

Extraordinary



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FEDERAL COLLEGE OF EDUCATION MUTUMU BIYU, TARABA STATE

BILL, 2019

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MUTUM BIYU, TARABA STATE

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A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF EDUCATION MUTUM BIYU, TARABA STATE WHICH WILL AMONG OTHER THINGS SHALL BE TO PROVIDE FULL-TIME COURSES OF TEACHING, INSTRUCTION AND TRAINING IN TECHNOLOGY, APPLIED SCIENCES, COMMERCE, ARTS, SOCIAL SCIENCES, HUMANITIES AND MANAGEMENT AND TO CARRY OUR RESEARCH IN THE DEVELOPMENT AND ADAPTATION OF TECHNIQUES; AND ALSO MAKE PROVISION FOR THE APPOINTMENT OF A PROVOST AND THE OFFICIALS OF EACH COLLEGE TO CARRY OUT THE ADMINISTRATION AND THE DISCIPLINE OF STUDENTS OF THE COLLEGE AND FOR RELATED MATTERS

Sponsored by Senator Yusuf Abubakar Yusuf

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1 PART I - ESTABLISHMENT OF FEDERAL COLLEGE OF EDUCATION 2 MUTUM BIYU, TARABA STATE

3 1.-(1) There are hereby established the Federal College of
4 Education Mutum Biyu, Taraba State specified in the First Schedule to this
5 Bill (in this Bill referred to as "College") which shall have such powers and
6 exercise such functions as are conferred on them by this Bill.

Establishment of
Federal College of
Education Mutum
Biyu, Taraba
State

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

11 2.-(1) The governance of the College and the direction of its affairs
12 shall vest in the Governing Council of the College concerned (in this Bill
13 referred to as "the Council").

Governing
Council of the
College

14 (2) Without prejudice to the generality of subsection (1) of this
15 section, it shall be the responsibility of the Council to consider and approve:

16 (a) the plan of activities of the College;

	1	(b) the programme of studies, courses, and research to be undertaken
	2	by the College;
	3	(c) the annual estimates of the College; and
	4	(d) the investments plans of the College.
Membership of the Council	5	3.-(1) The Council of the College, shall consist of a chairman and the
	6	following other members, to be appointed by the Governor / President-
	7	(a) a representative of the federal/state Ministry responsible for
	8	education;
	9	(b) a representative of the University, who in the case of degree
	10	awarding College; shall come from the university to which the College is
	11	affiliated for the purpose of moderation;
	12	(c) a representative of the alumni association of the college;
	13	(d) three persons appointed on individual merit on a nationwide/local
	14	government basis who should have wide experience of service in the public or
	15	private sector;
	16	(e) two representatives of the Academic Board of the College;
	17	(f) one representative of the National / State Commission for Women;
	18	(g) a presentative of the National / state Commission for Colleges of
	19	Education; and
	20	(h) the Provost of the College.
Tenure of Office of Members of the Council	21	4.-(1) A member of the Council (other than an ex-officio member)
	22	shall hold office for a term of three years and subject to the provisions of
	23	subsection (2) of this section, shall be eligible for re-appointment for a further
	24	period of three years.
	25	(2) The office of a member appointed under sections 2 (1) (d) and 3 (2)
	26	(d) of this Bill shall become vacant if:
	27	(a) the member resigns his office by notice in writing under his hand,
	28	addressed to the Minister/Commissioner; or
	29	(b) the Minister/Commissioner is satisfied that it is not in the interest
	30	of the College for the person appointed to continue in office and notifies the

1 member in writing to that effect.

2 **5.** The functions of the College shall be-

Functions of the
College

3 (a) to provide full-time courses in teaching, instruction and
4 training-

5 (i) in technology, applied science, commerce, arts, social sciences,
6 humanities and management ; and

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

11 (b) to conduct courses in education for qualified teachers;

12 (c) to arrange conferences, seminars and workshops relative to the
13 fields of learning specified in paragraph 9a) of this section; and

14 (d) to perform such other functions as in the opinion of the Council
15 may serve to promote the objectives of the College.

16 **6.-(1)** For the carrying out of the functions of each college, the
17 Council shall have power to-

Powers of the
Council

18 (a) hold examinations and grant diplomas, professional certificates
19 and other distinctions to persons who have pursued a course of study
20 approved and accredited by the National Commission for Colleges of
21 Education;

22 (b) demand and receive from any student or any other person
23 attending the College for the purpose of instruction such fees as the Council
24 may, with the prior approval of the Minister/Commissioner, from time to
25 time determine;

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

28 (d) make gifts for any charitable purpose;

29 (e) hold examinations in education for qualified teachers;

30 (f) provide amenities for and make such other provision for the

- 1 welfare of the staff of the College;
- 2 (g) invest the funds of the College in securities specified by law in
- 3 such other securities in Nigeria as may be approved by the Minister;
- 4 (h) borrow money within Nigeria in such manner and upon such
- 5 security as the Minister may from time to time authorize;
- 6 (i) enter into such contracts as may be necessary or expedient for
- 7 carrying into effect the objectives of the College;
- 8 (j) recruit staff of the right caliber and determine the career structure
- 9 of such staff;
- 10 (k) establish and maintain such schools and other teaching units
- 11 within the College or extramural departments as the Council may, from time to
- 12 time, decide;
- 13 (l) institute and award fellowships, medals, prizes and other titles;
- 14 (m) mount exhibitions and displays designed to foster an appreciation
- 15 of trends in and the scope and requirements of education;
- 16 (n) erect, provide, equip and maintain such educational, recreational
- 17 and residential facilities as the College may require;
- 18 (o) create lectureships and other academic posts and offices and to
- 19 make appointments thereto;
- 20 (p) encourage and make provision for research in the College; and
- 21 (q) do such acts and things whether or not incidental to the foregoing
- 22 powers as may advance the objects of the College.
- 23 (2) The power of the Council to establish further schools within the
- 24 College shall be exercisable by order and not otherwise.
- 25 **7.-(1)** The Minister/Commissioner of Education shall be the Visitor of
- 26 each College.
- 27 (2) The Visitor shall, not less than one in every five years, conduct a
- 28 visitation of the College or appoint a visitation panel consisting of not less than
- 29 five experts to conduct the visitation-
- 30 (a) for the purpose of evaluating the academic and administrative

Visitation

1 performance of the College; or

2 (b) for such other purpose or in respect of any other affairs of the
3 College as the Visitor may deem fit.

4 **8.-(1)** There shall be established for each College a board to be
5 known as the Academic Board which shall consist of the following
6 members-

The Academic
Board and its
functions

7 (a) the Provost of the College who shall be chairman;

8 (b) all heads of departments;

9 (c) the College Librarian; and

10 (d) not more than two members of the academic staff other than
11 heads of departments to be appointed by the Council.

12 (2) The Academic Board shall be responsible for-

13 (a) the direction and management of academic matters of the
14 College including the regulation of admission of students, the award of
15 certificates, scholarships, prizes and other academic distinctions;

16 (b) making periodic reports on such academic matters to the
17 Council as the Council may from time to time direct;

18 (c) discharging any other functions which the Council may from
19 time to time delegate to it.

20 **9.** Subject to the provisions of this bill, the Minister/Commissioner
21 may give to the Council directions of a general character or relating
22 generally to matters of policy with regard to the exercise by the Council of
23 its functions under this Bill and it shall be the duty of the Council to comply
24 with such directions.

Power of Minister/
Commissioner
to give Direction
to the Council

25 **10.-(1)** There shall be a Provost of each College (in this Bill
26 referred to as "the Provost") who shall be appointed by the
27 President/Governor, in accordance with the provisions of this section.

The Provost of
the College

28 (2) Where a vacancy occurs in the post of Provost, the Council
29 shall-

30 (a) advertise a vacancy in a reputable journal or a widely read

- 1 newspaper in Nigeria specifying-
- 2 (i) the qualities of the person who may apply for the post;
- 3 (ii) the terms and conditions of service applicable to the post;
- 4 and thereafter draw up a short list of suitable candidates for consideration;
- 5 (b) constitute a search team consisting of-
- 6 (i) a member of the Council not being a member of the Academic
- 7 Board, as chairman;
- 8 (ii) two members of the academic Board not below the rank of chief
- 9 lecturer;
- 10 (iii) two members of the academic community of the College not
- 11 below the rank of chief lecturer to be selected by the Council, to identify and
- 12 draw up a short list of suitable persons who are not likely to apply for the post
- 13 for any reason whatsoever.
- 14 (3) A joint Council and Academic Selection Board consisting of-
- 15 (a) the chairman of the Council;
- 16 (b) two members of the Council not being members of the Academic
- 17 Board;
- 18 (c) two members of the Academic Board not below the rank of chief
- 19 lecturer, who were not members of the search team, shall consider the
- 20 candidates and persons on the short lists drawn up under subsection (2) of this
- 21 section through an examination of their curriculum vitae and interview with
- 22 them and recommend through the Council to the President, three candidates for
- 23 his consideration.
- 24 (4) The President/Governor shall appoint as Provost one of the
- 25 candidates recommended to him under the provisions of subsection (3) of this
- 26 section.
- 27 (5) Subject to this Bill and the general control of the Council, the
- 28 Provost shall be the chief executive of the College and shall be charged with
- 29 general responsibility for matters relating to the day-to-day management
- 30 operations of the College.

1 (6) The Provost-

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

5 (b) may be reappointed for one further period of four years and no
6 more.

7 **11.-(1)** There shall be for the College a Deputy Provost.

Deputy Provost

8 (2) The Council shall appoint the Deputy Provost from among the
9 chief lecturers in the College in one of the following ways, that is-

10 (a) from a list of three candidates in order of preference, submitted
11 by the Provost;

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

14 (c) on the nomination of the Provost.

15 (3) The Selection Board referred to in subsection (2) of this section
16 shall-

17 (a) Consist of-

18 (i) The chairman of the Council;

19 (ii) the Provost;

20 (iii) two members of the Council not being members of the
21 Academic Board;

22 (iv) two members of the Academic Board; and

23 (b) make such inquiries as it deems fit before making the
24 recommendation required under that subsection.

25 (4) The Deputy Provost shall-

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

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

30 (c) perform such other functions as the Provost or the council may,

1 from time to time, assign to him.

2 (5) The Deputy Provost-

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

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

The Registrar
and other staff
of each College

8 **12.-(1)** The Council of the College shall appoint a Registrar to such
9 College (hereinafter referred to as the "Registrar") who shall keep the records
10 and conduct the correspondence of the Council and shall perform such other
11 duties as the Council and subject thereto as the Provost may from time to time
12 direct.

13 (2) The Registrar shall, in addition to other duties conferred on him by
14 this Bill, be the secretary to the council, the Academic Board and any
15 committee of the Council and in his absence, the Councilor any such
16 committee may appoint some other person to act as secretary, and he shall not
17 vote on any question before the Councilor count towards a quorum.

18 (3) A Registrar-

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

22 (b) may be reappointed for one further period of five years and no
23 more.

24 (4) Where, on the commencement of this section, a Registrar
25 appointed before the commencement of this section has held office-

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

28 (b) for more than five years but less than ten years, he shall complete
29 the maximum period of ten years and thereafter relinquish his post and be
30 assigned other duties in the College;

1 © for ten years or more, the Council may allow him to serve as
2 Registrar for a further period of one year only and thereafter he shall
3 relinquish his post and be assigned other duties in the College.

4 **13.-(1)** There shall be for the College the following principal
5 officers in addition to the Registrar, that is-

Other Principals
Officers of the
College

6 (a) the Bursar; and

7 (b) the College Librarian, who shall be appointed by the Council on
8 the recommendation of the Selection Board constituted under section 9(3)
9 of this Bill.

10 (2) The Bursar shall be the chief financial officer of the College and
11 be responsible to the Provost for the day-to-day administration and control
12 of the financial affairs of the College.

13 (3) The College Librarian shall be responsible to the Provost for the
14 administration of the College Library and the coordination of the library
15 services in the teaching units of the College.

16 (4) A Bursar or Librarian-

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

20 (b) may be reappointed for a further period of five years and no
21 more.

22 (5) Where, on the commencement of this section, a Bursar or
23 Librarian has held office-

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

26 (b) for more than five but less than ten years, he shall complete the
27 maximum period of ten years and thereafter relinquish his post and be
28 assigned other duties in the College;

29 (c) for ten years or more, the Council may allow him to serve in that
30 capacity for a further period of one year only and thereafter he shall

	1	relinquish his post and be assigned other duties in the College.
Resignation of appointment of Principal Officers	2	14. A principal officer may resign his appointment-
	3	(a) in the case of the Provost, by notice to the visitor; and
	4	(b) in any other case, by notice to the Council.
Other employees of the College	5	15.-(1) The Council may appoint such other persons to be employees
	6	of the College as the Council may determine to assist the Provost and the
	7	principal officers of the College in the performance of their functions under this
	8	Bill.
	9	(2) Subject to the provisions of this Bill, the remuneration, tenure of
	10	office and conditions of service of the employees of the Council shall be
	11	determined by the Council in consultation with the Federal Civil Service
	12	Commission.
Selection Board for other Principal Officers	13	16.-(1) There shall be, for the College, a selection Board which shall
	14	consist of-
	15	(a) the Chairman of the Council;
	16	(b) the Provost;
	17	(c) four members of the Council not being members of the Academic
	18	Board; and
	19	(d) two members of the Academic Board.
	20	(2) The functions, procedure and other matters relating to the
	21	Selection Board constituted under subsection (1) of this section shall be as the
	22	Council may, from time to time, determine.
Pensions	23	17.-(1) It is hereby declared that service in each College shall be
	24	approved service for the purposes of the Pensions Act and, accordingly,
	25	officers and other persons employed in the College shall in respect of their
	26	service in the College be entitled to pensions, gratuities and other retirement
	27	benefits as are prescribed there under, so however that nothing in this Bill shall
	28	prevent the appointment of a person to any office on terms which preclude the
	29	grant of a pension and gratuity in respect of that office.
	30	(2) For the purposes of the application of the provisions of the

Pensions Act, any power exercisable there under by a Minister or other authority of the Government of the federation (other than the power to make regulations under section 23 thereof) shall be exercisable by the College and not by any other person or authority.

PART II - FINANCIAL PROVISIONS

18.-(1) The Council shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in this Bill.

Establishment
of Fund of the
College

(2) There shall be paid and credited to the fund established under subsection (1) of this section-

(a) such sums as may from time to time be granted to the Council by the Federal/State Government through the National/State Commission for Colleges of Education;

(b) all monies raised for the purposes of the Council by way of gifts, grants-in-aid or testamentary disposition; and

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

(3) The Council shall submit to the Minister/Commissioner, through the National/State Commission for Colleges of Education, not later than three months before the end of each financial year or at such other time as he may direct, an estimate of its revenue and expenditure for the next succeeding financial year.

19.-(1) The Council may accept gifts of land, money or other property upon such terms and conditions if any, as may be specified by the person making the gift.

Powers to accept
gifts

(2) The Council shall not accept any gift if the conditions attached by the person making the gift are inconsistent with the functions of the Council.

20. The Council shall keep proper accounts of its receipt, payments, assets and liabilities and shall in respect of each year cause the accounts to be audited.

Accounts and
Audit

Annual Reports 1 **21.** The Council shall soon as may be after the expiration of each
2 financial year, prepare and submit to the Minister a report of its activities
3 during the immediately preceding financial year and shall include in the report
4 of the audited accounts of the College for that year and of the auditor's report on
5 the accounts.

6 PART III - MISCELLANEOUS AND SUPPLEMENT

Offices and Premises 7 **22.**-(1) For the purpose of providing offices and premises necessary
8 for the performance of its functions, the Council may-

9 (a) purchase any interest in or take on lease any land; and

10 (b) build, equip and maintain offices and premises.

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

Discipline of Students 14 **23.**-(1) The Council may make rules providing for the Provost to
15 conduct enquiries into alleged breaches of discipline (including lack of
16 diligence) by students and such rules may make different provisions for further
17 circumstances.

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

20 (3) Subject to the provisions of subsection (1) of this section, where it
21 is proved during the enquiry that any student of the College has been guilty of
22 misconduct, the Provost may, without prejudice to any other disciplinary
23 powers conferred on him by this BILL or any regulations made there under,
24 direct-

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

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

30 (c) that the student may be suspended for such period as may be

1 specified in the direction; or

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

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

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

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

18 (7) The Provost may delegate his powers under this section to a
19 disciplinary committee consisting of such members of the College as he may
20 nominate.

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

24 (9) It is hereby declared that the direction under subsection (3) (a)
25 of this section may be combined with a direction under subsection (3) (b) of
26 this section.

27 (10) In all cases under this section, the decision of the Council shall
28 be final unless reversed by the Minister on appeal by the student.

