

Extraordinary



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A BILL

FOR

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

Sponsored by Senator Sahabi Ya'au

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF

2 FEDERAL UNIVERSITY, GUSAU

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

5 (2) The University-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 book selling;

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

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

14 (o) make gifts for any charitable purpose;

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

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

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

Functions of the
Chancellor and
Proc-Chancellor

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

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

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

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

Establishment
and Composition
of Council

4 (a) the Pro-Chancellor;

5 (b) the Vice-Chancellor;

6 (c) the Deputy Vice-Chancellor;

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

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

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

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

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

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

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

Functions of the
Council and its
Finance and
General Purpose

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

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

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

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

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

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

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

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

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

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

Functions of
the Senate

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Functions of the
Vice-Chancellor

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

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

28 PART II - TRANSFER OF PROPERTY

Transfer of
Property to the
University

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

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

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

6 PART III — STATUTES OF THE UNIVERSITY

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

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

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

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

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

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

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

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

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

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

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

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

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

PART IV - SUPERVISION AND DISCIPLINE

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

The Visitor

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

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

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

	1	(b) give effect to any instructions consistent with the provisions of
	2	this Act which may be given by the Visitor in consequence of the visitation.
Removal of certain Members of the Council	3	16.-(1) If it appears to the Council that a member (other than the Pro-
	4	Chancellor or the Vice-Chancellor) should be removed from office on grounds
	5	of misconduct or inability to perform the functions of his office, the Council
	6	shall make a recommendation to that effect through the Minister to the Federal
	7	Executive Council and if the Federal Executive Council, after making such
	8	enquiries (if any) as may be considered necessary, approves the
	9	recommendation it may direct the removal of the member from office.
	10	(2) It shall be the duty of the Minister to use his best endeavours to
	11	cause a copy of the instrument embodying a direction under subsection (1) of
	12	this section to be served as soon as reasonably practicable on the person to
	13	whom it relates.
Removal and discipline of Academic, Administrative and Professional Staff	14	17.-(1) If it appears to the Council that there are reasons for believing
	15	that any person employed as a member of the academic, administrative or
	16	professional staff of the University, other than the Vice-Chancellor, should be
	17	removed from office or on grounds of misconduct or inability to perform the
	18	functions of his office Council shall-
	19	(a) give notice of those reasons to the person in question;
	20	(b) afford such person an opportunity of making representation in
	21	person on the matter to the Council; and
	22	(c) take a decision to terminate or not to terminate the appointment.
	23	(2) If the affected staff or any three members of the Council so request
	24	within a period of one month from the date of receipt of the notice of the
	25	Council's decision, the Council shall make arrangements for
	26	(a) a joint committee of the Council and the Senate to review the
	27	matter and to report on it to the Council;
	28	(b) the person in question to be afforded an opportunity to appear
	29	before and be heard by an investigating committee with respect to the matter;
	30	and if the Council after considering the report of the investigating committee, is

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Removal of
Examiners

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

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

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

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

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

Discipline of
Students

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

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

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

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

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

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

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

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

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

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

5 PART V - MISCELLANEOUS AND GENERAL PROVISIONS

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

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

10 (a) student in the University;

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

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

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

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

Transfer of land
to the University

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

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

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

Restriction on
disposal of land
by University

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

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

Quorum and
procedure of
bodies established
by this Act

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

Appointment of
Committees, etc.

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

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

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

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

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

Miscellaneous
Administrative
provisions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Interpretation

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

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

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

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

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

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

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

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

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

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

5 SCHEDULES

6 FIRST SCHEDULE

7 Section 3 (2)

8 *Principal Officers of the University*

9 *The Chancellor*

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

12 *The Pro-Chancellor*

13 2.-(1) The Pro-Chancellor shall be appointed or removed from
14 office by the President.

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

17 *The Vice-Chancellor*

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

21 *Deputy Vice-Chancellor*

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

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

29 (3) A Deputy Vice-Chancellor shall-

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

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

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

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

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

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

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

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

19 (a) the Bursar; and

20 (b) the University Librarian.

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

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

29 (4) The Bursar and the University Librarian-

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

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

3 *Other Officers of the University*

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

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

12 *Resignation and re-appointment*

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

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

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

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

22 SECOND SCHEDULE

23 *Section 10 (2)*

24 TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

25 *Transfer of Property to the University*

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

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

1 University; and

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

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

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

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

15 *Registration of Transfers*

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

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

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

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

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

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

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

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

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

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

24 THIRD SCHEDULE

25 *Section 11 (3)*

26 Federal University, Gusau Statute No. 1

27 *Articles:*

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

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

10 *The Council*

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

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

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

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

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

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

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

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

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

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

13 *The Finance and General Purpose Committee*

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

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

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

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

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

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

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

29 *The Senate*

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

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

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

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

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

21 *Congregation*

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

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

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

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

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

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

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

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

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

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

21 *Convocation*

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

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

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

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

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

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

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

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

2 *Organisation of Faculties and Branches thereof*

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

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

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

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

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

14 (2) Each Faculty Board shall consists of-

15 (a) the Vice-Chancellor;

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

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

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

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

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

25 *The Dean of the Faculty*

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

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

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

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

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

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

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

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

24 *Selection of Certain Principal and other key Officers*

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

28 (i) the Pro-Chancellor;

29 (ii) the Vice-chancellor;

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

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

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

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

11 *Creation of Academic Post*

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

15 *Appointment of Academic Staff*

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

19 *Appointment of Administrative and Technical Staff*

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

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

- 1 participation in the process of selection.

EXPLANATORY MEMORANDUM

(This memo does not form part of this Bill)

This Bill seeks to establish the Federal University, Gusau 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.

FOR

Sponsored by Senator Oloriegbe

[] Commencement

1 PART 1 - ESTABLISHMENT OF THE NATIONAL HEALTH
2 INSURANCE COMMISSION

3 1. -(1) There is hereby established a body to be known as the Establishment of
4 National Health Insurance Commission (in this Bill referred to as “the the National
5 Commission”). Health Insurance Commission

6 (2) The Commission-

7 (a) shall be a body corporate with perpetual succession and an
8 official seal;

9 (b) may sue and be sued in its corporate name;

10 (c) may for the performance of its functions under this Bill acquire,
11 hold, or dispose of any moveable and immovable property;

12 (d) may enter into contract or any other transaction.

13 **2.** -(1) The principal object of the Commission shall be to ensure Object of the
14 the effective implementation of a national health insurance policy that Commission

Function of the
Commission

1 enhances access to healthcare services to all Nigerians and promote and
2 regulate health insurance schemes in Nigeria.

3 (2) For the purpose of achieving this object, the Commission shall:

4 (a) register, license and regulate all health insurance schemes that
5 operate in Nigeria;

6 (b) grant accreditation and re-accreditation to Health Maintenance
7 Organizations, Mutual Health Associations and healthcare facilities and
8 monitor their performance;

9 (c) ensure that healthcare services rendered to beneficiaries of various
10 health plans by accredited healthcare facilities are of good quality;

11 (d) approve contributions that should be made by the members of the
12 various health insurance schemes;

13 (e) provide mechanism for resolving complaints by members of the
14 schemes and healthcare facilities;

15 (f) make proposals to the Minister of Health for the formulation of
16 policies on health insurance;

17 (g) undertake on its own or in collaboration with other relevant bodies
18 a sustained public education on health insurance;

19 (h) devise a mechanism for ensuring that the basic healthcare needs of
20 indigents are adequately provided for;

21 (i) maintain a register of licensed health insurance schemes and
22 accredited healthcare facilities;

23 (j) evaluate any new proposals related to extending the health
24 insurance coverage to any group of Nigerians;

25 (k) issue appropriate regulations and guidelines to ensure viability of
26 prepaid health insurance schemes whether private or public;

27 (l) accredit insurance companies, insurance brokers and banks
28 desirous of participating in health insurance schemes under the Commission;

29 (m) maintain a national data bank on health insurance;

30 (n) monitor compliance with this Bill, regulate and pursue actions to

- 1 ensure compliance; and
- 2 (o) regulating all health insurance schemes in Nigeria in
- 3 accordance with the provisions of this Bill;
- 4 (p) approving formats of contracts for health service purchasing
- 5 proposed by the health maintenance organizations and the mutual health
- 6 associations for all health care facilities;
- 7 (q) approving, after negotiation, capitation and other payments due
- 8 to health care facilities by the Health Maintenance Organizations, Mutual
- 9 Health Associations, etc;
- 10 (r) undertaking research and producing statistics on matters
- 11 relating to the Commission;
- 12 (s) ensuring the continuous improvement in the quality of services
- 13 provided by the various schemes through regulations and guidelines issued
- 14 by the Council;
- 15 (t) exchanging information and data with the National Health
- 16 Management Information System, financial institutions, the Federal Inland
- 17 Revenue Service, the State Internal Revenue Services and other relevant
- 18 bodies;
- 19 (u) ensuring manpower development of the Commission;
- 20 (v) carrying out such other activities as are necessary or expedient
- 21 for the purpose of achieving the objectives of the Commission under this
- 22 Bill.
- 23 **3. -(1)** There is hereby established a Governing Council (in this
- 24 Bill referred to as “the Council”) which shall consist of:
- 25 (a) the Chairman;
- 26 (b) one representative each of:
- 27 (i) the Federal Ministry of Health not below the rank of a Director;
- 28 (ii) the Federal Ministry of Finance not below the rank of a
- 29 Director;
- 30 (iii) the Office of the Head of Service of the Federation not below

Establishment of
the Governing
Council

Functions and
powers of the
Council

- 1 the rank of a Director;
- 2 (iv) the Nigeria Employers Consultative Association;
- 3 (v) the Nigerian Labour Congress;
- 4 (vi) the Armed Forces and Police.
- 5 (c) one representative of the National Insurance Commission;
- 6 (d) two persons representing consumers (or public interest)
- 7 (e) Director General of the Commission who shall also serve as the
- 8 Secretary to the Council.
- 9 (f) A representative of the States and Local Governments.
- 10 (2) Members of the Council, other than the Director General, shall be
- 11 part-time members.
- 12 (3) All members shall within one month of appointment declare in
- 13 writing to the Council their personal interests as well as those of their family
- 14 members or close associates known to them in any Organization under this
- 15 Bill.
- 16 (4) The Chairman and other members of the Council shall be
- 17 appointed by the President and Commander-in-Chief of the Armed Forces of
- 18 the Federal Republic of Nigeria, on the recommendation of the Minister, and
- 19 shall be *persons* of relevant high education, experience and integrity.
- 20 **4.** The Council shall have the powers to-
- 21 (a) approve and register for the Commission all pre-paid public and
- 22 private health insurance organizations in any form;
- 23 (b) determine the overall policies of the Commission, including the
- 24 financial and operational procedures of the Commission;
- 25 (c) ensure the effective implementation of the policies and guidelines
- 26 of the Commission;
- 27 (d) regulate and supervise the various health insurance schemes
- 28 established under this Bill;
- 29 (e) issue guidelines for the administration of the funds under the
- 30 Commission;

1 (f) approve, license, regulate and supervise Health Maintenance
2 Organizations, Mutual Health Associations and other institutions relating to
3 the Commission as may be determined from time to time;

4 (g) establish standards, rules and guidelines for the management of
5 the various schemes under this Bill;

6 (h) approve the organizational structure of the Commission as well
7 as the appointments, promotions and discipline of all categories of the
8 Commission's staff and also their remuneration;

9 (i) receive and investigate complaints of impropriety levied against
10 any Health Maintenance Organization, Mutual Health Associations, and
11 other relevant institutions;

12 (j) discipline by way of temporary suspension, revocation of
13 license or imposition of fines to any erring operator (HMOs, HMAs,
14 facilities etc);

15 (k) appoint auditors and other consultants of the Commission;

16 (l) perform such other duties which, are necessary or expedient for
17 the discharge of its functions under this Bill.

18 **5. -(1)** A member of the Council other than the Director General
19 shall hold office for a term of 4 years in the first instance and may be re-
20 appointed for a further term of 4 years and no more.

Tenure of office
of Council
members

21 (2) Where a member of the Council resigns, dies, is removed from
22 office or is for sufficient reason unable to act as a member of the Council, the
23 chairperson shall notify the President through the Minister, of the vacancy
24 and the President shall on the advice of the nominating authority, where
25 applicable, appoint another person to hold office for the unexpired portion
26 of the member's term of office.

27 (3) A member of the Council may at any time resign from office in
28 writing addressed to the President through the Minister.

29 **6. -(1)** The Council shall meet at least once every three months
30 for dispatch of business;

Meetings of
Council

1 (2) The Chairman shall at the request, in writing, of not less than half
 2 of the membership of the Council convene an extraordinary meeting of the
 3 Council at the place and time determined by the Chairperson;

4 (3) The quorum at a meeting of the Council shall be two-third(2/3rd) of
 5 members of the Council including the Director General;

6 (4) The Chairman shall preside at the meeting of the Council and in
 7 the absence of the Chairman, a member of the Council elected by the members
 8 present from among their number shall preside;

9 (5) Matters before the Council shall be decided by a simple majority
 10 of the members present and voting, and in the event of a tie of votes, the person
 11 presiding shall have the casting vote;

12 (6) The Council may co-opt a person to attend a Council meeting but
 13 that person is not entitled to vote on a matter for decision by the Council;

14 (7) Subject to the provisions of this section, the Council shall
 15 determine the procedure for its meetings; and

16 (8) Minutes in proper form of each meeting shall be kept and shall be
 17 adopted by the Council at the next meeting and signed by the Chairman and the
 18 Secretary of the meeting.

Disclosure of
interest

19 **7.** A member of the Council who has an interest in a contract, or any
 20 other transaction proposed to be entered into with the Commission, or an
 21 application before the Council shall disclose in writing the nature of the interest
 22 and is disqualified from participating in the deliberations of the Council in
 23 respect of the contract, application or that transaction.

Committees of
the Council

24 **8.** The Council may, for the performance of its functions, appoint
 25 committees composed of members of the Council or non-members or both and
 26 assign to the committees any of its functions but a committee composed
 27 entirely of non-members may only advise the Council. E.g. Technical
 28 Committee.

Remuneration
of members

29 **9. -(1)** The members of the Council shall be paid such remunerations
 30 and allowances as the Federal Government may, from time to time, determine

1 for the Chairman and members of Governing Council generally.

2 (2) The members of the Council, members of Committee of the
3 Council and persons co-opted to attend meetings of the Council shall be paid
4 the traveling and any other allowances as approved by Government.

5 **10.-(1)** A member of the Council shall cease to hold office if he-

Cessation of
membership

6 (a) becomes of unsound mind; or

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

8 (c) is convicted of a felony or of any offence involving dishonesty;

9 (d) is guilty of serious misconduct in relation to his duties; or

10 (e) is found to have failed to declare his interests to the Council as
11 in Section 7 of this Bill.

