(3) OF THE CONSTITUTION RESPECTIVELY; AND FOR RELATED MATTERS.

Sponsored by Senator Gabriel Torwua Suswam

[] Commencement

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

- | | |
|--|--|
| <p>1 1. The Constitution of the Federal Republic of Nigeria, 1999 (in</p> <p>2 this Bill referred to as the "Principal Act") is altered as follows:</p> | <p>Alteration of
Constitution 1999</p> |
| <p>3 2. Section 64 of the Principal Act is altered by inserting after</p> <p>4 subsection (3), new subsections "(4)" and "(5)":</p> <p>5 "(4) without prejudice to the powers of the person elected as</p> <p>6 President to issue a proclamation for the dissolution of the National</p> <p>7 Assembly and for the holding of the first session of elected members of the</p> <p>8 National Assembly as provided under subsection (3) of this section, the first</p> <p>9 Tuesday immediately following the swearing-in of the person elected as the</p> <p>10 President and dissolution of the National Assembly is hereby designated as</p> <p>11 the day for inaugurating and holding the first session of elected members of</p> <p>12 the National Assembly.</p> | <p>Alteration of
Section 64</p> |
| <p>13 (5) The proclamation issued by the person elected as the President</p> | |

1 in exercise of his powers under subsection (3) of this section shall be addressed
2 in writing and delivered to the Clerk to the National Assembly not later than the
3 eve of the day designated under subsection (4) of this section as the
4 inauguration and day for holding the first session of elected members of the
5 National Assembly."

Alteration of
Section 105

6 **3.** Section 105 of the Principal Act is altered by inserting after
7 subsection (3), new subsections "(4)" and "(5)":

8 "(4) without prejudice to the powers of the person elected as Governor
9 to issue a proclamation for the dissolution and for the holding of the first
10 session of elected members of the State House of Assembly as provided under
11 subsection (3) of this section, the first Tuesday immediately following the
12 swearing-in of the person elected as the Governor and dissolution of the State
13 House of Assembly is hereby designated as the day for inaugurating and
14 holding the first session of elected members of the State House of Assembly.

15 (5) The proclamation issued by the person elected as the Governor in
16 exercise of his powers under subsection (3) of this section shall be addressed in
17 writing and delivered to the Clerk to the State House of Assembly not later
18 than the eve of the day designated under subsection (4) of this section as the
19 inauguration and day for holding the first session of elected members of the
20 National Assembly."

Alteration of
Section 311

21 **4.** Section 311 of the Principal Act is altered by substituting for
22 subsection (2), (3), (4), (5) and (6), new subsection "(2)", "(3)", "(4)", "(5)" and
23 "(6)":

24 "(2) The Standing Orders of the Senate dissolved by the President in
25 exercise of his powers under section 64(3) of the Principal Act shall apply in
26 relation to the Proceedings of the first session of the Senate Convened by the
27 President pursuant to his powers under the Principal Act.

28 (3) The Standing Orders of the House of Representatives dissolved by
29 the President in exercise of his powers under Section 64(3) of the Principal Act
30 shall apply in relation to the Proceedings of the first session of the House of

1 Representatives convened by the President pursuant to his powers under this
2 Constitution.

3 (4) The Standing Orders of the State House of Assembly dissolved
4 by the Governor in exercise of his powers under section 105(3) of the
5 Principal Act shall apply in relation to the proceedings of first session of the
6 State House of Assembly Convened by the Governor pursuant to his powers
7 under this Constitution.

8 (5) The Standing Orders of the legislative Houses dissolved by the
9 President and Governor in exercise of their powers under sections 64(3) and
10 section 105(3) of the Principal Act respectively shall be modified within
11 such a reasonable time after the inauguration and first session of such
12 legislative houses to bring them into conformity with the proceedings of the
13 newly inaugurated legislative houses.

14 (6) In this section "newly Inaugurated legislative houses" refers to
15 the Senate, House of Representatives and State House of Assembly
16 inaugurated following the dissolution of the National Assembly and State
17 House of Assembly by the President and Governor in exercise of their
18 powers under section 64(3) and section 105(3) of this Constitution the
19 (Principal Act) respectively".

20 **5.** This Bill may be cited as the Constitution of the Federal Citation
 Republic of Nigeria (Alteration) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of sections 64, 105 and 311 of the Constitution (Principal Act) to designate a definite day for convening the first session of the National Assembly and State House of Assembly following the exercise of the powers of the President under section 64(3) and 105 (3) of the Constitution respectively. It ensures clarity and certainty with respect to the day for convening and inaugurating elected members of the National Assembly and elected members of the State House of Assembly. It further seeks to ensure smooth transition of legislative powers in the National Assembly and State House of Assembly by stipulating saving provisions regarding the Standing Orders of the Senate, House of Representatives and State House of Assembly dissolved by the President and Governor in exercise of their powers under section 64(3) and section 105(3) of the Principal Act respectively.

