

*Extraordinary*



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## CONTENTS

### INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>		<i>Long Title</i>	<i>Page</i>
HB. 1706	A	Bill for an Act to Provide for the Establishment of the Nigeria Police Intelligence Institute, Share and for Related Matters .....	C 4261 - 4274
HB. 1739	A	Bill for an Act to Establish the Real Estate (Regulation and Development) and for Related Matters, 2021 .....	C 4275 - 4302
HB. 1746	A	Bill for an Act to Establish the Federal Medical Centre Gwoza, and for Related Matters .....	C 4303 - 4318
HB. 1747	A	Bill for an Act to Establish the Federal College of Nursing, Mid-Wifery and Health Sciences Chibok, Borno State and for Related Matters .....	C 4319 - 4334
HB. 1748	A	Bill for an Act to Establish the Federal University of Agricultural Technology Damboa, Borno State and for Related Matters, 2021 .....	C 4335 - 4368
HB. 1751	A	Bill for an Act to Provide for the Establishment of the Federal College of Nursing and Midwifery, Kebbi State and for Related Matters .....	C 4369 - 4381
HB. 1640	A	Bill for an Act to Repeal the Legal Practitioners Act Cap L11, Laws of the Federation of Nigeria, 2004 and Re-enact the Legal Practitioners Act to provide for reforms and regulate the Legal Profession and for Related Matters .....	C 4383 - 4411

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NIGERIA POLICE INTELLIGENCE INSTITUTE, SHARE  
(ESTABLISHMENT, ETC.) BILL, 2021

ARRANGEMENT OF SECTIONS

PART I - ESTABLISHMENT OF THE NIGERIA POLICE  
INTELLIGENCE INSTITUTE

1. Objects of the Institute
2. Establishment of the Nigeria Police Intelligence Institute
3. Functions of the Institute

PART II - ESTABLISHMENT OF THE INSTITUTE GOVERNING BOARD  
AND FUNCTIONS

4. Establishment of Nigeria Police Intelligence Institute Governing Board
5. Appointment of the Chairman and other Members of the Governing Board
6. Powers of the Governing Board

PART III - STAFF OF THE INSTITUTE

7. Appointment of the Commandant
8. Functions of the Commandant
9. Appointment of the Directors and Secretary of the Institute

PART IV - FINANCIAL PROVISIONS

10. Fund of the Institute
11. Audit of the Institute

PART V - MISCELLANEOUS

12. The Seal and Instrument of Authority of the Institute
  13. Interpretation
  14. Short title
- Schedule



# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIA POLICE  
INTELLIGENCE INSTITUTE, SHARE AND FOR RELATED MATTERS, 2021

*Sponsored by Hon. Jimoh Abdulraheem Olajide, Hon. Ayeni Lawrence*

[ ] Commencement

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

1 PART I - ESTABLISHMENT OF THE NIGERIA POLICE

2 INTELLIGENCE INSTITUTE

3 1.-(1)The objectives of the Institute are to:

Objects of the  
Institute

4 (a) be a flagship center for excellence for human capacity  
5 development in intelligence and allied security competencies that shall  
6 actuate Intelligence-Led Community Policing in furtherance of national  
7 security, development and global peace;

8 (b) provide courses and training on community policing  
9 intelligence, law enforcement intelligence, national security, policing,  
10 crime prevention and the allied arts and sciences of risk management,  
11 conflict and crises management, internal security and global peace to law  
12 enforcement and security professionals, public and corporate executives  
13 and personnel;

14 (c) provide opportunities for the promotion of partnerships,  
15 collaboration and synergy amongst intelligence, security, law enforcement,  
16 regulatory and related services and agencies within Nigeria and globally in  
17 furtherance of community policing, national security, regional and global  
18 peace;

19 (d) provide opportunities for research and intellectual intercourse  
20 where policy makers, academics and professionals interface to develop  
21 ideas and strategies on the critical role of intelligence in community safety,  
22 national security, development and global peace;

- 1 (e) partner with public and private educational institutions, corporate  
2 organizations and development partners in development and consolidation of  
3 intelligence driven community policing and national security management;
- 4 (f) undertake intelligence and allied capacity development  
5 Consultancy services;
- 6 (g) serves as a think-tank base for the generation of strategic  
7 intelligence in support of Force and national security plans and policies;
- 8 (h) induct and award certificates of fellow of the Intelligence Institute  
9 (FII) and other professional certifications as approved by the Board;
- 10 (i) award appropriate post graduate diplomas and degrees in  
11 Intelligence, law enforcement policing, conflict management and allied  
12 specialties;
- 13 (j) produce law enforcement intelligence professionals that shall lead  
14 operationalize and mainstream the linkages in law enforcement, governance,  
15 security and human development;
- 16 (k) be the lead institute in research into community security and  
17 safety, community policing, types, trends, patterns, methodology and  
18 typologies of criminal behaviour, criminal activities, modus operandi, criminal  
19 motivation, signature analysis, criminal investigative analysis and threat to  
20 internal security in Nigeria;
- 21 (l) produce professionals equipped with adequate knowledge, skills  
22 and strategies for effective management of community safety, national security  
23 and development;
- 24 (m) provide training for interns, professionals, public and corporate  
25 executives, and leaders to acquire skills and techniques for effective leadership  
26 in security and development administration; and
- 27 (n) provide training for professional intelligence and security  
28 managers and personnel on intelligence-led internal security operations,  
29 policing and law enforcement practice in furtherance of community safety,  
30 national security and development.

1	2.-(1) There is established a body to be known as the Nigeria Police	Establishment of the Nigeria Police Intelligence Institute
2	Intelligence Institute (in this Bill referred to as "the Institute").	
3	(2) The Institute shall-	
4	(a) have and perform the functions assigned to it by this Bill;	
5	(b) be a body corporate with perpetual succession;	
6	(c) have a common seal; and	
7	(d) sue and be sued in its corporate name.	
8	(e) for the purposes of its functions, acquire, hold or dispose of	
9	property (whether moveable or immoveable.	
10	3.-(1) The functions of the Institute shall be to:	Functions of the Institute
11	(a) conduct researches and investigations on the dynamics of	
12	global political economic relations, community security and safety,	
13	community policing, national security governance, intelligence-led	
14	community policing, law enforcement, sustainable development, security	
15	education and global peace;	
16	(b) administer courses in community policing, community	
17	intelligence, community security and safety, national security intelligence,	
18	security governance, policing, law enforcement and policy development for	
19	political, strategic operational and tactical operators including civilians	
20	from the academia and allied corporate organisations within and outside	
21	Nigeria to mainstream human security and intelligence-led community	
22	security and safety;	
23	(c) develop and coordinate requisite human capabilities and	
24	systems to drive the Community policing initiative of government in	
25	furtherance of community security and safety;	
26	(d) assess national security and development governance	
27	intelligence training needs, Coordinate and develop of Intelligence Training	
28	Curriculums and Modules in all institutions of the Nigeria Police Force;	
29	(e) administer approved short-term courses, workshops, seminars,	

1 conferences, and tailor-made training programmes for professional capacity  
2 development;

3 (f) partner with security, law enforcement, academia, business,  
4 regulatory and development agencies within Nigeria and beyond in  
5 development of capabilities for community policing, national security and  
6 human development;

7 (g) to undertake as lead institute in research into community policing,  
8 community security and safety, types, trends, patterns, methodology and  
9 typologies of criminal behaviour, criminal activities, modus operandi, criminal  
10 motivation, signature analysis, criminal investigative analysis and threat to  
11 internal security in Nigeria;

12 (h) coordinate and Facilitate Force Security/Community Partnership  
13 Education Programmes;

14 (i) administer the National Security Intelligence Management Course  
15 for executives for the award of fellow of intelligence institute and  
16 accompanying post-graduate diploma;

17 (j) withdraw participants who, by their academic or moral conduct,  
18 the board in its judgment, considers unworthy of the award of fellowship of the  
19 Institute;

20 (k) partner with public and private educational institutions, corporate  
21 organizations and development partners in development and consolidation of  
22 intelligence driven community policing;

23 (l) to receive endowments, donations including professional chairs  
24 from interested and philanthropic individuals or organizations who share its  
25 peace and security objectives;

26 (m) to affiliate with credible and relevant universities on programs  
27 leading to the award of Masters and Doctor of Philosophy degree to qualified  
28 participants;

29 (n) develop and mount programs on all such activities which shall  
30 promote excellence in the institute;



(o) conduct other action-oriented programmes on ad-hoc or regular top-level security, law enforcement and risk managers of the rank of Directors (or its equivalent in the military and law enforcement services) with a view to promoting understanding and exchange of views, ideas and experience on security, defence and law enforcement matter;

(p) undertake Consultancy services and commissioned researches;

(q) to host a functional website and other globally recognized media of research and dissemination of knowledge on intelligence, peace and security as approved the Board;

(r) provide for a functional Strategic Communication Unit that would promote its objects, enhance collaboration and understanding, promote partnership and mutual assistance among similar Institutes or organs and mainstream information operations in national security management;

(s) undertake lawful businesses in the knowledge economy in furtherance of national security and development;

(t) publishing of books, journals, reports, documentation and dissemination of intelligence, research findings and intellectual products;

(u) generate strategic intelligence products in support of national security and development governance policies and plans; and

(v) perform any other lawful functions as directed by the Inspector General of Police as approved by the Board in furtherance of the objectives of the Institute.

## PART II - ESTABLISHMENT OF THE INSTITUTE GOVERNING BOARD

### AND FUNCTIONS

**4.-(1)** The government of the Institute and direction of its affairs shall vest in the Board of Governors of the Institute (hereinafter in this Bill referred to as 'The Board').

The Governing  
Board

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

Appointment  
of the Chairman  
and other Members  
of the Governing  
Board

- 1 (a) the long-range plan of activities of the Institute;
- 2 (b) the programme of studies, courses and research to be undertaken
- 3 by the Institute;
- 4 (c) the annual budget of the Institute;
- 5 (d) the investment plans of the Institute.
- 6 **5.-(1)**The Board shall consist of a Chairman to be appointed by the
- 7 President of the Federal Republic of Nigeria and confirmed by the Senate,
- 8 following recommendation from the Inspector-General of Police.
- 9 (2) Other members of the Board of the Institute shall be:
- 10 (a) the Inspector General of Police;
- 11 (b) a Deputy Inspector General of Police in charge of Force
- 12 Intelligence Bureau;
- 13 (c) a Deputy Inspector General of Police;
- 14 (d) a representative of the Nigeria Police Force Department of
- 15 Training and Development;
- 16 (e) a representative of the Federal Ministry of Police Affairs;
- 17 (f) a representative of Police Service Commission,
- 18 (g) the Commandant of the Institute;
- 19 (h) the Director of Administration of the Institute who shall be the
- 20 Secretary of the Board; and
- 21 (i) Six eminent persons drawn from the six geopolitical zones of the
- 22 country to be appointed by the President, being persons who by reason of their
- 23 ability, experience or specialized knowledge of administration or of
- 24 professional or business attainments are capable of making useful
- 25 contributions to the work of the Institute
- 26 (3) Subject to subsection (2) of this section, a person appointed as a
- 27 member of the Board (not being ex-officio member) shall hold office for three
- 28 years and shall be eligible for re-appointment for one further period of three
- 29 years. The President may terminate the appointment of a member of the Board
- 30 (not being ex-officio member) if satisfied that it is not in the interest of the

1 Institute that the person concerned should continue in office.

2 **6.-(1)** The Board shall have power to:

Powers of the  
Governing Board

3 (a) determine the mission, vision and purpose of the Institute;

4 (b) formulate policies and set targets for the Institute;

5 (c) determine and monitor programmes to be run by the Institute;

6 (d) select candidates and institutions for course participation at the

7 Institute;

8 (e) determine and approve budgets, estimates and investment plans

9 of the Institute;

10 (f) determine appropriate fees payable by external participants;

11 (g) set out guidelines for admission, criteria and requirements for

12 all courses and programs run by the Institute;

13 (h) approve the curricula of the Institute;

14 (i) serve as the appellate body on disciplinary matters affecting

15 staff of the Institute on grade level 8 and above;

16 (j) periodically review the performance of the Institute;

17 (k) guide the establishment of organizational structures and

18 committees, and definition of duties thereof; and

19 (l) decision of the Board on all matters pertaining to training,

20 assessment, and certification, award of fellowship and withdrawal of

21 participants shall be final.

### 22 PART III - STAFF OF THE INSTITUTE

23 **7.-(1)** There shall appointed for the institute an officer of the

Appointment of  
the Commandant

24 Nigeria Police Force not below the rank of a Commissioner of Police with

25 requisite academic and professional qualifications to be known as

26 Commandant of the Institute.

27 (2) The Commandant shall be appointed by the Inspector- General

28 of Police

29 **8. -(1)** The Commandant shall perform the following functions:

Functions of the  
Commandant

30 (a) authorize programs and plans to give effect to policies approved

1 by the Board subject to all or any of the powers in this section as may be  
2 delegated to him by the Board;

3 (b) exercise executive control over the staff of the Institute;

4 (c) supervision of accounts and records as the Chief Accounting  
5 Officer of the Institute;

6 (d) responsible to the Board for the day-to-day management of the  
7 affairs of the Institute;

8 (e) interpret policies and ancillary matters to other staff of the  
9 Institute; and

10 (f) ensure that the Institute attains and maintains a high academic  
11 standard of excellence.

12 (2) The fact that any power has been delegated to the Commandant  
13 under this Bill shall not preclude the Board from exercising the same power in  
14 any special cases.

15 (3) Nothing in this Bill shall be deemed to preclude the Nigeria Police  
16 Force from exercising any power of command over the Commandant of the  
17 Institute.

Appointment  
of Directors and  
Secretary

18 **9.-(1)** There shall be appointed by the Board the following officers of  
19 the Institute, that is a:

20 (a) Director of Administration and Secretary of the Institute;

21 (b) Director of Studies;

22 (c) Director of Research;

23 (d) Director in charge of Coordination and Liaison;

24 (e) Director of Research, Estimates and Library Services; and

25 (f) Director of Technical Services;

26 (2) The Director of Administration and Secretary shall be responsible  
27 to the commandant for the day-to-day administration and for the finances of the  
28 Institute.

29 (3) The Director of Studies shall be responsible to the commandant  
30 for organizing and conducting the courses and other studies undertaken by the

1 Institute including the collation and publication of course materials and  
2 other publications relating thereto.

3 (4) Director of Research, Estimates and Library Services shall be  
4 responsible to the Commandant of the Institute for coordinating the research  
5 staff and research projects of the Institute, the collation and publication of  
6 research materials; and the provision and maintenance of a standardized  
7 library service.

8 (5) Director of Technical Services shall be responsible to the  
9 Commandant of the Institute for the provision of efficient technical services  
10 in the Institute.

11 (6) Director in charge of Coordination and Liaison Services shall  
12 be responsible to the Commandant of the Institute for coordinating and  
13 supervising the conduct of the National Security Intelligence Management  
14 Course (NSIMC) and Liaison services between the Institute and Ministries,  
15 Departments and Agencies (MDAs) amongst others.

16 PART IV - FINANCIAL PROVISIONS

17 10.-(1) The Institute shall establish and maintain a fund from which  
18 shall be defrayed all expenditure reasonably incurred by the Institute.

Fund of the  
Institute

19 (2) There shall be paid and credited to the fund established  
20 pursuant to Subsection (1) of this Section:

21 (i) such monies as may in each year be approved by the National  
22 Assembly for the purpose of the activities of the Institute;

23 (ii) such grants as "shall be provided by the Tertiary Education  
24 Trust Fund, notwithstanding anything contained in any other law; and

25 (iii) all other sums that may accrue to the Institute from any other  
26 source.

27 11.-(1) The Institute shall keep proper accounts in a form, which  
28 conforms to accepted commercial standards of its receipt, payments, assets  
29 and liabilities and shall submit the accounts annually for auditing by a  
30 qualified auditor appointed from the list of auditors and in accordance with

Audit of the  
Institute

	1	the guidelines supplied by the Auditor-General of the Federation.
	2	PART V - MISCELLANEOUS
Seal/instrument of authority of the Institute	3	<b>12.</b> The fixing of the seal of the Institute shall be authenticated by the
	4	signature of the Commandant of the Institute or such other person authorized
	5	generally or specifically by the Commandant to act in that regard.
	6	PART VI - INTERPRETATION
Interpretation	7	<b>13.</b> In this Bill, unless the context otherwise requires -
	8	"Board" means the Governing Board of the Institute;
	9	"Chairman" means the Chairman of the Governing Board of the Institute;
	10	"Minister" means the Honorable Minister in charge of Police Affairs
	11	"Commandant" means Commandant, of the Institute;
	12	"NSIMC" means National Security Intelligence Management Course;
	13	"FII" means Fellow of Intelligence Institute;
	14	"NPFII" means Nigeria Police Intelligence Institute;
	15	"The Institute" means Nigeria Police Intelligence Institute;
Short title	16	<b>14.</b> This Bill may be cited as the Nigeria Police Intelligence Institute
	17	(Establishment, etc.) Bill, 2021.

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SCHEDULE

PROCEEDINGS OF THE BOARD

1.-(1) Subject to this Bill and Section 27 of the Interpretation Act (which provides for the decisions of a statutory body to be taken by the majority of the members of the body and for the persons presiding to have a second or casting vote), the Board may make standing orders regulating the proceedings of a Board Committee thereof.

(2) The quorum of the Board shall be Chairman and four (4) other members, and the quorum of any committee of the Board shall be determined by the Board.

2.-(1) The Board shall meet not less than two (2) times in each year and subject thereto, the Board shall meet whenever it is summoned by the Chairman is required to do so by notice given to him by not less than three

(3) other members, he shall summon a meeting of the board to be held within seven (7) days from the date on which the notice is given.

(2) At any meeting of the Board, the Chairman shall preside but if he unavoidably absent, the Inspector-General, of Police or any other member of the board authorized in writing by the Chairman, shall preside.

(3) Where the Board wishes to obtain the advice of any particular matter, the Board may coopt him as a member for such period as it thinks fit, but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum,

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 not more than one third of those persons may be persons who are not members of the Board; a person other than a member of the Board shall hold office on the

1 committee in accordance with the terms of the instrument of his appointment.

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

4 The fixing of the seal of the Institute shall be authenticated by the signature of  
5 the Chairman or some other member authorized generally or specifically by the  
6 Board for that purpose.

7 EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Nigeria Police Intelligence Institute share and to provide courses and training on community policing intelligence, law enforcement intelligence, national security, policing, crime prevention and the allied arts and sciences of risk management, conflict and crises management, internal security and global peace to law enforcement and security professionals, public and corporate executives and personnel.



REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2021

ARRANGEMENT CLAUSES

*Clause:*

1. Objectives of the Act
2. Scope of the Act
3. Interpretation
4. Establishment of Real Estate Regulatory Council
5. Composition of Council
6. Tenure
7. Vacation of Council seat
8. Remuneration and Allowance
9. Function of Council
10. Power of Council.
11. Council recommendation to Government.
12. Appointment of the Director General.
13. Appointment of Staff
14. Service in the Council to be pensionable.
15. Fund of the Council.
16. Expenditure of the Council
17. Council to Promote Real Estate Sector
18. Registration of Real Estate Project and Developer.
19. Responsibilities/Functions/Duties of Real Estate Developer
20. Capacity Development
21. Transitional Provision
22. Provision of Registration number and log-in identity.
23. Extension of Registration.
24. Revocation of Registration
25. Consultation with Appropriate Government
26. Developer to compensate consumers for false statement

- 27. Prior written agreement required before collecting Deposit
- 28. Project to comply with plans and structural design
- 29. Refund of amount and compensation
- 30. Rights and Duties of Allottee
- 31. Meeting of the Council
- 32. Power to call for information or conduct investigations
- 33. Power to impose Punishment
- 34. Penalties for Contravention
- 35. Power of appropriate Government to make rules
- 36. Court with Jurisdiction
- 37. Severability.
- 38. Conflicting Laws
- 39. Effective Date
- 40. Short Title

# A BILL

## FOR

AN ACT TO ESTABLISH THE REAL ESTATE (REGULATION AND DEVELOPMENT) AND FOR RELATED MATTERS, 2021

*Sponsored by Hon. Abdullahi Kalambaina*

[ ] Commencement

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

- 1           **1.** The objectives of this Bill are:
- 2           (a) To regulate and promote Real Estate Business in Nigeria;
- 3           (b) To create a statutory regulatory Council consisting of
- 4 professionals and other stakeholders to control and manage Real Estate
- 5 Development in Nigeria;
- 6           (c) To regulate the planning, development, construction and
- 7 transactions of real estate activities;
- 8           (d) To enforce ethical practices in real estate development and land
- 9 transactions such as the production, sale, rent or lease of plots, apartments
- 10 and buildings in Nigeria;
- 11           (e) To have a data Base of all Developers of Real Estate, Agents,
- 12 and Real Estate Brokers in Nigeria;
- 13           (f) To comply with extant laws and regulations on Money
- 14 Laundering and the combating the financing of Anti-Terrorism and
- 15 proliferation Finance by Real Estate;
- 16           (g) Training and retraining of Members in best practices of real
- 17 estate business to meet international acceptable standards.

Objective of  
this Bill

- 18           **2.-(a)** This Act shall apply only to Developers and immovable
- 19 property in all the states of the Federal Republic of Nigeria, including the
- 20 Federal Capital Territory, Abuja.
- 21           (1) Notwithstanding the provisions of this section, the provisions

Scope of the Act

1 of this Act shall be in addition to, and not in derogation of, the provisions of any  
2 other law for the time being in force.

3 (2) The provisions of this Act shall have effect, notwithstanding  
4 anything inconsistent in any other law for the time being in force. Provided that  
5 where a state has enacted a law for regulation of the real estate sector, and such  
6 state law is not inconsistent with this Act, then, the state government, to that  
7 extent, may not apply the provisions of this Act in the state. Provided also that  
8 no persons in such States shall partake in real estate transactions either as  
9 facilitators, agents or Developer without being registered as provided by this  
10 Act.

