

Extraordinary



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A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF EMERGENCY, CRISIS AND DISASTER RISK MANAGEMENT CHARGED WITH THE RESPONSIBILITY OF ADVANCING THE STUDY, TRAINING AND PRACTICE OF EMERGENCY AND DISASTER MANAGEMENT AND DETERMINING THE STANDARDS OF KNOWLEDGE AND SKILLS TO BE ATTAINED BY PERSONS SEEKING TO BECOME REGISTERED MEMBERS OF THE INSTITUTE AND FOR RELATED MATTERS

Sponsors:

Hon. Abubakar Hassan Fulata

Hon. Sada Soii

Hon. Zangon Oaura Nasiru

Hon. Nnaji Nholim John

Hon. Anayo, Edwin

[] Commencement

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

1 PART I - ESTABLISHMENT, ETC. OF THE CHARTERED INSTITUTE OF
2 EMERGENCY, CRISIS & DISASTER RISK MANAGEMENT

3 1.-(1) There is hereby established a body known as Chartered
4 Institute of Emergency, Crisis & Disaster Risk Management (in this Act
5 referred to as (“the Institute”) which:

Establishment
of the Chartered
Institute of
Emergency, Crisis
& Disaster
Risk Management

6 (a) Shall be a body corporate with:

7 (i) Perpetual succession,

8 (ii) A common seal which shall be kept in such custody as the
9 Council may direct;

10 (b) Can sue and be sued in its corporate name; and

11 (c) Will subject to the land Use Act, acquire, hold and dispose of

1 any property, moveable or immoveable.

2 (2) The Institute shall have the general duty of:

3 (a) Determining the standards of knowledge and skills to be attained
4 by persons seeking to be registered members of the Institute and raising those
5 standards from time to time as circumstances may permit;

6 (b) Securing in accordance with the provisions of this Act, the
7 establishment and maintenance of a register of members entitled to practice as
8 Chartered Emergency, Crisis and Disaster Risk Managers and a register of
9 institutional members as well as the Publication from time to time, of list of
10 those persons;

11 (c) Conducting professional examinations leading to the award of
12 certificates as may be prescribed by the Institute;

13 (d) Maintaining discipline within the profession in accordance with
14 the provisions of this Act.

15 (e) Encourage, increase, disseminate and promote the education and
16 training of members in respect of all fields appertaining thereto or therewith;
17 the practice of Emergency, Crisis and Disaster Risk Management

18 (f) Highlight and impart such specialized knowledge, skills and
19 experience in Emergency, Crisis & Disaster Risk Management and

20 (g) Performing through the Council the functions conferred on it by
21 this Act.

Membership
of the Institute

22 **2.-(1)** Subject to the provisions of this Act, persons admitted to
23 membership of the Institute shall be registered as members in the following
24 categories:

25 (a) Student Members;

26 (b) Affiliate Members;

27 (c) Graduate Members;

28 (d) Associate Members;

29 (e) Technical Members;

30 (f) Chartered Professional Members;

1 (g) Chartered Fellow.

2 (2) Persons accorded the status of Chartered Emergency, Crisis and
3 Disaster Risk Managers by the Council shall be entitled to the use of that
4 name thus shall enrolled as:

5 (a) Student Members: Is open to any undergraduate who have an
6 interest in Health, Safety, Environmental, Crisis, Disaster and Emergency
7 Management;

8 (b) Affiliate Members: This shall constitute who are engaged in
9 Emergency, Disaster, Health, Environmental and Safety professions or in a
10 related field with a minimum of a year work experience;

11 (c) As a Graduate Member: Must have at least two (2) years of
12 work experience In a Health, Safety, Environmental, Disaster or related
13 role;

14 (d) Associate Members: This shall constitute of Members with at
15 least three (3) years Experience in Health Emergency, Safety,
16 Environmental or related role as well as must possess a recognized
17 qualification;

18 (e) Technical Member: Must have at least 5 years of work
19 experience as a practicing HSE Manager, Emergency and Disaster Risk
20 Manager, or related role;

21 (f) Chartered Professional Members: A Member must have at least
22 three (3) years of Experience as a Technical Member and also be in Health,
23 Safety, Environmental, Disaster or Risk Management leadership position
24 for at least five (5) years. In Addition, all Chartered Member must pass
25 Knowledge, Skill Assessment and an Oral Interview;

26 (g) Chartered Fellow: Chartered Fellowship of the Institute is
27 awarded only to Chartered Professional Members who demonstrated an
28 outstanding commitment to the Emergency, Crisis, Safety, Health,
29 Environmental and Disaster Risk professions. Our Chartered Fellows go
30 "above and beyond" the call of duty and are the Ambassadors of the Institute

- 1 as determined by the Board of Trustee;
- 2 (h) The designatory letters of the:
- 3 (a) Fellows of the Chartered Institute of Emergency, Crisis & Disaster
- 4 Risk Management shall be "FECRM";
- 5 (b) Professional Members of the Chartered Institute of Emergency,
- 6 Crisis & Disaster Risk Management shall be "CPMECRM";
- 7 (c) Technical Members of the Chartered Institute of Emergency,
- 8 Crisis & Disaster Risk Management shall be "TMECRM";
- 9 (d) Associates Members of the Chartered Institute of Emergency,
- 10 Crisis & Disaster Risk Management shall be "AECRM";
- 11 (e) Graduates Members of the Chartered Institute of Emergency,
- 12 Crisis & Risk Management shall be "GMECRM";
- 13 (f) Affiliate Members of the Chartered Institute of Emergency, Crisis
- 14 & Disaster Risk Management shall be "AMECRM".

PART II - ELECTION OF PRESIDENT AND VICE PRESIDENTS OF THE
CHARTERED INSTITUTE OF EMERGENCY, CRISIS &
DISASTER RISK MANAGEMENT

Office and tenure
of President and
Vice-President
of the Institute

- 18 **3.-(1)** there shall be a President and three Vice-Presidents of the
- 19 Institute who shall be Fellows of the Institute, to be elected by the Council and
- 20 to hold office each for a term of two (2) years from the date of election.
- 21 (2) (a) The President of the Institute shall serve as the President of the
- 22 Institute and Chairman of Council;
- 23 (b) The three Vice-Presidents shall be elected at the Annual General
- 24 Meeting of the Institute and shall each hold office for such terms and under
- 25 such conditions as may be determined or prescribed by the Council.
- 26 (3) The President shall be the Chairman of the Governing Council
- 27 established under this Act and in his absence, the 1st Vice-President shall be the
- 28 Chairman of the Governing Council.
- 29 (4) The President shall preside at meetings of the Institute and in the
- 30 event of his absence, death, permanent incapacity or disability, the Vice-

1 President shall preside.

2 (5) The 1st Vice-President shall in the event of the death,
3 permanent incapacity of the President act for the unexpired term of his office
4 as the case may be and reference in the Act to the President shall be
5 construed accordingly.

6 (6) If the President or any of the Vice-Presidents ceases to be a
7 member of the Institute he shall ipso facto cease to hold any of the offices
8 designated under this section.

9 PART III - GOVERNING COUNCIL OF THE INSTITUTE ETC

10 4.-(1) There is hereby established for the Institute a Governing
11 Council (in this Act referred to as "the Council") which shall be charged with
12 the responsibility for the administration and general management of the
13 Institute.

Establishment
of the Governing
Council

14 (2) The Council shall consist of the following members:

- 15 (a) A Chairman who shall be President of the Institute;
- 16 (b) Three Vice-Chairmen;
- 17 (c) An Honourary Treasurer who shall be elected by the Institute;
- 18 (d) Public Relations Officer;
- 19 (e) One representative each from the following:
 - 20 (i) Nigeria Maritime Administration & Safety Agency (NIMASA),
 - 21 (ii) National Oil Spill Detection & Response Agency (NOSDRA),
 - 22 (iii) National Emergency Management Agency (NEMA),
 - 23 (iv) Federal Airport Authority of Nigeria (FAAN),
 - 24 (v) Federal Fire Service,
 - 25 (vi) NIMET and other critical Stakeholders,
 - 26 (g) Five persons elected by the Institute;
 - 27 (h) The President of the Institute shall be entitled to serve on the
 - 28 Council as the Chairman and President of the Council;
 - 29 (i) Two persons to represent institutions of higher learning in
 - 30 Nigeria offering courses leading to approved qualifications, to be appointed

	1	by the Federal Ministry of Education on rotation, so, however that the two shall
	2	not be from the same institution; and
	3	(j) The Registrar of the Institute.
	4	(3) The provision of First Schedule to this Act shall have effect with
	5	respect to the qualifications and tenure of office of members of the Council and
	6	the other matters therein mentioned.
Powers of the Council Principal Officers of the Institute	7	(4) The Council shall have power to do anything which in its opinion
	8	is calculated to facilitate the carrying on of the activities of the Institute.
	9	(5) The Council shall appoint other principal officers as:
	10	(a) Director, Education, Training and Consultancy;
	11	(b) Director, Finance and Administration;
	12	(c) Director, Research, Planning and Development; and
	13	(d) Director, Membership & Corporate Services;
	14	(e) Any other position that may be deemed necessary by the Council.
Objectives of the Institute	15	(6) The objectives of the Institute are to:
	16	(a) Organize and conduct professional examinations in Emergency,
	17	Crisis & Disaster Risk Management leading to the award of Associate(s) of the
	18	Chartered Institute of Emergency, Crisis, & Disaster Risk Management;
	19	(b) Regularly organise evening and weekend classes for student
	20	members preparing for the Institute's examinations;
	21	(c) Facilitate effective rapport between practicing Disaster Risk
	22	Managers
	23	(d) Take desirable measures to further the interest of Emergency,
	24	Crisis and Disaster Risk Managers in the country;
	25	(e) Organise lectures, seminars and conferences on Emergency, Crisis
	26	and Disaster Risk Management related fields;
	27	(f) Uphold and ensure observance of professional ethics and tradition
	28	in the industry;
	29	(g) Publishing in-house journals, periodicals and books on
	30	Emergency Management;

- 1 (h) Promote general advancement of Emergency, Crisis & Disaster
- 2 Risk Management in the country;
- 3 (i) Conduct research into the theory and practice of Emergency,
- 4 Crisis & Disaster Risk Management in Nigeria;
- 5 (j) Disseminate information relating to Emergency, Crisis &
- 6 Disaster Risk Management to the public and liaise with the government
- 7 bodies towards promoting Emergency, Crisis & Disaster Risk Management
- 8 in the country;
- 9 (k) Undertake any project or do anything which is deemed to be in
- 10 the best interest of members; and
- 11 (l) Provide consultancy services in Emergency, Crisis & Disaster
- 12 Risk Management and in related fields.