12 (2) A member of the Council may be removed from office by the
13 President, on the recommendation of the Minister if he is satisfied that it is
14 not in the interest of the Commission or the interest of the public that the
15 member should continue in office.

16 (3) Where a vacancy occurs in the membership of the Council, it
17 shall be filled by the appointment of a successor to hold office for the
18 remainder of the term of office of his predecessor, however, the successor
19 shall represent the same interest and shall be appointed by the President.

20 (4) The Council may in the public interest be dissolved by the
21 President and all its members, excluding the Director General, shall cease to
22 hold office as Council members.

23 (5) A member of the Council who is absent from three consecutive
24 meetings of the Council without sufficient cause shall cease to be a member
25 of the Council.

26 (6) The Chairperson shall, through the Minister, notify the
27 President in writing of a vacancy that occurs on the Council within thirty
28 days of the occurrence of the vacancy.

29 (7) Upon dissolution of the Council and pending its reconstitution,
30 the Minister shall exercise the powers and functions of the Council under

Dissolution of
the Council

	1	this Bill.
Ministerial directives	2	11. The Minister of Health may give to the Council directives of a
	3	general nature on matters of policy and the Council shall comply with such
	4	directives.
	5	PART II - TYPES, REGISTRATION AND LICENSE OF THE HEALTH
	6	INSURANCE SCHEMES
Types of health insurance schemes	7	12. The following types of health insurance schemes shall be
	8	established and operated in the country-
	9	(a) the Public Sector social health insurance scheme to cover public
	10	sector employees and their dependants;
	11	(b) Organized Private Sector Social Health Insurance Scheme
	12	(c) Mutual Health Insurance Schemes
	13	(d) Vulnerable Group Funds
	14	(e) any other health insurance schemes as may be approved under the
	15	provisions of this Bill.
Qualification for application	16	13. A person shall not qualify to apply to operate any form of health
	17	insurance scheme in the country unless it is registered as a company limited by
	18	guarantee or a limited liability company.
Application for accreditation and license	19	14. Application for accreditation and license to operate a health
	20	insurance scheme shall be made to the Commissions in a prescribed form.
Accreditation and issuance of license	21	15. A person shall not operate a health insurance scheme of any type
	22	in Nigeria unless it has been registered with the Commission and issued a
	23	license for that purpose.
Fee for issuance of license	24	16. Without prejudice to the provisions of section 15 herein, the
	25	Commission, in consultation with the Minister, may by Regulations impose
	26	fees for the issuance of a license under this Bill.
Duration and renewal of a license	27	17. -(1) A license to operate a health insurance scheme shall expire
	28	five years from the date of issuance of the license.
	29	(2) The license may on an application be renewed for further periods
	30	of three years at a time.

1 (3) An application for renewal of a license shall be made not later
2 than three months before the expiration of the license.

3 (4) Where an application for renewal is made and the license
4 expires before the Commission determines the application, the license shall
5 be deemed to be in force until the application for renewal is determined by
6 the Commission.

7 **18. -(a)** The Commission may refuse to register and issue a license Refusal to register
and license a
scheme
8 for a scheme, and it shall notify the applicant in writing of its decision,
9 stating the reasons for the refusal.

10 (b) Where the refusal to register and issue a license is as a result of
11 non-material defect in the application, the Commission may in the notice
12 require the applicant to rectify the application within six (6) months.

13 **19. -(a)** The Commission may suspend or revoke the license of a Suspension or
revocation of
license of a
scheme
14 scheme where the Commission is satisfied that the scheme-

15 (i) has in any manner acted fraudulently;

16 (ii) has lost its financial ability to continue to operate ;

17 (iii) is not operating in accordance with good administrative and
18 accounting practices and procedures; or

19 (iv) has failed to comply with a provision of this Bill, the
20 Regulations or any other enactment applicable to the scheme.

21 (b) the Commission shall before suspending or revoking the
22 license, give the scheme notice of the default and provide it an opportunity to
23 make representations to the Commission.

24 (c) where a license revoked, suspended or expires, the
25 Commission shall take steps to protect and preserve the contribution of
26 members and any other appropriate measures having regard to the best
27 interest of members of the scheme.

28 **20.** A health insurance scheme registered and licensed under this Limitation to
provision of
health insurance
29 Bill shall not carry on any activity other than securing provision of
30 healthcare to its members.

Prohibition of provision of health insurance service without license	1	21. A person shall not provide health insurance service or operate a
	2	health insurance scheme unless the scheme is registered with the Commission
	3	and issued with a license for that purpose by the Commission.
Display of license	4	22. A licensed scheme, institutions or organizations, groups etc. shall
	5	display its license in a prominent place at its offices, where the license is visible
	6	to the general public.
Prohibition on use of name unless licensed	7	23. -(1) A person shall not conduct an activity under a name which
	8	includes "health scheme", "medical insurance scheme", "health maintenance
	9	organization", "health insurance scheme" or similar name which is calculated
	10	or likely to lead people to believe that person operates a health insurance
	11	scheme unless the scheme is registered and licensed under this Bill.
	12	(2) A person who acts contrary to subsection (1) commits an offence
Transfer and Joint Operations	13	and is liable on conviction to a fine not less than N100,000 (One hundred
	14	thousand Naira) or to a term of imprisonment of not less than six months or
	15	both.
	16	24. -(1) A health insurance scheme licensed under this Bill shall not
	17	transfer its activities or operate its activities jointly with another scheme unless
	18	it has the prior written approval of the Commission.
	19	(2) An application for approval under subsection (1) shall be made
	20	jointly to the Commission by the schemes involved and shall contain the
	21	information prescribed by regulation made by the Commission under this Bill.
	22	(3) Before determining an application for approval under subsection
	23	(1), the Commission shall cause to be conducted an investigation into the
	24	desirability of the change having regard to the best interest of the members of
	25	the scheme.
	26	(4) The Commission may conduct a hearing before determining an
	27	application under this section and may hear the representatives of the scheme,
	28	members of the scheme and any person the Commission considers is
	29	sufficiently concerned in the matter to entitle that person to a hearing by the
	30	Commission.

1 (5) The Commission after the hearing shall make a determination
2 which shall be binding on the parties and their members.

3 (6) A person dissatisfied with the decision of the Commission may
4 apply to the Minister for a review of the decision.

5 **25.** On the licensing, suspension or revocation of the license of a
6 scheme, the Commission shall publish the name and particulars of the
7 scheme in the Gazette and/or newspapers of national circulation that the
8 Commission shall determine. Gazette
Notification

9 PART III - ESTABLISHMENT OF HEALTH INSURANCE SCHEMES: SPECIFIC
10 PROVISIONS AND REGULATIONS

11 **26.-(1)** There is hereby established schemes to be known as the Establishment of
the Public Sector
Social Health
Insurance
Scheme
12 Public Sector Social Health Insurance Schemes (in this Bill referred to as
13 “the public sector schemes”) for the purpose of providing health insurance
14 coverage which shall entitle persons and their dependants the benefits of
15 prescribed good quality and cost effective health services as set out in this
16 Bill.

17 (2) A public sector scheme may be established by the Federal
18 Government, a State Government including the Federal Capital
19 Development Authority or a Local Government to cover all its employees
20 and their dependants;

21 (3) All Public Sector Social Health insurance Schemes shall be
22 regulated by the Commission.

23 (4) A Public Sector Scheme shall be operated and managed by a
24 Public Sector Health Insurance Fund as set out in this Bill.

25 **27.-(1)** There is hereby established a scheme to be known as the Establishment of
Organised Private
Sector Scheme
26 Organized Private Sector Social Health Insurance Schemes (in this Bill
27 referred to as 'Organized Private Sector Scheme') for the purpose of
28 providing health insurance which shall entitle ensured persons and their
29 dependants the benefit of prescribed good quality and cost effective health
30 services as set out in this Bill.

1 (2) The Organized Private Sector Scheme shall cover all employees of
2 organizations in the private sector that employ at least five workers as well as to
3 those individuals who may want to voluntarily join the scheme.

4 (3) An employer who has a minimum of five employees shall together
5 with the persons in his employment, pay contributions, of such rate and in such
6 manner as may be determined from time to time, in accordance with the
7 provisions of this Bill.

8 (4) A registered employer under the organized private sector scheme
9 shall cause to be deducted from his employees' wages the approved amount of
10 contribution payable by the employee. This contribution along with that of the
11 employer shall be collected by or remitted to the organized private sector fund
12 insurer for the purchase of a defined package of health care benefits for the
13 enrollees.

Establishment
of Private Health
Insurance
Schemes,
including HMO
prepaid plans

14 **28.**-(1) There is hereby established schemes to be known as the
15 Private Health Insurance schemes (in this Bill referred to as 'The Private Health
16 Schemes') for the purpose of providing private health insurance plans which
17 shall entitle insured persons the benefit of prescribed good quality and cost
18 effective health services as set out in this Bill.

19 (2) A private health insurance scheme/plan shall cover interested
20 individuals, employers or employees of organizations in the private sector who
21 may want to join the scheme /plan.

22 (3) A body corporate registered as a limited liability company under
23 the Company and Allied Matters Act 1990 and accredited by the Commission
24 as a health managed care organization may operate a private health insurance
25 scheme/plan.

26 (4) (a) A private health insurance scheme/plan shall be required as a
27 condition for registration and licensing by the Commission to deposit with a
28 Bank accredited by the Commission an amount of money in an interest
29 yielding account that the Commission shall prescribe as security for its
30 members;

1 (b) The security referred to under subsection (a) shall be
2 maintained throughout the period that the business of the private health
3 insurance is carried on;

4 (c) The Commission may review the level of the security deposit.

5 (5) (a) Where a private health insurance scheme/plan suffers a
6 substantial loss, arising from liability to members and the loss cannot
7 reasonably be met from its available resources, the Commission may, after
8 ascertaining the nature of the claim, and on application made to it by the
9 scheme, approve the withdrawal from the security deposit of the scheme of
10 an amount sufficient to meet the liability, and an amount withdrawn shall be
11 replaced by the scheme not later than ninety days after the date of the
12 withdrawal.

13 (b) The security deposit is the asset of the private health insurance
14 scheme/plan, but except as provided in subsection (a), it shall be available to
15 the scheme only in the event of the closure or winding up of the health
16 insurance business for the discharge of the liabilities arising out of policies
17 transacted by the insurer and remaining un-discharged at the time of the
18 closure or winding up of the insurance business.

19 (6) All Private Health Insurance Schemes/Plans shall be regulated
20 by the Commission.

21 **29.-(1)** There is hereby established a scheme to be known as the
22 mutual health insurance scheme (in this Bill referred to as 'the mutual health
23 scheme) for the purpose of providing health insurance coverage to its
24 enrollees as set out in this Bill.

Establishment of
mutual health
insurance schemes
including group
and community
based schemes

25 (2) A group of persons resident in the country may form and
26 operate a mutual health insurance scheme.

27 (3) (a) a mutual health insurance scheme shall have its
28 headquarters at the place that the governing body/BOT of the scheme shall
29 determine.

30 (b) the address and any other particulars of the headquarters shall

1 be notified in writing to the Commission.

2 (4) (a) a mutual health insurance scheme shall be managed by a Board
3 of Trustee (BOT) appointed by members and approved by the Commission;

4 (b) The BOT of a mutual health insurance scheme may be a body
5 corporate registered by guarantee under the Companies and Allied
6 Matters Act 1990.

7 (5) (a) The Commission may require a mutual health insurance scheme to
8 maintain a reserve fund as the Commission may determine;

9 (b) The reserve fund shall be constituted within three years after the
10 commencement of the scheme.

11 (6) A mutual health insurance scheme shall be operated exclusively
12 for the benefit of the members and shall provide the members with health
13 benefits of the scheme.

14 (7) (a) A mutual health insurance scheme shall have the minimum
15 membership that the Commission shall determine;

16 (b) A mutual health insurance scheme shall provide a clear method of
17 enrollment of members;

18 (c) membership shall take effect from the date of payment of
19 contribution and access to care based on a waiting period to be determined by
20 the Board of Trustee (BOT).

21 (8) All mutual health insurance schemes shall be regulated by the
22 Commission.

Establishment of
a National
Vulnerable
Groups Health
Insurance Fund

23 **30.** There is established by this Bill a National Vulnerable Groups
24 Health Insurance Fund.

Object of the
Fund

25 **31. -(1)** The object of this fund is to provide finance to subsidize the
26 cost of provision of health care services to vulnerable persons in Nigeria.

27 (2) For the purpose of implementing the object, the moneys from the
28 Fund Shall be expended as follows;

29 (a) To provide subsidy of a level determined by the Council for Health
30 Insurance coverage of vulnerable person;

1 (b) To reinsure mutual health insurance schemes against random
2 fluctuations on cost under conditions to be determined by the Council.

3 (c) To provide for the payment of health insurance premium for
4 indigents.

5 **32.-(1)** The Sources of money for the Fund are as follows:

Sources of
Money for the
Fund

6 (a) Health insurance levy;

7 (b) Telecommunications tax;

8 (c) The money that may be allocated to the Fund by the
9 Government(s);

10 (d) Money that accrues to the fund from investments made by the
11 council; and

12 (e) Grants, donations, gifts and any other voluntary contributions
13 made to the fund.

14 (2) The Council may by Regulations review the sources of funding
15 to keep pace with development in the health insurance industry.

16 **33.-(1)** The Council shall from time to time determine and submit
17 to the Minister for approval, the criteria for disbursement of subsidies to be
18 paid to mutual health schemes and for health care of vulnerable and
19 indigents in Nigeria.

Formula for
disbursement
from the Fund

20 (2) The Council shall in disbursement of moneys from the Fund
21 make specific provisions towards the health needs of indigents and
22 prescribe the methods for determining who is indigent in Nigeria.

23 **34.-(1)** The Council shall give directives of a general nature for
24 the management of the Fund.