29 **24.** In this Bill, unless the context otherwise requires-

30 "Chairman" means the chairman of the Council;

Interpretation

1 "College" means any of the Federal College Of Education Mutum Biyu, Taraba
2 State specified in the First Schedule to this Bill and "Colleges" shall be
3 construed accordingly;

4 "Council" means the Governing Council of the Colleges established by or
5 pursuant to section 2 of this Bill;

6 "Provost" means the Provost of a College appointed under section 9 of this Bill;

7 "Function" includes powers and duties;

8 "Minister" means the Minister charged with responsibility for matters relating
9 to education;

10 "Member" means a member of the Council including the chairman.

Short title

11 **25.** This Bill may be cited as the Federal College of Education Mutum
12 Biyu, Taraba State Bill, 2019.

13 FIRST SCHEDULE

14 SECOND SCHEDULE

15 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

16 [Section 2 (3).]

17 *Terms of Service*

18 1. There may be paid to the members of the Council or any committee,
19 other than ex-officio members, such remuneration and allowances as may from
20 time to time be determined by the President.

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

25 3. The Council may Bill notwithstanding any vacancy in its
26 membership or any defect in the appointment of a member or the absence of a
27 member.

28 *Proceedings*

29 4.-(1) The Council shall meet for the conduct of business at such
30 times, places and on such days as the chairman may appoint but shall not less

1 than once every four months.

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

4 (3) At any meeting of the Council the chairman shall preside; but in
5 his absence, members present shall elect one of their members to preside at
6 the meeting.

7 (4) Where the Council desires to obtain the advice of any person on
8 any particular matter, the Council may co-opt persons who are not members
9 of the Council but persons co-opted shall not be entitled to vote at a meeting
10 of the Council.

11 (5) The quorum of the Council shall be one half of the total
12 members of the Council, at least one of whom shall be a member appointed
13 by the President.

14 (6) Decisions of the Council shall be made on approval by a simple majority
15 of members.

16 *Miscellaneous*

17 5.-(1) The fixing of the seal of the College shall be authenticated by
18 the signature of the chairman, Provost and of some other members of the
19 Council authorized generally or specially by the Council to BILL for that
20 purpose.

21 (2) Any contract or instrument which, if made or executed by a
22 person other than a body corporate would not be required to be under seal
23 may be made or executed on behalf of the College by any person generally
24 or specially authorized to act for that purpose by the Council.

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

EXPLANATORY MEMORANDUM

This Bill seeks to Establish the College of Education Mutum Biyu, Taraba State which will among other things shall be to provide full-time courses of teaching, instruction and training in technology, applied sciences, commerce, arts, social sciences, humanities and management and to carry out research in the development and adaptation of techniques; and also make provision for the appointment of a Provost and the officials of each college to carry out the administration and the discipline of students of the College.

FEDERAL COLLEGE OF EDUCATION (TECHNICAL) ABAKILIKI,
EBONYI STATE (ESTABLISHMENT) BILL, 2019
ARRANGEMENT OF CLAUSES

Clauses

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

1. Establishment and Objectives of the Federal College of Education (Technical) Abakiliki, Ebonyi State
2. Constitution and Principal Officers of the College.
3. Powers of the College and their exercise.
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FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

A BILL

FOR

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

Sponsored by Senator Sam O, Egwu

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE
2 FEDERAL COLLEGE OF EDUCATION (TECHNICAL) ABAKILIKI,
3 EBONYI STATE

4 1.-(1) There is hereby established the Federal College of Education
5 (Technical) Abakiliki, Ebonyi State.

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

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

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

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

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

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

Establishment
and Objectives
of the Federal
College of
Education
(Technical)
Abakiliki, Ebonyi
State

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

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

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

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

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

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

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

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

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

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

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

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

1 of National Universities Commission;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Functions of the
Provost and
Pro-Chancellor

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

Composition,
Tenure and
Powers of the
Council of the
College

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

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

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

7 (b) the Provost;

8 (c) the Deputy Provost(s);

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

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

12 (i) the Teacher's Registration Council;

13 (ii) Tertiary Education Trust Fund; and

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

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

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

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

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

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

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

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

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

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

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

6 (a) personnel cost;

7 (b) overhead cost;

8 (c) research and development;

9 (d) library developments; and

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

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

Functions of the
Council and its
Finance and
General Purpose
Committee

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

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

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

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

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

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

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

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

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

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

Functions of
the Senate of
the College

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 College but is a teacher of the branch of learning to which the course relates at
2 some other College of high repute or a person engaged in practicing the
3 profession in a reputable organization or institution.

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

Functions of
the Provost

10 **8.-(1)** The Provost shall, in relation to the College, take precedence
11 before all other members of the College except the Chancellor and subject to
12 section 4 of this Bill except the Pro-Chancellor and any other person for the
13 time being acting as Chairman of the Council.

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

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

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

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

General fund
of the College

28 **9.-(1)** There shall be a general fund of the College which shall consist
29 of the following:

30 (a) grants-in-aid;

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

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

Transfer of
Property

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

23 PART III - STATUTES OF THE COLLEGE

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

Power of the
College to make
Statutes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Removal of
examiners

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

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

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

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

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

Participation and
Discipline of
Students

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

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

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

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

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

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

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

1 specified, or

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

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

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

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

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

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

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

22 PART V - MISCELLANEOUS AND GENERAL

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

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

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

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

Restriction on
disposal of land
by College

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

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

Quorum and
procedure of
bodies established
by this Bill

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

Appointment of
committee, etc.

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

25 (b) to co-opt members, and

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

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

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

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

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

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

Retiring age
of academic
staff

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

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

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

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

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

Special provisions
relating to Pension
of Professors

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

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

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

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

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

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

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

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

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

Restriction of
suits and
execution

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

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

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

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

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

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

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

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

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

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

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

4 "College" means the Federal College of Education (Technical) Abakiliki,
5 Ebonyi State established and incorporated by section 1 of this Bill.

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

Short title

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

15 SCHEDULES

16 FIRST SCHEDULE

17 [Section 2(2)]

18 PRINCIPAL OFFICERS OF THE COLLEGE

19 *The Provost*

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

22 *The Pro-Chancellor*

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

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

28 *The Provost*

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

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

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

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

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

9 (b) constitute a Search Team consisting of:

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (ii) two members of the Senate,

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

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

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

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

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

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

24 *Deputy Provost*

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

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

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

4 (4) A Deputy Provost shall:

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

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

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

11 (5) A Deputy Provost:

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

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

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

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

22 *Office of the Registrar*

23 5.-(1) There shall be for the College, a Registrar, who shall be the
24 chief administrative officer of the College and shall be responsible to the
25 Provost for the day-to-day administrative work of the College except as
26 regards matters for which the Bursar is responsible in accordance with
27 paragraph 6(2) of this Schedule.

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

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

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

8 *Resignation and Re-appointment*

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

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

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

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

18 SECOND SCHEDULE

19 TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

20 *Transfer of Property to College*

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

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

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

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

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

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

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

8 *Registration of transfers*

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

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

19 *Transfer of Functions, etc.*

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

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

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

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

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

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

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

THIRD SCHEDULE

[Section 9 (3)]

FEDERAL COLLEGE OF EDUCATION (TECHNICAL) ABAKILIKI,

EBONYI STATE STATUTE NO. 1

ARRANGEMENT OF ARTICLES

Articles

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

1 11. Appointment of academic staff

2 12. Appointment of administrative and professional staff

3 13. Interpretation.

4 14. Short Title

5 *The Council*

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

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

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

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

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

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

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

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

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

4 *The Finance and General Purposes Committee*

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

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

9 (b) the Provost and Deputy Provosts;

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

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

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

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

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

23 *Annual budget and estimates, etc.*

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

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

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

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

2 *Gifts, donations, etc.*

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

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

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

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

15 *Payment into bank*

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

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

22 *Audit*

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

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

29 *The Senate*

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

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

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

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

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

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

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

25 *Congregation*

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

27 (i) Provost;

28 (ii) the Deputy Provosts;

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

30 (iv) The Registrar;

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

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

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

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

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

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

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

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

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

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

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

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

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

6 *Division of Colleges*

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

9 College Boards

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

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

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

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

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

20 (a) the Provost:

21 (b) the Dean;

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

23 (d) the College Examination Officer;

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

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

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

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

2 *Deans of the Colleges*

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

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

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

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

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

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

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

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

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

1 15(3) of the Act.

2 Departmental Board of Studies

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

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

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

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

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

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

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

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

21 (a) the Pro-Chancellor;

22 (b) the Provost;

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

25 (d) Two members appointed by the Senate.

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

1 *Tenure of Directors*

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

4 *Creation of Academic Posts*

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

8 *Appointment of Academic Staff*

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

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

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

17 (a) the Provost - Chairman;

18 (b) Deputy Provost - Member;

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

20 (d) Head of Department - Member;

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

25 (f) Registrar - Secretary.

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

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

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

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

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

3 (e) Registrar or his representative - Secretary.

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

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

14 *Appointment of Administrative and Professional Staff*

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

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

20 (i) Provost;

21 (ii) Deputy Provost;

22 (iii) Registrar;

23 (iv) Bursar;

24 (v) College Librarian;

25 (vi) The Head of Department concerned;

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

28 *Interpretation*

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

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

2 *Short Title*

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

EXPLANATORY MEMORANDUM

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

FEDERAL UNIVERSITY BIRNIN-KEBBI, BILL, 2019

ARRANGEMENT OF CLAUSES

PART I - ESTABLISHMENT OF FEDERAL UNIVERSITY, BIRNIN-KEBBI,
KEBBI STATE

1. Establishment of Federal University Birnin -Kebbi, Kebbi State
2. Objectives of the University
3. Establishment and composition of the Governing Council
4. Functions of the University
5. Chancellor to take precedence before other members
6. Establishment and membership of the Council
7. Council and Other Committees of the University
8. Functions of the Senate
9. Vice Chancellor to take precedence in the absence of Chancellor

PART II - STATUTE OF THE UNIVERSITY

10. Statute of the University
11. Power to make and approve Statutes
12. Proof of Statute in court
13. Visitors decision in the case of dispute

PART III- SUPERVISION AND DISCIPLINE

14. Supervision and discipline
15. Removal of member
16. Grounds and procedure for removal of members
17. Removal of examiner
18. Disciplinary Action on students

PART IV- MISCELLANEOUS AND GENERAL PROVISIONS

19. Discrimination
20. Application of the Land Use Act
21. Consent of visitor in land deals
22. Quorum
23. Committees

- 24. Seal of the University
- 25. Proposal and recommendation
- 26. Pre-action Notice
- 27. Savings and transitional provisions
- 28. Interpretations
- 29. Citation
- 30. First Schedule
- 31. Second Schedule

A BILL

FOR

AN ACT TO ESTABLISH FEDERAL UNIVERSITY BIRNIN-KEBBI, KEBBI STATE
TO ENSURE EQUITY AND ACCESS TO TERTIARY EDUCATION IN THE
COUNTRY. THE UNIVERSITY IS A CONVENTIONAL UNIVERSITY WITH
RESTRICTED PROGRAMMES AND LIMITED AND FOCUSED FACULTIES AND
FOR RELATED MATTERS

Sponsored by Senator Muhammad Adamu Aliero

[] Commencement

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

1 PART 1- ESTABLISHMENT OF FEDERAL UNIVERSITY BIRNIN-KEBBI,
2 KEBBI STATE AND ITS GOVERNING COUNCIL

3 1.-(1) There shall be established, a body to be known as the
4 Federal University, Birnin-Kebbi, Kebbi State (in this Bill referred to
5 as "the University").

Establishment
of Federal University
Birnin-Kebbi,
Kebbi State

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

9 (3) The University may acquire, hold and dispose of movable and
10 immovable property for the purpose of its functions.

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

Objectives of the
University

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

15 (b) provide courses of instruction and other facilities for the pursuit
16 of learning in all its branches, and to make those

17 (c) Encourage and promote scholarship and conduct research in
18 restricted fields of learning and human endeavor;

Establishment
and Composition
of the Governing
Council

1 (d) Relate its activities to the social, cultural and economic needs of
2 the people of Nigeria; and

3 (e) Undertake other activities appropriate for the highest standard of
4 an Institute.

5 3.-(1) There is established a Governing Council for the University (in
6 this Bill referred to as "the Council"), which Council shall consist of;

7 (a) Chancellor;

8 (b) Pro-chancellor;

9 (c) Vice Chancellor;

10 (d) Two Deputy Vice Chancellor;

11 (e) A body to be called Congregation;

12 (f) A body to be called Convocation;

13 (g) The campuses and colleges of the University;

14 (h) The faculties, schools, and other teaching and research units of the
15 University;

16 (i) The persons holding the offices constituted by the First Schedule to
17 this Bill other than those mentioned in paragraphs (a) to (c) of this sub-clause;

18 (j) All graduates and undergraduates;

19 (k) A representative of National Universities Commission, not below
20 directorate grade; and

21 (l) All other persons who are members of the university in accordance
22 with provisions made by Statute in that behalf.

23 (2) The First Schedule to this Act shall have effect with respect to the
24 Principal Officers of the University mentioned (therein).

25 (3) A provision shall be made by a Statute with respect to the
26 constitution of the following bodies-

27 (a) The Council;

28 (b) The Senate;

29 (c) The Congregation; and

30 (d) The Convocation.

- 1 4.-(1) For the carrying out of its objects as specified in section 2 of Functions of the
2 this Act, the University shall have power to- University
- 3 (a) establish such campuses, colleges, faculties, schools,
4 extramural departments and other teaching and research units within the
5 University as may, from time, seem necessary or desirable, subject to the
6 approval of the National Universities Commission;
- 7 (b) Institute professorships, readership and associate
8 professorships, lectureships and other posts and offices and to make
9 appointments thereto;
- 10 (c) institute and award fellowships, scholarships, exhibitions,
11 bursaries, medals, prizes and other titles, distinctions awards and forms of
12 assistance;
- 13 (d) provide for the residence, discipline and welfare of members of
14 the University;
- 15 (e) hold examinations and award degrees, diplomas, certificates
16 and other distinctions to persons who have pursued a course of study
17 approved by the University and have satisfied such other requirements as the
18 University may lay down;
- 19 (f) award honorary degrees, fellowships or academic titles;
- 20 (g) demand and receive from any student or any other person
21 attending the University for the purpose of instruction such fees as the
22 University from time to time determine, subject to the overall directives of
23 the appropriates authority;
- 24 (h) subject to section 22 of this Act, to acquire, hold, grant, charge
25 or otherwise deal with or dispose of moveable and immovable property
26 wherever situate;
- 27 (i) accept gifts, legacies and donations, but without obligation to
28 accept the same for a particular purpose, unless it approves the terms and
29 conditions attaching thereto;
- 30 (j) enter into contract, establish trusts, act as trustee, solely or

- 1 jointly with any other person, and employ and act through agents;
- 2 (k) erect, provide, equip and maintain libraries, laboratories, lecture
- 3 hall, halls of residence, refectories, sports grounds, playing fields and other
- 4 buildings or things necessary, suitable or convenient for any of the objects of
- 5 the University;
- 6 (l) hold public lectures and undertake printing, publishing and book
- 7 selling;
- 8 (m) subject to any limitation or condition imposed by statute, to invest
- 9 any moneys appertaining to the University by law of endorsement, whether for
- 10 general or special purposes, and such other moneys as may not be immediately
- 11 required for current expenditure, in any investment or security or in the
- 12 purchase or improvement of land, with power from time to time to vary any
- 13 such investment and to deposit any money for the time being un-invested with
- 14 any bank on deposit or current account;
- 15 (n) borrow, whether on interest or not and if need be, upon the security
- 16 of any or all of the property movable or immovable of the University, such
- 17 moneys as the Council may, from time to time in its discretion, find necessary
- 18 or expedient to borrow or to guarantee any loan advance or credit facility;
- 19 (o) make gifts for any charitable purpose;
- 20 (p) do anything which it is authorized or required by this Act or by any
- 21 other State to do; and
- 22 (q) Do all such acts or things, whether or not incidental to the
- 23 foregoing powers, as may advance the objects of the University.
- 24 (2) Subject to the provisions of this act and of the Statues made there
- 25 under and without prejudice to Clause 9 (2) of this bill the powers conferred on
- 26 the University by sub-clause (I) of this Clause shall be exercisable on behalf of
- 27 the University by the Council or by the Senate or in any other manner which
- 28 may be authorized by the Bill.
- 29 5.-(1) The Chancellor shall in relation to the University, take
- 30 precedence before all other members of the University, and when he is present

Chancellor to
take precedence
before other
members

1 shall preside at all meetings of convocation held for conferring degrees.

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

7 **6.**-(1) there shall be a Council for the University consisting of-

Establishment
and membership
of the Council

8 (a) The Pro-Chancellor;

9 (b) The Vice-Chancellor;

10 (c) The Deputies Vice Chancellor;

11 (d) One person from the Federal Ministry responsible for
12 education;

13 (e) Four persons representing a variety of interest and broadly
14 representative of the whole Federation to be appointed by the President;

15 (f) Four persons appointed by the Senate from among its members;

16 (g) Two persons appointed by the Congregation from among its
17 members; and

18 (h) One person appointed to the Council shall be persons of proven
19 integrity, knowledgeable and familiar with the affairs and tradition of the
20 University.

