

Extraordinary



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A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO MAKE A CHIEF JUDGE OF A STATE THE HEAD OF JUDICIARY OF A STATE AND INCREASE THE NUMBER OF YEARS OF QUALIFICATION FOR APPOINTMENT AS A CHIEF JUDGE OR JUDGE OF A HIGH COURT OF A STATE; AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Luke

| | |
|----------------------|--------------------|
| Hon. Dederi Ise | Hon. Shaba Ibrahim |
| Hon. Gbande Richard | Hon. Mohammed Bio |
| Hon. Hassan Nalaraba | Hon. Egbona Alex |
| Hon. Olarewaju Kunle | Hon. Nsikak Ekong |
| Hon. Patrick Ifon | |

[] Commencement

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

- | | | |
|----|---|---|
| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (in | Alteration of the Constitution, 1999 |
| 2 | this Bill referred to as "the Principal Act") is altered as set out in this Bill. | |
| 3 | 2. Section 270 of the Principal Act is altered by inserting after | Alteration of Section 270 |
| 4 | subsection (2), a new section "(3)"- | |
| 5 | “(3) The Chief Judge of the State shall be the Head of the Judiciary | |
| 6 | of the State.” | |
| 7 | 3. Section 271 of the Principal Act is altered by substituting for | Alteration of Section 271 |
| 8 | subsection (3), a new subsection "(3)"- | |
| 9 | “(3) A person shall not be qualified to hold the office of a Chief | |
| 10 | Judge or Judge of a High Court of a State unless he is qualified to practise as | |
| 11 | a legal practitioner in Nigeria and has been so qualified for a period of not | |
| 12 | less than ten years.” | |

| | | |
|------------------------------|---|---|
| Alteration of Section 272 | 1 | 4. Section 272 of the Principal Act is further altered- |
| | 2 | (a) in subsection (1), by deleting the words "section 251 and other |
| | 3 | provisions of in line 1; |
| | 4 | (b) by inserting after subsection (3), a new subsection "(4)"- |
| | 5 | “(4) The High Court of a State shall not stay any proceedings on |
| | 6 | account of any interlocutory appeal." |
| Citation | 7 | 5. This Bill may be cited as the Constitution of the Federal Republic of |
| | 8 | Nigeria (Fifth Alteration) Bill, 2021. |

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to make a Chief Judge of a State the Head of Judiciary of a State and increase the number of years of qualification for appointment as Chief Judge or Judge of a High Court of a State.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO INCREASE THE NUMBER OF YEARS OF QUALIFICATION FOR APPOINTMENT AS A JUDGE OF THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA; AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Luke

| | |
|----------------------|--------------------|
| Hon. Dederi Isa | Hon. Shaba Ibrahim |
| Hon. Gbande Richard | Hon. Mohammed Bio |
| Hon. Hassan Nalaraba | Hon. Egbona Alex |
| Hon. Olarewaju Kunle | Hon. Nsikak Ekong |
| Hon. Patrick Ifon | |

[] Commencement

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

- | | | |
|----|---|---|
| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (in | Alteration of the Constitution, 1999 |
| 2 | this Bill referred to as "the Principal Act") is altered as set out in this Bill. | |
| 3 | 2. Section 256 (3) of the Principal Act is altered by substituting for | Alteration of Section 256 |
| 4 | the words "ten years" in line 3, the words "twelve years". | |
| 5 | 3. Section 257 of the Principal Act is altered- | Alteration of Section 257 |
| 6 | (a) in subsection (1), by deleting the words "section 251 and any | |
| 7 | other provisions of" in line 1; | |
| 8 | (b) by inserting after subsection 2, a new subsections "(3)"- | |
| 9 | "(3) The High Court of the Federal Capital Territory, Abuja shall | Citation |
| 10 | not stay any proceedings on account of any interlocutory appeal." | |
| 11 | 4. This Bill may be cited as the Constitution of the Federal | |
| 12 | Republic of Nigeria (Fifth Alteration) Bill, 2021. | |

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999, to increase the number of years of qualification for appointment as Chief Judge or Judge of the High Court of the Federal Capital Territory, Abuja.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO INCREASE THE NUMBER OF YEARS OF QUALIFICATION FOR APPOINTMENT AS PRESIDENT OR JUDGE OF THE NATIONAL INDUSTRIAL COURT AND DELIMIT ITS JURISDICTION; AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Luke

| | |
|----------------------|--------------------|
| Hon. Dederi Isa | Hon. Shaba Ibrahim |
| Hon. Gbande Richard | Hon. Mohammed Bio |
| Hon. Hassan Nalaraba | Hon. Egbona Alex |
| Hon. Olarewaju Kunle | Hon. Nsikak Ekong |
| Hon. Patrick Ifon | |

[] Commencement

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

- | | | |
|----|---|---|
| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (in | Alteration of the Constitution, 1999 |
| 2 | this Bill referred to as "the Principal Act") is altered as set out in this Bill. | |
| 3 | 2. Section 254B of the Principal Act is altered- | Alteration of Section 254B |
| 4 | (a) in subsection (3), by substituting for the words "ten years" in | |
| 5 | line 4, the words "twelve years"; | |
| 6 | (b) in subsection (4), by substituting for the words "ten years" in | |
| 7 | line 4, the words "twelve years". | |
| 8 | 3. Section 254C of the Principal Act is substituted for a new | Alteration of Section 254C |
| 9 | section "254C"- | |
| 10 | "254C-(1) Notwithstanding the provisions of sections 251, 257, | |
| 11 | 272 and anything contained in this Constitution and in addition to such other | |
| 12 | jurisdiction as may be conferred upon it by an Act of the National Assembly, | |
| 13 | the National Industrial Court shall have and exercise jurisdiction to the | |
| 14 | exclusion of any other court in civil causes and matters- | |

1 (a) relating to or connected with any labour, employment, trade
2 unions, industrial relations and matters arising from workplace, the conditions
3 of service, including health, safety, welfare of labour, employee, worker and
4 matters incidental thereto or connected therewith;

5 (b) relating to, connected with or arising from Factories Act, Trade
6 Disputes Act, Trade Unions Act, Labour Act, Employees' Compensation Act or
7 any other Act or Law relating to labour, employment, industrial relations,
8 workplace or any other enactment replacing the Acts or Laws;

9 (c) relating to or connected with the grant of any order restraining any
10 person or body from taking part in any strike, lock-out or any industrial action,
11 or any conduct in contemplation or in furtherance of a strike, lock-out or any
12 industrial action and matters Connected therewith or related thereto;

13 (d) relating to or connected with any dispute arising from national
14 minimum wage for the Federation or any part thereof and matters connected
15 therewith or arising therefrom;

16 (e) relating to or connected with unfair labour practice or international
17 best practices in labour, employment and industrial relation matters;

18 (f) relating to or connected with any dispute arising from
19 discrimination or sexual harassment at workplace;

20 (g) relating to, connected with or pertaining to the application or
21 interpretation of international labour standards;

22 (h) relating to the determination of any question as to the
23 interpretation and application of any-

24 (i) collective agreement;

25 (ii) award or order made by an arbitral tribunal in respect of a trade
26 dispute or a trade union dispute;

27 (iii) award or judgment of the Court in a trade dispute;

28 (iv) term of settlement of any trade dispute;

29 (v) trade union dispute or employment dispute as may be recorded in a
30 memorandum of settlement;

1 (vi) trade union constitution, the constitution of an association of
2 employers or any association relating to employment, labour, industrial
3 relations or work place;

4 (vii) dispute relating to or connected with any personnel matter
5 arising from any free trade zone in the Federation or any part thereof.

6 (i) relating to-

7 (i) appeals from the decisions of the Registrar of Trade Unions, or
8 matters relating thereto or connected therewith;

9 (ii) appeals from the decisions or recommendations of any
10 administrative body or commission of enquiry, arising from or connected
11 with employment, labour, trade unions or industrial relations; and

12 (iii) such other jurisdiction, civil or criminal and whether to the
13 exclusion of any other court or not, as may be conferred upon it by an Act of
14 the National Assembly;

15 (j) relating to or connected with the registration of collective
16 agreements.

17 (2) Notwithstanding the provisions of subsection (1) of this
18 section, the National Industrial Court shall have and exercise concurrent
19 jurisdiction with the Federal High Court, High Court of the Federal Capital
20 Territory, Abuja and High Court of a State in civil causes and matters related
21 to or connected with any dispute over the interpretation and application of
22 the provisions of Chapter IV of the Constitution as it relates to any
23 employment, labour, industrial relations, trade unionism and employer's
24 associations.

25 (3) Notwithstanding anything to the contrary in this Constitution,
26 the National Industrial Court shall have the jurisdiction and power to deal
27 with any matter connected with or pertaining to the application of any
28 international convention, treaty or protocol of which Nigeria has ratified
29 relating to labour, employment, workplace, industrial relations or matters
30 connected therewith.

1 (4) The National Industrial Court may establish an Alternative
2 Dispute Resolutions Centre within the Court premises on matters which
3 jurisdiction is conferred on the court by this Constitution or any Act or Law:

4 Provided that nothing in this subsection shall preclude the National
5 Industrial Court from entertaining and exercising appellate and supervisory
6 jurisdiction over an arbitral tribunal or commission, administrative body, or
7 board of inquiry in respect of any matter that the National Industrial Court has
8 jurisdiction to entertain or any other matter as may be prescribed by an Act of
9 the National Assembly or any Law in force in any part of the Federation.

10 (5) The National Industrial Court shall have and exercise jurisdiction
11 and powers to entertain any application for the enforcement of the award,
12 decision, ruling or order made by any arbitral tribunal or commission,
13 administrative body, or board of inquiry relating to, connected with, arising
14 from or pertaining to any matter of which the National Industrial Court has the
15 jurisdiction to entertain.

16 (6) The National Industrial Court shall not stay any proceedings on
17 account of any interlocutory appeal."

Citation

18 **4.** This Bill may be cited as the Constitution of the Federal Republic of
19 Nigeria (Fifth Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to increase the number of years of qualification for appointment as President or Judge of the National Industrial Court and delimit its jurisdiction.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO INCREASE THE NUMBER OF YEARS OF QUALIFICATION FOR APPOINTMENT AS PRESIDENT OR JUDGE OF THE CUSTOMARY COURT OF APPEAL OF THE FEDERAL CAPITAL TERRITORY, ABUJA; AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Luke

| | |
|----------------------|--------------------|
| Hon. Dederi Isa | Hon. Shaba Ibrahim |
| Hon. Gbande Richard | Hon. Mohammed Bio |
| Hon. Hassan Nalaraba | Hon. Egbona Alex |
| Hon. Olarewaju Kunle | Hon. Nsikak Ekong |
| Hon. Patrick Ifon | |

[] Commencement

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

- | | | |
|----|---|---|
| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (in | Alteration of the Constitution, 1999 |
| 2 | this Bill referred to as "the Principal Act") is altered as set out in this Bill. | |
| 3 | 2. Section 266(3)(a) of the Principal Act is altered by substituting | Alteration of Section 266 |
| 4 | for the words "ten years" in lines 1 and 2, the words "twelve years". | |
| 5 | 3. Section 267 of the Principal Act is altered- | Alteration of Section 267 |
| 6 | (a) by inserting after section 267, a new subsection "(2)"- | |
| 7 | "(2) The Customary Court of Appeal of the Federal Capital | |
| 8 | Territory, Abuja shall not stay any proceedings on account of any | |
| 9 | interlocutory appeal." | |
| 10 | (b) by renumbering section 267 as subsection "267(1)". | |
| 11 | 4. This Bill may be cited as the Constitution of the Federal | Citation |
| 12 | Republic of Nigeria (Fifth Alteration) Bill, 2021. | |

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to increase the number of years of qualification for appointment as President or Judge of the Customary Court of Appeal of the Federal Capital Territory, Abuja.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999, THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (FIRST ALTERATION) ACT, 2010 AND THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (SECOND ALTERATION) ACT, 2010 TO INCREASE THE MINIMUM NUMBER OF JUSTICES OF THE COURT OF APPEAL AND RAISE THE NUMBER OF YEARS OF QUALIFICATION FOR APPOINTMENT AS JUSTICE OF THE COURT; AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Luke

| | |
|----------------------|--------------------|
| Hon. Dederi Isa | Hon. Shaba Ibrahim |
| Hon. Gbande Richard | Hon. Mohammed Bio |
| Hon. Hassan Nalaraba | Hon. Egbona Alex |
| Hon. Olarewaju Kunle | Hon. Nsikak Ekong |
| Hon. Patrick Ifon | |

[] Commencement

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

- | | | |
|----|---|---|
| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (in | Alteration of the Constitution, 1999, the Constitution (First Alteration) Act No. 1, 2010 and the Constitution (Second Alteration) Act No. 2, 2010 |
| 2 | this Bill referred to as "the Principal Act"), the Constitution of the Federal | |
| 3 | Republic of Nigeria (First Alteration) Act No.1, 2010 (in this Hill referred to | |
| 4 | as "the First Alteration Act" and the Constitution of the Federal Republic of | |
| 5 | Nigeria (Second Alteration) Act No.2, 2010 (in this Bill referred to as "the | |
| 6 | Second Alteration Act) are altered as set out in this Bill. | |
| 7 | 2. Section 237 (2) (b) of the Principal Act is altered by- | Alteration of Section 237 of the Constitution |
| 8 | (a) substituting for the words "forty-nine", in line 1, the words | |
| 9 | "one hundred"; and | |
| 10 | (b) deleting the comma ",", and the words "as may be prescribed by | |
| 11 | an Act of the National Assembly", in line 3. | |

| | | |
|---|----|--|
| Alteration of Section 238 of the Constitution | 1 | 3. Section 238 of the Principal Act is altered by substituting for |
| | 2 | subsection (3), a new subsection "(3)"- |
| | 3 | "(3) A person shall not be qualified to hold the office of President of |
| | 4 | the Court of Appeal or Justice of the Court of Appeal unless he is qualified to |
| | 5 | practise as a legal practitioner in Nigeria and has been so qualified for a period |
| | 6 | of not less than fifteen years." |
| Alteration of Section 241 of the Constitution | 7 | 4. Section 241 of the Principal Act is altered, by inserting, after |
| | 8 | subsection (2), a new subsection "(3)"- |
| | 9 | "(3) The Court of Appeal shall not stay any proceedings on account of |
| | 10 | any interlocutory appeal." |
| Alteration of Section 246 of the Constitution, Section 26 of the (First Alteration) | 11 | 5. Section 246 of the Principal Act, Section 26 of the First Alteration |
| | 12 | and Section 8 of the Second Alteration are altered, by inserting, after |
| | 13 | subsection "(1)", a new subsection "(1A)"- |
| | 14 | "(1A) Notwithstanding the provisions of subsection (1) of this |
| | 15 | section, no appeal shall lie to the Court of Appeal from any decision of an |
| | 16 | Election Tribunal in respect of an interlocutory decision." |
| | 17 | Act and Section 8 of the Second Alteration |
| Alteration of Section 247 of the Constitution | 18 | 6. Section 247 of the Principal Act is altered, by inserting, after |
| | 19 | subsection (1), a new subsection "(2)"- |
| | 20 | "(2) Notwithstanding the provisions of subsection (1) of this section, |
| | 21 | a single Justice of the Supreme Court sitting in Chambers may exercise a power |
| | 22 | vested in the Court of Appeal not involving the decision of the cause or matter |
| | 23 | before the Court of Appeal, except that- |
| | 24 | (a) in criminal matters, where that Justice refuses or grants an |
| | 25 | application in the exercise of any such power, a person affected thereby shall be |
| | 26 | entitled to have the application determined by the Court of Appeal constituted |
| | 27 | by three Justices thereof; and |
| | 28 | (b) in civil matters, any order, direction, or decision made or given in |
| | 29 | pursuance of the powers conferred by this subsection may be varied, |

1 discharged or reversed by the Court of Appeal constituted by three Justices
2 thereof.