Management of
the Fund

25 (2) The Council in the Management of the Fund shall have the
26 following functions;

27 (a) formulate and implement policies towards achieving the
28 objects of the Fund;

29 (b) collect or arrange to be collected monies lawfully due to the
30 Fund;

	1	(c) account for the money in the Fund;
	2	(d) provide formula for the disbursement of moneys from the Fund;
	3	(e) approve any other expenditure charge on the fund under this Bill or
	4	any other enactment;
	5	(f) set aside an amount for indigents;
	6	(g) perform any other function ancillary to the object of the Fund.
Investment of the Fund	7	35. The Commission may invest a part of the Fund that it considers
	8	appropriate in the securities and deposits approved by the Council.
Expenses of the Fund	9	36. The expenses attendant to the management of the Fund shall be
	10	charged to the Fund.
	11	PART IV - CONTRIBUTIONS AND FUNDS OF THE VARIOUS HEALTH
	12	INSURANCE SCHEMES
Payment of contributions	13	37.-(1) An employer who has a minimum of five employees shall,
	14	together with every person, pay contributions at such rate and in such a manner
	15	as may be determined, from time to time, in accordance with the provisions of
	16	the Bill.
	17	(2) A registered employer under the Commission shall cause to be
	18	deducted from an employee's wages the approved amount of any contribution
	19	payable by the employee and shall not, by reason of employer's liability for any
	20	contribution (or penalty thereon) made under this Bill, reduce, whether directly
	21	or indirectly, the remuneration or allowances of the employee.
	22	(3) Individuals and or employers may pay premiums for private
	23	health insurance plans.
	24	(4) The contributions for the vulnerable groups the permanently
	25	disabled, the aged, prisoners, and those (children under 5 and pregnant women)
	26	not otherwise covered by other schemes- shall be made on their behalf by one
	27	or a combination of the three levels of government, development partners
	28	and/or non- governmental organizations.
Registration of employers, employees	29	38.-(1) Subject to such guidelines and regulations as may be made
	30	under this Bill, a public employer shall register itself and its employees and pay

1 into the account of a Public Sector Social Health Insurance Fund (PuHIF) its
2 contributions and the contributions in respect of its employees, at such time
3 and in such manner as may be specified, from time to time, in the guidelines
4 issued by the Commission.

5 (2) Subject to such guidelines and regulations as may be made
6 under this Bill, a private employer of at least five persons, shall register itself
7 and its employees and pay into the organized private sector social health
8 insurance fund, its contributions and the contributions in respect of its
9 employees, at such time and in such manner as may be specified, from time
10 to time, in the guidelines issued by the Commission.

11 (3) Subject to such guidelines and regulations as may be made
12 under this Bill, an individual and/ or employer may register himself or
13 herself, and the people under him/her with an Health Maintenance
14 Organisation (HMO) and pay into designated accounts of the HMO, the
15 necessary premium in respect of himself and others under the private health
16 insurance scheme , at such time and in such manner as may be specified,
17 from time to time, in the Operational Guidelines.

18 (4) Subject to such guidelines and regulations as may be made
19 under this Bill, a member of a community (group-based, religious- based or
20 work-based) may register himself and his dependants with the mutual health
21 organization and pay into the account of the organization the necessary
22 premium in respect of himself and others, at such time and in such manner as
23 may be specified from time to time, in the Guidelines of the Commission.

24 **39.-(1)** Public Health Insurance Funds are hereby established by
25 this Bill.

Public Health
Insurance Funds
(PuHIF)

26 (2) The object of the Funds is to collect contributions from public
27 sector employers and employees at all levels of government to finance the
28 provision of quality health services to their employees and their families.

29 (3) For the purpose of implementing the object, the monies from
30 the Funds shall be expended as follows-

1 (a) to provide a defined package of services to government employees
2 and their families from funds contributed for that purpose;

3 (b) payment of agreed amounts to the Commission as administrative
4 charge;

5 (4) The sources of money for the Funds shall include but not limited
6 to:

7 (a) contributions from public sector employees and employers which
8 shall include the Federal, the State and the Local Governments including the
9 Federal Capital Territory;

10 (b) other appropriation made purposely for the implementation of
11 health insurance schemes;

12 (c) 2% of each person's 15% contribution to the National Pension
13 Scheme for retirees;

14 (d) money that accrue to the Fund from investments made by the
15 Fund;

16 (5) (i) The Public Health Insurance Fund at the Federal level shall be
17 operated and managed by an independent Board of Trustees appointed by the
18 President of the Federal Republic of Nigeria upon the recommendation of the
19 Minister of Health for a period of four years subject to a renewal for another
20 term of four years and no more.

21 (ii) The Board of Trustees shall consist of stakeholders (public sector
22 employers, National Health Insurance Commission and enrollees) with a size
23 of not more than seven. The Board shall have a Chairman.

24 (6) The Fund shall invest any money not immediately required by it in
25 Federal Government Securities, or in any other Securities and Deposits as the
26 Commission may determine with the approval of the Minister of Health, from
27 time to time.

28 (7) The expenses attendant to the management of the Fund shall be
29 charged on the Fund.

30 (8)(i) The BOT shall cause to be prepared, not later than 30th, an

1 September in each year, an estimate of the expenditure and income of the
2 Fund during the next succeeding year and when prepared, they shall be
3 submitted to the Commission for Scrutiny.

4 (ii) The Board of Trustees shall cause to be kept proper accounts
5 and proper records in relation thereto and such accounts shall be audited by
6 auditors appointed by the Board from the list and in accordance with the
7 guidelines supplied by the Accountant General of the Federation.

8 (9) The operation and management of State and Local
9 Governments' Public Sector Health Insurance Funds shall be guided by the
10 provisions in (5)-(8) above for the Public Sector Health Insurance Fund at
11 the Federal level.

12 (10) The Commission shall regulate all the Public Health Insurance
13 Funds.

14 **40.-(1)** The Health Maintenance Organizations and Mutual
15 Health Associations shall establish private health insurance funds.

Private Health
Insurance Funds

16 (2) The sources of money for the organized private sector social
17 health insurance fund shall be the private sector employees/employers
18 contributions which shall be paid into the organized private sector social
19 health insurance Fund. Payment of an agreed amount as administrative cost
20 shall be made to the Commission.

21 (3) The sources of funds for HMOs running private health
22 insurance schemes/plans are premiums by members who subscribe to the
23 health insurance plans. Administrative costs of the HMOs shall be met from
24 these funds at the rate approved by the Commission. Similarly, the HMOs
25 will pay the commission an agreed amount as regulative fees whilst the
26 excess funds shall be invested in the portfolios approved by the
27 Commission.

28 (4) Mutual Health Associations shall use their funds to finance the
29 provision of health benefits to members and their families as well as defray
30 other expenses related to capacity building, advocacy and sensitization

Operation and
Management of
Private Health
Insurance Funds

1 among others.

2 (5)(a) An independent Board of Trustee appointed by the organized
3 private sector with the approval of the Commission shall operate and manage
4 the organized private sector social health insurance fund in accordance with the
5 guidelines provided by the Commission.

6 (b) The Board of Trustees of the mutual health association shall operate and
7 manage their mutual health association funds in accordance with the guidelines
8 provided by the Commission.

9 (6) Moneys from all the funds shall be paid into the accounts
10 approved for the organizations by the Commission.

11 (7) The HMOs and MHAs shall invest any money not immediately
12 required by them in such portfolios as approved by the Commission and/or
13 covered by the guidelines issued by the Commission.

14 (8) The HMOs and MHAs shall keep proper accounts and records on
15 the management of their funds in line with the guidelines provided by the
16 Commission and such accounts shall be audited by auditors approved by the
17 Commission. The audited accounts and reports shall be submitted to the
18 Commission in accordance with the guidelines provided.

19 PART V - HEALTH MAINTENANCE ORGANIZATIONS, MUTUAL HEALTH
20 ASSOCIATIONS, AND HEALTH CARE PROVIDERS

Accreditation
of Organisations

21 **41.-(1)** The Commission shall accredit Health Maintenance
22 Organizations, Mutual Health Associations and other prepaid health insurance
23 organizations (in this Bill herein after referred to as “Organizations”).

24 (2) The accreditation of an Organization shall be in such form and
25 manner as may be determined by the Operational Guidelines of the
26 Commission;

27 (3) When the accreditation of an Organization (purchasing
28 organization or health care provider) is withdrawn, the Commission shall
29 decide on the best way to keep its activities going either temporarily or
30 permanently to safeguard the interest of the enrollees.

- 1 **42.** -(1)An HMO Organization referred to in subsection (1) of Functions of
2 Section 41 of this Bill shall have responsibility for: Health
3 (a) the collection of premiums from individuals and/or employers Maintenance
4 for private health insurance plans initiated by them; Organisations,
5 (b) the collection of capitation and other payments from public Mutual Health
6 health insurance funds for health care services to be purchased for enrollees; Associations
7 (c) management of private health insurance plans they have
8 initiated;
9 (d) purchasing of services from accredited health care providers;
10 (e) payment of administrative charges to the Commission for
11 purposes of regulation and related issues.
12 (f) the payment for services rendered by healthcare providers
13 accredited under the Commission in accordance with the Operational
14 Guidelines;
15 (g) establishing a Quality Assurance system to ensure that
16 qualitative care is given by the healthcare providers to enrollees;
17 (h) rendering to the Commission returns on its activities as may be
18 required by the council.
19 (2) Notwithstanding any provision contained in this Bill, a Health
20 Maintenance Organization shall not be involved in the direct delivery of
21 health care services.
22 (3) The Mutual Health Associations shall have the following
23 responsibilities:
24 (a) continuous community mobilization and sensitization;
25 (b) be responsible for the day to day administration of their mutual
26 health insurance funds;
27 (c) registration of members and collection of contributions;
28 (d) negotiation with providers; and purchasing of services from
29 them for its members and their families in consultation with the
30 Commission;

- 1 (e) ensuring prompt payment for provider services;
- 2 (f) gate keeping i.e. ensuring that services rendered are in compliance
- 3 with the benefit package of the Commission;
- 4 (g) defining benefit package/premium in consultation with the
- 5 community members and the Commission;
- 6 (h) health promotion.

7 (4) Any prepaid private health insurance plans marketed by health

8 maintenance organizations, shall be subject to approval by the Commission.

Accreditation
of healthcare
providers

9 **43.** -(1) The accreditation of health care providers shall be in such

10 form and manner as may be determined by the Commission, from time to time,

11 under this Bill.

12 (2) A health care provider accredited under the Commission shall, in

13 consideration for a capitation payment in respect of each insured person

14 registered with it, or for payment of approved fees for services rendered and to

15 that extent and in the manner prescribed by this Bill, provide in accordance

16 with:

17 (i) the approved benefit packages as shall be determined from time

18 to time by the Commission; and

19 (ii) the provisions of the Operational Guidelines.

Quality
assurance

20 **44.** The Commission shall endeavour through the means determined

21 by the Commission, including accreditation, that healthcare providers put in

22 place programmes that secure quality assurance, utilization review and

23 technology assessment to ensure that:

24 (a) the quality of healthcare services delivered are of reasonably good

25 quality and high standard;

26 (b) the basic healthcare services are of standards that are uniform,

27 throughout the country;

28 (c) the use of medical technology and equipments are consistent with

29 actual need and standards of medical practice;

30 (d) medical procedures and the administration of drugs are

1 appropriate, necessary and comply with accepted medical practice and
2 ethics; and

3 (e) drugs and medication used for the provision of healthcare in the
4 country are those included in the Essential Drug List of the Federal Ministry
5 of Health.

6 **45.** The Council may:

Appointment of
Actuary

7 (a) where it has reasonable grounds to believe that a licensed
8 health insurance scheme or a manager of the scheme has contravened a
9 provision of this Bill or of the Regulations and the contravention
10 adversely affects the interest of the members, appoint an actuary or

11 (b) at the request of a health insurance scheme, appoint an actuary
12 to investigate and report to the Council the activities and affairs of the
13 scheme.

14 **46.** -(1) The Commission may for the purposes of supervision of
15 health insurance schemes carry out inspections as may be prescribed.

Inspection of
schemes

16 (2) The Commission may employ suitably qualified and
17 experienced persons to assist it or carry out an inspection on its behalf.

18 (3) The Commission shall ensure that inspection of licensed health
19 insurance schemes is carried out at intervals to be determined by the
20 Council.

21 (4) The Commission shall after an inspection compile a report
22 stating the status of the scheme and shall submit a copy of the report
23 including its recommendations to the scheme for compliance where
24 applicable.

25 **47.** The Commission may direct a scheme or an officer of a scheme
26 to comply with the directives of the Commission specified in writing and
27 where there is failure to comply, the Commission may apply sanctions as
28 provided for in its Operational Guidelines.

Directive of the
Commission

29 PART VI - STAFF OF THE COMMISSION

30 **48.** -(1) There shall be appointed by the President, on the

Director General
and other staff of
the Commission

1 recommendation of the Minister of Health, a Director General for the
2 Commission following the conduct of a competitive selection process initiated
3 by the Governing Council of the Commission.

4 (2) The Director General shall-

5 (a) be a person of integrity with relevant professional qualifications
6 and expertise.

7 (b) be the accounting officer of the Commission;

8 (c) hold office.

9 (i) for a period of 5 years in the first instance and may be re-appointed
10 for a further term of 5 years and no more; and

11 (ii) on such terms and conditions as may be specified in the letter of
12 appointment

13 (3) The Director General shall:

14 (a) organize and direct the day-to-day operation of the Commission in
15 accordance with the Bill;

16 (b) be responsible for the general direction and control of all other
17 employees of the Commission;

18 (c) be responsible for the administration of the Secretariat of the
19 Council; and

20 (d) be responsible for keeping of the books and proper records of the
21 Commission.

22 (4) The Director-General shall be a voting member of the Council as
23 well as its Secretary.

24 (5) The Council shall:

25 (a) appoint, for the Commission, such number of directors and other
26 employees as may, in the opinion of the Council, be required to assist the
27 Council in the discharge of any of its functions under this Bill; and

28 (b) pay to persons so appointed such remuneration (including
29 allowances) as the Council may, after consultation with the Federal Salaries
30 and Wages Commission, determine.

1 **49.** -(1) Employment in the Commission shall be in line with Employment in
2 approved service for purposes of the Pension Reform Act. the Commission
is pensionable

3 (2) Employees of the Commission shall be entitled to retirement
4 benefits as provided under the Pension Act.

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

(4) For the purposes of the application of the provisions of the Pension Reform 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 the existing Pension Act, is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

13 **50.** -(1) The Commission with approval of the Council shall divide
14 the country into such number of zones as it may, from time to time
15 determine, and establish in each Zone, a Zonal Office of the Commission.

Establishment of
zones and zonal
offices of the
Commission

(2) The Administration, finances and other functions of the Zonal offices shall be determined by the Commission.

18 PART VI - FINANCIAL PROVISIONS

51.-(1) The Commission shall establish and maintain a fund from which all its expenses shall be defrayed.