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

24 **7.**-(1) Subject to the provisions of this Act relating to the Visitor;
25 the Council shall be the governing body of the University and shall be
26 charged with the general control and superintendence of the policy, finances
27 and property of the University, including its public relations.

Council and other
Committee of the
University

28 (2) There shall be a committee of the Council to be known as the
29 Finance and General Purposes Committee, which shall, subject to the
30 directions of the Council, exercise control over the property and expenditure

1 of the Council as the Council from time to time delegate to it.

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

4 (4) The Council shall ensure that proper accounts of the University
5 are kept and the accounts of the University are audited annually by auditors
6 appointed by the Council from the list and in accordance with guidelines
7 supplied by the Auditors-General for the Federation, and that an annual reports
8 is published by the University together with certified copies of the said
9 accounts as audited.

10 (5) Subject to this Act and the Statues, the Council and the Finance
11 and General Purposes Committee may each make rules for the purpose of
12 exercising any of their respective functions or of regulating their own
13 procedure.

14 (6) Rules made under subsection (5) of this section by the Finance and
15 General Purpose Committee shall not come into force unless approved by the
16 Council, and where any rules so made by the Committee conflicts with any
17 direction given by the Council (whether before or after the coming into force of
18 the rules in question), the direction of the Council shall prevail.

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

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

25 (9) if required in writing by five members of the Council, the
26 Chairman shall within, 28days after the receipt of such request, call a meeting
27 of the Council, provided that if after 28days of the receipt or delivering to him
28 of such request, the chairman fails or neglect to call a meeting, the Registrar
29 shall within 14days thereof, cause a meeting of the Council to be convened for
30 that purpose and the request shall specify the business to be considered at the

1 meeting and no business not so specified shall be transacted at the
2 meeting.

3 **8.-(1)** Subject to Clause 5 of this Bill and sub-clauses (3) and (4) of Function of the
Senate
4 this Clause and to the provisions of this Bill relating to the Visitor, it shall be
5 the general function of the Senate to organize and control teaching in
6 the University, admission to Post-graduate courses and other admission
7 of students the discipline of students and to promote research in the
8 University.

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

12 (a) Establishment, organization and control of campuses, colleges,
13 faculties, departments, schools, Institutes and other teaching and research
14 units of the University. and the allocation of responsibility for, different
15 branches of learning;

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

19 (c) Award of degrees, and such other qualifications as may be
20 prescribed, in connection with examination conducted by the University;

21 (d) making of recommendations to the 'Council with respect to the
22 award to any person of an honorary fellowship or honorary degree or the
23 title of professor emeritus,

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

26 (f) supervision of the welfare of students in the University and the
27 regulation of their conduct;

28 (g) Granting of fellowships, scholarships, prize and similar
29 awards in so far as the awards are within the control of the University;
30 and

1 (h) Determination of what description or dress shall be academic
2 dress for the purposes of the University, and regulating the use of academic
3 dress.

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

8 (4) Subject to this Act and the Statutes, the Senate may make
9 regulations for the purpose of exercising any function conferred on it either by
10 the provisions of this section or for the purpose of providing for any matter for
11 which provision by regulation is authorized or required by this Act or by
12 Statute.

13 (5) The Senate shall, by regulation, provide that at least one of the
14 persons appointed as examiners at each final or professional examination held
15 in conjunction with any course of study in the University is not a teacher at the
16 University but is a teacher at the branch of learning to which the course relates
17 in some other Institute of high repute.

18 (6) Subject to a right of appeal to the Council from a decision of the
19 Senate under this subsection, the Senate may deprive any person of an degree,
20 diploma or other award of the University which has been conferred on him if
21 after due enquiry he is shown to have been guilty of any dishonorably or
22 scandalous conduct in gaining admission into the University or obtaining that
23 award.

Vice Chancellor
take precedence
in the absence
of Chancellor

24 9.-(1) The Vice Chancellor shall, in relation to the University,
25 take precedence before all other members of the University except the
26 Chancellor and, subject to section 5 of this Act, the Pro- Chancellor and any
27 other person for the time being acting Chairman of the Council.

28 (2) Subject to the provisions of this Bill, the Vice Chancellor shall
29 have general function, in addition to any other function conferred on him by
30 this Bill or otherwise, of directing the activities of the University, and shall to

1 the exclusion of any other person or authority, be the chief executive and
 2 academic officer of the University and ex-officio Chairman of the Senate.
 3 The Vice chancellor to take Precedence in the absence of Chancellor.

4 PART II - STATUTES OF UNIVERSITY

5 **10.-(1)** Subject to this Bill, the University may make Statutes for Statutes of the
 6 any of the following purposes- University

7 (a) making provision with respect to the composition constitution
 8 of any authority of the University;

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

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

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

17 (e) making provision for other matters for which provision by
 18 Statute is authorized or required by this Bill.

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

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

25 (4) The power to make Statute conferred by this section shall not be Second Schedule
 26 prejudiced or limited in any way by reason of the inclusion or omission of
 27 any matter in or from the Statute contained in the Second Schedule to this
 28 Bill.

29 **11.-(1)** The power of the University to make Statutes shall be Power to make
 30 exercised in accordance with the provisions of this section. and approve
 Statutes

1 (2) A proposed Statute shall not have the force of law until it has been
2 approved at a meeting of the-

3 (a) Senate, by the votes of not less than two thirds of the members
4 present and voting; and

5 (b) Council by the votes of not less than two third of the members
6 Present and voting.

7 (3) A proposed Statute may originate either in the Senate or Council,
8 and may be approved as required by subsection (2) of this section by both
9 bodies in no particular order.

10 (4) A Statute which-

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

13 (b) Provides for the establishment of a new campus or college or the
14 amendment or revocation of any Statute whereby a campus or college is
15 established, shall not come into operation unless it has been approved by the
16 Visitor.

17 (5) For the purpose of section 2 (2) of the Interpretation Act, Statute
18 shall be treated as being made on the date on which it is approved by the
19 Council and the Senate in accordance with Subsection (3) of this section or in
20 the case of a Statute falling within subsection (4) of this section, on the date on
21 which it is approved by the President.

Proof of Statute
in Court

22 **12.** A Statute may be proved in any court by the production of a copy
23 thereof bearing or having affixed to it a certificate signed by the vice
24 Chancellor or the Registrar to the effect that the copy is a true copy of a Statute
25 of the Institute.

Visitor's decision
in case of dispute

26 **13 -(1)** In the event of any doubt or dispute arising any time as to the
27 meaning of any provision of a Statute, the matter may be referred to the Visitor,
28 who shall take such advice and make such decision there on as he deems fit.

29 (2) The decision of the Visitor on any matter referred to him under this
30 section shall be binding upon the authorities, staff and students of the

1 University and where any question as to the meaning of any provision of a
2 Statute has been decided by the Visitor under this section no question as to
3 the meaning of that provision shall be entertained by any other authority
4 in Nigeria, provided that nothing in this subsection shall affect the power of
5 court of competent jurisdiction to determine whether any provision of a
6 Statute is wholly or partly void as being ultra vires or as being inconsistent
7 with the Constitution.

8 (3) The provisions of this section shall apply in relation to any
9 doubt or dispute as to whether any matter is, for the purposes of this Bill, an
10 academic or non-academic matter as they apply in relation to any such doubt
11 or dispute as is mentioned subsection (1) of this section, and accordingly
12 the reference in subsection (2) of this section to any question as to the
13 meaning of any provision of the Statute shall include references to any
14 question as to whether any matter is for the said purposes an academic or
15 non-academic matter. Proof of Statute in court Visitor's decision in case of dispute in academic or
16 non-academic matter.

17 PART III - SUPERVISION AND DISCIPLINE

18 **14-(1)** The President shall be the visitor of the University.

Supervision and
discipline

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

23 (3) The bodies and persons comprising the University shall-

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

28 (b) give effect to any instruction consistent with the provision of
29 this Bill which may be given by the Visitor in consequence of the visitation.

Removal of
Member

1 **15** -(1) If it appears to the Council that a member (other than Pro-
2 Chancellor or the Vice Chancellor) should be removed from office on grounds
3 of misconduct or inability to perform the functions of his office, the Council
4 shall make a recommendation to that effect through the Minister to the Federal
5 Executive Council and if the Federal Executive Council, after making such
6 enquires (if any) as may be considered necessary, approves the
7 recommendation, it may direct the removal of the member from office.

8 (2) The Minister shall use his best endeavors to cease a copy other
9 instrument embodying a direction under subsection (1) of this section to be
10 served as soon as reasonably practicable on the person to whom it relates.

Grounds and
removal procedure
for members

11 **16** -(1) If it appears to the Council that there are reasons for believing
12 that any person employed as a member of the academic, administrative or
13 professional staff of the University, either than the Vice Chancellor should be
14 removed from office or on grounds of misconduct or inability to perform the
15 functions of his office Council shall-

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

17 (b) afford such person an opportunity of making representation on the
18 matter to the Council, and

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

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

23 (a) a Joint committee of the Council and the Senate to review the
24 matter and to report it to the Council;

25 (b) the person in question to be afforded an opportunity to appear
26 before and be heard by an investigating committee with respect to the matter;
27 and if the Council after considering the report of the investigating council may
28 satisfied that the person in question should be removed, the Council may so
29 remove him by an instrument in writing signed on the directions of the Council

30 (3) The Vice Chancellor may, in a case of gross misconduct by a

1 member of staff which in the opinion of the Vice Chancellor is prejudicial to
2 the interest the University, suspend such member and any such suspension
3 shall immediately be reported to the Council.

4 (4) Any member of staff may be suspended from duty or his
5 appointment may be terminated by Council for a good cause and, for the
6 purposes of this subsection, "good cause" means-

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

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

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

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

19 (5) Any person suspended under subsection (3) of this section shall
20 be on half pay and the Council shall, before the expiration of a period of three
21 months from the date of such suspension, consider the case against that person
22 and come to a decision as to whether to-

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

25 (b) reinstate such person in which case the Council shall restore his
26 full emoluments with effect from the date of suspension,

27 (c) terminate the appointment of the person concerned in which case
28 such a person will not be entitled to the proportion of his emoluments
29 withheld during the period of suspension; and

30 (d) take such lesser disciplinary action against such person (including

1 the restoration of such proportion of his emoluments that might have been
2 withheld) as the Council may determine.

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

8 (7) The person, by whom an instrument of removal is signed in
9 pursuance of subsection (1) of this section shall use his best endeavors' to cause
10 a copy of the instrument to be served soon as reasonably practicable on the
11 person to whom it relates.

12 (8) Nothing in this section shall prevent the Council from making
13 regulations for the discipline of staff and workers of the university as may be
14 Appropriate.

Removal of
examiner

15 **17.**-(1) if, on the recommendation of the Vice Chancellor or it
16 Examiner appears to the Senate that a person appointed as examiner for any
17 examination of the University ought to be removed from his office or
18 appointment, then, the Senate may, after ,affording the examiner opportunity
19 of making presentations in person on the matter, direct the Vice Chancellor to
20 remove the examiner by an instrument in writing signed by the registrar.

21 (2) Subject to the provisions, of any regulation made under this Bill,
22 the Vice Chancellor may, on the recommendation of Senate, appoint an
23 appropriate person as examiner in the place of the examiner removed.

24 (3) The Registrar shall on signing an instrument of removal under this
25 section, use his best endeavors to cause a copy of the instrument to be served as
26 soon as reasonably practicable on the person to whom it relates.

Disciplinary
action on students

27 **18.**-(1) Subject to the provisions of this section, where it appears to
28 the Vice Chancellor that any student is guilty of misconduct, the Vice
29 Chancellor may, without prejudice to any other disciplinary powers conferred
30 on him by Statute or regulations, direct that the-

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

4 (b) activities of the student shall, during such period as may be
5 specified in the direction, be restricted in such manner as may be so
6 specified.

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

9 (d) Student be expelled from the University.

10 (2) Where a direction is given under subsection (1) of this section
11 in respect of any student, the student may within the prescribed period and in
12 the prescribed manner, appeal against the direction to the Senate.

13 (3) Where an appeal is brought under subsection (2) of this section,
14 the Senate shall, after causing such an inquiring to be made in the matter as
15 the Senate considers just, either confirm or set aside the direction or modify
16 it in such manner as the Senate think fit.

17 (4) The fact that an appeal from a direction is brought under
18 subsection (2) of this section shall not affect the operation of the direction
19 while the appeal is pending.

20 (5) The Vice Chancellor may delegate his powers under this
21 section to a disciplinary board consisting of such members of the university
22 as he may nominate.

23 (6) Nothing in this section shall be construed as preventing the
24 restriction or termination of a student's activities at the University for
25 conduct Which in the opinion of the Senate is prejudicial to the interest of the
26 University or to its corporate objective or image.

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

29 PART IV - MISCELLANEOUS AND GENERAL PROVISIONS.

30 19-(1) No person shall be required to satisfy requirements as to Discrimination

1 race (including ethnic grouping) sex, place of birth, family origin, religious or
2 political persuasion, as a condition for becoming or continuing to be a-

3 (a) student in the University;

4 (b) holder of any degree, appointment employment in the University;

5 (c) Member of anybody established by virtue of this Bill.

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

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

Application of
Land Use Act
Cap. L5 LFN,
2004

16 **20.-(1)** For the purpose of the Land Use Act, which provides for the
17 compulsory acquisition of land for public purposes, any purpose of the
18 University, shall be the same as that of the Federation.

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

Consent of
Visitor in Land
deals
Cap. L5 LFN,
2004

23 **21.** Without prejudice to the provisions of the Land Use Act, the
24 University shall not dispose of or charge any land or an interest in any Land,
25 including any land transferred to the University by this Act, except with the
26 prior written consent, either general or special, of the visitor; provided that
27 such consent shall not be required in the case of any lease or tenancy at rack rent
28 for a term not exceeding 21 years of any lease or tenancy to a member of the
29 University for residential purpose.

Quorum

30 **22.** Except as may be otherwise provided by Statute or by regulation,

1 the quorum and procedure of anybody or persons established by this Act
2 shall be such as maybe determined by that body.

3 **23.-(1)** Anybody of person established by this Act shall, without Committees
4 prejudice to the generality of the powers of that body, have power to appoint
5 committees, which need not consist exclusively of members of that body
6 and authorized a committee established by it to-

7 (a) exercise on its behalf, such its functions as it may determine,
8 and

9 (b) Co-opt members and direct whether or not coopted members
10 shall be entitled to vote in that committee.

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

16 (3) Except as may be otherwise provided by a Statues or regulation,
17 the quorum and procedure of a committee established or meeting held
18 pursuant to this section shall be such as may be determined by the body or
19 bodies which have decided to establish the committee or hold the meeting.

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

26 (5) Nothing in this section shall be constructed as enabling-

27 (a) Statues to be made otherwise than in accordance with section 11
28 or this Bill; or

29 (b) The Senate to empower any other body to make regulations to
30 award degree or other qualifications.

Seal of the
University

1 24.-(1) The seal of the University shall be such as may be determined
2 by the Council and approved by the Chancellor and the affixing of the seal
3 shall-

4 (a) In the case of certificates issued by the University, be
5 authenticated by the Vice Chancellor and the Registrar; and

6 (b) in the case of any other document, be authenticated by any
7 member of Council, the Vice Chancellor and the Registrar or any other person
8 authorized by Statute.

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 without seal

16 (4) The validity of the proceedings of anybody established pursuant
17 to this Bill shall not be affected by-

18 (a) any vacancy in the membership of the body;

19 (b) any defect with appointment of a member of the body;

20 (c) by reason that any person not entitled to do so took part in the
21 proceedings.

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

Cap. 1123, 2004

25 (6) Nothing in section 12 of the interpretation Act, which provides for
26 the application, in relation to subordinate legislation, of certain incidental
27 provisions, shall apply to Statutes or Regulations made under this Bill.

28 (7) The power conferred by this Bill on anybody to make Statutes
29 Regulations shall include power to revoke or vary any-

30 (a) Statute, including the Statute contained in the Second Schedule to

1 this Bill or

2 (b) Regulation by a subsequent Statute or Regulation as the case
3 may be provided that the Statutes and Regulations may have different
4 provisions in relation to different circumstances.

5 (8) No stamp or other duty shall be payable in respect of any
6 transfer of property to the University by virtue of sections 10, 21, and the
7 Second Schedule to this Bill.

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

11 **25.** Where in any provisions of this Bill, it is laid down that
12 proposals and are to be submitted or a recommendation is to be made by one
13 authority to another through one or more intermediate authorities, every
14 such intermediate authority shall forward any proposal or recommendation
15 received by it pursuant to that provision to the appropriate authority; but any
16 such intermediate authority may, if it thinks fit, forward therewith its own
17 Comment thereon.