LABOUR INSTITUTIONS BILL, 2019

ARRANGEMENT OF SECTIONS

Section:

PART I - OBJECTIVES AND SCOPE OF THE ACT

1. Objectives of the Act
- 2 . Scope and application

PART II - ESTABLISHMENT OF THE NATIONAL LABOUR COUNCIL, ETC.

3. Establishment of the National Labour Council, etc.
4. Tenure of office
5. Cessation of membership of the Council
6. Functions of the Council
7. Financial provisions of the Council.

PART III - NATIONAL COMMISSION FOR CONCILIATION AND

ARBITRATION

8. Establishment of the National Commission for Conciliation and Arbitration
9. Establishment and composition of the Governing Board
10. Tenure of office of the members of the Board
11. Cessation of membership of the Board
12. Allowances, etc. of members of the Board
13. Functions and powers of the Board
14. Functions of the Commission
15. Power of the Commission
16. Director General and other staff of the Commission
17. Commissioners
18. Structure of the Commission
19. Other staff of the Commission
20. Salaries and allowances.
21. Pensions. 2004 No. 2
22. Fund of the Commission
23. Expenditure of the Commission

24. Annual estimates and accounts
25. Annual reports
26. Power to accept gifts
27. Power to borrow
28. Limitation of suits against the Commission., etc.
29. Service of documents
30. Restriction on execution against property of the Commission
31. Indemnity of officers
32. Transitional provisions on Industrial Arbitration Panel

PART IV - EMPLOYMENT EXCHANGES AND FEE CHARGING

EMPLOYMENT AGENCIES

33. Employment exchanges
34. Fee charging employment agencies

PART V - REGISTRAR OF TRADE UNIONS AND EMPLOYERS ASSOCIATIONS

35. Office of Registrar of Trade Unions and Employers Associations.
36. Functions of the Registrar
3. Assistant Registrars

PART VI - MISCELLANEOUS PROVISIONS

38. Power to make Regulations
39. Exemptions of certain enactment
40. Interpretation
41. Short title

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL COMMISSION FOR CONCILIATION AND ARBITRATION, NATIONAL LABOUR COUNCIL, THE OFFICE OF THE REGISTRAR OF TRADE UNIONS, ETC. TO ADMINISTER THE PROVISIONS OF LABOUR LAWS IN NIGERIA AND FOR MATTERS CONNECTED THEREWITH

Sponsored by Senator Sadiq Umar

[] Commencement

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

1 PART I - OBJECTIVES AND SCOPE OF THE ACT

2 1. The objectives of this Act shall be to create labour institutions-

Objectives of
the Act

3 (a) that shall administer the provisions of all the labour laws in
4 Nigeria relating to freedom of association, industrial relations, working
5 conditions and occupational safety and health;

6 (b) in compliance with the principle of tripartism as enjoined by the
7 International Labour Organisation Convention 144 to which Nigeria is a
8 Party and has ratified;

9 (c) that are independent, impartial, flexible, simple and functional;

10 (d) that will facilitate speedy resolutions of labour disputes; and

11 (e) to promote the prevention, containment and resolution of
12 labour disputes.

13 2. Except as otherwise provided in this Act, this Act shall apply to-

Scope and
application

14 (a) all persons, organisations and institutions relating to labour,
15 employment or the workplace; and

16 (b) all matters relating to employment, labour administration,
17 collective bargaining, settlement of labour disputes and registration of trade
18 unions or labour organizations.

Establishment
of the National
Labour Council,
etc.

1 PART II - ESTABLISHMENT OF THE NATIONAL LABOUR COUNCIL, ETC.

2 3.-(1) There is hereby established a body to be known as the National
3 Labour Council (in this Act, referred to as "the Council").

4 (2) The Council shall consist of-

5 (a) the Permanent Secretary of the Federal Ministry of Employment,
6 Labour and Productivity, as part time Chairman;

7 (b) the representative of Government consisting of-

8 (i) the Permanent Secretary with responsibility for matters relating to
9 establishment in the office of the Head of the Civil Service of the Federation,

10 (ii) one representative, not below the rank of a Permanent Secretary in
11 the State Ministry with responsibility for matters relating to labour and
12 establishment matters, from each State of the Federation,

13 (iii) the Director with responsibility for matters relating to
14 establishment in the Ministry of the Federal Capital Territory, Abuja;

15 (c) eight representatives of employers or their alternatives to be
16 nominated by the most representative of the employers' organization; and

17 (d) eight representatives of employees or their alternates to be
18 nominated by the most representative of the employees' organisations.

19 *Cap. 192 LFN.*

20 (3) Subject to this Act and section 27 of the Interpretation Act, the
21 Council shall have power to regulate its proceedings and may make standing
22 orders with respect to the holding of its meetings, and those of its committees,
23 notices to be given, the keeping of minutes of its proceedings, the custody and
24 production for inspection of such minutes and such other matters as the
25 Council may, from time to time, determine.