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

23 (a) annual subvention from the Federal Government;

(b) such monies as may be due to the Commission as administrative charge on the Public Health Insurance Funds, organized private social health insurance fund and other private health insurance plans;

28 (c) fees, fines and commissions charged by the Commission;

29 (d) income from any investments of the Commission;

30 (e) such money as may be received from time to time or be from

- 1 international or donor organizations and Non Governmental organizations;
2 (f) all other monies which may, from time to time, accrue to the
3 Commission.
4 (3) The Commission shall, from time to time, apply the funds at its
5 disposal-
6 (a) to the cost of administration of the Commission;
7 (b) to the payment of allowances and benefits of members of the
8 Council;
9 (c) to the payment of salaries, allowances and benefits of officers and
10 employees of the Commission.
11 (d) for the maintenance of any property vested in the Commission or
12 under its administration; and
13 (e) for and in connection with the objectives of the Commission under
14 this Bill.
15 (4) The Commission shall invest any money not immediately
16 required by it in the Federal Government securities or in such other securities
17 and deposit as the Council may determine.
- 18 **52.** -(1) The Commission may accept gifts of land, money or other
19 property on such terms and conditions, if any, as may be specified by the person
20 or organization making the gift.
21 (2) The Commission shall not accept any gift if the conditions
22 attached by the person or organization offering the gift are inconsistent with the
23 objectives and functions of the Commission under this Bill.
- 24 **53.** -(1) The Council shall cause to be prepared, not later than 30th
25 September in each year, an estimate of the expenditure and income of the
26 Commission during the next succeeding year and when prepared, they shall be
27 submitted to the Minister of Health for approval.
28 (2) The Council shall cause to be kept proper accounts of the
29 Commission and proper records in relation thereto and such accounts shall be
30 audited by auditors appointed by the Council from the list and in accordance

Power to accept
Gifts

Annual Accounts

1 with the guidelines supplied by the Auditor-General of the Federation.

2 (3) Any member, agent or employee of the Commission who fails,
3 without reasonable cause, to comply with a requirement of an auditor under
4 subsection (2) of this section, commits an offence and is liable on conviction
5 to a fine not exceeding N10,000 or imprisonment for a term not exceeding
6 three months or to both such fine and imprisonment.

7 **54.** The Council shall not later than 6 months immediately Annual Reports
8 following the end of a year-

9 (a) submit to the Minister a report on the activities and the
10 administration of the Commission during the immediately preceding year
11 and shall include in the report the audited accounts of the Commission and
12 the auditor's report on the accounts; and

13 (b) present and publish the audited annual accounts, auditor's
14 report on the accounts and reports on the activities of the Commission to
15 Annual General Meeting comprising all stakeholders.

16 **55.** -(1) The Commission shall be exempted from the payment of Exemption from
Tax
17 tax on any income accruing from investments made by the Council for the
18 Commission or otherwise.

19 (2) The provisions of any enactment relating to the taxation of
20 companies or trust funds shall however not apply to the Commission or the
21 Council.

22 PART VII - ARBITRATION

23 **56.** -(1) Whenever there is dispute amongst parties under this Bill, Establishment
and functions of
Arbitration Panel
24 the dispute shall first be referred to Arbitration, mediation or conciliation
25 before resorting to litigation.

26 (2) The parties referred to in (1) above include, the Organizations,
27 the Health Care Providers, the contributors or the Commission or its agents.

28 (3) The parties shall by mutual consent appoint a 3-man panel of
29 arbitrators (herein after referred to as "the panel").

30 (4) The applicable Arbitral procedure shall be as provided in the

Offences and
penalties

1 Arbitration and Conciliation Act.

2 (5) No action shall lie against the Commission without prior notice in
3 writing given one month before the institution of a legal action against the
4 Commission and the adoption of Arbitration as contained in the Bill.

5 PART VIII - OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

6 **57. -(1)** Any person who-

7 (a) fails to pay into the account of the Commission and /or a health
8 insurance fund or HMO and within the specified period any contribution liable
9 to be paid under this Bill;

10 (b) deducts the contribution from the employee's wages and
11 withholds the contribution or refuses or neglects to remit the contribution to the
12 appropriate Health Insurance Fund or an Organization concerned within the
13 specified time;

14 (c) fails to remit capitation to Healthcare Providers after receiving
15 such from the Health Insurance Fund within the specified period indicated in
16 the Operational Guidelines;

17 (d) fails to settle fee-for-service or other claims from the Healthcare
18 Providers after receipt and verification within the stipulated time allowed in the
19 Operational Guidelines;

20 (e) deliberately manipulates the enrollee register for the benefit of
21 other parties before or after the release of the register by the Health Insurance
22 Schemes;

23 (f) deliberately refuses to provide care to a duly registered enrollee
24 after receiving payments from the relevant organization on behalf of such
25 enrollee;

26 (g) deliberately issues dud cheque(s), shall be guilty of an offence.

27 (2) A person guilty of an offence under subsection (1) of this section
28 order than paragraph (g), is liable on conviction-

29 (a) in the case of a first offence, to a fine of not less than N100,000 or
30 imprisonment for a term not exceeding two years or to both such fine and

1 imprisonment; and

2 (b) in the case of a second or subsequent offence, to a fine of not
3 less than N200,000 or imprisonment for a term not exceeding five years or to
4 both such fine and imprisonment.

5 (3) A person guilty of any offence in subsection 57(1)(g) is liable
6 to prosecution under the relevant laws guiding financial transactions.

7 **58.** -(1) Where an offence under this Bill has been committed by a
8 body corporate or firm or other association of individuals, a person who at
9 the time of the offence:

Offences by
Corporate Bodies

10 (a) was an officer of the body corporate, firm or other associations;

11 (b) was purporting to act in the capacity of an officer of the body
12 corporate, firm or other association, is deemed to have committed the
13 offence and shall be liable to be prosecuted and punished for the offence in
14 like manner as if he had himself committed the offence, unless he proves that
15 the commission or omission constituting the offence took place without his
16 knowledge, consent or connivance.

17 (2) 'Officers' of Government Ministries or Agencies and/or
18 Parastatals in this section, includes-

19 (a) in the case of Government, Ministry, Agency and/or Parastatals,
20 the accounting officer;

21 (b) in the case of a body corporate, a director, chief executive by
22 whatever name called, manager and secretary of the body corporate;

23 (c) in the case of a firm, a partner, manager and secretary of the
24 firm;

25 (d) in the case of any other association of individuals, a person
26 concerned in the management of the affairs of the association.

27 **59.** Any person who contravenes any of the provisions of this Bill
28 shall be prosecuted by the Attorney General of the Federation.

Prosecution of
offenders

29 **60.** -(1) The Federal High Court and the High Court of a State and
30 that of the Federal Capital Territory, Abuja shall have-

Jurisdiction

	1	(a) jurisdiction to try offenders under this Bill: and
	2	(b) power, notwithstanding anything to the contrary in any other
	3	enactment, to impose the penalties provided for the offence in this Bill.
Court to order Payment of Contributions	4	61. -(1) The High Court before which a person is convicted of an
	5	offence under this Bill may, without prejudice to any civil remedy, order a
	6	person to pay to the Commission the amount of any contributions together with
	7	interest and penalty thereon, certified by the Commission to be due and payable
	8	at the date of the conviction and such amount shall be paid into the account of
	9	the Commission for its credit, where applicable or of the employee concerned.
	10	(2) Any contribution paid into the Fund of the Commission under
	11	subsection (1) of this section shall be refunded to the Organization entitled to
	12	receive the contribution.
Commencement of Proceedings	13	62. -(1) Proceedings for an offence under this Bill may be commenced
	14	at any time after the commission of the offence.
Powers to Sanction	15	63. Notwithstanding anything contained in any other provisions of
	16	the sections under Part VII of this Bill, the Commission shall at all times retain
	17	the power to sanction erring Health Maintenance Organizations, Health Care
	18	Providers, Mutual Health Associations, Insurance Brokers, Insurance
	19	Companies, Banks, or any other operator or Manager licensed or accredited
	20	person in line with the Operational Guidelines as may from time to time be
	21	issued by the Commission.
Limitation of suit against the Commission	22	64. -(1) Subject to the provisions of this Bill, the provisions of the
	23	Public Officers Protection Act shall apply in relation to any suit instituted
	24	against any officer or employee of the Commission.
	25	(2) No suit shall be commenced against the Commission, a member
	26	of the Council, the Director General, officer or employee of the Commission
	27	before the expiration of a period of one month after written notice of intention
	28	to commence the suit shall have been served upon the Commission by the
	29	intending plaintiff or his agent(s).
	30	(3) The notice referred to in subsection (2) of this section shall clearly

1 and explicitly state the cause of action, the particulars of the claims, the
2 name and place of abode of the intended plaintiff and the relief which he
3 claims.

4 **65.** A notice, summon or other document required or authorized to
5 be served on the Commission under the provisions of this Bill or any other
6 enactment of law may be served by delivering it to the Director General or
7 by sending it by registered post and addressed to the Director General at the
8 Head office of the Commission.

Service of
Documents

9 **66.** -(1) In any action or suit against the Commission no execution
10 or attachment of process in the nature thereof shall be issued against the
11 Commission unless not less than 3 months notice of intention to execute or
12 attach has been given to the Commission.

Restriction on
execution against
property of the
Commission

13 (2) Any sums of monies which may by the judgment of any court
14 be awarded against the Commission shall, subject to any directions given by
15 the court where notice of appeal of the said judgment has been given, be paid
16 from the Fund of the Commission.

17 **67.** A member of the Council, the Director General, any officer or
18 employee of the Commission shall be indemnified out of the assets of the
19 Commission against any liability incurred by him in defending any
20 proceeding, whether civil or criminal, if any such proceeding is brought
21 against him in his capacity as a member, Director General, officer or other
22 employee of the Commission.

Indemnity of
officers

23 **68.** -(1) A member of the Council, the Director General, officer or
24 other employee of the Commission shall-

Oath of Secrecy

25 (a) not, for his personal gain, make use of any information which
26 has come to his knowledge in the exercise of his powers or is obtained by
27 him in the ordinary course of his duty under this Bill;

28 (b) treat as confidential any information which has come to his
29 knowledge in the exercise of his powers or obtained by him in the
30 performance of his functions under this Bill;

	1	(c) not disclose any information referred to under paragraph (b) of this
	2	subsection except when required to do so by an Arbitration or similar panel or
	3	the court or in such other circumstances as may be prescribed by the Council,
	4	from time to time.
	5	(2) Any person who contravenes the provisions of subsection (1) of
	6	this section commits an offence and is liable on conviction to a fine of not less
	7	than N20,000 or imprisonment for a term not exceeding two years or to both
	8	such fine and imprisonment.
	9	PART IX - MISCELLANEOUS PROVISIONS
Contributions to be inalienable	10	69. Contributions payable to the Commission shall be inalienable
	11	and shall not be assets for the benefit of creditors in the event of the bankruptcy
	12	or insolvency of a contributor or an organization.
Contributions to form part of tax deductible expense	13	70. Notwithstanding anything in any law or enactment, contributions
	14	whether by an employer or an employee under this Bill shall form part of tax
	15	deductible expenses in the computation of tax payable by an employer or, as the
	16	case may be, by an employee, under any other relevant law applicable to
	17	income tax.
Transfer of liability	18	71. Where, under section 591 of the Companies and Allied Matters
	19	Act 1990, an order is made by a court under subsection (3) of that section which
	20	includes the transfer to the company of the whole or any part of the undertaking
	21	and of the property and liabilities of a transfer or company, the order shall
	22	include provisions for the taking over, as from such date as may be specified in
	23	the order, of any liability for any contribution which has become due and
	24	payable under this Bill (together with any accrued interest thereon) in respect
	25	of the employees concerned in the undertaking, property or liability
	26	transferred.
Exclusion from the Trustee Investment Act Cap. 449 LFN	27	72. The provisions of the Trustee Investment Act shall not apply to
	28	any investment made by the Commission under this Bill.
Reciprocal agreement with other counties	29	73. The Federal Government may enter into a reciprocal agreement
	30	with the government of any other country in which a Commission similar to

1 that establishment by this Bill has been established, and the provisions of the
2 agreement shall be read in conformity with the provisions of this Bill.

3 **74.** The Federal Government shall be responsible for payment of
4 the full contributions in respect of members of the Armed Forces, the
5 Nigeria police Force, Nigerian Customs Service, Nigeria Immigration
6 Service, Nigeria Prisons Service and such other Federal uniformed services
7 as the Minister may by order in the Gazette specify.

Payment of
Contributions of
Members of the
Armed Forces
and the Police

8 **75.** A Health Care Provider shall be required to take a professional
9 indemnity cover from an insurance company approved by the Council.

Insurance
indemnity of
Health Care
Providers

10 **76.** The Minister may, give to the Council directives of a general
11 nature with respect to any of the functions of the Council and it shall be the
12 duty of the Council to comply with such directives or cause them to be
13 complied with.

Powers of the
Minister to give
directives

14 **77.** -(1) The Commission shall make regulations and issue
15 guidelines for the-

Commission to
issue Regulations
Guidelines

16 (a) registration of employers and employees liable to contribute
17 under the Scheme;

18 (b) registration of dependants of employees covered by the
19 Scheme;

20 (c) compulsory payment of contributions by employers and
21 employees, the rates of those contributions and the deduction by the
22 employers of contributions payable by employees under the public and
23 organized private sector social health insurance scheme;

24 (d) voluntary payment of premiums by employers for private
25 health insurance for private health insurance plan and rates of such
26 premiums;

27 (e) maintenance of the records to be kept for the Commission and
28 the records to be kept by employers in respect of premiums payable under
29 the public and organized private sector health insurance scheme;

30 (f) methods of payment of contributions into the health insurance

- 1 fund;
- 2 (g) imposition of surcharges in respect of late payment of
- 3 contributions by employers or employees;
- 4 (h) manner and circumstances in which contributions may be
- 5 refunded;
- 6 (i) fees which may be charged for medical and dental examinations
- 7 and services provided and other things done for the purpose of the Scheme;
- 8 (j) nature and amount of benefits to be provided under a Scheme, the
- 9 circumstances and the manner in which the benefits shall be provided;
- 10 (k) nature and amount of capitation payment under a Scheme, the
- 11 circumstances and the manner in which health care providers shall receive the
- 12 capitation payment made under a Scheme;
- 13 (l) reduction, suspension or withdrawal of any payment under a
- 14 Scheme;
- 15 (m) submission of returns by employers regarding the employers and
- 16 their employees;
- 17 (n) the procedure for assessment of contributions made under a
- 18 Scheme; and
- 19 (o) any other matter whatsoever for which, in the opinion of the
- 20 Commission, it is necessary or desirable to make regulation and issue
- 21 guidelines for giving effect to a Scheme.
- 22 (2) The guidelines issued under subsection (1) (c) of this section may
- 23 provide for different levels of contributions to be payable by different classes
- 24 of persons.
- 25 (3) The guidelines issued under this section may not be published in
- 26 the Gazette but the Commission shall ensure that they are brought to the notice
- 27 of the persons affected by the regulations and guidelines.
- 28 **78.** In this Bill unless the context otherwise requires-
- 29 “Administrative Charge” means the deduction from contributions or
- 30 premiums for the purpose of regulating by the Commission.