Proposal and
recommendation

18 **26.** A person who has a cause of action against the University
19 shall-

Pre-action notice

20 (a) give the University three months' notice, in writing, of intention
21 to commence an action, disclosing the cause of action and served the
22 processes to the principal office of the University; and

23 (b) Commence the legal action within two years from the date the
24 cause of action arose.

25 **27.-(1)** All assets, rights, liabilities, interests, and obligation vested
26 in the Federal University, Birnin-Kebbi, before the commencement of this
27 Bill, shall after commencement of this Bill be vested in the Federal
28 University, Birnin-Kebbi

Savings and
transitional
provisions

29 (2) All staff of Federal University Birnin-kebbi existing before the
30 commencement of this Bill shall after commencement of this Bill continue

Interpretation

1 to be staff of Federal University Birnin-kebbi, Kebbi State in accordance with
2 new terms of appointment.

3 **28.** In this Bill-

4 "Appropriate authority" means any person, body or authority, authorized by
5 law to act in a specific or general capacity in relation to a subject matter;

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

7 "College" means any college which may be established by the University;

8 "Constitution" means the Constitution of the Federal Republic of Nigeria;

9 "Government" means the Federal Government of Nigeria;

10 "Graduate" means a person on whom a degree, other than an honorary degree,
11 has been conferred by the University to him/ her;

12 "Gross misconduct" means any act of misconduct and improper behavior that
13 may be designated as gross misconduct by any Statute or regulation made,
14 under this Bill;

15 "Minister" means the Minister charged with responsibility for education;

16 "Misconduct" means any conduct which is prejudicial to the good name of the
17 University and or discipline and the proper administration of the business of
18 the University;

19 "Officer" does not include the Visitor,

20 "Prescribed" means prescribed by Statute or regulation made under this Bill;

21 "Professor" means a person designated as a professor of the University in
22 accordance with provisions made in that behalf by Statute or regulations;

23 "Property" includes rights, liabilities and obligations;

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

25 "Senate" means the Senate of the University established by this Bill,

26 "Statute" means a Statute made by the University under section 11 of this Bill;

27 "The provisional Council" means the provisional Council appointed for the
28 University by the President;

29 "Teacher" means a person holding a full time appointment as a member of the
30 teaching or research staff of the University; and

1 "The University" means the Federal University Birnin-kebbi, Kebbi
2 State.

3 **29.** This Bill may be cited as the Federal University Birnin-Kebbi, Short title
4 Bill, 2019.

5 FIRST SCHEDULE:

6 PRINCIPAL OFFICERS OF THE UNIVERSITY

7 *The Chancellor*

8 1. The Chancellor shall be appointed by, and hold office at the
9 pleasure of, the President.

10 *The Pro-Chancellor*

11 2. The Pro-Chancellor shall be appointed or removed from office
12 by the President.

13 *The Vice Chancellor*

14 3. The procedure for the appointment and removal of the Vice
15 Chancellor shall be in accordance with the provision of the
16 Universities(Miscellaneous Provisions)Act 1993 as amended.

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

21 (2) The procedure for the appointment and removal of a Deputy
22 Vice Chancellor shall be in accordance with the provision of the
23 Universities. (Miscellaneous Provisions)Act 1993 as amended.

24 (3) A Deputy Vice Chancellor shall-

25 (a) assist the Vice Chancellor in the performance of his functions
26 under Section 3(2) (b), act in place of the Vice Chancellor when the post of
27 the Vice Chancellor is vacant or if the Vice Chancellor is, for any reason
28 absent or unable to perform his functions as Vice Chancellor; and

29 (b) Perform such other functions as the Vice Chancellor or the
30 Council may, from time to time, assign to him.

1 *Office of the Registrar; Bursar and Institute Librarian*

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

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

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

12 6.-(1) There shall be for the University, the following Principal
13 Officers in addition to the Registrar-

14 (a) the Bursar; and

15 (b) the University Librarian.

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

19 (3) The University Librarian shall be responsible to the Vice
20 Chancellor for the administration of the University Library and the co-
21 ordination of all library services in the University and its campuses, colleges,
22 faculties, schools, departments and institutes and other teaching or research
23 units.

24 (4) The Bursar and the University Librarian shall each hold office for
25 such period and on such terms and conditions as to emoluments as may be
26 specified in their letters of appointment.

27 7. There shall be for the University, a Director of Works, who shall
28 be responsible to the Vice Chancellor for the administration of the Works
29 Department, and shall be responsible for all works, services and maintenance
30 of institute facilities.

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

5 9. -(1) Any officer mentioned in this Schedule may resign his office
6 in-

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

9 (b) in the case of the Vice Chancellor, by notice to the Council
10 which shall immediately notify the Minister.

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

14 SECOND SCHEDULE

15 FEDERAL UNIVERSITY BIRNIN-KEBBI, KEBBI STATE

16 STATUTE No.1

17 *Articles:*

- 18 1. The Council
- 19 2. Finance and General Purpose Committee
- 20 3. The Senate
- 21 4. The Congregation
- 22 5. The Convocation
- 23 6. Organization of Faculties and the Branches thereof
- 24 7. Faculty Board
- 25 8. The Dean of the Faculty
- 26 9. Selection of certain Principal and other key officers
- 27 10. Creation of Academic Post
- 28 11. Appointment of Academic Staff
- 29 12. Appointment of Administrative and Technical Staff

1 *The Council*

2 1.-(1) Any member of Council holding office pursuant to section 6(e)
3 (f) (g) or (h) of this Bill may, by notice to the Council resign his office.

4 (2) A member of Council holding office pursuant to section 6(e) (f)(g)
5 or (h) of this Bill shall, unless he previously vacates it, vacate that office on the
6 expiration of a period of four years starting.

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

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

14 (5) The quorum of the Council shall be five, at least one of whom shall
15 be a member pursuant to section 6(dl) and (e) to this Bill.

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

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

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

28 (9) The powers of the Council shall be exercised in accordance with
29 the laws and Statutes of the University, and to that extent, establishment
30 circulars that are inconsistent with the laws and Statutes or the University shall

1 not apply to the University.

2 *The Finance and General Purpose Committee*

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

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

7 (b) the Vice Chancellor and a Deputy Vice Chancellor;

8 (c) six other members of the Council appointed by the Council two
9 of whom shall be selected from among the four members of the Council
10 appointed by the Senate and one of whom shall be selected from among
11 members of the Council appointed by the congregation; and

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

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

16 (3) Subject to any direction given by the Council, the Committee
17 may regulate its own procedure.

18 *The Senate*

19 3.-(1) There shall be a Senate for the University consisting of-

20 (a) the Vice Chancellor;

21 (b) the Deputy Vice Chancellors;

22 (c) all Professors of the University;

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

25 (e) all Heads of Academic Department, Units and Research
26 institutes of the University;

27 (f) the University Librarian; and

28 (g) Academic members of the Congregation who are not
29 Professors as specified in the Laws of the University.

30 (2) The Vice Chancellor shall be the Chairman at all meetings of

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

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

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

10 *Congregation*

11 4.-(1) The Congregation shall consist of-

12 (a) the Vice Chancellor and the Deputy Vice Chancellors;

13 (b) the full time members of the academic staff;

14 (c) the Registrar;

15 (d) the Bursar; and

16 (e) every member of the administrative and technical staff who holds
17 a degree of any Institute recognized for the purpose of this Statute by the Vice
18 Chancellor, not being an honorary degree.

19 (2) Subject to section 5 of this Bill, the Vice Chancellor shall be the
20 Chairman at all meetings of Congregation when he is present, and, in his
21 absence, one of the Deputy Vice Chancellors appointed by him shall be the
22 Chairman at the meeting.

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

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

27 (a) the total number of members of the Congregation for the purposes
28 of any particular meeting or meetings of the Congregation, or

29 (b) the names of the persons who are members of Congregation
30 during a particular period, shall be conclusive evidence of the number or as the

1 case maybe of the names of those persons.

2 (5) Subject to the provisions of this Schedule, the Congregation
3 may regulate its own procedure.

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

9 *The convocation*

10 5- (1) The Convocation shall consist of-

11 (a) The Officers of the University mentioned in the First Schedule
12 to this Bill;

13 (b) All teachers within the meaning of this Bill and

14 (c) All other person whose names and registered in accordance
15 with sub- paragraph (2) of this paragraph.

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

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

20 (b) Applies for the registration of his name in the prescribed
21 manner as pays the prescribed fee.

22 (3) Regulations shall provide for the establishment and
23 maintenance of a register for the purpose of this paragraph and subject to
24 sub-paragraph (3), may provide for the payment from time to time of further
25 fees by persons whose names are on the register and for the removal from the
26 register of the name of any person who fails to pay those fees.

27 (4) The person responsible for maintaining the register shall,
28 without the payment of any fee, ensure that the names of all persons who are
29 for the time being members of the Convocation by virtue of sub-paragraph
30 (l)(a) or (b) of this paragraph are entered and retained in the register.

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

5 (6) The register shall, unless the contrary is proved, be sufficient
6 evidence that any person named therein is, and that any person not named
7 therein is not, a member of the convocation; but for the purpose of ascertaining
8 whether a particular person was such a member on a particular date, any entry
9 in, and deletion from, the register made on or after that date shall be
10 disregarded.

11 (7) The quorum of the Convocation shall be fifty or one-third, or the
12 whole number nearest to one-third, or the total number of members of the
13 Convocation whichever is less.

14 (8) Subject to section 5 of this Bill, the Chancellor shall be Chairman
15 at all meetings of the Convocation when he is present, and in his absence, the
16 Vice Chancellor shall be the Chairman at the meeting.

17 (9) The Convocation shall have such function in addition to the
18 function of appointing a member of the Council, as may be provided by
19 Statute.

20 *Organization of Faculties and Branches Thereof*

21 (6) Each Faculty shall be divided into such number of branches as
22 may be prescribed.

23 7.-(1) There shall be established in respect of each Faculty, a Faculty
24 Board, which, subject to the provisions of this Bill, and subject to the directions
25 of the Vice Chancellor shall-

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

28 (b) deal with other matters assigned to it by Statute the Vice
29 Chancellor or the Senate; and

30 (c) advise the Vice Chancellor or Senate any matter referred to it by

1 the vice Chancellor or Senate.

2 (2) Each Faculty Board shall consists of-

3 (a) the Vice Chancellor;

4 (b) the persons severally in charge of the branches of the faculty

5 (c) such number of the teachers assigned to the faculty and having

6 the prescribed qualifications as the Board may determine; and

7 (d) such persons whether or not members of the University as the

8 Board may determine with the general or special approval of Senate.

9 (3) The quorum of the Board shall be 8 members or one-quarter of

10 the members of the Board for the time being, whichever is greater.

11 (4) Subject to the provisions of this Statute and any provision made

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

13 *The Dean a/the Faculty*

14 8-(1) The Dean of a faculty shall be a professor elected by the

15 Faculty Board and such Dean shall hold office for a term of two years and

16 may be eligible for re-election for another term of two years after which he

17 may not be elected again until two years have elapsed.

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

19 appoint an acting Dean who shall not be below the rank of Senior Lecturer

20 for the faculty, who shall act for a period of one year in the first instance,

21 renewable for another one year only.

22 (3) In the absence of the Vice Chancellor, the Dean shall be the

23 Chairman at all meetings of the Faculty Board when he is present and he

24 shall be a member of all committees and other boards appointed by the

25 faculty.

26 (4) The Dean of a faculty shall exercise general superintendence

27 over the academic and administrative affairs of the faculty and shall present

28 to the Convocation for the conferment of Degrees, persons who have

29 qualified for the Degrees of the University at examinations held in the

30 branches of learning for which responsibility is allocated to that faculty.

1 (5) There shall be a committee to be known as the Committee of
2 Deans which shall consist of all the Deans or the several faculties and that
3 committee shall advise the Vice Chancellor on all academic matters and on
4 particular matters referred to the Committee by the Senate.

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

10 (7) In this article, "good cause" has the same meaning as in section 17
11 of this Bill.

12 *Selection of certain Principal and other key officers.*

13 9 -(1) When a vacancy occurs in the Office of the Registrar, Bursar,
14 the University Librarian, Director of Works or Director of Health Services, a
15 Selection Board shall be constituted by the Council and shall consist of-

16 (a) the Pro-Chancellor;

17 (b) the Vice Chancellor;

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

20 (d) Two members appointed by the Senate not being members of
21 Council.

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

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

29 *Creation of Academic Post*

30 10. Recommendation for the creation of posts other than those

1 mentioned in paragraph 9 of this Schedule shall be made by the Senate to the
2 'Council through the Finance and General Purposes Committee.

3 *Appointment of Academic Staff*

4 11. Subject to this Bill and the Statute made under it, the filling
5 of vacancies in academic posts, including newly created ones, shall
6 be as prescribed from time to time by Statute.

7 *Appointment of Technical/ Staff Administrative and Technical Staff*

8 12.-(1) The administrative and technical staff of the University,
9 other than those mentioned in paragraph 9 of this Schedule, shall be
10 appointed by the Council or on its behalf by the Vice Chancellor or the
11 Registrar in accordance with any delegation of powers made by the Council
12 in that behalf

13 (2) In the case of administrative or technical staff that has close and
14 important contacts with the academic staff, there shall be Senate
15 participation in the process of selection.

EXPLANATORY MEMORANDUM

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

OCCUPATIONAL SAFETY AND HEALTH BILL, 2019

ARRANGEMENT OF SECTIONS

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2. Application
3. Prevailing laws
4. Interpretation
5. Objectives.

PART II - NATIONAL COUNCIL FOR OCCUPATIONAL SAFETY

AND HEALTH

6. Establishment of the National council for Occupational Safety and Health
7. Appointment of Director General and other staff of the Council
8. First and Second Schedule to apply
9. Powers and functions of the Council
10. Establishment of the Governing Board of the Council
11. Tenure of the office of the Board members
12. Removal from office of members of the Boar
13. Functions and Powers of the Board
14. Structure of the Council
15. Pension
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18. Funds for the Council
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20. Exemption from Income Tax
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PART III - GENERAL DUTIES OF EMPLOYERS AND SELF

EMPLOYED PERSON

36. Duty of employers
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38. Citation
39. Right of employer to contest citation
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51. Research and Development.

52. Training and employee education

53. Cooperative agreements with States

54. On site consultative visit

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AND HEALTH

56. Establishment of the Institute, Powers and Functions, Appointment of Director, etc.

57. Powers of Director

58. Annual Report to the Minister of Health, President and National Assembly

PART X - MISCELLANEOUS

59. Collaboration of the Council with the Minister of Health

60. Audit

61. Annual report

62. Appropriation

A BILL

FOR

AN ACT TO MAKE FURTHER PROVISION FOR SECURING THE SAFETY, HEALTH AND WELFARE OF PERSONS AT WORK, FOR PROTECTING OTHERS AGAINST RISKS TO SAFETY OR HEALTH IN CONNECTION WITH ACTIVITIES OF PERSONS AT WORK, TO ESTABLISH THE NATIONAL COUNCIL FOR OCCUPATIONAL SAFETY AND HEALTH AND FOR RELATED MATTERS

Sponsored by Senator Benjamin Uwajumogu

[] Commencement

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

PART I - PRELIMINARY

- 1 **1.** This Bill may be cited as the Occupational Safety and Health Short title
- 2 (OSH) Bill, 2019.
- 3 **2.** The Occupational Safety and Health (OSH) Bill, 2008 is Application
- 4 applicable to all Nigerian workplaces including formal and informal sector
- 5 workplaces.
- 6 **3.** All prevailing laws, existing legal instruments and other related Prevailing law
- 7 regulations dealing with labour affairs, workers' welfare and safety and
- 8 security at workplace are hereby reinforced, but where there exists any
- 9 inconsistency with the provisions of this bill, such laws stand amended
- 10 while this bill takes precedence.
- 11 **4.** For the purposes of this Act- Interpretation
- 12 "Minister" means the Minister in charge of Labour Matters;
- 13 "Council" means the National Council for Occupational Safety and Health
- 14 (NCOSH) established under this Act;
- 15 "Person" means one or more individuals, legal representatives, and any
- 16 organized group of persons;
- 17 "Employers" means a person engaged in a business affecting commerce

- 1 who has employees. It also includes a body corporate;
- 2 "Employee" means an employee of an employer who is employed in a business
- 3 of his employer which affects commerce;
- 4 "Commerce" means trade, traffic, commerce, transportation, or
- 5 communication among the several States in Nigeria, or between a State and any
- 6 place outside thereof;
- 7 "Workers" means all employed persons including public employees;
- 8 "Workplaces" means all places where workers need to be or to go by reason of
- 9 their work and which are under the direct or indirect control of the employer;
- 10 "Regulations" means all provisions given force of law by the competent
- 11 authority;
- 12 "Health in relation to work" means not merely the absence of disease or
- 13 infirmity but includes the physical and mental elements affecting health which
- 14 are directly related to safety and hygiene at work;
- 15 "Occupational accident" means an occurrence arising out of or in the course of
- 16 work, which results in fatal or non fatal injury;
- 17 "occupational hazard" means a condition in the workplace/environment which
- 18 could result in an occupational accident/disease;
- 19 "Fatal accident" means an accident which results in death or personal injury
- 20 involving loss of working time occurring on the way between the place of work
- 21 and place of residence, or place where a worker takes his meal or receives his
- 22 remunerations:
- 23 "Occupational diseases" means a disease contracted as a result of an exposure
- 24 to risk factors arising from work;
- 25 "Major hazard accident" (Disaster) refers to those workplace accidents, which
- 26 result in extensive damage to infrastructure, loss of life and deep emotional
- 27 disturbance of the workplace and community around the workplace;
- 28 "Occupational Health" means the promotion of the physical, mental and social
- 29 well being of workers and the adaptation of work to man and man to work;
- 30 A Statutory Authority" means competent authority as defined by ILO's

1 Convention C155 concerning occupational safety and Health and the work
 2 environment;
 3 "Committee" means the National Advisory Committee on Occupational
 4 Safety and Health as established under this Act;
 5 "Director" means the Director of the National Institute for Occupational
 6 Safety and Health;
 7 "Institute" means the National Institute for Occupational Safety and Health
 8 established under this Act.