13 **PART IV - FINANCIAL PROVISIONS**

- 14 **8.-(1)** There shall be established for the Institute, a fund which shall Fund of the
- 15 be managed and controlled by the Council. Institute
- 16 (2) Pursuant to subsection (1) there shall be paid into the fund
- 17 established-
- 18 (a) All fees and other monies payable to the Institute in pursuance
- 19 of this Act;
- 20 (b) Such other monies as may be payable to the Institute in the
- 21 course of its operations or in relation to the exercise of any of its functions
- 22 under this Act; and
- 23 (c.) All members of the Institute in Nigeria shall cause to be paid to
- 24 the fund, an annual subvention as may be determined by the Council from
- 25 time to time.
- 26 (3) The Council may invest monies in the fund in any securities
- 27 created or issued by or on behalf of the Government of the Federation or in
- 28 any other securities or in any area of investment in Nigeria approved by the
- 29 Council, provided that the purpose is to raise fund for the operations of the
- 30 Institute activities.

1 (4) The Council may, from time to time, borrow money for the
2 purposes of the Institute operations and any interest payable on monies so
3 borrowed shall be Paid out of the fund,

4 (5) The Council through the treasurer shall keep proper accounts on
5 behalf of the Institute in respect of each year and proper records in relation to
6 those accounts; and the Council shall cause the accounts to be audited by an
7 auditor appointed from the List of auditors and in accordance with the
8 guidelines supplied by the Auditor-General of the Federation.

9 (6) The auditor, appointed for the purpose of this section, shall not be a
10 member of Council.

11 (7) There shall be paid out of the fund of the Institute:

12 (a) The remuneration and allowances of the Registrar and other
13 employees of the Institute;

14 (b) such reasonable traveling and subsistence allowances of members
15 of the Council in respect of the time spent on the business of the Council as the
16 Council may determine; and

17 (c) Any other expenses incurred by the Council in the discharge of its
18 functions under this Act.

19 PART V - THE REGISTRAR AND THE REGISTER

Appointment of
Registrar, etc.

20 **9.-(1)** It shall-be the duty of the Council to appoint a fit and proper
21 person who shall be a member of the Institute to be the Registrar for the purpose
22 of this Bill.

23 (2) It shall be the duty of the Registrar to prepare and maintain in
24 accordance with rules made by the Council, a register of names, addresses and
25 approved qualifications and of such other particulars as may be specified in the
26 rules, of all persons who are entitled in accordance with the provisions of this
27 Bill to be enrolled as Chartered Fellows; Professional Members; Technical
28 Members; Associate Members; Graduate Members; Affiliate Members; and
29 Student Members and who, in the manner prescribed by such rules, apply to be
30 registered.

1 (3) The register shall consist of seven parts namely in respect of
2 fellows, full members and associate members.

3 (4) Subject to the following provisions of this section the Council
4 shall make rules with respect to the form and keeping of the register and the
5 making of entries therein and in particular:

6 (a) Regulate the applications for enrolment and provide for the
7 evidence to be produced in support of applications;

8 (b) Provide that notification must be given to the Registrar by any
9 person whose earlier information supplied to the Registrar has changed.

10 (c) That an enrolled or a registered person must have any
11 qualification in relation to the relevant division of the profession, either an
12 approved qualification for the purposes of this Bill, registered in relation to
13 his name in addition to or, as he may elect, in substitution for any other
14 qualification registered;

15 (d) specifying the fees, including any annual subscription, to be
16 paid to the Institute in respect of the entry of names on register, and direct the
17 Registrar to refuse to enter a name on the register until any fee specified for
18 the entry has been paid;

19 (e) Specifying any other thing failing to be specified under the
20 foregoing provisions of this section.

21 (5) Ensure that Rules made for the purposes of paragraph (d) of
22 subsection 4 of this section shall not come into force until confirmed at a
23 special meeting of the Institute convened for the purpose thereafter, or at the
24 next annual general meeting, whichever held earlier in time.

25 (6) It shall be the duty of the Registrar:

26 (a) to correct, in accordance with the rules of the Council, any entry
27 in the register which the Council directs him to correct as being in the
28 opinion of the Council an entry which was incorrectly made;

29 (b) To make, from time to time, any necessary alterations in the
30 register of members;

1 (e) To record the names of members of the Institute who are in default
 2 for more than six months in the payment of annual subscriptions, and to take
 3 such action in relation thereto (including removal of the names of defaulters
 4 from the register) as the Council may direct or request.

5 (7) If the Registrar:

6 (a) sends by post to any registered person a registered letter addressed
 7 to that person at his address on the register enquiring whether the registered
 8 particulars relating to him are correct and receives no reply to the letter within
 9 the period of six months from the date of posting it;

10 (b) Upon the expiration of that period sends in the like manner to the
 11 person in question a second similar letter and receives no reply to that letter
 12 within three months from the date of posting it, then

13 (e) The Registrar may remove the particulars relating to the person
 14 from the register. However the Council may direct the Registrar to restore to
 15 the appropriate part of the register any particulars removed there from under
 16 this subsection.

Publication of
 register and list
 of corrections

17 **8.-(1}** It shall be the duty of the Registrar:

18 (a) To cause to be printed, published and put on sale to all members of
 19 the public the register not later than two years from the appointed day.

20 (b) in each year after that in which the register is first published under
 21 paragraph (a) of this subsection, to cause to be printed, published and put on
 22 sale as aforesaid, either a corrected edition of the register or a list of alterations
 23 made to the register since it was last printed; and

24 (c) To cause a print of each edition of the register and of each list of
 25 corrections to be deposited at the principal office of the Institute, and it shall be
 26 the duty of the Council to keep the register and lists so deposited available at all
 27 reasonable times for inspection by members of the public.

28 (2) Where in accordance with subsection (1) of this section, a person
 29 is in any proceedings shown to have been or not to have been registered at a
 30 particular date, he shall, unless the contrary is proved, be taken for the purpose

1 of those proceedings as having at all material times thereafter continued to
2 be or not to be so registered.

3 **9.-(1)** Subject to section 16 of this Act and to rules made under Registration as
a member
4 section 9 of this Act, a person shall be entitled to be enrolled or registered as,
5 a Chartered Emergency Manager if either-

6 (a) He either passes the qualifying examination for membership Emergency Crisis
& Risk Management
Institute of Nigeria
7 conducted by the Council under the Act and completes the practical training
8 prescribed. or

9 (b) Holds a qualification granted outside Nigeria and for the time
10 being accepted by the Institute and satisfies the Council that he has had
11 sufficient practical experience as a Emergency Manager.

12 (2) An applicant for registration shall, in addition to evidence of
13 qualification, extent be satisfactory to the Council that:

14 (a) He is of good character and high integrity;

15 (b) He has attained the age of 21 years; and

16 (c) He has not been convicted in Nigeria or elsewhere of an offence
17 involving fraud, dishonesty or gross misconduct.

18 (3) The Council may, in its sole discretion, provisionally accept a
19 qualification produced in respect of an application for registration under this
20 section, or direct that the application be renewed within such period as may
21 be specified in the directives.

22 (4) Any entry directed to be made in the register under this
23 subsection shall show that the registration is provisional and no entry so
24 made shall be full registration without the consent of the Council signified in
25 writing in that regard.

26 (5) The Council shall from time to time publish qualification for
27 the time being acceptable for enrolment or registration by the Institute.

28 **10.-(1)** The Council may approve any qualifications for the Approval of
Qualifications,
etc.
29 purpose of this Act and may for those purposes approve:

30 (a) any course of training in an approved institution which is

1 intended for persons who are seeking to become or are already Chartered
2 Emergency Managers and which the Council considers is designed to confer
3 on completing it sufficient knowledge and skill for admission into the Institute;

4 (b) any qualification which, as a result of an examination taken in
5 conjunction with a course of training approved by the Council under this
6 section, is granted to candidates reaching a standard at the examination
7 indicating in the opinion of the Council that the candidates have sufficient
8 knowledge and skill to practice as Chartered Emergency Managers of Nigeria.

9 (2) The Council may, if it thinks fit, withdraw any approval given
10 under this section in respect of any course qualification or institution but before
11 withdrawing such an approval the Council shall:

12 (a) give notice that it proposes to do so to each person in Nigeria
13 appearing to the Council to be a person to whom the course is conducted or the
14 qualification granted or the institution is controlled, as the case may be;

15 (b) Afford such person an opportunity of making to the Council
16 representations with regard to the proposal; and

17 (c) Take into consideration any representation made as regards the
18 proposal in pursuance to paragraph (b) of this subsection.

19 (3) As regards any period during which the approval of the Council
20 under this section for a course qualification or institution is withdrawn, the
21 course, qualification or institution shall not be treated as approved under this
22 section but the withdrawal of such an approval shall not prejudice the
23 registration or eligibility for registration of any person who, by virtue of the
24 approval was registered or eligible for registration (either unconditionally or
25 subject to his obtaining a-certificate or experience) immediately before the
26 approval was withdrawn.