26 (4) The Council established under subsection (1) of this section shall
27 have its secretariat in a place chosen by the Federal Ministry of Employment,
28 Labour and Productivity.

29 (5) There shall be for the secretariat of the Council, a Secretary who
30 shall-

1 (a) be full time and the head of the secretariat and be responsible for
2 the day to day running of the secretariat;

3 (b) be designated by the Minister from within or outside the
4 Ministry and shall have the status of a Director;

5 (c) be knowledgeable or experienced in labour, social and
6 economic matters;

7 (d) be responsible to the Chairman and the Council;

8 (e) prepare for meetings, take minutes and maintain the books and
9 records of the proceedings of the meeting of the Council; and

10 (f) follow up on the recommendations of the Council, including
11 feed back on previous recommendations, instructions and consultations.

12 (6) The secretariat shall comprise such other categories of
13 professional staff as may be determined, from time to time, by the Council
14 and who shall be under the direction of the Secretary.

15 4. The Council shall come into existence on the date of its first
16 meeting and at the end of 4 years from the date, a new Council shall be
17 constituted, all non governmental members of the Council shall retire, and
18 the Minister shall call for nominations from the respective organisations
19 who may re nominate retired members.

Tenure of office
of members of
the Council

20 5. Notwithstanding the provisions of section 4 of this Act, a person
21 shall cease to be a member of the Council if -

Cessation of
membership of
the Council

22 (a) his or her nomination is withdrawn by the organization or body
23 that nominated him or her;

24 (b) he or she resigns his or her membership by a letter forwarded
25 through his or her nominating organization or body;

26 (c) he or she is certified by a medical practitioner as incapable of
27 discharging the function of his or her office;

28 (d) he or she is declared bankrupt; or

29 (e) he or she is convicted of an offence involving dishonesty or
30 corruption.

Functions of
the Council

1 (2) If a member or the alternate fails to attend half of the meetings
2 called in a one year, that member or the alternate may be removed by the
3 Council and the removal of such member or alternate shall not affect the
4 quorum of the meeting of the Council.

5 (3) Where a vacancy exists in the membership of the Council, it may
6 be filled at any time and any person nominated to fill such vacancy shall hold
7 office for the unexpired tenure of the person he succeeds.

8 6.-(1) The Council shall -

9 (a) advise the Minister with responsibility for employment, labour
10 and productivity on the application and operation of all labour laws and the
11 International Labour Conventions and Recommendations;

12 (b) consider and make recommendations on socio economic issues
13 that impact on labour in relation to overall national development;

14 (c) review, from time to time, the operation of all labour legislation
15 and advise on any amendments which it may consider desirable;

16 (d) examine, appraise and advise on the position of industrial
17 relations and conditions of employment;

18 (e) make recommendations to the Minister on the formulation of any
19 Regulations as may be required for the implementation of labour legislation in
20 Nigeria;

21 (f) re examine at appropriate intervals, International Labour
22 Organization Conventions yet to be ratified by Nigeria and consider what
23 measures might be taken to promote their ratification and advise appropriately;

24 (g) promote consultations among the social partners prior to the
25 International Labour Organization conferences and meetings;

26 (h) advise, as appropriate, on the observance of Government's
27 obligations under the International Labour Organization; and

28 (i) carry out such other functions or duties as may be conferred upon it
29 by any other enactment or law or as the Minister may, from time to time,
30 request.

- 1 (2) The Council shall have power to -
- 2 (a) establish any committee or such number of sub committees and
- 3 appoint or co opt any person (whether or not a member of the Council) as a
- 4 member of such committee or sub committee;
- 5 (b) do anything in respect of any matter as may be specifically
- 6 conferred upon it under this Act or any other enactment or law.

7 7.-(1) The activities of the Council shall be funded by the Federal

8 Government from the budgetary provisions of the Ministry in a specific

9 budget sub head clearly designated for that purpose.

Financial
provisions of
the Council

10 (2) Members of the Council shall be paid such allowances and such

11 other remuneration as may be approved, from time to time, by the Federal

12 Government.

13 PART III - NATIONAL COMMISSION FOR CONCILIATION AND

14 ARBITRATION

15 *Establishment and Composition of the National Commission for*

16 *Conciliation and Arbitration*

17 8.-(1) There is hereby established a body to be known as the

18 National Commission for Conciliation and Arbitration (in this Act referred

19 to as "the Commission") which shall be generally responsible for

20 conciliation and arbitration of labour disputes.

Establishment
of the National
Commission for
Conciliation and
Arbitration

- 21 (2) The Commission -
- 22 (a) shall be a body corporate with common seal and perpetual
- 23 succession;
- 24 (b) may sue or be sued in its corporate name; and
- 25 (c) may own moveable or immovable properties.