3 7. This Bill may be cited as the Constitution of the Federal Citation
4 Republic of Nigeria (Fifth Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999, the Constitution of the Federal Republic of Nigeria (First Alteration) Act, 2010 and the Constitution of the Federal Republic of Nigeria (Second Alteration) Act, 2010 to increase the minimum number of Justices of the Court of Appeal and raise the number of years of qualification for appointment as a Justice of the Court.

A BILL

FOR

AN ACT TO AMEND THE ECONOMIC AND FINANCIAL CRIMES COMMISSION (ESTABLISHMENT) ACT, CAP. E1, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO MAKE THE COMMISSION MORE INDEPENDENT, PROVIDE FOR THE RETURN OF PROCEEDS OF CRIME TO VICTIMS OF CRIME OTHER THAN GOVERNMENTS, AND ALSO SECURE THE CONFIRMATION POWERS OF THE SENATE OF THE FEDERAL REPUBLIC OVER THE CHAIRMAN AND MEMBERS OF THE COMMISSION, THEREBY DEEPENING CHECKS AND BALANCES; AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Luke

[] Commencement

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

- | | |
|--|--|
| <p>1 1. The Economic and Financial Crimes Commission</p> <p>2 (Establishment) Act, Cap. E1, 2004 (in this Bill referred to as "the Principal</p> <p>3 Act") is amended as set out in this Bill.</p> | <p>Amendment of Cap. E1, LFN, 2004</p> |
| <p>4 2. Section 1 (2)(c) of the Principal Act is deleted.</p> | <p>Deletion of Section 1 (2)(c)</p> |
| <p>5 3. Section 2 of the Principal Act is amended by-</p> <p>6 (a) substituting for section 2(1)(a) a new section-</p> <p>7 "(a) a Chairman who shall-</p> <p>8 (i) be the Chief Operations and Accounting Officer of the</p> <p>9 Commission; and</p> <p>10 (ii) a person of proven integrity with 10 years cognate experience</p> <p>11 and professionalism in economic and financial crimes investigation, legal</p> <p>12 practice, law enforcement, or security."</p> <p>13 (b) inserting after subsection 1(p), new paragraphs 'q' and 'r'-</p> <p>14 “(q) the Director, Nigeria Financial Intelligence Unit or his</p> <p>15 representative; and</p> | <p>Amendment of Section 2</p> |

| | | |
|----------------------------|----|---|
| | 1 | (r) the Controller-General, Nigerian Correctional Service." |
| | 2 | (c) inserting after section 2(3), a new subsection (4)- |
| | 3 | "(4) Appointment of Chairman or member of the Commission in |
| | 4 | subsection 3 of this section shall be sent to the Senate within 30 days and any |
| | 5 | appointee rejected by the Senate shall cease to hold office forthwith. |
| Amendment of Section 3 | 6 | 4. Section 3 of the Principal Act is amended by substituting the |
| | 7 | existing subsections (1) and (2) for new subsections "(1)" and "(2)" - |
| | 8 | "(1) The Chairman and members of the Commission, other than the |
| | 9 | ex-officio members, shall hold office for a period of five years and may be re- |
| | 10 | appointed for a further term of five years and no more. |
| | 11 | "(2) The Chairman and any member of the Commission may be |
| | 12 | suspended or removed by the President acting on an address supported by two |
| | 13 | thirds majority of the Senate on any of the following grounds: |
| | 14 | (a) inability to discharge the functions of his office (whether arising |
| | 15 | from infirmity of mind or body or any other cause); |
| | 16 | (b) misconduct; or |
| | 17 | (c) breach of the Code of Conduct or any other law." |
| Amendment of Section 6 | 18 | 5. Section 6 of the Principal Act is amended by- |
| | 19 | (a) substituting the existing paragraph (b) for a new paragraph "(b)" - |
| | 20 | "(b) the investigation of all financial crimes including advance fee |
| | 21 | fraud, cybercrimes, money laundering, counterfeiting, illegal charge transfers, |
| | 22 | futures market fraud, fraudulent encashment of negotiable instruments, |
| | 23 | computer credit card fraud, contract scam, illegal oil dealings, etc .. ; " |
| | 24 | (b) substituting, in paragraph (o), line 2, the word 'Prison Service |
| | 25 | Board' for the word 'Correctional Service Board'. |
| Amendment of Section 7 | 26 | 6. Section 7 of the Principal Act is amended by inserting after |
| | 27 | paragraph (e), a new paragraph "(e)i"- |
| | 28 | "(e)i Cybercrimes (Prohibition, Prevention, Etc.) Act, 2015;" |
| Amendment of Section 13 | 29 | 7. Section 13 of the Principal Act is amended, in paragraph (d), line 2, |
| | 30 | by inserting after the words 'Federal Government', the words 'or the victim, as |

| | | |
|----|--|--------------|
| 1 | the case may be;' | |
| 2 | 8. Section 20 of the Principal Act is amended- | Amendment of |
| 3 | (a) in subsection (1), by inserting after the words 'Federal | Section 20 |
| 4 | Government', the words 'or the victim, as the case may be -' | |
| 5 | (b) in subsection (2), line 2, by inserting after the words 'Federal | |
| 6 | Government', the words 'or the victim, as the case may be," | |
| 7 | 9. Section 21 of the Principal Act is amended, in line 3, by | Amendment of |
| 8 | inserting after the words 'Federal Government', the words 'or the victim, as | Section 21 |
| 9 | the case may be." | |
| 10 | 10. Section 29 of the Principal Act is amended, in line 4 of the last | Amendment of |
| 11 | paragraph, by inserting after the words 'Federal Government', the words 'or | Section 29 |
| 12 | the victim, as the case may be." | |
| 13 | 11. Section 31 of the Principal Act is amended- | Amendment of |
| 14 | (a) in subsection 2, line 3, by inserting after the words | Section 31 |
| 15 | "Consolidated Revenue Fund of the Federation", the word "or to the victim, | |
| 16 | as the case may be." | |
| 17 | (b) in subsection 3, in line 5, by inserting after the words | |
| 18 | "Consolidated Revenue Fund of the Federation", the word "or to the victim, | |
| 19 | as the case may be." | |
| 20 | 12. This Bill may be cited as the Economic and Financial | Citation |
| 21 | (Establishment) (Amendment) Bill, 2021. | |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Economic and Financial Crimes Commission (Establishment) Act, Cap. E1, Laws of the Federation of Nigeria, 2004 to make the Commission more independent, provide for the return of proceeds of crime to victims of crime other than Governments, and also secure the confirmation powers of the Senate of the Federal Republic of Nigeria over the Chairman and members of the Commission, thereby deepening checks and balances.

FEDERAL UNIVERSITY OF MEDICAL AND HEALTH SCIENCES, BENDE
(ESTABLISHMENT, ETC.) BILL, 2021

ARRANGEMENT OF SECTIONS

Section:

PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE
FEDERAL UNIVERSITY OF MEDICAL AND HEALTH SCIENCES, BENDE

1. Establishment of the Federal University of Medical and Health Sciences
2. Objects and mandate
3. Composition of the University
4. Powers of the University and their exercise
5. Functions of the Chancellor
6. Functions of the Pro-Chancellor
7. Composition of the Council
8. Functions of the Council and its Finance and General Purposes Committee
9. Functions of the Senate
10. Functions of the Vice-Chancellor

PART II - STATUTES OF THE UNIVERSITY

11. Powers of the University to make statutes
12. Mode of exercising power to make statutes
13. Proof of statutes

PART III - SUPERVISION AND DISCIPLINE

14. The Visitor
15. Removal of certain members of Council
16. Removal and discipline of academic, administrative and professional staff
17. Procedures for staff discipline
18. Appointment of external examiners
19. Removal of examiners

20. Discipline of students

PART IV - MISCELLANEOUS AND GENERAL PROVISIONS

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

22. Restriction on disposal of land by University

23. Quorum and procedure of bodies established by this Act

24. Appointment of committees, etc.

25. Retiring age of academic staff of the University

26. Special provisions relating to pension of professors

27. Miscellaneous administrative provisions

28. Interpretation

29. Short title

Schedule

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF MEDICAL AND HEALTH SCIENCES, BENDE, ABIA STATE; TO MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT AND ADMINISTRATION; AND FOR RELATED MATTERS

Sponsored by Hon. Benjamin Okezie Kalu

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE
2 FEDERAL UNIVERSITY OF MEDICAL AND HEALTH SCIENCES, BENDE

3 1.-(1) There is hereby established the Federal University of
4 Medical and Health Sciences, Bende, Abia State in this Bill referred to as
5 "the University").

Establishment
of the Federal
University of
Medical and Health
Sciences

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

9 2.-(1) The general objects/purposes of the University shall be to-

Objects and
Mandate

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 a higher education in Medicine and other Health
13 Sciences;

14 (b) develop and offer academic and professional programs leading
15 to the award of diplomas, first degrees, postgraduate research and higher
16 degrees with emphasis on planning, adaptive, technical, maintenance,
17 developmental and productive skills in the field of Medicine, biomedical
18 engineering, scientific, and allied professional disciplines relating to health
19 resources with the aim of producing socially mature persons with capacity

1 not only to understand, use and adapt existing technologies in the health
2 industry, but also to improve on those disciplines and develop new ones, and to
3 contribute to the scientific transformation of medical and other health practices
4 in Nigeria;

5 (c) act as agents and catalysts, through postgraduate training, research
6 and innovation for the effective and economic utilization, exploitation and
7 conservation of Nigeria's natural, economic and human resources;

8 (d) offer to the general population, as a form of public service, the
9 results of training and research in medicine and allied disciplines and to foster
10 the practical application of those results;

11 (e) establish appropriate relationships with other national institutions
12 involved in training, research and development of health care;

13 (f) identify the health problems and needs of Nigeria and to find
14 solutions to them within the context of overall national development;

15 (g) provide and promote sound basic scientific training as a
16 foundation for the development of medicine and allied disciplines, taking into
17 account indigenous culture, the need to enhance national unity, the need to
18 vastly increase the practical content of student training, and adequate
19 preparation of graduates for self-employment in medicine and allied
20 professions;

21 (h) promote and emphasize teaching, research and extension of health
22 knowledge, including health extension services and outreach programs, in-
23 service training, continuing education, and adaptive research;

24 (i) offer academic programs in relation to the training of manpower
25 for medicine and allied profession in Nigeria;

26 (j) organize research relevant to training of manpower and health
27 technology;

28 (k) organize extension services and outreach programs for technology
29 transfer;

30 (l) establish institutional linkages in order to foster collaboration and

- 1 integration of training, research, and extension activities; and
- 2 (m) undertake any other activities appropriate for a University of
- 3 Health Sciences.
- 4 (2) The mandate of the University shall be to-
- 5 (a) teach and train high caliber health-care professionals;
- 6 (b) provide healthcare services and consultancy;
- 7 (c) conduct research and participate in extension, outreach and
- 8 community services;
- 9 (d) operate various schools and specialties that offer exemplary
- 10 training and quality research in health care;
- 11 (e) facilitate the acquisition of knowledge and skills in different
- 12 specialties for effective and efficient management of health care;
- 13 (f) provide solution to the lack and the inequitable distribution of
- 14 health professionals serving rural communities;
- 15 (g) train clinically, competent and socially conscious health
- 16 workers who will stay and serve in depressed and undeserved communities
- 17 especially in the rural areas of Nigeria;
- 18 (h) develop a training model for the training of community-
- 19 oriented health workers that could be replicated in other areas of Nigeria,
- 20 (i) facilitate collaboration and enhancement of health sciences
- 21 research and education endeavours;
- 22 (j) advance the national and international reputation as the premier
- 23 university for health sciences education and research in Nigeria;
- 24 (k) advise and report regularly to the ministry of education on all
- 25 matters relevant to the health sciences sector and its education and research
- 26 programs;
- 27 (l) work collectively on common health academic issues and their
- 28 implementation;
- 29 (m) provide management support for education and research
- 30 across the health sciences sector;

| | | |
|---|----|---|
| | 1 | (n) promote inter-professional education across all health |
| | 2 | professional programs and optimize the resources to do so; and |
| | 3 | (o) ensure that the health sciences sector is adequately and |
| | 4 | appropriately represented at all levels of University governance. |
| Composition of the University | 5 | 3.-(1) The University shall consist of- |
| | 6 | (a) Chancellor; |
| | 7 | (b) Pro-Chancellor and a Council; |
| | 8 | (c) Vice-Chancellor and a Senate; |
| | 9 | (d) Deputy Vice-Chancellor(s); |
| | 10 | (e) a body to be called Congregation; |
| | 11 | (f) a body to be called Convocation; |
| | 12 | (g) campuses and colleges of the University; |
| | 13 | (h) schools, institutes and other teaching and research units; |
| | 14 | (i) persons holding the offices constituted by the First Schedule to this |
| | 15 | Act other than those mentioned in paragraph (a) to (d) of this subsection; |
| | 16 | (j) all graduates and undergraduates of the University; and |
| | 17 | (k) all other persons who are members of the University in accordance |
| | 18 | with provisions made by statute in that behalf. |
| | 19 | (2) The First Schedule to this Act shall have effect with respect to the |
| | 20 | principal officers of each University therein mentioned. |
| | 21 | (3) Subject to section 6 of this Act, provision shall be made by statute |
| | 22 | with respect to the constitution of the following bodies, namely the Council, |
| | 23 | the Senate, Congregation and Convocation. |
| Powers of the University and their exercise | 24 | 4.-(1) For the carrying out of its objects as specified in section 2 of this |
| | 25 | Act, the University shall have power- |
| | 26 | (a) to borrow, whether on interest or not if need be upon the security of |
| | 27 | any or all of the property, movable or immovable, of the University, such |
| | 28 | moneys as the Council may, from time to time, in its discretion find it necessary |
| | 29 | or expedient to borrow or to guarantee any loan, advances or credit facilities; |

1 (b) to do anything which it is authorized or required by this Act or
2 by statute to do; and

3 (c) to do all such acts or things, incidental to the foregoing powers,
4 as may advance the objects of the University.