- 1 “Benefit” means a benefit or advantage of any kind whatsoever derived
2 from a Scheme;
- 3 “Council” means the Governing Council established under section 3 of this
4 Bill for the Commission;
- 5 “Commission” means the National Health Insurance Commission
6 established under section 1 of this Bill;
- 7 “Premium” means a contribution payable to the National Health Insurance
8 Fund under this Bill and any other fund;
- 9 “Employee” means any person who is ordinarily resident in Nigeria and is
10 employed in the public service or private service or an apprenticeship with
11 an employer whether the contract is express or implied, oral or in writing;
- 12 “Employer” means an employer with five or more employees which
13 includes the Federal, State and Local Government or any Extra-Ministerial
14 Department or a person with whom an employee has entered into a contract
15 of service or apprenticeship and who is responsible for the payment of the
16 wages or salaries of the employee including the lawful representative,
17 successor or assignee of that persons;
- 18 “Fee-For-Service” means payment made directly for completed health care
19 services, not included in the capitation fees and paid to health care facility or
20 prescription following appropriate referrals or professionals following
21 appropriate referrals or prescriptions sent to them by health care providers
22 under this Bill;
- 23 “Public Sector Social Health Insurance Scheme” means health insurance
24 plans designed to cover public sector employees and their dependants;
- 25 “Organized Private Sector Social Health Insurance Schemes” means health
26 insurance plans designed to cover private sector employees and their
27 dependants;
- 28 “Mutual Health Insurance Schemes” means health prepaid plans organized
29 for the informal sector (eg. communities, work- or group- based
30 organizations, etc.) by mutual health associations and other such bodies;

- 1 “Functions” includes powers;
- 2 “Health Care Facility” means any government or private health care facility,
3 hospital, maternity centre, pharmacy, physiotherapy etc. and includes all
4 primary healthcare facility, secondary healthcare facility and tertiary
5 healthcare facility accredited by the Commission for the provision of
6 prescribed health services for insured persons and their dependants under this
7 Bill;
- 8 “HMO” means any Health Maintenance Organization accredited under section
9 41 of this Bill to purchase health care services through health care providers
10 approved by the Commission;
- 11 “Informal Sector Programme” means health insurance plans designed to cover
12 people not on regular income;
- 13 “Insured Person” means any person and eligible dependant who pays the
14 required contribution or for whom contribution is made under this Bill;
- 15 “Member of the Council” means any person, including the Chairman
16 appointed as such;
- 17 “Minister” means the Minister charged with responsibility for matters relating
18 to health and “Ministry” shall be construed accordingly;
- 19 “Public Service of the Federation” and “Public Service of State” have the
20 meaning respectively assigned to them in the Constitution of the Federal
21 Republic of Nigeria 1999;
- 22 “Scheme” means any scheme approved by the Commission;
- 23 “Voluntary Contributors” means individuals who fall into the following
24 groups:
- 25 (a) political appointees who are excluded from the Public Sector
26 Health Insurance Programme;
- 27 (b) employers of labour with less than five employees; and
- 28 (c) individuals ordinarily in the informal sector.
- 29 “Persons” means persons, organizations, institutions, groups etc.
- 30 “Vulnerable Group” means children under 5, pregnant women, the aged, the

1 physical and mentally challenged and the indigent; etc.
2 “Wage” means remuneration in money paid to an employee under his
3 contract of service or apprenticeship, as the case may be and whether agreed
4 to be paid at fixed or determined intervals of time;
5 “Zonal Office” means a Zonal National Health Insurance Commission
6 Office established under Section 50 of this Bill.

7 **79.** The National Health Insurance Scheme Act No. 35 1999 is Repeal of NHIS
8 hereby repealed. Act

9 **80.** This Bill may be cited as the National Health Insurance Citation
10 Commission Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the existing National Health Insurance Scheme Act, Cap. N42, LFN 2004, and to enact the National Health Insurance Commission Act to ensure a more effective implementation of a national health insurance policy that enhances access to healthcare services to all Nigerians, as well as promote and effectively regulate health insurance schemes in Nigeria.

PETROLEUM TANKERS SAFETY BILL, 2019

ARRANGEMENT OF SECTIONS

Section:

PART I - OBJECTIVE AND APPLICATION

1. Objectives of the Bill
2. Application and Scope of the Bill.

PART II - ENFORCEMENT AND ADMINISTRATION OF THE BILL

3. Enforcement and Administration of the Bill.
4. Power to make regulations.
5. Procedure for making regulations.
6. Establishment, membership and functions of the Committee.
7. Obligation of owners of Petroleum Tankers.
8. Permit for transportation of petroleum products, etc
9. Obligations of State Governments.
10. Procedure for modification and renewal of permit for transportation of petroleum products.
11. Special regulations for transportation of petroleum products, etc.
12. Establishment of Truck Transit Parks
13. Nationwide Road Crash Emergency Access Telephone Numbers

PART III - FREIGHT TRAFFIC AND CLAIMS TRIBUNAL

14. Obligation of driver of Petroleum Tanker in case of accident
15. Articulated lorry driver to secure medical attention for victims.
16. Precautionary measure by driver of articulated lorry when approaching densely populated settlements etc
17. Insurance policy for Petroleum Tankers
18. Basic requirements of articulated lorry insurance policy
19. Tankers and Trucks Crash Fund
20. Restriction on use of Petroleum Tankers in specified areas
21. Petroleum Tankers Claims Tribunal
22. Person's entitled to file claims petition

-
23. Procedure and power of Claims Tribunal
 24. Claims Tribunal as an administrative tribunal exercising judicial powers.
 25. Judgment and award of compensation by the Claims Tribunal.
 26. Enforcement of Awards of Claims Tribunal.
 27. Impleading insurer in certain cases.
 28. Award of interest where any claim is allowed.
 29. Award of compensatory cost in certain cases.
 30. Appeals against awards made by the Claims Tribunal
 31. Recovery of money from the insurer
 32. Appellate jurisdiction of the Federal High Court over awards of the Claims Tribunal.

PART IV - OFFENCES AND PENALTIES

33. General provisions regarding penalties
34. Causing an unauthorized person to drive an articulated lorry
35. Offences relating to driver's license
36. Offences relating to breach of regulations.
37. Offences relating to driving an unsafe articulated lorry.
38. Offences by companies.
39. Offences relating to transportation of containers by road.

PART V - MISCELLANEOUS

40. Savings provisions
 41. Interpretation
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- Schedule

A BILL

FOR

AN ACT TO PROVIDE AN EFFICIENT LEGAL FRAMEWORK FOR THE REGULATION OF FREIGHT TRAFFIC AND USE OF PETROLEUM TANKERS ON THE HIGHWAY TO CONVEY PETROLEUM PRODUCTS AND OTHER CARGOES, PROMOTE THE SAFETY OF ALL ROAD USERS; AND FOR RELATED MATTERS

Sponsored by Senator Ubah, Ifeanyi Patrick

[] Commencement

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

1 PART I - OBJECTIVES AND APPLICATION

2 1. The objectives of this bill are to-

Objectives of
the Bill

3 (a) Eliminate practices that are averse to freight traffic and
4 petroleum haulage in Nigeria;

5 (b) Promote petroleum and commercial cargo haulage safety, and
6 reduce accidents arising from transportation of petroleum products by road;

7 (c) Promote investments in truck transit parks and related transport
8 infrastructure in Nigeria;

9 (d) Promote innovation and integration of technology in the
10 management of cargo haulage and freight traffic in Nigeria;

11 (e) Strengthen existing collaborations between government
12 agencies and freight forwarders in Nigeria;

13 (f) To ensure the availability, quality, reliability, affordability and
14 safety of tankers and trucks involved in the haulage or transportation
15 petroleum products and other cargos in the country; and

16 (g) Promote the welfare of tankers and truck drivers and prescribe
17 liability for operators in the petrol and commercial cargo haulage in
18 Nigeria.

19 2. This Bill applies throughout the Federal Republic of Nigeria

Application and
Scope of the Bill

Enforcement
and administration
of the Bill

- 1 PART II - ENFORCEMENT AND ADMINISTRATION OF THE BILL
- 2 **3.-(1)** Without prejudice to the provisions of any Act of the National
- 3 Assembly or any subsidiary legislations made thereunder, the Petroleum
- 4 Tanker Safety Department (hereinafter referred to as the "PSTD ") is hereby
- 5 established under the Department of Petroleum Resources to perform the
- 6 functions and exercise the powers conferred on it by this Bill.
- 7 (2) Pursuant to the objectives of this Bill, it shall be the responsibility
- 8 of the PTSD to monitor the use of articulated vehicles on the highway and also
- 9 issue regulation on various matters relating to freight traffic safety including-
- 10 (a) The manufacture, construction, modification, maintenance,
- 11 registration and operating methods for Petroleum Tankers involved in carriage
- 12 of petroleum products and other goods by road;
- 13 (b) Mandate every petroleum tanker driver to take special training on
- 14 tanker driving and safety training and obtain special certification/license;
- 15 (c) To approve and certify licenses to be issued on level of tonnage of
- 16 petroleum products vehicles;
- 17 (d) To check and inspect tank leak proof, discharge valve
- 18 certification, fabrication steel requirements and exhaust pipes and engines
- 19 certification;
- 20 (e) To collaborate with the Federal Road Safety Department as
- 21 established under the Federal Road Safety Department to ensure safe
- 22 transportation of petroleum products by road;
- 23 (f) The licensing and promotion of ideal working environment for
- 24 truck and tanker drivers in Nigeria;
- 25 (g) Formulation of special standards for road safety and road
- 26 infrastructure relevant to freight traffic;
- 27 (h) Collaborate with the relevant government agencies to ensure
- 28 efficient and safe transportation of petroleum Products and commercial cargo
- 29 across Nigeria;
- 30 (i) Promote public-private partnership schemes that will enhance the

1 development of truck transit parks and other transportation infrastructure
2 relevant to effective freight traffic management in Nigeria;

3 (j) Facilitate innovation, technological integration in the
4 management of freight traffic and sustainable utilization of road transport
5 network in Nigeria;

6 (k) Ensure adequate protection and safety of vulnerable road users
7 against the transportation of petroleum products and other commercial
8 cargo by road;

9 (l) Prescribe standards for the design and construction of tanker
10 trucks for transportation of petroleum products and other commercial cargo
11 taking into consideration the comfort of drivers as well as occupants of such
12 vehicles and the safe carriage of goods by road generally;

13 (m) Prescribe standards and procedures for tests of competence
14 for issuance of licenses to tankers and truck drivers;

15 (n) The conduct of safety and performance audits to monitor
16 compliance with the standards and regulations as may prescribed by the
17 PTSD;

18 (o) Specify conditions for safe usage of Petroleum Tankers with
19 regard to other road users, persons and property near roads;

20 (p) Issuance and re-issuance or suspension of driving licenses and
21 parameters and procedures for testing for road worthiness of Petroleum
22 Tankers;

23 (q) Creation, maintenance and sharing of standards, national
24 uniform database for collecting and managing data including data relating to
25 licenses, registration, insurance, permits, road crashes, offences and
26 penalties regarding Petroleum Tankers used for haulage;

27 (r) Mechanisms for accreditation of certification bodies and testing
28 centers engaged in certification and testing of motor vehicles and drivers of
29 motor vehicles under this Bill;

30 (s) Enforcement of quality control in relation to any aspect of

1 transport and road safety pertaining to use of Petroleum Tankers for
2 distribution of petroleum products and other commercial cargo;

3 (t) Evaluation of enforcement and administration of this Bill;

4 (u) Accreditation of assessors of safety audits, inspection and
5 ratings;

6 (v) Dissemination of information related to restricted roads, no
7 entries, one ways, restricted entry and time-zones for articulated vehicles as
8 defined under this Bill;

9 (w) Adoption and implementation of a national safety plan on use of
10 Petroleum Tankers on the highway;

11 (x) Provide technical assistance and advise government at all levels in
12 Nigeria on the administration of provisions of this Bill relating to safety and
13 arising out of management inter-state freight traffic management;

14 (y) Develop in consultation with relevant agencies, regulations
15 specifying guidelines for establishment and operation of trauma facilities and
16 paramedical facilities for dealing with freight traffic related injuries;

17 (z) Undertake freight traffic education programmes and conduct
18 campaigns to create awareness amongst all section of the road users on the risks
19 associated with transporting petroleum products and other commercial cargo
20 by road;

21 (aa) Collaborate with relevant interest groups and non-governmental
22 groups working in the area of road safety, freight traffic management, petroleum
23 products distribution and assist them in the efficient promotion of traffic
24 management and road safety procedures; and

25 (bb) Carry out any other incidental measure necessary to give effect to
26 the provisions of this Bill;

Power to make
Regulations

27 **4.** The PTSD shall have powers to make regulations for the purpose
28 of carrying into effect the power of this Bill and the subsidiary legislations
29 made thereunder.

- 1 **5.-(1)** If the Department proposes to make regulations pursuant to Procedure for
2 the provisions of this Bill, it must publish a draft of the proposed regulation making regulations
3 specifying-
- 4 (a) The objectives of the proposed regulation;
5 (b) How the draft regulation complies with the provisions of this
6 Bill;
7 (c) A regulatory impact analysis of the proposed regulation and
8 cost-benefit analysis where feasible;
9 (d) The process on which a person may make representation in
10 relation to proposed regulations;
11 (e) The implementation schedule for any regulation which shall be
12 determined after due consultation with all stakeholders.
- 13 (2) The Department shall consider and where necessary give effect
14 to any representation made by stakeholders pursuant to the provisions of this
15 section:
16 Provided that the decision of the Department shall be final with
17 regard to whether or not it had considered any regulation made to it.
- 18 (3) Nothing in this section precludes the PTSD from making
19 emergency regulations which may requires suspension of the procedure
20 under subsection (1) of this section if the time taken to comply with it has the
21 potential to cause considerable harm or losses for the person likely to be
22 affected by such regulation.
- 23 **6.-(1)** There is established a National Technical Working Establishment,
24 Committee on Freight Traffic Management in Nigeria (" the Committee) membership and
25 consisting of independent technical experts, representatives of relevant functions of the
26 government MDAs, pressure groups and other entities in the haulage of Committee
27 petroleum products and other commercial cargo in Nigeria to offer technical
28 advise and ensure inter-agency synergy with the PTSD in the discharge of its
29 functions under this Bill.
- 30 (2) the Committee established under this section may have such

1 sub-committees as may be necessary for the effective discharge of its functions
2 as stipulated under subsection (1) of this section and the Committee may co-opt
3 such persons not exceeding five (5) as may be desirable into its membership or
4 the membership of its sub-committee.