26 9.-(1) There is hereby established a governing body for the

27 Commission to be known as the National Commission for Conciliation and

28 Arbitration Governing Board (in this Act referred to as "the Board").

Establishment
and composition
of the Governing
Board

29 (2) The Board shall consist of-

- 30 (a) a part time Chairman;

1 (b) three representatives of the Government, one of whom shall be
 2 from the Federal Ministry of Employment, Labour and Productivity and the
 3 other two shall be persons versed in matters relating to labour and industrial
 4 relations;

5 (c) three representatives of employers;

6 (d) three representatives of the organised labour;

7 (e) three full time Commissioners, at least one of whom shall be -

8 (i) be a woman,

9 (ii) a legal practitioner;

10 (f) two persons to represent the public interest one of whom shall be a
 11 woman; and

12 (g) the Director General of the Commission.

13 (3) The Chairman and members of the Board, other than those in
 14 paragraphs (c) and (d) of subsection (2) of this section, shall be appointed by
 15 the President-

16 (a) in the case of members specified in paragraphs (a), (b) and (g) of
 17 subsection (2) of this section, on the recommendation of the Minister; and

18 (b) in the case of members specified in paragraphs (e) and (f) of that
 19 subsection, on the recommendation of the National Labour Council.

20 Schedule.

21 (4) The supplementary provisions set out in the Schedule to this Act
 22 shall have effect with respect to the proceedings of the Commission and the
 23 other matters mentioned therein.

Tenure of office
of the members
of the Board

24 **10.** The Chairman and members of the Board shall hold office for a
 25 term of 4 years in the first instance and may be re appointed for another term of
 26 4 years and no more.

Cessation of
membership
of the Board

27 **11.** Notwithstanding section 10 of this Act, a member of the Board
 28 shall cease to be a member if-

29 (a) he or she is certified by a medical practitioner as incapable of
 30 discharging the function of his or her office;

- 1 (b) he or she resigns his or her appointment or ceases to hold office
 2 in respect of which he or she was nominated;
 3 (c) he or she becomes bankrupt;
 4 (d) he or she is convicted of an offence involving dishonesty or
 5 corruption.

6 **12.** The Chairman and members of the Board shall be paid such Allowances, etc.
 7 allowances and other remuneration as may be approved, from time to time, of members
 8 by the Federal Government.

9 **13.** The Board shall -

- 10 (a) be responsible for the formulation of broad policies for the Functions and
 11 Commission; powers of the
 12 (b) appoint a specified number of conciliators and arbitrators;
 13 (c) approve appointment of the Chief Registrar, officers and staff
 14 of the Commission on such terms and conditions as may be determined,
 15 from time to time, by the Board; and
 16 (d) perform such other functions as in its opinion is necessary or
 17 expedient in the discharge of the functions of the Commission under this
 18 Act.

19 *Functions and Powers of the Commission*

20 **14.-(1)** The Commission shall perform such functions and powers Functions of
 21 are conferred on it by this Act, the Collective Labour Relations Act, the the Commission
 22 Labour Standards Act and any other enactment or law.

23 (2) Subject to subsection (1) of this section, the functions of the
 24 Commission shall include to-

- 25 (a) undertake-
 26 (i) conciliation of labour disputes including individual disputes,
 27 and
 28 (ii) arbitration of labour disputes;
 29 in accordance with the procedures set out in the Collective Labour Relations
 30 Act;

1 (b) register collective bargaining councils for the public sector and the
2 joint industrial councils for the private sector in accordance with the provisions
3 of the Collective Labour Relations Act;

4 (c) register persons qualified to be independent conciliators and
5 arbitrators under this Act and maintain a data base in that respect;

6 (d) promote training and capacity building of conciliators and
7 arbitrators;

8 (e) advise, as it thinks fit, on request or otherwise, provide without
9 charge, to employers, employees, employers' organisations or employees'
10 organisations such advice as it thinks appropriate on any matter concerned with
11 industrial relations or employment policies;

12 (f) issue codes of practice containing such practical guidelines as it
13 thinks fit for promoting the improvement of industrial relations;

14 (g) make rules regulating the practice and procedures to be adopted in
15 conciliation and arbitration proceedings;

16 (h) register the decisions or awards by conciliators and arbitrators
17 arising from conciliation and arbitration proceedings;

18 (i) compile and publish information and statistics about its activities;
19 and

20 (j) perform any other functions or duties as are necessary for the full
21 discharge of its functions under this Act.

Power of the
Commission

22 **15.** The Commission shall have power to-

23 (a) charge fees for its activities including fees for conciliation and
24 arbitration proceedings, training and capacity building of conciliators and
25 arbitrators, registration of joint industrial councils and collective bargaining
26 councils;

27 (b) set standards and guidelines for qualification for registration as
28 conciliator or arbitrator under this Act; and

29 (c) do anything which in its opinion is expedient and necessary for the
30 efficient performance of its functions under this Act.