27 (4) The giving or withdrawal of an approval under this section shall
28 have effect on such date, from either before or after the execution of the
29 instrument Council shall:

30 (a) As soon as possible publish a copy of every such instrument.

(a) The instruction given at approved institution to persons attending approved courses of training; and

9 (2) It shall be the duty of the committee appointed under subsection
10 (1) of this section to report to the Council on:

(b) the adequacy of the examinations attended by it; and any matters relating to the institutions or examinations which the Council may, either generally or in a particular case, request it to report;

(3) On receipt of a report made in pursuance of this section, the Council may, if it thinks fit and proper and if so requiring by the Institute, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations and report to the council within such period as may be specified in the request not being less than one month beginning from the date of the request.

26	12.-(1) There shall be established a body to be known as the	Establishment
27	Chartered Institute of Emergency, Crisis & Disaster Risk Management	of Disciplinary
28	Disciplinary Tribunal (in this Bill referred as "the Tribunal") which shall be	Tribunal and
29	charged with the duty of considering and determining any case referred to it	Investigating
30	by the panel established under subsection (3) of this section and any other	Panel of the
		Chartered Institute
		of Emergency, Crisis
		& Disaster
		Management

1 case of which the Tribunal has cognizance under the following provision of this
2 Bill.

3 (2) The Tribunal shall consist of the Chairman of the Council and six
4 other members of the Council appointed by the Council.

5 (3) There shall be a body, to be known as the Chartered Emergency
6 Managers Investigating Panel (in this Bill referred to as "the Panel") which
7 shall be Charged with the duty of:

8 (a) conducting a preliminary investigation into any case where it is
9 alleged that a member has misbehaved in his capacity as a Chartered
10 Emergency Manager or should for any other reason be the subject of
11 proceedings before the Tribunal; and

12 (b) Deciding whether the case should be referred to the Tribunal
13 following provision of this Bill.

14 (4) The panel shall be appointed by the Council, and shall consist of
15 two Members of the Council and one Chartered Emergency Manager who is
16 not a member of the Council.

17 (5) The provisions of the Third Schedule to this Bill in so far as it
18 relates to the Tribunal and Panel respectively shall have effect with respect to
19 those bodies

20 (6) The Council may make rules not inconsistent with this Bill to acts
21 which constitute professional misconduct.

Penalties for
unprofessional
conduct, etc.

22 **13.-(1)** Where:

23 (a) A person enrolled or registered under this Bill is adjudged by the
24 Tribunal to be guilty of infamous conduct in any professional respect; or

25 (b) A person enrolled or registered under this Bill is convicted, by any
26 court in Nigeria or elsewhere having power of competent Jurisdiction, of an
27 offence (whether or not punishable with imprisonment) which in the opinion of
28 the Tribunal is incompatible with the status of a Chartered Emergency
29 Manager; or

30 (e) The Tribunal is satisfied that the name of any person has been

1 fraudulently enrolled or registered,

2 (d) The Tribunal may, if it thinks fit, give a direction reprimanding
3 that person or instruct the Registrar to strike his name off the relevant part of
4 the register.

5 (2) The Tribunal may, if it thinks fit, defer or further defer its
6 decision as to the giving of a direction under subsection (1) of this section
7 until a subsequent meeting of the tribunal.

8 (3) No decision of the Tribunal shall be deferred under subsection
9 (2) for periods exceeding one year in the aggregate.

10 (4) In so far as possible, no person shall be a member of the
11 Tribunal for the purposes of reaching a decision which has been deferred or
12 further deferred, unless he was present as a member of the Tribunal when the
13 decision was deferred.

Qualification for
Membership of
Tribunal on
deferment

14 (5) For the purposes of subsection (1) of this section, a person shall
15 not be treated as convicted unless the conviction stands at a time when no
16 appeal or further appeal is pending or may (without extension of time) be
17 brought in connection with the conviction.

18 (6) When the Tribunal gives a direction under subsection (1) of this
19 section, the tribunal shall cause notice of the direction to be served on the
20 person to whom it relates.

21 (7) The person to whom a direction given under subsection (1) of
22 this section relates may, at any time within 28 days from the date of service
23 on him of notice of the directive appeal against the direction to the Federal
24 High Court; and the Tribunal may appear as respondent to the appeal and, for
25 the purpose of enabling directions to be given as to the costs of the appeal
26 and of proceedings before the Tribunal, the tribunal shall be deemed to be a
27 party thereto whether or not it appears on the hearing of the appeal.

28 (8) A direction of the Tribunal given under subsection (1) of this
29 section shall take effect where:

30 (a) No appeal under this section is brought against the direction

1 within the time limited for such an appeal, or on the expiration of that time;

2 (b) Such an appeal is brought but withdrawn or struck out for want of
3 prosecution, on the withdrawal or striking out of the appeal;

4 (c) Such an appeal is brought and is not withdrawn or struck out as
5 aforesaid, but dismissed.

6 (9) A person whose name is removed from the register in pursuance of
7 a direction of the Tribunal under this section shall not be entitled to be
8 registered again except in pursuance of a direction in that behalf given by the
9 Tribunal on the application of that person.

10 (10) A direction under this section for the removal of a person's name
11 from the register may prohibit an application under subsection(9) of this
12 section by that person until such period from the date of the direction (and
13 where he has duly made an application, from the date of his last application) or
14 as may be specified in the direction.

When persons
are deemed to
practice as
Chartered
Emergency
Managers

15 **14.-(1}** Subject to subsection (2) of this sections a person shall be
16 deemed to practice as such if, in consideration of remuneration received or to
17 be received, and whether by himself or in partnership with any other person, he:

18 (a) Engages himself in the practice as a Chartered Emergency
19 Manager or holds himself out to the public as a Chartered Emergency Manager;

20 (b) Renders professional service or assistance in or about matters of
21 principle or details relating to Emergency, Crisis & Disaster Risk
22 Management;

23 (c) Renders any other service which may by regulations made by the
24 Council, be designated as service constituting practice as Chartered
25 Emergency Manager or any of them.

26 (2) Nothing in this section shall be construed so as to apply to persons
27 who, while in employment of any government or person, are required under the
28 terms or in such employment, to perform the duties of a Chartered Emergency
29 Manager or any of them.

30 (3) A person who is not a member of the Institute or academy

1 established before the commencement of this Act, but is qualified to apply
 2 for and obtain membership of the Institute, may apply for membership of the
 3 Institute established by this Act, in such a manner as may be prescribed by
 4 rules made by the Council and shall be registered in the category of
 5 membership appropriate in the current period for holders of the qualification
 6 he possesses.

7 **15.-(1)** The Council may make rules for:

Rules as to
Articles, etc.

8 (a) The training of Chartered Emergency Manager;

9 (b) The supervision and regulation and or engagement and training
 10 of Such persons; and

11 (c) The provision of articles.

12 **(2)** The Council may also make rules:

13 (a) Prescribing the amount and date for payment of the annual
 14 subscription etc. and annual renewal of studentship and for such purpose
 15 different amount may be prescribed by the rules accorded to different
 16 categories of membership of the Institute:

17 (b) Prescribing the form of licence to practice to be issued as the
 18 Council thinks fit, by endorsement on an existing licence;

19 (c) restricting the right to practice as a Chartered Emergency
 20 Manager for any default in payment of the amount of the annual subscription
 21 or any fee(s} which continue a longer time than such period as may be
 22 prescribed by the rules;

23 (d) Prescribing the period of practical training for the office of a
 24 Chartered Emergency Manager of Nigeria for such that when the training is
 25 completed such a person qualifies for enrolment or a license to practice as a
 26 Chartered Emergency Manager of Nigeria.

27 **16.-(1)** The Institute shall:

Provision of
Library

28 (a) Provide and maintain a library comprising books and
 29 publications for the advancement of knowledge of Emergency, Crisis &
 30 Risk Management and leadership as well as such other books and

1 publication as the Council may think necessary for the purpose;

2 (b) Encourage research into the skill and knowledge of Emergency,
3 Crisis & Disaster Risk Management and leadership and allied subjects to the
4 extent that the Council may, from time to time, consider necessary.

Regulations

5 **17.-(1)** Any regulations, made under this Bill shall be published as
6 soon they are made; and the Council shall as soon they are published make
7 available copies of any such regulations to the President of the Institute.

8 (2) Rules made subject to and in furtherance of this Act shall be subjected to
9 confirmation by the institute at its next annual meeting or any special meeting
10 of the institute convened for the purpose, and if then annulled shall ceased to
11 have effect on the day after the date of annulment, but without prejudice to
12 anything done in pursuance of any such rules.

13 **INDISCIPLINE, OFFENCES & PENALTIES**

Offence and
penalties

14 **18.-(1)** If any person for the purpose of procuring the enrolment or
15 registration of any name, qualification or other matters-

16 (a) makes a statement which he believes to be false in a material
17 particular, or

18 (b) recklessly makes a statement which is false in a material
19 particular, is guilty of an offence.

20 (2) If on or after the relevant date, any person who is not a member of
21 the institute practices as a Chartered Emergency Manager for or in expectation
22 of reward or uses any name, title, additional description implying that he is in
23 practice as a Chartered Emergency Manager, is guilty of an offence.

24 (3) If the registrar or any other person employed by or on behalf of the
25 Institute willfully makes any falsification in any matter relating to the register
26 he is guilty of the offence.

27 (4) A person guilty of an offence under this section is liable:

28 (a) On conviction after trial investigation and trial, to a fine of an
29 amount not exceeding N100,000; or

30 (b) On conviction or on indictment to a fine of an amount not

1 exceeding N100,000 or to imprisonment for a term not exceeding two years,
2 or to both such fine and imprisonment.

3 (5) Where an offence under this section which has been committed
4 by a body corporate is proved to have been committed with the consent or
5 connivance of or to be attributable to any neglect on the part of any director,
6 manager, secretary or other similar officer of the body corporate or any
7 person purporting to act in any such capacity, he as well as the body
8 corporate shall be deemed to be guilty of that offence and shall be proceeded
9 against and punished accordingly.