5 (3) without prejudice to the generality of the provisions of subsection
6 (1) of this section, the PTSD may establish such number of sub- committees
7 as it may consider necessary, including on the following matters-

- 8 (a) truck transit parks and transport infrastructure development;
- 9 (b) crash investigation and forensics;
- 10 (c) Data collection analytics;
- 11 (d) Petroleum Tankers' safety regulation;
- 12 (e) driving skills testing;
- 13 (f) technology and enforcement including testing standards for
14 offences including drunk - driving and over speeding;
- 15 (g) vehicle fuel quality;
- 16 (h) vehicle noise standards
- 17 (I) insurance relating to Petroleum Tankers and third parties

18 (4) the Committee may from time to time be reconstituted by addition
19 of new members or removal of existing members or by changing the name of
20 the committee or sub-committee as the case may be.

21 (5) the Committee and sub-committee established under this Bill
22 shall have the power to regulate its own proceedings and for this purpose may
23 adapt rules as to time, venue, quorum and other matters relating to its meetings

24 (6) the administrative, financial research support for the committee
25 and its sub-committees shall be provided by the Department.

26 (7) membership of the committee and sub- committees established
27 under this section may be made up of representatives of-

- 28 (a). Petroleum Tanker Safety Department herein established;
- 29 (b) Federal Road Safety Agency (FRSC);
- 30 (c) The Nigerian Maritime and Safety Agency (NIMASA);

- 1 (d) Nigeria Ports Authority (NPA);
- 2 (e) Nigeria Customs Service;
- 3 (f) Nigeria Agricultural Quarantine Service (NAQS);
- 4 (g) Nigeria Police Force;
- 5 (h) Nigerian Navy;
- 6 (i) Standards organizations of Nigeria;
- 7 (j) NEXIM Bank;
- 8 (k) Central Bank of Nigeria;
- 9 (l) National Bureau of Statistics;
- 10 (m) Infrastructural Concession and Regulatory Council (FCRC);
- 11 (n) Independent Corrupt Practice and other offences Commission;
- 12 (o) Manufacturers Association of Nigeria;
- 13 (p) Nigeria Chamber of commerce and industry allied and
- 14 agriculture (NACCIMA);
- 15 (q) Petroleum Tanker Drivers Association (PTDA);
- 16 (r) National Union of Road Transport Workers (NURTW);
- 17 (s) The Nigerian Railway Corporation,

18 PART III - TRUCK TRANSIT PARKS AND OTHER TRANSIT IMPROVEMENT

19 INFRASTRUCTURE

- 20 **7.-(1)** From the commencement of this Bill, no owner of an Obligation of
- 21 articulated lorry shall use or permit the lorry to transport petroleum products owners of
- 22 or other commercial cargo save in accordance with the conditions of the Petroleum Tankers
- 23 permit issued by the Department under this Bill.
- 24 **8.** The owner of an articulated Lorry who intends to use or caused Permit for
- 25 to be used his lorry for transportation of petroleum products or other transportation
- 26 commercial cargo shall make an application to the Department in the form of petroleum
- 27 and named as may be specified by the Department. products, etc.
- 28 **9.** No state shall prevent or hinder inter-state transportation of Obligations of
- 29 petroleum products or other commercial cargo by an articulated lorry State Governments
- 30 granted permit to transport such goods by the Department.

Procedure for
modification
and renewal of
permit for
transportation
of petroleum
products

1 **10.**-(1) The Department shall make regulations specifying the
2 procedure to be followed for-

3 (a) The application for modification of an existing permit;

4 (b) The renewal or suspension or cancellation of a permit; and

5 (c) Issuance of temporary permit for transport of goods.

6 (2) The Department shall make regulations specifying the fee to be
7 paid for the issuance or renewal of permit granted pursuant to the provisions of
8 this Bill.

9 (3) Refusal to grant a permit under this Bill shall be communicated to
10 the applicant in writing stating the reason for such rejection or refusal:

11 Provided that no application for a permit shall be rejected or refused
12 without providing the applicant an opportunity of providing reasons in support
13 of his application.

Special
regulations for
transportation
of petroleum
products, etc.

14 **11.**-(1) The Department shall, in consultation with other members of
15 the Committee established under this Bill, make special regulations for the
16 transportation of petroleum products and hazardous goods by road.

17 (2) Without prejudice to the generality of the foregoing, rules and
18 regulations made under this section maybe with respect to the following-

19 (a) method and manner in which petroleum products and other
20 hazardous cargo are to be stored, packaged, handled and transported;

21 (b) routes and schedules for transportation of petroleum products and
22 other cargoes;

23 (c) safety procedures, equipment and containment measures to be put
24 in place to prevent loss of containment (LOC) in case of road accidents;

25 (d) mandatory accreditation and re-accreditation of people involved
26 in transportation of petroleum products and other hazardous cargo;

27 (e) training and re-training of and essential qualification of people
28 involved in, and the approval of training courses and qualifications relating to
29 involvement in the transportation of petroleum products and other hazardous
30 cargo by road;

1 (f) inspection of facilities and Petroleum Tankers involved in the
2 transportation of petroleum products and other hazardous cargo by road; and
3 (g) issuance of permit, including validity and requirements for
4 renewal of such permits.

5 12. From the commencement of this Bill, it shall be the
6 responsibility of the Department in consultation with the Committee
7 established under this Bill to superintend over the operation of Truck Transit
8 Parks contained in the First Schedule to this Bill or as may be established
9 henceforth and the Department shall ensure the development of more Truck
10 Transit Parks and other Transit improvement infrastructure across the
11 country.

Establishment
of Truck Transit
Parks

12 13. The Department shall establish a Nationwide Road Crash
13 Emergency Access telephone numbers particularly for road crashes or
14 accidents involving petroleum tanker drivers and to request for first
15 response emergency services.

Nationwide road
crash emergency
access telephone
numbers

16 PART IV - FREIGHT TRAFFIC LIABILITY AND CLAIMS TRIBUNAL

17 14. The driver of an articulated lorry shall cause the vehicle to
18 stop & remain stationary, in the event of the vehicle being involved in a
19 collision with a person, animal or building, vehicle or causing damage to
20 property, for such reasonable time as may be necessary, when required to do
21 so by an authorized police officer in uniform, and the driver shall produce
22 their license and share the name and address of the owner of the vehicle to
23 any person affected by any such collision or damage who demands it
24 provided such person also furnishes their name and address.

Obligation of
driver of
Petroleum Tanker
in case of accident

25 15. When any person is injured or any property of a third party is
26 damaged, as a result of a crash in which an articulated lorry is involved, the
27 driver of the vehicle or other person in charge of the vehicle shall-

Articulated lorry
driver to secure
medical attention
for victims

28 (a) unless it is not practicable to do so on account of mob fury or
29 any other reason beyond the control of the driver, take all reasonable steps to
30 secure medical attention for the injured person, by arranging alternative

1 transportation to convey the victims to the nearest medical facility hospital or
 2 nursing home, and it shall be the duty of every registered medical practitioner
 3 or the doctor on duty in the hospital or nursing home to immediately to attend to
 4 the injured person and render medical aid or treatment without waiting for any
 5 procedural formalities, or financial arrangements unless the injured person or
 6 the guardian of the injured person, in case the person is a minor, desires
 7 otherwise.

Precautionary
measure by driver
of articulated
lorry when
approaching
densely populated
settlements etc.

8 **16.** Every driver of a motor vehicle at the approach of any densely
 9 populated settlement or unguarded railway crossing shall cause the vehicle to
 10 stop and the driver of the vehicle shall cause the conductor or cleaner or
 11 attendant or any other person in the vehicle to get down and clear human traffic
 12 or walk up to the railway crossing and ensure that no train or trolley is
 13 approaching from either side and then drive the motor vehicle across such
 14 railway crossing, and where no conductor or cleaner or attendant or any other
 15 person is available in the vehicle, the driver of the vehicle shall get down from
 16 the vehicle himself to ensure that no train or trolley is approaching from either
 17 side before the railway track is crossed.

Insurance policy
for Petroleum
Tankers

18 **17.** No person shall use, or knowingly cause or allow any other person
 19 to use, an articulated lorry for transportation of petroleum products or other
 20 commercial cargo, unless there is in relation to the use of the lorry a valid policy
 21 insurance complying with the requirements of this Bill, and the owner of the
 22 lorry shall obtain additional insurance cover over and above the mandated
 23 policy of insurance as provided under this Bill.

Basic
requirements
of articulated
lorry insurance
policy

24 **18.** In order to comply with the requirements of this Bill, a policy of
 25 insurance must be a policy which-

26 (a) is issued by a person who is an authorized insurer; and
 27 (b) insures the person or classes of persons specified in the policy to
 28 the extent specified in this Bill:

29 (i) against any liability which may be incurred in respect of the death
 30 of or bodily injury to any person including owner of the goods or such owner's

1 authorized representative carried in the lorry or damage to any property of a
2 third party caused by or arising out of the use of the lorry on the highway or
3 persons or property located near the highway; and

4 (ii) against the death of a person or bodily injury to any driver of the
5 lorry and third parties arising out of the use of the lorry on the highway.

6 **19.-(1)** A Fund, called the Tankers and Trucks Crash Fund, shall be
7 constituted and the following shall be credited to the Fund:

Tankers and
Trucks Crash
Fund

8 (a) compulsory contribution as may be determined by the
9 Department payable by all applicants at the point of application for permit
10 for transportation of petroleum products or others in haulage business;

11 (b) Any grant made to the Fund by any of the three tiers of
12 government, corporate entities or charities to organization not inconsistent
13 with the objectives of this Bill; and

14 (c) Any other source of income as may be prescribed by the
15 Department in Consultation with the Committee.

16 (2) The Fund shall be constituted for the purpose of providing
17 compulsory compensation or medical assistance to the following -

18 (a) A person who has been grievously hurt in a road crash involving
19 Petroleum Tanker until such a time as the person may be stabilized or as may
20 be determined by the Department;

21 (b) One or more legal representatives of a person who died in a
22 road crash that was not caused by a hit and run lorry and for which road crash
23 no person can be held liable;

24 (c) A person grievously hurt in a road crash where no fault can be
25 fixed upon either that driver of the lorry or on the owner of the lorry involved
26 in the crash; and

27 (d) Any other victim as the Department may specify by
28 regulations.

29 (3) The maximum liability of the Fund in any case shall be as may
30 be specified by the Department.

1 (4) In all cases specified in sub-section 2(a) of this section, when the
 2 claim of such person becomes payable, then the Fund is entitled to recover
 3 from the insurer the amount equivalent to such compensation received by such
 4 victim.

5 (5) The Fund shall be managed by the Department and it may specify
 6 with special regard-

7 (a) the insurance of all licensees of petroleum transportation tanker
 8 owner;

9 (b) Capability of the Department to meet the compensation needs of
 10 the victims of road crash involving Petroleum Tankers.

Restriction on
 use of Petroleum
 Tankers in
 specified areas

11 **20.** The Department may in consultation with the Committee and
 12 after due satisfaction in the interest of public safety or convenience, or because
 13 of the nature of any road or bridge, prohibit or restrict by notification, subject
 14 to such exceptions and conditions as may be specified in the notification, the
 15 driving of or the use of trailers in any specified area or on a specified road and
 16 when any such prohibition or restriction is imposed, shall cause appropriate
 17 traffic signs to be placed in accordance with this Bill.

Petroleum Tankers
 Claims Tribunal

18 **21.-(1)** The Federal Government may, by notification signed by the
 19 Minister Petroleum or Minister of State for Petroleum as the case may be ,
 20 constitute one or more Petroleum Tanker Accidents Claims Tribunals
 21 (referred to as Claims Tribunals) for such areas as may be specified in the
 22 notification, for the purpose of adjudicating upon claims for compensation in
 23 respect of Petrol tanker crashes involving the death of, or bodily injury to
 24 persons arising out of the use of Petroleum Tankers on the highway, or damage
 25 to any property of a third party so arising, or both.

26 (2) The Federal Government shall use the details from the registers
 27 maintained by the claims Tribunal in accordance with the provisions of this Bill
 28 to carry out an assessment annually, in order to determine the number of Claims
 29 Tribunals needed in a particular State or geopolitical region, the results of
 30 which must be made public upon being determined.

1 (3) A Claims Tribunal shall consist of such number of members not
2 exceeding three as the Federal Government may think fit to appoint; and one
3 of them shall be appointed as its Chairman.

4 (4) A person shall not be qualified for appointment as a member of
5 a Claims Tribunal unless such person:

6 (a) has good knowledge of freight traffic administration; or

7 (b) is, or has been educated up to university degree or its
8 equivalent; or

9 (c) is qualified for appointment as a High Court Judge or as a
10 Magistrate.

11 **22.**-(1) An application for compensation arising out of a crash of
12 the nature specified in sub-section (1) of section 21 may be made:

Person's entitled
to file claims
petition

13 (a) by the person who has sustained the injury; or

14 (b) by the owner of the property; or

15 (c) where death has resulted from the crash, by all or any of the
16 legal representatives of the deceased; or

17 (d) by any agent duly authorized by the person injured, or all or any
18 of the legal representatives of the deceased, as the case may be:

19 Provided that where all the legal representatives of the deceased
20 have not joined in any such application for compensation, the application
21 shall be made on behalf of or for the benefit of all the legal representatives of
22 the deceased and the legal representatives who have not so joined, shall be
23 impleaded as respondents to the application.

24 (2) Every application under sub-section (1) of this section shall be
25 made in such form and manner as may be prescribed by the Tribunal at the
26 option of the claimant either to the Claims Tribunal having jurisdiction over
27 the area in which the crash occurred or to the Claims Tribunal within the
28 local limits of whose jurisdiction the claimant resides, or carries on business,
29 or within the local limits of whose jurisdiction the defendant resides.

30 (3) The Claims Tribunal shall treat any Detailed Crash Information

1 Report prepared pursuant to the provisions of this Bill and forwarded to it in
2 determining appropriate compensation for the claimant.

3 (4) The Claims Tribunals shall examine whether the Detailed Crash
4 Information Report is complete in all respects and shall pass appropriate orders
5 in this regard.

6 (5) If the Detailed Crash Information Report is not complete in any
7 particular respect, the Claims Tribunal shall direct the Investigating Officer to
8 complete the same and shall fix a date for the said completion.

9 (6) The Claims Tribunals shall treat the Detailed Crash Information
10 Report filed by the Investigating Officer as a claim petition under this section
11 and where the Police is unable to produce the claimants on the first date of
12 hearing, the Claims Tribunal shall initially register the Detailed Crash
13 Information Report as a miscellaneous application which shall be registered as
14 a main claim petition after the appearance of the claimants.

15 (7). The Claims Tribunal shall list the miscellaneous application for
16 preliminary hearing to enable the police to notify such date to the victim/family
17 of the victim, owner, driver and insurer of the vehicle involved in the crash.

18 (8) After the appearance of the claimants, the miscellaneous
19 application shall be converted and registered as a claim petition.

20 (9) Where the claimants have filed a separate claim petition, the
21 Detailed Crash Information Report shall be tagged to the claim petition.