1 *Management and Staff of the Commission*

2 **16.**-(1) There shall be for the Commission, a Director General who Director General
and other staff of
the Commission
3 shall-

4 (a) be appointed by the President on the recommendation of the
5 Minister after consultation with the National Labour Council;

6 (b) be knowledgeable of and experienced in industrial relations,
7 labour law or labour disputes resolutions; and

8 (c) be the chief executive and accounting officer of the
9 Commission.

10 (2) The Director General shall hold office-

11 (a) for a term of 5 years in the first instance and may be re appointed
12 for another term of 5 years and no more; and

13 (b) on such terms and conditions as may be contained in his letter of
14 appointment.

15 **17.**-(1) There shall be appointed for the Commission, three full Commissioners
16 time Commissioners who shall each-

17 (a) be knowledgeable and experienced in industrial relations law
18 and practice, conciliation and arbitration of labour disputes; and

19 (b) be fit and proper person of high integrity and good standing.

20 (2) The Commissioners appointed pursuant to subsection (1) of
21 this section, shall hold office-

22 (a) for a term of 4 years in the first instance and may be re appointed
23 for a further term of 4 years and no more; and

24 (b) on such terms and conditions as may be contained in their
25 letters of appointment.

26 **18.**-(1) There shall be established for the Commission, at least the Structure of the
Commission
27 following structure, that is-

28 (a) the department of administration;

29 (b) the department of operations;

30 (c) the department of information and research; and

	1	(d) the Registry.
	2	(2) The 3 Commissioners shall each be charged with responsibility
	3	for the three departments in paragraphs (a), (b) and (c) respectively.
	4	(3) The Registry shall be headed by a Chief Registrar who shall -
	5	(a) be a legal practitioner and shall have the same status of a Chief
	6	Registrar of a High Court; and
	7	(b) be appointed by the Commission.
Other staff of the Commission	8	19. -(1) The Commission may, subject to the approval of the Board,
	9	appoint such other staff as it may deem necessary and expedient, from time to
	10	time-
	11	(a) for the proper and efficient performance of the functions of the
	12	Commission; and
	13	(b) on such terms and conditions as may be determined, from time to
	14	time, by the Board.
	15	(2) Notwithstanding the provisions of subsection (1) of this section,
	16	employees of the Authority may be appointed by way of transfer or
	17	secondment from any of the public services of the Federation.
Salaries and allowances	18	20. -(1) The salaries and allowances of the Director General and the
	19	Commissioners shall be charged on the Consolidated Revenue Fund of the
	20	Federation.
	21	(2) The officers and staff of the Commission shall be paid such salary,
	22	emolument and allowances as may be approved, from time to time, by the
	23	Board.
Pensions 2004 No. 2	24	21. It is hereby declared that service in the Commission shall be
	25	subject to the provisions of the Pension Reform Act, and accordingly, officers
	26	and employees of the Commission shall be entitled to pensions and other
	27	retirement benefits as are prescribed under the Pension Reform Act.
	28	<i>Financial Provisions of the Commission</i>
Fund of the Commission	29	22. -(1) The Commission shall establish and maintain a fund from
	30	which all its expenses will be defrayed.

1 (2) The fund established under subsection (1) of this section shall
2 consist of-

- 3 (a) the initial take off grant from the Federal Government;
4 (b) annual subvention from the Federal Government;
5 (c) fees and commissions charged by the Commission pursuant to
6 its functions under this Act or any other enactment or law;
7 (d) gifts and grants in aid from any national or international
8 organisation; and
9 (e) all sums of money accruing to the Commission by way of gifts,
10 testamentary dispositions and endowments and contributions from any
11 other sources whatsoever.

12 **23.** The Commission may, from time to time, apply the proceeds of
13 the fund established under section 22 of this Act-

Expenditure of
the Commission

- 14 (a) to the cost of administration of the Commission;
15 (b) to the payment of the emoluments, allowances and benefits of
16 members of the Board and for reimbursing members of the Board or of any
17 committee set up by the Board and for such expenses as may be expressly
18 authorised by the Board;
19 (c) to the payment of the salaries, fees or other remuneration or
20 allowances, gratuities and pensions, and other benefits payable to the staff or
21 employees of the Commission;
22 (d) for the development and maintenance of any property vested in
23 or owned by the Commission; and
24 (e) for and in connection with all or any of its functions under this
25 Act or any other enactment or law.

26 **24.-(1)** The Commission shall, not later than 30th September in
27 each year, submit to the President, through the Minister, an estimate of its
28 expenditure and income (including payments to the Commission fund) for
29 the next succeeding year.