Interpretation

11 3. In this Act, unless the context otherwise requires-  
12 "advertisement" means any document described or issued as advertisement  
13 through any form of media and includes any notice, circular or other  
14 documents offering for sale of a plot, building or apartment or inviting persons  
15 to purchase in any manner such plot, building or apartment or to make  
16 advances or deposits for such purposes;  
17 "allottee" in relation to a real estate project, means the person to whom a plot,  
18 apartment or building, as the case may be, has been allotted, sold or otherwise  
19 transferred by the Developer, and includes the person who subsequently  
20 acquires the said allotment through sale, transfer or otherwise, but does not  
21 include a person to whom such plot, apartment or building, as the case may be,  
22 is given on rent;  
23 "premises" whether called dwelling unit, flat, apartment, suite, tenement, unit  
24 or by any other name, means a separate and self-contained part of any  
25 immovable property located on one or more floors or any part thereof, in a  
26 building or on a plot of land, used or intended to be used for residential  
27 purposes, or for any other type of independent use ancillary to the purpose  
28 specified and includes any covered garage, whether or not adjacent to the  
29 building in which such apartment is located which has been provided by the  
30 Developer for the use of the allottee for parking any vehicle, or as the case may

- 1 be, for the residence of any domestic help employed in such apartment;
- 2 "appropriate Government" means in respect of matters relating to-
- 3 (i) Land under the control of the Federal Government- the Federal
- 4 Government;
- 5 (ii) Land under the control of the State Government- the State
- 6 Government;
- 7 (iii) Land in FCT, Abuja- the Minister of the Federal Capital
- 8 Territory, Abuja; or
- 9 (iv) Land under the control of the Local Government Areas- the
- 10 Local Government concerned;
- 11 "Council " means the Real Estate Regulatory Council established
- 12 under this Act;
- 13 "building" includes any structure or erection or part of a structure or erection
- 14 which is intended to be used for residential, commercial, industrial,
- 15 agriculture or other related purposes;
- 16 "carpet area" means the net usable floor area of an apartment, excluding the
- 17 area covered by the walls;
- 18 "Director" means the Director in-charge of the Real Estate Regulatory
- 19 Council appointed under this Act;
- 20 "common areas" mean-
- 21 (i) The part of the site or plot not occupied by buildings;
- 22 (ii) The stair cases, lifts, staircase and lift lobbies, fire escapes and
- 23 common entrances and exits of buildings;
- 24 (iii) The common basements, parks, play areas, parking areas and
- 25 common storage spaces;
- 26 (iv) The premises for the lodging of persons employed for the
- 27 management of the property including accommodation for watch and ward
- 28 staff;
- 29 (v) Installations of central services such as electricity, gas, water
- 30 and sanitation, air-conditioning etc;

- 1 (vi) The water tanks, pumps, motors, fans, compressors, ducts and all  
2 apparatus connected with installations for common use;
- 3 (vii) Community and commercial facilities as may be provided;
- 4 (viii) All other portion of the property necessary or convenient for its  
5 maintenance, safety, etc., and in common use;
- 6 "company" means a company incorporated and registered under the  
7 Companies and Allied Matters Act now in force, and includes-
- 8 (a) a corporation established by Law made by the National Assembly  
9 or State Law;
- 10 (b) a development authority or any public authority established by the  
11 Government in this behalf under any law for the time being in force;
- 12 "competent authority" means any authority created under any law made by the  
13 appropriate Government which exercises authority over land under its  
14 jurisdiction, and has powers to give permission for development of such  
15 immovable property;
- 16 "development" means carrying out the development of immovable property,  
17 engineering or other operations in, on, over or under the land or the making of  
18 any material change in any immovable property or land and includes re-  
19 development;
- 20 "development works" means the external development works and internal  
21 development works on immovable property;
- 22 "Professional in Built Industry" are persons who are qualified and are involved  
23 in the design, construction and other aspects of housing and real estate  
24 construction, and as registered with their professional bodies under any law for  
25 the time being in force. The professions include Architecture, Land Surveying,  
26 Mechanical Engineering, Structural Engineering, Electrical Engineering,  
27 Estate Surveyor & Valuers, Town Planning, Builders, Quantity Surveying
- 28 "estimated cost of real estate project" means the total cost involved in  
29 developing the real estate project and includes the land cost;
- 30 "external development works" includes roads and road systems, landscaping,

- 1 water supply, sewerage and drainage systems, electricity supply  
2 transformer, sub-station of any other work which may have to be executed in  
3 the periphery of, or outside, an estate/development for its benefit, as may be  
4 specified under the rules or bye-laws of the competent authority;  
5 "High Court" means High Court of a state or Federal Capital Territory;  
6 "immovable property" includes land, buildings, rights of ways, lights or any  
7 other benefit arising out of land and things attached to the earth or  
8 permanently fastened to anything which is attached to the earth, but not  
9 standing timber or trees, standing crops or grass;  
10 "interest" means the rates of interest payable by the Developer or the  
11 allottee, as the case may be;  
12 "internal development works" means roads, footpaths, water supply, sewers,  
13 drains, parks, tree planting, street lighting, provision for community  
14 buildings and for treatment and disposal of sewage and silage water, social  
15 infrastructure such as educational, health and other public amenities or any  
16 other work in an estate necessary for its proper development;  
17 "local council" / competent authority" means the Federal Capital Territory,  
18 Local Government of any State or any other Local Body constituted under  
19 any law for the time being in force for providing municipal services or basic  
20 services, as the case may be, in respect of areas under its jurisdiction;  
21 "Member" means the member of the Real Estate Regulatory Council  
22 appointed under this Act and includes the Director;  
23 "notification" means a notification published in the Official Gazette and the  
24 expression "notify" shall be construed accordingly;  
25 "person" includes-  
26 (i) an individual;  
27 (ii) a Nigerian family;  
28 (iii) a company;  
29 (iv) a firm;  
30 (v) a competent authority;

1 (vi) an association of persons or a body of individuals whether  
2 incorporated or not;

3 (vii) a co-operative society registered under any law relating to co-  
4 operative societies;

5 (viii) any such other entity as the appropriate Government may, by  
6 notification specify in this behalf;

7 "planning area" means a planning area or a development area or a local  
8 planning area or a regional development plan area, by whatever name called, or  
9 any other area specified as such by the appropriate Government or any  
10 competent authority and includes any area designated by the appropriate  
11 Government or the competent authority to be a planning area for future planned  
12 development, under the law relating to Town Planning for the time being in  
13 force;

14 "prescribed" means prescribed by rules made under this Act;

15 "project" means the real estate project under this Act;

16 "Developer" means-

17 A Real Estate Developer (Developer) is an entrepreneur who secures land,  
18 finance, labour, resources and builds residential, commercial, or industrial  
19 construction development for outright sale, rentals, or lease. In the  
20 performance of his operations, he/she shall be assisted by professionals in the  
21 built industry;

22 A Real Estate Developer could be either:

23 (a) An individual - Real Estate Developer / Practitioner; or

24 (b) Real Estate Development Company.

25 A developer shall be:

26 (i) a person who constructs or causes to be constructed an independent  
27 building or a building consisting of apartments, or converts an existing  
28 building or a part thereof into apartments, for the purpose of selling all or some  
29 of the apartments to other persons and includes his assignees and also includes  
30 a buyer who purchases in bulk for resale; or



1 (ii) a person who develops an Estate for the purpose of selling to  
2 other persons all or some of the plots, whether with or without structures  
3 thereon; or

4 (iii) any development authority or any other public body in respect  
5 of allottees of-

6 (a) buildings or apartments, as the case may be, constructed by  
7 such authority or body on lands owned by them or placed at their disposal by  
8 the government; or

9 (b) plots owned by such authority or body or placed at their  
10 disposal by the Government, for the purpose of selling all or some of the  
11 apartments or plots; or

12 (c) any co-operative housing finance society and a primary co-  
13 operative housing society which constructs apartments or buildings for its  
14 Members or in respect of the allottees of such apartments or buildings; or

15 (d) any other person who acts himself as a builder, estate developer  
16 or by any other name or claims to be acting as the holder of a power of  
17 attorney from the owner of the land on which the building or apartment is  
18 constructed or estate is developed for sale; or

19 (e) such other person who constructs any building or apartment for  
20 sale to the general public. For the purposes of this clause, where the person  
21 who constructs or converts a building into apartments or develops an estate  
22 for sale and the persons who sells apartments or plots are different persons,  
23 both of them shall be deemed to be the Developer;

24 "prospectus" means any document described or issued as a prospectus or any  
25 notice, circular, leaflet, flyer or other document offering for sale of any real  
26 estate project or inviting any person to make advances or deposits for such  
27 purposes;

28 "real estate agent" means any person, who negotiates or acts on behalf of one  
29 person in a transaction of transfer of his plot, apartment or building, as the  
30 case may be, in a real estate project, by way of sale, with another person or

1 transfer of plot, apartment or building, as the case may be, of any other person  
 2 to him and receives remuneration or fees or any other charges for his services  
 3 whether as a commission or otherwise and includes a person who introduces  
 4 prospective buyers and sellers to each other for negotiation for sale or purchase  
 5 of plot, apartment or building, as the case may be, and includes property  
 6 dealers, brokers, middlemen by whatever name called;

7 "real estate project" means the development of a building or a building  
 8 consisting of apartments, or converting an existing building or a part thereof  
 9 into apartments, or the development of an estate into plots or apartments, as the  
 10 case may be, for the purpose of selling all or some of the said apartments or  
 11 plots or buildings and includes the development works thereof;

12 "regulations" means the regulations made by the Council under this Act;

13 "SCUML means Special Control Unit against Money Laundering in Nigeria

14 ESTABLISHMENT OF REAL ESTATE REGULATORY COUNCIL

Establishment  
of Real Estate  
Regulatory Council

15 **4. -(1)** There is hereby established a Real Estate Regulatory Council  
 16 of Nigeria in this Act referred to as Real Estate Developers Council of Nigeria  
 17 (REDCON) "{the Council"}).

18 (2) The Council shall be-

19 (a) a body corporate with perpetual succession and a common seal;

20 (b) capable of suing and being sued in its corporate name; and

21 (c) capable of acquiring, holding or disposing of any property,  
 22 movable or immovable, for the purpose of carrying out its functions.

23 (3) The headquarters of the Council shall be situated in the Federal  
 24 Capital Territory, Abuja, and there may be established an office of the Council  
 25 in each State of the Federation.

Composition  
of Council

26 **5.** The Council shall consist of the following members, that is-

27 (a) a Chairman who shall be recommended by the National Executive  
 28 Council of REDAN and appointed by the Minister in charge of Housing, being  
 29 a person who would be capable of making outstanding contributions to the  
 30 Real Estate Development in Nigeria;

1 (b) one representative of the Central Bank of Nigeria not below the  
2 grade of Director or its equivalent;

3 (c) one representative of the Standard Organization of Nigeria not  
4 below the grade of Director or its equivalent;

5 (d) one representative of the Ministry in charge of Housing not  
6 below the grade of Director or its equivalent;

7 (e) one representative of the Securities and Exchange Commission  
8 not below the grade of Director or its equivalent;

9 (f) one representative of the Architects Registration Council of  
10 Nigeria;

11 (g) one representative of the Council of Registered Builders of  
12 Nigeria;

13 (h) one representative of the Council for Regulation of  
14 Engineering in Nigeria;

15 (i) Quantity Surveyors and Valuers Registration Board of Nigeria;

16 (j) Estate Surveyors and Valuers Registration Board of Nigeria;

17 (k) Surveyors Council of Nigeria;

18 (l) Town Planners Registration Council of Nigeria;

19 (m) Six representatives of the Real Estate Developers Association  
20 of Nigeria (REDAN) from each Geopolitical Zone,

21 (n) one representative of SCUML not below the grade of Director  
22 or its equivalent or a representative; and

23 (o) The Executive Secretary of the Council.

24 6.-(1) Subject to the provisions of subsection (2) of this section, a Tenure  
25 person appointed as a chairman or member of the Council (not being an ex-  
26 officio member) shall hold office for four years and shall be eligible for re-  
27 appointment for one further term of four years in addition to such other  
28 terms and conditions as may be specified in their Letters of Appointment.

29 (2) The Minister in charge of housing may, with the approval of the  
30 President of REDAN at any time remove any member of the Council from

1 office if the Minister is of the opinion that it is not in the interest of the Council  
2 for the member to continue in office and shall notify the member in writing to  
3 that effect:

4 PROVIDED that the member so removed has been given the  
5 opportunity of making representations concerning the conduct against him.

6 (3) The members of the Council except the Executive secretary shall  
7 be part-time members of the Council.

8 (4) Any member of the Council shall cease to hold office if-

9 (a) he becomes of unsound mind or is incapable of carrying out his  
10 duties;

11 (b) he becomes bankrupt or has made arrangement with his creditors;

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

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

14 (e) in the case of a person possessed of professional qualifications, he  
15 is disqualified or suspended from practising his profession in any part of  
16 Nigeria by the order of any competent authority made in respect of him  
17 personally.

Vacation of  
Council seat

18 7.-(1) The seat of a member shall become vacant if-

19 (a) He resigns;

20 (b) He becomes disqualified from membership under section 3 of this  
21 Bill;

22 (c) He no longer holds the office by virtue of which he becomes a  
23 member;

24 (d) He has been absent from 3 consecutive meetings or 3 quarter of the  
25 meetings of Council during a financial year without leave from (i) the Minister  
26 in case of the Chairman ; or

27 (e) the Chairman in the case of any other Council member.

28 (2) A vacancy of the seat of a member created by virtue of sections 3  
29 and 4 shall be filled not less than 30 days from the date of the occurrence of the  
30 vacancy.

1	(3) A person appointed under sub paragraph 2(1) shall hold office	
2	for the reminder of the term for which the vacating member was appointed.	
3	8. The Chairman and Members of the Council shall be paid such	Remuneration and Allowance
4	remuneration and allowances as may be approved by the Minister.	
5	9. The functions of the Council shall, include-	Function of Council
6	(a) to render advice to the appropriate Government in matters	
7	relating to the development of real estate sector;	
8	(b) to publish and maintain a website of records of all real estate	
9	projects for which registration has been given, with such details as may be	
10	prescribed, including information provided in the application for which	
11	registration has been granted;	
12	(c) to maintain a database, on its website, and enter the names of	
13	developers as defaulters including the project details, registration for which	
14	has been revoked or have been penalized under the Act, with reasons	
15	thereof, for access to the general public.	
16	(d) to maintain a database, on its website, and enter the names of	
17	real estate Developer who have applied and registered under this Act, with	
18	such details as may be prescribed, including those whose registration has	
19	been rejected or revoked;	
20	(e) to ensure compliance of the obligations cast upon the	
21	Developers, the allottees under this Act and the rules and regulations made	
22	hereunder;	
23	(f) to ensure compliance of its regulations or orders or directions	
24	made in exercise of its powers under this Act;	
25	(g) to perform such other functions as may be entrusted to the	
26	Council by the appropriate Government as may be necessary to carry out the	
27	provisions of this Act;	
28	(h) To ensure compliance by all the members to AML;	
29	(i) To impose Administrative sanctions on erring members.	

Power of Council	1	<b>10.-(i)</b> The Council shall have powers to impose penalty or interest, in
	2	regard to any contravention of obligations cast upon the Developer and
	3	allottees under the Act or the rules and regulations made thereunder;
	4	(ii) Subject to the other provisions of the Act and the rules made
	5	thereunder, the Council shall have powers to regulate its own procedure.
Council Recommendation to Government	6	<b>11.</b> The Council shall make recommendation to appropriate
	7	Government on-
	8	(a) protection of interest of the allottees, Developer and real estate
	9	agent;
	10	(b) creation of a single window system for ensuring time bound
	11	project approvals and clearances for timely completion of the project;
	12	(c) creation of a transparent and robust grievance redress mechanism
	13	against acts of omission and commission of competent authorities and their
	14	officials;
	15	(d) measures to encourage investment in the real estate sector
	16	including measures to increase financial assistance to affordable housing
	17	segment;
	18	(e) measures to encourage construction of environmentally
	19	sustainable and affordable housing, promoting standardization and use of
	20	appropriate construction materials, fixtures, fittings and construction
	21	techniques;
	22	(f) measures to encourage grading of projects on various parameters
	23	of development in measures to encourage grading of projects on various
	24	parameters of development including grading of Developer;
	25	(g) measures to facilitate amicable conciliation of disputes between
	26	the Developers and the allottees through dispute settlement forums set up by
	27	the consumer or Developer associations;
	28	(h) measures to facilitate digitization of land records and system
	29	towards conclusive property titles with title guarantee;
	30	(i) to render advice to the appropriate Government in matters relating

1 to the development of real estate sector;

2 (j) any other issue that the Council may think necessary for the  
3 promotion of the real estate sector.

4 **12.-(1)** There shall be appointed by the Council an Executive  
5 Secretary who shall have qualifications in the relevant field of Real Estate  
6 Development or acquire requisite body of knowledge and has been so  
7 qualified for not less than 15 years and in addition, has had experience in  
8 Real Estate Development for not less than 15 years.

Appointment of  
the Director-  
General

9 (2) The Executive Secretary shall be the head of administration and  
10 shall be subject to the directives of the Council and shall hold office on such  
11 terms and conditions as may be specified in his letter of appointment and on  
12 such other terms and conditions as may be determined, from time to time, by  
13 the Council with the approval of the Minister.

14 (3) The Chairman of Council shall be the Chief Executive and  
15 accounting officer for the purpose of controlling and disbursing amounts  
16 from the fund established under this Act.

17 **13.** The Council may appoint such other staff as it may deem  
18 necessary for the efficient performance of the functions of the Council under  
19 or pursuant to this Act.

Appointment  
of Staff

20 **14.** Service in the Council shall be approved service for the purpose  
21 of the Pensions Act and accordingly, officers and other persons employed in  
22 the Council shall in respect of their service in the Council be entitled to  
23 pensions, gratuities and other retirement benefits enjoyed by persons  
24 holding equivalent grades in the public service of the Federation, so  
25 however that nothing in this Act shall prevent the appointment of a person to  
26 any office on terms which preclude the grant of a pension and gratuity in  
27 respect of that office.

Service in the  
Council to be  
pensionable

28 **15.** The Council shall establish a fund which shall consist of such  
29 sums as may accrue to it in the discharge of its functions

Fund of the  
Council

Expenditure of  
the Council

- 1                   **16.** The Council may, from time to time, apply the proceeds of the  
2 fund established in pursuance of section 15 of this Act-  
3                   (a) to the cost of administration of the Council;  
4                   (b) for re-imbursing members of the Council or any Committee set up  
5 by the Council for such expenses as may be authorised or approved by the  
6 Council, in accordance with the rate approved in that behalf by the Minister;  
7                   (c) to the payment of salaries, fees or other remuneration or  
8 allowances, pensions and gratuities payable to the employees of the Council;  
9                   (d) for the maintenance of any property acquired or vested in the  
10 Council;  
11                  (e) for, and in connection with, all or any of the functions of the  
12 Council under this Bill; and  
13                  (f) for training and retraining of members

Council to  
promote Real  
Estate Sector

- 14                  **17.** The Council shall in order to facilitate the growth and promotion  
15 of a healthy, transparent, efficient and competitive real estate sector make  
16 recommendations to the appropriate Government or the competent authority,  
17 as the case may be, on-  
18                  (a) protection of interest of the allottees and developer;  
19                  (b) measures to improve the processes and procedures for;  
20                  (c) clearance and sanction of plans and development of projects;  
21                  (d) measures to encourage construction of environmentally  
22 sustainable and affordable housing, promote standardization, including  
23 grading and use of appropriate construction materials, fixtures, fittings and  
24 construction techniques;  
25                  (e) measure to facilitate amicable conciliation of disputes between the  
26 Developer and the allottees through dispute settlement forums set up by the  
27 consumer or Developer associations;  
28                  (f) any other issue that the Council may think necessary for the  
29 promotion of the real estate sector.



- 1                   **18.-(i)** The Council shall have powers to register any Developer  
2                   upon submission of certificate of registration with the Real Estate  
3                   Developers Association of Nigeria (REDAN);
- 4                   (ii) The application for registration of a real Estate Project shall be  
5                   made by the Developer and shall enclose the following documents along  
6                   with the application, namely-
- 7                   (a) a brief detail of his enterprise including its name, registered  
8                   address, type of enterprise (proprietorship, societies, partnership,  
9                   companies, competent authority), and the particulars of registration, and the  
10                  names and photographs of the Developer;
- 11                  (b) a brief detail of the projects launched by him/her, in the past five  
12                  years, whether already completed or being developed as the case may be,  
13                  including the current status of the said projects;
- 14                  (c) an authenticated copy of the approvals from the competent  
15                  authority obtained in accordance with the laws as may be applicable for the  
16                  real estate project mentioned in the application, and where the project is  
17                  proposed to be developed in phases, an authenticated copy of the approvals  
18                  from the competent authority for each of such phases;
- 19                  (d) the layout plan and specifications of the proposed project or the  
20                  phase thereof, and the whole project as approved by the competent  
21                  authority;
- 22                  (e) the location details of the project with clear demarcation of land  
23                  dedicated for the project along-with its boundaries including the latitude and  
24                  longitude of the end points of the project;
- 25                  (f) a declaration, supported by an affidavit, which shall be signed  
26                  by the Developer or any person authorised by the Developer, stating-
- 27                  (i) that he has a legal title to the land on which the development is  
28                  proposed along with legally valid documents with authentication of such  
29                  title, if such land is owned by another person;
- 30                  (ii) that the land is free from all encumbrances, or as the case may

Registration of  
Real Estate Project  
and developer

Responsibilities/  
Functions/Duties  
of Real Estate  
Developer

1 be details of the encumbrances on such land including any rights, title, interest  
2 or name of any party in or over such land along with details;

3 **19.-(1)** The Developer shall-

4 (a) Be responsible for all obligations, responsibilities and functions  
5 under the provisions of this Act, or the rules and regulations made thereunder  
6 touching on, pertaining with and or in respect of projects/developments in his  
7 name-

8 (i) Provided that the responsibility of the Developer, with respect to  
9 the structural defect or any other defect for such period is as specified in the  
10 agreement between the parties;

11 (ii) Be responsible to transfer legal title to all allottees according to the  
12 terms of contract;

13 (iii) pay all outgoings until he transfers possession of the real estate  
14 project to the allottee, as the case may be, which he has collected from the  
15 allottees, for the payment of outgoing (including land cost, ground rent or other  
16 local taxes, charges for water or electricity, maintenance charges, including  
17 mortgage loan and interest on mortgages or other encumbrances and such other  
18 liabilities payable to competent authorities, banks and financial institutions,  
19 which are related to the project).

20 (2) The Developer shall, upon registration with the council as  
21 prescribed under this Act, create his web page on the website of the Council and  
22 enter all details of his/her project as provided under sub-section (2) of section  
23 18, in all the fields as provided, including-

24 (a) Details of the registration granted by the Council;

25 (b) Quarterly up to date list of number and types of apartments or  
26 plots, as the case may be, booked;

27 (c) Up -to-date status of the project, at least twice a year; and

28 Such other information and documents as may be specified by the regulations  
29 made by the council.

30 (3) The developer, upon entering into an agreement of sale with the

1 allottee shall be responsible to make available to the allottee:  
2 The Site and layout plans along with specifications, approved by the  
3 competent authority, by display at the site or such other places as may be  
4 specified by the regulations made by the council.

5 (4) The developer shall-

6 (a) Be responsible to obtain a certificate of occupancy from the  
7 relevant competent authority as per local laws or other laws for the time  
8 being in force and to make it available to the allottees individually or, as the  
9 case may be;

10 (b) Be responsible for providing and maintaining the essential  
11 services, as may be specified in the service level agreements, on reasonable  
12 charges.

13 (5) The Developer shall prepare and maintain all such other details  
14 as may be specified, from time to time, by regulations made by the Council.  
15 From the commencement of this Act, no Developer shall book, sell or offer  
16 for sale, or invite persons to purchase in any manner any plot, apartment or  
17 building, as the case may be, in any real estate project, or part of it, in any  
18 planning area, without registering the real estate project with the Real Estate  
19 Regulatory Council established under this Act:

20 Provided however that no such registration shall be required-

21 (a) where the Developer has received all requisite approvals for the  
22 development of the real estate project prior to commencement of this Act:

23 Provided however that all existing promoters prior to this Act shall register  
24 their project within 6 months from the commencement of this Act;

25 (b) For the purpose of renovation or repair or re-development  
26 which does not involve re-allotment and marketing of the real estate project.

27 **20.-(1)** A Real Estate Developer shall be registered by the Real  
28 Estate Developers Association of Nigeria (REDAN).

Capacity  
Development

29 (2) In order to realize the mandate of the Council and given the fact  
30 that Real estate business is a multi-disciplinary endeavour, requiring and

1 cutting across all the professions in the built industry, it shall be mandatory for  
 2 Developers, in the Real Estate industry to embark on continuous training on  
 3 Project finance, Project management, land acquisition, pre-construction,  
 4 construction and post-construction dynamics in construction. Loan packaging,  
 5 Off-Taker profiling, understanding of loan cycle, Bank loan matrix and  
 6 building design.

7 (3) In respect of capacity development, the Real Estate Developers  
 8 Association of Nigeria (REDAN) shall coordinate and issue necessary  
 9 Certifications on behalf of Council.

Transitional  
Provisions

10 **21.** In line with requirement for registration, existing Developers will  
 11 be given a window of at least 180 days from the commencement of this Act to  
 12 attend capacity development training requisite to practice Real Estate Business  
 13 in Nigeria.

14 New Developers to be registered by the umbrella Association, the Real Estate  
 15 Developers Association of Nigeria (REDAN) shall be required to have  
 16 acquired the requisite capacity development course(s).

Provision of  
Registration  
Number and  
Log-in Identity

17 **22.-(1)** On receipt of the application under sub-section (2) of section  
 18 18, the Council shall within a period of 30 days-

19 (a) grant registration subject to the provisions of this Act and the rules  
 20 and regulations made hereunder, and provide a registration number and log-in  
 21 password to the applicant for accessing the website of the Council and to create  
 22 his web page and to fill therein the details of the proposed project; or

23 (b) reject the application for reasons to be recorded in writing, if such  
 24 application does not conform to the provisions of this Act or the rules or  
 25 regulations made hereunder:

26 Provided that no application shall be rejected unless the applicant has  
 27 been given an opportunity of being heard in the matter.