10 **19.-(1)** As from the commencement of this Act:

11 (a) all assets and liabilities held or incurred immediately before the
12 commencement" date, by or on behalf of the Incorporated Institute shall, by
13 virtue of this subsection and without further assurance, vest in the Institute,
14 and be held by it for the benefit and purpose of the Institute;

Transfer to the
Institute of certain
properties, etc.

15 (b) The Incorporated Institute namely Chartered Institute of
16 Emergency, Crisis & Disaster Risk Management of Nigeria Shall cease to
17 exist; and

18 (e) Subject to subsection (2) of this section, any act, matter or thing
19 made or done by the Incorporated Institute shall be deemed to have been
20 done by the Institute.

21 (2) The provisions of the Second Schedule to this Act shall have
22 effect with matters arising from their transfer by this section to the Institute
23 of the properties of the Incorporated Institute and with respect to other
24 matters mentioned in that schedule.

25 **20.** In this act, unless the context otherwise requires:

Interpretation t

26 "Chartered Emergency Manager" means a Chartered Emergency Manager
27 enrolled as a affiliate member, associate member, fellow, technical member,
28 professional member or graduate member of the Institute;

29 "Council" means the Council established as the governing body of the
30 Institute under section 4 of this Bill;

1 "enrolled" In relation to a fellow or full or associate member, means registered
2 in the part of the register relating to fellow or full or associate members, as the
3 case may be;

4 "Fees" includes annual subscription;

5 "Incorporated Institute" means the Chartered Institute of Emergency, Crisis &
6 Disaster Risk Management Academy of Nigeria;

7 "Institute" means the Chartered Institute of Emergency, Crisis & Disaster Risk
8 Management.

9 "Member" means a member of the Council and includes the President:

10 "Panel" has the meaning assigned thereto under section 14 of this Act;

11 "President" and "Vice-Presidents" means respectively the office holders under
12 these names in the Institution;

13 "Register" means the register maintained in pursuance of this Act;

14 "Registered graduate" means a member of the Institute who is not a fellow or
15 full member; and

16 "Tribunal" has the meaning assigned thereto under section 14 of this Act.

Short title

17 **21.** This Bill may be cited as the Chartered Institute of Emergency,
18 Crisis & Disaster Risk Management (Establishment, etc.) Bill, 2021.

1 SCHEDULES

2 FIRST SCHEDULE

3 1.-(1) Subject to the provisions of this paragraph, a member of the
4 Council apart from the president shall hold office for a period of two years
5 beginning with the date of his appointment or election:

6 (2) Any member of the Institute who ceases to be a member thereof
7 shall, if he is also a member of the Council cease to hold office in the
8 Council.

9 (3) Any elected member may by notice in writing under his hand
10 addressed to the President of the Institute of his or her intention to resign his
11 office.

12 (4) A person who retires from or otherwise ceases to be an elected
13 member of the Council shall be eligible again to become a member of the
14 Council and any appointed member may be reappointed.

15 (5) Elections to the Council shall be held in such a manner as may
16 be prescribed by the rules of the Council, and until so prescribed, they shall
17 be decided by a show of hands.

18 *Power of Council*

19 2. The Council shall have power to do anything which in its
20 opinion is calculated to facilitate the carrying on of the activities of the
21 Institute.

22 3. -(1) Subject to the provisions of this Bill, the Council may in the
23 name of the Institute make standing orders regulating the proceedings of the
24 Institute, the Council or any of the Institute's committees.

25 (2) The standing orders shall provide for decisions to be taken by a
26 majority of the members, and in the event of equality of votes the President of
27 the Institute or the Chairman as the case may be shall have a second or
28 casting vote.

29 (3) The standing orders made for a committee shall provide that the
30 committee reports back to the Council on any matter not within its

1 competence to decide.

2 (4) The quorum of the Council shall be seven and the quorum of a
3 committee of the Council shall be determined by the Council.

4 *Meetings of the Institute*

5 4.-(1) The Council shall convene the annual meeting of the Institute
6 on 30th of June in every year or on such other day as the Council may from time
7 to time appoint so however that if the meeting is not held within one year after
8 the previous annual meeting, not more than fifteen months shall elapse
9 between the respective dates of the two meetings.

10 (2) A special meeting of the Institute may be convened if members of
11 the Institute require it by notice in writing addressed to the Registrar of the
12 Institute setting out the objects of the proposed meeting, the chairman of the
13 Council shall convene a special meeting of the Institute.

14 (3) The quorum of any meeting of the Institute shall be ten members
15 and that of any special meeting of the Institute shall be fifteen members.

16 *Meetings of the Council*

17 5.-(1) Subject to the provisions of any standing orders of the Council,
18 the Council shall meet whenever it is summoned by the chairman and if the
19 chairman is required to do so by notice in writing given to him by not less than
20 seven other members, he shall summon a meeting of Council to be held within
21 seven days from the date on which the notice is given.

22 (2) At any meeting of the Council, the chairman or in his absence the
23 1st, 2nd and 3rd vice-chairman shall preside, but if the three Vice Chairman are
24 absent the members present at the meeting shall appoint one of their members
25 to preside at the meeting.

26 (3) Where the Council desires to obtain the advice of any person on a
27 particular matter, the Council may co-opt him as a member for such period as
28 the Council thinks fit; but a person who is a member by virtue of this sub-
29 paragraph shall not be entitled to vote at any meeting of the Council and shall
30 not count towards a quorum.

1 (4) Notwithstanding anything in the foregoing provisions, the
2 meetings of the Council may be summoned by the Minister, who may give
3 such direction as he thinks fit as to the procedure which shall be followed at
4 the meeting.

5 6.-(1) The Council may appoint one or more committees to carry
6 out such functions as the Council may determine.

7 (2) A committee appointed under this paragraph shall consist of the
8 number of persons determined by the Council of whom not more than one
9 third shall be members of the Council and shall hold office in the committee
10 in accordance with the terms of the instrument by which he is appointed.

11 *Miscellaneous*

12 7.-(1) The fixing of the seal of the Institute shall be authenticated
13 by the signature of the President of the Institute or of some other member of
14 the Council authorized generally or specially by the Council to act for that
15 purpose.

16 (2) Any contract or instrument which, if made or executed by a
17 person not being a corporate body, would not be required to be under seal,
18 may be made or executed on behalf of the Institute or of the Council as the
19 case may require, by any person generally or specially.

20 8. The validity of any proceedings of the Institute or the Council or
21 of a committee of the Council shall not be adversely affected by any vacancy
22 in membership or by any defect in the appointment of a member of the
23 institute or of the cancelling of a person's name to serve on the committee, or
24 by reason that the person not entitled to do so took part in the proceeding.

25 9. Any member of the Institute or of the Council and any person
26 holding office on a committee of the Council, who has a personal interest in
27 any contract or arrangement entered into or proposed to be considered by the
28 Council on behalf of the Institute or on behalf of the Council or a committee
29 thereof, shall forthwith disclose his interest, to the President of the Institute
30 or the Council, as the case may be, and shall not vote on any question relating

1 to the contract or arrangement.

2 SECOND SCHEDULE

3 TRANSITIONAL PROVISIONS AS TO ASSETS AND LIABILITIES

4 1.-(1) Every agreement to which the Incorporated Institute was a
5 party immediately before the appointed day, whether in writing or not and
6 whether or not of such a nature that the rights, liabilities and obligation there
7 under could be assigned by the incorporated Institute, -shall, unless its terms or
8 subject matter make it impossible that it should have effect as modified in the
9 manner provided by these subparagraphs, have effect from the appointed by so
10 far as it relates to assets and liabilities transferred by this Bill to the Institute as
11 if:

12 (a) The Institute had been a party to the agreement;

13 (b) For any reference (however worded and whether expressed or
14 implied) to the corporate Institute, there were substitutions as regards anything
15 failing to be done on or after the appointed day.

16 (2) Other documents which refer, whether specifically or generally, to
17 the Incorporated Institute shall be construed in accordance with subparagraph
18 (1) of this paragraph so far as applicable.

19 (3) Without prejudice to the generality of the foregoing provisions of
20 this Schedule, whereby, by the operation of any of the provision of section 5 of
21 this bill, any right, liability or obligation vests in the Institute, the Institute and
22 all other persons shall, as from the appointed day, have the same rights, powers
23 and remedies (and in particular, the same rights as to the taking or resisting of
24 legal proceedings or the making or resisting of applications to any authority)
25 for ascertaining, perfecting or enforcing that right, liability or obligation as
26 they would have had at all times been a right, liability or obligation of the
27 Institute.

28 (4) Any legal proceedings or application to any authority pending on
29 the appointed day by or against the Incorporated Institute and relating to assets
30 or liabilities transferred by this Bill to the Institute, may be continued on or

1 after that day by or against the institute.

2 (5) If the law in force at the place where any property transferred by
3 this Act is situate, provides for the registration or transfer of property of the
4 kind in question (whether by reference as to an instrument of transfer or
5 otherwise), the law shall so far as it provides for alterations of a register (but
6 not for avoidance of transfer, the payment of fees or any other matter) apply
7 with the necessary modifications to the transfer of the property aforesaid;
8 and it shall be the duty of the Council to furnish the necessary particulars of
9 the transfer to the proper office of the registration authority, and for that
10 officer to register the transfer accordingly.

11 *Transfer of Functions Etc*

12 2.-(1) At its first meeting, the Council of the Institute shall fix a date
13 (not later than seven days after the appointed day) for the annual meeting of
14 the institute.

15 (2) The members of the Council of the Incorporated Institute shall
16 be deemed to be the members of the Council of the Institute until the date
17 determined in pursuance of the foregoing sub-paragraph when the Institute
18 shall have its first annual meeting and they shall cease to hold office at the
19 conclusion of such meeting.