5 (2) Subject to the provisions of this Act and of the statutes and
6 without prejudice to section 9(2) of this Act, the powers conferred on the
7 University by subsection (1) of this section shall be exercisable on behalf of
8 the University by the Council or by the Senate or in any other manner, which
9 may be authorized by statute.

10 (3) The power of the University to establish further campuses and
11 colleges within the University shall be exercisable by statute and not
12 otherwise.

13 **5.-(1)** The Chancellor shall, in relation to the University, take
14 precedence before all other members of the University and when he is
15 present shall preside at all meetings of Convocation held for conferring
16 degrees.

Functions of the
Chancellor

17 (2) Every proposal to confer an honorary degree shall be subject to
18 the confirmation of the Chancellor.

19 (3) The Chancellor shall exercise such other powers and perform
20 such other duties as may be conferred or imposed on him by this Act or the
21 statutes.

22 **6.-(1)** The Pro-Chancellor shall, in relation to the University, take
23 precedence before all other members of the University, except the
24 Chancellor and except the Vice-Chancellor when acting as chairman of
25 Congregation or Convocation and the Pro-Chancellor shall, when he is
26 present, be the chairman at all meetings of the Council.

Functions of the
Pro-Chancellor

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

Composition of
the Council

- 1 **7.** The Council of each University shall consist of-
- 2 (a) the Pro-Chancellor;
- 3 (b) the Vice-Chancellor;
- 4 (c) the Deputy Vice-Chancellor(s);
- 5 (d) one person from the Ministry responsible for education;
- 6 (e) nine persons representing a variety of interests and broadly
- 7 representative of the whole Federation to be appointed by the President
- 8 (f) four persons appointed by the Senate from among its members;
- 9 (g) two persons appointed by the Congregation from among its
- 10 members; and
- 11 (h) one person appointed by Convocation from among its members.

Functions of the
Council and its
Finance and
General Purposes
Committee

- 12 **8.-(1)** Subject to the provisions of this Act relating to the Visitor, the
- 13 Council shall be the governing body of each University and shall be charged
- 14 with the general control and , superintendence of the policy, finance and
- 15 property of the University.
- 16 (2) There shall be a committee of the Council to be known as the
- 17 Finance and General Purposes Committee, which shall, subject to the
- 18 directions of the Council, exercise control over the property and expenditure of
- 19 the University and perform such other functions of the Council as the Council
- 20 may, from time to time, delegate to it.
- 21 (3) Provision shall be made by statute with respect to the constitution
- 22 of the Finance and General Purposes Committee.
- 23 (4) The Council shall ensure that proper accounts of the University
- 24 are kept and that the accounts of the University are audited annually by an
- 25 independent firm of auditors approved by the Council, and that an annual
- 26 report shall be published by the University together with certified copies of the
- 27 said accounts as audited.
- 28 (5) Subject to this Act and the statutes, the Council and the Finance
- 29 and General Purposes Committee may each make rules for regulating their
- 30 own procedure.

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

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

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

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

18 (10) Any request made under subsection (9) of this section shall
19 specify the business to be considered at the meeting and a business not so
20 specified shall not be transacted at the meeting.

21 **9.-(1)** Subject to section 8 of this Act and subsections (3) and (4) of Functions of the
Senate
22 this section and to the provisions of this Act relating to the Visitor, it shall be
23 the general function of the Senate to organize and control the teaching by the
24 University, the admission (where no other enactment provides to the
25 contrary, of students) and the discipline of students; and to promote research
26 at the University.

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

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

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

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

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

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

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

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

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

17 (h) determining what description of dress shall be academic dress for
18 the purposes of the University and regulating the use of academic dress.

19 (3) The Senate shall not establish any new campus, college, school,
20 department, institute or other teaching and research units of the University
21 without the approval of the Council.

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

27 (5) Regulations shall provide that at least one of the persons appointed
28 as the examiners at each final or professional examination held in conjunction
29 with any course of study at the University, as may be prescribed by the Senate
30 from time to time, is not a teacher at the University but is a teacher of the branch

1 of learning to which the course relates at some other university of high
2
 2 reputed or a person engaged in practicing the profession in a reputable
3
 3 organization or institution.

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

10 **10.**-(1) The Vice-Chancellor shall, in relation to each University, Functions of the
11
 11 take precedence before all other members of the University, except the Vice-Chancellor
12
 12 Chancellor, and any other person for the time being acting as chairman of the
13
 13 Council.

14 (2) Subject to sections 8, 9, and 15 of this Act, the Vice-Chancellor
15
 15 shall have the general function, in addition to any other functions conferred
16
 16 on him by this Act or otherwise, of directing the activities of the University
17
 17 and shall be the chief executive and academic officer of the University and
18
 18 ex-officio Chairman of the Senate.

19 **PART II - STATUTES OF THE UNIVERSITY**

20 **11.**-(1) Subject to this Act, the University may make statutes for Powers of the
21
 21 any of the following purposes, that is to say- University to make
22
 22 Statutes

23 (a) making provision with respect to the composition and
24
 24 constitution of any authority of the University;

25 (b) specifying and regulating the powers and duties of any
26
 26 authority of the University and regulating any other matter connected with
27
 27 the University or any of its authorities;

28 (c) regulating the admission of students (where no other enactment
29
 29 provides to the contrary), and their discipline and welfare;

30 (d) determining whether any particular matter is to be treated as an
31
 31 academic or non-academic matter for the purposes of this Act and of any

1 statute, regulation or other instrument made thereunder; and

2 (e) making provision for any other matter for which provision by
3 statute is authorized or required by this Act.

4 (2) Subject to section 28(6) of this Act, the Interpretation Act shall
5 apply 2 in relation to any statute made under this section as it applies to a 3
6 subsidiary instrument within the meaning of section 29(1) of that Act.

7 (3) The statute contained in the Second Schedule to this Act shall be 5
8 deemed to have come into force on the commencement of this section 6 of this
9 Act and shall be deemed to have been made under this section by each
10 University.

11 *[Second Schedule]*

12 (4) The power to make statutes conferred by this section shall not be
13 prejudiced or limited in any way by reason of the inclusion or omission of any
14 matter in or from the statute contained in the Second Schedule to this Act or any
15 subsequent statute.

Mode of exercising
power to make
statutes

16 **12.**-(1) The power of the University to make statutes shall be
17 exercised in accordance with the provisions of this section and not otherwise.

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

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

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

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

27 (4) A statute which makes provision for or alters the composition or
28 constitution of the Council, the Senate or any other authority of the University
29 shall not come into operation unless it has been approved by the President.

30 (5) For the purposes of section 1(2) of the Interpretation Act a statute

1 shall be treated as being made on the date on which it is duly approved by the
2 Council after having been approved by the Senate, as the case may be or, in
3 the case of a statute falling within sub- section (4) of this section, on the date
4 on which it is approved by the President.

5 (6) In the event of any doubt or dispute arising at any time-

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

7 (b) as to whether any matter is for the purpose of this Act an
8 academic matter as they relate to such doubt or dispute, the matter may be
9 referred to the Visitor, who shall take such advice and make such decision
10 therein as he shall think fit.

11 (7) The decision of the Visitor on any matter referred to him under
12 subsection (6) of this section shall be final and binding upon the authorities,
13 staff and students of the University and where any question as to the
14 meaning of any provision of a statute has been decided by the Visitor under
15 that subsection, the question as to the meaning of that provision shall not be
16 entertained by any court of law in Nigeria.

17 (8) Nothing in subsection (7) of this section shall affect any power
18 of a court of competent jurisdiction to determine whether any provision of a
19 statute is wholly or partially void as being ultra vires or as being inconsistent
20 with the Constitution of the Federal Republic of Nigeria 1999.

21 **13.** A statute may be proved in any court by the production of a Proof of statutes
22 copy thereto bearing affixed to it a certificate purporting to be signed by the
23 Vice-Chancellor or the secretary to the Council to the effect that the copy is a
24 true copy of a statute of the University.

25 **PART III - SUPERVISION AND DISCIPLINE**

26 **14.-(1)** The President shall be the Visitor of the University. The Visitor

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

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

Removal of certain
members of Council

5 **15.**-(1) If it appears to the Council that a member of the Council (other
6 than the Pro- Chancellor or the Vice-Chancellor) should be removed from
7 office on the ground of misconduct or inability to perform the functions of his
8 office or employment, the Council shall make a recommendation to that effect
9 through the Minister to the President after making such enquiry, if any, as may
10 be considered appropriate, and if the President approves the recommendation
11 he may direct the removal of the person in question from office.

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

Removal and
discipline of
academic,
administrative
and professional
staff

16 **16.**-(1) If it appears to the Council that there are reasons for believing
17 that any person employed as a member of the academic, administrative or
18 professional staff of the University, other than Vice-Chancellor, should be
19 removed from his office or employment on the ground of misconduct or of
20 inability to perform the functions of his office or employment, the Council
21 shall-

22 (a) give notice of those reasons to the person in question; afford him
23 an opportunity of making representations in person on the matter;

24 (b) appoint a Staff Disciplinary Committee;

25 (c) and if the Council, after considering the report of the Staff
26 Disciplinary Committee, is satisfied that the person in question should be
27 removed as aforesaid, the Council may so remove him by an instrument in
28 writing signed on the directions of the Council.

29 (2) The Vice-Chancellor may, in case of misconduct by a member of
30 staff, which in the opinion of the Vice-Chancellor is prejudicial to the interests

1 of the University, suspend such member and any such suspension shall
2 forthwith be reported to the Council.

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

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

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

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

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

18 (e) conduct which the Council considers to be generally of such
19 nature as to render the continued appointment or service of the person
20 concerned prejudicial or detrimental to the interest of the University.

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

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

27 (b) whether to re- institute such person in which case the Council
28 shall restore his full emoluments with effect from the date of suspension;

29 (c) whether to terminate the appointment of the person concerned
30 in which case such person shall not be entitled to the proportion of his

1 emoluments withheld during the period of suspension; or

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

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

10 (6) It shall be the duty of the person by whom an instrument of
11 removal is signed in pursuance of subsection (1) of this section to use his best
12 endeavour to cause a copy of the instrument to be served as soon as reasonably
13 practicable on the person to whom it relates.

14 (7) Nothing in the foregoing provisions of this section shall-

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

17 (b) prevent the Council from making regulations for the discipline of
18 other categories of workers of the University as may be prescribed.

Procedures for
staff discipline

19 **17.**-(1) The Vice-Chancellor or Senate shall constitute an
20 Investigation Panel to determine whether or not a prima facie case has been
21 established against any member of staff.

22 (2) The Investigation Panel shall include the President or the
23 chairman of the union to which the staff being investigated belongs.

24 (3) The Vice-Chancellor shall constitute a Staff Disciplinary
25 Committee, which shall consist of such members of the Senate as he may
26 determine, to consider the report of the Investigating Panel.

27 (4) The report and recommendation of the Staff Disciplinary
28 Committee shall be forwarded to the Council for consideration and decision.

Appointment of
external examiners

29 **18.** The Senate shall appoint external examiners.

1 **19.**-(1) If on the recommendation of the Senate, it appears to the Removal of
2 Vice-Chancellor that a person appointed as an examiner for any examiners
3 examination of the University ought to be re- moved from his office or
4 appointment, then except in such cases as may be prescribed, the Vice-
5 Chancellor may, after affording the examiner an opportunity of making
6 representations in person on the matter to the Vice-Chancellor, remove the
7 examiner from the office or appointment by an instrument in writing signed
8 by the Vice-Chancellor.

9 (2) Subject to the provisions of regulations made in pursuance of
10 section 9 (5) of this Act, the Vice-Chancellor may, on the recommendation
11 of the Senate, appoint an appropriate person as examiner in place of the
12 examiner removed in pursuance of subsection (1) of this section.

13 (3) It shall be duty of the Vice-Chancellor to sign an instrument of
14 removal in pursuance of this section, to use his best endeavour to cause a
15 copy of this instrument to be served as soon as is reasonably practicable on
16 the person to whom it relates.

17 **20.**-(1) Subject to the provisions of this section, where it appears to Discipline of
18 the Vice-Chancellor that any student of the University has been guilty of students
19 misconduct, the Vice-Chancellor may, in consultation with the Senate and,
20 without prejudice to any other disciplinary power conferred on him by
21 statute or regulations, direct that-

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

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

28 (c) the student be rusticated for such period as may be specified in
29 the direction; or (d) the student be expelled from the University.

30 (2) Where a direction is given under subsection (1)(c) or (d) of this

1 section in respect of any student, that student may, within the prescribed period
2 and in the prescribed manner, appeal to the Council; and where such an appeal
3 is brought, the Council shall after causing such inquiry to be made in the matter
4 as the Council considers just, confirm or set aside the direction or modify it in
5 such manner as the Council thinks fit.

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

9 (4) The Vice-Chancellor may delegate his powers under this section
10 to a Disciplinary Committee consisting of such members of the University as
11 he may nominate.

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

15 (6) Without prejudice to the provision of subsection (1) of this section,
16 nothing shall prevent the Vice-Chancellor from taking an immediate
17 disciplinary action against a student where he deems fit, and report thereafter to
18 the Senate.

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

22 (8) No staff or student shall resort to a law court without proof of
23 having exhausted the integral avenues for settling disputes or grievances or for
24 seeking redress.

25 (9) The Visitor shall be the final arbiter on staff and student discipline,
26 and his decision shall not be contestable in any court of law in Nigeria.

27 (10) Nothing in this subsection shall affect any power of a court of
28 competent jurisdiction to enforce the fundamental right of any aggrieved
29 citizen as enshrined in the Constitution of the Federal Republic of Nigeria
30 1999.

PART IV - MISCELLANEOUS AND GENERAL PROVISIONS

21.-(1) No person shall be required to satisfy the requirements as to any of the following matters, that is to say, race (including ethnic grounding), sex, place of birth or family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the University, the holder of any degree of the University or of any appointment or employment at the University or a member of anybody established by virtue of this Act; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the University, by reference to any of those matters.

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

22. Without prejudice to the provisions of the Land Use Act, the University shall not dispose of or charge any land or an interest in any land (including any land transferred to the University by this Act) except either with the prior written consent either general or special, of the President: Provided that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years or lease or tenancy to a member of the University for residential purposes.

23. Except as may be otherwise provided by statute or by regulations, the quorum and procedure of any body of persons established by this Act shall be as determined by that body.

24.-(1) Anybody of persons established by this Act shall, without prejudice to the generality of the powers of that body, have power to appoint committees, which need not consist exclusively of members of that body

1 and to authorize a committee established by it-

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

3 (b) to co-opt members and may direct whether or not co-opted
4 members (if any) shall be entitled to vote in that committee.

5 (2) Any two or more such bodies may arrange for the holding of joint
6 meetings of those bodies or for the appointment of committees consisting of
7 members of those bodies or any of them and either of dealing with it or of
8 reporting on it to those bodies or any of them.

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

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

15 (a) enabling statutes to be made otherwise than in accordance with
16 section 13 of this Act; or

17 (b) enabling the Senate to empower any other body to make
18 regulations or to award degrees or other qualifications.