9 **5.** The objectives of this Bill are-

Objectives

- 10 (i) to make further provisions for securing the safety, health and
 11 welfare of persons at work;
 12 (ii) to make provisions for protecting others against risks to safety
 13 or health in connection with the activities of persons at work;
 14 (iii) to establish the National Council for Occupational Safety and
 15 Health to create a general framework for the improvement of working
 16 conditions and the working environment;
 17 (iv) to prevent accidents and departures from health arising out of
 18 or in the course of work;
 19 (v) to ensure the provision of occupational safety and health
 20 services to workers in all sectors of economic activity.

21 PART II - NATIONAL COUNCIL FOR OCCUPATIONAL SAFETY

22 AND HEALTH

23 **6.** There is hereby established a body to be known as the National
 24 Council for Occupational Safety and Health (in this Act referred to as "the
 25 Council") which-

Establishment
of the Council

- 26 (a) shall be a body corporate with perpetual succession and a
 27 common seal; and
 28 (b) may sue and be sued in its corporate name.

29 **7.-(1)** There shall be appointed for the council by the President, on
 30 the recommendation of the Minister, a Director General who shall be a

Appointment of
Director General
and other staff of
the Council

	1	person with good knowledge of labour, health and safety matters.
	2	(2) The Director General shall be-
	3	(a) the Chief Executive of the Council;
	4	(b) responsible for the day to day administration of Council and keep
	5	the books and records of the Council; and
	6	(c) subject to the supervision and control of the Chairman of the
	7	Board.
	8	(3) The Director General shall hold office for a period of five (5) years
	9	on such terms and conditions as may be specified in his letter of appointment
	10	and be eligible for reappointment for another period of five years.
	11	(4) The Board may, from time to time, appoint such other persons as
	12	members of staff of the Council as it may deem necessary, to assist the Council
	13	in the performance of its functions under this Act. Cap. C23 LFN 2004.
	14	(5) The members of staff of the Council appointed under subsection
	15	(4) of this section shall be appointed on such terms and conditions of service as
	16	the Board may, after consultation with the Federal Civil Service Commission
	17	determine.
	18	(6) The members of staff of the Council shall be public officers as
	19	defined in the Constitution of the Federal Republic of Nigeria, 1999.
	20	(7) The President shall appoint the Director General and members
	21	Appointment of the Council with the consent of the Senate, from of members
	22	of among persons who by reason of training, education or Council experience
	23	are qualified to carry out the functions of the Council under this bill.
Tenure of office	24	(8) The tenure of Director General and members of the Council shall
	25	be five (5) years except that where a vacancy caused by the death, resignation,
	26	or removal of a member prior to the expiration of the term for which he/she was
	27	appointed shall be filled only for the remainder of such unexpired term.
Removal from office	28	(9) A member of the Council may be removed by the President for
	29	inefficiency, neglect of duty, or malfeasance in office.

1	8. The provision s of the first and second schedules to this Act	First and Second Schedule to apply
2	shall apply with respect to all the proceedings of the Council.	
3	9. The Council shall have the following powers and functions-	Powers and functions of the Council
4	(a) aim to ensure employee safety and health in Nigeria by working	
5	with employers and employees to create better working environments;	
6	(b) act as a regulatory agency by issuing safety and health	
7	standards that are enforceable under Nigerian law;	
8	(c) promote best practices in occupational health and safety;	
9	(d) allocate adequate resources to promote occupational safety and	
10	health activities;	
11	(e) develop and put in place emergency preparedness and response	
12	plan for the curtailment of major hazards and disasters;	
13	(f) maintain liaison with relevant national and international	
14	institutions, playing roles in occupational health and safety of workers;	
15	(g) promote a systems approach to the management of	
16	occupational safety and health at national and enterprise levels;	
17	(h) publish annually information or measures taken in pursuance of	
18	promoting and enforcing occupational safety and health of workers; and on	
19	occupational accidents, occupational diseases and other injuries to health	
20	which arise in the course of or in connection with work;	
21	(i) undertake and promote studies and research to identify and	
22	determine control measures in matters of occupational health and safety of	
23	workers and workplace;	
24	(j) cooperate with other national agencies that have	
25	complementary responsibilities for safety and health and welfare at work	
26	and for general environment;	
27	(k) provide advice on occupational safety an health to migrant	
28	workers and informal sector workforce as well as technical and other	
29	support to the States and Local Governments;	
30	(l) establish and coordinate a National Informational Management	

1 System (NMIS) on occupational accidents, injuries and diseases, so as to
2 provide a data bank linked with the National Health Information System
3 (NHIS);

4 (m) provide Information concerning occupational safety and Health
5 to all stakeholders for occupational safety and health services and planning in
6 the country;

7 (n) hold enquiries, where cases of occupational accidents,
8 occupational diseases or any other injuries to health which diseases or any
9 other injuries to health which arise in the course of or in connection with work
10 appear to reflect situations which are serious;

11 (o) establish and apply procedures for the notification of occupational
12 accidents and diseases, by employers and, when appropriate, insurance
13 institutions and others directly concerned, and the production of annual
14 statistics on occupational accidents and diseases;

15 (p) review from time to time, the safety of technical equipment used at
16 work; application of procedures defined by the competent authority, issuance
17 of regulations and codes of practice on occupational safety and health, the
18 legislation and regulations concerning occupational safety and health in the
19 light of experience and advances in science and technology;

20 (q) determine work processes and substances and agents, the
21 exposure to which is to be prohibited, limited or made of subject to
22 authorization or control by the competent authority;

23 (r) sponsor such national and international conferences as it may
24 consider appropriate;

25 (s) carry out such activities as are necessary or expedient for the
26 performance of its functions under this Bill.

Establishment
of the Governing
Board

27 **10.-(1)** There is hereby established for the Council, a Governing
28 Board which shall consist of-

29 (a) the Chairman who shall be appointed by the President on the
30 recommendation of the Minister;

1 (b) the Permanent Secretary of the Federal Ministry of Labour or
2 his representative;

3 (c) the National Presidents of the Nigeria Labour Congress and the
4 Trade Union Congress;

5 (d) the National President of the Nigerian Bar Association or his
6 representative;

7 (e) one person to represent the Ministry of Health;

8 (f) one person to represent Ministry of Justice;

9 (g) one person to represent the Nigerian Union of Journalists;

10 (h) one person to represent Civil Society Groups;

11 (i) the Director General of the Council; and

12 (j) five other persons to represent public interest to be appointed by
13 the Minister.

14 (2) A member of the Board, other than the Chairman, shall be
15 appointed by the Minister on the recommendation of the body, if any, he
16 represents.

17 (3) The members of the board shall be paid such allowances as the
18 Federal Government may, from time to time approve.

19 (4) The provisions of the First Schedule of this Act shall have effect
20 with respect to the proceedings of the Board and other matters mentioned
21 therein.

22 **11.-(1)** A member of the Board appointed, otherwise than by office, Tenure of office
23 shall hold office for a term of four (4) years, and subject to provisions of
24 subsection (2) of this section, shall be eligible for reappointment for only
25 one further term of four (4) years.

26 (2) The office of a member of the Board shall become vacant if-

27 (a) he resigns as a member of the Board by notice in writing under
28 his hand addressed to the Minister; or

29 (b) the Minister if satisfied that it is not in the interest of Council for
30 the person appointed to continue in office and notifies the member in writing

	1	to that effect.
Removal from members of the Board	2	12. -(1) If it appears to the Board that a member of the Board, other
	3	than an ex officio member, should be removed from office on office of the
	4	grounds of misconduct or inability to perform the functions of his office, the
	5	board shall make a recommendation to the President.
	6	(2) If the President, after making such enquiries as he considers
	7	necessary, approves the recommendation, the Minister shall, in writing,
	8	declare the office of such a member vacant.
	9	(3) Notwithstanding the provisions of subsection (1) of this section,
	10	the President may remove any member of the board if he is satisfied that is in
	11	the interest of the public so to do.
Functions and powers of the Board	12	13. The Board shall-
	13	(a) advice the Federal Government generally on the national policies
	14	on occupational safety and health of workers in Nigeria;
	15	(b) designate, establish and approve quality specifications in respect
	16	of safety of workplaces necessary for their certification;
	17	(c) establish the relevant guidelines and measures for optimum safety
	18	and health of workers and workplaces in conformity with the Council's
	19	standard specifications;
	20	(d) appoint, promote and discipline staff necessary for the proper
	21	discharge of the functions of the Council;
	22	(e) establish Committees as may be expedient which shall be charged
	23	with specific functions as delegated by the Board;
	24	(f) establish appropriate programmes for the regulations of optimum
	25	workplace safety and occupational health and safety of workers in the work
	26	environment;
	27	(g) encourage and promote activities related to this process, standard
	28	specification on the safety of workplaces and guidelines of implementing
	29	them;
	30	(h) utilise and promote the expansion of research, surveys and studies

1 by public or private agencies, institutions and organizations concerning the
2 quality, and safety of other matters related to this Bill as the Council may,
3 from time to time, determine as necessary or useful;

4 (i) establish, encourage and promote training programmes for the
5 employees of the council and other appropriate persons from public or
6 private organizations;

7 (j) open and operate ordinary and domiciliary accounts for the
8 Council in recognized banking institutions in Nigeria;

9 (k) subject to section 14 of this Act, specify the management
10 system of the Council, including financial approval ceilings for officers of
11 the Council;

12 (l) enter into agreement with public or private organizations and
13 individuals to develop, utilize, coordinate and share such information as is
14 determined to be appropriate by the Board for the performance of its
15 functions under this Act; and

16 (m) do such other things as are necessary for the successful
17 performance of its functions under this Act.

18 **14.** The Council shall have-

Structure of the
Council

19 (a) an Administration and Finance Directorate to be headed by a
20 Director, who shall serve as the Secretary of the Council;

21 (b) a Planning, Research and Statistics Directorate to be headed by
22 a Director;

23 (c) a Directorate of Health and Human Services to be headed by a
24 Director;

25 (d) a Monitoring, Evaluation and Inspectorate Directorate to be
26 headed by a Director;

27 (e) a Legal Services Directorate to be headed by a Director;

28 (f) Information, Enlightenment and Publication Directorate to be
29 headed by a Director;

30 (g) such other directorates as may be required for the proper

Pension.
Cap. P4 LFN,
2004

1 performance of the functions of the Council.

2 **15.**-(1) Service in the Council shall be approved Service for the
3 purpose of the Pensions Act, and, accordingly, officers and other persons
4 employed in the council shall be entitled to pensions, gratuity and other
5 benefits as are prescribed thereunder.

6 (2) Notwithstanding the provisions of subsection (1) of this section,
7 the council may appoint a person to any office on terms which preclude the
8 grant of a pension, gratuity or other retirement benefits in respect of that office.

9 (3) For the purpose of the application of the provision of the Pensions
10 Act, any power exercisable thereunder by a Minister or other authority of the
11 government of the Federation, other than the power to make regulations under
12 section 35 thereof, is hereby vested in and shall be exercisable by the Council
13 and not by any other person or authority.

Removal and
discipline of
senior staff

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

18 (a) give notice of those reasons to the person concerned;

19 (b) afford the person an opportunity of making representation on the
20 matter to the Board in person;

21 (c) if the person concerned or any three members of the Board so
22 request within the period of one month beginning with the date of the notice,
23 make arrangement-

24 (i) for a committee of the Board to investigate the matter and to report
25 on it to the Board; and

26 (ii) for the person in question to be afforded an opportunity of
27 appearing before and being heard by the investigating committee on the matter.

28 (2) If the Board, after considering the report of the Investigating
29 Committee, is satisfied that the person in question should be removed as
30 aforesaid, the Board may remove the person concerned by an instrument in

1 writing signed on the direction of the Board.

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

6 (4) For good cause, any member of staff may be suspended from
7 office or his appointment may be terminated by the Board and for purposes
8 of this section, "good cause" means-

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

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

15 (c) conduct which the board considers to be such as to constitute
16 failure or inability of the person concerned to discharge the functions of his
17 office or to comply with the terms and condition of his service.

18 (5) Any person suspended pursuant to this section shall be placed
19 on half pay and the Board shall, before the expiration of a period of three (3)
20 months after the date of such suspension, consider the case against that
21 person and come to a decision as to-

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

24 (b) whether to reinstate such person to his office, in which case the
25 Board shall restore his full emoluments to him with effect from the date of
26 the suspension;

27 (c) whether to terminate the appointment of the person in question
28 in which case such a person shall not be entitled to the portion of his
29 emoluments withheld during the period of the suspension; or

30 (d) whether to take such lesser disciplinary action against such

1 person (including the restoration of such portion of his emolument that might
2 have been withheld) as the Board may determine.

3 (6) In any case, where the Board, pursuant to this section, decides to
4 continue a person's suspension or decides to take further disciplinary action
5 against a person, the Board shall, before the expiration of a period of three (3)
6 months from the date of such decision, come to a final determination in respect
7 of the case concerning that person.

8 (7) It shall be the duty of any person who signed the instrument of
9 removal by virtue of this section to serve or cause to be served on the person
10 concerned, a copy of the instrument.

11 (8) Nothing in the foregoing provisions of this section shall prevent
12 the Board from making such regulations for the discipline of other categories
13 of staff and workers of the Board as it may think fit.

Discipline of
junior staff

14 17.-(1) If any junior member of the staff is accused of misconduct or
15 inefficiency, the Director General of the Council may suspend him/her for not
16 more than three (3) months and forthwith shall direct the matter to the
17 Junior Staff Appointment and Promotion Committee to-

18 (a) consider the case; and

19 (b) make recommendation as to the appropriate action to be taken by
20 the Director General of the Council.

21 (2) In all cases under this section, the junior member of staff shall be
22 informed in writing of the charges against him/her and be given reasonable
23 opportunity to defend him/herself.

24 (3) The Director General may, after considering the recommendation
25 made pursuant to sub section (1) (b) of this section, dismiss, terminate, retire or
26 downgrade the junior staff concerned.

27 (4) Any person aggrieved by the Director General's decision under
28 subsection (3) of this section may, within a period of 21 days from the date of
29 the receipt of the letter communicating the decision to him/her, address a
30 petition to the Board to reconsider his/her case and the Board's decision thereon

1 shall be final.

2 **18.**-(1) The Council shall establish a fund from which shall be Funds for the
3 defrayed all expenditure incurred by the Council for the purposes of this Act. Council

4 (2) There shall be paid and credited to the fund of the Council-

5 (a) fees charged for services rendered by the Council;

6 (b) all sums accruing to the Council by way of gifts, endowments,
7 bequests or other voluntary contributions by persons and organizations;

8 (c) foreign aid assistance from bilateral agencies; and

9 (d) subventions and extra budgetary allocations from the Federal
10 Government.

11 **19.** The Council shall, from time to time, apply the funds at its Expenditure of
12 disposal to- Council

13 (a) the costs of establishing and maintaining the head office of the
14 agency at the Federal Capital Territory, Abuja and its other offices located in
15 other places in Nigeria;

16 (b) pay allowances and other benefits of members of the Board and
17 of its committee;

18 (c) pay the emoluments and entitlement of the Director General of
19 the Council and other members of staff of the Council;

20 (d) pay the personnel, overhead, allowances, benefits and other
21 administrative costs of the Council;

22 (e) the training of members of staff of the Council;

23 (f) provide scholarship and awards for specialized training of
24 personnel;

25 (g) publicize and promote the activities of the Council;

26 (h) support national and international scientific and professional
27 organizations and pay annual and other contributions to such bodies;

28 (i) undertake any other activity in connection with all or any of the
29 functions of the Council.