20 (3) Any person who, immediately before the appointed day, held
21 office as the President or Vice-President of the Council of the Incorporated
22 Institute by virtue of the articles of the Incorporated Institute shall on, that
23 day become the President or, as the case may be, the Vice-President of the
24 Institute and shall be deemed to have been so appointed:

25 (a) To that office in pursuance of the provision of this Bill
26 corresponding to the relevant provision in the said articles of the
27 Incorporated Institute; and

28 (b) On the date on which he took office or last took office, in
29 pursuance of the relevant provision of those articles.

30 (4) The members of the Incorporated Institute shall, as from the

1 appointed day be registered as members of the Institute; and without prejudice
2 to the generality of the provisions of the Schedule relating to the transfer of
3 property, any person who, immediately before the appointed day, was a
4 member or staff of the Incorporated Institute, shall on that day become the
5 holder of an appointment with the Institute with the status, designation and
6 function which correspond as nearly as to those which appertained to him in his
7 capacity as a member or that staff.

8 (5) Any person being an office-holder or member of the Council of the
9 Incorporated Institute immediately before the appointed day and deemed
10 under this paragraph to have been appointed to like position in the Institute or
11 of the Council of the Institute who ceased to hold office otherwise than by
12 reason of his misconduct shall be eligible for the appointment to an office in the
13 Institute or to the membership of the Council as the case may be.

14 (6) All regulations rules and similar instrument made for the purpose
15 of the Incorporated Institute immediately before the appointed day shall,
16 except in so far as they are subsequently revoked or amended by any authority
17 having power in that behalf, have effect, with any necessary modifications, as
18 duly made for the corresponding purposes of the Institute.

19 **THIRD SCHEDULE**

20 **SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL**
21 **AND INVESTIGATING PANEL OF THE TRIBUNAL**

22 1. The quorum of the Tribunal shall be four out of which at least two
23 shall be "Chartered Emergency Managers"

24 2.-(1) The Attorney-General of the Federation may make rules as to
25 the selection of members of the Tribunal for the purposes of any proceedings
26 and as to the procedure to be followed and the rules of evidence to be observed
27 in proceedings before the Tribunal.

28 (2) The rules in particular provide:

29 (a) For securing that notice of the proceedings shall be given at such
30 time and in such manner as may be specified by the rules, to the person who is

1 the subject of the proceedings;

2 (b) For determining who in addition to the person aforesaid, shall
3 be party to the proceedings;

4 (c) For securing that any party to the proceedings shall, if he so
5 requires, be entitled to be heard by the Tribunal;

6 (d) For enabling any party to the proceedings to be represented by a
7 legal practitioner;

8 (e) Subject to the provisions of section 12 (5) of this Act, as to the
9 costs of proceedings before the Tribunal;

10 (f) For requiring in a case where it is alleged that the person who is
11 in any professional respect, that where the Tribunal adjudge that the
12 allegation has not been proven, it shall record a finding that the person is not
13 guilty of such conduct in respect of the matter to which the allegation relates;

14 (g.) For publication in the Gazette notice of any direction of the
15 tribunal which has taken effect providing that a person's name shall be struck
16 off a register.

17 4. For the purposes of any proceedings before the Tribunal, any
18 member of the Tribunal may administer oaths and any party to the
19 proceedings may issue out of the registry of the Court of Appeal writs of
20 subpoena as testificandum and duces tecum;
21 but no person appearing before the Tribunal shall be compelled:

22 (a) to make any statement before the Tribunal tending to
23 incriminate himself; or

24 (b) To produce any document under such a writ which he could not
25 be compelled to produce at the trial of an action.

26 4.-(1) For the purpose of advising the Tribunal on questions of law
27 arising in proceedings there shall be an assessor to the Tribunal who shall be
28 appointed by the Council on the nomination of the Attorney-General of the
29 Federation and shall be a legal practitioner of not less than ten years
30 standing.

(2) The Attorney-General of the Federation shall make rules as to the functions of assessors, appointed under this paragraph, and in particular such rules shall contain provisions for securing that:

(a) Where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or persons representing a party to the proceedings who appears thereat or, if the advise is tendered while the Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advise the assessor has tendered;

(b) every such party or person as aforesaid shall be informed if in any case the Tribunal does not accept the advise of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in Accordance with the terms of the instrument by which he is appointed.

17 *The Panel*

18 5. The quorum of the Panel shall be three.

19 6.-(1) the panel may at any meeting of the Panel attended by all the
20 Members of the Panel, make standing orders with respect to the Panel.

21 (2) Subject to the provisions of any such standing orders, the Panel
22 may regulate its own procedure.

23 *Miscellaneous*

24 7.-(1) A person ceasing to be a member of the Tribunal or the Panel
25 shall be eligible for reappointment as a member of that body and be a member
26 of both the Tribunal and the Panel but no person who acted as a member of the
27 Panel with respect to any case shall act as a member of the Tribunal with respect
28 to that case.

29 8. The Tribunal or the Panel may act notwithstanding any vacancy in
30 its membership; and the proceedings of either body shall not be invalidated by

- 1 any irregularity in its composition if not challenged by a party who has the
2 right to do so.
- 3 9. Any expenses of the Tribunal or the Panel shall be defrayed by
4 the Institute.

EXPLANATORY MEMORANDUM

*(This note does not form part of the above Act but is intended
to explain its purpose)*

This Bill basically seeks to establish the Chartered Institute of Emergency, Crisis & Disaster Risk Management of Nigeria charged with the responsibility of advancing the study, training and practice of Emergency, Crisis, Disaster, Safety, Environmental and Risk Management in Nigeria.

FEDERAL UNIVERSITY OF HEALTH SCIENCE AND TECHNOLOGY
(ESTABLISHMENT) BILL, 2021
ARRANGEMENT OF CLAUSES

Clauses:

PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL
UNIVERSITY OF HEALTH SCIENCE AND TECHNOLOGY

1. Establishment of Federal University of Health Science and Technology
2. Objects of the University
3. Membership of the University
4. Powers of the University.
5. Chancellor to take precedence before members
6. Establishment and membership of the Council
7. Functions of the Council and its Finance and General Purpose Committee
8. Functions of the Senate
9. Vice-Chancellor to take precedence in the absence of Chancellor

PART II - TRANSFER OF PROPERTY

10. Transfer of Property

PART III - STATUTES OF THE UNIVERSITY

11. Powers of the University to make Statutes
12. Power to make Statutes
13. Proof of Statutes
14. Visitor to decide the meaning of Statutes

PART IV - SUPERVISION AND DISCIPLINE

15. The Visitor
16. Removal of members
17. Removal and discipline of academic, administrative and professional staff
18. Removal of Examiner

19. Disciplinary action on students

PART V - MISCELLANEOUS AND GENERAL PROVISIONS

20. Exclusion or discrimination

21. Transfer of land to the University

22. Consent of Visitor in land deals

23. Quorum

24. Committees

25. Seal of the University

26. Proposals and recommendation

27. Repeal

28. Savings and Transitional Provisions

29. Interpretation

30. Citation

Schedules

A BILL

FOR

AN ACT TO REPEAL THE FEDERAL COLLEGE OF DENTAL TECHNOLOGY AND THERAPY (ESTABLISHMENT) ACT, 2017 AND ENACT THE FEDERAL UNIVERSITY OF HEALTH SCIENCE AND TECHNOLOGY, BILL, 2021 TO MAKE COMPREHENSIVE PROVISIONS FOR MANAGEMENT AND ADMINISTRATION OF THE UNIVERSITIES;; AND FOR RELATED MATTERS

Sponsored by Hon. Okechukwu Toby

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL

2 UNIVERSITY OF HEALTH SCIENCE AND TECHNOLOGY

3 1.-(1) There is established the Federal University of Health Establishment of
4 Science and Technology, Enugu (in this Bill referred to as "the University"). Federal University
5 (2) The University: of Health Science
and Technology,
Enugu

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: Objects of the
University

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

13 (b) develop, offer academic and professional programmes leading
14 to the award of certificates, first degrees, post-graduate diploma and other
15 higher degrees, which emphasises planning, adaptive, developmental and
16 productive skills in education, technology, applied science, agriculture,
17 commerce, art, social science, humanities, management and allied
18 professional disciplines;

1 (c) encourage and promote scholarship and conduct research in
 2 restricted fields of learning and human endeavour and produce socially mature
 3 educational men and women with capability not to only understand need of
 4 Nigeria as a nation, but also to exploit existing educational infrastructures and
 5 improve on it to develop new ones;

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

8 (e) undertake other activities appropriate for a university of the
 9 highest standard.

Membership of
the University

10 **3.-(1)** The University shall consist of-

11 (a) Chancellor;

12 (b) Pro-Chancellor and a Council;

13 (c) Vice Chancellor and a Senate;

14 (d) Deputy Vice Chancellors;

15 (e) a body to be called Congregation;

16 (f) a body to be called Convocation;

17 (g) the campuses and colleges of the University;

18 (h) the faculties, schools, institutes and other teaching and research
 19 units of the University;

20 (i) the persons holding the offices constituted by the First Schedule to
 21 this Bill other than those mentioned in paragraphs (a) to (c);

22 (j) all graduates and undergraduates; and

23 (k) all other persons who are members of the University in accordance
 24 with provisions made by Statute in that behalf.

25 (2) The First Schedule to this Bill shall have effect with respect to the
 26 Principal Officers of the University mentioned therein.

27 (3) A provision shall be made by Statute with respect to the
 28 constitution of the following bodies the-

29 (a) Council;

30 (b) Senate;

1 (c) Congregation; and

2 (d) Convocation.