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

Retiring age of
academic staff
of the University

25 **25.**-(1) Notwithstanding anything to the contrary in the Pensions Act,
26 the compulsory retiring age of an academic staff of a University shall be 65
27 years except for the professor, which is 70 years.

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

| | | |
|----|---|--|
| 1 | 26. A person who retires as a professor having served- | Special provisions relating to pension of professors |
| 2 | (a) a minimum period of fifteen years as a professor in the | |
| 3 | University or continuously in the service of a university in Nigeria up to the | |
| 4 | retiring age; and | |
| 5 | (b) who during the period of service was absent from the | |
| 6 | University only on approved national or University assignments, shall be | |
| 7 | entitled to pension at a rate equivalent to his last annual salary and such | |
| 8 | allowances as the Council may, from time to time, determine as qualifying | |
| 9 | for pension and gratuity, in addition to any other retirement benefits to which | |
| 10 | he may be entitled. | |
| 11 | 27. (1) The seal of each University shall be such as may be | Miscellaneous administrative provisions |
| 12 | determined by the Council and approved by the Chancellor, and the affixing | |
| 13 | of the seal shall be authenticated by any member of the Council and by the | |
| 14 | Vice Chancellor, secretary to the Council or any other person authorized by | |
| 15 | statute. | |
| 16 | (2) Any document purporting to be a document executed under the | |
| 17 | seal of the University shall be received in evidence and shall, unless the | |
| 18 | contrary is proved, be presumed to be so executed. | |
| 19 | (3) Any contract or instrument, which if made or executed by a | |
| 20 | person not being a body corporate would not be required to be under seal, | |
| 21 | may be made or executed on behalf of the University by any person | |
| 22 | generally or specifically authorized to do so by the Council. | |
| 23 | (4) The validity of any proceedings of anybody established in | |
| 24 | pursuance of this Act shall not be affected by any vacancy in the membership | |
| 25 | of the body, or by any defect in the appointment of a member of the body or | |
| 26 | by reason that any person not entitled to do proceedings. | |
| 27 | (5) Any member of any such body who has a personal interest in | |
| 28 | any matter proposed to be considered by that body shall forthwith disclose | |
| 29 | his interest to the body and shall not vote on any question relating to that | |
| 30 | matter. | |

1 (6) Nothing in section 12 of the Interpretation Act (which provides for
2 the application in relation to subordinate legislation of certain incidental
3 provisions) shall apply to statutes or regulations made in pursuance of this Act.

4 (7) The power conferred by this Act on anybody to make statutes or
5 regulations shall include power to revoke or vary any statute (including the
6 statute contained in the Second Schedule of this Act) or any regulation by a
7 subsequent statute, or, as the case may be, by a subsequent regulation and
8 statute and regulations may make different provisions in reaction to different
9 circumstances.

10 (8) No stamp duty or other duty shall be payable in respect of any
11 transfer of property to the University by virtue of any provision of this Act.

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

Interpretation

14 **28.-(1)** In this Act, unless the context otherwise requires-

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

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

17 "Council" means the Council established by this Act for the University;

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

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

21 "notice" means notice in writing;

22 "office" does not include the Visitor;

23 "prescribed" means prescribed by statutes or regulations;

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

26 "property" includes rights, liabilities and obligations;

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

28 "Senate" means the Senate of the University established pursuant to section
29 3(1)(c) of this Act;

1 "statute" means a statute made by the University under section 12 of this Act
2 and in accordance with the provisions of section 13 of this Act;
3 "the statutes" means all such statutes as are in force from time to time;
4 "teacher" means a person holding a full-time appointment as a member of
5 the teaching or research staff of the University;
6 "undergraduate" means a person in statu pupilarum at the University other
7 than-

8 (a) a graduate; and

9 (b) a person of such description as may be prescribed for the
10 purposes of this definition; and

11 "University" means any of the Federal University of Medical and Health
12 Sciences, Bende established under section 2 of this Act.

13 (2) It is hereby declared that where in any provisions of this Act it is
14 laid down that proposals are to be submitted or a recommendation is to be
15 made by one authority to another through one or more intermediate
16 authorities, it shall be the duty of every such intermediate authority to
17 forward any proposals or recommendations received by it in pursuance of
18 that provision to the appropriate authority, but any such intermediate
19 authority may, if it thinks fit, forward therewith its own comments thereon.

20 **29.** This Bill may be cited as the Federal University of Medical and Short title
21 Health Sciences, Bende (Establishment, etc.) Bill, 2021.

1 SCHEDULES

2 FIRST SCHEDULE

3 [Section 2 (2).]

4 PRINCIPAL OFFICERS OF THE UNIVERSITY

5 *The Chancellor*

6 1.-(1) The Chancellor shall be appointed by the President of Nigeria.

7 (2) The Chancellor shall hold office for a period of 5 years.

8 (3) If it appears to the Visitor that the Chancellor should be removed
9 from his/her office on the ground of misconduct or of inability to perform the
10 functions of his office, the Visitor may by notice in the Federal Gazette remove
11 the Chancellor from office.

12 *The Pro-Chancellor*

13 2.-(1) The Pro-Chancellor shall be appointed or removed by the
14 President on the recommendation of the Minister.

15 (2) Subject to the provisions of this Act, the Pro-Chancellor shall hold
16 office for a period of 4 years beginning with the date of his/her appointment.

17 *The Vice-Chancellor*

18 3.-(1) There shall be a Vice-Chancellor of the University who shall be
19 appointed by the President in accordance with the provisions of this paragraph.

20 (2) Where a vacancy occurs in the post of a Vice-Chancellor, the
21 Council shall-

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

24 (i) the qualities of the persons who may apply for the post, and

25 (ii) the terms and conditions of service applicable to the post, and
26 thereafter draw up a shortlist of suitable candidates for the post for
27 consideration;

28 (b) constitute a search team consisting of-

29 (i) a member of the Council, who is not a member of the Senate, as
30 chairman,

1 (ii) two members of the Senate who are not members of the
2 Council, one of whom shall be a professor, and

3 (iii) two members of Congregation who are not members of the
4 Council, one of whom shall be a professor, to identify and nominate for
5 consideration, suitable persons who are not likely to apply for the post on
6 their own volition because they feel that it is not proper to do so.

7 (3) A joint Council and Senate Selection Board consisting of-

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

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

10 (c) two members of the Senate who are professors, but who were
11 not members of the Search Team, shall consider the candidates and persons
12 on the short list drawn up under subparagraph (2) of this paragraph through
13 an examination of their curriculum vitae and interaction with them, and
14 recommend to the Council suitable candidates for further consideration.

15 (4) The Council shall select three candidates from among the
16 candidates recommended to it under subparagraph (3) of this paragraph and
17 may indicate its order of preference stating the reasons therefore and
18 forward the names to the President.

19 (5) The President may appoint as Vice-Chancellor anyone of the
20 candidates recommended to him in accordance with the provisions of
21 subparagraph (4) of this paragraph.

22 (6) The Vice-Chancellor shall hold office for a single term of five
23 years only on such terms and conditions as may be specified in his letter of
24 appointment.

25 (7) For the avoidance of doubt, the provisions of subparagraph (6)
26 of this paragraph shall-

27 (a) only be applicable to those appointed to the office of Vice-
28 Chancellor after 1 January, 1993;

29 (b) not confer on a person serving a first term of office as Vice
30 Chancellor before 1st January, 1993 any right to renewal of the appointment

1 for a further term of four years.

2 (8) The Vice-Chancellor may be removed from office by the Visitor
3 after due consultation with the Council and the Senate acting through the
4 Minister of Education.

5 *Deputy Vice-Chancellors*

6 4.-(1) There shall be for the University such number of Deputy Vice
7 Chancellors as the Council may, from time to time, deem necessary for the
8 proper administration of the University.

9 (2) Where a vacancy occurs in the post of Deputy Vice-Chancellor,
10 the Vice-Chancellor shall forward to the Senate a list of two candidates for each
11 post of Deputy Vice-Chancellor that is vacant. .

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

15 (4) A Deputy Vice-Chancellor shall-

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

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

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

22 (5) A Deputy Vice-Chancellor-

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

26 (b) may be re-appointed for one further period of 2 years and no more.

27 *Office of the Registrar*

28 5.-(1) There shall be for the University a Registrar, who shall be the
29 chief administrative officer of the University and shall be responsible to the
30 Vice-Chancellor for the day-to-day administrative work of the University

1 except as regards matters for which the Bursar is responsible in accordance
2 with paragraph 6(2) of this Schedule.

3 (2) The person holding the office of the Registrar shall by virtue of
4 that office be secretary to the Council, the Senate, Congregation and
5 Convocation.

6 (3) The Registrar shall hold office for such period and on such
7 terms as to the emoluments of his/her office and otherwise as may be
8 specified

9 *Other principal officers of the University*

10 6.-(1) There shall be for each University the following principal
11 officers, in addition to the Registrar, that is-

12 (a) the Bursar; and

13 (b) the University Librarian, who shall be appointed by the Council
14 on the recommendation of the Selection Board constituted under paragraph
15 8 of this Schedule.

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

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

24 (4) The Bursar and Librarian shall hold office for such period and
25 on such terms as to the emoluments of their offices and otherwise as may be
26 specified.

27 (5) Any question as to the scope of the responsibilities of the
28 aforesaid officers shall be determined by the Vice-Chancellor.
29 Selection Board for other principal officers.

30 7.-(1) There shall be, for the University, a Selection Board for the

1 appointment of principal officers, other than the Vice-Chancellor or Deputy
2 Vice-Chancellor, which shall consist of-

- 3 (a) the Pro-Chancellor, as chairman;
4 (b) the Vice-Chancellor;
5 (c) four members of the Council not being members of the Senate; and
6 (d) two members of the Senate.

7 (2) The functions, procedure and other matters relating to the
8 Selection Board constituted under sub-paragraph (1) of this paragraph shall be
9 as the Council may, from time to time, determine.

10 (3) The Registrar, Bursar and Librarian shall hold office for such
11 period and on such terms as to the emoluments of their offices and otherwise as
12 may be specified in their letters of appointment.

13 *Resignation and re-appointment*

14 8.-(1) Any officer mentioned in the foregoing provisions of this
15 Schedule may resign his office-

- 16 (a) in the case of the Chancellor, by notice to the President; and
17 (b) in any other case, by notice to the Council and the Council shall
18 immediately notify the Minister in the case of the Vice-Chancellor.

19 (2) Subject to paragraphs 4 and 5 of this Schedule, a person who has
20 ceased to hold an office so mentioned otherwise than by removal for
21 misconduct shall be eligible for re- appointment to that office.

22 **SECOND SCHEDULE**

23 *[Section 9 (2).]*

24 **UNIVERSITY OF HEALTH SCIENCES STATUTE NO.1**

25 **ARRANGEMENT OF ARTICLES**

26 *Articles:*

- 27 1. The Council
28 2. The Finance and General Purposes Committee
29 3. The Senate
30 4. Congregation

- | | |
|----|---|
| 1 | 5. Convocation |
| 2 | 6. Division of colleges |
| 3 | 7. College Board |
| 4 | 8. Appointments and Promotions Committees |
| 5 | 9. Dean of college |
| 6 | 10. Deputy Dean of college |
| 7 | 11. Director of institute or center |
| 8 | 12. Head of department |
| 9 | 13. Selection of certain principal officers |
| 10 | 14. Creation of academics posts |
| 11 | 15. Appointment of academic staff |
| 12 | 16. Funding of the University |
| 13 | 17. University Co-ordination Agency |
| 14 | 18. Interpretation |
| 15 | 19. Citation |

16 *The Council*

17 1.-(1) The composition of the Council shall be as provided in
18 section 7 of this Act.

(2) Any member of the Council holding office otherwise than in pursuance of section 7 (a), (b), (c) or (d) of this Act may, by notice to the Council, resign his office.

(3) A member of the Council holding office otherwise than in pursuance of section 7 (a), (b), (c) or (d) of this Act shall, unless he previously vacates it, vacate that office on the expiration of the period of five years beginning with effect from 1 August in the year in which he was appointed.

(4) Where a member of the Council holding office otherwise than in pursuance of section 7 (a), (b), (c) or (d) of this Act vacates before the expiration of the period aforesaid, the body or person by whom he was

1 appointed may appoint a successor to hold office for the residue of the term of
2 his predecessor.

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

6 (6) The quorum of the Council shall be five, at least one of whom shall
7 be a member appointed pursuant to section 7 (d), (e), or (h) of this Act.

8 (7) If the Pro-Chancellor is not present at a meeting of the Council,
9 such other member of the Council present at the meeting as the Council may
10 appoint as respects that meeting, shall be the chairman at that meeting, and
11 subject to sections 5 and 6 of this Act and the fore-going provisions, the
12 Council may regulate its own procedure.

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

17 *The Finance and General Purposes Committee*

18 2.-(1) The Finance and General Purposes Committee of the Council
19 shall consist of-

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

22 (b) the Vice-Chancellor and Deputy Vice-Chancellors;

23 (c) six other members of the Council appointed by the Council, two of
24 whom shall be elected from among the three members of the Council appointed
25 by the Senate and one member appointed to the Council by Congregation;

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

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

30 (3) Subject to any directions given by the Council, the Committee

1 may regulate its own procedure.

2 *The Senate*

3 3.-(1) The Senate shall consist of-

4 (a) the Vice-Chancellor and Deputy Vice-Chancellors;

5 (b) Deans of Colleges;

6 (c) the Directors of Institutes and Research Centres;

7 (d) the Heads of academic Departments;

8 (e) the Librarian;

9 (f) one member of not less than the rank of senior lecturer of each

10 college;

11 (g) four persons representing the Congregation.

(2) The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present; and in his absence any of the Deputy Vice-Chancellors present at the meeting as the Senate may appoint for that meeting shall be chairman at the meeting.

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

19 (4) An elected member may, by notice to the Senate, resign his
20 office.

(5) Subject to paragraph (7) of this article, there shall be elections for the selection of elected members, which shall be in the prescribed manner on such day in the month of Mayor June in each year as the Vice-Chancellor may, from time to time, determine.

(6) An elected member shall hold office for the period of two years beginning with 1 August in the year of his election and may be a candidate at any election held in pursuance of paragraph (5) of this article in the year in which his period of office expires, so however that no person shall be such a candidate if at the end of his current period of office he will hold office as an elected member for a continuous period of six years or would have so held

1 office if he had not resigned it.

2 (7) No election held in pursuance of this article in any year if the
3 number specified in the certificate given in pursuance of paragraph (10) of this
4 article does not exceed by more than one the figure which is thrice the number
5 of those elected members holding office on the date of the certificate who do
6 not vacate office during that year III pursuance of paragraph (6) of this article.

7 (8) For the avoidance of doubt it is hereby declared that no person
8 shall be precluded from continuing in or taking office as an elected member by
9 reason only of a reduction in the total of non-elected members occurring on or
10 after 30 April in any year in which he is to continue in or take office as an
11 elected member.