28 (2) If the Council fails to grant the registration or reject the  
 29 application, as the case may be, as provided under sub-section (1), the project  
 30 shall be deemed to have been registered, and the Council shall within 35 days

1 of the expiry of the said 30 days, provide a registration number and a Login  
2 Identity and password to the Developer for accessing the website of the  
3 Council and to create his web page and to fill therein the details of the  
4 proposed project.

5 (3) The registration granted under this section shall be valid for a  
6 period declared by the Council.

7 **23.** The registration granted under this Act may be extended by the  
8 Council on an application made by the Developer under such conditions as  
9 may be prescribed and in such form and on payment of such fee as may be  
10 specified by the regulations made by the Council;

Extension of  
Registration

11 Provided that no application for extension of registration shall be  
12 rejected unless the applicant has been given an opportunity of being heard in  
13 the matter.

14 **24.-(1)** The Council may, on receipt of a complaint in this behalf or  
15 on the recommendation of the competent authority, revoke the registration  
16 granted, after being satisfied that -

Revocation of  
Registration

17 (a) the Developer makes willful default in doing anything required  
18 of him by or under the Act or the rules or the regulations made hereunder;

19 (b) the Developer violates any of the terms or conditions of the  
20 approval given by the competent authority;

21 (c) the Developer is involved in any kind of unfair practice or  
22 irregularities. For purposes of this clause, the term "unfair practice" means a  
23 practice which, for the purpose of promoting the sale or development of any  
24 real estate project adopts any unfair method or unfair or deceptive practice  
25 including any of the following practices, namely-

26 the practice of making any statement, whether orally or written or by visible  
27 representation which-

28 (a) falsely represents that the services are of a particular standard or  
29 grade;

30 (b) represents that the Developer has approval or affiliation which

1 such Developer does not have;

2 (c) makes a false or misleading representation concerning the  
3 services; or

4 (d) the Developer permits the publication of any advertisement or  
5 prospectus whether in any newspaper or otherwise of services that are not  
6 intended to be offered.

7 (2) The registration granted to the Developer under this Act shall not  
8 be revoked unless the Council has given to the Developer not less than 30 days'  
9 notice, in writing, stating the grounds on which it is proposed to revoke the  
10 registration, and has considered any cause shown by the Developer within the  
11 period of that notice against the proposed revocation.

12 (3) The Council may, instead of revoking the registration under sub-  
13 section (1), permit it to remain in force subject to such further terms and  
14 conditions as it thinks fit to impose in the interest of the allottees, and any such  
15 terms and conditions so imposed shall be binding upon the Developer.

16 (4) Upon the revocation of the registration, the Council-

17 (a) shall debar the Developer from accessing its website in relation to  
18 that project and specify his name in the list of defaulters on its website and also  
19 inform the State Offices including the FCT about such cancellation;

20 (b) may recommend to the competent authority to facilitate the  
21 balance of the development works to be carried out in accordance with the  
22 provisions of section 10 of this Act.

23 (c) shall protect the interest of prospective buyers or in the public  
24 interest, issue such directions as it may deem necessary.

Consultation  
with appropriate  
Government

25 **25.** Upon lapse of the registration or on revocation of the registration  
26 under this Act, the Council, may consult the appropriate Government to take  
27 such action as it may deem fit including the carrying out of the remaining  
28 development works by competent authority or by the association of allottees or  
29 in any other manner, as may be determined by the Council:

30 Provided that no direction, decision or order of the Council under this

1 Act shall take effect until the expiry of the period for fair hearing as provided  
2 under this Act.

3           **26.** Where any person makes an advance or a deposit on the basis  
4 of the information contained in the advertisement or prospectus and sustains  
5 any loss or damage by reason of any incorrect, false statement included  
6 therein, he shall be compensated by the Developer in the manner as provided  
7 under this Act, provided that if the person affected by such incorrect, false  
8 statement contained in the advertisement or prospectus, intends to withdraw  
9 from the proposed project, he shall be refunded his entire investment along  
10 with interest at such rate as may be prescribed.

Developer to  
compensate  
consumers

11           **27.-(1)** A Developer shall not accept a sum more than Five percent  
12 of the cost of the apartment, plot, or building, as the case may be, as an  
13 advance payment from a person without first entering into a written  
14 agreement for sale with such person.

Prior written  
agreement required  
before collecting  
deposit

15           (2) The agreement referred to in sub-section (1) shall be in such  
16 form as may be prescribed and specify the particulars of development of the  
17 project including the construction of building and apartments, along with  
18 specifications and external development works, the dates and the manner by  
19 which payments towards the cost of the apartment, plot, or building, as the  
20 case may be, are to be made by the allottees and the likely date on which the  
21 possession of the apartment, plot, or building is to be handed over and such  
22 other particulars, as may be prescribed.

23           **28.-(a)** The proposed project shall be developed and completed by  
24 the Developer in accordance with the architectural and engineering designs  
25 and specifications as approved by the competent authorities;

Project comply  
with plans and  
structural design

26           (b) Where any major structural defect in such development is  
27 brought to the notice of the Developer within a period of 1 year including the  
28 rainy season by the allottee from the date of handing over possession, it shall  
29 be the duty of the Developer to rectify such defects without further charge,  
30 within reasonable time, and in the event of Developer's failure to rectify

Refund of amount  
and compensation

1 such defects within such time, the aggrieved allottees shall be entitled to  
2 receive appropriate compensation in the manner as provided under this Act.

3 **29.-(1)** Where the Developer fails to complete or is unable to give  
4 possession of an apartment, plot or building-

5 (a) in accordance with the terms of the agreement or, as the case may  
6 be, duly completed by the date specified therein or any further date agreed to by  
7 the parties; or

8 (b) due to discontinuance of his business as a Developer on account of  
9 suspension or revocation of his registration under this Act or for any other  
10 reason, he shall be liable on demand to the allottees, without prejudice to any  
11 other remedy available, to return the amount received by him in respect of that  
12 apartment, plot, building, as the case may be, with interest at such rate as may  
13 be prescribed on this behalf including compensation in the manner as provided  
14 under this Act.

15 (2) If the Developer fails to discharge any other obligations imposed  
16 on him under this Act or the rules or regulations made hereunder, he shall be  
17 liable to pay such compensation to the allottees, in the manner as provided  
18 under this Act.

Rights and Duties  
of Allottee

19 **30.-(1)** The allottee shall be entitled to obtain the information relating  
20 to site and layout plans along with the specifications, approved by the  
21 competent authority and such other information as provided in this Act or the  
22 rules and the regulations made thereunder or the agreement signed with the  
23 Developer.

24 (2) Every allottee, who has entered into an agreement of sale to take  
25 an apartment, plot or building, as the case may be, shall be responsible to make  
26 necessary payments in the manner and within the time as specified in the said  
27 agreement and shall pay at the proper time and place, the proportionate share of  
28 the registration charges, or local taxes, water and electricity charges,  
29 maintenance charges, ground rent, and other charges, if any, in accordance with  
30 such agreement.



1                   (3) The allottee shall be liable to pay interest, at such rate as may be  
2                   prescribed, for any delay in payment towards any amount or charges to be  
3                   paid under the agreement within the parties and or the Act.

4                   (4) The obligations of the allottee and the liability towards interest  
5                   under the Act may be reduced when mutually agreed to between the  
6                   Developer and such allottee.

7                   **31.** The meetings and proceedings of the Council shall be specified      Meeting of the  
8                   by regulation made pursuant to this Act.    Council

9                   **32.**-(1) Where the Council considers it expedient to do so, on a      Conduct  
10                  complaint relating to the Act or the rules or regulations made hereunder, it      Investigations  
11                  may, by order in writing, call upon any Developer or allottee, as the case may  
12                  be, at any time to furnish in writing such information or explanation relating  
13                  to its affairs as the Council may require and appoint one or more persons to  
14                  make an inquiry in relation to the affairs of any Developer or allottee, as the  
15                  case may be.

16                  (2) The Council may, for the purpose of discharging its functions  
17                  under the provisions of this Act or the rules or the regulations made  
18                  hereunder, issue such directions from time to time, to the Developer and  
19                  allottees or, as the case may be, as it may consider necessary and such  
20                  directions shall be binding on all concerned.

21                  **33.**-(1) The Council shall have powers to impose penalty or      Power to impose  
22                  interest, in regard to any contravention of obligations cast upon the      punishment  
23                  Developer and allottees under this Act or the rules and the regulations made  
24                  hereunder.

25                  (2) The Council shall be guided by the principles of natural justice  
26                  and, subject to the other provisions of this Act and the rules made hereunder,  
27                  the Council shall have powers to regulate its own procedure.

28                  (3) If a Developer or an allottee, as the case may be, fails to pay any  
29                  interest or penalty or compensation imposed on him under this Act, it shall

	1	be recoverable from such Developer or allottee, in such manner as may be
	2	prescribed.
	3	(4) If a Developer fail to comply with the provisions of SCUML
	4	regulations, guidelines and circulars
Penalty for Contravention	5	<b>34.</b> -(1) If any Developer contravenes any provision of this Act, he
	6	shall be liable to a fine by the Council.
	7	(2) If any Developer knowingly provides false information or
	8	contravenes the provisions of this Act, he shall be liable to a fine by the
	9	Council.
	10	(3) If any real estate Developer wilfully fails to comply with or
	11	contravenes the provisions of this Act, he shall be liable to a fine.
	12	(4) Any Developer, who wilfully fails to comply with, or contravenes
	13	any of the orders or directions of the Council, shall be liable to a fine.
	14	(5) An allottee that wilfully fails to comply with, or contravenes any
	15	of the orders, decisions or directions of the Council shall be liable to a fine.
	16	(6) Administrative sanctions for failure to comply with AML/CT
	17	laws and regulations
Power of appropriate government to make rules	18	<b>35.</b> -(1) The appropriate Government may, by notification, make rules
	19	for carrying out the provisions of this Act.
	20	(2) In particular, and without prejudice to the generality of the
	21	foregoing power, such rules may provide for all or any of the following matters
	22	as provided under this Act, namely-
	23	(a) the information and documents for application to Council for
	24	registration;
	25	(b) the conditions under which registration of a Developer may be
	26	renewed;
	27	(c) the form and manner of making an application and fee and
	28	documents to be accompanied with such application;
	29	(d) the period, manner and conditions under which the registration is
	30	to be granted;

- 1 (e) the validity of the period of registration and the manner and fee  
2 for renewal;
- 3 (f) the maintenance and preservation of books of account, records  
4 and documents;
- 5 (g) the rate of interest payable;
- 6 (h) the form and particulars of agreement to be made by the  
7 Developer;
- 8 (i) the salaries and allowances payable to, and the other terms and  
9 conditions of service of, the Chairman and other Members of the Council;
- 10 (j) the administrative powers of the Chairman;
- 11 (k) the salaries and allowances payable to, and the other terms and  
12 conditions of service of, the officers and other employees of the Council;
- 13 (l) the details to be published and maintained on the website;
- 14 (m) the additional functions which may be performed by the  
15 Council;
- 16 (n) the manner of recovery of interest, penalty and compensation;  
17 and
- 18 (o) such other decisions as may be deemed appropriate to make  
19 under this Act.

20 **36.** Where any of the provisions of this Act or its application to any  
21 person or circumstance is held invalid in any court having jurisdiction, the  
22 invalidity will not affect other provisions or applications of this Act that can  
23 be given effect without the invalid provision or application.

Court with  
Jurisdiction

24 **38.** This Act does not restrict any person from complying with  
25 Federal Law or regulations and in the event of a conflict between this Act  
26 and other Federal, State or Local laws or regulations concerning real estate  
27 project, the provisions of this Act shall apply.

Conflicting Laws

28 **39.** The provisions of this Act shall take effect upon signature of  
29 the President.

Effective Date

Short title                    1                    **40.** This Bill may be cited as the Real Estate (Regulation and  
2                    Development) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to provide a regulatory framework to regulate and promote the real estate sector and to ensure that the development, sales and lease of plot, apartment or building (landed property) as the case may be, is done in a transparent manner, especially the protection of consumers in the real estate sector.

# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL MEDICAL CENTRE GWOZA, AND FOR  
RELATED MATTERS, 2021

*Sponsored by Hon. Jaha Ahmadu Usman*

[ ] Commencement

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

- |  |   |
|--|---|
| <p>1               <b>1.</b>-(1) There is hereby established the Federal Medical Centre</p> <p>2               Gwoza (in this Act referred to as "the Federal Medical Centre") and the</p> <p>3               Medical Centre shall serve as the Medical Centre subject to the provision of</p> <p>4               this Act.</p>  | <p>Establishment<br/>of Federal Medical<br/>Centre Gwoza</p>                      |
| <p>5               (2) The hospital:</p> <p>6               (a) shall be a body corporate;</p> <p>7               (b) May sue and be sued in its corporate name;</p> <p>8               (c) Shall have perpetual succession and a common seal.</p>   |   |
| <p>9               <b>2.</b> There is hereby established for the management of the Medical</p> <p>10              Centre a Board of Management (in this Act referred to as "Board") which</p> <p>11              shall be constituted and have the functions and powers set out in this Act.</p>   | <p>Establishment<br/>of the Board of<br/>Management of<br/>the Medical Centre</p> |
| <p>12              <b>3.</b>-(1) The Board shall consist of:</p> <p>13              (a) a chairman;</p> <p>14              (b) the Chief Medical Director of the Medical Centre;</p> <p>15              (c) the Director of Clinical Services;</p> <p>16              (d) the Director of Administration;</p> <p>17              (e) the Director of Finance;</p> <p>18              (f) the Director of Maintenance;</p> <p>19              (g) a representative of the president</p> <p>20              (h) the Federal Ministry of Health;</p> <p>21              (i) the National Planning Commission;</p> | <p>Membership of<br/>the Board</p>  |

	1	(j) the Society of Gynaecology and Obstetrics of Nigeria;
	2	(k) the Pharmaceutical Society of Nigeria;
	3	(l) the Paediatric Association of Nigeria;
	4	(m) the National Association of Nigerian Nurses and Midwives; and
	5	(n) one person to represent public interest.
	6	(2)The chairman and members of the Board, other than ex-officio
	7	members, shall be:
	8	(a) appointed by the President; and
	9	(b) persons of proven integrity and ability.
Schedule	10	(3) The supplementary provisions set out in the Schedule to this Act
	11	shall have effect with respect to the proceedings of the Board and the other
	12	matters contained therein.
Tenure of office	13	4. Subject to the provisions of section 5 of this Act, a member of the
	14	Board, other than ex-officio members, shall each hold office:
	15	(a) for a term of three years in the first instance and may be re-
	16	appointed for a further term of three years and no more; and
	17	(b) on such terms and conditions as may be specified in his letter of
	18	appointment.
Cessation of membership	19	5.-(1) Notwithstanding the provisions of section 4 of this Act a person
	20	shall cease to hold office as a member of the Board if:
	21	(a)he becomes bankrupt, suspends payment principal loan with his
	22	creditors;
	23	(b) he is convicted of a felony or any offence involving dishonesty or
	24	fraud;
	25	(c) he becomes of unsound mind or is incapable of carrying out his
	26	duties;
	27	(d) he is guilty of a serious misconduct in relation to his duties; or
	28	(e) in the case of a person possessed of professional qualifications, he
	29	is disqualified or suspended, other than at his own request, from practising his
	30	profession in any part of the world by an order of a competent authority made in

1 respect of that member; or

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

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

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

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

13 PART II - Functions and powers of the Board, etc.

14 7.-(1) The Board shall:

15 (a) equip, maintain and operate the Medical Centre so as to provide Functions of the  
16 facilities for diagnosis, curative, promotive and rehabilitative services in Board  
17 medical treatment;

18 (b) construct, equip, maintain and operate such training schools  
19 and similar institutions as the Board considers necessary for providing the  
20 Medical Centre at all times with a proper staff of the Medical Centre  
21 technicians and nurses;

22 (c) construct, equip, maintain and operate such clinics, out-patient  
23 departments, laboratories, research or experimental stations and other like  
24 institutions as the Board considers necessary for the efficient functioning of  
25 the Medical Centre.

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

30 (3) Subject to this Act, the Board shall perform such other

Powers of the  
Board

1 functions which in its opinion are calculated to facilitate the carrying out of its  
2 functions under this Act.

3 **8.** The Board shall have power to:

4 (a) Provide the general policies and guidelines relating to major  
5 expansion programmes of the Medical Centre;

6 (b) provide facilities for the training of medical students of associate  
7 universities;

8 (c) manage and superintend the affairs of the Medical Centre;

9 (d) subject to the provisions of this Act, make, alter and revoke rules  
10 and regulations for carrying on the functions of the Medical Centre;

11 (e) fix terms and conditions of service, including remuneration of the  
12 employees of the Medical Centre subject to the approval of National Salaries  
13 Incomes and Wages Commission;

14 (f) do such other things which in the opinion of the Board are  
15 necessary to ensure the efficient performance of the functions of the Medical  
16 Centre.

17 **PART III - STAFF OF THE MEDICAL CENTRE**

Medical Director  
of the Medical  
Centre

18 **9.-(1)** There shall be for the Medical Centre a Chief Medical Director  
19 who shall be appointed by the President on the recommendation of the Board  
20 and on such terms and conditions as may be specified in his letter of  
21 appointment or as may be determined, from time to time, by the National  
22 Salaries Income and Wages Commission.

23 (2) The Chief Medical Director shall:

24 (a) be the chief executive and accounting officer of the Medical  
25 Centre;

26 (b) be responsible to the Board for the day-to-day administration of  
27 the Medical Centre;

28 (c) be appointed for a term of four years in the first instance and may  
29 be reappointed for a further term of four years subject to satisfactory  
30 performance;



1 (d) be a person who is a medical practitioner and shall have been so  
2 qualified for a period of not less than 15 years;

3 (e) have considerable administrative experience in matters of  
4 health;

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

7 **10.-(1)** The Board shall appoint for the Medical Centre:

8 (a) a Director of Administration, who shall:

9 (i) be responsible to the Chief Medical Director for the effective  
10 functioning of all the administrative divisions of the Medical Centre;

11 (ii) conduct the correspondence of the Board and keep the records  
12 of the Medical Centre; and

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

15 (b) a Director of Clinical Services;

16 (c) a Director of Finance;

17 (d) a Director of Maintenance.

18 (2) The Directors appointed under paragraphs (b), (c) and (d) of  
19 subsection (1) of this section shall each be responsible to the Chief Medical  
20 Director for the effective running of the clinical services, the finance and  
21 accounts and the co-ordination of the maintenance of the Medical Centre, as  
22 the case may be.

23 (3) The Board shall appoint for the Medical Centre such number of  
24 employees as may in the opinion of the Board be expedient and necessary  
25 for the proper and efficient performance of the functions of the Medical  
26 Centre.

27 (4) Notwithstanding the provisions of subsections (1) and (2) of  
28 this section the Board shall have power to appoint for the Medical Centre  
29 either directly or on secondment from any public service in the Federation,  
30 such number of employees as may, in the opinion of the Board, be required

Appointment of  
Directors and other  
staff of the Medical  
Centre

1 to assist the Medical Centre in the discharge of any of its functions under this  
2 Act.

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

6 (6) The terms and conditions of service (including remuneration,  
7 allowances, benefits and pensions) of the employees of the Medical Centre  
8 shall be as determined by the National Salaries Income and Wages  
9 Commission.

Service in the  
Medical Centre  
to be pensionable

10 **11.**-(1) Service in the Medical Centre shall be approved service for the  
11 purposes of the Pensions Reforms Act.

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

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

Establishment  
of the Medical  
Advisory  
Committee, etc.

19 **12.**-(1) There shall be for the Medical Centre a Medical Advisory  
20 Committee which shall:

21 (a) consist of a chairman who shall be the Director, Clinical Services  
22 and such number of other members as may be determined from time to time;

23 (b) be responsible to the Chief Medical Director for all the clinical and  
24 training activities of the Medical Centre; and

25 (c) be appointed by the Board.

26 (2) Subject to this Act, the Board shall have power to appoint either  
27 directly or on secondment and discipline consultants holding or acting in any  
28 office in the hospital; and any such appointment shall be made having due  
29 regard to the approved personnel establishment of the Medical Centre.

30 (3) Notwithstanding anything to the contrary, the Board may, from

1 time to time, appoint consultants outside the hospital to perform such  
2 medical duties as the Board or the Chief Medical Director may assign to  
3 such consultants.

4 PART IV - FINANCIAL PROVISIONS

5 13. There shall be established and maintained for the Medical Fund of the  
6 Centre a fund into which shall be paid and credited: Medical Centre

7 (a) all subventions and budgetary allocation from the Government  
8 of the Federation;

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

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

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

15 (e) all other sums which may, from time to time, accrue to the  
16 Medical Centre.

17 14. The hospital shall, from time to time, apply the funds at its Expenditure of  
18 disposal to: the Medical Centre

19 (a) the cost of administration and maintenance of the Medical  
20 Centre;

21 (b) publicize and promote the activities of the Medical Centre;

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

24 (d) pay the salaries, allowances and benefits of employees of the  
25 Medical Centre;

26 (e) pay other overhead allowances, benefits and other  
27 administrative costs of the Medical Centre; and

28 (f) undertake such other activities as are connected with all or any  
29 of the functions of the Medical Centre under this Act.

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

1 **19.-(1)** The Medical Centre shall not pay income tax on any income Exemption from  
2 derived by the Federal Medical Centre under this Act or accruing to it from tax  
3 any of its investments.

(2) Accordingly, the provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Board of the Federal Medical Centre.

7                   **20.** The Medical Centre shall not pay customs duty on or be                   Exemption from  
8                   restricted or prohibited from importing any equipment, material, supply and                   customs duties, etc.  
9                   any other thing required by the Medical Centre for the purposes of this Bill.

## 10 PART V - GENERAL

11                   **21.-(1)** Notwithstanding anything to the contrary contained in any      Discipline of  
12           other enactment, where it appears to the Board that any student of the      students  
13           Medical Centre has been guilty of misconduct, the Board may, without  
14           prejudice to any other disciplinary powers conferred on it by regulations,  
15           direct:

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

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

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

24 (d) that the student be expelled from the Medical Centre.

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

(3) The Board may delegate its powers under this section to a disciplinary committee consisting of such members of the Medical Centre as the Board may nominate.

Removal and  
discipline of  
clinical,  
administrative  
and technical  
staff

1 (4) Nothing in this section shall be construed as preventing the  
2 restriction or termination of student's activities at the Medical Centre otherwise  
3 than on the ground of misconduct.

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

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

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

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

15 (b) afford him an opportunity of making representations in person on  
16 the matter to the Board; and

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

19 (i) a committee to investigate the matter and report on it to the Board;  
20 and

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

27 (2) The Chief Medical Director may, in a case of misconduct by a  
28 member of the staff which in the opinion of the Chief Medical Director is  
29 prejudicial to the interest of the Medical Centre, suspend any such member and  
30 any such suspension shall forthwith be reported to the Board.

1                   (3) For good cause, any member of staff may be suspended from  
2                   his duties or his appointment may be terminated or he may be dismissed by  
3                   the Board and for the purposes of this section, "good cause" means:

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

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

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

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

16                  (4) Any person suspended shall, subject to subsections (2) and (3)  
17                  of this section be on half pay and the Board shall before the expiration of a  
18                  period of three months after the date of such suspension consider the case  
19                  against that person and come to a decision as to:

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

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

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

27                  (d) whether to take such lesser disciplinary action against the  
28                  person (including the restoration of his emoluments that might have been  
29                  withheld), as the Board may determine, and in any case where the Board,  
30                  pursuant to this section, decides to continue a person's suspension or decides

1 to take further disciplinary action against a person, the Board shall before the  
2 expiration of a period of three months from such decision come to a final  
3 determination in respect of the case concerning any such person.

4 (5) It shall be the duty of the person by whom a letter of removal is  
5 signed in pursuance of subsection (1) of this section to use his best endeavors to  
6 cause a copy of the letter to be served as soon as reasonably practicable on the  
7 person to whom it relates.

8 (6) Nothing in the foregoing provisions of this section shall preclude  
9 the Board from making such regulations not inconsistent with the provisions of  
10 this Act for the discipline of students and all other categories of employees of  
11 the hospital as the Board may prescribe.