Annual estimates
and accounts

30 (2) The Commission shall keep proper accounts in respect of each

	1	year and proper records in relation to those accounts and shall cause its
	2	accounts to be audited within 6 months after the end of each year by auditors
	3	appointed from the list and in accordance with the guidelines supplied by the
	4	Auditor General for the Federation.
Annual reports	5	25. The Commission shall prepare and submit to the President,
	6	through the Minister, not later than 30th June in each year a report in such form
	7	as the President may direct on the activities of the Commission during the
	8	immediately preceding year, and shall include in the report a copy of the
	9	audited accounts of the Commission for that year and of the auditor's report
	10	thereon.
Power to accept gifts	11	26.-(1) The Commission may accept gift of land, money or other
	12	property on such terms and conditions, if any, as may be specified by the person
	13	or organisation making the gift.
	14	(2) The Commission shall not accept any gift if the conditions
	15	attached by the person or organisation making the gift are inconsistent with the
	16	functions of the Commission under this Act.
Power to borrow	17	27. The Commission may, with the approval of the President, borrow
	18	by way of loan, overdraft or otherwise from any source such sums as it may
	19	require for the performance of its functions and meeting its obligations under
	20	this Act.
	21	<i>Legal Proceedings Against the Commission</i>
Limitation of suits against the Commission, etc. Cap. 379 LFN	22	28.-(1) Subject to the provisions of this Act, the provisions of the
	23	Public Officers Protection Act shall apply in relation to any suit instituted
	24	against any member or officer or employee of the Commission.
	25	(2) Notwithstanding anything contained in any other law or
	26	enactment, no suit against a member of the Board, the Director General of the
	27	Commission or any other officer or employee of the Commission for any act
	28	done in pursuance or execution of this Act or any other law or enactment, or of
	29	any public duties or authority or in respect of any alleged neglect or default in
	30	the execution of this Act or any other law or enactment, duties or authority,

1 shall lie or be instituted in any court unless it is commenced-

2 (a) within three months next after the act, neglect or default
3 complained of; or

4 (b) in the case of a continuation of damage or injury, within six
5 months next after the ceasing thereof.

6 (3) No suit shall be commenced against a member of the Board, the
7 Director General of the Commission or any other officer or employee of the
8 Commission before the expiration of a period of one month after written
9 notice of the intention to commence the suit shall have been served on the
10 Commission by the intending plaintiff or his agent.

11 (4) The notice referred to in subsection (3) of this section shall
12 clearly and explicitly state-

13 (a) the cause of action;

14 (b) the particulars of the claim;

15 (c) the name and place of abode of the intending plaintiff; and

16 (d) the relief which he claims.

17 **29.** A notice, summons or other document required or authorised
18 to be served on the Commission under the provisions of this Act or any other
19 law or enactment may be served by delivering it to the Director General of
20 the Commission or by sending it by registered post addressed to the Director
21 General of the Commission at the principal office of the Commission.

Service of
documents

22 **30.-(1)** In any action or suit against the Commission, no execution
23 or attachment of process in the nature thereof shall be issued against the
24 Commission unless not less than three months notice of the intention to
25 execute or attach has been given to the Commission.

Restriction on
execution against
property of the
Commission

26 (2) Any sum of money which by the judgment of any court has been
27 awarded against the Commission shall, subject to any direction given by the
28 court, where no notice of appeal against the judgment has been given, be
29 paid from the fund of the Commission.

Indemnity of
officers

1 **31.** A member of the Board, the Director General or any officer or
2 employee of the Commission shall be indemnified out of the assets of the
3 Commission against any liability incurred by him in defending any
4 proceeding, whether civil or criminal, if the proceeding is brought against him
5 in his capacity as a member, Director General or officer or other employee of
6 the Commission, as the case may be.

7 *Transitional Provisions Relating to the Industrial Arbitration Panel*

Transitional
provisions on
Industrial
Arbitration Panel

8 **32.** Anything done or purported to have been done under any repealed
9 enactment or law relating to the Industrial Arbitration Panel or the Ministry
10 shall remain valid and as from the commencement of this Act, the Commission
11 established pursuant to this Act shall take over all functions of the Industrial
12 Arbitration Panel.

13 PART IV - EMPLOYMENT EXCHANGES AND FEE CHARGING

14 EMPLOYMENT AGENCIES

Employment
exchanges

15 **33.**-(1) The Ministry may establish such number of employment
16 exchanges as may be necessary, from time to time, after consultation with the
17 most representative trade unions and employers' associations.

18 (2) The functions of the employment exchanges established under
19 subsection (1) of this section shall include the following, that is-

20 (a) making suitable placement of persons seeking employment in
21 Nigeria;

22 (b) integrating the employment market into national development
23 plans;

24 (c) making the best use of productive resources;

25 (d) facilitating occupational and geographical mobility; and

26 (e) collecting and analysing employment market information relating
27 particularly to the needs of certain categories of employees and disseminating
28 such information to the general public.