12 (9) If so requested in writing by any fifteen members of the Senate, the
13 Vice-Chancellor, or in his absence, any of the Deputy Vice-Chancellors duly
14 appointed by him, shall convene a meeting of the Senate to be held not later
15 than the tenth day following that on which the re-quest was received.

16 (10) In this article "total of non-elected members" means as respects
17 any year, such number as may be certified by the Vice-Chancellor on 30 April
18 of that year to be the number of persons holding office as members of the
19 Senate on that day otherwise than as elected members.

20 *Congregation*

21 4.-(1) Congregation shall consist of-

22 (a) the Vice-Chancellor and the Deputy Vice-Chancellors;

23 (b) the full-time members of the academic staff;

24 (c) the Registrar;

25 (d) the Bursar;

26 (e) the Librarian;

27 (f) the Director of Works;

28 (g) the Director of Academic Planning;

29 (h) the Director of Physical Planning;

30 (i) the Director of Health Services; and

1 (j) every member of the administrative staff who holds a degree
2 other than an honorary degree of any university recognized for the purposes
3 of this statute by the Vice-Chancellor.

4 (2) Subject to sections 5 and 6 of the Act, the Vice-Chancellor shall
5 be the chairman at all meetings of Congregation when he is present; and in
6 his absence any of the Deputy Vice-Chancellors present at the meeting as
7 Congregation may appoint for that meeting, shall be the chairman at the
8 meeting.

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

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

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

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

18 (5) Subject to the foregoing provision of this article, Congregation
19 may regulate its own procedure.

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

25 *Convocation*

26 5.-(1) Convocation shall consist of-

27 (a) the officers of the University mentioned in the First Schedule to
28 the Act;

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

30 (c) all other persons whose names are registered in accordance with

1 paragraph (2) of this article.

2 (2) A person shall be entitled to have his name registered as a member
3 of Convocation if-

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

6 (b) he/she applies for the registration of his name in the prescribed
7 manner and pays the prescribed fees.

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

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

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

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

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

29 (8) Subject to section 5 of this Act, the Chancellor shall be the
30 chairman at all meetings of Convocation when he is present, and in his absence

1 the Vice-Chancellor shall be the chairman at the meeting.

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

5 *Division of colleges*

6 6. Each college shall be divided into such number of branches as
7 may be prescribed.

8 *College Boards*

9 7..-(1) There shall be established in respect of each college a
10 College Board, which, subject to provisions of this statute, and subject to the
11 directions of the Vice-Chancellor, shall-

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

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

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

18 (2) Each College Board shall consist of-

19 (a) the Vice-Chancellor;

20 (b) the Deputy Vice-Chancellor;

21 (c) the Dean;

22 (d) the persons severally in charge of the departments of the
23 college;

24 (e) such of the teachers assigned to the college and having the
25 prescribed qualifications as the Board may determine; and to any provisions
26 of this article and to any provision made by regulations in that behalf, the
27 Board may regulate its own procedure;

28 (f) such persons whether or not members of the University as the
29 Board may determine with the general or special approval of the Senate.

30 (3) The quorum of the Board shall be Six members or one quarter,

1 (whichever is greater), of the members for the time being of the Board; and
2 subject to the provisions of this statute and

3 *Appointments and Promotions Committee*

4 8.-(1) There shall be an Appointments and Promotions Committee of
5 the Council which shall ultimately be responsible for all appointments,
6 promotions and discipline of all categories of senior staff in the University,
7 under the chairmanship of the Vice-Chancellor.

8 (2) The Committee shall operate where necessary through the Senate
9 or Selection Board or ad-hoc Committees and its recommendations shall be
10 subject to the approval of the Council.

11 *Dean of college*

12 9.-(1) The Dean of a college shall be a professor appointed by the
13 Appointments and Pro- motions Committee and such Dean shall hold office for
14 a term of 3 years and shall be eligible for reappointment for another term of
15 three years after which he may not be re-appointed again until two years have
16 elapsed.

17 (2) The Dean shall be the chairman at all meetings of the College
18 Board when he is pre- sent and shall be a member of all committees and other
19 boards appointed by the College.

20 (3) The Dean of a college shall exercise general superintendence over
21 the academic and administrative affairs of the college and it shall be the
22 function of the Dean to present to Convocation or for the conferment of degrees
23 on persons of the University at examinations held in the branches of learning
24 for which responsibility is allocated to that college.

25 (4) There shall be a committee to be known as the Committee of
26 Deans consisting of all Deans of the colleges and that Committee shall advise
27 the Vice-Chancellor on all academic matters and on particular matters referred
28 to the University Council.

29 *Deputy Dean of college*

30 10.-(1) There shall be a Deputy Dean of college who shall be

1 appointed by the Senate on the recommendation of the Dean.

2 (2) The Deputy Dean shall be appointed for two years in the first
3 instance and may be re-appointed for a further period of two years after
4 which he shall not be entitled to re-appointment until after two years.

5 *Director of Institute or Centre*

6 11.-(1) The Director of an Institute or of a Centre shall be appointed
7 by the Appointments and Promotions Committee for academic staff, and
8 such Director shall hold office for a period of 3 years and shall be eligible for
9 re-appointment for another term of three years after which he may not be
10 appointed again until two years have elapsed.

11 (2) The Director of an Institute or Centre shall exercise general
12 superintendence over the affairs of the Institute or Centre.

13 *Head of Department*

14 12.-(1) The Head of a Department shall be appointment by the
15 Vice-Chancellor and such Head shall hold office for a period of three years
16 and shall be eligible for re-appointment for another term of three years after
17 which he may not be appointed again until 2 years have elapsed.

18 (2) The Head of a Department shall exercise general
19 superintendence over the academic and administrative affairs of the
20 department.

21 *Creation of academic posts*

22 13. Recommendations for the creation of posts other than those
23 mentioned in article 10 of this statute shall be made by Senate to the Council
24 through the Finance and General Purposes Committee.

25 *Appointment of academic staff*

26 14.-(1) Subject to the Act and the statutes, the filling of vacancies in
27 academic posts (including newly created ones) shall be the responsibility of
28 the Senate.

29 (2) For the purpose of filling such vacancies, the Senate shall set up
30 suitable selection boards to select and make appointments on its behalf.

1 (3) For appointments to professorships, associate professorships or
2 readerships or equivalent posts, a board of selection (with power to appoint)
3 shall consist of-

4 (a) the Vice-Chancellor;

5 (b) if the post is tenable at a college, or is within a school comprised in
6 a college, the Provost of that college;

7 (c) if the post is within a faculty, school, institute or other teaching unit
8 of the University, the Dean of that teaching unit;

9 (d) two members appointed by the Council;

10 (e) four members of the Senate appointed by the Senate, at least two of
11 whom shall, if the post is tenable at a college, be senior members of the staff of
12 the college;

13 (f) such other persons as the Senate may from time to time appoint.

14 (4) Subject to paragraph (5) of this Article, for appointments to
15 associate professorships, readerships, senior lectureships and other academic
16 posts, a selection board (with power to appoint) shall consist of-

17 (a) the Vice-Chancellor;

18 (b) if the post is tenable at a college, or is within a school comprised in
19 a college, the Provost of that college;

20 (c) if the post is within a faculty, school, institute or other teaching unit
21 of the University, the Dean of that teaching unit;

22 (d) four members of the Senate appointed by the Senate, at least two
23 of whom shall, if the post is tenable at a college, be members of the staff of the
24 college; and

25 (e) such other persons as the Senate may from time to time appoint.

26 (5) Where an appointment falling within paragraph (4) above is
27 tenable at a college, the Senate may authorize the college to set up a selection
28 board therefore (with power to appoint); but every selection board set up in
29 pursuance of this paragraph shall include the Vice-Chancellor and shall also
30 include at least two members of the Senate, nominated by the Senate, who are

1 not members of the academic staff of the college.

2 (6) A college shall have power to make appointments to academic
3 posts within the college below the level of associate professor or reader.

4 (7) For the purpose of exercising the power conferred by paragraph
5 (6) above, the college shall set up suitable selection boards to select and
6 make appointments on its behalf.

7 (8) Every selection board set up in pursuance of paragraph (7) of
8 this article shall include the Vice-Chancellor and shall also include at least
9 two members of the Senate, nominated by the Senate, who are not members
10 of the academic staff of the college.

11 (9) All appointments to senior library posts shall be made in the
12 same way as equivalent appointments in the academic staff; and for all such
13 posts, other than that of librarian, the librarian shall be a member of the
14 selection board.

15 (10) Boards of selection may interview candidates directly or
16 consider the reports of assessors or specialist interviewing panels.

17 *Appointment of administrative and technical staff*

18 15.-(1) The administrative and technical staff of the University,
19 other than principal officers, shall be appointed by the council on its behalf
20 by the Vice-Chancellor or the Registrar in accordance with any delegation of
21 powers made by the Council in that behalf.

22 (2) Administrative and technical staff of a college, other than
23 principal officers, shall be appointed by the board of governors of the
24 college or by the Provost or secretary of the college in accordance with any
25 delegation of powers made by the court in that behalf.

26 (3) In the case of administrative or technical staff who have close
27 and important contracts with the academic staff, there shall be Senate or (in
28 the case of a college) academic board participation in the process of
29 selection.

1 *Interpretation*

2 16. In this Statute, the expression-
3 "the Act" means the Federal University of Medical and Health Sciences, Bende
4 Abia State Act and any expression defined in the Act has the same meaning in
5 this Statute.

6 *Short title*

7 17. This Statute may be cited as Federal University of Medical and
8 Health Sciences, Bende No. 1.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal University of Medical and Health Sciences, Bende in Abia State.

MICHAEL OKPARA UNIVERSITY TEACHING HOSPITAL
(ESTABLISHMENT, ETC.) BILL, 2021
ARRANGEMENT OF SECTIONS

Section:

PART I – ESTABLISHMENT, ETC. OF THE MICHAEL OKPARA UNIVERSITY
TEACHING HOSPITAL UMUAHIA

1. Establishment of the Michael Okpara University Teaching Hospital, Umuahia
2. Establishment of the Management Board of the Michael Okpara University Teaching Hospital, Umuahia
3. Membership of the Board
4. Tenure of office
5. Cessation of membership
6. Allowances of members

PART II - FUNCTIONS AND POWERS OF THE BOARD

7. Functions of the Board
8. Powers of the Board

PART III - STAFF OF THE TEACHING HOSPITAL

9. Chief Medical Director of the Teaching Hospital
10. Appointment of Directors and other staff of the Teaching Hospital
11. Service in the Teaching Hospital to be pensionable
12. Establishment of the Medical Advisory Committee, etc.

PART IV - FINANCIAL PROVISIONS

13. Fund of the Teaching Hospital
14. Expenditure of the Teaching Hospital
15. Power to accept gifts.
16. Annual estimates and expenditure
17. Annual report
18. Power to borrow
19. Exemption from tax.

20. Exemption from customs duties, etc.

PART V - GENERAL

21. Discipline of students
22. Removal and discipline of clinical, administrative and technical staff
23. Discipline of junior staff

PART VI - MISCELLANEOUS

24. Regulations.
25. Power to give directives
26. Transition and savings provision
27. Interpretation
28. Short title
Schedule

A BILL

FOR

AN ACT TO ESTABLISH THE MICHAEL OKPARA UNIVERSITY TEACHING
HOSPITAL, UMUAHIA; AND FOR RELATED MATTERS

Sponsored by Hon. Benjamin Okezie Kalu

[] Commencement

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

1 PART I - ESTABLISHMENT, ETC. OF THE MICHAEL OKPARA UNIVERSITY

2 TEACHING HOSPITAL, UMUAHIA

3 1.-(1) There is hereby established the Michael Okpara University
4 Teaching Hospital, Umuahia (in this Bill referred to as "the Teaching
5 Hospital").

Establishment of
the Michael Okpara
University Teaching
Hospital, Umuahia

6 (2) The Teaching Hospital -

7 (a) shall be a body corporate;

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

9 (c) shall have perpetual succession and a common seal.

10 2. There is hereby established for the Michael Okpara University
11 Teaching Hospital a Management Board (in this Bill referred to as "the
12 Board") which shall have the functions and powers set out in this Bill.

Establishment of
the Management
Board of the
Michael Okpara
University Teaching
Hospital, Umuahia

13 3.-(1) The Board shall consist of-

Membership of
the Board

14 (a) a Chairman;

15 (b) the Chief Medical Director;

16 (c) the Director of Clinical Services;

17 (d) the Director of Administration;

18 (e) the Director of Finance;

19 (f) the Director of Maintenance;

20 (g) a representative of the-

21 (i) President,

| | | |
|-------------------------|----|--|
| | 1 | (ii) Federal Ministry of Health, |
| | 2 | (iii) National Planning Commission, |
| | 3 | (iv) Nigerian Medical Association, |
| | 4 | (v) Pharmaceutical Society of Nigeria, and |
| | 5 | (v) National Association of Nigerian Nurses and Midwives; and |
| | 6 | (h) one person to represent public interest. |
| | 7 | (2) The Chairman and members of the Board, other than ex-officio |
| | 8 | members shall be- |
| | 9 | (a) appointed by the President; and |
| | 10 | (b) persons of proven integrity and ability. |
| | 11 | (3) The supplementary provisions set out in the Schedule to this Bill |
| | 12 | shall have effect with respect to the proceedings of the Board and other matters |
| | 13 | contained therein. |
| Tenure of office | 14 | 4. Subject to the provisions of section 5 of this Bill, a member of the |
| | 15 | Board, other than ex-officio member shall each hold office - |
| | 16 | (a) for a term of 3 year in the first instance and may be reappointed for |
| | 17 | a further term of 3 years and no more; and |
| | 18 | (b) on such terms and conditions as may be specified in his letter of |
| | 19 | appointment. |
| Cessation of Membership | 20 | 5.-(1) Notwithstanding the provisions of section 4 of this Bill, a |
| | 21 | person shall cease to hold office as a member of the Board if he- |
| | 22 | (a) becomes bankrupt; |
| | 23 | (b) is convicted of a felony or any offence involving dishonesty or |
| | 24 | fraud; |
| | 25 | (c) becomes of unsound mind or is incapable of carrying out his |
| | 26 | duties; |
| | 27 | (d) is guilty of a serious misconduct in relation to his duties; |
| | 28 | (e) in the case of a person possessed of professional qualification, is |
| | 29 | disqualified or suspended from practicing his profession in any part of the |
| | 30 | world by an order or a competent authority; or |

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

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

6 (3) A member of the Board may be removed by the President if he is
7 satisfied that it is not in the interest of the Teaching Hospital or the interest of
8 the public that the member continues in office.

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

Allowances of
Members

12 **PART II - FUNCTIONS AND POWERS OF THE BOARD**

13 **7.- (1)** The Board shall-

Functions of the
Board

14 (a) equip, maintain and operate the Teaching Hospital so as to
15 provide facilities for diagnosis, curative, promotive and rehabilitative
16 services in medical treatment;

17 (b) construct, equip, maintain and operate such training schools
18 and similar institutions as the Board considers necessary for providing the
19 Teaching Hospital, at all times, with proper staff;

20 (c) construct, equip, maintain and operate such clinics, out-patient
21 departments, laboratories, research or experimental stations and other
22 institutions as the Board may consider necessary for the efficient
23 functioning of the Teaching Hospital.