22 (10) If no separate claim petition has been preferred, the Claims
23 Tribunal shall call upon the claimant to submit statement of facts regarding
24 compensation in such form and manner as may be prescribed by Tribunal in
25 this regard.

26 (11) If the police are unable to produce the claimants for up to a period
27 of three months after the first date of hearing, the Claims Tribunal shall deem
28 the matter disposed of:

29 Provided that a claimant may, at any time up to a period of twelve
30 months after the matter has been disposed under sub-section (11) of this

1 section, file a claim petition relating to the same crash.

2 (12) Notwithstanding anything in this Bill or any Act of the
3 National Assembly for the time being in force, the right of a person to claim
4 compensation for injury in a crash shall upon the death of the person injured,
5 survive to his legal representatives, irrespective of whether the cause of
6 death is relatable to or had any nexus with the injury, or not:

7 Provided that in cases where the cause of death is not relatable to or
8 has no nexus with the injury, the compensation shall be restricted to the
9 period between the date of injury and the death of the person injured.

10 **23.-(1)** Upon receipt of an application for compensation made
11 under the provisions of this section, the Claims Tribunal shall, after giving
12 notice of the application to the insurer and after giving the parties (including
13 the insurer) an opportunity of being heard, hold an inquiry into the claim or,
14 as the case may be, each of the claims and, subject to the provisions of this
15 Bill may make an award determining the amount of compensation which
16 appears to it to be just and specifying the person or persons to whom
17 compensation shall be paid and in making the award the Claims Tribunal
18 shall specify the amount which shall be paid by the insurer or owner or
19 driver of the vehicle involved in the crash or by all or any of them, as the case
20 may be:

Procedure and
power of Claims
Tribunal

21 Provided that, in the case of death, the amount of compensation,
22 excluding compensation for loss of earnings and for medical expenses prior
23 to death, shall be an amount as may be prescribed by rules made by the
24 Tribunal.

25 (2) The Claims Tribunal shall, while making an award under this
26 Bill, also refer to the impairment schedule detailing the various types of
27 injuries or impairments along with the compensation prescribed thereunder
28 which shall be in accordance with the rules of the Tribunal and updated from
29 time to time.

30 (3) The Claim Tribunal shall arrange to deliver copies of the award

1 to the parties concerned expeditiously and in any case within a period of fifteen
2 days from the date of the award.

3 (4) When an award is made under this section, the person who is
4 required to pay any amount in terms of such award shall, within thirty days of
5 the date of announcing the award by the Claims Tribunal, deposit with the
6 Tribunal the entire amount awarded in such manner as the Claims Tribunal may
7 direct.

Claims Tribunal
as an administrative
tribunal exercising
judicial powers

8 **24.**-(1) In holding any inquiry under the provisions of this Bill, the
9 Claims Tribunal may, subject to its rules of procedures have all the powers of a
10 Civil Court for the purpose of taking evidence on oath and of enforcing the
11 attendance of witnesses and of compelling the discovery and production of
12 documents and material objects and for such other purposes as may be
13 prescribed; and the Claims Tribunal shall be deemed to be an administrative
14 tribunal exercising judicial powers.

15 (2) Subject to any rules that may be made by the Claims Tribunal, the
16 Claims Tribunal may, for the purpose of adjudicating upon any claim for
17 compensation, choose one or more persons possessing special knowledge of
18 any matter relevant to the inquiry to assist it in holding the inquiry.

Judgment and
award of
compensation
by the Claims
Tribunal

19 **25.** -(1) The Claims Tribunal in passing orders shall record concisely
20 in a judgment, the findings on each of the issues framed and the reasons for
21 such findings and make an award specifying the amount of compensation to be
22 paid by the opposite party or parties and also the person or persons to whom
23 compensation shall be paid:

24 Provided that the compensation awarded for death, injury or
25 disability arising out of a motor vehicle crash shall be as per the scheme
26 notified from time to time by the rules of the Claims Tribunal.

27 (2) The procedure of adjudicating the liability and award of
28 compensation may be set apart from the procedure of disbursement of
29 compensation to the legal heirs in a case of death, and where the Claims
30 Tribunal feels that the actual payment to the claimant is likely to take some time

1 because of the identification and determination of legal heirs of the
2 deceased; the Claims Tribunal may call for the amount of compensation
3 awarded to be deposited with it, and then, proceed with the identification of
4 the legal heirs for disbursing payment of compensation to each of the legal
5 heirs equitably.

6 (3) If the parties to an application for compensation or claims
7 petition under this Bill settle the same between themselves at any time
8 during the pendency of the application for compensation or claims petition
9 before the Claims Tribunal, the Investigating Officer shall ensure that such
10 settlement is bona fide and was not made under any undue influence and, if
11 so satisfied, shall assent to placing such settlement before the Claims
12 Tribunal which, in turn, shall satisfy itself as to the genuineness and
13 authenticity of such settlement, and then the Tribunal shall give its assent to
14 such settlement and pass an order adopting and affirming the settlement as
15 its final decision.

16 26.-(1) The enforcement of the awards of the Claims Tribunal shall
17 be transmitted to the Federal High Court for enforcement in accordance with
18 the rules of procedure as may be prescribed by the Claims Tribunal for
19 enforcement of its award and extant rules of the Federal High Court for the
20 enforcement of decisions of Administrative Tribunals of coordinate
21 jurisdiction with the Claims Tribunal and it shall proceed to recover/execute
22 the award in following terms:

Enforcement of
awards of Claims
Tribunal

23 (a) If after the expiry of 90 days from the pronouncement of the
24 award by the Claims Tribunal, payment of the amount awarded by the
25 Claims Tribunal has not been made, notice must be issued to the Bank
26 named by the Insurance Company directing such Bank to deposit the cheque
27 drawn in the name of the claimant/claimants legally entitled in accordance
28 with the award covering the amount(s) in accordance with the Claims
29 Tribunal award within a week of receipt of such orders, and the cheques
30 should be retained for payment to the claimant;

1 (b) Once the amount is deposited by cheque in accordance with the
2 aforesaid procedure, the Claims Tribunal is required to ensure that within a
3 period of six weeks thereafter the amount is disbursed to the claimants under
4 the supervision of the Presiding Officer by issuing the said cheque to the
5 claimant, so that the claimants are not put through undue harassment;

6 (c) In case for some reason it is not possible to make the payment to
7 the claimant within three months of the issue of the cheques in the name of the
8 claimant, then the Claims Tribunal should ensure that such cheques are
9 returned to the Insurance Companies in lieu of fresh cheques drawn in favour of
10 the appropriate account of the Claims Tribunal and which are required to be
11 deposited in an interest bearing short term fixed deposit for a six monthly
12 period by the Claims Tribunal;

13 (d) If directions given by the Claims Tribunal to the banks are not
14 complied with, the Claims Tribunal may order freezing of bank accounts to the
15 extent covered by the award.

16 (2) The Claims Tribunal shall maintain in addition to any register that
17 may be required to be maintained, the following:

18 (a) Register for applications for interim award;

19 (b) Register for deposit of payments in the Claims Tribunal through
20 cheques,

21 (3) Claim petitions on the ground of death, permanent disability,
22 injury and damage to property shall be entered in a separate register.

23 (4) The record of all the awards passed by the Claims Tribunals shall
24 be maintained by the Claims Tribunal officials in such manner as may be
25 prescribed.

Impleading
insurer in certain
cases

26 **27.**-(1) Where in the course of any inquiry, the Claims Tribunal is
27 satisfied that:

28 (a) there is collusion between the person making the claim and the
29 person against whom the claim is made; or

30 (b) the person against whom the claim is made has failed to contest the

1 claim, it may, for reasons to be recorded in writing, direct that the insurer,
2 who may be liable in respect of such claim, shall be impleaded as a party to
3 the proceeding and the insurer so impleaded shall thereupon have, the right
4 to contest the claim on all or any of the grounds that are available to the
5 person against whom the claim has been made.

6 **28.** Where any Claims Tribunal allows a claim for compensation Award of interest
7 made under this Bill, such Tribunal may direct that in addition to the amount where any claim
8 of compensation, simple interest shall also be paid at such rate and from such is allowed
9 date not earlier than the date of making the claim as it may specify in its order
10 for compensation.

11 **29.-(1)** Any Claims Tribunal adjudicating upon any claim for Award of
12 compensation under this Bill may, in any case where it is satisfied direct that: compensatory
13 cost in certain
14 cases

15 (a) the policy of insurance is void on the ground that it was obtained
16 by misrepresentation of facts in any material particular; or

17 (b) any party or insurer has put forward a false or vexatious claim
18 or defence or is guilty of misrepresentation;

19 make an order for the payment of special costs by way of compensation to
20 the insurer or, as the case may be, to the party against whom such claim or
21 defence has been put forward.

22 (2) No person or insurer against whom an order has been made
23 under this section shall, by reason thereof, be exempted from any criminal
24 liability in respect of such misrepresentation, claim or defence as is referred
25 to in sub-section (1) of this section.

26 (3) Any amount awarded by way of compensation under this
27 section in respect of any misrepresentation, claim or defence, shall be taken
28 into account in any subsequent suit for damages for compensation, in
29 respect of such misrepresentation, claim or defence.

30 **30.-(1)** Subject to the provisions of sub-section (2) of this section, Appeals against
any person aggrieved by an award of a Claims Tribunal may, within ninety awards made by
the Claims
Tribunal
days from the date of the award, file an appeal to the Federal High Court.

1 Provided that no appeal by the person who is required to pay any amount in
2 terms of such award shall be entertained by the Federal High Court.

3 (2) The Federal High Court may extend the time within which to file
4 the appeal pursuant to subsection(1) of this section and also entertain the
5 appeal after the expiry of the said period of ninety days, if it is satisfied that the
6 appellant was prevented by sufficient cause from filing the appeal in time.

7 (3) No appeal shall lie against any award of a Claims Tribunal if the
8 amount in dispute in the appeal is less than N1,000,000 (one million naira).

Recovery of money
from the insurer

9 **31.** Where any amount is due from any person under an award, the
10 Claims Tribunal may, on an application made to it by the person entitled to the
11 amount, issue a certificate for the amount to be collected, and the person
12 entitled to collect the amount shall proceed to recover the same in the same
13 manner as the Claims Tribunal may direct.

Appellate
jurisdiction of
the Federal High
Court over awards
of the Claims
Tribunal

14 **32.** From the constitution of the Claims Tribunal established under
15 this Bill, the Federal High Court shall have appellate jurisdiction to entertain
16 any question relating to any claim for compensation which may be adjudicated
17 upon by the Claims Tribunal for that area, and no injunction in respect of any
18 action taken or to be taken by or before the Claims Tribunal in respect of the
19 claim for compensation shall be granted by the Federal High Court.

20 PART V - OFFENCES AND PENALTIES

General
provisions
regarding
penalties

21 **33.-(1)** Any Offence committed under this Act, may be punishable
22 with one or more of the following penalties-

23 (a) Fines or as specified;

24 (b) community service as may be specified by the Sentencing Rules of
25 the Claims Tribunal for bailable offences;

26 (c) impounding of vehicles for a term, as specified; and

27 (d) suspension of driver's license of the driver involved in road crash
28 or accident;

29 (e) suspension of registrations or permits, as specified;

30 (f) cancellation of licenses, registrations or permits, as specified;

1 (g) compulsory refresher training in a manner as specified by the
2 Department for each offence.

3 (2) reference to impounding of motor vehicles under this Bill is
4 construed to include the immobilization of the motor vehicle on the
5 premises of the owner of the motor vehicle by means of an immobilization
6 device or appliance designed or so adapted to be fixed to a vehicle for the
7 purpose of preventing it from being driven or otherwise put in motion and is
8 of a type approved by the Department to be used for that purpose.

9 (3) Where a petrol tanker or any other type of articulated vehicle is
10 used in contravention of the provisions of this Bill, the fact of the
11 contravention or offence, and relevant details of the person involved in the
12 offence or contravention shall be recorded against the registration certificate
13 of such vehicle, in such manner as may be specified by the provisions of this
14 Bill or Regulations made thereunder.

15 (4) Unless otherwise specified in this Bill, an offence under a
16 provision would be considered a repeat offence if its Department takes place
17 either within a period of one year, or as otherwise specified by the
18 Regulations, from the previous Department of an offence under the same
19 provision.

20 (5) If an offence under this Bill is committed in a child zone the
21 fine for such an offence shall be twice that as prescribed for such offence
22 under this Bill.

23 (6) The nature and manner of community service may be as
24 specified by the Sentencing Rules of the Claims Tribunal.

25 (7) Whoever contravenes any provision of this Bill or of any rule,
26 regulation, order or notification made pursuant to this Bill shall, if no
27 penalty is provided for the offence, be punishable for the offence in
28 accordance with the provisions of subsection (1) of this section or the
29 sentencing guidelines of the Court.

30 (8) Any person who commits an offence under this section shall, in

	1	addition to the prescribed may have their names and photograph published, at
	2	their expense, in three leading newspapers circulating in the State where they
	3	reside, of which at least one must be in English and one in the vernacular
	4	language, in a form as specified by the Department.
Causing an unauthorized person to drive an articulated lorry	5	34. Whoever, being the owner or the driver of an articulated lorry as
	6	defined in this Bill, or the person under whose instructions the driver of a lorry,
	7	knowingly causes or permits a minor or any other person who does not satisfy
	8	the provisions of this Bill to drive that lorry commits an offence and upon
	9	conviction be sentenced in accordance with the provisions of this Bill.
Offences relating driver's license	10	35.-(1) Any person who, while holding any driver's license for the
	11	time being in force, attempts to obtain any other driver's license except as
	12	provided under this Bill commits an offence and shall upon conviction be
	13	sentenced in accordance with the provisions of this Bill.
Offences relating breach of regulations	14	36. Any person who contravenes the provisions of the regulations
	15	made pursuant to the provisions of Bill commits an offence and shall upon
	16	conviction be sentenced in accordance with the provisions of this Bill.
Offences relating to driving an unsafe articulated lorry	17	37.-(1) Any person who drives or causes or allows to be driven a lorry
	18	defective in relation to road safety, including headlights, taillight, indicators,
	19	break lights, tyre tread, control of noise and air pollution, or with reduced
	20	vehicle conspicuity for other road users for haulage , which such person
	21	knows of or could have discovered by the exercise of ordinary care commits an
	22	offence and upon conviction be sentenced in accordance with the provisions of
	23	this Bill.
Offences by companies	24	38.-(1) Where an offence under this Act has been committed by a
	25	company, every person who, at the time the offence was committed, was in
	26	charge of, and was responsible to, the company for the conduct of the business
	27	of the company, as well as the company, shall be deemed to be guilty of the
	28	contravention and shall be liable to be proceeded against and punished
	29	accordingly.
	30	(2) This sub-section shall not render any such person liable to any

1 punishment in this Bill, if such person proves that the offence was
2 committed without that person's knowledge or that the person exercised
3 reasonable due diligence to prevent the Department of such offence.