Exemption from Income tax	1	20. All income derived by the Council from the sources specified in
	2	section 18 (2) of this Act shall be exempt from income tax and all contributions
	3	to the fund of the Council shall be tax deductible.
Capital production income	4	21. Subject to the approval of the Minister, the Council may invest in
	5	the profitable production of capital goods by joint venture, partnership,
	6	shareholding or as sole proprietor, as the case may be, and the net incomes so
	7	generated shall be paid into the Fund of the Council.
Disposal of surplus funds	8	22. The Board may invest any surplus funds in profit yielding
	9	ventures, and notwithstanding that power, the Minister may issue to the
	10	Council directives as he may think necessary as to the disposal of any surplus
	11	funds of the Council.
Annual Estimates	12	23. The Board shall submit to the Minister, not later than 31 October
	13	each year, its programme of work and estimates of its income and expenditure
	14	for the following year.
Accounts and audit	15	24.-(1) The Board shall keep proper accounts of the Council and
	16	proper records in relation to those accounts.
	17	(2) The accounts of the Council shall be audited, not later than six (6)
	18	months after the end of the year to which it relates, by auditors appointed by the
	19	Council from the list and in accordance with the guidelines supplied by the
	20	Auditor General of the Federation.
Annual report	21	25. The Council shall prepare and submit to the Minister, not later
	22	than 30 June in each year, a report on the activities of the Council during the
	23	immediately preceding year, and include in such report a copy of the audited
	24	accounts of the Council for that year and the auditor's report thereon.
Offices and premises	25	26.-(1) For the purpose of providing offices and premises necessary
	26	for the performance of its functions, the Council may, subject to the Land Use
	27	Act-
	28	(a) purchase or take lease on any interest in land, building or property;
	29	and
	30	(b) build, equip and maintain offices and premises.

1	(2) The Council may subject to the Land Use Act, sell or lease out	Cap. L5 LFN, 2004
2	any office or premises held by it, which is no longer required for the	
3	performance of its functions under this Act.	
4	27. -(1) The Council may, from time to time, borrow by overdraft,	Power to borrow
5	or otherwise such sums as it may require for the performance of its	
6	functions under this Act.	
7	(2) The Council shall not, without the approval of the Minister,	
8	borrow money which exceeds, at any time, the limit set by the Minister.	
9	(3) Notwithstanding sub section (1) of this section, where the sum	
10	to be borrowed is in foreign currency the Council shall not borrow the sum	
11	without the prior approval of the Minister.	
12	28. -(1) The Council may accept gifts of land, money or other	Power to accept gifts t
13	property, upon such terms and conditions, if any, as may be specified by the	
14	person or organization making the gift.	
15	(2) The Council shall not accept any gifts if the conditions attached	
16	by the person or organization making the gift are inconsistent with the	
17	functions of the Council.	
18	29. -(1) An officer of the Council may, in the course of his duty, at	Power to enter the premises, etc.
19	any reasonable time and on production of his certificate of designation if so	
20	required-	
21	(a) enter (if need be by force) any premises in which he reasonably	
22	believes that workers are engaged in any form of employment, both formal	
23	and informal employment;	
24	(b) evaluate, access and examine the safety and health activities in	
25	such place of work including standards, codes of practices and general	
26	observance of optimum safety and health practices;	
27	(c) open and examine, while on the premises, any container,	
28	machinery or equipment which he reasonably believes may contain any	
29	information relevant to the enforcement of this Act or the regulations or	
30	which may help in his investigations.	

1 (d) examine any book, document or other record found on the
2 premises which he reasonably believes may contain any information relevant
3 to the enforcement of this Act or the regulations and make copies thereof or
4 extracts therefrom; and

5 (e) seize and detain for such time as may be necessary for the purpose
6 of this Act, any article by means of or in relation to which he reasonably
7 believes any provision of this Act or regulations has been contravened;

8 (2) The owner or person in charge of any premises entered by an
9 officer of the Council in pursuant of this section, and every person found
10 thereon, shall give all reasonable assistance in their power to the officer and
11 shall make available to the officer all such information as the officer may
12 reasonably require for the purposes of this Act.

13 (3) Any article seized under this Act shall be kept or stored in such a
14 place as the officer of the Council may direct and shall be returned to the owner
15 of the person from whom it was seized if the article upon analysis or
16 examination is found to conform with the requirements of this Act and
17 Regulations.

18 (4) Any article seized by an officer of the Council pursuant to this Act
19 or the regulations may be submitted to an analyst for analysis or examinations
20 and the analyst upon making such analysis or examination shall issue a
21 certificate or report in the prescribed form setting forth the result of such
22 analysis or examination, and the officer of the Council shall on demand deliver
23 a copy of such certificate or report to the owner of the article if the article is to
24 be the subject of proceeding under this Act.

25 (5) In this section, the expression "article to which this Act or
26 regulations apply" mean-

27 (a) any machinery, equipment, tool, instrument, chemical;

28 (b) anything used for the manufacture, preparation, preservation,
29 packaging or storage or any article or material whatsoever.

1 **30.**-(1) A person who obstructs an officer of the Council in the Offences
2 performance of his/her duties under section 29 of this Act shall be guilty of
3 an offence and liable on conviction to a fine of N10,000 or to imprisonment
4 for a term not exceeding two (2) years or to both such fine and
5 imprisonment.

6 (2) Any person who contravenes the provisions of any regulations
7 made under this Act is guilty of an offence and liable on conviction to the
8 penalties specified in the regulations.

9 (3) Where no penalty has been specified, the person shall be liable
10 to a fine of N50,000 or imprisonment for a term of one year or to both such
11 fine and imprisonment.

12 (4) Where an offence under this Act which has been committed by a
13 body corporate is proved to have been committed with the consent or
14 connivance of, or to be attributable to any neglect on the part of any Director,
15 Manager, Secretary or other similar officer of the body corporate or any
16 person purporting to act in any of those capacities, he/she, as well as the
17 body corporate, shall be liable on conviction to a fine of N100,000.

18 (5) The Federal High Court shall have exclusive jurisdiction to try
19 offences under this Act.

20 **31.**-(1) Subject to the provisions of section 174 of the Constitution Conduct of
21 of the Federal Republic of Nigeria, 1999 (which relates to the power of the proceedings
22 Attorney General of the Federation to institute, continue or discontinue Cap. C23 LFN,
23 criminal proceedings against any person in a Court of law), any officer of the 2004
24 Council may, with the consent of the Attorney General of the Federation,
25 conduct criminal proceedings in respect of offences under this Act or
26 regulations made under this Act.

27 (2) In judicial proceedings for an offence under this Act or any
28 regulation made under it, the provisions of the Criminal Procedure Act or
29 depending on the venue, the Criminal Procedure Code shall, with such
30 modifications as the circumstance may require, apply in respect of such

	1	matter to the same extent as they apply to the trial of offences generally.
Legal proceedings	2	32. -(1) No suit shall be commenced against the Council before the
	3	expiration of a period of one month after written notice of intention to
	4	commence the suit shall have been served on the Council by the intending
	5	plaintiff or his agent and the notice clearly and explicitly states-
	6	(a) the cause of action;
	7	(b) the particulars of the claim;
	8	(c) the name and place of abode of the intending plaintiff; and
	9	(d) the relief which he claims.
	10	(2) The notice referred to in subsection (1) of this section and any
	11	summons, notice or other document required or authorized to be served on the
	12	Council under the provisions of this Act or any other enactment or law, may be
	13	served b-
	14	(a) delivering the same to the Director General of Council; or
	15	(b) sending it by registered post addressed to the Director General at
	16	the head office of the Council.
	17	(3) In any action or suit against the Council, no execution or
	18	attachment or process in the nature thereof shall be issued against the Council,
	19	but any sums of money which may, by the judgment of the court, be awarded
	20	against the Council shall, subject to any directives given by the Council, be
	21	paid from the fund of the Council.
Power of Minister	22	33. The Minister may give directives of a general or special character
	23	to the Council relating to the performance by the to give directives Council of
	24	any or all of its functions under this Act, and it shall be the duty of the Council to
	25	comply and give effect to the directives.
Dissolution of factories	26	34. -(1) On the commencement of this Act, the Factories, Inspectorate
	27	Department or any other Department or Unit in the Federal Ministry of Labour
	28	and Productivity Inspectorate in charge of inspecting factories and workplaces
	29	shall Department cease to exist.
	30	(2) Accordingly the Department as mentioned in subsection (1) above

1 is hereby dissolved and the provisions of the Second Schedule to this Act
2 shall apply in relation to the employees in the said Department and the other
3 matters connected with the Department set out therein.

4 **35.** The Board may, with the approval of the Minister, make Power to make
regulations
5 regulations-

6 (a) to prescribe the methodologies for private sector payments into
7 the fund of the Council;

8 (b) to prescribe the fees to be paid for services rendered by the
9 Council;

10 (c) generally for the purposes of carrying out or giving full effect to
11 the provision of this Act.

12 **PART III - GENERAL DUTIES OF EMPLOYERS AND SELF**

13 **EMPLOYED PERSONS**

14 **36.** Each employer shall- Duty of employers

15 (a) furnish to each of his employees employment and a place of
16 employment which are free from recognizable hazards that are causing or
17 are likely to cause death or serious physical harm to his employees;

18 (b) comply with the occupational safety and health standards
19 promulgated under this Act;

20 (c) provide at no cost to the worker or employee, occupational
21 health protection and personal protective clothing and equipment, which are
22 appropriate for the nature of the job;

23 (d) arrange the workplace to ensure safety and absence of risks to
24 health in connection with the use, handling, storage, and transportation of
25 articles and substances;

26 (e) provide and maintain plant and systems of work that are safe
27 and without risk to health;

28 (f) provide adequate First Aid facilities;

29 (g) provide such information, instruction, training and supervision
30 as are necessary to ensure safety and health of all workers and employees;

1 (h) prepare, implement and constantly revise all written statement of
2 general policy with respect to safety and health of the workers;

3 (i) ensure cooperation between Management, workers and their
4 representatives on matters relating to safety and health at the workplace;

5 (j) ensure that no measures prejudicial to a worker should be taken by
6 reference to the fact that, in good faith, he complained of what is considered to
7 be a breach of statutory requirements or a serious inadequacy in the measures
8 taken by the employer in respect of occupational safety and health and the
9 working environment;

10 (k) undertake studies and keep abreast of new scientific and technical
11 knowledge necessary to comply with the fore going clauses and the provisions
12 of the safety and health laws and regulations;

13 (l) verify the effectiveness of applicable standards on occupational
14 safety and health, periodically, using safety audits, environmental monitoring
15 and health screening of workers and keep records of such verification
16 including records of all notifiable occupational accidents, injuries, and
17 occupational diseases, records of authorizations and exemptions, and data
18 concerning exposure to specialized substances, agents and work processes;

19 (m) provide compensations for work related disabilities or workers
20 and rehabilitation of such workers as reasonably practicable;

21 (n) formulate safety and health policy and also safety and health
22 committee in the workplace with the responsibility of overseeing the
23 observance and implementation of the safety and health policy of the
24 establishment;

25 (o) notify the Council in writing, within three weeks of its occurrence,
26 any accident, dangerous occurrence, occupational poisoning and diseases that
27 occurs in his workplace or to the workers.

Duties of employers
and self employed
persons to persons
other than their
employees

28 **37.** The provisions of this Act as it relates to the duties of employers
29 and self employed persons shall also apply mutatis mutandis to occupiers of a
30 place of work and persons other than employees provided he/she retains the

1 legal and equitable rights to make use of, or come in contact with the work
2 environment, instruments, machinery, plants, chemicals, place of work,
3 etc.

4 **38.**-(1) If, upon inspection or investigation, the Director General of
5 National Council for Occupational Safety and Health or his authorized
6 representative believes that an employer has violated a requirement of
7 section 36 of this Act, of any standard, Rule or Order promulgated pursuant
8 to his powers under this act, he shall with reasonable promptness issue a
9 citation to the employer.

10 (2) Each citation shall be in writing and shall describe with
11 particularity the nature of the violation, including a reference to the
12 provisions of the Act, standard, rule, regulation, or order alleged to have
13 been violated. The citation shall fix a reasonable time for the abatement of
14 the violation.

15 (3) Each citation issued under this section, or a copy or copies
16 thereof, shall be prominently posted, as prescribed in regulations issued by
17 the Council, at or near each place a violation referred to in the citation
18 occurred.

19 (4) No citation may be issued under this section after the expiration
20 of six (6) months following the occurrence of any violation.

21 **39.**-(1) Where the employer wishes to contest the citation by the
22 Council done pursuant to section 38, he shall within fifteen (15) working
23 days notify the Council that he wishes to contest the citation or penalty. If,
24 within fifteen (15) working days from the receipt of the notice issued by the
25 Council, the employer fails to notify the Council that he intends to contest
26 the citation or penalty, the citation and the assessment, as proposed shall be
27 deemed a final order of the Council and not subject to review by any Court or
28 agency.

Right of employer
to contest citation

29 (2) If the Council has reason to believe that an employer has failed
30 to correct a violation for which a citation has been issued within the period

1 permitted for its correction (which period shall not begin to run until the entry
2 of a final order by the Tribunal in the case of any review proceedings under this
3 Section initiated by the employer in good faith and not solely for delay or
4 avoidance of penalties), the Council shall notify the employer by certified mail
5 of such failure and the penalty, and that the employer has fifteen working days
6 within which to notify the Council that he wishes to contest the Council's
7 notification or the proposed penalty. If, within fifteen (15) working days from
8 the receipt of the notification issued by the Council, the employer fails to notify
9 the Council that he intends to contest the notification or penalty, the
10 notification and assessment as proposed, shall be deemed a final order of the
11 Tribunal and not subject to review by any Court or agency.

12 (3) (a) If an employer notifies the Council that he intends to contest a
13 citation issued under Section 38 or notification issued under subsection (a) or
14 (b) of this section, or if, within fifteen (15) working days of the issuance of a
15 citation under section 38 (a) any employee or representative of employees files
16 a notice with the Council alleging that the period of time fixed in the citation for
17 the abatement of the violation is unreasonable, the Council shall immediately
18 advise the Tribunal of such notification, and the Tribunal shall afford an
19 opportunity for a hearing;

20 (b) Upon the determination of the hearing, the Tribunal shall
21 thereafter issue an order, based on findings of fact, affirming, modifying, or
22 vacating the Council's citation or proposed penalty, or directing appropriate
23 relief, and such order shall become final thirty (30) days after its issuance;

24 (c) Upon a showing by an employer of a good faith effort to comply
25 with the abatement requirements of a citation, and that abatement has not been
26 completed because of factors beyond his reasonable control, the Council, after
27 an opportunity for a hearing as provided in subsection (a), shall issue and order
28 affirming or modifying the abatement requirements in such citation;

29 (d) The rules of procedure prescribed by the Tribunal shall provide
30 affected employees an opportunity to participate as parties to hearings under

1 this subsection.

2 **40.**-(1) Any person adversely affected or aggrieved by an order of Judicial Review
3 the Tribunal issued under Section 39 may obtain review of such order to the
4 Court of appeal, by filing in such court within sixty (60) days following the
5 issuance of such order a written petition praying that the order be modified
6 or set aside.

7 (2) (a) A copy of such petition shall be forthwith transmitted by the
8 Clerk of the Court to the Tribunal and to the other parties, and thereupon the
9 Tribunal shall file in the Appeal Court the record in the proceedings as
10 provided in the Court of Appeal Rules;

11 (b) Upon such filing, the Court shall have jurisdiction of the
12 proceeding and of the question determined therein, and shall have power to
13 grant such temporary relief or restraining order as it deems just and proper,
14 and to make and enter upon the pleadings, testimony, and proceeding set
15 forth in such record a decree affirming, modifying, or setting aside in whole
16 or in part, the order of the Tribunal and enforcing the same to the extent that
17 such order is affirmed or modified;

18 (c) The commencement of proceedings under this subsection shall
19 not, unless ordered by the Court, operate as a stay of the order of the
20 Tribunal. No objection that has not been urged before the Tribunal shall be
21 considered by the Court, unless the failure or neglect to urge such objection
22 shall be excused because of extraordinary circumstances;

23 (d) The findings of the tribunal with respect to questions of fact, if
24 supported by substantial evidence on the record considered as a whole, shall
25 be conclusive. If any party shall apply to the Court for leave to adduce
26 additional evidence, and shall show to the satisfaction of the Court that such
27 additional evidence is material and that there were reasonable grounds for
28 their failure to adduce such evidence in the hearing before the Tribunal, the
29 Court may order such additional evidence to be taken before the Tribunal
30 and to be made a part of the record;

1 (e) The Tribunal may modify its findings as to the facts, or make new
2 findings, by reason of additional evidence so taken and filed, and it shall file
3 such modified or new findings, which findings with respect to questions of
4 fact, if supported by substantial evidence on the record considered as a whole,
5 shall be conclusive, and its recommendations, if any, for the modifications or
6 setting aside of its original order;

7 (f) Upon the filing of the record with it, the jurisdiction of the Court
8 shall be exclusive and its judgment and decree shall be final.