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

28 (3) Subject to this Bill, the Board shall perform such other
29 functions which in its opinion are calculated to facilitate the carrying out of
30 its functions under this Bill.

Powers of the
Board

- 1 **8.** The Board shall have power to-
- 2 (a) provide the general policies and guidelines for the due
- 3 administration and management of the Teaching Hospital;
- 4 (b) provide facilities for the training of medical students of associate
- 5 universities;
- 6 (c) manage and superintend the affairs of the Teaching Hospital;
- 7 (d) subject to the provisions of the Bill, make, alter and revoke rules
- 8 and regulations for carrying on the functions of the Teaching Hospital;
- 9 (e) fix terms and conditions of service, including remunerations of the
- 10 employees of the Teaching Hospital subject to the approval of the National
- 11 Salaries, Income and Wages Commission;
- 12 (f) do such other things which in the opinion of the Board are
- 13 necessary to ensure the efficient performance of the functions of the Teaching
- 14 Hospital.

15 PART III - STAFF OF THE TEACHING HOSPITAL

Chief Medical
Director of the
Teaching Hospital

- 16 **9.-(1)** There shall be for the Teaching Hospital a Chief Medical
- 17 Director who shall be appointed by the President on the recommendation of the
- 18 Board and on such terms and conditions as may be specified in his letter of
- 19 appointment.
- 20 (2) The Chief Medical Director shall-
- 21 (a) be the chief executive and accounting officer of the Teaching
- 22 Hospital;
- 23 (b) be responsible to the Board for the day to day administration of the
- 24 Teaching Hospital;
- 25 (c) be appointed for a term of 4 years in the first instance and may be
- 26 reappointed for a further term of 4 years subject to satisfactory performance
- 27 and no more;
- 28 (d) be a person who is a medical practitioner and shall have been so
- 29 qualified for a period not less than 15 years;

1 (e) have considerable administrative experience in matters of
2 health; and

3 (f) hold a post-graduate specialist qualification obtained not less
4 than 10 years prior to the appointment as Chief Medical Director.

5 **10.-(1)** The Board shall appoint for the Teaching Hospital-

Appointment of
Directors and other
staff of the Teaching
Hospital

6 (a) a Director of Administration, who shall-

7 (i) be responsible to the Chief Medical Director for the effective
8 functioning of all the administrative divisions of the Teaching Hospital,

9 (ii) conduct the correspondences of the Board and keep the records
10 of the Teaching Hospital, and

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

13 (b) a Director of Clinical Services;

14 (c) a Director of Finance; and

15 (d) a Director of Maintenance.

16 (2) The Directors appointed under paragraphs (b), (c) and (d) of
17 this subsection shall each be responsible to the Chief Medical Director for
18 the effective running of the clinical services, the finance and accounts and
19 the co-ordination of the maintenance of the Teaching Hospital, as the case
20 may be.

21 (3) The Board shall appoint for the Teaching Hospital such number
22 of employees as may in the opinion of the Board be expedient and necessary
23 for the proper and efficient performance of the functions of the Teaching
24 Hospital.

25 (4) Notwithstanding the provisions of subsections (1) and (2) of
26 this section the Board shall have power to appoint for the Teaching Hospital
27 either directly or on secondment from any public service in the Federation,
28 such number of employees as may, in the opinion of the Board, be required
29 to assist the Teaching Hospital in the discharge of any of its functions under
30 this Bill.

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

4 (6) The terms and conditions of service (including remunerations,
5 allowances, benefits and pensions) of the employees of the Teaching Hospital
6 shall be as determined by the National Salaries Income and Wages
7 Commission.

Service in the
Teaching Hospital
to be pensionable

8 **11.**-(1) Service in the Teaching Hospital shall be approved service for
9 the purposes of the Pensions Reform Act.

10 (2) The officers and other persons employed in the Teaching Hospital
11 shall be entitled to pensions, gratuities and other retirement benefits as are
12 enjoyed by persons holding equivalent grades in the civil service of the
13 Federation.

14 (3) Nothing in subsection (1) and (2) of this section shall prevent the
15 appointment of a person to any office on terms which preclude the grant of
16 pensions and gratuities in respect of that office.

Establishment
of the Medical
Advisory
Committee, etc.

17 **12.**-(1) There shall be for the Teaching Hospital a Medical Advisory
18 Committee which shall-

19 (a) consist of a Chairman who shall be the Director, Clinical Services
20 and such other members as may be determined from time to time;

21 (b) be responsible to the Chief Medical Director for all the clinical and
22 training activities of the Teaching Hospital; and

23 (c) be appointed by the Board.

24 (2) Subject to this Bill, the Board shall have power to appoint either
25 directly or on secondment and discipline consultants holding or acting in any
26 office in the Teaching Hospital and any such appointment shall be made having
27 due regard to the personnel establishment of the Teaching Hospital.

28 (3) Notwithstanding anything to the contrary, the Board may, from
29 time to time, appoint consultants outside the hospital to perform such medical

1 duties as the Board or the Chief Medical Director may assign to such
2 consultants.

3 **PART IV - FINANCIAL PROVISIONS**

4 **13.** There shall be established and maintained for the Teaching Fund of the Teaching
5 Hospital a fund into which shall be paid and credited- Hospital

6 (a) all subventions and budgetary allocations from the Government
7 of the Federation;

8 (b) all fees and funds accruing from the sales of drugs and other
9 services;

10 (c) all sums accruing to the Teaching Hospital by way of gifts,
11 endowments, bequests, grants or other contributions by persons and
12 organisations;

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

14 (e) all other sums which may, from time to time, accrue to the
15 Teaching Hospital.

16 **14.** The Teaching Hospital shall, from time to time, apply the funds Expenditure of
17 at its disposal to- the Teaching
Hospital

18 (a) the cost of administration and maintenance of the Teaching
19 Hospital;

20 (b) publicize and promote the activities of the Teaching Hospital;

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

23 (d) pay the salaries, allowances and benefits of employees of the
24 Teaching Hospital;

25 (e) pay other overhead allowances, benefits and other
26 administrative costs of the Teaching Hospital; and

27 (f) undertake such other activities as are connected with all or any
28 of the functions of the Teaching Hospital under this Bill.

29 **15.-(1)** The Teaching Hospital may accept gifts of land, money or Power to accept
30 other property on such terms and conditions, if any, as may be specified by gifts

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

1 (2) The provisions of any enactment relating to the taxation of
2 companies or trust funds shall not apply to the Board of the Teaching
3 Hospital.

4 **20.** The Teaching Hospital shall not pay customs duty on or be
5 restricted or prohibited from importing any equipment, material, supply and
6 any other thing required by the Teaching for the purposes of this Bill.

Exemption from
customs duties, etc.

7 PART V - GENERAL

8 **21.-(1)** Notwithstanding anything to the contrary contained in any
9 other enactment, where it appears to the Board that any student of the
10 Teaching Hospital has been guilty of misconduct, the Board may, without
11 prejudice to any other disciplinary powers conferred on it by regulations,
12 direct that-

Discipline of
students

13 (a) the student shall not, during such period as may be specified in
14 the direction, participate in such activities of the Teaching Hospital as may
15 be so specified;

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

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

21 (d) the student be expelled from the Teaching Hospital.

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

25 (3) The Board may delegate its powers under this section to a
26 disciplinary committee consisting of such members of the Teaching
27 Hospital as the Board may nominate.

28 (4) Nothing in this section shall be construed as preventing the
29 restriction or termination of student's activities at the Teaching Hospital
30 otherwise than on the ground of misconduct.

Removal and
discipline of clinical,
administrative
and technical staff

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

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

6 **22.-(1)** If it appears to the Board that there are reasons for believing
7 that any person employed as a member of the clinical, administrative or
8 technical staff of the Teaching Hospital, other than the Chief Medical Director,
9 should be removed from his office or employment, the Board shall require the
10 Director of Administration to-

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

12 (b) afford him the opportunity of making representation in person on
13 the matter to the Board;

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

16 (i) a committee to investigate the matter and report on it to the Board,

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

23 (2) The Chief Medical Director may, in a case of misconduct by a
24 member of the staff which in the opinion of the Chief Medical Director is
25 prejudicial to the interest of the Teaching Hospital, suspend any such member
26 and any such suspension shall forthwith be reported to the Board.

27 (3) For good cause, any member of staff may be suspended from his
28 duties or his appointment or may be terminated or may be dismissed by the
29 Board and for the purpose of this section, "good cause" means-

30 (a) a conviction for any offence which the Board considers to be such

1 as to render the person concerned unfit for the discharge of the functions of
2 his office; or

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

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

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

12 (4) Any person suspended shall subject to subsections (2) and (3) of
13 this section be on half pay and the Board shall before the expiration of a
14 period of 3 months after the date of such suspension consider the case
15 against that person and come to a decision as to-

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

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

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

23 (d) whether to take such lesser disciplinary action against the
24 person (including the restoration of his emoluments that might have been
25 withheld) as the Board may determine and in any case where the Board
26 pursuant to this section decides to continue a person's suspension or decides
27 to take further disciplinary action against a person, the Board shall before
28 the expiration of a period of 3 months from such decision come to a final
29 determination in respect of the case concerning any such person.

30 (5) It shall be the duty of the person by whom a letter or removal is

1 signed in pursuance of subsection (1) of this section to use his best endeavours
 2 to cause a copy of the letter to be served as soon as reasonably practicable on the
 3 person to whom it relates.

4 (6) Nothing in the foregoing provisions of this section shall preclude
 5 the Board from making such regulations not inconsistent with the provisions of
 6 this Bill for the discipline of students and all other categories of employees of
 7 the Teaching Hospital as the Board may prescribe.

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

Discipline of
junior staff

12 **23.**-(1) If any junior staff is accused of misconduct or inefficiency, the
 13 Chief Medical Director may suspend him for not more than a period of 3
 14 months and shall direct a committee to-

15 (a) consider the case; and

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

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

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

23 (4) Any person aggrieved by a decision of the Chief Medical Director
 24 made under subsection (3) of this section may, within a period of 21 days from
 25 the date of the letter communicating the decision to him, address a petition to
 26 the Board to reconsider his case.

27 PART VI - MISCELLANEOUS

Regulations

28 **24.**-(1) The Board may, with the approval of the President, make
 29 regulations-

30 (a) as to the access of members of the public either generally or of a

1 particular class, to the premises under the control of the Board and as to the
2 orderly conduct of members of the public on those premises; and

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

5 (2) Regulations made under this section shall not come into force
6 until they are confirmed (with or without modifications) by the National
7 Assembly and published in such manner as the Board may direct.

8 **25.** The President may give to the Board directions of a general
9 character or relating generally to particular matter (but not to any individual
10 person or case) with regard to the exercise by the Board of its functions
11 under this Bill, and it shall be the duty of the Board to comply with the
12 directions but no direction shall be given which is inconsistent with the
13 duties of the Board under this Bill.

Power to give
directives

14 **26.-(1)** Subject to the provisions of this Bill, the Chief Medical
15 Director of the Federal Medical Centre, Umuahia shall, at the
16 commencement of this Bill, be deemed to have been appointed under this
17 Bill as the Chief Medical Director of the Teaching Hospital.

Transition and
savings provision

18 (2) Any person who immediately before the commencement of this
19 Bill was a staff of the Federal Medical Centre, Umuahia shall continue in
20 office and be deemed to have been appointed under this Bill for purposes of
21 pension.

22 (3) Properties held immediately before the commencement date of
23 this Bill on behalf of the Federal University of Agriculture, Umudike by any
24 person shall, by virtue of this Bill, be vested in the Teaching Hospital
25 established under this Bill.

26 (4) As from the commencement of this Bill, any disciplinary
27 proceeding pending or existing against any staff of the Federal Medical
28 Centre, Umuahia shall be continued and completed by the Teaching
29 Hospital established under this Bill.

Interpretation

- 1 **27.** In this Bill, unless the context otherwise requires-
- 2 "associate universities" means the universities whose medical students receive
- 3 aspects of their training from the Teaching Hospital;
- 4 "Board" means the Management Board of the Teaching Hospital;
- 5 "Chairman" means the Chairman of the Board;
- 6 "functions" include powers and duties;
- 7 "Junior Staff" means staff of such grade as may be determined, from time to
- 8 time, by the Board;
- 9 "medical student" means a student whose course of instruction is-
- 10 (a) Designed (either alone or in conjunction with other courses) to
- 11 enable him to qualify as a medical practitioner; or
- 12 (b) Designed for the further training of medical practitioners;
- 13 "Minister" means the Minister charged with responsibility for matters relating
- 14 to health and "Ministry" shall be construed accordingly; and
- 15 "student" means a person enrolled at an institution controlled by the Board for
- 16 the purpose of pursuing a course of instruction at the institution.

Citation

- 17 **28.** This Bill may be cited as the Michael Okpara University Teaching
- 18 Hospital (Establishment, etc.) Bill, 2021.

SCHEDULE

[Section 3(3)]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

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

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

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

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

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

Committees

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

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

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

3 *Miscellaneous*

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

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

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

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

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

19 (b) a defect in the appointment of a member of the Board or
20 committee; or

21 (c) reason that a person not entitled to do so took part in the
22 proceedings of the Board or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to provide a legal framework for the establishment of the
Michael Okpara University Teaching Hospital, Umuahia

A BILL

FOR

AN ACT TO AMEND THE NIGERIAN LEGION ACT CAP. N119, LAWS OF THE
FEDERATION OF NIGERIA 2004 TO ESTABLISH AND INCLUDE CERTAIN
FUNCTIONS OF THE CORPS OF THE NIGERIAN COMMISSIONAIRES FOR THE
PROPER CARE, GOOD HEALTH AND WELFARE OF THE NIGERIAN LEGION
AND FOR RELATED MATTERS

Sponsored by Hon. Patrick Nathan Ifon

[] Commencement

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

1 PART I - ESTABLISHMENT AND FUNCTIONS OF THE NIGERIAN LEGION

2 *Section 1*

3 1. In Section 1 a new subsection be added as section 1(5) to read as Establishment
4 follows: and functions of
the Nigerian
Legion

5 “1(5) there shall be established under (within) the Nigerian legion
6 the corps of the Nigerian Commissionaires which membership qualification
7 shall be in accordance with the provisions of section 10(a), (d) and (e) of this
8 Act.”

9 *Section 3*

10 2. In Section 3 (e) the phrase: Powers of the
Legion

11 “Subject to the land USE Act” be removed so that it will read:

12 “acquire interest in, take on lease or otherwise acquire offices,
13 houses or other buildings, lands and hereditaments which may from time to
14 time be acquired for the purposes of the legion or for effectuating any of its
15 functions under this Act”.