4 (3) Where an offence under this Bill has been committed by a
5 company, and it is proved that the offence was committed with the consent
6 or connivance of, or is attributable to any neglect on the part of any director,
7 manager, secretary or other officer of the company, such director, manager,
8 secretary or other officer shall also be deemed to be guilty of that offence and
9 shall be liable to be proceeded against and punished accordingly.

10 **39.** Any person who-

11 (a) transports a shipping container by road without prior inspection
12 and authorization by a Federal Road Safety Officer on patrol or within his
13 vicinity; or

14 (b) without installation of twist locks, twist lock sockets, operating
15 levers and other safety measures or devices to prevent derailment of the
16 container while in transit; or

17 (c) loads a container on a vehicle or wagon for transportation by
18 road in such a manner as to affect the stability of the vehicle or constitute
19 danger to other road users;

20 Commits an offence and shall upon conviction be punished in accordance
21 with the provisions of this Bill.

22 CHAPTER VI - MISCELLANEOUS

23 **40.** -(1) Anything done or purported to have been done under any
24 existing Act of the National Assembly including any notification, rule,
25 regulation, order or notice issued, or any appointment or declaration made,
26 or exemption granted or any confiscation made, or any penalty or fine
27 imposed, any forfeiture, cancellation or any other thing done or any other
28 action taken under any Act of the National Assembly, in force immediately
29 before the commencement of this Bill shall, so far as it is not inconsistent
30 with the provisions of this Bill, be deemed to have been issued, made,

Offences relating
to transportation
of containers
by road

Savings
provisions

1 granted, done or taken under the corresponding provision of this Bill ; and

2 (b) any certificate of fitness or registration or license or permit issued
3 or granted under the repealed enactments shall continue to have effect after
4 such commencement under the same conditions and for the same period as if
5 this Bill had not been passed; and

6 (c) any scheme or stage carriage permit granted and renewed under
7 any Act of the National Assembly, in force immediately before the
8 commencement of this Bill shall, so far as it is not inconsistent with the
9 provisions of this Bill , be deemed to have been issued, made, granted, done or
10 taken under the corresponding provision of this Bill ; and

11 (d) any proceeding instituted any Act of the National Assembly in
12 force before the commencement of this Bill and pending immediately before
13 the commencement of this Bill before any Court, shall, subject to the
14 provisions of this Bill, continue to be heard and disposed of by the said Court;
15 and

16 (2) Any penalty payable under any Act of the National Assembly in
17 force immediately before the commencement of this Bill, and any action
18 already taken for the recovery of such penalty under any existing Act of the
19 National Assembly shall subsist until such a penalty is recovered as if this Bill
20 has not been passed.

Interpretation

21 **41.** In this Bill unless the context otherwise requires-

22 "Petroleum Tankers" means and includes tankers for the transportation of
23 petroleum products;

24 "Department "means the Petroleum Tankers Safety Department established
25 by Section 3(1);

26 "certificate of fitness" means a document issued under this Bill that certifies
27 that the articulated lorry meets such safety and other standards stipulated under
28 this Bill or provided in the regulations made by the Department;

29 "Certificate of registration" means the certificate issued under this Bill by the
30 Department to the effect that an articulated vehicle has been duly registered in

- 1 accordance with the provisions of this Bill;
- 2 "Claims Tribunal" means the Petroleum Tanker Accidents Claim Tribunals
3 established under clause 21 of this Bill;
- 4 "Community Service" under this Bill means a requirement of unpaid work
5 under such terms as may be specified by the sentencing rules of the court and
6 imposed on a person who has committed an offence under this Bill;
- 7 "company" means anybody corporate involved in freight transport or
8 haulage business involving petroleum products and other commercial
9 cargo;
- 10 "Court" Federal High Court established under section 230 of the 1999
11 Constitution of the Federal Republic of Nigeria, as amended;
- 12 "owner" in relation to Petroleum Tanker means the person or company in
13 whose name a lorry stands registered and where such a person is a minor, the
14 guardian of such minor; and in relation to a lorry which is the subject of a
15 hire-purchase agreement, or an agreement of lease, the person in possession
16 of the vehicle under that agreement; or in respect of an unregistered lorry, the
17 person in possession or control of the vehicle; or a vehicle manufacturer or
18 dealer or importer till such time the vehicle is registered;
- 19 "permit" means a document issued by the Department or appropriate officer
20 of the Department authorizing the use of an articulated lorry for
21 transportation of petroleum products, shipping containers or other
22 commercial cargo by road;
- 23 "property" means and includes movable and immovable properties such as
24 bridges, culverts, causeways, trees, posts, houses, animals of whatever
25 description;
- 26 "public place" means a road, street, way or other place, whether a
27 thoroughfare or not, to which the public have a right of access, and includes
28 any place or stand at which passengers are picked up or set down;
- 29 "road safety" means the set of practices which identify those problems that
30 contribute to crashes, accidents or injuries and includes methods and

1 measures adopted by the Department pursuant to the provisions of this Bill for
2 reducing the risk of a road crash death or injuries sustained in a crash in a public
3 place including but not limited to driver education regarding responsible road
4 sharing and protection of vulnerable road users, enforcement of traffic laws,
5 manufacture lorries with in-built high safety standards, construction of safe
6 roads and provision of emergency road services;
7 "restricted road" includes a road on which a speed limit applies or has a
8 restriction on the types of vehicles which may ply on that road or has been
9 notified by the Department to be a restricted road.

Short title 10 **42.** This Bill may be cited as the Petroleum Tankers Safety Bill, 2019.

11 SCHEDULE

12 [Clause 12]

13 PROVISIONS RELATING TO ESTABLISHMENT OF TRUCK TRANSIT PARKS

14 The following Truck Transit Parks (TTPs) are recognized under this Bill:

- 15 1.-(1) Lokoja Truck Transit Park, Kogi State;
16 (2) Obollo-Afor Truck Transit Park, Enugu State;
17 (3) Benin- Bypass Truck Transit Park, Edo State;
18 (4) Aviele Truck Transit Park, Edo State; and
19 (5) Illela Truck Transit Park, Sokoto State;
20 2. Facilities at the recognized Truck Transit Parks:
21 (1) Gas stations and fire stations;
22 (2) Hotels and motels;
23 (3) Restaurants, Rest rooms and showers;
24 (4) Mechanic workshops, warehouse, truck park and link way;
25 (5) Gate House, local market and shopping mall;
26 (6) police post and Federal Road Safety Commission Office;
27 (7) Health clinics;
28 (8) Automated cargo tracking systems;
29 (9) weigh-bridges; and
30 (10) prayer rooms.

EXPLANATORY MEMORANDUM

This Bill seeks to provide an efficient legal framework for the regulation of tankers and trucks on the highway to convey petroleum products and other commercial cargoes; it further seeks to promote the safety of all road users, lives and the properties of people vulnerable to freight transport accidents by prescribing stiff penalties for violation of Highway and Freight transport Regulations by operators.

FEDERAL COLLEGE OF EDUCATION (TECHNICAL) IWO, OSUN STATE
(ESTABLISHMENT) BILL, 2019
ARRANGEMENT OF CLAUSES

Clauses

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

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

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

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

PART III -STATUTES OF THE COLLEGE

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

PART IV -SUPERVISION AND DISCIPLINE

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

18. Participation and Discipline of Students

PART V -MISCELLANEOUS AND GENERAL

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

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

A BILL

FOR

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

Sponsored by Senator Oriolowo, Adelere Adeyemi

[] 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) IWO, OSUN STATE

3 1.-(1) There is hereby established the Federal College of Education
4 (Technical) Iwo, Osun State.

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

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

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

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

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

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

Establishment
and Objectives
of the Federal
College of
Education
(Technical) Iwo,
Osun 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 art 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) Iwo, Osun State and its exercise
22	this Bill, Federal College of Education (Technical) Iwo, Osun State shall	
23	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

Functions of
the Provost

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.

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
28 copy thereof bearing or having affixed to it a certificate purporting to be
29 signed by the Provost or the Secretary to the Council to the effect that the
30 copy is a true copy of a statute of the College.

Proof of Statute

PART IV - SUPERVISION AND DISCIPLINE

The Visitor

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

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

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

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

Removal of
certain Members
of Council

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

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

Removal and
discipline of
academic,
administrative
and professional
staff

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

(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 pursuance 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:

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

Participation and
Discipline of
Students

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 by

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) Iwo, Osun
5 State established and incorporated by section I of this Bill.

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

Short title

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

15 SCHEDULES

16 FIRST SCHEDULE

17 [Section 2(2)]

18 PRINCIPAL OFFICERS OF THE COLLEGE

19 *The Provost*

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

22 *The Pro-Chancellor*

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

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

28 *The Provost*

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

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

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

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

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

9 (b) constitute a Search Team consisting of:

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (ii) two members of the Senate,

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

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

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

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

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

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

24 *Deputy Provost*

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

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

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

1 Other Principal Officers of the College

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

4 (a) the Bursar; and

5 (b) the College Librarian,

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

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

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

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

17 *Selection Board for other Principal Officers*

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

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

22 (b) the Provost;

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

24 (d) two members of the Senate.

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

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

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

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

8 *Resignation and Re-appointment*

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

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

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

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

18 SECOND SCHEDULE

19 TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

20 *Transfer of Property to College*

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

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

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

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

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

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

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

8 *Registration of transfers*

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

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

19 *Transfer of Functions, etc.*

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

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

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

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

(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) IWO, OSUN 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;

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

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

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

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

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

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

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

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

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

27 *Convocation*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 *Division of Colleges*

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

9 *College Boards*

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

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

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

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

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

20 (a) the Provost;

21 (b) the Dean;

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

23 (d) the College Examination Officer;

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

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

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

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

2 *Deans of the Colleges*

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

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

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

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

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

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

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

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

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

1 15(3) of the Act.

2 *Departmental Board of Studies*

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

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

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

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

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

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

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

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

21 (a) the Pro-Chancellor;

22 (b) the Provost;

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

25 (d) Two members appointed by the Senate.

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

1 *Tenure of Directors*

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

4 *Creation of Academic Posts*

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

8 *Appointment of Academic Staff*

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

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

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

17 (a) the Provost - Chairman;

18 (b) Deputy Provost - Member;

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

20 (d) Head of Department - Member;

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

25 (f) Registrar - Secretary.

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

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

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

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

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

3 (e) Registrar or his representative - Secretary.

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

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

14 *Appointment of Administrative and Professional Staff*

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

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

20 (i) Provost;

21 (ii) Deputy Provost;

22 (iii) Registrar;

23 (iv) Bursar;

24 (v) College Librarian;

25 (vi) The Head of Department concerned;

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

28 *Interpretation*

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

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

2 *Short Title*

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Education (Technical) Iwo, Osun 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 COLLEGE OF EDUCATION (TECHNICAL) IBOKUN, OSUN STATE
(ESTABLISHMENT) BILL, 2019
ARRANGEMENT OF CLAUSES

Clauses

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

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

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

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

PART III -STATUTES OF THE COLLEGE

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

PART IV -SUPERVISION AND DISCIPLINE

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

18. Participation and Discipline of Students

PART V -MISCELLANEOUS AND GENERAL

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

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

A BILL

FOR

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

Sponsored by Senator Fadahunsi

[] 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) IBOKUN, OSUN STATE

3 1.-(1) There is hereby established the Federal College of Education
4 (Technical) Ibokun, Osun State.

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

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

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

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

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

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

Establishment
and Objectives
of the Federal
College of
Education
(Technical) Ibokun,
Osun 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 art 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) Ibokun, Osun State and its exercise
22	this Bill, Federal College of Education (Technical) Ibokun, Osun State shall	
23	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

Functions of
the Provost

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.

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
28 copy thereof bearing or having affixed to it a certificate purporting to be
29 signed by the Provost or the Secretary to the Council to the effect that the
30 copy is a true copy of a statute of the College.

Proof of Statute

PART IV - SUPERVISION AND DISCIPLINE

The Visitor

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

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

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

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

Removal of certain Members of Council

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

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

Removal and discipline of academic, administrative and professional staff

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

(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 pursuance 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) Ibokun, Osun
5 State established and incorporated by section I of this Bill.

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

Short title

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

15 SCHEDULES

16 FIRST SCHEDULE

17 [Section 2(2)]

18 PRINCIPAL OFFICERS OF THE COLLEGE

19 *The Provost*

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

22 *The Pro-Chancellor*

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

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

28 *The Provost*

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

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

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

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

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

9 (b) constitute a Search Team consisting of:

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (ii) two members of the Senate,

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

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

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

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

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

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

24 *Deputy Provost*

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

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

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

1 Other Principal Officers of the College

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

4 (a) the Bursar; and

5 (b) the College Librarian,

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

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

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

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

17 *Selection Board for other Principal Officers*

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

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

22 (b) the Provost;

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

24 (d) two members of the Senate.

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

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

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

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

8 *Resignation and Re-appointment*

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

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

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

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

18 **SECOND SCHEDULE**

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

20 *Transfer of Property to College*

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

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

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

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

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

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

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

8 *Registration of transfers*

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

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

19 *Transfer of Functions, etc.*

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

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

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

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

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

(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) IBOKUN, OSUN STATE

STATUTE No. 1

ARRANGEMENT OF ARTICLES

Articles

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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;

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

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

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

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

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

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

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

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

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

27 *Convocation*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 *Division of Colleges*

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

9 *College Boards*

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

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

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

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

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

20 (a) the Provost;

21 (b) the Dean;

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

23 (d) the College Examination Officer;

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

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

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

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

2 *Deans of the Colleges*

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

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

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

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

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

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

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

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

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

1 15(3) of the Act.

2 *Departmental Board of Studies*

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

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

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

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

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

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

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

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

21 (a) the Pro-Chancellor;

22 (b) the Provost;

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

25 (d) Two members appointed by the Senate.

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

1 *Tenure of Directors*

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

4 *Creation of Academic Posts*

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

8 *Appointment of Academic Staff*

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

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

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

17 (a) the Provost - Chairman;

18 (b) Deputy Provost - Member;

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

20 (d) Head of Department - Member;

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

25 (f) Registrar - Secretary.

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

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

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

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

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

3 (e) Registrar or his representative - Secretary.

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

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

14 *Appointment of Administrative and Professional Staff*

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

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

20 (i) Provost;

21 (ii) Deputy Provost;

22 (iii) Registrar;

23 (iv) Bursar;

24 (v) College Librarian;

25 (vi) The Head of Department concerned;

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

28 *Interpretation*

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

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

2 *Short Title*

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Education (Technical) Ibokun, Osun 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.