3 **4.-(1)** For the carrying out of its objects as specified in section 2 of Powers of the
4 this Bill, the University shall have power to- University

5 (a) establish such campuses, colleges, faculties, institutes, schools,
6 extra-mural departments and other teaching and research units within the
7 University as may seem necessary or desirable, subject to the approval of the
8 National Universities Commission;

9 (b) institute professorships, readerships, associate professorships,
10 lectureships and other posts and offices and to make appointments
11 accordingly;

12 (c) institute and award fellowships, scholarships, exhibitions,
13 bursaries, medals, prizes and other titles, distinctions, awards and forms of
14 assistance;

15 (d) provide for the residence, discipline and welfare of members of
16 the University;

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

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

22 (g) demand and receive from any student or any other person
23 attending the University for the purpose of instruction such fees as the
24 University may determine, subject to the overall directives of the
25 appropriate authority;

26 (h) subject to section 22 of this Bill, to acquire, hold, grant, charge
27 or otherwise deal with or dispose of movable and immovable property
28 wherever situate;

29 (i) accept gifts, legacies and donations, but without obligation to
30 accept the same for a particular purpose unless it approves the terms and

1 conditions attaching to them;

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

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

8 (l) hold public lectures and undertake printing, publishing and book
9 selling;

10 (m) subject to any limitation or condition imposed by statute, to invest
11 any money appertaining to the University by way of endowment, whether for
12 general or special purposes, and such other money as may not be immediately
13 required for current expenditure, in any investment or security or in the
14 purchase or improvement of land, with power to vary any such investment and
15 to deposit any money for the time being un-invested with any bank on deposit
16 or current account;

17 (n) borrow, whether on interest or not, and if need be, upon the
18 security of any or all of the property movable or immovable of the University,
19 such money as the Council may in its discretion, find necessary or expedient to
20 borrow or to guarantee any loan, advance or credit facility;

21 (o) make gifts for any charitable purpose;

22 (p) do anything which it is authorised or required by this Bill or by any
23 other Statute to do; and

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

26 (2) Subject to the provisions of this Bill and of the statutes made under
27 it and without prejudice to section 9 (2) of this Bill, the powers conferred on the
28 University by subsection (1) shall be exercisable on behalf of the University by
29 the Council or by the Senate or in any other manner which may be authorised by
30 this Bill.

1 5.-(1) The Chancellor shall in relation to the University, take
2 precedence , before all other members of the University, and when he is
3 present shall preside at all meetings of Convocation held for conferring
4 degrees.

Chancellor to
take precedence
before members

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

10 6.-(1) There shall be a Council for the University consisting of-

Establishment
and membership
of the Council

11 (a) the Pro-Chancellor;

12 (b) the Vice-Chancellor;

13 (c) the Deputy Vice-Chancellors;

14 (d) one person from the Federal Ministry responsible for
15 education;

16 (e) four persons representing a variety of interests and broadly
17 representative of the whole Federation to be appointed by the President;

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

19 (g) two persons appointed by the Congregation from among its
20 members; and

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

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

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

Functions of the
Council and its
Finance and General
Purpose Committee

30 (2) There shall be the Finance and General Purposes Committee of

1 the Council, which shall, subject to the directions of the Council, exercise
2 control over the property and expenditure of the Council as the Council may
3 delegate to it.

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

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

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

16 (6) Rules made under subsection (5) by the Finance and General
17 Purposes Committee shall not come into effect unless approved by the Council,
18 and where any rule so made by the Committee conflicts with any direction
19 given by the Council (whether before or after the coming into effect of the rules
20 in question), the direction of the Council shall prevail.

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

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

27 (9) If required in writing by five members of the Council, the
28 Chairman shall, within 28 days after the receipt of such request, call a meeting
29 of the Council.

30 (10) If after 28 days of the receipt or delivery to him of a request under

1 subsection (9), the Chairman fails or neglects to call a meeting, the Registrar
 2 shall, within 14 days, cause a meeting of the Council to be convened for that
 3 purpose and the request shall specify the business to be considered at the
 4 meeting and no business not so specified shall be transacted at that meeting.

5 **8.-(1)** Subject to section 5 of the Bill and subsections (3) and (4) of Functions of the
Senate
 6 this section, and the provisions of this Bill relating to the Visitor, it shall be
 7 the general function of the Senate to organise and control teaching in the
 8 University, admission of students, the discipline of students and to promote
 9 research in the University.

10 (2) Without prejudice to the generality of the provisions of
 11 subsection (1) of this section, the Senate shall make provision for the-

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

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

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

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

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

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

28 (g) granting of fellowships, scholarships, prizes and similar awards
 29 that are within the control of the University; and

30 (h) determination of what description of dress shall be academic

1 dress for the purposes of the University, and regulating the use of academic
2 dress.

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

7 (4) Subject to this Bill and the Statutes, the Senate may-

8 (a) make regulations for the purpose of exercising any function
9 conferred on it either by the provisions of this section or for the purpose of
10 providing for any matter for which provision by regulation is authorised or
11 required by this Act or by Statute; and

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

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

Vice-Chancellor
to take precedence
in the absence of
Chancellor

23 9.-(1) The Vice-Chancellor shall, in relation to the University, take
24 precedence before all other members of the University except the Chancellor
25 and, subject to section 5 of this Bill, the Pro-Chancellor and any other person
26 for the time being acting as Chairman of the Council.

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

1 academic officer of the University and ex-officio Chairman of the Senate.

2 PART II - TRANSFER OF PROPERTY

3 **10.**-(1) All property held by or on behalf of the Provisional Council Transfer of
 4 shall vest in the University and be held by it for the purpose of the Property
 5 University.

6 (2) The provisions of the Second Schedule to this Bill shall have
 7 effect with respect to the transfer of property by this section and to matters
 8 arising therefrom and with respect to other matters mentioned in that
 9 Schedule.

10 PART III - STATUTES OF THE UNIVERSITY

11 **11.**-(1) Subject to this Bill, the University may make Statutes for- Powers of the
 12 (a) making provision with respect to the composition and University to
 13 constitution of any authority of the University; make Statutes

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

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

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

22 (e) making provision for other matters for which provision by
 23 Statute is authorised or required by this Bill.

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

27 (3) The Statute contained in the Third Schedule to this Bill shall be
 28 deemed to have come into effect on the commencement of this Bill and shall
 29 be deemed to have been made under this section by the University.

30 (4) The power to make Statute conferred by this section shall not be

	1	prejudiced or limited in any way by reason of the inclusion or omission of any
	2	matter in or from the Statute contained in the Third Schedule to this Bill or any
	3	subsequent Statute.
Power to make Statutes	4	12. -(1) The power of the University to make Statutes shall be
	5	exercised in accordance with the provisions of this section.
	6	(2) A proposed Statute shall not come into effect until it has been
	7	approved at a meeting of the:
	8	(a) Senate, by the votes of not less than two-thirds of the members
	9	present and voting; and
	10	(b) Council by the votes of not less than two-thirds of the members
	11	present and voting.
	12	(3) A proposed Statute may originate either in the Senate or Council,
	13	and may be approved as required by subsection (2) by both bodies in no
	14	particular order.
	15	(4) A Statute which-
	16	(a) makes provision for or alters the composition or constitution of the
	17	Council, the Senate or any other authority of the University; or
	18	(b) provides for the establishment of a new campus or college or for
	19	the amendment or revocation of any Statute whereby a campus or college is
	20	established, shall not come into operation unless it has been approved by the
	21	Visitor.
	22	(5) For the purpose of section 2 (2) of the Interpretation Act, a Statute
	23	shall be treated as being made on the date on which it is approved by the
	24	Council and the Senate in accordance with subsection (3) or in the case of a
	25	Statute falling within subsection (4), on the date on which it is approved by the
	26	President.
Proof of Statutes	27	13. A statute may be proved in any court by the production of a copy
	28	of it bearing or having affixed to it a certificate signed by the Vice-Chancellor
	29	or the Registrar to the effect that the copy is a true copy of a Statute of that
	30	University.

1 14.-(1) In the event of any doubt or dispute arising at any time as to
2 the meaning of any provision of a Statute, the matter may be referred to the
3 Visitor, who shall take such advice and make such decision on it as he deems
4 fit.

Visitor to decide
the meaning of
Statutes

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

11 (3) Nothing in this subsection (2) shall affect the power of a court of
12 competent jurisdiction to determine whether any provision of a statute is
13 wholly or partly void as being ultra vires or as being inconsistent with the
14 Constitution.

15 (4) The provisions of this section shall apply in relation to any
16 doubt or dispute as to whether any matter is, for the purposes of this Bill, an
17 academic or non-academic as they apply in relation to any doubt or dispute
18 as is mentioned in subsection (1) and accordingly the reference in subsection
19 (2) to any question as to the meaning of any provision of the statute shall
20 include references to any question as to whether any matter is for the
21 purposes, academic or non-academic.

22 PART IV - SUPERVISION AND DISCIPLINE

23 15.-(1) The President shall be the Visitor of the University.

The Visitor

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

28 (3) The bodies and persons comprising the University shall:

29 (a) make available to the Visitor, and to any other persons
30 conducting a visitation under this section, such facilities and assistance as

1 may reasonably be required for the purposes of the visitation; and
 2 (b) give effect to any instruction consistent with the provisions of this
 3 Bill which may be given by the Visitor in consequence of the visitation.

Removal of
members

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

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

Removal and
discipline of
academic,
administrative
and professional
staff

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

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,

1 is satisfied that the person in question should be removed, the Council may
2 so remove him by an instrument in writing signed on the direction 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 the 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
12 render the person concerned unfit for the performance of the functions of his
13 office;

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

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

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

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

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

29 (b) reinstate the 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 the person will not be entitled to the proportion of his emoluments withheld
3 during the period of suspension; and

4 (d) take such lesser disciplinary action against the 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, under 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 the
10 decision, come to a final determination in respect of the case concerning the
11 person.