1 It has to be noticed that the land use act does not apply to all the parts of the
2 country.

3 PART II

4 Section 3

5 3. That under Section 4 of the principal Act, A PROVISIO be added at
6 the end of section 4 to read:

7 “Provided always that no officer of the corps of Nigerian
8 commissionaires shall be promoted above the rank of a brigadier General”.

9 That a new sub-paragraph (4) be added under Section 4 to make a section 4(4)
10 and that the new sub-section should read:

11 The legion shall have power to establish authorize and ensure the training of the
12 members of the Corp of Nigerian Commissionaires and that such training
13 should include but not limited to physical, psychological and combatant
14 instructions and practice, including military science so that the officers of the
15 corps of Nigerian Commissionaires can serve as an ancillary arm of the
16 Legion or reserve soldiers.

17 PART III

18 Section 6: objective of the legion

19 That two sub-paragraphs be added under Section 6 as 6(0) and 6(p) to
20 read thus:

21 “6(0) To ensure that member of the corps of Nigerian
22 Commissionaires or any other auxiliary body are well trained as reserve men
23 who will not only assist the Nigerian Legion but even service men in crisis
24 situation;

25 6(p) to involve the auxiliary arm or the Corps of Nigerian
26 Commissionaires in productive security information communications and
27 logistics”.

28 Section 14 Interpretation

29 “Commandant General” - Means the Commandant General of the Nigerian
30 presently known as chairman;

1 “Deputy Commandant General” - Each of the classes of membership of
2 National Council the Nigeria Legion shall have a Deputy Head/Chairman
3 which deputies the Commandant General e.g. Deputy Commandant
4 General Corps of Commissionaires;

5 “National Council” - Means as Assembly of the Commandant General, the
6 Deputy Commandant Generals at the National office. The Assistant
7 Commandant Generals at the 6 Geopolitical Zones and the State
8 Commandant.

9 4. This Bill may be cited as the Nigerian Legion Act (Amendment) Citation
10 Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigerian Legion Act to include certain functions of the Corps of Nigerian Commissionaires for the proper care, good health and welfare of the Nigerian Legion.

A BILL

FOR

AN ACT TO AMEND THE NATIONAL DIRECTORATE OF EMPLOYMENT ACT CAP. N28, LAWS OF THE FEDERATION OF NIGERIA, 2004 BY GIVING THE DIRECTORATE MORE POWERS TO DEMAND AND KEEP INFORMATION AND RECORDS OF ALL EXISTING VACANCIES FROM FEDERAL ESTABLISHMENTS, GOVERNMENT PARASTATALS, AGENCIES, PUBLIC AND PRIVATE CORPORATIONS, DISSEMINATE INFORMATION TO THE PUBLIC AND MONITOR COMPLIANCE WITH THE PROVISIONS OF THE BILL; AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Patrick Nathan Ifon

[] Commencement

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

- 1 **1.** The National Directorate of Employment Act, Cap 28 Laws of
2 the Federation of Nigeria, 2004 (in this Bill referred to as the "Principal
3 Act") is amended as set out in this Bill. Amendment of
Cap. 28 LFN, 2004
- 4 **2.** Section 2 of the Principal Act is amended by re-numbering it as
5 section 2 (1) and inserting new sub-sections "(2)" - "(3)": Amendment of
Section 2
- 6 "(2) Federal establishments, government parastatals, agencies,
7 public and private corporations shall prepare and transmit to the Directorate
8 a quarterly report on all existing vacancies for employment their offices.
- 9 (3) The Directorate shall:
- 10 (a) disseminate information regarding existing vacancies to the
11 public;
- 12 (b) monitor, coordinate and supervise Federal establishments,
13 government parastatals, agencies, public and private corporations to ensure
14 compliance with the provisions of this Act; and
- 15 (c) upon request, grant access and provide information to a person

- Citation
- 1 making enquiry on any available vacancy."
 - 2 **3.** This Bill may be cited as the National Directorate of Employment
 - 3 (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Directorate of Employment Act Cap. N28, Laws of the Federation of Nigeria, 2004 by giving the Directorate more powers to demand and keep information and records of all existing vacancies from Federal establishments, government parastatals, agencies, public and private corporations, disseminate information to the public and monitor compliance with the provisions of the Bill.

A BILL

FOR

AN ACT TO AMEND THE NATIONAL AGRICULTURAL LAND DEVELOPMENT
AUTHORITY ACT CAP N4 LAWS OF THE FEDERATION OF NIGERIA 2004 BY
INCREASING ITS MEMBERSHIP AND FUNCTIONS FOR STRATEGIC
OPERATION AND INTEREST AND TO VEST IN THE AUTHORITY POWERS TO
ESTABLISH FARM SETTLEMENTS ACROSS THE COUNTRY FOR THE PURPOSE
OF ATTAINING FOOD SUFFICIENCY AND FOR RELATED MATTERS

Sponsored by Hon. Patrick Nathan Ifon

[] Commencement

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

- 1 **1.** The National Agricultural Land Development Authority Act
2 cap N4 LFN 2004 (here after referred to as the "Principal Act") is hereby
3 amended as set out in this Bill. Amendment of
the National
Agricultural Land
Development
Authority Act
Cap N41 LFN
2004
- 4 **2.** Section 2 of the Principal Act is Amended by inserting a new
5 paragraph (g) as follows: Amendment of
Section 2
 - 6 (g) "One representative each from the six Geo political zones of the
7 Federation to be appointed in rotation among states of the geo political
8 zones."
- 9 **3.** Section 3 of the principal Act is amended: Amendment of
Section 3
 - 10 (a) in paragraph (c) by inserting in line 1 immediately after the
11 word "Farm" the words " settlements schemes" and deleting the words
12 "holdings";
 - 13 (b) in paragraph (e) by inserting in line 2 immediately after the last
14 word "areas" the words " through the establishment of Farm Settlements
15 Schemes",
- 16 **4.** Section 6 of the principal Act is Amended: Amendment of
Section 6
 - 17 (a) in paragraph (a) by inserting in line 2 immediately after the last

1 word "development" the words" and the establishment of Farm Settlements
2 Schemes";

3 (b) by inserting immediately after the existing subparagraph (1) the
4 following new paragraphs:

5 "(o) Undertake appropriate investigations into the farming activities
6 of the Farm Settlement schemes,"

7 (p) Undertake inspection of farming implements, vary out periodic
8 inventories, and establish relevant quality assurance systems, including
9 certification of the agricultural raw materials and produce.

10 (q) Ensure compliance with standard specifications designed and
11 approved by the Board for trading, sales, farming and other agricultural
12 purposes for farm settlements.

13 (r) Collaborate with relevant Agricultural agencies such as the
14 International Institute of Tropical Agriculture, National Seeds Services,
15 Forestry Research Institute of Nigeria, National Root Crops Research Institute
16 etc; and Agricultural Financial Institutions such as the World Bank, Central
17 Bank of Nigeria, International Fund for Agricultural Development, African
18 Development Bank, Bank of Industry etc; towards improved performance and
19 funding of the Farm Settlements.

Amendment of
Section 16

20 **5.** Section 16 of the principal Act is amended:

21 (a) in paragraph (a) by substituting figure "10" with the figure "20";

22 (b) by inserting a new paragraph (aa) monies appropriated by the
23 National Assembly.

Amendment of
Section 20

24 **6.** Section 20 of the principal Act is amended by inserting in the
25 interpretations clause the words "Farm settlements" means a community
26 replete with social amenities and services for the purposes of Agricultural and
27 Farming activities.

Citation

28 **7.** This Bill may be cited as the National Agricultural Land
29 Development Authority Act (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Agricultural Land Development Authority Act Cap N4 Laws of the Federation 2004 to increase its membership and functions for strategic operation and to vest the Authority powers to establish Farm settlements across the Country.

FOR

Sponsored by Hon. Patrick Nathan Ifon

[] Commencement

1 **1.** The Section 16 of the Nigerian Extractive Industry
2 Transparency Initiative Act, 2007, (in this Bill referred to as "the Principal
3 Act") is amended as set forth in this Bill.

Amendment of the Principal Act

4 **2.** Section 16 of the Principal Act is amended by inserting a new
5 sub-section (7) immediately after the current sub-section (6) The new sub-
6 section 16 (7) is to read as follows:

Amendment of Section 16 of the Principal Act

7 “Section 16 (7) Prior to institution of legal proceedings in any court
8 of law against any extractive industry company for offences under the
9 provisions of Section 16 of this Bill, the NEITI shall explore and exhaust the
10 mechanisms of Alternative Dispute Resolution by providing such an
11 extractive industry company or its officials the opportunity to provide a
12 restitution of the actual amount of revenue that is due to the Federal
13 Government, failing which such extractive industry company or officials
14 shall upon conviction pay the cost of litigation in addition to other penalties
15 prescribed under Section 16 of this Bill.”

Citation 1 **3.** This Bill may be cited as the Nigerian Extractive Industry
2 Transparency Initiative Act (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend Section 16 of the Nigerian Extractive Industry Transparency Initiative Act, 2007, to include a mechanisms for restitution, arbitration, alternative dispute resolution (ADR) methods as cost-efficient alternative mechanisms for recovery of revenues due to the Federal Government of Nigeria as a result of underpayment or non-payment by any extractive industry company.

NATIONAL BOARD FOR ARABIC AND ISLAMIC STUDIES (NBAIS)
(ESTABLISHMENT) BILL, 2021
ARRANGEMENT OF SECTIONS

Section:

PART I

*Establishment of the National Board for Arabic and Islamic Studies as a
regulatory and Examination Body*

1. Establishment of the National Board for Arabic and Islamic Studies.
2. Establishment and membership of the Governing Council.
3. Tenure of office etc.
4. Removal from office.
5. Emoluments.
6. Disclosure of interest.

PART II

Functions and Power

7. Functions of the Board
8. Powers of the Board.

PART III

Registrar and other staff

9. Registrar.
10. Other staff of the Board.
11. Staff regulations.
12. Pensions Act.

PART IV

Financial Provisions

13. Fund of the Board.
14. Application of the proceed of the funds.
15. Annual estimates account and Audit.
16. Annual report.

- 17. Powers to borrow.
- 18. Power to accept gifts.

PART V

Legal Proceedings

- 19. Limitation of suits against the Board
- 20. Service of documents.
- 21. Restriction on execution against property of the Board.
- 22. Indemnity of members, Registrar, officers etc.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF NATIONAL BOARD FOR ARABIC AND ISLAMIC STUDIES TO HAVE RESPONSIBILITIES FOR THE CONDUCT AND REGULATIONS OF EXAMINATIONS AND ITS DUE ADMINISTRATION AND FOR RELATED MATTERS

Sponsored by Hon. Abubakar Yunusa Ahmad

[] Commencement

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

PART I

1. There is hereby established a body to be known as the National Board for Arabic and Islamic Studies as a Regulatory and examination Board (in this act referred to as "the Board") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

Establishment of the National Board for Arabic and Islamic Studies as a Regulatory and Examination Board

2.-(1.) There is hereby established for the Board a Governing Board which shall be appointed by the President and Commander in Chief of the Arm Forces, Federal Republic of Nigeria on the recommendation of the Honourable Minister of Education.

Establishment and membership of Governing Board

(2.) That the Governing Board shall consist of:

(a) a Chairman;

(b). a Registrar;

(c). a representative of the Executive Secretary, Nigerian Educational Research and Development Council (NERDC);

(d). a representative of the Executive Secretary, Universal Basic Education Commission (UBEC);

(e). a representative of the Executive Secretary, Joint Admissions and Matriculation Board (JAMB);

| | | |
|--|----|---|
| | 1 | (f) One representative from the Federal Ministry of Education (FME); |
| | 2 | (g) Director Institute of Education ABU Zaria; |
| | 3 | (h) Representative of Jama'atul NasarallIslam; |
| | 4 | (i) Three persons to represent Nigerian Universities one of which |
| | 5 | must be a special education specialist; |
| | 6 | (j) Two selected Professors of Arabic or Islamic Studies to represent |
| | 7 | National Association of Teacher of Arabic and Islamic Studies; |
| | 8 | (k) A representative of National Parents Teachers Association; |
| | 9 | (l) A representative of Nigeria Labour Congress; |
| | 10 | (m) The Board may co-opt one or more members as the case may be.; |
| | 11 | (n) Director of administration NBAIS serves as secretary |
| | 12 | (3.) The provisions of the schedule to this Act shall have effect with |
| | 13 | respect to the proceedings of the Board and other matters mentioned there in. |
| Appointment of Governing Board and Tenure of Office | 14 | 3.-(a) The chairman of the Governing Board shall be a scholar of |
| | 15 | Arabic and/or Islamic Studies; |
| | 16 | (b) The Chairman and other members of the Governing Board shall |
| | 17 | hold office for a period of three years on such terms and conditions as may be |
| | 18 | specified in their letters of appointment, and/or may be re appointed for one |
| | 19 | further period of two years and no more.. |
| Removal from office | 20 | 4.-(a) Notwithstanding the provisions of section 3 of this Act, a |
| | 21 | member may at any time be removed from office by the president on the |
| | 22 | recommendation of the Minister of Education for his inability to discharge the |
| | 23 | functions of his office (whether arising from infirmity of mind or body or any |
| | 24 | other causes or for misconduct);. |
| | 25 | (b) A member of-the Board may resign his appointment by a notice in |
| | 26 | writing under his hand, addressed to the Minister of Education and that |
| | 27 | member shall, on the date of receipt of the notice by the Minister of Education |
| | 28 | cease to be a member of the Board. |
| Emoluments | 29 | 5. A member of the Board shall be paid such emoluments, allowances |
| | 30 | and benefits as the Minister of Education with the approval of the President |

1 may from time to time approve.

2 **6.-(1)** A member of the Board who is directly or indirectly Disclosure of
 3 interested in any matter being deliberated on by the Board or is interested in interest
 4 any matter proposed to be considered or contract proposed to be made by the
 5 Board shall as soon as possible after the relevant facts have come to his
 6 knowledge, disclose the nature of his interest at a meeting of the Board.

7 (2) A disclosure under subsection (1) of this section shall be
 8 recorded in the minutes of meetings of the Board and the member concerned
 9 shall:

10 (a) Not, after the disclosure, take part in any deliberation or
 11 decision of the council and

12 (b) Be excluded for the purpose of constituting a quorum of any
 13 meeting of the Board for any deliberation or decisions, with regard to the
 14 subject matter in respect of which his interest is so disclosed.

15 PART II

16 *Functions and Powers*

17 **7.** Notwithstanding the provisions of any other law the Board shall
 18 have the responsibility to:

19 (a) Conduct examinations leading to the awards of:

20 (i) Basic Arabic and Islamic Secondary Schools Certificates
 21 (BAISSCE);

22 (ii) Senior Arabic and Islamic Secondary Schools Certificate
 23 (SAISSCE).