29 (3) Any services offered by the employment exchanges shall be at no
30 fee whatsoever.

1 (4) For purposes of subsection (2) of this section, the Minister may
2 make regulations generally for-

3 (a) prescribing the particulars relating to applications and
4 vacancies for employment including the necessary forms; and

5 (b) efficient functioning of the employment exchanges.

6 (5) The staff of the employment exchanges shall be composed of
7 public officers whose status and conditions of service are such that they are
8 independent of government changes and improper external influences and
9 enjoy stability of employment.

10 **34.-(1)** No person shall establish or operate a fee charging
11 employment agency except with the written consent of the Minister.

Fee charging
employment
agencies

12 (2) No private employment agency shall not charge any fee or cost
13 whatsoever, directly or indirectly, in whole or in part to any employee for
14 services rendered by the agency.

15 (3) The Minister may make regulations providing for the
16 supervision and control of fee charging employment agencies.

17 (4) In this section, "fee charging employment agency" means-

18 (a) an agency conducted by any person who acts as an intermediary
19 for the purpose of procuring employment for a person or supplying a person
20 for employment with a view to deriving either directly or indirectly any
21 pecuniary or other material advantage; or

22 (b) an agency for conducting the placing services of any company,
23 institution, agency or other organization which, although the agency is not
24 conducted with a view to obtaining any pecuniary or other material
25 advantage, levies from either employer or employee for those services an
26 entrance fee, a periodical contribution or any other charge.

27 (5) Any person who contravenes subsection (1) of this section,
28 commits an offence and shall liable on conviction to the administrative
29 penalty specified in the First Schedule to the Labour Standards Act.

First Schedule
of 2005 No.....

	1	PART V - REGISTRAR OF TRADE UNIONS AND EMPLOYERS ASSOCIATIONS
Office of Registrar of Trade Unions and Employers Associations	2	35.-(1) There shall be established an office and position of the
	3	Registrar of Trade Unions and Employers Associations (in this Act referred to
	4	as "the Registrar").
	5	(2) The Registrar shall-
	6	(a) be appointed by the Minister on the recommendation of the
	7	National Labour Council;
	8	(b) have his office in the Federal Ministry of Employment, Labour
	9	and Productivity;
	10	(c) be a legal practitioner with experience in labour administration
	11	and whose appointment shall be gazetted.
	12	(3) The financial requirements and expenditures of the Registrar and
	13	his office shall be part of the budget of the Ministry.
	14	(4) The office of the Registrar shall be an equivalent of a head of a
	15	department in the Ministry.
Functions of the Registrar	16	36. The Registrar shall perform any function and have power to do
	17	anything which is required or authorised to be done under the Collective
	18	Labour Relations Act, Labour Standards Act or any other enactment or law or
	19	any Regulations made thereunder.
Assistant Registrars	20	37. The Minister may appoint such number of Assistant Registrars of
	21	Trade Union and Employers Associations to assist the Registrar in the
	22	performance of his or her functions pursuant to section 36 of this Act or any
	23	other enactment or law as may be necessary from time to time.
	24	PART VI - MISCELLANEOUS PROVISIONS
Power to make Regulations	25	38. The Minister may, on the recommendation of the Council, make
	26	Regulations generally for giving full effect to the provisions of this Act and in
	27	respect of matters not specifically provided for under this Act.
Exemptions of certain enactment Cap. 19 LFN	28	39. The Arbitration and Conciliation Act 1990 shall not apply to any
	29	labour disputes under this Act, the Collective Labour Relations Act, Labour
	30	Standards Act or any other labour related enactment or law.

1	40. In this Act, unless the context otherwise requires-	Interpretation
2	"Board" means the National Commission for Conciliation and Arbitration	
3	Governing Board established under section 9 of this Act;	
4	"Chairman" means the Chairman of the National Labour Council	
5	established under section 3 of this Act or the Chairman of the National	
6	Commission for Conciliation and Arbitration Governing Board established	
7	under section 9 of this Act, as the case may be;	
8	"collective bargaining councils" means the bargaining councils established	
9	pursuant to the Collective Labour Relations Act for the purposes of	
10	bargaining with a view to reaching collective agreement in matters relating	
11	to terms and conditions of employment;	
12	"Commission" means the National Commission for Conciliation and	
13	Arbitration established under section 8 of this Act;	
14	"Commissioner" means a Commissioner of the National Commission for	
15	Conciliation and Arbitration appointed pursuant to section 17 of this Act;	
16	"Council" means the National Labour Council established under section 3 of	
17	this Act;	
18	"Director General" means the Director General of the National Commission	
19	for Conciliation and Arbitration appointed pursuant to section 16 of this Act;	
20	"joint industrial councils" means the joint industrial councils established	
21	pursuant to the Collective Labour Relations Act for purposes of reaching	
22	collective agreements on matters relating to terms and conditions of	
23	employment;	
24	"member" means a member of the National Labour Council established	
25	under section 3 of this Act or a member of the National Commission for	
26	Conciliation and Arbitration established under section 8 of this Act, as the	
27	case may be, and the expression shall include the Chairman;	
28	"Minister" means the Minister with responsibility for matters relating to	
29	employment, labour and productivity and Ministry shall be construed	
30	accordingly;	