12 (7) The person by whom an instrument of removal is signed under
13 subsection (1) shall use his best endeavors, to cause a copy of the instrument to
14 be served as soon as reasonably practicable on the person to whom it relates.

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

Removal of
Examiner

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

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

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

Disciplinary
action on students

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

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

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

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

12 (d) student be expelled from the University.

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

16 (3) Where an appeal is brought under subsection (2), the Senate
17 shall, after causing such inquiry to be made in the matter as the Senate
18 considers just, either confirm or set aside the direction or modify it in any
19 manner as the Senate deems fit.

20 (4) The fact that an appeal from a direction is brought under
21 subsection (2) shall not affect the operation of the direction while the appeal
22 is pending.

23 (5) The Vice-Chancellor may delegate his powers under this
24 section to a disciplinary board consisting of members of the University as he
25 may nominate.

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

30 (7) A direction under subsection (1) (a) may be combined with a

	1	direction under subsection (1) (b).
	2	PART V - MISCELLANEOUS AND GENERAL PROVISIONS
Exclusion or discrimination	3	20. -(1) A person shall not be required to satisfy requirements as to
	4	race (including ethnic grouping), sex, place of birth, family origin, religious or
	5	political persuasion, as a condition for becoming or continuing to be a-
	6	(a) student in the University;
	7	(b) holder of any degree, appointment or employment in the
	8	University; or
	9	(c) member of any body established by virtue of this Bill.
	10	(2) A person shall not be subjected to any disadvantage or accorded
	11	any advantage in relation to the University by reference to any of the matters
	12	referred to in subsection (1).
	13	(3) Nothing in subsection (1) shall be construed as preventing the
	14	University from imposing any disability or restriction on any of the persons
	15	specified in subsection (1), where such persons willfully refuse or fail on
	16	grounds of religious belief to undertake any duty generally and uniformly
	17	imposed on all such persons or any group of them which duty, having regard to
	18	its nature and the special circumstances, is in the opinion of the University
	19	reasonably justifiable in the national interest.
Transfer of land to the University	20	21. -(1) For the purpose of the Land Use Act (which provides for the
	21	compulsory acquisition of land for public purposes) any purpose of the
	22	University shall be the same as that of the Federation.
	23	(2) Where an estate or interest in land is acquired by the Government
	24	pursuant to this section, the Government may, by a certificate under the hand
	25	and seal of the Chief Federal Lands Officer or any other person authorised in
	26	that behalf transfer it to the University.
Consent of Visitor in land deals	27	22. -(1) Without prejudice to the provisions of the Land Use Act, the
	28	University shall not dispose of or charge any land or an interest in any land
	29	(including any land transferred to the University by this Bill) except with the
	30	prior written consent, either general or special, of the Visitor.

1 (2) The consent shall not be required in the case of any lease or
2 tenancy at a rack-rent for a term not exceeding 21 years of any lease or
3 tenancy to a member of the University for residential purpose.

4 **23.** Except as may be otherwise provided by Statute or by Quorum
5 regulation, the quorum and procedure of any body of persons established by
6 this Bill shall be such as may be determined by that body.

7 **24.**-(1) Any body of persons established by this Bill shall, without Committees
8 prejudice to the generality of the powers of that body, have power to appoint
9 committees, which need not consist exclusively of members of that body
10 and authorise a committee established by it to:

11 (a) exercise on its behalf, such of its functions as it may determine,
12 and

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

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

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

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

30 (5) Nothing in this section shall be construed as enabling-

Seal of the
University

1 (a) statutes to be made otherwise than in accordance with section 11 of
2 this Bill; or

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

5 **25.-(1)** The seal of the University shall be such as may be determined
6 by the Council and approved by the Chancellor and the affixing of the seal
7 shall:

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

10 (b) in the case of any other document, be authenticated by any
11 member of Council, the Vice-Chancellor and the Registrar or any other person
12 authorised by Statute.

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

16 (3) Any contract or instrument which, if made or executed by a person
17 not being a body corporate, would not be required to be under seal, may be
18 made or executed on behalf of the University by any person generally or
19 specially authorised to do so by the Council without seal.

20 (4) The validity of the proceedings of any body established pursuant
21 to this Bill shall not be affected by-

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

23 (b) any defect in appointment of a member of the body; or

24 (c) reason that any person not entitled to do so, took part in the
25 proceedings.

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

29 (6) Nothing in section 12 of the Interpretation Act (which provides for
30 the application, in relation to subordinate legislation, of certain incidental ns

1 provisions) shall apply to statutes or regulations made pursuant to this Bill.

2 (7) The power conferred by this Bill on anybody to make statute or
3 regulations shall include power to revoke or vary any:

4 (a) Statute (including the Statute contained in the Third Schedule to
5 this Bill; or

6 (b) Regulation by a subsequent Statute or Regulation as the case
7 may be, and that the Statutes and Regulations may have different provisions
8 in relation to different circumstances.

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

12 (9) Any notice or other instrument authorised to be served by virtue
13 of this Bill may, without prejudice to any other mode of service, be served by
14 post.

15 **26.** Where in any of the provisions of this Bill, it is laid down that
16 proposals are to be submitted or a recommendation is to be made by one
17 authority to another through one or more intermediate authorities, every
18 such intermediate authority shall forward any proposal or recommendation
19 received by it pursuant to that provision to the appropriate authority, but
20 any such intermediate authority may, if it thinks fit, forward its own
21 comments on it..

Proposals and
recommendation

22 **27.** The Federal College of Dental Technology and Therapy
23 (Establishment) Act, 2017 is repealed.

Repeal

24 **28.-(1)** All assets, rights, liabilities, interests, and obligations
25 vested in Federal College of Dental Technology and Therapy
26 (Establishment) Act, 2017, before the commencement of this Bill, shall after
27 commencement of this Bill be vested in the Federal University of Health
28 Science, and Technology,

Saving and
Transitional
Provisions

29 (2) All staff of Federal College of Dental Technology and Therapy
30 existing before the commencement of this Bill shall after commencement of

1 this Bill continue to be staff of Federal University of Health Science, and
2 Technology, in accordance with the terms of appointment.

Interpretation 3 **29.** In this Bill:

4 "appropriate authority" means any person, body or authority authorised by law
5 to act in a specific or general capacity in relation to a subject matter; "campus"
6 means any campus which may be established by the University; "college"
7 means any college which may be established by the University;

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

10 "graduate" means a person on whom a degree (other than an honorary degree)
11 has been conferred by the University;

12 "gross misconduct" means any act of misconduct and improper behaviour that
13 may be designated as gross misconduct by any Statute or regulation made,
14 pursuant to this Act;

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

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

19 "notice" means notice in writing;

20 "officer" does not include the Visitor;

21 "prescribed" means prescribed by Statute or regulation made under this Act;

22 "President" means the President of the Federal Republic of Nigeria;

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

25 "property" includes rights, liabilities and obligations;

26 "the Provisional Council" means the Provisional Council appointed for the
27 University by the President with effect from September 2017;

28 "regulations" means regulations made by the Senate or Council;

29 "Senate" means the Senate of the University established by this Act;

30 "Statute" means a Statute made by the University under section 11 of this Act

1 and in accordance with the provisions of section 12 of this Act;
2 "the Statutes" means all such Statutes as are in effect from time to time;
3 "teacher" means a person holding a full time appointment as a member of the
4 teaching or research staff of the University;
5 "undergraduate" means a person in statu pupilari in the University, other
6 than-
7 (a) a graduate, and
8 (b) a person of such description as may be prescribed for the
9 purposes of this definition, and "University" means the Federal University
10 of Health Science and Technology as established by this Bill.

11 **28.** This Bill may be cited as the Federal University of Health
12 Science and Technology (Establishment) Bill, 2021.

13 SCHEDULES

14 FIRST SCHEDULE

15 PRINCIPAL OFFICERS OF THE UNIVERSITY

16 *The Chancellor*

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

19 *The Pro-Chancellor*

20 2.-(1) The Pro-Chancellor shall be appointed or removed from
21 office by the President.

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

24 *The Vice Chancellor*

25 3. The procedure for the appointment and removal of the Vice-
26 Chancellor shall be in accordance with the provisions of the University
27 (Miscellaneous Provisions) Act 1993 as amended.

28 *Deputy Vice Chancellor*

29 4.-(1) There shall be for the University, two Deputy Vice-
30 Chancellors or such number of Deputy Vice-Chancellors as the Council

1 may, from time to time, deem necessary for the proper administration of the
2 University.

3 (2) The procedure for the appointment and removal of a Deputy Vice-
4 Chancellor shall be in accordance with the provisions of the University
5 (Miscellaneous Provisions) Act 1993 as amended.

6 (3) A Deputy Vice-Chancellor shall:

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

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

11 (c) perform such other functions as the Vice-Chancellor or the
12 Council may assign to him.

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

14 5.-(1) There shall be for the University, a Registrar, who shall be the
15 Chief Administrative Officer of the University and is responsible to the Vice-
16 Chancellor for the day-to-day administration of the University except as
17 regards matters for which the Bursar is responsible in accordance with
18 paragraph 6 (2).

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

21 (3) The Registrar, Bursar and Librarian shall hold office for a single
22 term of five years only effective from the date of appointment and on such
23 terms and conditions as may be specified in the appointment letter.

24 (4) The Council may, upon satisfactory performance, extend the
25 tenure of the Registrar, Bursar or Librarian for a further period of one year only
26 and thereafter the Registrar, Bursar or Librarian shall relinquish the post and be
27 assigned to other duties in the University.

28 *Principal Officers of the University*

29 6.-(1) There shall be for the University, the following Principal
30 Officers in addition to the Registrar:

1 (a) the Bursar; and

2 (b) the University Librarian.

3 (2) The Bursar shall be the Chief Financial Officer of the
4 University and is responsible to the Vice-Chancellor for the day-to-day
5 administration and control of the financial affairs of the University.