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

Discipline of  
junior staff

16 **23.**-(1) If any junior staff is accused of misconduct or inefficiency, the  
17 Chief Medical Director may suspend him for not more than a period of 3  
18 months and shall direct a committee to:

19 (a) consider the case; and

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

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

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

28 (4) Any person aggrieved by a decision of the Chief Medical Director  
29 made under subsection (3) of this section may, within a period of 21 days from  
30 the date of the letter communicating the decision to him, address a petition to



1 the Board to reconsider his case.

2 PART VI - MISCELLANEOUS

3 **24.**-(1) The Board may, with the approval of the President, make Regulations  
4 regulations

5 (a) as to the access of members of the public either generally or of a  
6 particular class, to premises under the control of the Board and as to the  
7 orderly conduct of members of the public on those premises; and

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

10 (2) Bye-laws under this section shall not come into force until they  
11 are confirmed (with or without modification) by the National Assembly and  
12 published in such manner as he may direct.

13 **25.** The President may give to the Board directions of a general Power to give  
14 character or relating generally to particular matters (but not to any individual directives  
15 person or case) with regard to the exercise by the Board of its functions  
16 under this Act, and it shall be the duty of the Board to comply with the  
17 directions; but no direction shall be given which is inconsistent with the  
18 duties of the Board under this Act.

19 **26.**-(1) On the commencement of this Act, any person employed by Transition and  
20 or serving in, the Medical Centre shall be deemed to have been employed or savings provision  
21 serving in the Medical Centre established under this Act.

22 (2) All Assets or liabilities belonging to the Medical Centre shall be  
23 deemed to belong to the Medical Centre established under this Act.

24 **27.** In this Act, unless the context otherwise requires: Interpretation

25 "associate universities" means the universities whose medical students  
26 receive aspects of their training from the Medical Centre;

27 "Board" means the Board of Management of the Medical Centre;

28 "chairman" means the chairman of the Board;

29 "functions" include powers and duties;

30 "Federal Medical Centre "means the Medical Centre Gwoza;

1 "junior staff" means staff of such grade as may be determined, from time to  
2 time, by the Board;

3 "medical student" means a student whose course of instruction is:

4 (a) designed (either alone or in conjunction with other courses) to enable him to  
5 qualify as a medical practitioner; or

6 (b) designed for the further training of medical practitioners;

7 "Minister" means the Minister charged with responsibility for matters relating  
8 to health and "Ministry" shall be construed accordingly;

9 "student" means a person enrolled at an institution controlled by the Board for  
10 the purpose of pursuing a course of instruction at the institution.

Short title

11 **28.** This Bill may be cited as the Federal Medical Centre Gwoza  
12 (Establishment) Bill, 2021.

13 SCHEDULE

14 [Section 3 (3).]

15 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

16 *Proceedings of the Board*

17 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the  
18 Board may make standing orders regulating its proceedings or those of any of  
19 its committees.

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

24 2.-(1) The Board shall meet whenever it is summoned by the  
25 chairman and if the chairman is required to do so by notice given to him by not  
26 less than 8 other members, he shall summon a meeting of the Board to be held  
27 within 14 days from the date on which the notice is given.

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

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

6 *Committees*

7 3.-(1) The Board may appoint one or more committees to carry out,  
8 on behalf of the Board, such functions as the Board may determine.

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

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

15 *Miscellaneous*

16 4.-(1) The fixing of the seal of the Medical Centre shall be  
17 authenticated by the signatures of the Chairman, the Chief Medical Director  
18 or any person generally or specifically authorized by the Board to act for that  
19 purpose.

20 (2) Any contract or instrument which, if made or executed by a  
21 person not being a body corporate, would not be required to be under seal  
22 may be made or executed on behalf of the Medical Centre by the Chief  
23 Medical Director or any person generally or specifically authorized by the  
24 Board to act for that purpose.

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

28 5. The validity of any proceedings of the Board or of a committee  
29 shall not be adversely affected by:

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

- 1           (b) a defect in the appointment of a member of the Board or  
2     committee; or  
3           (c) reason that a person not entitled to do so took part in the  
4     proceedings of the Board or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Medical Centre Gwoza, equip, maintain, and operate the Medical Centre and to provide facilities for diagnosis, curative, promotive and rehabilitative services in medicine and medical treatment.

# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF NURSING, MID-WIFERY  
AND HEALTH SCIENCES CHIBOK, BORNO STATE AND FOR RELATED  
MATTERS

*Sponsored by Hon. Jaha Ahmadu Usman*

[ ] Commencement

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

### PART I - ESTABLISHMENT

- 1  
2           1.-(1) There is established a College of Nursing, Mid-Wifery and  
3 Health Sciences, Chibok, Borno State (hereinafter referred to as the  
4 "College").  
5           (2) The College shall-  
6           (a) have the status of a tertiary institution with rights and privileges  
7 of such institutions; and  
8           (b) be a body corporate with perpetual succession and a common  
9 seal with powers to sue and be sued in its corporate name.  
10          2. The objects of the College shall be-  
11          (a) To provide training and research in Nursing, Mid-Wifery,  
12 Health Sciences and other specialties of Nursing leading to the award of  
13 Professional Certificate, Diplomas and other post Basic Certificates;  
14          (b) To provide avenues for continuing education in Nursing,  
15 Midwifery, Health Sciences and other related specialties of Nursing; and  
16          (c) To provide such services that are necessary and incidental to the  
17 objects of the College.  
18          3.-(1) The College shall be a teaching and examining body and  
19 shall, subject to the provisions of the Act and the regulations of the College  
20 have powers to-
- Establishment of  
the Federal College  
of Nursing, Mid-  
Wifery and Health  
Sciences, Chibok,  
Borno State
- Objects of the  
College
- Functions and  
powers of the  
College

- 1           (a) Provide rules and conditions under which persons may be  
2     admitted as students for any particular course of study provided by the College;
- 3           (b) Make provisions for research and the dissemination of  
4     knowledge;
- 5           (c) Establish Departments and such other units of learning and  
6     research as the purpose of the College may require;
- 7           (d) Create such offices and posts as the purpose of the College may  
8     require and to appoint persons to and remove persons from such offices or posts  
9     and prescribe their conditions of service;
- 10          (e) Maintain libraries, laboratories, workshops, lecture halls, hostels,  
11     dining halls, sports field and other buildings of facilities of the College;
- 12          (f) Provide for residence, recreation and welfare of member of staff  
13     and students of the College as may be deemed necessary;
- 14          (g) Demand and receive students and other persons attending the  
15     College for the purpose of instruction such fees as the College may from time  
16     to time determine;
- 17          (h) Prescribe rules for the discipline of students of the College;
- 18          (i) Conduct examinations and arrange for award of certificates and  
19     distinctions to persons who pursue courses of studies approved by the College  
20     and who satisfy such other requirements as may from time to time be  
21     prescribed;
- 22          (j) Subject to specific limitations or conditions that may be imposed  
23     by extant Government regulations, or circulars, invest any fund apportioned to  
24     the College by way of endowment, whether for general or special purpose, and  
25     such other monies as may not immediately be required for current expenditure  
26     in any investment or securities;
- 27          (k) Print or publish works or undertake services as may be deemed  
28     consistent with the objects of the College;
- 29          (l) Do such other acts and things necessary under this Act for the

1 attainment of the objects of the College or incidental to the powers of the  
2 College; and

3 (m) Carry out any special or general directive consistent with  
4 Government policy as the Secretary of Health may give in writing.

5 (2) Without prejudice to the generally of the provision of section 2  
6 of this Act and subsection (1) of this section, the College may special  
7 arrangement with the Nursing and Midwifery Council of Nigeria or other  
8 examination bodies prepare its students for award of Certificates or other  
9 distinctions.

10 (3) Subject to provisions of this Act and of any other statute, the  
11 powers conferred on the College by subsection (1) of this section shall be  
12 exercised on behalf of the College by the Council and the Committees  
13 established for the College or by such officers and other staff of the College  
14 as may be authorised in that behalf and may also be exercised through  
15 Schools established under this Act.

16 4.-(1) The provost shall have custody of the common seal of the Common seal  
of the College  
17 College and shall be responsible for affixing same to documents.

18 (2).The common seal of the College shall not be used save upon the  
19 direction of the Council and shall be authenticated by the signature of the  
20 Provost.

21 PART II - GOVERNING COUNCIL OF THE COLLEGE

22 Governing  
Council  
23 5.-(1) There shall be established for the College a Governing  
24 Council to be known as the Governing Council of the College of Nursing,  
25 Mid-Wifery, Health Sciences and other related specialities of Nursing.

26 (2) The Council shall consist of-

27 (a) chairman, who shall be appointed on part time basis by the  
28 Minister on the recommendation of the Secretary by Health;

29 (b) a representative of the Secretary of Health;

30 (c) the provost of the College;

	1	(d) a representative of the Borno State chapter of the National
	2	Association of Nigerian Nurses and Midwives;
	3	(e) two members to represent the interest of the Public to be appointed
	4	by the Minister on the recommendation of the Secretary of Health;
	5	(f) a representative of the Borno State Treasury;
	6	(g) a representative from the Borno State Ministry of Justice;
	7	(h) a representative of Borno state Ministry of Education;
	8	(i) a director of nursing in Borno state Hospitals Management Board;
	9	and
	10	(j) the Director, Nursing Services of the Secretariat who shall also
	11	serve as the Secretary;
Tenure of office	12	<b>6.-(1)</b> Members of the Council other than ex-officio members shall
	13	hold office for a period of four years from the date of their appointment and
	14	shall be eligible to re-appointment for one further term of four years and no
	15	more.
	16	(2) Any member of the Council other than an ex-officio member may
	17	notice to the Council resign his appointment.
	18	(3) Any vacancy occurring in the membership of the Council shall be
	19	filled by the appointment of a successor who shall represent the same interest
	20	as his predecessor for the remainder of the term of the predecessor.
Functions of the Council	21	<b>7.-(1)</b> Subject to the provision of this Bill, the Council shall-
	22	(a) be the governing authority of the College;
	23	(b) be charged with the general control and superintendence of the
	24	policies, finances and properties of the College;
	25	(c) make regulations for the day to day management of the College;
	26	and
	27	(d) do any other thing necessary or incidental to attachment of objects
	28	of the College;
	29	(2). Without prejudice to the provisions of subsection (1) of this
	30	section, the Council shall-



1 (a) ensure that the courses and instructions provided by the College  
2 conform to the required standard laid down from time to time by the Nursing  
3 and Midwifery Council of Nigeria;

4 (b) regulate the teaching of courses offered by the College, and also  
5 regulate the conduct of examinations with respect to the College;

6 (c) approve contracts for the procurement of equipment, furniture  
7 and other properties required for the purpose of the College;

8 (d) approve the contracts for maintenance of the premises and  
9 other properties of the College;

10 (e) formulate policies and initiate programmes in all fields of  
11 learning conducted by the college;

12 (f) assess from time to time the courses offered by the College; and

13 (g) perform such other functions as may be necessary;

14 (3). The Nursing Council any of its functions, other than the power  
15 to make regulations, to the Chairman or any other person Committee it  
16 deems fit in that behalf, but no decision of such person or Committee shall  
17 take effect unless ratified by the Council.

18 **8.** The Director, Nursing Services of the Secretariat shall be the  
19 Secretary to the Council, and for any particular meeting that he may be  
20 absent, he shall send a representative to act in that behalf.

Secretary to the  
Council

21 **9.-(1)** The Secretary of Health may give to the Council directions  
22 as to the discharge of its functions in relation to matters appearing to the  
23 Secretary of Health to affect Public interest and the Council shall give effect  
24 to such directive.

Power of Secretary  
of Health to give  
directives

25 (2) The Council shall afford the Secretary of Health facilities for  
26 obtaining information with respect to the Property of the College and the  
27 functions of the Council and shall be furnished with returns, accounts and  
28 afford to him facilities for verification of the information furnished in such  
29 manner and at such times as he may require.

	1	PART III - SCHOOLS, DEPARTMENTS AND UNITS WITHIN THE COLLEGE
Schools	2	<b>10.</b> -(1) There shall be within the College a School of Nursing and the
	3	a School of Midwifery and such other Schools as the Secretariat may with the
	4	approval of the Nursing and Midwifery Council of Nigeria establish.
	5	(2) Each school shall provide instruction for courses, conduct
	6	research and carry out such other functions as may be prescribed by the
	7	Council with the approval of the Secretary of Health.
	8	(3) The constitution of and other matters relating to each school may
	9	be prescribed by the Council with the approval of the Secretary of Health.
Department	10	<b>11.</b> In furtherance of the provisions of Section 3(1)(c) of this Act, the
	11	Council shall with the approval of the Secretary of Health establish for each
	12	school such Departments as the Nursing and Midwifery Council to Nigeria
	13	may from time to time prescribe.
Other Units	14	<b>12.</b> Subject to the provision of this Act, the Council may with the
	15	approval of the Secretary of Health establish units for special purposes within
	16	the College; and the name, constitution and functions of any units may be
	17	prescribed by direction of the Council.
	18	PART IV - PRINCIPAL OFFICERS AND STAFF OF THE COLLEGE
College Provost	19	<b>13.</b> There shall be for the College a Provost and other principal
	20	officers, the designations, qualifications, functions and appointments of whom
	21	shall be as spelt out in sections 19 to 25 of this Act.
Principal Officers	22	<b>14.</b> -(1) The Principal Officers of the College shall include-
	23	(a) The Provost of the College; of the College
	24	(b) The Deputy Deans (Academic and Administration) of the school in
	25	the College;
	26	(c) The Registrar;
	27	(d) The College Librarian; and
	28	(e) The Bursar.
	29	(2) The Principal Officers of the College other than Deans and Deputy
	30	Deans of Schools in the College shall be appointed by the Council subject to

1 the approval of the Minister through the Secretary of Health.

2 (3) The Deans and Deputy Deans of Schools in the College shall be  
3 appointed by the Council.

4 **15.**-(1) The Provost shall be appointed from amongst the academic Provost  
5 staff of the College and shall be the Chief Executive and Administrator of  
6 the College and also be responsible to the Council for maintaining and  
7 promoting efficiency and discipline in the College.

8 (2) The Provost shall hold degree in Nursing and shall be a  
9 registered Educator in Nursing, Midwifery or other specialty areas of  
10 Nursing with not less than fifteen years of teaching experience

11 **16.**-(1) The Deans of Schools in the College shall be responsible to Deans  
12 the Provost for the Administration of the Schools.

13 (2) The Deans of Schools in the College shall hold degree in  
14 Nursing and shall be registered Educators in the Nursing specialty related  
15 to their respective School and with not less than ten years of teaching  
16 experience.

17 **17.**-(1) The Deputy Deans of Schools in the College shall be the Deputy Deans  
18 Chief Assistants to the Deans of their respective Schools and shall perform  
19 such duties as may be assigned to them by the Deans.

20 **18.**-(1) The Registrar of the College shall be the head of Registrar  
21 administrator of the School and shall be responsible to the Provost.

22 (2) The Registrar shall be an experienced graduate of humanities  
23 with not less than fifteen years' experience in Public Administration

24 (3) The person holding the office of the Registrar of the College  
25 shall by virtue of that office be the Secretary of Academic Board and the  
26 Finance and General Purpose Committee.

27 **19.**-(1) The Bursar shall be the Chief Financial officer of the Bursar  
28 College and shall be responsible to the Provost for the day to day  
29 administrator of the financial affairs of the College.

30 (2) The Bursar shall be a qualified Accountant with not less than

	1	ten years post qualification experience
Librarian	2	<b>20.</b> -(1) The Librarian shall be responsible to the Provost for the co-
	3	ordination of Library services in the College.
	4	(2) The Librarian shall have a degree in Library Sciences with not
	5	less than ten years post qualification experience as a Librarian.
Other staff appointment	6	<b>21.</b> The Council may appoint such other persons to be staff of the
	7	College as it may deem fit on such terms and conditions as may be specified in
	8	their instruments of .
Removal from office	9	<b>22.</b> - (1) The Principal Officers and other senior staff of the College
	10	may be removed from office by the Minister for misconduct, incompetence or
	11	any other justifiable reason on the recommendation of the Council
	12	(2) The Council shall power to remove any junior staff of the College
	13	for justifiable reasons.
	14	PART IV - ESTABLISHMENT AND FUNCTIONS OF COMMITTEE
Finance and General Purpose	15	<b>23.</b> There shall be a Committee of the Council to be known as the
	16	Finance and General Purpose Committee.
Composition of Finance and General Purpose Committee	17	<b>24.</b> -(1) The Finance and General Purpose Committee shall consist of-
	18	(a) the chairman of the Governing Council who shall be the
	19	Chairman;
	20	(b) the representative of the Secretary of Health;
	21	(c) the Provost of the College;
	22	(d) the Director of Finance and Administration in the Secretariat
	23	(e) the Director of Nursing Services in the Secretariat;
	24	(f) one member of the Academic Committee to be appointed by the
	25	Council; and
	26	(2) the Registrar shall be the Secretary of the Committee.
Functions of the General Purpose Committee	27	<b>25.</b> The Finance and general Purpose Committee shall-
	28	(a) exercise control over property, revenue and expenditure of the
	29	College;
	30	(b) award contracts for the execution of projects of the College; and

1 (c) Perform such other functions as the Council may Delegate to it.

2 **26.**-(1) Further to the provisions of Section 11 of this Bill, anybody Other Committee  
3 of persons established by this Act shall, without prejudice to the generality  
4 of the powers of that body, have power to constitute Committees, which  
5 need not consist exclusively of members of that body, and to authorize a  
6 Committee established by it-

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

9 (b) To co-opt members, and may direct whether or not co-  
10 optedMembers, if any, shall be entitled to vote in that Committee

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

16 (3) The quorum and procedure of a Committee established or  
17 meeting held In pursuance of this section shall be such as may be determined  
18 by the body or bodies which have decided to establish the committee or hold  
19 the meeting.

20 **PART V - ACADEMIC BOARD**

21 **27.** There shall be for each school of the College an Academic Establishment  
22 Board which shall be responsible for the academic work of the school. of Academic

23 **28.** The Academic Board of each School of the College shall be Composition of  
24 composed- the Academic Board

25 (a) The Provost of the College, as chairman;

26 (b) The Dean of the School, as Deputy Chairman;

27 (c) The Deputy of Deans of the School;

28 (d) All Heads of Departments of the School;

29 (e) One Academic staff not below the rank of Senior Lecturer to be  
30 selected from each of the Departments of the School;

	1	(f) A representative of the Director, Nursing Services in the
	2	Secretariat;
	3	(g) The School Librarian; and
	4	(h) The Registrar who shall be Secretary of the Board.
Functions of the Academic Board	5	<b>29.</b> Subject to the overall control and direction of the Council, the
	6	Academic Board of each School of the College shall perform the following
	7	functions:
	8	(1) Regulating and organising the process of admissions, conduct of
	9	examinations, award of certificates and all formalities relating to the
	10	registration and licensing of graduates.
	11	(2) Making recommendations to the Council on appointment of
	12	academic staff of the School and on the organization of Departments, Libraries
	13	and other units of learning and research in the school.
	14	(3) Making guidelines for the purpose of exercising any of the
	15	functions conferred on it under the provisions of this Section.
	16	(4) Preparing curriculum for the School in line with guidelines from
	17	the Nursing and Midwifery Council of Nigeria and or other regulatory bodies.
	18	(5) Performing such other functions that may be assigned to it by the
	19	Council.
	20	PART VI - SUPPLEMENTARY PROVISIONS
Schedule	21	<b>30.</b> The supplementary provisions contained in the Schedule shall
	22	have effect in relation to the proceedings of the various bodies appointed under
	23	the provisions of this Bill.
Transition	24	<b>31.</b> In the absence of the Council and until it is constituted for the
	25	College the functions and powers of the Council under this Act may be
	26	exercised by the Secretary of Health in consultation with the Director of
	27	Nursing Services in the Secretariat.
	28	PART VII - PROPERTY AND FINANCE
Property of the College	29	<b>32.</b> The Governor of Borno State, may, by order transfer any property
	30	whether movable or immovable to the college and from the date of such order,

1 any property so transferred shall vest in the College and shall be used for the  
2 purpose of the College.

3 **33.** The Council may, subject to the provisions of this Act-

Power of the  
Council to hold  
property t

4 (a) acquire and hold such movable or immovable property as may  
5 be necessary or expedient for carrying into effect the provisions of this Act;

6 (b) invest the funds of the College in such manner and such extent  
7 as it may deem necessary or expedient; and

8 (c) enter into contractual agreements on behalf of College.

9 **34.-(1)** The Council shall have power to approve expenditure of  
10 over N 100,000.00 but not exceeding the N 1,000,000.00 per unit  
11 transaction for the procurement of goods, works and services and shall refer  
12 procurements exceeding the amount to the Secretary of Health.

Expenditure of  
the College

13 (2) The Provost shall approve procurement of works, goods and  
14 services not exceeding N 100,000.00.

15 (3) The thresholds mentioned in this Section may be adjusted, in  
16 the case of-

17 (a) Subsection (1) by the Secretary of Health; and

18 (b) Subsection (2) by the Council.

19 **35.** The revenue of the College shall include-

Removal of the  
College

20 (a) Revenue from time to time accruing to the College by way of  
21 Government grant, subvention or endowment or other forms of grant-in-aid;

22 (b) Fees charged by and payable in respect of students;

23 (c) Any other amounts, charges or dues recoverable by the College;

24 (d) Receipts for publications or services;

25 (e) Interest on investments;

26 (f) Donations and Legacies.

27 **36.** Before the end of each financial year, or at such other time as  
28 may be required by the Council, the Director, Finance and Administration or  
29 the Provost shall present for Council estimates of revenue and expenditure  
30 for the ensuing financial year and the accepted estimates shall be presented

Annual Estimate

1 to the Secretary of Health who shall cause same to be placed before the  
2 Minister for approval.

3 **37.-(1)** The College shall prepare in respect of each financial year a  
4 statement of account in such form as may be approved by the secretary of  
5 Health and the said annual statement of accounts shall be a fair and accurate  
6 statement of the financial positions of the College for the financial year to  
7 which it relates.

8 (2) The said Annual Statement of Accounts shall be Audited by the  
9 Auditor-General of the Federation or by such competent auditors appointed by  
10 him.

11 (3) The said audited statement of accounts, after verification by the  
12 Council shall together with the auditor's report be forwarded to the secretary of  
13 Health who shall cause the same to be placed before the Minister.

Interpretation

14 **38.** In this Act unless the context otherwise requires:

15 "Academic Board", means the Academic Board established under this Act;

16 "Chairman" means the Chairman of the Governing Council of the College or  
17 where the context requires a chairman of the respective committees established  
18 under this Act;

19 "College" means Federal College of Nursing, Midwifery and Health Sciences  
20 Chibok;

21 "Council" means the Governing Council established under section 4(1) of this  
22 Act for the College;

23 "Executive Committee" means the Federal Executive Committee;

24 "Junior Staff" is a reference to staff on CONHESS 01-05 or salary Grade  
25 Levels 01-06;

26 "Members" means members of the Council and include the Chairman of the  
27 Council;

28 "Minister" Minister of Education;

29 "Provost" means the Provost of the College;

30 "Regulations" means any regulation formulated for the College by the Council;



- 1 "Secretariat" means Federal Ministry of Health;
- 2 "Secretary" means the Secretary to the Council of the College and other-
- 3 wise means the Secretary of any Committee established under this Act:
- 4 "Secretary of Health" means the Permanent Secretary of the Federal
- 5 Ministry of Health;
- 6 "Senior Staff" is reference to staff on CONHESS 06-16 or Salary Grade
- 7 Level 07-17;
- 8 **39.** This Bill may be cited as Federal College of Nursing, Citation
- 9 Midwifery and Health Sciences Chibok Borno State (Establishment) Bill,
- 10 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Federal College of Nursing, Midwifery and Health Sciences Chibok Borno State.

1 SCHEDULE

2 SUPPLEMENTARY PROVISION AS TO THE COUNCIL AND OTHER

3 CONSTITUTED BODIES OF THE COLLEGE

4 *Summoning of meeting of the Council*

5 1.-(1) The Chairman, or in his absence the appointed to act in that  
6 behalf, may at time direct the Secretary to summon a meeting of the Council.

7 (2) Any three members of the Council may by notice in writing signed  
8 by them request the Chairman to summon a special meeting of the Council for  
9 the purpose set out in such notice to be summoned.