9 (3) (a) The Council may also obtain review or enforcement of any
10 final order of the Tribunal by filing a petition for such relief in the Court of
11 Appeal and the provisions of Sections 40 (2) (a) (c) and (3) shall govern such
12 proceedings to the extent applicable;

13 (b) If no petition for review, as provided in subsection (a), is filed
14 within sixty (60) days after service of the Council's order, the Tribunal's
15 findings of fact and order shall be conclusive in connection with any petition
16 for enforcement which is filed by the Council after the expiration of such sixty
17 day period. In any such case, as well in the case of a non contested citation or
18 notification by the Council which has become a final order of the tribunal under
19 subsection (a) or (b) of section 40, the clerk of the Court, unless otherwise
20 ordered by the Court, shall forthwith enter a decree enforcing the order and
21 shall transmit a copy of such decree to the Council and the employer named in
22 the petition;

23 (c) In any contempt proceeding brought to enforce a decree of appeals
24 entered pursuant to this subsection or subsection (a), the Court of Appeal may
25 access the penalty provided in section 46 of this Act, in addition to invoking
26 any other available remedies.

Discrimination
or retaliation
against employee

27 **41.-(1)** No person shall discharge or in any manner discriminate or
28 retaliate against any employee because such employee has filed any complaint
29 or caused to be instituted any proceedings under or related to this Act or has
30 testified or is about to testify in any such proceeding or because of the exercise

1 by such employee on behalf of himself or others of any right afforded by this
2 Act.

3 (2) (a) Any employee who believes that he has been discharged or
4 otherwise discriminated or retaliated against by any person in violation of
5 this sub section may, within thirty (30) days after such violation occurs, file a
6 complaint with the Council alleging such discrimination or retaliation.
7 Upon receipt of such complaint, the Council shall cause such investigation
8 to be made as it deems appropriate;

9 (b) If upon such investigation, the Council determines that the
10 provisions of this subsection have been violated, he shall bring an action in
11 the Federal High Court against such person. In any such action, the Federal
12 High Court shall have jurisdiction, for cause shown to restrain violations of
13 subsection (a) of this subsection and order all appropriate relief including
14 rehiring or reinstatement of the employee to his former position with arrears
15 of payments;

16 (c) Within 90 days of the receipt of a complaint filed under this
17 subsection, the Council shall notify the complainant of his determination
18 under subsection (b) of this section.

19 PART IV - THE OCCUPATIONAL SAFETY AND HEALTH TRIBUNAL

20 42.-(a) The Occupational Safety and Health Tribunal is hereby
21 established. The Tribunal shall be composed of three members who shall be
22 appointed by the President, from among persons who by reason of training,
23 education or experience are qualified to carry out the functions of the
24 Tribunal under this Act. The President shall designate one of the members
25 of the Tribunal to serve as Chairman.

Establishment
and membership

26 (b) The term of members of the Tribunal shall be six (6) years
27 except that-

Term of office

28 (i) the members of the Commission first taking office shall serve,
29 as designated by the President at the time of appointment, one for a term of

	1	two (2) years, one for a term of four (4) years, and one for a term of six (6) years;
	2	(ii) a vacancy caused by the death, resignation, or removal of a
	3	member prior to the expiration of the term for which he was appointed shall be
	4	filled only for the remainder of such unexpired term.
Removal from office	5	(c) A member of the Tribunal may be removed by the President for
	6	inefficiency, neglect of duty, or malfeasance in office;
Location	7	(d) The principal office of the Tribunal shall be in Abuja. Whenever
	8	the Tribunal deems it fit that the convenience of the public or of the parties may
	9	be promoted, or delay or expense may be minimized, it may hold hearings or
	10	conduct other proceedings at any other place;
	11	(e) The Chairman of the Tribunal shall be responsible on behalf of the
	12	Tribunal for the administrative operations of the Tribunal and shall appoint
	13	such administrative law judges and other employees as he deems necessary to
	14	assist in the performance of the Tribunal's functions provided, that assignment,
	15	removal and compensation of administrative law judges shall be in accordance
	16	with the resolution of the Federal Executive Council.
Quorum	17	(f) For the purpose of carrying out its function under this act, two
	18	members of the Tribunal shall constitute a quorum and official action can be
	19	taken only on the affirmative vote of at least two members;
Public records	20	(g) Every official act of the tribunal shall be entered of record, and its
	21	hearings and records shall be open to the public. The Tribunal is authorized to
	22	make such rules as are necessary for the orderly transaction of its proceedings.
	23	Unless the Tribunal has adopted a different rule, its proceedings shall be in
	24	accordance with that applicable in the Federal High Court;
	25	(h) The Tribunal may order testimony to be taken by deposition of any
	26	proceeding pending before it at any state of such proceeding. Any person may
	27	be compelled to appear and depose, and to produce books, papers, or
	28	documents, in the same manner as witnesses may be compelled to appear and
	29	testify and product like documentary evidence before a Court of law;
	30	(i) An administrative law judge appointed by the Tribunal shall hear

1 and make a determination upon any proceeding instituted before the
2 Tribunal and any motion in connection therewith, assigned to such
3 administrative law judge by the Chairman of the Tribunal, and shall make a
4 report of any such determination which constitutes his final disposition of
5 the proceeding. The report of the administrative law judge shall become the
6 final order of the Tribunal within thirty (30) days after such report by the
7 administrative law judge, unless within such period any Tribunal member
8 has directed that such report shall be reviewed by the Tribunal.

9 PART V - PROCEDURES TO COUNTERACT IMMINENT DANGERS

10 43.-(1) The Federal High Court shall have jurisdiction, upon Power of the Court
11 petition of the Council, to restrain any conditions or practices in any place of
12 employment which are such that a danger exists which could reasonably be
13 expected to cause death or serious physical harm immediately or before the
14 imminence of such danger can be eliminated through the enforcement
15 procedures otherwise provided by this Act.

16 (2) Any order issued under subsection (1) may require such steps to
17 be taken as may be necessary to avoid, correct, or remove such imminent
18 danger and prohibit the employment or presence of any individual in
19 locations or under conditions where such imminent danger exists, except
20 individuals whose presence is necessary to avoid, correct, or remove such
21 imminent danger or to maintain the capacity of a continuous process
22 operation to resume normal operations without a complete cessation of
23 operations or where a cessation of operations is necessary, to permit such to
24 be accomplished in a safe and orderly manner.

25 (3) Upon the filing of any such petition, the court shall have
26 jurisdiction to grant such injunctive relief or temporary restraining order
27 pending the outcome of an enforcement proceeding pursuant to this Act. The
28 proceeding shall be as provided by the Federal High Court rules, except that
29 no temporary restraining order issued without notice shall be effective for a
30 period longer than seven (7) days.

1 (4) Whenever and as soon as an inspector concludes that conditions or
2 practices described in subsection (1) exists in any place of employment, he
3 shall inform the affected employees and employers of the danger and that he is
4 recommending to the council that relief be sought.

5 (5) If the Council arbitrarily or capriciously fails to seek relief under
6 this section, any employee who may be injured by reason of such failure, or the
7 representative of such employees, might bring an action against the Council,
8 for a writ of mandamus to compel the Council to seek such an order and for
9 such further relief as may be appropriate.

Confidentiality
of trade secrets

10 **44.**-(1) All information reported to or otherwise obtained by the
11 Council or its representative in connection with any inspection or proceeding
12 under this Act which contains or which might reveal a trade secret referred to in
13 any existing law in force shall be considered confidential for the purpose of that
14 law, except that such information may be disclosed to other officers or
15 employees concerned with the implementation of the provisions of this Act or
16 when relevant in any proceeding under this Act.

17 (2) In any such proceeding referred in subsection (1), the Council, the
18 Tribunal or the Court shall issue such orders as may be appropriate to protect
19 the confidentiality of trade secrets.

Variation,
tolerances and
exemptions

20 **45.** The Director General of Council, on the record, after notice and
21 opportunity for a hearing may provide such reasonable limitations and may
22 make such rules and regulations allowing reasonable variations, tolerances,
23 and exemptions to and from any or all provisions of this Act as he may find
24 necessary and proper to avoid serious impairment of national defense. Such
25 action shall not be in effect for more than six (6) months without notification to
26 the affected employees and an opportunity not being afforded for a hearing.

27 PART VI - PENALTIES

Penalties

28 **46.**-(1) (a) Any employer who willfully or repeatedly violates the
29 requirements of Section 36 of this Act, any standard, rule, or order promulgated
30 pursuant to powers conferred on the Council by this Act, or regulations

1 prescribed pursuant to this Act, may be assessed a civil penalty of not more
2 than x250,000 for each violation, but not less than x100,000 for each willful
3 violation;

4 (b) Any employer who has received a citation for a serious
5 violation of the requirements of Section 36 of this Act, or of any standard,
6 rule or order promulgated pursuant to the provisions of this Act, or of any
7 regulations prescribed pursuant to this Act, shall be assessed a civil penalty
8 of up to x100,000 for each such violation;

9 (c) Any employer who has received a citation for a violation of the
10 requirements of section 36 of this Act, of any standard, rule, or order
11 promulgated pursuant to the provisions of this Act, or of regulations
12 prescribed pursuant to this Act, and such violation is specifically determined
13 not to be of a serious nature, may be assessed a civic penalty of up to
14 N100,000 for each violation;

15 (d) Any employer who fails to correct a violation for which a
16 citation has been issued under section 38 (1) within the period permitted for
17 its correction (which period shall not begin to run until the date of the final
18 order of the Tribunal in the case of any review proceeding under section 39
19 initiated by the employer in good faith and not solely for delay or avoidance
20 of penalties), may be assessed a civil penalty of not more than N50,000 for
21 each day during which such failure or violation continues;

22 (e) Any employer who willfully violates an standard, rule or order
23 promulgated pursuant to the provisions of this Act, or of any regulations
24 prescribed pursuant to this Act, and that violation caused death to any
25 employee, shall, upon conviction, be punished by a fine of not less than
26 N300,000 or by imprisonment for not more than two years, or by both;
27 except that if the conviction is for a violation committed after a first
28 conviction, of such person, punishment shall be by a fine of not less than
29 N500,000 or by imprisonment for not more than three years, or by both.

Giving notice
inspection without
authority

1 (f) Any person who gives advance notice of any inspection to be
2 conducted under this Act, without authority from the Director General of
3 council or his designee, shall, upon conviction be punished by a fine of not
4 more than N20,000 or by imprisonment for not more than six (6) months, or by
5 both;

Making false
report

6 (g) Whoever knowingly makes any false statement, representation, or
7 certification in any application, record, report, plan or other document filed or
8 required to be maintained pursuant to this Act shall, upon conviction, be
9 punished by a fine of not more than N50,000, or by imprisonment for not more
10 than six (6) months, or by both;

11 (h) Any employer who violates any of the posting requirements, as
12 prescribed under the provisions of this Act, shall be assessed a civil penalty of
13 up to N50,000 for each violation.

14 (2) (a) The Tribunal shall have authority to assess all civil Penalties
15 provided in this section, giving due consideration to the appropriateness of the
16 penalty with respect to the size of the business of the employer being charged,
17 the gravity of the violation, the good faith of the employer, and the history of
18 previous violations;

19 (b) For the purposes of this Section, a serious violation shall be
20 deemed to exist in a place of employment if there is a substantial probability
21 that death or serious physical harm could result from a condition which exists,
22 or from one or more practices, means, methods, operations, or processes which
23 have been adopted or are in use, in such place of employment unless the
24 employer did not, and could not with the exercise of reasonable diligence,
25 know of the presence of the violation;

26 (c) Civil penalties owed under this Act shall be paid to Council and
27 shall accrue to the Council and may be recovered in a civil action in the name of
28 the Council brought in the appropriate Court of law.

Offences
committed by
agents and trade
union

29 47.-(1) Where any offence as stipulated in this Act is committed by an
30 agent, trade union or any other party, acting on behalf of the employer or

1 engaged by him, or is reasonably believed to be engaged by him, the
2 employer shall be deemed to have substantial interest in the commission of
3 the offence and shall be fully responsible as if he had committed the offence
4 himself.

5 (2) Where a person, including a juristic person, is perceived to have Aiding and
6 aided and abetted in the commission of an offence under this Act, he may be abetting
7 charged along with the principal violator and shall, upon conviction, be
8 subject to the same penalty as the principal offender.

9 PART VII - GENERAL DUTY OF EMPLOYEES/WORKERS

10 48.-(1) It shall be the duty of every worker in the formal or informal Duties of workers
11 sector while at work to:

12 (a) take reasonable care for his/her health and safety and of other
13 persons who may be affected by his/her acts or omissions;

14 (b) comply with the instruction given for their own safety and
15 health and those of others and with safety and health procedures;

16 (c) co operate with the National Council for Occupational Safety
17 and Health and other bodies established by this Act, and employers in the
18 fulfillment of the obligations placed on him/her by this Act to secure the
19 occupational safety, health and welfare in the workplace as defined by this
20 Act;

21 (d) use safety and health devices and protective equipment
22 correctly and not render them inoperative;

23 (e) report forthwith to their safety and health officer, immediate
24 supervisor, the closest office of the Council any situations that could present
25 or presents a hazard, or that imminent danger exists and the Council shall
26 take steps to investigate the report as stipulated in this Act;

27 (f) report every accident or injury to health or death of an employee
28 or worker to the employer, the safety and health officer and the Council for
29 immediate remedial action.

Establishment of Safety and Health Committee	1	49. -(1) Every employer who has more than 40 workers or as directed
	2	by the Director General of the Council, must establish a Safety and Health
	3	Committee at their workplace.
Objectives of the Committee	4	(2) The objective of the Committee is to foster co operation and
	5	consultation between management and workers in identifying, evaluating, and
	6	controlling hazards at workplaces.
Composition	7	(3) The membership of the Committee shall consist of a Chairman, a
	8	Secretary, representatives of employers and representatives of employees.
Functions t	9	(4) The safety and Health Committee shall-
	10	(a) keep under review the measures taken to ensure the safety and
	11	health of persons at the workplace;
	12	(b) investigate any matters at the workplace that is considered unsafe
	13	or is a risk to health and which has been brought to the attention of the
	14	employer;
	15	(c) investigate any matters which has been brought to the attention of
	16	the employer;
	17	(d) resolve any matter that is not safe or risky and if it is unable to do
	18	so, request the Director General of Council to carry out an inspection;
	19	(e) perform other functions as may be prescribed.
Responsibilities of Federal Ministries, Agencies, Parastatals Departments, etc.	20	50. -(1) It shall be the responsibility of the head of Federal Agency,
	21	Ministry, Commission, Parastatal, Department, etc. to establish and maintain
	22	on effective and comprehensive occupational safety and health programme
	23	which is consistent with the standards promulgated under this Act or in
	24	pursuant of the powers conferred by this Act. The head of each Ministry,
	25	Agency, Parastatal or Department shall (after consultation with representatives
	26	of employees thereof)-
	27	(a) provide safe and healthy places and conditions of employment
	28	consistent with the standards set in this Act;
	29	(b) acquire, maintain and require the use of safety equipment, and
	30	devices reasonably necessary to protect employees;

1 (c) keep adequate records of all occupational accidents and illness Record keeping
2 for proper evaluation and necessary corrective action;

3 (d) consult with the Minister or his representative with regard to the
4 adequacy as to form and content of records kept pursuant to subsection (1)
5 (c) of this section; and

6 (e) make annual report to the Minister with respect to occupational
7 accidents and injuries and the Ministry's or Agency's programme under this
8 section.

9 (2) The Minister or his representative shall have access to records
10 and reports kept and filed by the Federal Ministries, Agencies, Parastatals
11 and Departments pursuant to subsection (1) (c) and (e) of this section unless
12 those records and reports are specifically required by presidential order to be
13 kept secret in the interest of national security or foreign policy, in which case
14 the Minister shall have access to such information as will not jeopardize
15 national security or foreign policy.

16 PART VIII - RESEARCH AND RELATED ACTIVITIES

17 **51.**-(1) The Council and all relevant agencies and the academia Research and
18 shall facilitate quality research and analysis of occupational safety and Development
19 health data. Such research, experiments, and demonstrations relating to
20 occupational safety and health, including studies of psychological factors
21 involved, and relating to innovative methods, techniques, and approaches
22 for dealing with occupational safety and health problems.