6 (3) The University Librarian shall be responsible to the Vice-
7 Chancellor for the administration of the University Library and the co-
8 ordination of all library services in the University and its campuses,
9 colleges, faculties, schools, departments and institutes and other teaching or
10 research units.

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

14 *Other Officers of the University*

15 7. There shall be for the University, a Director of Works, who is
16 responsible to the Vice-Chancellor for the administration of the Works
17 Department, and is responsible for all works, services and maintenance of
18 University facilities.

19 *Director of Health Services*

20 8. There shall be for the University, a Director of Health Services,
21 who shall:

22 (a) be responsible to the Vice-Chancellor for the administration of
23 the Health Centre;

24 (b) be the Chief Medical Officer of the University; and

25 (c) coordinate all matters relating to the health of all staff and
26 students.

27 *Resignations and Appointment*

28 9.-(1) Any officer mentioned in this Schedule may resign his office
29 in:

30 (a) the case of the Chancellor or Pro-Chancellor, by notice to the

1 Visitor:

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

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

7 SECOND SCHEDULE

8 TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

9 *Transfer of Property to the University*

10 1. Without prejudice to the generality of section 10 (l) of this Act:

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

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

17 *The Provisional Council*

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

(2) Documents not falling within subparagraph (1), including enactments, which refer whether specially or generally to the Provisional Council shall be construed in accordance with that subparagraph so far as applicable.

26 (3) Any legal proceeding or application to any authority pending by or
27 against the Provisional Council may be continued by or against the University
28 established by this Act.

29 *Registration of Transfers*

30 3.-(1) If the law in effect at the place where any property transferred

1 by this Act is situated provides for the registration of transfers of property of
2 the kind in question (whether by reference to an instrument of transfer or
3 otherwise), the law shall, so far as it provides for alterations of a register (but
4 not for avoidance of transfers, the payment of fees of any other matter)
5 apply, with the necessary modifications to the transfer of the property in
6 question.

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

11 *Meeting*

12 4.-(1) The first meeting of the Council shall be convened by the
13 Pro-Chancellor on such date and in such manner as he may determine.

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

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

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

24 (5) Subject to any regulation which may be made by the Senate
25 after the date on which this Act is made, the facilities, faculty boards and
26 students of the University immediately before the coming into effect of this
27 Act shall on that day become faculties, faculty boards and students of the
28 University as established by this Act.

29 (6) Persons who were deans or associate deans of faculties or
30 members of faculty boards shall continue to be deans or associate deans or

1 become members of the corresponding faculty boards, until new appointments
2 are made in pursuance of the Statutes under this Act.

3 *The Staff*

4 5. Any person who was a member of staff of the University as
5 established or was otherwise employed by the Provisional Council shall be
6 employed at the University on such designation, status and functions which
7 correspond as nearly as possible to those which pertained to him as a member
8 of that staff or as such an employee.

9 *The Scope of Responsibilities*

10 6. Questions as to the scope of the responsibilities of the officers shall
11 be determined by the Vice-Chancellor.

12 THIRD SCHEDULE *Sections 11 (3), (4) and 25 (7)*

13 FEDERAL UNIVERSITY OF HEALTH, SCIENCE

14 AND TECHNOLOGY

15 STATUTE No.1

16 *Articles:*

- | | |
|----|--|
| 17 | 1. The Council |
| 18 | 2. Finance and General Purpose Committee |
| 19 | 3. The Senate |
| 20 | 4. The Congregation |
| 21 | 5. Convocation |
| 22 | 6. Organisation of Faculties and the Branches thereof |
| 23 | 7. Faculty Board |
| 24 | 8. The Dean of the Faculty |
| 25 | 9. Selection of certain principal and other key officers |
| 26 | 10. Creation of academic post |
| 27 | 11. Appointment of academic staff |
| 28 | 12. Appointment of administrative and technical staff |

29 *The Council*

- 30 (1) Any member of Council holding office pursuant to section 6 (1),

1 (e), (f), (g) or (h) of this Act may, by notice to the Council resign his office.

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

6 (3) Where a member of Council holding office pursuant to section
7 6(1) (e), (f), (g) or (h) of this Act vacates office before the expiration of his
8 tenure, the body that appointed him may appoint a successor to hold office
9 for the residue of his unexpired term.

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

13 (5) The quorum of the Council shall be five, at least one of whom
14 shall be a member pursuant to section 6 (1) (d) and (e) of this Act.

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

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

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

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

1 shall not apply to the University.

2 *The Finance and General Purposes Committee*

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

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

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

(c) six other members of the Council appointed by the Council two of whom shall be selected from among the four members of the Council appointed by the Senate and one of whom shall be selected from among members of the Council appointed by the Congregation; and

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

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

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

17 *The Senate*

18 3.-(1) There shall be a Senate for the University consisting of:

19 (a) the Vice-Chancellor;

20 (b) the Deputy Vice-Chancellor;

21 (c) all Professors of the University;

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

24 (e) all Heads of Academic Departments, Units and Research Institutes
25 of the University; and

26 (f) the University Librarian.

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

30 (3) The quorum of the Senate shall be one-quarter (or the nearest

1 whole number less than one quarter), and subject to paragraph (2), the
2 Senate may regulate its own procedure.

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

7 *Congregation*

8 4.-(1) Congregation shall consist of:

- 9 (a) the Vice-Chancellor and the Deputy Vice-Chancellor;
- 10 (b) the full time members of the academic staff;
- 11 (c) the Registrar;
- 12 (d) the Bursar; and
- 13 (e) every member of the administrative and technical staff who
14 holds a degree of any University recognised for the purpose of this Statute
15 by the Vice-Chancellor, not being an honorary degree.

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

20 (3) The quorum of Congregation shall be one-third (or the nearest
21 whole number to one-third) of the total number of members of Congregation
22 or 50, whichever is less.

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

- 24 (a) the total number of members of Congregation for the purposes
25 of any particular meeting or meetings of Congregation, or
- 26 (b) the names of the persons who are members of Congregation
27 during a particular period, shall be conclusive evidence of that number or as
28 the case may be of the names of those persons.

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

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

5 *Convocation*

6 5.-(1) Convocation shall consist of-

7 (a) the Officers of the University mentioned in the First Schedule to
8 this Act;

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

10 (c) all other persons whose names are registered in accordance with
11 subparagraph (2).

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

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

16 (b) applies for the registration of his name in the prescribed manner
17 and pays the prescribed fee.

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

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

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

30 (6) The register shall, unless the contrary is proved, be sufficient use

1 evidence that any person named therein is, and that any person not named
2 therein is not, a member of convocation, but for the purpose of ascertaining
3 whether a particular person was such a member on a particular date, any
4 entry in, and deletion from, the register made on or after that date shall be
5 disregarded.

6 (7) The quorum of Convocation shall be 50 or one-third (or the
7 whole number nearest to one-third) of the total number of members of
8 Convocation whichever is less.

9 (8) Subject to section 5 of this Act, the Chancellor shall be
10 Chairman at all meetings of Convocation when he is present, and, in his
11 absence, the Vice-Chancellor shall be the Chairman at the meeting.

12 (9) Convocation shall have such functions, in addition to the
13 function of appointing a member of the Council, as may be provided by
14 Statute.

15 *Organization of Faculties and Branches of the University*

16 6. Each Faculty shall be divided into such number of branches as
17 may be prescribed.

18 7.-(1) There shall be established in respect of each Faculty, a
19 Faculty Board, which subject to the provisions of this Act, and subject to the
20 directions of the Vice-Chancellor, shall:

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

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

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

27 (2) Each Faculty Board shall consist of:

28 (a) The Vice-Chancellor;

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

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

1 the prescribed qualifications as the Board may determine; and

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

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

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

8 *The Dean of the Faculty*

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

(2) If there is no professor in a faculty, the Vice-Chancellor shall appoint an Acting Dean who shall not be below the rank of Senior Lecturer for the faculty, who will act for a period of one year in the first instance, renewable for another one year only.

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

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

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

30 (6) The Dean of a faculty may be removed from the office for a good

1 cause by the Faculty Board after a voice would have been taken at a meeting
2 of the Board, and in the event of a vacancy occurring following the removal
3 of the Dean, an Acting Dean may be appointed by the Vice-Chancellor
4 provided that at the next faculty board meeting an election shall be held for a
5 new Dean.

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

8 *Selection of Certain Principal and other key Officers*

9 9.-(1) When a vacancy occurs in the Office of the Registrar, Bursar,
10 the University Librarian, Director of Health Services, a Selection Board
11 shall be constituted by the Council and shall consist of:

- 12 (i) The Pro-Chancellor;
- 13 (ii) The Vice-Chancellor;
- 14 (iii) two members appointed by the Council, not being members of
15 Senate; and
- 16 (iv) two members appointed by the Senate not being members of
17 Council.

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

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

25 *Creation of Academic Post*

26 10. Recommendation for the creation of posts other than those
27 mentioned in paragraph 9 of this Schedule shall be made by the Senate to the
28 Council through the Finance and General Purpose Committee.

29 *Appointment of Academic Staff*

30 11. Subject to this Act and the Statutes derived from it, the filling

1 of vacancies in academic posts (including newly created ones) shall be as
2 prescribed from time to time by Statutes.

3 *Appointment of Administrative and Technical Staff*

4 12.-(1) The administrative and technical staff of the University, other
5 than those mentioned in paragraph 9 of this schedule shall be appointed by the
6 Councilor on its behalf by the Vice-Chancellor or the Registrar in accordance
7 with any delegation of powers made by the Council in that behalf.

8 (2) In the case of administrative or technical staff that has close and
9 important contacts with the academic staff, there shall be senate participation
10 in the process of selection.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal Federal College of Dental Technology and Therapy (Establishment) Act, 2017 and enact the Federal University of Health Science, and Technology, to ensure equity and access to tertiary education in the country.

The University is a conventional University with restricted programmes, limited and focused faculties.