24 (b) Issue results and certificates and make awards in examinations
 25 conducted by the Board;

26 (c) Develop, Regulate and administer selection examinations into
 27 Arabic and Islamic schools;

28 (d) Monitor, collect and keep records of continuous assessments of
 29 Arabic and Islamic Schools and allied Institutions towards the award of
 30 certificate from the Board;

1 (e) Conduct research; publish statistics and other information in order
2 to develop appropriate examination tests and syllabi for Arabic and Islamic
3 Schools;

4 (f) Prepare and submit to the Minister an annual report on standard of
5 examinations and other related matters; and

6 (g) Make such gifts and donations as the Governing Board may
7 decide;

8 (h) Regulate and certificates Islamiyyah and Quranic Schools;

9 (i) Advise Federal and States Ministries of Education and
10 Government Approved Arabic and Islamic Schools, Colleges and Centers in
11 Nigeria;

12 (k) Collaboration with higher Institutions on Standard and quality
13 assurance;

14 (i) Carry out such other activities as are expedient for the discharge of
15 all or any of the, functions conferred on the Board under this Act.

Powers of the
Board

16 **8.** The Board shall have power to carry out all the Junctions assigned
17 to it under section 7 of this Act.

18 PART III

19 *Registrar and other staff*

Appointment of
Registrar

20 **9.-(a)** The President shall on the recommendation of the Minister
21 appoint for the Board a Professor of Arabic and/or Islamic Studies with the
22 cognate experience on NBAIS activities who shall be the Registrar.

23 (b) The Registrar shall be the Chief Executive of the Board and shall
24 be responsible for the execution of the policy of the Board and the day to day
25 administration of the affairs of the Board subject to the general direct control of
26 the governing Board;

27 (c) The Registrar shall hold office in the first instance for a period of
28 four years and shall be eligible' for re appointment for one further term of three
29 years and no more;

30 (d) Subject to this section, the Registrar shall hold office on such

1 terms as to emoluments and otherwise as maybe specified in his letter of
2 appointment and as may from time to time be approved by the Minister.

3 **10.-(a)** The Governing Board may appoint such other persons to be
4 officers and employees of the Board as the Governing Board may determine
5 to assist the Registrar in the exercise of his functions under this Act;

Other staff of
the Board

6 (b) The remuneration and condition of service of the other staff of
7 the Board shall be determined by the Governing Board.

8 **11.-(i)** The Governing Board may, subject to the provisions of this
9 Act make staff regulations relating generally to the conditions of service of
10 the staff of the Board and without prejudice to the generality of the
11 foregoing, such regulations may provide for:

Staff Regulations

12 (a) The appointment, promotion, and disciplinary control of the
13 staff of the Board;.

14 (b) Appeals by such staff against dismissal or other disciplinary
15 measures.

16 (ii) Until such regulations are made under subsection (1) of this
17 section, any instrument relating to the conditions of service of the officers in
18 the Civil Service of the Federation shall be applicable, with such
19 modifications as may be necessary to the staff of the Board;

20 (iii) Staff regulations made under subsection (1) of this section
21 shall not have effect until approved by the Minister, and such approval may
22 be brought to the attention of Staffs affected before official gazette.

23 **12.-(a)** It is hereby declared that service in the Board shall be
24 approved service for the purpose of the pensions Act and accordingly,
25 officers and employees of the Board shall be entitled to pensions and
26 gratuities and other retirement benefit in respect of that office;

Pensions Act

27 (b) Notwithstanding the provisions of subsection (1) of this
28 section, nothing in this Act shall preclude the appointment of a person to any
29 office on terms which preclude the grant of a pension or gratuity or other
30 retirement benefit in respect of that office;.

1 (c) For the purpose of the application of the pension Act, any power
2 exercisable there under by Minister or authority of the Federal Government
3 (not being the power to make regulations under section 26 thereon is hereby
4 vested in and shall be exercisable by the Governing Board and not by any other
5 person or authority.

6 PART IV

7 *Financial Provisions*

Fund of the
Board

8 **13.**-(1) The Board shall establish and maintain a fund into which shall
9 be paid and credited all the income accruing to the Board under subsection (2)
10 of this section and from which shall be defrayed all the expenditure incurred by
11 the Board.

12 (2) There shall be paid into the fund established pursuant to
13 subsection (1) of this section:

14 (a) Such monies as may from time to time be lent or granted to the
15 Board by the Government of the Federation, or State or Local Government;

16 (b) All monies raised for the purpose of the Board by way of gifts,
17 loans, grant in aid, testamentary disposition or otherwise;

18 (c) Such other monies as may be payable to the Board in the course of
19 the discharge of its functions;

20 (d) All interests received in respect of monies invested by the Board;

21 (e) All other assets as may from time to time accrue to the Board.

Application of
the Proceeds of
the Fund

22 **14.** The Board may from time to time apply the proceeds of the fund
23 established pursuant to section 13 of this Act:

24 (a) To the cost of administration of the Board;

25 (b) For reimbursing Members of the Governing Board or of any
26 Committee set up by the Board for such expenses as may be expressly
27 authorized by the Board in accordance with such rates as may be approved,
28 from time to time, by the Minister;

29 (c) to the payment of salaries, fees, other remunerations, or
30 allowances, pensions, superannuation and gratuities payable to the officers and

1 employees of the Board;

2 (d) to the repayment of any money borrowed under section 13 of
3 this Act or of any interest payable there on;

4 (e) for the maintenance, and/or acquisitions of any property
5 equipments and/or tools acquired by or vested in the Board; and

6 (f) for and in connection with all or any of the functions of the
7 Board under this Act or any other Law.

8 **15.**-(1) The Board shall prepare and submit to the Minister not later
9 than 30th September of each year or such other time as may be directed by
10 the Minister, accounts and an estimate of its income and expenditure during
11 the succeeding year. Annual Estimates,
accounts and Audit

12 (2) The Board shall keep proper accounts and other records relating
13 there to, and shall cause to be prepared, not later than 30th June of each year,
14 a statement of accounts relating to the last preceding year.

15 (3) The statement of accounts, together with records relating there
16 to, shall be certified by the Governing Board and the accounts shall be
17 audited by the auditors to be appointed by the Governing Board in
18 accordance with the guidelines, supplied by the Auditor General of the
19 Federation.

20 **16.**-(1) As soon as the accounts of the Board have been audited, the Annual report
21 Board shall prepare a report of its activities during the preceding year which
22 shall include in such report a copy of the audited accounts of the Board and
23 the auditors reports there on.

24 (2) The Minister shall, soon after the receipt of the report, present
25 the report to the Federal Executive Council together with any comment there
26 on as may be made.

27 **17.** The Board may, with the consent of or in accordance with the Powers to borrow
28 authority of the Minister, borrow on such terms and conditions such sums of
29 money as the Board may require in the exercise of the functions conferred on
30 it under this Act.

Power to give
or accept gifts

1 **18.**-(1) The Board may give or accept gifts or donation such terms and
2 conditions; if any, as may be specified by the person making the gift or
3 donation.

4 (2) The Board may not accept gifts or donation if the conditions
5 attached by the person making the gift to its acceptance are inconsistent with
6 the functions of the Board under this Act.

7 PART V

8 *Legal Proceedings*

Limitation suits
against the Board

9 **19.**-(1) Subject to the provisions of this Act, the provisions of the
10 Public Officers Protection Act shall apply in relation to any suit instituted
11 against the employees of the Board.

12 (2) Notwithstanding anything contained in any other enactment, no
13 suit against a Member of the Board or the Registrar or any other officer or
14 employee of the Board for anything done or omitted to be done in pursuance of
15 or execution of this Act or any enactment or
16 Law, or of any public duty or authority in respect of any alleged neglect or
17 default in the execution of this Act or any other enactment or Law, duty or
18 authority, shall lie or be instituted in any Court unless it is commenced:

19 (a) Within three months next after the act, neglect or default of; or
20 complained;

21 (b) In the case of a continuation of damage or injury, within six
22 months next after the ceasing there of.

23 (3) No suit shall be commenced against a Member of the Board or the
24 Registrar or any other officer or employee of the Board before the expiration of
25 a period of one month after written notice of intention to commence the suit
26 shall have been served on the Board by the intending plaintiff or his agent.

27 (4) The notice referred to in subsection (3) of this section shall clearly
28 and explicitly state the cause of action, the particulars of the claim, the name
29 and place of abode of the intending plaintiff and the relief which he claims.

| | | |
|----|--|--|
| 1 | 20. A notice, summons or other document required or authorized to | Service of documents |
| 2 | be served on the Board under the provisions of this Act or any other | |
| 3 | enactment or Law may be served by delivering it to the Registrar or by, | |
| 4 | sending it by registered post addressed to the Registrar at the principal office | |
| 5 | of the Board. | |
| 6 | 21. In any action or suits against the Board, no execution or | Restriction on execution against property of the Board |
| 7 | attachment or process in the nature thereof shall be issued against the Board | |
| 8 | unless not less than three months' notice of the intention to execute or attach | |
| 9 | has been given to the Board. | |
| 10 | 22. A Member of the Board or the Registrar or any officer or | Indemnity of Members, Registrar, Officers, etc. |
| 11 | employee of the Board shall be indemnified out of the assets of the Board | |
| 12 | against any liability incurred by him in defending any proceeding, whether | |
| 13 | Civil or Criminal, if the proceeding is brought against him in his capacity as | |
| 14 | a Member, Registrar or other employees of the Board. | |
| 15 | PART VI | |
| 16 | <i>Miscellaneous</i> | |
| 17 | 23.-(1) For the purpose of providing offices and premises | Offices and premises |
| 18 | necessary for the performance of its functions under this act, the Board may: | |
| 19 | (a) subject to the provisions of the land use Act, purchase, take on | |
| 20 | lease, or otherwise acquire any land, and/or developed property; | |
| 21 | (b) build equip and maintain offices and premises. | |
| 22 | (2) The Board may subject to the provisions of the Land Use Act, | |
| 23 | sell or lease any land, offices or premises held by it and no longer required | |
| 24 | for the performance of its functions under the Act. | |
| 25 | 24.-(1) Whenever there is any hindrance to the acquisition by the | Acquisition of land |
| 26 | Board of any land required for any purpose of the Board under this Act, the | |
| 27 | Minister may, on the application of the Board declare that the land is | |
| 28 | required for the service of the Board. | |
| 29 | (2) Where a declaration is made under subsection (1) of this | |
| 30 | section, the land to which the declaration relates shall be deemed to be land | |

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| | 1 | required for public purpose of the Federation and accordingly, shall be |
| | 2 | acquired under the land use Act. |
| | 3 | (3) The compensation and other incidental expenses if any, payable |
| | 4 | for the "acquisition of any land under this section or payable under the land use |
| | 5 | Act for the revocation of any right relating to the land, as the case may be, shall |
| | 6 | be paid by the Board. |
| Authorisation | 7 | 25. -(1) For the purpose of carrying out the functions conferred on the |
| | 8 | Board under this Act, the Registrar or any other officer or employee of the |
| | 9 | Board, authorised on the Board behalf: |
| | 10 | (a) shall have a right of access to all relevant records of any institution |
| | 11 | to which this Act applies; and. |
| | 12 | (b) may by notice in writing served on any person in charge of any |
| | 13 | such institution require that person to furnish or cause to be furnished |
| | 14 | information on such matters as may be specified in the notice. |
| | 15 | (2) It shall be the duty of any person required to furnish information |
| | 16 | pursuant to subsection (1) of this section to comply with the notice within a |
| | 17 | reasonable period of time. |
| Power of Minister to give directives | 18 | 26. The Minister may give to the Governing Council directives of a |
| | 19 | general nature with respect to any of the functions of the Board to comply with |
| | 20 | such directives or cause them to be complied with. |
| Regulations | 21 | 27. -(1) The Board may, with the approval of the Minister, make |
| | 22 | regulations generally for the carrying into effect the provisions of this' Act and |
| | 23 | without prejudice to the generality of the foregoing, the regulations may |
| | 24 | provide for: |
| | 25 | (a) the person or categories of persons who may enter for |
| | 26 | examination(s), conducted by the Board; |
| | 27 | (b) the conduct of candidates during such examinations; |
| | 28 | (c) the obligations of educational institutions involved in presenting |
| | 29 | candidates for the examinations conducted by the Board. |
| | 30 | (2) Where regulations are made pursuant to subsection (1) of this |

1 section, it shall not be necessary, for their validity to have them published in
 2 a gazette, but the Board shall bring them to the notice of such interested
 3 persons (including the officers and employees of the Board) in such manner
 4 as the Board may, from time to time determine.

5 **28.** All procurements. of goods and services by the Board shall be Procurements
 6 strictly in accordance with provision of the Public Procurement Act 2007 as of goods and
 7 amended. services

8 **29.** In this Act, unless the context otherwise requires: Interpretation
 9 "Board" means National Board for Arabic and Islamic Studies (NBAIS);
 10 "Chairman" means the Chairman of the Governing Board;
 11 "Member" means any Member of the Governing Board I which includes the
 12 Chairman;
 13 "Minister" means the Minister charged with responsibility for matters
 14 relating to Education;
 15 "President" means the President of the Federal Republic of Nigeria;
 16 "Registrar" means the Registrar of the Board appointed pursuant to section 9
 17 of this Act;
 18 "Gift or Donation" anything given free of charge.

19 **30.** This Bill may be cited as the National Board for Arabic and Citation
 20 Islamic Studies (NBAIS) (Establishment) Bill, 2021.

1 SCHEDULE

2 (SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD)

3 *Proceedings of the Board*

4 1..-(1) Subject to this Act and section 29 of the interpretation the
5 Governing Board may make standing orders regulating its proceedings or
6 those of its committees.

7 (2) The quorum of the Governing Board shall be the Chairman and
8 five other Members and the quorum of any committee of the Board shall be
9 determined by the Board.

10 2..-(1) The Governing Board shall meet not less than two times in each
11 year and subject there to, the Governing Board shall meet whenever it is
12 summoned by the Chairman, and if the Chairman is required to do so by notice
13 given to him by not less than seven other Members of the Governing Board I
14 shall summon a meeting of the Governing Board to be held within fourteen
15 days from the date on which the notice is given.

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

19 (3) Where the Governing Board desires to obtain the advice of any
20 person on a particular matter the Board may co-opt him as a Member for such
21 period as it thinks fit, but a person who is a Member by virtue of this
22 subparagraph shall not be entitled to vote at any meeting of the Governing
23 Board and shall not count towards a quorum.

24 *Committees*

25 3..-(1) The Governing Board may appoint one or more Committees to
26 carry out, on behalf of the Board such of its functions as the Board may
27 determine.

28 (2) A Committee appointed under this paragraph shall consist of such
29 number of persons (not necessarily all Members of the Board) as may be
30 determined by the Governing Board I and a person other than a Member of the

3 4. The validity of any proceedings of the Governing Board or of a
4 Committee there of shall not be affected by any vacancy in the Membership
5 of the Governing Board or Committee, or by reason that a person not entitled
6 to do so took part in the proceedings of the Governing Board or a
7 Committee.

8 *Seal*

(2) Any contract or instrument which if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Board by the Chairman or Registrar.

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

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of National Board for Arabic and Islamic Studies to have responsibilities for the conduct and regulations of examinations and its due administration.