23 (2) The Council shall from time to time consult with the Ministry of Consultation
24 Health, in order to develop specific plans for such research, demonstrations, with the Ministry
25 and experiments as are necessary to produce criteria, including identifying of Health
26 toxic substances, enabling the Council to meet its responsibility for the
27 formulation of safety and health standards under this Act, and the Minister
28 of Health, on the basis of such research, demonstrations, and experiments,
29 and any other information available to him, shall develop and publish at
30 least annually such criteria as will effectuate the purposes of this Act.

1 (3) The Minister of Health together with the Council, on the basis of
2 such research, demonstrations, and experiments, and any other information
3 available to him, shall develop criteria dealing with toxic materials and
4 harmful physical agents and substances which will describe exposure level that
5 are safe for various periods of employment, including but not limited to
6 exposure levels at which no employee will suffer impaired health or functional
7 capacities or diminished life expectancy as a result of his work experience.

8 (4) The Minister of Health, working with the Council shall also
9 conduct special research, experiments and demonstrations relating to
10 occupational safety and health as are necessary to explore new problems,
11 including those created by new technology in occupational safety and health,
12 which may require ameliorative action beyond that which is otherwise
13 provided for in the operating provisions of this Act. The Ministry of Health
14 shall also conduct research into the motivational and behavioral factors
15 relating to the field of occupational safety and health.

16 (5) The Council in collaboration with the Ministry of Health, shall
17 publish within six (6) months of enactment of this Act, and thereafter as needed
18 but at least annually a list of all known toxic substances by generic family or
19 other useful grouping, and the concentrations at which such toxicity is known
20 to occur.

21 (6) Upon a written request by any employer or authorized
22 representative of employees, the Ministry of Health shall determine,
23 specifying with reasonable particularity the grounds on which the request is
24 made, whether any substance normally found in the place of employment has
25 potentially toxic effects in such concentrations as used or found, and shall
26 submit such determination both to employers and affected employees as soon
27 as possible.

28 (7) If the Minister of Health determines that any substance is
29 potentially toxic at the concentrations in which it is used or found in a place of
30 employment, and such substance is not covered by an occupational safety and

1 health standard promulgated under this Act, the Minister of Health shall
2 immediately submit such determination to the Council, together with all
3 pertinent criteria.

4 (8) Within two years of enactment of this Act, and annually Annual Studies
5 thereafter, the Minister of Health shall conduct and publish industry wide
6 status of the effect of chronic or low level exposure to industrial materials,
7 process, and stress on the potential for illness, disease, or loss of functional
8 capacity in aging adults.

9 (9) The Minister of Health is authorized to make inspections and Inspections
10 question employers and employees as provided in section 29 of this Act in
11 order to carry out his functions and responsibilities under this section.

12 (10) Information obtained by the Council and the Minister of Health under
13 this Section shall be disseminated by the Council to employers and
14 employees and organizations thereof.

15 (11) The functions of the Minister of Health under this Act shall, to Delegation of
16 the extent feasible, be delegated to the Director of the National Institute for
17 Occupational Safety and Health established by section 56 of this Act.

18 **52.**-(1) The Minister of Health, after consultation with the Council Training and
19 and other appropriate federal departments and agencies, shall conduct, employee
20 directly or by grants or contracts- education

21 (a) education programmes to provide an adequate supply of
22 qualified personnel to carry out the purposes of this Act; and

23 (b) informational programmes on the importance of and proper use
24 of adequate safety and health equipment.

25 (2) The Council, in consultation with the Ministry of Health shall-

26 (a) provide for the establishment and supervision of programmes
27 for the education and training of employers and employees in the
28 recognition, guidance, and prevention of unsafe or unhealthful working
29 conditions in employments covered by this Act, and;

30 (b) consult with and advise employers and employees, and

Cooperative
agreements with
States

1 organizations representing employers and employees as to effective means of
2 preventing occupational injuries and illness.

3 **53.**-(1) The Council shall establish and support cooperative
4 agreements with the States under which employers subject to this Act may
5 consult with State personnel with respect to-

6 (a) the application of occupational safety and health requirements
7 under this Act; and

8 (b) voluntary efforts that employers may undertake to establish and
9 maintain safe and healthy employment and places of employment.

10 (2) Pursuant to such agreements the State shall provide on site
11 consultation at the employer's worksite to employers who request such
12 assistance. The State may also provide other education and training
13 programmes for employers and employees in the State. The State shall ensure
14 that on site consultations conducted pursuant to such agreements include
15 provision for the participation by employees.

16 (3) Activities under this subsection shall be conducted independently
17 of any enforcement activity. If an employer fails to take immediate action to
18 eliminate employee exposure to an imminent danger identified in a
19 consultation or fails to correct a serious hazard so identified within a
20 reasonable time, a report shall be made to the appropriate enforcement
21 authority for such action as is appropriate.

On-site
consultative
visit

22 **54.** The Council shall, by regulation after notice and opportunity for
23 comment, establish rules under which an employer-

24 (a) which requests and undergoes an on site consultative visit
25 provided under this subsection;

26 (b) which corrects the hazards that have been identified during the
27 visit within the time frames established by the State and agrees to request a
28 subsequent consultative visit if major changes in working conditions or work
29 processes occur which introduce new hazards in the workplace; and

30 (c) which is implementing procedures for regularly identifying and

1 preventing hazards regulated under this Act and maintains appropriate
 2 involvement of, and training for, management and non management
 3 employees in achieving safe and healthy working conditions, may be
 4 exempt from an inspection (except an inspection requested by workers or
 5 their representative or an inspection to determine the cause of a workplace
 6 accident which resulted in the death of one or more employees) for a period
 7 of one year from the closing of the consultative visit.

8 **55.** A State shall provide worksite consultations under section 53
 9 (2) at the request of the employer. Priority in scheduling such consultations
 10 shall be assigned to requests from small business which are in higher danger
 11 industries or have the most hazardous conditions at issue in the request.

Duty of State to
provide worksite
consultation

12 **PART IX - NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY**
 13 **AND HEALTH**

14 **56.-(1)** It is hereby established a National Institute for
 15 Occupational Safety and Health (in this Act known as "the institute") in the
 16 Ministry of Health in order to carry out the policy set forth in section 51 of
 17 this Act and to perform the functions of the Minister of Health under sections
 18 51 and 52 of this Act.

Establishment

19 (2) The Institute shall be headed by a Director who shall be
 20 appointed by the Minister of Health, and who shall serve for a term of four

Appointment
and term of
Director

21 (4) years unless previously removed by the Minister of Health.

22 (3) The Institute is authorized to-

Functions and
powers

23 (a) develop and establish recommended occupational safety and
 24 health standards; and

25 (b) perform all functions of the Minister of Health under sections
 26 51 and 52 of this Act.

27 **57.-(1)** The Director of the Institute may, upon his own initiative, or
 28 upon the request of the Minister of Health-

Powers of the
Director

29 (a) conduct such research and experimental programmes as he
 30 determines are necessary for the development of criteria for new and

1 improved occupational safety and health standards; and

2 (b) after consideration of the results of such research and
3 experimental programmes make recommendations concerning new and
4 improved occupational safety and health standards. Any occupational safety
5 and health standard recommended pursuant to this Section shall immediately
6 be forwarded to the Ministers of Health and Labour and to the National Council
7 for Occupational Safety and Health.

8 (2) In addition to any authority vested in the Institute by other
9 provisions of this Section, the Director, in carrying out the functions of the
10 Institute, has the powers to-

11 (a) prescribe such regulations as he deems necessary governing the
12 manner in which its functions shall be carried out;

13 (b) receive money and other property donated, bequeathed, or
14 devised, without condition or restriction other than that it be used for the
15 purposes of the Institute and to use, sell, or otherwise dispose of such property
16 for the purpose of carrying out its functions;

17 (c) receive (and use, sell, or dispose of, in accordance with subsection
18 (b) above, money and other property donated, bequeathed, or devised to the
19 Institute with a condition or restriction, including a condition that the Institute
20 use other funds of the Institute for the purposes of the gift;

21 (d) in accordance with the Civil Service laws, appoint and fix the
22 remuneration of such personnel as may be necessary to carry out the provisions
23 of this section;

24 (e) obtain the services of experts and consultants in accordance with
25 the provisions of this Act;

26 (f) accept and utilize the services of voluntary and non compensated
27 personnel and reimburse them for travel expenses, in accordance with its
28 regulations;

29 (g) enter into contracts, grants or other arrangements, or
30 modifications thereof to carry out the provisions of this Section, and such

1 contracts or modifications thereof may be entered into without performance
2 or other bonds, and without regard to any other provision of law relating to
3 competitive bidding;

4 (h) make other necessary expenditures.

5 **58.** The Director shall submit to the Minister of Health, to the
6 President, and to the National Assembly an annual report of the operations
7 of the Institute under this Act, which shall include a detailed statement of all
8 private and public funds received and expended by it, and such
9 recommendations as he deems appropriate.

Annual report
to the Minister
of Health, President
and National
Assembly

10 PART X - MISCELLANEOUS

11 **59.**-(1) In order to further the purposes of this Act, the Council, in
12 consultation with the Minister of Health, shall develop and maintain an
13 effective programme of collection, compilation, and analysis of
14 occupational safety and health statistics. Such programme may cover all
15 employments whether or not subject to any other provisions of this Act.

Collaboration
of the Council
with the Minister
of Health

16 (2) The Council shall compile accurate statistics on work injuries
17 and illnesses which shall include all disabling, serious, or significant
18 injuries and illnesses, whether or not involving loss of time from work, other
19 than minor injuries requiring only first aid treatment, loss of consciousness,
20 restriction of work or motion, or transfer to another job.

21 **60.**-(1) Each recipient of a grant under this act shall keep such
22 records as the Council or the Minister of Health shall prescribe, including
23 records which fully disclose the amount and disposition by such recipient of
24 the proceeds of such grants, the total cost of the project or undertaking in
25 connection with which such grant is made or used, and the amount of that
26 portion of the cost of the project or undertaking supplied by other sources,
27 and such other records as will facilitate an effective audit.

Audit

28 (2) The Minister, or the Minister for Health and the Auditor
29 General of the Federation, or any of their duly authorized representatives,
30 shall have access for the purpose of audit and examination to any books,

- 1 documents, papers, and records of the recipients of any grant under this Act that
2 are pertinent to any such grant.
- Annual reports 3 **61.** Not later than 30 June in each year, and in addition to the
4 responsibilities already imposed by section 25 of this act, the Council, the
5 Institute and the Minister for Health shall each prepare and submit to the
6 President for transmission to the National Assembly-
- 7 (a) a report on the extent of implementation of their respective
8 responsibilities as imposed by this Act;
- 9 (b) the needs and requirements in the field of occupational safety and
10 health;
- 11 (c) information regarding occupational safety and health standards
12 and criteria for such standards developed during the preceding year;
- 13 (d) evaluation of standards and criteria previously developed under
14 this Act;
- 15 (e) evaluation of the degree of observance of applicable occupational
16 safety and health standards;
- 17 (f) a summary of inspection and enforcement activity undertaken;
- 18 (g) an analysis and evaluation of research activities for which results
19 have been obtained under governmental sponsorship;
- 20 (h) an analysis of major occupational diseases;
- 21 (i) evaluation of available control and measurement technology for
22 hazards for which standards or criteria have been developed during the
23 preceding year;
- 24 (j) a description of co operative efforts undertaken between
25 Government agencies and other interested parties in the implementation of this
26 Act during the preceding year;
- 27 (k) a progress report on the development of an adequate supply of
28 trained manpower in the field of occupational safety and health;
- 29 (l) estimates of future needs and the efforts being made by
30 Government and others to meet those needs;

1 (m) a list of all toxic substances in industrial usage for which
2 labeling requirements, criteria or standards have not yet been established;
3 and

4 (n) such further recommendation for additional legislation as are
5 deemed necessary to protect the safety and health of the worker and improve
6 the administration of this Act.

7 **62.** There are authorized to be appropriated to carry out this Act for Appropriation
8 each fiscal year such sums as the National Assembly shall deem necessary.

9 SCHEDULES

10 FIRST SCHEDULE

11 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL AND

12 TO THE BOARD

13 1. Subject to this Act and Section 27 of the Interpretation Act, the
14 Board may make standing orders regulating the proceedings of the Board
15 and any Committee thereof.

16 2. Every meeting of the Board shall be presided over by the
17 Chairman and if the Chairman is unable to attend a particular meeting, the
18 members at the meeting shall elect one of their members to preside at the
19 meeting.

20 3. The quorum at a meeting of the board shall consist of the
21 Chairman (or in an appropriate case, the person presiding at the meeting
22 pursuant to paragraph 2 of this schedule and six other members.

23 4. The Board may on any special occasion, co opt any person to be
24 member of the Board for as many meetings as it may deem necessary, and
25 that person while so co opted shall have all the rights and privileges of a
26 member, except that he shall not be entitled to vote or count towards a
27 quorum.

28 5.-(1) Subject to its standing orders, the Board may appoint such
29 number of standing and adhoc Committees as it thinks fit to consider and
30 report on any matter with which the Council is concerned.

1 (2) Every committee appointed under the provisions of subparagraph
2 (1) of this paragraph shall be presided over by a member of the Board and shall
3 be made up of such number of persons, not necessarily members of the Board,
4 as the Board may determine in each case.

5 6. The decision of a committee shall be of no effect until it is
6 confirmed by the Council.

7 *Miscellaneous*

8 7. The fixing of the seal of the council shall be authenticated by the
9 Signature of the Chairman of the Board and Director General of the Council
10 such other member authorized generally or specially by the Board to act for that
11 purpose.

12 8. Any contract or instrument, which, if made by a person not being a
13 body corporate, would not be required to be under seal, may be made or
14 executed on behalf of the Council by the Chairman or by any other person
15 authorized generally or specifically by the Board to act for their purpose.

16 9. Any document purporting to be a contract, an instrument or other
17 document signed or sealed on behalf of the Council shall be received in
18 evidence and, unless the contrary is proved, be presumed without further proof,
19 to have been so signed or sealed.

20 10. The validity of a proceeding of the Board or of a Committee
21 thereof shall not be adversely affected-

22 (a) by any vacancy in the membership of the Board;

23 (b) by any defect in the appointment of a member of the Board; or

24 (c) by reason that a person not entitled to do so took part in the
25 proceeding.

26 *Conflict of interest*

27 11. A member of the Board or Committee who has a personal interest
28 in any contract or arrangement entered into or proposed to be considered by the
29 Board or committee shall forthwith disclose his interest to the Board or

1 Committee and shall not vote on any question relating to the contract or
2 arrangement.

3 SECOND SCHEDULE

4 TRANSITIONAL PROVISIONS RELATING TO THE EMPLOYEES, ASSETS
5 AND LIABILITIES OF THE NATIONAL COUNCIL FOR OCCUPATIONAL
6 SAFETY AND HEALTH

7 1. By virtue of this Act, there shall be vested in the Council
8 immediately at the commencement of this Act, without further assurance, all
9 assets, funds, resources and other movable or immovable property which
10 immediately before the commencement of this Act were vested in the
11 Factories Inspectorate department of the Federal Ministry of Labour and
12 Productivity (in this Section referred to as "the Department").

13 2. As from the commencement of this Act-

14 (a) all rights, interests, obligations and liabilities of the Department
15 existing immediately before the commencement of this Act under any
16 contract or instrument, or at law or in equity apart from any contract or
17 instrument, shall by virtue of this Act be assigned to and vested in the
18 Council;

19 (b) any contract or instrument as mentioned in sub paragraph (a) of
20 this paragraph shall be of the same force and effect against or in favour of the
21 Council and shall be enforceable as fully and effectively as if, instead of the
22 Department, the Council has been named therein or had been a part thereto;
23 and

24 (c) the Council shall be subject to all obligations and liabilities to
25 which the department was subject immediately before the commencement
26 of this act, and all other persons shall as from the commencement of this Act
27 have the same rights, powers and remedies against the Council as they had
28 against the Department immediately before the commencement of this Act.

29 3. Any proceeding or cause or action pending or existing
30 immediately before the commencement of this Act by or against the

1 Department in respect of any right, interest, obligations or liability of the
2 Department may be commenced, continued or enforced by or against the
3 Council as if this Act had not been made.

4 4. Notwithstanding the provisions of this act but subject to such
5 directions as may be issued by the Council, any person who immediately
6 before the date of the commencement of this Act held office in the Department
7 shall be deemed to have been transferred to the Council on terms and
8 conditions not less favourable than those obtaining immediately before the
9 commencement of this Act, and service under the Council for purposes of
10 pension.

11 5. The Minister, if he thinks fit, may, within the twelve months after
12 the commencement of this Act, by order published in the gazette, make
13 additional or saving provisions for the better implementation of the objectives
14 of this Schedule.

EXPLANATORY MEMORANDUM

This Bill seeks to make further provision for securing the Safety, Health and Welfare of persons at work, for protecting others against risks to safety or health in connection with activities of persons at work, to establish the National Council for Occupational Safety and Health