10 *Meeting of the Council*

11 2.-(1) The Council shall meet at such times and places as the chairman  
12 may appoint provided that Council shall hold at least four(4) meetings in each  
13 academic year.

14 (2) At any meeting of the Council, the Chairman shall Preside and in  
15 his absence shall choose one of their Members to preside for that particular  
16 meeting

17 *Co-option of Members*

18 3. Where upon any special occasion the Council desires to obtain the  
19 advice of or any special information from any person on any particular matter,  
20 the Council may co-opt such person to be a member of such meetings as may be  
21 required and such a person whilst so co-opted shall have all the rights and  
22 privileges of a member save that he shall not be entitled to vote on any question.

23 *Quorum of the Council*

24 4. The quorum for any meeting of the Council shall be two Third of  
25 the members.

26 *Voting*

27 5.-(1) Every question before the Council at any meeting shall be  
28 determined by a simple majority of the Members present and voting

29 (2) Each member present and voting at any meeting shall have one  
30 vote but in case of any equal divisions of vote, the Chairman of the meeting

1 may have a second or casting vote.

2 *Taking of Minutes*

3                   6.-(1) Without prejudice to the provision of Section 8 of this Act,  
4           when the Secretary is absent at a meeting of any of the bodies established  
5           under this Act, the Chairman thereof may appoint a suitable person to act as  
6           Secretary.

7 (2) The Secretary shall keep an accurate record of the minutes book  
8 provided for such purposes.

9 (3) The minutes of every meeting shall be signed by the Chairman  
10 of the meeting after it has been approved at the next meeting.

11 *Council may appoint Committee*

12 7. The Council may appoint Committees to which it may delegate  
13 any of its responsibilities and functions in sub-section 1 of this Act

14 *Standing Order*

15                    8.-(1) Without prejudice to any of the provisions of this Act, the  
16                    Council may, with the approval of the Secretary of Health make Standing  
17                    Order with respect to the holding of its meeting, the proceeding, the keeping  
18                    of minutes of such proceedings, and production for inspection of such  
19                    minutes custody and any other matter that may be considered necessary or  
20                    desirable.

(2) The Academic Board and Finance and General Purpose Committee of the College may with the approval of the Council make similar Standing Order as in sub-section 1 of this Act.

24 Defect in appointment

1                                    *Defect in appointment not to invalidate proceeding*

2                    9. No act of other proceeding of the Council, the Academic  
3                    Committee or any Committee set up under this Act shall be invalid by reason  
4                    only that:

5                    (a) There is defect in the appointment of a person purporting to be a  
6                    member of anybody or committee created pursuant to this Act.

7                    (b) There is a vacancy in any position in the body or committee so  
8                    created.

# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF AGRICULTURAL  
TECHNOLOGY DAMBOA, BORNO STATE AND FOR RELATED MATTERS,  
2021

*Sponsored by Hon. Jaha Ahmadu Usman*

[ ] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE  
2 FEDERAL UNIVERSITY OF AGRICULTURAL TECHNOLOGY,  
3 DAMBOA, BORNO STATE

4 1.-(1) There is established the Federal University of Agricultural  
5 Technology Damboa, Borno State (in this Bill referred to as “the  
6 University”).

Establishment  
and Objects of  
the Federal  
University of  
Agricultural  
Technology  
Damboa, Borno  
State

7 (2) The University shall:

8 (a) be a body corporate with perpetual succession and a common  
9 seal; and

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

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

Objects of the  
University

12 (a) Encourage the advancement of learning and to hold out to all  
13 persons without distinction of the race, creed, sex or political conviction the  
14 opportunity of acquiring tertiary education in Agricultural Technology and  
15 allied studies;

16 (b) To develop and offer academic and professional programs  
17 leading to award of diplomas, first degrees, post-graduate research in higher  
18 degrees with emphasis on Agricultural and Technological research,  
19 planning, adaptive, technical, maintenance, developmental and productive  
20 skills in the engineering, scientific, and allied professional discipline with

1 the aim of producing socially mature men and women with capability not only  
2 to understand, use and adapt existing technologies in the Agriculture, but also  
3 to improve on them and develop new ones;

4 (c) To act as agents and catalysts, through post-graduate training,  
5 research and innovation for the effective and economic utilization, exploitation  
6 and conservation of the country's Agriculture resources and Technological  
7 innovativeness;

8 (d) To offer to the general public particularly in the Area Agricultural  
9 Technology as a form of public service, the results of training and research and  
10 to foster the practical applications of these results;

11 (e) To establish appropriate relationships with other national  
12 institutions involved in training research. Research and development of  
13 technologies in the Agriculture Sector;

14 (f) To identify the problems and needs of the Agricultural and  
15 Technological sectors in Nigeria and to find solutions to them within the  
16 context of overall national development.

17 (g) To provide and promote sound basic scientific training as a  
18 foundation for the development of Agricultural Science and technology in  
19 Nigeria, taking into account indigenous cultures and the need to enhance  
20 national unity;

21 (h) To encourage and promote scholarships and conduct research in  
22 various fields of learning and human endeavor;

23 (i) To relate its activities to the technological, social, cultural and  
24 economic needs of the people of Nigeria; and CD to undertake any other  
25 activities appropriate for an Agriculture University of the highest standard.

Constitution of  
the University  
and its Constituents  
Bodies, etc.

26 **3.-(1)** The University shall consist of:

27 (a) a Chancellor;

28 (b) a Pro-Chancellor and a Council;

29 (c) a Vice Chancellor and a Senate;

30 (d) a Deputy Vice-Chancellor;

- 1 (e) a body to be called Congregation;
- 2 (f) a body to be called Convocation;
- 3 (g) the Campuses and Colleges of the University;
- 4 (h) the Faculties, Schools, Institutes and other teaching and
- 5 research units of the University;
- 6 (i) The persons holding the offices constituted by the First
- 7 Schedule of this Act other than those mentioned in paragraphs (a) to (c) of
- 8 this subsection; CD all graduates and undergraduates; and
- 9 (k) all other persons who are members of the University in
- 10 accordance with provisions made by Statute in that behalf.
- 11 (2) The First Schedule to this Act shall have effect with respect to
- 12 the Principal Officers of the University mentioned therein.
- 13 (3) Provision shall be made by Statute with respect to the
- 14 constitution of the following bodies, namely:
- 15 (a) the Council;
- 16 (b) the Senate;
- 17 (c) the Congregation; and
- 18 (d) the Convocation.
- 19 **4.-(1)** For the carrying out of its objects as specified in Section 2 of
- 20 this Act, the University shall have power to:
- 21 (a) establish such Campuses, Colleges, Faculties, Institutes,
- 22 Schools, Extra-mural and consultancy departments and other teaching and
- 23 research units within the University as may from time to time seem
- 24 necessary or desirable, subject to the approval of the National Universities
- 25 Commission;
- 26 (b) Institute professorships, readerships and associate
- 27 professorships, lectureships and other posts and offices and to make
- 28 appointments thereto;
- 29 (c) institute and award fellowships, scholarships, exhibitions,

Powers of the  
University

1        bursaries, medals, prizes and other titles, distinctions, awards and forms of  
2        assistance;

3                (d) provide for the residence, discipline and welfare of members of  
4        the University;

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

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

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

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

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

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

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

26                (l) hold public lectures and undertake printing, publishing, book  
27        selling and consultancy services;

28                (m) subject to any limitations or conditions imposed by Statute, to  
29        invest any moneys appertaining to the University which its law endorse,  
30        whether for general or special purposes, and such other moneys as may not be



1 immediately required for current expenditure, in any investments or  
 2 securities or in the purchase or improvement of land, with power from time  
 3 to time to vary any such investments and to deposit any moneys for the time  
 4 being un-invested with any bank on deposit or current account;

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

10 (o) make gifts for any charitable purpose;

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

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

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

20 **5.-(1)** The Chancellor shall in relation to the University, take  
 21 precedence before all other members of the University, and when he is  
 22 present shall preside at all meetings of convocation held for conferring  
 23 degrees

Functions of the  
Chancellor and  
Pro-Chancellor

24 (2) The Pro-Chancellor shall, in relation to the University, take  
 25 precedence before all other members of the University except the  
 26 Chancellor, and except for the Vice Chancellor when acting as Chairman of  
 27 Congregation or Convocation, and the Pro-Chancellor shall when present,  
 28 be the Chairman at all meetings of the Council.

29 **6.-(1)** There shall be a Council for the University consisting of:

30 (a) the Pro-Chancellor;

Establishment  
and Composition  
of Council

- 1 (b) The Vice-Chancellor;  
2 (c) the Deputy Vice-Chancellor;  
3 (d) one person from the Ministry responsible for Education;  
4 (e) four persons representing a variety of interest and broadly  
5 representative of the whole Federation;  
6 (f) four persons appointed by the Senate from among its members;  
7 (g) two persons appointed by the Congregation from among its  
8 members; and  
9 (h) one person appointed by Convocation from among its members  
10 (2) Persons to be appointed to the Council shall be persons of proven  
11 integrity, knowledgeable and familiar with the affairs and tradition of the  
12 University.
- 13 7.-(1) Subject to the provisions of this Act relating to the Visitor, the  
14 Council shall be the Governing Body of the University and shall be charged  
15 with the general control and superintendence of the policy, finances and  
16 property of the University, including its public relations.
- 17 (2) There shall be a committee of the Council to be known as the  
18 Finance and General Purposes Committee, which shall, subject to the  
19 directions of the Council, exercise control over the property and expenditure of  
20 the Council as the Council may from time to time delegate 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 auditors  
25 appointed by the Council from the list and in accordance with guidelines  
26 supplied by the Auditor-General of the Federation, and that an annual report is  
27 published by the University together with certified copies of the said accounts  
28 as audited.
- 29 (5) Subject to this Act and the Statutes, the Council and the Finance  
30 and General Purposes Committee may each make rules for the purpose of

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

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

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

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

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

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

25 **8.-(1)** Subject to section 5 of this Act and subsections (3) and (4) of  
26 this section and to the provisions of this Act relating to the Visitor, it shall be  
27 the general function of the Senate to organize and control teaching in the  
28 University, admission to Postgraduate courses and other admission of  
29 students, the discipline of students and to promote research in the  
30 University.

Functions of the  
Senate

1           (2) Without prejudice to the generality of the provisions of subsection  
2 (I) of this section, it shall in particular be the function of the Senate to make  
3 provision for the:

4           (a) establishment, organization and control of campuses, colleges,  
5 faculties, departments, schools, institutes and other teaching and research units  
6 of the University, and the allocation of responsibility for different branches of  
7 learning;

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

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

13           (d) making of recommendations to the Council with respect to the  
14 award to any person of an honorary fellowship or honorary degree or the title of  
15 professor emeritus;

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

18           (f) supervision of the welfare and security of students in the  
19 University and the regulation of their conduct;

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

22           (h) determination of what description of dress shall be academic dress  
23 for the purposes of the University and regulating the use of academic dress.

24           (3) The Senate shall not establish any new campus, college, faculty,  
25 department, school, institute or other teaching, consultancy and research units  
26 of the university; or any hall of residence or similar institution at the University  
27 without the approval of the Council.

28           (4) (a) Subject to this Act and the Statutes, the Senate may make  
29 regulations for the purpose of exercising any function conferred on it either by  
30 the provisions of the section or for the purpose of providing for any matter for

1 which provision by relation is authorized or required by this Act or any  
2 Statute;

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

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

14 **9.**-(1) The Vice-Chancellor shall, in relation to the University, take  
15 precedence before all other members of the University except the  
16 Chancellor and, subject to section 5 of this Act, the Pro-Chancellor and any  
17 other person for the time being acting as Chairman of the Council.

Functions of the  
Vice-Chancellor

18 (2) Subject to the provisions of this Act, the Vice-Chancellor shall  
19 have general function, in addition to any other functions conferred on him  
20 by this Act or otherwise, of directing the activities of the University, and  
21 shall to the exclusion of any other person or authority be the Chief Executive  
22 and Academic Officer of the University and Ex-Officio Chairman of the  
23 Senate.

24 **PART II - TRANSFER OF PROPERTY**

25 **10.**-(1) All property held by or on behalf of the Provisional Council  
26 shall, by virtue of this subsection and without further assurance, vest in the  
27 University and be held by it for the purpose of the University.

Transfer of  
Property to the  
University

28 (2) The provisions of the Second Schedule to this Act shall have  
29 effect with respect to the transfer of property by this section and to matters

	1	arising there from and with respect to other matters mentioned in that Schedule
	2	PART III - STATUTES OF THE UNIVERSITY
Power of the University to make Statutes	3	<b>11.</b> -(1) Subject to this Act, the University may make Statutes for any
	4	of the following purposes:
	5	(a) Making provision with respect to the composition and constitution
	6	of any authority of the University;
	7	(b) Specifying and regulating the powers and duties of any authority
	8	and regulating any other matter connected with the University or any of its
	9	authorities;
	10	(c) regulating the admission of students where it is done by the
	11	University, and their discipline and welfare;
	12	(d) determining whether any particular matter is to be treated as
	13	academic or non-academic matter for the purposes of this Act and of any
	14	Statute, regulation or other instrument made thereunder and:
	15	(e) making provision for other matters for which provision by Statute
	16	is authorized or required by this Act.
	17	(2) Subject to section 25 (6) of this Act, the Interpretation Act shall
	18	apply in relation to any Statute made under this section as it applies to a
	19	subsidiary instrument within the meaning of section 27 (1) of that Act.
	20	(3) The Statute contained in the Third Schedule to this Act shall be
	21	deemed to have come into force on the commencement of this act and shall be
	22	deemed to have been made under this section by the University.
	23	(4) The power to make Statute conferred by this section shall not be
	24	prejudiced or limited in any way by reason of the inclusion or omission of any
	25	matter in or from the Statute contained in the Third Schedule to this Act or any
	26	subsequent Statute.
Mode of exercising the power to make Statutes	27	<b>12.</b> -(1) The power of the University to make Statutes shall be
	28	exercised in accordance with the provisions of this section.
	29	(2) A proposed Statute shall not have the force of law until it has been
	30	approved at a meeting of the-

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

3 (b) Council by the votes of not less than two thirds of the members  
4 present and voting.

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

8 (4) A Statute which:

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

11 (b) provides for the establishment of a new campus or college or for  
12 the amendment or revocation of any Statute whereby a campus or college is  
13 established; Shall not come into operation unless it has been approved by the  
14 Visitor.

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

20 **13.** A Statute may be proved in any Court by the production of a Proof of Statute  
21 copy thereof bearing or having affixed to it a certificate signed by the Vice-  
22 Chancellor or the Registrar to the effect that the copy is a true copy of a  
23 Statute of that University.

24 **14.-(1)** In the event of any doubt or dispute arising at any time as Power to decide  
the meaning of  
Statute  
25 to the meaning of any provision of a Statute, the matter may be referred  
26 to the Visitor, who shall take such advice and make such decision thereon  
27 as he deems fit.

28 (2) The decision of the Visitor on any matter referred to him under  
29 this section shall be binding upon the authorities, staff and students of that  
30 University and where any question as to the meaning of any provision of a

1 statute has been decided by the Visitor under this section, no question as to the  
2 meaning of that provision shall be entertained by any other authority in  
3 Nigeria:

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

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

15 **PART IV - SUPERVISION AND DISCIPLINE**

The Visitor

16 **15.-(1)** The President shall be the Visitor of the University.

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

21 (3) It shall be the duty of the bodies and persons comprising the  
22 University to:

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

26 (b) Give effect to any instructions consistent with the provision of this  
27 Act which may be given by the Visitor in consequence of the visitation.

Removal of certain  
Members of the  
Council

28 **16.-(1)** If it appears to the Council that a member (other than the Pro-  
29 Chancellor or the Vice-Chancellor) should be removed from office on grounds  
30 of misconduct or inability to perform the functions of his office, the Council



1 shall make a recommendation to that effect through the Minister of the  
2 Federal Executive Council and if the Federal Executive Council after  
3 making such enquiries (if any) as may be considered necessary, approves the  
4 recommendation it may direct the removal of the member from office.

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

9 17.-(1) If it appears to the Council that there are reasons for  
10 believing that any person employed as a member of the academic,  
11 administrative or professional staff of the University, other than the Vice-  
12 Chancellor, should be removed from office or on grounds of misconduct or  
13 inability to perform the functions of his office Council shall:

Removal and  
discipline of  
Academic,  
administrative  
and Professional  
Staff

14 (a) give notice of those reasons to the person in question;  
15 (b) afford such person an opportunity of making representation in  
16 person on the matter to the Council; and  
17 (c) take a decision to determine or not to terminate the  
18 appointment.

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

22 (a) a Joint Committee of the Council and the Senate to review the  
23 matter and to report on it to the Council;  
24 (b) The person in question to be afforded an opportunity to appear  
25 before and be heard by an investigating Committee with respect to the  
26 matter; and  
27 (c) if the Council after considering the report of the Investigating  
28 Committee, is satisfied that the person in question should be removed, the  
29 Council may so remove him by an instrument in writing signed on the  
30 directions of the Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Removal of  
Examiners

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

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

Discipline of  
Students

- 1                   **19.-(1)** Subject to the provisions of this section, where after due
- 2 process it appears to the Vice- Chancellor that any student is guilty of
- 3 misconduct, the Vice-Chancellor may without prejudice to any other
- 4 disciplinary powers conferred on him by Statute or regulations, direct that the:
- 5                   (a) student shall not, during such period as may be specified in the
- 6 direction, participate in such activities of the University or make use of such
- 7 facilities of the University as may be so specified;
- 8                   (b) activities of the student shall, during such period as may be
- 9 specified in the direction, be restricted in such manner as may be so specified;
- 10                  (c) student be rusticated for such period as may be specified in the
- 11 direction;
- 12                  (2) Where a direction is given under the subsection (1) paragraphs (a)
- 13 to (d) of this section in respect of any student, the student may, within the
- 14 prescribed period and in the prescribed manner, appeal against the direction to
- 15 the Senate.
- 16                  (3) Where an appeal is brought pursuant to subsection (2) of this
- 17 section, the Senate shall, after causing such inquiry to be made in the matter as
- 18 the Senate considers just, either confirm or set aside the direction or modify it
- 19 in such manner as the Senate thinks fit.
- 20                  (4) The fact that an appeal from a direction is brought pursuant to
- 21 subsection (3) of this section shall not affect the operation of the direction while
- 22 the appeal is pending.
- 23                  (5) The Vice-Chancellor may delegate his powers under this section
- 24 to a disciplinary Board consisting of such members of the University as he may
- 25 nominate.
- 26                  (6) Nothing in this section shall be construed as preventing the
- 27 restriction or termination of a student's activities at the University for conduct
- 28 which in the opinion of Senate is prejudicial to the interest of the University or
- 29 to its corporate objective or image.
- 30                  (7) A direction under subsection (1) of this section may be combined

1 with a direction under subsection (1)(b) of this section.

2 **PART V - MISCELLANEOUS AND GENERAL PROVISIONS**

3 **20.-(1)** No person shall be required to satisfy requirements as to  
 4 any of the following matters, that is to say, race (including ethnic grouping)  
 5 sex, place of birth, family origin, religious or political persuasion, as a  
 6 condition for becoming or continuing to be a:

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

7 (a) student in the University;

8 (b) Holder of any degree, appointment or employment in the  
 9 University; or

10 (c) member of anybody established by virtue of this Act.

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

14 **21.-(1)** For the purpose of the Land Use Act (which provides for the  
 15 compulsory acquisition of land for public purposes) any purpose of the  
 16 University shall be the same as that of the Federation.

Transfer of land  
to the University

17 (2) Where an estate or interest in land is acquired by the  
 18 Government pursuant to this section, the Government may, by a certificate  
 19 under the hand and seal of the person so authorized or any other person  
 20 authorized in that behalf transfer it to the University.

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

Restriction on  
disposal of land  
by University

25 **PROVIDED** that such consent shall not be required in the case of  
 26 any lease or tenancy at a rack-rent for a term not exceeding twenty-one years  
 27 of any lease or tenancy to a member of the University for residential  
 28 purpose.

29 **23.** Except as may be otherwise provided by Statute or by  
 30 Regulation, the quorum and procedure of any body of persons established

Quorum and  
procedure of  
bodies established  
by this Act

Appointment  
of Committees,  
etc.

1 by this Act shall be such as may be determined by that body.

2 **24.-(1)** Anybody of persons established by this Act shall, without  
3 prejudice to the generality of the powers of that body, have power to appoint  
4 committees, which need not consist exclusively of members of that body and  
5 authorize a Committee established by it to:

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

8 (b) co-opt members and direct whether or not co-opted members shall  
9 be entitled to vote in that Committee

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

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

19 (4) 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 the  
22 officer in question) and the Vice-Chancellor shall be a member of every  
23 Committee of which the members are wholly or partly appointed by the Senate.

24 (5) Nothing in the foregoing provisions of this section shall be  
25 construed as enabling:

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

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

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

4                   (a) in the case of any other document, be authenticated by any  
5                   member of Council; the Vice-Chancellor and the Registrar or any other  
6                   person authorized by Statute.

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

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

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

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

21                  (6) Nothing in section 12 of the Interpretation Act (which provides  
22                  for the application, in relation to subordinate legislation, of certain  
23                  incidental provisions) shall apply to Statutes or Regulations made pursuant  
24                  to this Act.

25                  (7) The power conferred by this Act on anybody to make Statute or  
26                  Regulations shall include power to revoke or vary any:

27                  (a) Statute (including the Statute contained in the Third Schedule to  
28                  this Act; or

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

1           PROVIDED that the Statutes and Regulations may have different  
2 provisions in relation to different circumstances.

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

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

Interpretation

8           **26.-(1)** In this Act-

9 "appropriate authority" means any person, body or authority by law to act in a  
10 specific or general capacity in relation to a subject matter;

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

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

14 "gross misconduct" means any act of misconduct and improper behavior that  
15 may be designated as gross misconduct by any Statute or Regulation made,  
16 pursuant to this Act.

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

18 "Misconduct" means any conduct which is prejudicial to the good name of the  
19 university and or discipline and the proper administration of the business of the  
20 University.

21 "Notice" means notice in writing;

22 "Officer" does not include the Visitor;

23 "Prescribed" means prescribed by Statute or Regulation made under this Act;

24 "Professor" means a person designed as a professor of the University in  
25 accordance with provisions made in that behalf by Statute or by Regulations;

26 "Property" includes rights, liabilities and obligations;

27 "The provisional Council" means the provisional Council appointed for the  
28 University by the President with effect from September 2016;

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

30 "Senate" means the senate of the University established by the Act;



1            "Statute" means a Statute made by the University under section 11 of this  
2            Act and in accordance with the provisions of section 12 of this Act;

3            "The Statutes" means all such Statues as are in force from time to time;

4            "teacher" means a person holding a full-time appointment as a member of the  
5            teaching or

6            research staff of the University;

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

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

9            "undergraduate" means a person in statu pupillari in the University, other  
10           than-

11                    (a) A graduate; and

12                    (b) (b) a person of such description as may be prescribed for the  
13           purposes of this definition.

14           "The University" means the Federal University of Agricultural Technology  
15           Damboa, Borno State incorporated and constituted by this Act; and

16           "the Act" means the Federal University of Agricultural Technology  
17           Damboa, Borno State (Establishment) Act.

18                    (2) Where in any provision of this Act, it is laid down that proposals  
19           are to be submitted or a recommendation is to be made by one authority to  
20           another through one or more intermediate authorities, it shall be the duty of  
21           every such intermediate authority to forward any proposals or  
22           recommendations received by it pursuant to that provision to the appropriate  
23           authority; but any such intermediate authority may, if it thinks fit, forward  
24           therewith its own comments thereon.

25                    **27.** This Bill may be cited as the Federal University of Agricultural      Citation  
26           Technology Damboa, Borno State (Establishment, etc) Bill, 2021.

1 SCHEDULES

2 FIRST SCHEDULE

3 *Section 3 (2)*

4 PRINCIPAL OFFICERS OF THE UNIVERSITY

5 *The Chancellor*

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

8 *The Pro-Chancellor*

9 2.-(1) The Pro-Chancellor shall be appointed or removed from office  
10 by the President

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

13 *The Vice-Chancellor*

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

17 *Deputy Vice-Chancellor*

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

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

24 (3) A Deputy Vice-Chancellor shall-

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

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

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

*Office of the Registrar, Bursar and University Librarian*

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

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

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

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

(a) the Bursar; and

(b) the University Librarian.