1 "President" means the President of the Federal Republic of Nigeria;
2 "President of the Court" means the President of the National Industrial Court
3 appointed pursuant to section 43 of this Act;
4 "Registrar" means the Registrar of Trade Unions and Employers Associations
5 appointed pursuant to section 35 of this Act.

Short title

6 **41.** This Bill may be cited as the Labour Institutions (Establishment,
7 etc.) Bill, 2019.

8 SCHEDULE

9 *Section 9 (4)*

10 SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

11 *Proceedings of the Board*

Cap. 192 LFN

12 1. Subject to this Act and section 27 of the Interpretation Act, the
13 Board shall have power to regulate its proceedings and may make standing
14 orders with respect to the holding of its meetings, and those of its committees,
15 notices to be given, the keeping of minutes of its proceedings, the custody and
16 production for inspection of such minutes and such other matters as the Board
17 may, from time to time, determine.

18 2.-(1) There shall be at least four ordinary meetings of the Board in
19 every calendar year and subject thereto, the Board shall meet whenever it is
20 convened by the Chairman, and if the Chairman is requested to do so by notice
21 given to him by not less than 3 other members, he shall convene a meeting of
22 the Board to be held within 14 days from the date on which the notice was
23 given.

24 (2) Every meeting of the Board shall be presided over by the
25 Chairman and if the Chairman is unable to attend a particular meeting, the
26 members present at the meeting shall elect one of their number to preside at the
27 meeting.

28 3. The quorum of any meeting of the Commission shall consist of the
29 Chairman (or in an appropriate case, the person presiding at the meeting
30 pursuant to paragraph 2 of this Schedule) and six other members comprising of

1 not less than one representative each of the Government, employers and
2 employees respectively.

3 4. The Commission shall meet for the conduct of its business at
4 such places and on such days as the Chairman may appoint.

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

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

10 7. Where the Commission seeks the advice of any person on a
11 particular matter, the Commission may invite that person to attend for such
12 period as it thinks fit, but a person who is invited by virtue of this paragraph
13 shall not be entitled to vote at any meeting of the Commission and shall not
14 count towards the quorum.

15 *Committees*

16 8. The Commission may appoint one or more committees to carry
17 out on behalf of the Commission such of its functions as the Board may
18 determine and report on any matter with which the Commission is
19 concerned.

20 9. A committee appointed under paragraph 8 of this Schedule shall
21 be presided over by a member of the Commission and consist of such
22 number of persons (not necessarily all members of the Commission) as may
23 be determined by the Commission, and a person other than a member of the
24 Commission shall hold office on the committee in accordance with the terms
25 of his appointment.

26 10. A decision of a committee of the Commission shall be of no
27 effect until it is confirmed by the Commission.

28 *Miscellaneous*

29 11. The fixing of the seal of the Commission shall be authenticated
30 by the signature of the Chairman and the Director General or the Director

1 General and such other person authorised by the Commission to act for that
2 purpose.

3 12. A contract or an instrument which, if made or executed by any
4 person not being a body corporate, would not be required to be under seal, may
5 be made or executed on behalf of the Commission by the Chairman or the
6 Secretary or by any person generally or specifically authorised to act for that
7 purpose by the Commission.

8 13. A document purporting to be a contract, an instrument or other
9 document signed or sealed on behalf of the Commission shall be received in
10 evidence and, unless the contrary is proved, be presumed without further proof,
11 to have been properly signed or sealed.

12 14. The validity of any proceedings of the Commission or its
13 committees shall not be affected by-

14 (a) any vacancy in the membership of the Commission or its
15 committees;

16 (b) reason that a person not entitled to do so took part in the
17 proceedings; or

18 (c) any defect in the appointment of a member.

19 15. Any member of the Commission or committee thereof who has a
20 personal interest in any contract or arrangement entered into or proposed to be
21 considered by the Commission or any committee thereof-

22 (a) shall forthwith disclose his interest to the Commission or
23 committee; and

24 (b) shall not vote on any question relating to the contract or
25 arrangement.

EXPLANATORY MEMORANDUM

The Bill seeks to establish the relevant labour institutions namely the National Labour Council, National Commission for Conciliation and Arbitration, the office of the Registrar of Trade Unions and Employers Associations, amongst others, to administer all legislation on matters relating to labour, terms and conditions of employment and industrial relations including speedy resolution of labour disputes.