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

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

(4) The Bursar and the University Librarian:

(a) Shall each hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.

*Other Officers of the University*

7. There shall be for the University, a Director of Works, who shall

1 be responsible to the Vice Chancellor for the administration of the Works  
2 Department. He shall be responsible for all works, services and maintenance of  
3 University Facilities.

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

8 *Resignation and re-appointment*

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

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

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

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

18 **SECOND SCHEDULE**

19 *Section 10 (2)*

20 **TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.**

21 *Transfer of Property to the University*

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

23 (a) The reference in the subsection to property held by the provisional  
24 Council and the University shall include a reference to the right to receive and  
25 give a good discharge for any grants or contributions which may have been  
26 voted or promised to the provisional Council and the University; and

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

29 2.-(1) All agreements, contracts, deeds and other instruments to  
30 which the provisional Council was a party shall, so far as possible and subject

1 to any necessary modifications, have effect as if the University established  
2 by this Act had been a party to it in place of the provisional Council.

3 (3) Documents not falling within sub-paragraph (1) above,  
4 including enactments, which refer whether specially or generally to the  
5 provisional council shall be construed in accordance with that subparagraph  
6 so far as applicable.

7 (4) Any legal proceedings or application to any authority pending  
8 by or against the provisional Council may be continued by or against the  
9 University established by this Act.

10 *Registration of Transfers*

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

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

22 4-(1) The first meeting of the Council shall be convened by the Pro-  
23 Chancellor on such date and in such manner as he may determine.

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

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

30 (4) The persons who were members of the Senate immediately

1 before the coming into force of this Act shall be deemed to constitute the Senate  
2 of the University until the date when the Senate as set up under the Third  
3 Schedule of this Act must have been duly constituted.

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

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

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

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

20 **THIRD SCHEDULE**

21 *Section 11 (3)*

22 **FEDERAL UNIVERSITY OF AGRICULTURAL TECHNOLOGY DAMBOA, BORNO**

23 **STATE STATUTE NO.1**

24 *Articles*

- 25 1. The council  
26 2. Finance and General-Purpose Committee  
27 3. The Senate  
28 4. The Congregation.  
29 5. Convocation  
30 6. Organization of Faculties and the Branches thereof;



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

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

9 *The Finance and General-Purpose Committee*

10                   2.-(1) The Finance and General-Purpose Committee of the Council  
11   shall consist of:

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

14 (b) The Vice-Chancellor and a Deputy Vice-Chancellor;

15 (c) six other members of the Council appointed by the Council two of  
16 whom shall be selected from among the four members of the council appointed  
17 by the Senate and one of whom shall be selected from among members of the  
18 Council appointed by the congregation; and

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

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

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

24 *The Senate*

25            3.-(1) There shall be a Senate for the University consisting of:

26 (a) The Vice-Chancellor;

27 (b) The Deputy Vice - Chancellor

28 (c) all Professors of the University

29 (d) all Deans, Provosts and Directors of Academic units of the  
30 University;



1 (e) all Heads of Academic Departments, Units and Research  
 2 Institutes of the University;  
 3 (f) The University Librarian; and  
 4 (g) academic members of the congregation who are not Professors  
 5 as specified in the laws of the University.

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

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

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

16 *Congregation*

17 4.-(1) Congregation shall consist of:

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

25 (2) Subject to section 5 of this Act, the Vice-Chancellor shall be the  
 26 Chairman at all meetings of congregation when he is present, and in his  
 27 absence one of the Deputy Vice-Chancellors appointed by him shall be the  
 28 chairman at the meeting.

29 (3) The quorum of congregation shall be one-third (or the nearest  
 30 whole number to one third) of the total number of members of congregation

1 or fifty, whichever is less.

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

3 (a) The total number of members of Congregation for the purposes of  
4 any particular meeting or meetings of Congregation; or

5 (b) the names of the persons who are members of Congregation  
6 during a particular period; Shall be conclusive evidence of that number or as  
7 the case may be of the names of those persons.

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

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

15 *Convocation*

16 5.-(1) Convocation shall consist of:

17 (a) The Officers of the University mentioned in Schedule 1 to this Act;

18 (b) All teachers within the meaning of this Act; and

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

21 (2) A person shall be entitled to have his name registered as a member  
22 of convocation if he:

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

25 (b) applies to the registration of his name in the prescribed manner  
26 and pays the prescribed fee.

27 (3) Regulations shall provide for the establishment and maintenance  
28 of a register for the purpose of this paragraph and, subject to paragraph (3)  
29 below, may provide for the payment from time to time of further fees by  
30 persons whose names are on the register and for the removal from the register

1 of the name of any person who fails to pay those fees.

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

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

10 (6) The register shall, unless the contrary is proved, be sufficient  
11 evidence that any person named therein is, and that any person not named  
12 therein is not, a member of convocation; but for the purpose of ascertaining  
13 whether a particular person was such a member on a particular date, any  
14 entries in and deletions from the register made on or after that date shall be  
15 disregarded.

16 (7) The quorum of convocation shall be fifty or one-third (or the  
17 whole number nearest to one-third) of the total number of members of  
18 convocation whichever is less.

19 (8) Subject to section 5 of this Act, the Chancellor shall be  
20 chairman at all meetings of convocation when he is present, and in his  
21 absence the Vice-Chancellor shall be the chairman at the meeting.

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

25 *Organization of Faculties and Branches thereof*

26 6. Each Faculty shall be divided into such number of branches as  
27 may be prescribed.

28 7.-(1) There shall be established in respect of each Faculty, a  
29 Faculty Board, which subject to the provisions of this Act, and subject to the  
30 directions of the Vice-Chancellor, shall:

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

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

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

7 (2) Each Faculty Board shall consist of:

8 (a) The Vice-Chancellor;

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

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

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

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

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

18 *The Dean of the Faculty*

19 8.-(1) The Dean of a faculty shall be a professor elected by the Faculty  
20 Board and such Dean shall hold office for a term of two years. He will be  
21 eligible for re-election for another term of two years after which he may not be  
22 elected again until two years have elapsed.

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

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

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

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

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

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

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

*Selection of Certain Principal and other key Officers*

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

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

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

1       may make an appointment to that office.

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

5                               *Creation of Academic Post*

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

9                               *Appointment of Academic Staff*

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

13                              *Appointment of Administrative and Technical Staff*

14              12.-(1) The administrative and technical staff of the University, other  
15       than those mentioned in paragraph 9 of this schedule shall be appointed by the  
16       Councilor on its behalf by the Vice-Chancellor or the Registrar in accordance  
17       with any delegation of powers made by the Council in that behalf.

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal University of Agricultural Technology Damboa, Borno State to make comprehensive provisions for its due Management and Administration.

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE  
OF NURSING AND MIDWIFERY, KEBBI STATE AND FOR RELATED MATTERS

*Sponsored by Hon. Bello A. Koaje*

[ ] Commencement

ENACTED by the National Assembly of the Republic of Nigeria  
as follow:

1 PART I - ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COLLEGE

2 1.-(1) There is hereby established for the Federal College to be Establishment  
3 known as the Federal College of Nursing and Midwifery, Kebbi State.

4 (2) The College shall:

5 (a) Have the status of a tertiary institution with right and privileges  
6 of such institution; and

7 (b) Be a body corporate with perpetual succession and a common  
8 seal with powers to sue and be sued in its corporate name.

9 2. The object of College shall be: Object

10 (a) To provide training and research in general Nursing, Midwifery  
11 and other specialties of Nursing leading to the award of Professional  
12 Certificates, Diplomas, Degrees and other post Basic Certificates;

13 (b) To provide avenues for continuing education in Nursing,  
14 Midwifery and other specialties of Nursing; and

15 (c) To provide such services that is necessary and incidental to the  
16 object of the College.

17 3.-(1) The College shall be a teaching and examining body and Powers of the  
18 shall subject to the provisions of this Bill and the regulations of the College College  
19 have powers to:

20 (a) Provide rules and conditions under which persons may be

- 1 admitted as Student for any particular course of study provided by the College;
- 2 (b) Provide courses of instruction in the Academic and Professional
- 3 programmes for Students;
- 4 (c) Make provision for research and the dissemination of knowledge;
- 5 (d) Establish Department and such other units of learning and
- 6 research as the purpose of the College may require;
- 7 (e) Create such Offices and Posts as the purpose of the College may
- 8 require and to appoint persons to and remove person from such Office or Post
- 9 and prescribe their conditions of service;
- 10 (f) Maintain libraries, laboratories, workshops lecture halls, hostels,
- 11 dining halls, sport field and other building or facilities of the College;
- 12 (g) Provide for residence, recreation and welfare of members of staff
- 13 and students of the College as may be deemed necessary;
- 14 (h) Demand and receive from students and other persons attending the
- 15 College for the purpose of instruction such fees as the College may from time
- 16 to time determine;
- 17 (i) Prescribe rules for the discipline of student of the College;
- 18 (j) Conduct examination and arrange for award of certificates and
- 19 distinctions to persons who pursue courses of studies approved by the College
- 20 and who satisfy such other requirement as may from time to time be prescribe;
- 21 (k) Subject to specific limitations or conditions that may imposed by
- 22 extant Government regulations or circular, invest any fund apportioned to the
- 23 College by way of endowment, whether for general or special purpose and
- 24 such monies as may not immediately be required be require for current
- 25 expenditure in any investment or securities.
- 26 (l) Print or publish works or undertake service as may be deemed
- 27 consistent with the object of the College;
- 28 (m) Do such other acts and things necessary under this Acts for the
- 29 attainment of the object of the object of the College or incidental to the powers
- 30 of the College; and



1 (n) Carry out any special or general directive consistent with  
2 Government policy as the Secretary of Health may give in writing.

3 (2) Without prejudice to the generality of the provision of section 2  
4 of this Act and subsection (1) this section, the College may by special  
5 arrangement with the Nursing and Midwifery Council of Nigeria or other  
6 Examination bodies prepare it Students for award of certificates or other  
7 distinctions.

8 (3) Subject to the provisions of this Bill and of any other statute.  
9 The power conferred on the College by subsection (1) of this section shall be  
10 exercise on behalf of the College by the Council and the Committees  
11 established for the College or by such Officers and other Staff of the College  
12 as may be authorize in that behalf and may also be exercised through  
13 Schools established under this Act.

14 4.-(1) The Provost shall have custody of the common seal of the  
15 College and shall be responsible for affixing same to documents.

16 (2) The common seal of the College shall not be used save upon the  
17 direction of the council and shall be authenticated by the signature of the  
18 Provost.

19 PART II - GOVERNMENT COUNCIL OF THE COLLEGE

20 5.-(1) There shall be establish for the College, a Government Establishment  
21 Council to be known as the Governing council of the Federal College of of Governing  
22 Nursing and Midwifery, Kebbi State Council of the  
College

23 (2) The Council shall consist of:

24 (a) A Chairman who shall be appointed on part time basis by the  
25 Commissioner on the recommendation of the Secretary of Health;

26 (b) A representative of the Secretary of Health;

27 (c) The Provost of the College;

28 (d) A representative of the Kebbi State Chapter of National  
29 Association of Nigeria Nurses and Midwives;

30 (e) Two members to represent the interest of the public to be

1 appointed by the Minister on the recommendation of the Secretary of Health;  
 2 (f) A representative of Kebbi State Treasury;  
 3 (g) A representative of Kebbi State Legal Service Secretariat;  
 4 (h) A representative of Kebbi State Education Secretariat;  
 5 (i) The Director, Finance and Administration in the Secretariat;  
 6 (j) The Director of Nursing in Kebbi State Hospitals Management  
 7 Board; and  
 8 (k) The Director, Nursing Service of the Secretariat who shall also  
 9 serve as the Secretary.

Tenure of  
Members

10 **6.-(1)** Members of the Council other than ex-officio members shall  
 11 hold office for a period of four (4) years from the date of their appointment and  
 12 shall be eligible for reappointment for one further term of four (4) years and no  
 13 more.

14 (2) Any member of the Council other than an ex officio member may  
 15 by notice to the Council resign his appointment.

16 (3) Any vacancy occurring in the membership of the Council shall be  
 17 filled by the appointed of a successor who shall represent the same interest as  
 18 his predecessor for the remainder of the term of the predecessor.

Functions of  
the Council

19 **7.-(1)** Subject to the provisions of this Act, the Council shall:

20 (a) Be the Governing Authority of the College;

21 (b) Be charged with general control and superintendence of the  
 22 policies, finances and properties of the College;

23 (c) Make regulations for the day to day management of the College;

24 and

25 (d) Do any other thing necessary or incidental to attainment of objects  
 26 of the College.

#### 27 FUNCTIONS OF THE ACADEMIC COMMITTEE

28 (2) Without prejudice to the provisions of subsection (1) of this  
 29 section, the Council shall:

30 (a) Ensure that the courses and instructions provided by the College

1 conform to the required standard laid down from time to time by the Nursing  
2 And Midwifery Council of Nigeria;

3 (b) Regulate the teaching of course offered by the College, and also  
4 regulate the conduct of examination with respect to the College;

5 (c) Approve contracts for procurement of equipment, furniture and  
6 other properties required for the purpose of the College;

7 (d) Approve contracts for maintenance of the premises and other  
8 properties of the College;

9 (e) Formulate policies and initiate programmes in all field of  
10 learning conducted by the College;

11 (f) Assess from time to time the course offered by the College; and

12 (g) Perform such other function as may be necessary.

13 (3) The council may delegate any of its functions, other than the  
14 power to make regulates, to the Chairman or any other person, Board or  
15 Committee it deems it fit in that behalf, but no decision of such person or  
16 Committee shall take effect unless ratified by Council.

17 **8.** The Director, Nursing Service of the Secretariat shall be the Secretary to the Council, and for any particular meeting that he may be  
18 Secretary to the Council, and for any particular meeting that he may be  
19 absent, he shall send a representative to act in that behalf.

Secretary to the  
Council

20 **9.-(1)** The Secretary of Health may give to the Council directions  
21 as to the discharge of its function in relation to matters appearing to the  
22 Secretary of Health to affect public interest and the Council shall give effect  
23 to such directive.

Directives

24 (2) The Council shall afford the Secretary of Health Facilities for  
25 obtaining information with respect to the property of the College and the  
26 functions of the Council and he shall be furnished with returns, accounts and  
27 facilities for verification of the information in such manner and at such times  
28 as he may require.

1           PART III - SCHOOLS, DEPARTMENTS AND UNITS WITHIN THE COLLEGE

2                   **10.**-(1) There shall be within the College a School of Nursing and a  
3           School of Midwifery and such other schools as the Secretariat may with the  
4           approval of the Nursing and Midwifery Council of Nigeria establish.

5                   (2) Each School shall provide instruction for courses, conduct  
6           research and carry out such functions as may be prescribed by the Council with  
7           the approval of the Secretary of Health.

8                   (3) The constitution of and other matters relating to each Schools may  
9           be prescribed by the council with the approval of the Secretary of Health

10                  **11.** In furtherance of the provisions of section 3 (1) (c) of this Act, the  
11           Council shall with the approval of the Secretary of Health establish for each  
12           School such Department as the Nursing and Midwifery Council of Nigeria may  
13           from time to time prescribe.

14                  **12.** Subject to the provision to this Act, the Council may with the  
15           approval of the Secretary of Health establish units for special purposes within  
16           the College; and the name, constitution and functions of any such units may be  
17           prescribe by director of the Council.

18           PART IV - PRINCIPAL OFFICER AND STAFF OF THE COLLEGE

Provost of the  
College

19                  **13.** There shall be for the College a Provost and other Principal  
20           Officers, the designations, qualifications, functions, appointments and  
21           removal of whom shall be as spelt out in section 15 to 22 of this Act.

Principal Officer  
of the College

22                  **14.**-(1) The Principal Officers of the College shall include:

23                   (a) The Deans of the Schools in the College;

24                   (b) The Deputy Deans (Academics and Administration) of the  
25           Schools in the College;

26                   (c) The Registrar;

27                   (d) The College Librarian; and

28                   (e) The Bursar.

29                  (2) The Principal Officers of the College other than Deans and Deputy  
30           Deans of Schools in the College shall be appointed by the Council subject the

1 approval of the Minister through the Secretary of Health.

2 (3) The Deans and the Deputy Deans of Schools in shall be  
3 appointed by the Council.

4 **15.-(1)** The Provost shall be appointed from amongst the Academic Appointment  
of Provost  
5 Staff of the College and shall be the Chief Executive and Administrator of  
6 the College and also be responsible to the Council for maintaining and  
7 promoting efficiency and discipline in the College.

8 (2) The Provost shall hold a Degree in Nursing and shall be a  
9 registered Education in Nursing, Midwifery or other specialty areas of  
10 Nursing with not less than fifteen (15) years of teaching experience.

11 **16.-(1)** The Deans of Schools in the College shall be responsible to Deans  
12 the Provost for the Administration of the Schools.

13 (2) The Deans of Schools in the College shall hold Degree in  
14 Nursing and shall be registered Educators in the Nursing specialty related to  
15 their respective Schools and with not less than Ten (10) years of teaching  
16 experience.

17 **17.-(1)** The Deputy Deans of Schools in the College shall be the Deputy Deans  
18 assistants to the Deans of their respective Schools and shall perform such  
19 duties as may be assign to them by the Deans.

20 (2) The Deputy Deans of schools in the College shall hold Degree  
21 in Nursing and shall be Registered Educator in the Nursing specialty related  
22 to their respective schools with less than seven (7) years teaching  
23 experience.

24 **18.-(1)** The Registrar of the College shall be the Head of The Registrar  
of the College  
25 Administration of the College shall be responsible to the Provost.

26 (2) The Registrar shall be an experienced Graduate of Humanities  
27 with not less than fifteen (15) years' experience in Public Administration

28 (3) The person holding the office of the Registrar of the College  
29 shall by virtue of that office be the Secretary to the Academic Board and the  
30 Finance and General Purpose Committee.

The Bursar	<p>1                   <b>19.</b>-(1) The Bursar shall be the Chief Financial Officer of the College</p> <p>2                   and shall be responsible to the Provost for the day to day administration of the</p> <p>3                   financial affairs of the College.</p>
	<p>4                   (2) The Bursar shall be a qualified Accountant with not less than Ten</p> <p>5                   (10) years post qualification experience.</p>
The Librarian	<p>6                   <b>20.</b>-(1) the Librarian shall be responsible to the Provost for the Co-</p> <p>7                   ordination of Library Services in College.</p>
	<p>8                   (2) The Librarian shall have a Degree in Library Sciences with not</p> <p>9                   less than ten years post qualification experience as a Librarian.</p>
	<p>10                  <b>21.</b> The Council may appoint such other persons to be Staff of the</p> <p>11                  College as it may deems fit on such terms and conditions as may specified in</p> <p>12                  their instructions of appointment.</p>
Removal from office	<p>13                  <b>22.</b>-(1) The Principal Officers and other Senior Staff of the College</p> <p>14                  may be removed from office by the Commissioner for misconduct,</p> <p>15                  incompetence or any other justifiable reason on the recommendation of the</p> <p>16                  council.</p>
	<p>17                  (2) The Council shall have power to remove any Junior Staff of the</p> <p>18                  College for justifiable reasons.</p>
	<p>19                  PART V - ESTABLISHMENT AND FUNCTIONS OF COMMITTEES</p>
Finance and General Purpose	<p>20                  <b>23.</b> There shall be a Committee of the Council to known as the</p> <p>21                  Finance and General Purpose Committee.</p>
Composition of the Committee	<p>22                  <b>24.</b>-(1) The Finance and General Purpose Committee shall consist of:</p> <p>23                  (a) The Chairman of the Governing Council who shall be the</p> <p>24                  chairman;</p> <p>25                  (b) The respective of the Secretary of Health;</p> <p>26                  (c) The Provost of the College;</p> <p>27                  (d) The Director of Finance and Administration in the Secretariat;</p> <p>28                  (e) The Director of Nursing Services in the Secretariat;</p> <p>29                  (f) One member of the Academic Committee to be appointed by the</p> <p>30                  Council; and</p>

1 (2) The Registrar shall be Secretary of the Committee.

2 **Functions of the Committee**

3 **25.** The finance and general purpose committee shall:

4 (a) Exercise control over property, revenue and expenditure of the College;

5 (b) Award contracts for the execution of project of the College; and

6 (c) Perform such other functions as the Council may delegate to it.

7 **26.**-(1) Anybody of persons established by this Act shall, without prejudice  
8 to the generality of the powers of that body, have power to constitute  
9 Committees, which need not consist exclusively of members of that body,  
10 and to authorize a Committee established by it;

11 (a) To exercise, on its behalf, such of its function as it may determine; and

12 (b) To co-opt Members, and may direct whether or not co-opted members if  
13 any, shall be entitle to vote in that Committee

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

19 (3) The quorum and procedure of a committee establish or meeting held in  
20 pursuance of this section shall be such as may be determined by the body or  
21 bodies which have decide to establish the Committee or hold the meeting.

22 **PART VI - ACADEMIC BOARD**

23 **27.** There shall be for each School of the College an Academic  
24 Board which shall be responsible for the academic work of the School.

25 **28.** The Academic Board of each school of the College shall be  
26 composed of:

27 (a) The provost of the College, as Chairman;

28 (b) The Dean of the school, as Deputy Chairman;

29 (c) The Deputy of Dean of the School;

30 (d) All Heads of Department of the Schools;

1 (e) One Academic Staff not below the rank of Senior Lecturer to be  
2 selected from each of the Department of the School;

3 (f) A representative of the Director, Nursing Service in the Secretariat;

4 (g) The School Librarian; and

5 (i) The Registrar who shall be the Secretary of the Board.

6 **29.** Subject to the overall control and direction of the council, the  
7 Academic Board of each school of the College shall perform the following  
8 functions:

9 (1) Regulating and organizing the process of admission, conduct of  
10 Examinations, award of Certificates and all formalities relating to the  
11 registration and licensing of graduates.

12 (2) Making recommendation to the council on appointment of  
13 Academic Staff of the School and on the organization of Department, Libraries  
14 and other Units of learning and Research in the School.

15 (3) Making guidelines for the purpose of exercising any of the  
16 functions conferred on it under the provisions of this section.

17 (4) Preparing curriculum for the school in line with guidelines from  
18 the Nursing and Midwifery Council of Nigeria and or other regulatory bodies.

19 (5) Performing such other functions that may be assigned to it by the  
20 Council.

21 **PART VII - SUPPLEMENTARY PROVISIONS**

22 **30.** The supplementary provisions contained in the schedule shall  
23 have effect in relation to the proceeding of the various bodies appointed under  
24 the provision of this Act.

25 **31.** In the absence of the Council and until it is constituted for the  
26 College, the functions and powers of the Council under this Act may be  
27 Exercise by the Secretary of health in consultation with the Director of Nursing  
28 Services in the Secretariat.



1 PART VIII - PROPERTY AND FINANCE

2 **32.** The Government of Kebbi State may, by order transfer any Transfer of  
 3 property whether movable or immovable to the College and from the date of Property  
 4 such order, any property so transferred shall vest in the College and shall be  
 5 used for the purpose of the College.

6 **33.** The Council may, subject to the provision of this Act: Property of the  
 7 College

8 (a) Acquire and hold such movable or immovable property as may  
 be necessary or expedient for carrying into effect the provisions of this Act;

9 (b) Invest the funds of the College in such manner and to such  
 10 extent as it may deem necessary or expedient; and

11 (c) Enter into contractual agreement on behalf of the College;

12 **34.**-(1) the Council shall have power to approve expenditure of Expenditure of  
 13 over N100,000.00 but not exceeding N1,000,000.00 per unit transaction for the College  
 14 the procurement of the goods, works and services and shall refer  
 15 procurements exceeding the amount to the secretary of Health.

16 (2) The Provost shall approve procurement of works, goods and  
 17 services not exceeding N100,000.00.

18 (3) The threshold mentioned in this section may be adjusted, in the  
 19 case of:

20 (a) Subsection (1), by the Secretary of Health; and

21 (b) Subsection (2), by the Council.

22 **35.** The revenue of the College shall include: Revenue of the  
 23 College

24 (a) Revenue from time to time accruing to the College by way of  
 Government grant, subvention or endowment or other forms of grant-in aid;

25 (b) Fees charges by and payable in respect of Students;

26 (c) Any other amounts charges or dues recoverable by the College;

27 (d) Receipts for publications or services;

28 (e) Interest on investments;

29 (f) Donations and Legacies.

Annual Estimate	1	<b>36.</b> Before the end of each financial year or at such other time as may
	2	be required by the Council the Director, Finance and Administration or the
	3	Provost shall present for Council estimate of revenue and expenditure for the
	4	ensuring financial year and the accepted estimates shall be presented to the
	5	Secretary Health and Human Services Secretary who shall cause same to be
	6	placed before the Commissioner for approval.
Statement of Account	7	<b>37.</b> -(1) the College shall prepare in respect of each financial year a
	8	statement of account in such form as may be approved by the Secretary of
	9	Health and the said annual statement of account shall be a fair and accurate
	10	statement of the financial position of the College for the financial year to which
	11	it relates.
Account Audit	12	(2) The said annual statement of accounts shall be audited by the
	13	Auditor-General of the Federation or by such competent auditor appointed by
	14	him.
	15	(3) The said audited statement of accounts, after verification by the
	16	Council shall together with the auditor's report is forwarded to the secretary of
	17	Health who shall cause the same to be placed before the Minister.
Interpretation	18	<b>38.</b> In this Act unless the context otherwise requires:
	19	"Academic Board" means the Academic Board established under this Act;
	20	"Chairman" means the Chairman of the Governing Council of the College or
	21	where the context requires Chairman of the respective Committees established
	22	under this Act;
	23	"College" means the Federal College of Nursing and Midwifery, Kebbi State;
	24	"Council" means the governing council established under section 4(1) of this
	25	Act for the College;
	26	"Executive Committee" means the Kebbi State Executive Committee;
	27	"Commissioner" means the Commissioner of the Kebbi State;
	28	"Junior staff" is a reference to staff on CONHESS 01-05 or salary Grade levels
	29	01-06;

1 "Members" means members of the council and includes the chairman of the

2 Council:

3 "Provost" means the provost of the College;

4 "Regulations" means any regulation formulated for the College by the  
5 council;

6 "Secretariat" means Health and Human Services Secretariat of Kebbi State;

7 "Secretary" means the Secretary to the council of the College and other-wise  
8 means the Secretary of any Committees established under this Act;

9 "Secretary of Health" means the Secretary of Health and Human Services or  
10 such other official as may be from time to time designation as head of the  
11 body responsible for Health service under Kebbi State;

12 "Senior staff" is a reference to staff on CONHESS 06-16 or salary Grade  
13 Levels 07-17.

14 **39.** This Bill may be cited as the Federal College of Nursing and Citation  
15 Midwifery, Kebbi State (Establishment) Bill, 2021.

#### EXPLANATORY NOTE

This Bill seeks to provide for the establishment of the Federal College of Nursing and Midwifery, Kebbi State and to provide training and research in general Nursing, Midwifery and other specialties of Nursing.



# A BILL

## FOR

AN ACT TO REPEAL THE LEGAL PRACTITIONERS ACT CAP L11, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND RE-ENACT THE LEGAL PRACTITIONERS ACT TO PROVIDE FOR REFORMS AND REGULATE THE LEGAL PROFESSION AND FOR RELATED MATTERS

### *Sponsors:*

Hon. Onofiok Akpan Luke  
 Hon. Shaba Ibrahim  
 Hon. Mohammed Omar Bio  
 Hon. Saidu Muhammed Mustafa  
 Hon. Karu Simon Elisha  
 Hon. Tajudeen Abbas  
 Hon. Dandutse M. Mohammed  
 Hon. Ofumelu Vincent Ekene  
 Hon. Chikere Kenneth Anayo  
 Hon. Akinjo Kolade Victor  
 Hon. Chukwuegbo Ofor Gregory  
 Hon. Olarewaju Ibrahim Kunle  
 Hon. Muraina Saubana Ajibola

Hon. Dederi Haruna Isa  
 Hon. Gbande Iorkyaan Richard  
 Hon. Hassan Abubakar N alaraba  
 Hon. Dogara Yakubu  
 Hon. Abubakar Yerima Idiris  
 Hon. Ayuba Badamasi  
 Hon. Nkern-Abonta Uzoma  
 Hon. Egbona Alex  
 Hon. Benson Babajimi Adegoke  
 Hon. Obinna Chidoka  
 Hon. Mutu Nicholas Ebomo  
 Hon. Akiolu Moshood Kayode  
 Hon Vincent Ofumelu

[ ] Commencement

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

### PART A - GENERAL

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- 1.-(1) There shall be a Body Corporate with perpetual succession and a common seal made up of Legal Practitioners of the highest distinction in the legal profession in Nigeria to be known as the Body of Benchers.
- (2) The powers of the Body of Benchers shall include-
- (a) Call to the Bar of eligible candidates;
- (b) Taking all measures (whether by making regulations pursuant to the powers conferred on it by this section or otherwise howsoever) which appear to it to be necessary or expedient for maintaining at all times the traditional values and wellbeing of the legal profession; and
- (c) The exercise of disciplinary jurisdiction over members of the legal profession.
- (3) The Body of Benchers shall be made up of the following members-
- (a) The Chief Justice of Nigeria;
- (b) All the Justices of the Supreme Court;
- (c) The President of the Court of Appeal;
- (d) Life Benchers;

Body of Benchers

- 1 (e) The Attorney General of the Federation;  
2 (f) The President of the Nigerian Bar Association;  
3 (g) The Presiding Justices of the Court of Appeal Divisions;  
4 (h) The Chairman of the Council of Legal Education;  
5 (i) The Chief Judge of the Federal High Court;  
6 (j) The President of the National Industrial Court;  
7 (k) The Chief Judge of the High Court of the Federal Capital Territory,  
8 Abuja;  
9 (l) The Chief Judges of the States of the Federation;  
10 (m) The Attorneys General of the States of the Federation;  
11 (n) President of the Senate (where he is a lawyer);  
12 (o) Speaker of the House of Representatives (where he is a lawyer);  
13 (p) The Chairman of the Senate Committee on Judiciary (where he is a  
14 lawyer);  
15 (q) The Chairman of the House Committee on Judiciary (Where he is a  
16 lawyer);  
17 (r) 30 (Thirty) Legal Practitioners nominated by the National  
18 Executive Committee of the Nigerian Bar Association with a minimum of 15  
19 years' post call; Five (5) of whom shall be Law Teachers;  
20 (s) Such number of persons, not exceeding 10 (ten), who appear to the  
21 Body of Benchers to be eminent members of the Legal Profession in Nigeria of  
22 not less than 15 (fifteen) years post call standing, nominated by the Chairman,  
23 Body of Benchers.  
24 (4) The Body of Benchers shall make regulations-  
25 (a) providing for a modification in the membership of the Body of  
26 Benchers as set out in subsection (3) of this section and the qualifications for  
27 and conditions applicable to such membership;  
28 (b) providing for the tenure of office of Benchers including the  
29 conferment of life membership on any Bencher;  
30 (c) providing for the appointment of persons of distinction in any

1 country as honorary members of the Body of Benchers and the conditions  
2 applicable to such appointment;

3 (d) providing for the composition and quorum of the Benchers for  
4 the purpose of the exercise of any of the functions conferred on the Benchers  
5 under this Act and for determining in connection thereto of any matter  
6 which, in the opinion of the Benchers, requires to be determined; and

7 (e) providing, either generally or in respect of any particular case,  
8 for the discharge of the functions conferred on the Benchers under this Act.

9 (5) Any Bencher may in such manner and subject to such procedure  
10 as may be prescribed be removed from office for misconduct or on such  
11 other ground as the Benchers may, in their discretion determine.

12 (6) The Benchers shall meet at such times, at the Benchers Hall  
13 and/or places that may be convenient for them and may, in such manner as  
14 they think fit, prescribe the procedure for their meetings.

15 (7) The validity of any proceedings of the Body of Benchers shall  
16 not be affected by any vacancy in the membership of the Body or by any  
17 defect in the appointment of a member or by any irregularity in such  
18 proceedings.

19 (8) The disciplinary powers conferred on the Body of Benchers  
20 under subsection (2)(c) of section 1 shall be exercised in such manner as  
21 may be prescribed by rules made by the Body of Benchers.

22 2.-(1) Any member of the Body of Benchers whose membership is Members' Tenure  
23 by virtue of office ceases to be a Bencher immediately he leaves the office  
24 entitling him to be a member of the Body of Benchers.

25 (2) Other Members remain in office for 3 years in the first instance,  
26 but may be re-appointed for another term of 3 years only.

27 (3) Present and Past Chief Justices of Nigeria are Life Benchers.

28 (4) A Member who serves in the Body consistently,  
29 conscientiously and meritoriously for a period of 5 consecutive years

- 1 becomes eligible to be appointed a Life Bencher, provided there is a vacancy.
- 2 (5) The Body of Benchers may make rules providing, among other
- 3 items, for the-
- 4 (a) Appointment of a Chairman and other officers and for succession
- 5 to the offices;
- 6 (b) Removal of a Bencher for misconduct;
- 7 (c) Convening of meetings;
- 8 (d) Licensing of Legal Practitioners;
- 9 (e) Discipline of Legal Practitioners;
- 10 (f) Tenure and quorum of Legal Practitioners' Disciplinary
- 11 Committee;
- 12 (g) Appointment of Honorary Benchers from other jurisdictions;
- 13 (h) Composition and quorum for specific assignments.
- 14 (6) The quorum of the Body of Benchers for general business is 30.
- 15 (7) The validity of any proceedings of the Body of Benchers shall not
- 16 be vitiated by any vacancy in its membership or any defect in the appointment
- 17 of a member.
- 18 **3.-(1)** There shall be established for the Body, the office of a Secretary
- 19 who shall have a career service and shall be appointed by the Body of
- 20 Benchers.
- 21 *Secretary*
- 22 (2) The Secretary shall be-
- 23 (i) The head of the Secretariat and shall be responsible for the
- 24 execution of policies and the day to day running of the affairs of the Body;
- 25 (ii) A Legal Practitioner with a career service of not less than 10 years
- 26 post call experience;
- 27 (iii) The Chief Accounting Officer, shall keep all financial records and
- 28 render Financial Accounting Returns to the Accountant General of the
- 29 Federation and to the Body of Benchers;
- 30 (iv) Responsible for the administration of the Secretariat, keeping of

Office of the  
Secretary and  
Secretariat for  
the Body of  
Benchers

Functions and  
Qualification



- 1 the books and records of the Body and perform such other duties and  
 2 functions as the Chairman may from time to time direct;
- 3 (v) Subject to the supervision and control of the Chairman and the  
 4 Body;
- 5 (vi) Prudent in collection and expenditure of all revenue;
- 6 (vii) Responsible for preparing and defending the Annual budget  
 7 of the Body;
- 8 (viii) In charge of all the Committees of the Body;
- 9 (ix) Responsible for Issuance of Notice of Meetings of the Body of  
 10 Benchers and Committee Meetings;
- 11 (x) Responsible for supervising and overseeing the arrangements  
 12 for Call to Bar ceremonies and Law dinners;
- 13 (xi) Responsible for carrying out and implementing the  
 14 Resolutions passed by the Body from time to time and also be responsible  
 15 for carrying out and executing such other instructions and directives as may  
 16 be given to him by the Body or its Chairman; and
- 17 (xii) Maintain a record of the roll of Legal Practitioners in Nigeria.
- 18 (3) (a) The Body shall have powers to appoint such number of Staff of the  
 19 persons as it deems necessary as staff of the Body; Body
- 20 (b) The scheme of service obtainable in the judiciary and public  
 21 service shall be applicable to the staff;
- 22 (c) The Body of Benchers may make staff regulations relating  
 23 generally to the conditions of service of the employees of the Body and  
 24 without prejudice to the generality of the foregoing such regulations may  
 25 provide for the appointment, promotion and disciplinary control (including  
 26 dismissal) of any employee.
- 27 4.-(1) The Body shall be duly funded and operate within normal Financial  
 28 budgetary allocation as may be made to it by the Federal Government Provision  
 29 through the National Judicial Council.
- 30 (2) The Body of Benchers may accept gifts of money or movable or Power to accept  
gifts

Composition  
and Proceedings  
of Bar Council

1     immovable property upon such terms and condition as may be prescribed by  
2     the Body.

3             (3) The Body of Benchers shall not accept any gift if the conditions  
4     attached thereto by the person or organization making the gift to the acceptance  
5     thereof are inconsistent with or inimical to the functions of the Body of  
6     Benchers.

7             (4) The Body of Benchers may, subject to any trust created in respect  
8     of any property, invest its funds including any of its surplus funds in any  
9     securities as may be approved by the Body of Benchers.

10            **5.-(1)** There shall be a body to be known as the General Council of the  
11     Bar (hereinafter in this Act referred to as "the Bar Council") which shall be  
12     charged with the general management of the affairs of the Nigerian Bar  
13     Association (subject to any limitations for the time being provided by the  
14     constitution of the association) and with any functions conferred on the  
15     council by this Act or that constitution.

16            (2) The Bar Council shall consist of-

17            (a) the Attorney-General of the Federation, who shall be the  
18     president of the council;

19            (b) the Attorneys-General of the States; and

20            (c) twenty members of the association.

21            (3) The persons mentioned in paragraph (c) of subsection (2) of this  
22     section shall-

23            (a) be elected to serve on the Bar Council at elections in which all  
24     members of the association are entitled to vote in such manner as may be  
25     provided by the constitution of the association; and

26            (b) hold office for such period as may be determined by or under that  
27     constitution, and not less than seven of those persons shall be legal  
28     practitioners of not less than ten years standing.

29            (4) The quorum of the Bar Council shall be eight, and the council may  
30     make standing orders regulating the procedure of the council and, subject to

1 the provisions of any such orders, may regulate its own proceedings; and no  
2 proceedings of the council shall be invalidated by any vacancy in the  
3 membership of the council, or by the fact that any person took part in the  
4 proceedings who was not entitled to do so.

5 **6.-(1)** All Courts shall accord to the officers listed in subsection (2) Inner Bar and  
6 the privileges listed in subsection (3). Docket Priority

7 (2) The officers are the Attorney General of the Federation,  
8 Attorneys General of States, Senior Advocates of Nigeria, Life Benchers,  
9 President of the Nigerian Bar Association, Solicitor General of the  
10 Federation and Solicitors General of the States.

11 (3) The privileges are-

12 (a) The privilege to sit in the Inner Bar or front rows of the seats  
13 available in Courts for Legal Practitioners;

14 (b) Without prejudice to the priority of criminal and human rights  
15 cases, the privilege to mention their cases out of turn.

16 **7.-(1)** A person is entitled to practice as a Legal Practitioner only if Practice as a  
17 his name is on the Roll of the Legal Practitioners kept at the Supreme Court Legal Practitioner  
18 of Nigeria and he has met all the conditions for practice set out in this Act and  
19 any rules made by the Body of Benchers.

20 (2) For the purposes of this Act and any other enactment relating to  
21 the entitlement of any person to practice law in Nigeria, the terms 'practice  
22 of law' and the 'provision of legal services' shall include the provision of  
23 advice on, and/or the application of, legal principles and judgment to the  
24 circumstances of any person who requires the knowledge and skill of a  
25 person trained in the law.

26 (3) For the purposes of this section:

27 (a) 'Person' includes the plural as well as the singular and denotes  
28 an individual or any legal or commercial entity;

29 (b) "Adjudicative body" includes a court, a mediator, an arbitrator  
30 or a legislative body, administrative agency or other body acting in an

1 adjudicative capacity. A legislative body, administrative agency or other body  
2 acts in an adjudicative capacity when a neutral official, after the presentation of  
3 evidence or legal argument by a party or parties, will render a binding legal  
4 judgment directly affecting a party's interests in a particular matter.

5 (4) The practice of law and the provision of legal services:

6 (a) in Nigeria;

7 (b) in relation to matters of Nigerian law; or

8 (c) in relation to disputes or transactions with substantial nexus to  
9 Nigeria, shall be carried on only by persons entitled to practice law in Nigeria.

10 (5) A person is presumed to be practicing law or providing legal  
11 services when engaging in any of the following conduct on behalf of another:

12 (a) giving advice or counsel to persons as to their legal rights or  
13 responsibilities or to those of others;

14 (b) selecting, drafting, or completing legal documents or agreements  
15 that affect the legal rights of a person;

16 (c) representing a person before an adjudicative body, including, but  
17 not limited to, preparing or filing documents or conducting discovery; or

18 (d) negotiating legal rights or responsibilities on behalf of a person.

19 (6) Notwithstanding the provisions above, the following are  
20 permitted whether they constitute the practice of law or not:

21 (a) Pro se representation;

22 (b) Serving as arbitrator, mediator, conciliator or expert determiner;

23 and

24 (c) trainee law students working under the direct supervision of  
25 persons entitled to practice law in Nigeria in strict compliance with the Rules of  
26 Professional Conduct.

Eligibility for  
the Bar

27 **8.** A candidate is eligible to be called to the Bar if the candidate  
28 satisfies the Body of Benchers that-

29 (1) The Council of Legal Education has issued a Qualifying  
30 Certificate to the candidate;

1 (2) The candidate is of good character; and

2 (3) The candidate has satisfied all prescribed conditions by the  
3 Body of Benchers.

4 **9.** The Body of Benchers shall issue to every person called to the Certificate of  
5 Bar a Certificate. Call and Enrolment

6 **10.** The Chief Registrar of the Supreme Court shall enrol every  
7 person who presents to him a Certificate of Call to the Bar issued to that  
8 person.

9 **11.**-(1) Every person called to the Nigerian Bar shall undergo a Pupilages  
10 mandatory pupillage for one year.

11 (2) Any person who has not undertaken the mandatory one year  
12 pupillage shall not be entitled to commence practice as a Legal Practitioner.

13 (3) The Body of Benchers shall make regulations and set up the  
14 criteria for the conduct of pupillage for new entrants to the Bar.

15 (4) The Body of Benchers shall develop and maintain a pupillage  
16 Handbook which shall among others deal with the structure and duration of  
17 the pupillage programme, fair treatment and selection of pupils, duties,  
18 training and responsibilities of pupil supervisors, support and advise for  
19 pupils, complaints procedures and remuneration of the pupil.

20 (5) The Body of Benchers shall have a division responsible for  
21 pupillage programme and shall have qualified Legal Practitioners as pupil  
22 supervisors. Participation and contribution as pupil supervisor will be one of  
23 the criteria for conferment of legal practitioners' privileges under this Act.

24 (6) The commencement of this section shall be upon issuance of  
25 appropriate rules by the Body of Benchers.

26 **12.** It shall be the responsibility of the Body of Benchers to set Inspection and  
27 standards for law offices of Legal Practitioners in Nigeria. Accreditation

28 **13.**-(1) Subject to the Regulations from time to time made by the Practicing  
29 Body of Benchers, a person whose name is on the Roll shall be entitled to Licence  
30 practice as a legal practitioner provided that before offering any form of

1 legal service, he obtains a practicing licence from the Body of Benchers  
2 certifying that he is entitled to practice as a legal practitioner according to the  
3 provisions of this Section.

4 (2) The practicing licence shall be issued or renewed at intervals  
5 prescribed under the regulations made from time to time by the Body of  
6 Benchers.

7 (3) The practicing licence shall be issued or renewed by the Body of  
8 Benchers upon being satisfied that the applicant has:

9 (a) Obtained the required number of credits under a mandatory  
10 continuing legal education scheme administered or approved by the Nigerian  
11 Bar Association;

12 (b) Paid annual practicing fees stipulated in this Act for the year the  
13 application is made; and

14 (c) Satisfied the Body of Benchers that he is a person of good  
15 character.

16 (4) It shall be unlawful for any person without a valid licence:

17 (a) to act in anyway or to present himself or herself before any court,  
18 Tribunal or Arbitrator as a legal practitioner;

19 (b) in any way as a legal practitioner or hold himself out as such when  
20 he is not, including preparing and or signing or filing any Contract,  
21 memorandum, deed, will, lease, assignment, power of attorney, mortgage, title  
22 deed, notice, warrant, bond, legal opinion, affidavit or any other document  
23 whatsoever.

Stamp and  
Seal

24 **14.-(1)** Every document of the type referred to in subsection (4) of  
25 section 13 signed by a legal practitioner in his or her capacity as such, and  
26 which purports to affect the rights, interests, estate or liability of any person  
27 shall be evidenced by affixing a stamp and seal to be issued to individual Legal  
28 Practitioners by the Body of Benchers.

29 (2) The Body of Benchers shall constitute a standing committee to  
30 issue and renew licences, stamps and seals and implement the Regulations

1 made pursuant to Section 13 of the LPA.

2           **15.** The Chief Justice of Nigeria may, after consultation with the      Rules to allow  
3 Body of Benchers, by regulations provide for the enrolment of the names of      practice by Foreign  
4 persons who are authorised by law to practise as members of the legal      Lawyers  
5 profession in any country where, in his opinion, persons whose names are on  
6 the Roll are afforded special facilities for practising as members of that  
7 profession; and, without prejudice to the generality of the power conferred  
8 by the foregoing provisions of this section. The regulations may require  
9 persons seeking enrolment by virtue of the regulations to pass such  
10 examinations and to pay such fees as may be specified by or under the  
11 regulations.

12           **16.** It shall be the duty of the Chief Registrar of the Supreme Court      Roll of Legal  
13 to continue to maintain the Roll of legal practitioners kept in the Supreme      Practitioners  
14 Court.

15           **17.** This Act repeals the Legal Practitioners Act, CAPL11, Laws of      Repeal and  
16 the Federation of Nigeria, 2004, Revised Edition.      Savings

17           **18.-(1)** In this Act the following terms have the meanings      Interpretation  
18 respectively assigned to them, unless the context requires otherwise:  
19 "Attorney-General" means Attorney-General of the Federation and  
20 Attorneys General of States;  
21 "Bar Council" means the General Council of the Bar; '  
22 "Client" includes any person to whom a Legal Practitioner provides Legal  
23 services;  
24 "Foreign lawyer" means a person entitled to practise law in a foreign  
25 jurisdiction;  
26 "Former Act" means the Legal Practitioners Act 2004 as amended;  
27 "functions" includes duties and powers;  
28 "him" includes female gender and vice versa;  
29 "instrument", in relation to immovable property, means any document  
30 which confers, transfers, limits and charges or extinguishes any interest in

1 the property or which purports to do so;  
2 "Legal Practice"  
3 "legal practitioner" means a person whose name is on the Roll of Legal  
4 Practitioners kept at the Supreme Court of Nigeria;  
5 "NBA" Referencing to NBA, Nigerian Bar Association and Association  
6 includes Incorporated Trustee of the Nigerian Bar Association or any other  
7 Body incorporated for the governance and management of the Legal  
8 Profession;  
9 "Prescribed" means by regulations made by the Body of Benchers;  
10 "the Roll" means the Roll of legal practitioners maintained under Section 16;  
11 "SAN" means a legal practitioner who has been elevated to the rank of Senior  
12 Advocate of Nigeria;  
13 "Solicitor-General" means the Solicitor-General of the Federation or of a State;  
14 "theft" means stealing and includes fraudulent conversion or misappropriation.

Citation

15 **19.-(1)** This Bill may be cited as the Legal Practitioners Bill, 2021.

16 FIRST SCHEDULE

17 COMMITTEES OF THE BODY OF BENCHERS

18 1.-(a) The Body of Benchers may establish such number of  
19 Committees from time to time for the purpose of carrying out its statutory  
20 duties. The Body shall determine the term of reference, regulations and mode  
21 of appointment, tenure, quorum and manner of meetings for each Committee;

22 (b) For the time being, the Body shall have the following Committees:

23 (i) Legal Practitioners Licensing Committee:

24 The Licensing Committee shall amongst other things be charged with the  
25 responsibility of issuing and renewing licenses which may include issuing  
26 stamp and seals to all eligible Lawyers who wish to practice law in Nigeria.

27 (ii) Legal Practitioners Disciplinary Committee:

28 The function of the Committee shall include the duty of considering and  
29 determining any case where it is alleged that a person who is a member of the  
30 legal profession has misbehaved in his capacity as such or should for any other



1 reason be the subject of proceedings under this Act.

2 (iii) Rules Committee:

3 The function shall be to make and review Rules for the Body of Benchers.

4 (iv) Screening Committee:

5 The Committee shall, amongst other things be charged with the  
6 responsibility of screening aspirants to the Bar to ensure that they are fit and  
7 proper persons to be admitted into the Nigerian Bar.

8 (v) Finance Committee:

9 The Committee shall amongst other things be responsible for managing the  
10 finances of the Body of Benchers as contributed by statutory members.

11 (vi) Publicity Committee:

12 The function of the Committee shall be to project the image of the Body of  
13 Benchers through such processes including but not limited to publications,  
14 website management, etc.

15 (vii) Benchers Appointment Committee:

16 The Committee shall amongst other functions, be responsible for the  
17 appointment of Benchers and Life Benchers to ensure that only persons with  
18 proven integrity are appointed as Benchers and only deserving Benchers are  
19 conferred with the status of Life membership.

20 (viii) Ethics and Compliance Committee:

21 The Committee shall be responsible amongst other things, for providing the  
22 framework for ethical conducts and behaviour of members of the Body of  
23 Benchers, particularly during Meetings, Call to Bar ceremonies and such  
24 other official engagements by the Body of Benchers

25 (ix) Mentoring and Pupilage Committee:

26 The Committee shall be responsible amongst other things for developing an  
27 effective mentoring and pupilage programme for the Body of Benchers,  
28 identifying necessary programmes as well as recommending regulations  
29 where needed.

30 (x) Recruitment, Promotion and Discipline Committee:

1 The function of the Committee includes the recruitment of senior staff for the  
2 Body of Benchers as well as promotion and discipline of staff within the  
3 organization.

4 (xi) Elders Committee:

5 The Elders Committee comprises of Past Chairmen of the Body of Benchers  
6 and shall be responsible amongst other things to advice the Body of Benchers  
7 on matters which affects the entire Legal Profession aimed at having a  
8 harmonious and respected Profession.

9 (xii) Legal Practitioners Privileges Committee:

10 The Committee shall amongst other things be responsible for the conferment  
11 on any deserving Legal Practitioner the Rank of Senior Advocate of Nigeria.

12 ITEM A - Legal Practitioners Licensing Committee:

13 (1) There shall be a committee of the Body of Benchers to be known  
14 as the Legal Practitioners Licensing Committee (in the Act referred to as "the  
15 Licensing Committee") which shall be charged with the duty of issuing and  
16 renewal of licence to eligible applicants into the Nigerian Bar.

17 (2) The Licensing Committee shall consist of;

18 (i) The Vice Chairman, Body of Benchers as Chairman;

19 (ii) The President, Nigerian Bar Association;

20 (iii) Three (3) Life Benchers;

21 (iv) Two (2) Benchers nominated by the National Executive  
22 Committee of Nigerian Bar Association;

23 (v) Secretary of the Body of Benchers, who shall serve as the  
24 Secretary of the Committee.

25 ITEM B - The Rules Committee:

26 (1) There shall be a Committee of the Body of Benchers to be known  
27 as The Rules Committee, which shall be charged with the duty of making and  
28 reviewing rules of the Body of Benchers from time to time.

29 (2) The Committee shall consist of:

30 (i) The Vice Chairman of the Body of Benchers as the Chairman;

- 1 (ii) The President of the Nigerian Bar Association;  
2 (iii) Five (5) Benchers;  
3 (iv) The Secretary of the Body of Benchers as Secretary of the  
4 Committee.

5 ITEM C -Legal Practitioners Disciplinary Committee:

6 (1) There shall be a Committee of the Body of Benchers to be  
7 known as the Legal Practitioners Disciplinary Committee (in this Act  
8 referred to as "the Disciplinary Committee") which shall be charged with the  
9 duty of considering and determining any case where it is alleged that a  
10 person who is a member of the legal profession has misconducted himself in  
11 his capacity as such or should for any other reason be the subject of  
12 proceedings under this Act.

13 (2) The Disciplinary Committee shall consist of-

14 (a) a Chairman who shall not be either the Chief Justice of Nigeria  
15 or a Justice of the Supreme Court;

16 (b) 2 (two) Justices of the Court of Appeal one of whom shall be the  
17 President and the other a Presiding Justice;

18 (c) 2 (two) Chief Judges;

19 (d) 2 (two) Attorneys-General, who shall be either the Attorney-  
20 General of the Federation and the Attorney- General of a State or two State  
21 Attorneys-General;

22 (e) 4 (four) members of the Association who are Benchers and not  
23 connected with either the investigation of a complaint or the decision by the  
24 Association to present a complaint against a legal practitioner for  
25 determination by the Disciplinary Committee; and

26 (f) Such additional number of members of the Association as the  
27 Body of Benchers may deem fit to appoint for the purpose of the effective  
28 conduct of the business of the Disciplinary Committee.

29 (3) The quorum of the Disciplinary Committee shall be three, but  
30 no decision or proceeding of the Disciplinary Committee will be rendered

1       invalid on the ground of quorum other than as set out in the Interpretation Act.

2               (4) (i) The Body of Benchers shall make rules for the purposes of any  
3       proceedings and as to the procedure to be followed and the rules of evidence to  
4       be observed in proceedings before the Disciplinary Committee;

5               (ii) The rules shall in particular provide-

6               (a) For securing that notice of the proceedings shall be given, at such  
7       time and in such manner as may be specified by the rules, to the person against  
8       whom the proceedings are brought;

9               (b) For determining who, in addition to the person aforesaid, shall be a  
10      party to the proceedings;

11              (c) For securing that any party to the proceedings shall, if he so  
12      requires, be entitled to be heard by the Disciplinary Committee;

13              (d) For enabling any party to the proceeding to be represented by a  
14      legal practitioner;

15              (e) The costs of proceedings before the Disciplinary Committee;

16              (f) For requiring, in a case where it is alleged that the person against  
17      whom the proceedings are brought is guilty of infamous conduct in any  
18      professional respect, that where the Disciplinary Committee adjudges that the  
19      allegation has not been proved it shall record a finding that the person is not  
20      guilty of such conduct in respect of the matters to which the allegation relates;

21              (g) For publishing in the Federal gazette notice of any direction of the  
22      Disciplinary Committee which has taken effect providing that a person's name  
23      shall be struck off the roll or that a person shall be suspended from practice

24              (5) (i) A person appointed by the Body of Benchers to be a member of  
25      the Disciplinary Committee shall unless he previously resigns, hold office for  
26      such term, not exceeding three years, as may be specified in his instrument of  
27      appointment;

28              (ii) A person ceasing to be a member of the Disciplinary Committee  
29      shall be eligible for reappointment as a member of the Committee for another  
30      term of three years.

1                   (6) The Disciplinary Committee may act notwithstanding any  
2                   vacancy in its membership and no proceedings of the Disciplinary  
3                   Committee shall be invalidated by any irregularity in the appointment of a  
4                   member thereof, or by reason of the fact that any person who was not entitled  
5                   to do so took part in the proceedings, or by virtue of any variation in the  
6                   composition of the membership of the panel in the course of proceedings.

7                   (7) The Disciplinary Committee may empanel its members to sit in  
8                   divisions.

9                   (8) Any document authorized or required by this Act to be served  
10                  on the Disciplinary Committee shall be served on the Secretary, Body of  
11                  Benchers.

12                 ITEM D - Penalties for unprofessional conduct, etc.

13                 (1) Where-

14                 (a) A person who is a member of the legal profession is judged by  
15                 the Disciplinary Committee to be guilty of infamous conduct in any  
16                 professional respect; or

17                 (b) A person who is a member of the legal profession is convicted,  
18                 by any court in Nigeria having power to award imprisonment, of an offence  
19                 (whether or not an offence punishable with imprisonment) which in the  
20                 opinion of the Disciplinary Committee is incompatible with the status of a  
21                 legal practitioner; or

22                 (c) The Disciplinary Committee is satisfied that the name of any  
23                 person has been fraudulently enrolled, the Disciplinary Committee, may, if  
24                 it thinks fit, give a direction-

25                 (i) Ordering the Registrar to strike that person's name off the Roll;

26                 (ii) Suspending that person from practice by ordering him not to  
27                 engage in practice as a legal practitioner for such period as may be specified  
28                 in the direction; or

29                 (iii) Admonishing that person,  
30                 and any such direction may, where appropriate, include provision requiring

1 the refund of moneys paid or the handing over of documents or any other thing  
2 as the circumstances of the case may require.

3 (2) Where a person whose name is on the Roll is judged by the  
4 Disciplinary Committee to be guilty of misconduct not amounting to infamous  
5 conduct which, in the opinion of the Disciplinary Committee, is incompatible  
6 with the status of a legal practitioner, the Disciplinary Committee may, if it  
7 thinks fit, give such a direction as is authorized by Paragraph 1 (c) (ii) or (iii) of  
8 Item D of Schedule 1; and any such direction may, where appropriate, include  
9 provision requiring the refund of moneys paid or the handing over of  
10 documents or any other thing, as the circumstances of the case may require.

11 (3) The Disciplinary Committee may, if it thinks fit, defer or further  
12 defer its decision as to the giving of a direction under Paragraphs 1 and 2 of  
13 Item D of Schedule 1 until a subsequent meeting of the Committee.

14 (4) It shall be the duty of the Bar Council to make rules from time to  
15 time on professional conduct in the legal profession and cause such rules to be  
16 published in the Federal Government Gazette and distributed to all the  
17 branches of the Association.

18 (5) For the purposes of paragraph 1 of Item D of Schedule 1, a person  
19 shall not be treated as convicted as mentioned in Paragraph 1(b) of Item D of  
20 Schedule 1 unless the conviction stands at a time when no appeal or further  
21 appeal is pending or may (without extension of time) be brought in connection  
22 with the conviction.

23 (6) When the Disciplinary Committee gives a direction under  
24 Paragraph 1 or Paragraph 2 of Item D of Schedule 1, the Disciplinary  
25 Committee shall cause notice of the direction to be served on the person to  
26 whom it relates and submit to the Body of Benchers a report on its findings  
27 which resulted in the issuance of the notice.

28 (7) The person to whom such a Direction relates may, at any time  
29 within 28 days from the date of service on him of notice of the direction, appeal  
30 against the Direction to the Supreme Court; and the Disciplinary Committee

1        may appear as respondent to the appeal and, for the purpose of enabling  
2        Directions to be given as to the costs of the appeal and of proceedings before  
3        the Disciplinary Committee, shall be deemed to be a party thereto whether  
4        or not it appears on the hearing of the appeal.

5                (8) A Direction of the Disciplinary Committee under Paragraph 1  
6        or Paragraph 2 of Item D of Schedule 1 shall take immediate effect.

7                (9) Where a Direction is given under Paragraph 1 or 2 of Item D of  
8        Schedule 1 for the refund of moneys paid or the handing over of documents  
9        or any other thing and within 28 days of the date of the direction (or where an  
10       appeal is brought, on the dismissal of the appeal) and the legal practitioner  
11       fails to comply with the direction, the Disciplinary Committee may deal  
12       with the case as one involving misconduct by the legal practitioner in his  
13       professional capacity.

14               (10) where a Direction given under paragraph 1 or 2 of Item D of  
15       Schedule 1 and such a Direction is affirmed by the Supreme Court, such  
16       Direction of the Supreme Court shall be published by the Body of Benchers  
17       in the Federal Government Gazzette and copies shall be issued to the Chief  
18       Justice of Nigerian, President of the Court of Appeal, Chief Judge of the  
19       Federal High Court, President of the National Industrial Court, Chief Judges  
20       of States, Attorney General of the Federation, Attorneys General of States,  
21       Nigerian Bar Association, Inspector General of Police, Nigerian Law  
22       School and other relevant bodies or agencies.

23               ITEM E - Disciplinary jurisdiction of the Supreme Court:

24               (1) Where it appears to the Supreme Court that a person whose  
25       name is on the Roll has been guilty of infamous conduct in any professional  
26       respect with regard to any matter of which the court or any other court of  
27       record in Nigeria is or has been seized, the Supreme Court may if it thinks fit,  
28       after hearing any representations made and evidence adduced by or on  
29       behalf of that person and such other persons as the court considers  
30       appropriate, give such a direction as is mentioned in Paragraph 1 of Item D

1 of Schedule 1, and the direction shall take effect forthwith; and except in the  
2 case of an admonition the court shall cause notice of the direction to be  
3 published in the Federal Government Gazette.

4 (2) Where it appears to the Chief Justice that a legal practitioner  
5 should be suspended from practice, either with a view to the institution against  
6 him of proceedings under this Act before the Disciplinary Committee or while  
7 any such proceedings are pending, the Chief Justice may if he thinks fit, after  
8 affording the practitioner in question an opportunity of making representations  
9 in the matter, give such direction as is authorized by paragraph 1 (ii) of Item D  
10 of Schedule 1 and in deciding whether to give such a direction in consequence  
11 of the conviction of a legal practitioner, the Chief Justice shall be entitled to  
12 disregard the provisions of Paragraph 5 of Item D of Schedule 1.

13 ITEM F - Restoration of names to Roll, etc.

14 (1) Where either before or after the commencement of this Act the  
15 name of any person has been struck off the Roll or a person has been or is  
16 deemed to have been suspended from practice, he may, subject to the  
17 provisions of Paragraph 2 of Item F of Schedule 1, make an application for the  
18 restoration of his name to the Roll or the cancellation of the suspension-

19 (a) If the striking off or suspension was ordered by the Chief Justice or  
20 the Supreme Court, to that Court; and

21 (b) In any other case, to the Disciplinary Committee.

22 (2) A direction under Paragraph 1 of Item B of Schedule 1 or  
23 Paragraph 1 of the disciplinary jurisdiction of the Supreme Court of this Act  
24 may prohibit an application under Paragraph 1 of this Item until the expiration  
25 of the period specified in the direction; and where such an application is duly  
26 made to the Supreme Court or the Disciplinary Committee, the court or  
27 Disciplinary Committee may direct that no further application shall be made  
28 under Paragraph 1 of this Item until the expiration of the period specified in the  
29 direction under this subsection.



- 1 SECOND SCHEDULE
- 2 ITEM A - The Legal Practitioners Privileges Committee:
- 3 1. There shall be the Legal Practitioners Privileges Committee of
- 4 the Body of Benchers which shall consist of:
- 5 (i) The Chief Justice of Nigeria as the Chairman;
- 6 (ii) The Justice of the Supreme Court next in seniority to the Chief
- 7 Justice;
- 8 (iii) The President of the Court of Appeal;
- 9 (iv) The Attorney-General of the Federation;
- 10 (v) The President of the NBA;
- 11 (vi) 2 (Two) past Presidents of the NBA;
- 12 (vii) The Chief Judge of the Federal High Court;
- 13 (viii) 6 (Six) Chief Judges of the High Courts of States appointed
- 14 by the Chief Justice of Nigeria in rotation from among states constituting
- 15 each of the six geographical zones;
- 16 (ix) 6 (Six) Senior Advocates of Nigeria nominated by the National
- 17 Executive Committee of the NBA; and
- 18 (x) 2 (Two) Life Benchers selected by the Chairman of the Body of
- 19 Benchers
- 20 2. The members of the Privileges Committee appointed under
- 21 Paragraph 1 (vi), (viii) and (ix) above shall hold office for a term of 2 years,
- 22 renewable only once.
- 23 3. The Privileges Committee may act, proceed or function even if
- 24 there are vacancies in its membership.
- 25 4. Quorum for Privileges Committee proceedings is 9.
- 26 5. The Privileges Committee may by instrument confer on any
- 27 deserving Legal Practitioner the rank of Senior Advocate of Nigeria.
- 28 6. Eligibility for Rank of SAN
- 29 A candidate for a rank of SAN must be a Legal Practitioner with at least 15

1 years' post-call experience, who has achieved distinction in the Legal  
2 Profession.

3 7. The Legal Practitioners' Privileges Committee shall, with the  
4 approval of the Body of Benchers make rules as to the privileges to be accorded  
5 to Senior Advocates of Nigeria, as to the functions of a legal practitioner, which  
6 are not to be performed by a Senior Advocate of Nigeria, as to the mode of  
7 appearance before courts by a Senior Advocate of Nigeria, and generally, but  
8 without prejudice to the foregoing, for ensuring the dignity of the rank of  
9 Senior Advocate of Nigeria.

10 8. The Privileges Committee with the approval of the Body of  
11 Benchers shall make, retain or review rules and criteria for conferment of the  
12 rank of SAN, but may stipulate clear conditions for withdrawal of the rank, and  
13 those conditions must stipulate prior disciplinary proceedings against any  
14 erring Senior Advocate of Nigeria.

15 ITEM B - Legal Practitioners Remuneration Committee

16 1. There shall be the Legal Practitioners Remuneration Committee  
17 which shall consist of:

- 18 (i) Attorney-General of the Federation as Chairman,  
19 (ii) 6 (Six) States Attorneys-General,  
20 (iii) NBA Presidents (Past and Present),  
21 (iv) 6 (Six) NBA members nominated by the NBA National Executive  
22 Committee.

23 2. Quorum for Remuneration Committee proceedings shall be the  
24 Chairman and 8 members-

25 (a) The Committee shall have power to make orders regulating  
26 generally the charges of legal practitioners and, without prejudice to the  
27 generality of that power, any such order may include provision as to all or any  
28 of the following matters, that is to say-

- 29 (i) The maximum charges which may be made in respect of any  
30 transaction or activity of a description specified by the order;

1                   (ii) The ascertainment of the charges appropriate for any  
2 transaction or activity by reference to such consideration as may be so  
3 specified;

4                   (iii) The taking by practitioners of security for the payment of their  
5 charges and the allowance of interest with respect to the security; and

6                   (iv) Agreements between practitioners and clients with respect to  
7 charges.

8                   (b) Until the first order made in pursuance of this section comes  
9 into force, nothing in this section shall be construed as affecting the law in  
10 force in any part of Nigeria with respect to the remuneration of Legal  
11 Practitioners.

12                   3.-(a) Subject to the provisions of this Act, a Legal Practitioner  
13 shall be entitled to recover his charges by action in any Court of competent  
14 jurisdiction;

15                   (b) Subject as aforesaid, a legal practitioner shall not be entitled to  
16 begin an action to recover his charges unless-

17                   (i) a bill for the charges containing particulars of the principal  
18 items included in the bill and signed by him, or in the case of a firm, by one of  
19 the partners or in the name of the firm, has been served on the client  
20 personally or left for him at his last address as known to the Practitioner or  
21 sent by post addressed to the client at that address; and

22                   (ii) the period of 30 days beginning with the date of delivery of the  
23 bill has expired.

24                   (c) In any case in which a Legal Practitioner satisfies the court, on  
25 an application made *ex parte* or if the court so directs after giving the  
26 prescribed notice-

27                   (i) that he has delivered a bill of charges to a client;

28                   (ii) that on the face of it the charges appear to be proper in the  
29 circumstances; and

30                   (iii) that there are circumstances indicating that the client is about

1 to do some act which would probably prevent or delay the payment to the  
2 Practitioner of the charges, the court may direct that the Practitioner be  
3 authorized to bring and prosecute an action to recover the charges unless the  
4 client gives such security for the payment of the charges as may be specified in  
5 the direction.

6 (d) The Court may, if it thinks fit, on the application of the client-

7 (i) order a Legal Practitioner to deliver his bill of charges to the client;

8 (ii) make an order for the delivery up of, or otherwise in relation to,  
9 any documents in the control of the Practitioner which belong to or were  
10 received by him from or on behalf of the client, and without prejudice to the  
11 generality of the powers of the Court to punish for contempt or to the provisions  
12 of this Act relating to the discipline of Legal Practitioners, the court may punish  
13 for contempt any practitioner who refuses or fails to comply with an order  
14 under this subsection.

15 (e) The value of any consideration received by any person for  
16 anything done by a Legal Practitioner in his capacity as a Legal Practitioner  
17 shall, in so far as the value exceeds the minimum charges to which by virtue of  
18 this Act the practitioner is entitled in respect of that thing, be recoverable from  
19 any person who received the consideration or from the Practitioner by the  
20 person from whom the consideration moved either directly or indirectly.

21 ITEM C - Clients' Accounts:

22 1.-(a) Subject to paragraph (d) of this Item, the Bar Council may from  
23 time to time as the Council considers expedient, make rules-

24 (i) As to the opening and keeping by Legal Practitioners of accounts at  
25 banks for clients' moneys; and

26 (ii) As to the keeping by Legal Practitioners of records containing  
27 particulars and information as to moneys received, held or paid by them for or  
28 on account of their client; and

29 (iii) As to the opening and keeping by a legal practitioner who is the  
30 sole trustee, or who is a co-trustee only with one or more of his partners, clerks

1 or servants, of an account at a bank for moneys of any trust of which he is the  
2 sole trustee or such a co-trustee as aforesaid; and

3 (iv) As to the keeping by such a practitioner as is mentioned in  
4 paragraph (c) of this subsection, of records containing particulars and  
5 information as to moneys received, held or paid by him for or on account of  
6 any such trust as is so mentioned; and

7 (v) Empowering the Bar Council to take such action as it thinks  
8 necessary to enable it to ascertain whether the rules are being complied with.

9 (b) Rules made under paragraph (a) of this section shall not come  
10 into force until they are approved by order of the Attorney-General, either  
11 without modification or with such modifications as he thinks fit; but before  
12 approving any such rules with modifications the Attorney-General shall  
13 afford the Bar Council an opportunity of making representations with  
14 respect to the proposed modifications and shall consider any representations  
15 made in pursuance of this subsection;

16 (c) If it appears to the Attorney-General that any rules should be  
17 made, revoked or altered in exercise of the powers conferred on the Bar  
18 Council by this section, he shall make a recommendation in that behalf to the  
19 Bar Council; and if within the period of six months beginning with the date  
20 of the recommendation the Council has not acted in accordance with the  
21 recommendation, the Attorney-General may, within the period of twelve  
22 months beginning with that date, make rules giving effect to the  
23 recommendation;

24 (d) Rules under this section shall not require the keeping of account  
25 or records-

26 (i) by a Legal Practitioner in respect of moneys received, held or  
27 paid by him as a member of the public service of the Federation or a State; or

28 (ii) in such other circumstances as may be specified by the rules.

29 (e) For the purposes of this section, "trustee" includes personal  
30 representatives, and in relation to a personal representative any reference to

1 a trust shall be construed as a reference to the deceased's estate.

2 2.-(a) A bank at which a Legal Practitioner keeps an account for  
3 clients' moneys shall not, in respect of any liability of the practitioner to the  
4 bank which does not arise in connection with that account, have or obtain any  
5 recourse or right, whether by way of set-off, counter-claim, charge or  
6 otherwise, against moneys standing to the credit of that account;

7 (b) A bank shall not, in connection with any transaction in respect of  
8 an account of a Legal Practitioner kept for clients' moneys with that or with any  
9 other bank (other than an account kept by him as trustee for a specified  
10 beneficiary) incur any liability, or be under any obligation to make any inquiry,  
11 or be deemed to have any knowledge of any right of any person to any money  
12 paid or credited to the account, which it would not incur or be deemed to have in  
13 the case of an account kept by a person entitled absolutely to all the money paid  
14 or credited to the account;

15 (c) The Body of Benchers shall have powers to issue and enforce  
16 guidelines with respect to the operation of Client Account.

17 ITEM D - Unauthorized Practice of Law:

18 1. A person commits an offence punishable with a minimum of 3  
19 (Three) years imprisonment or a fine of N5,000,000 (Five Million Naira) or  
20 both if; not being a Legal Practitioner, he does any of the following:

21 (a) practices law, or offers himself out as practicing law;

22 (b) assumes, takes or uses (in the context of law business) the title of  
23 legal practitioner, or any addition, appellation, appendage, description, label,  
24 name, prefix, or suffix implying or suggesting that he is a legal practitioner;

25 (c) pretends to be a legal practitioner, or that he is qualified or  
26 recognized to act as a Legal Practitioner;

27 (d) does anything, or makes any omission, with the intention of  
28 implying that he is a Legal Practitioner; or

29 (e) prepares for, or in expectation of reward or consideration, any  
30 document or instrument relating to movable or immovable property, goods or

1 services, probate or letters of administration, or court proceedings.

2 2.-(a) Subject to the provisions of this Item, if any, person other  
3 than a Legal Practitioner-

4 (i) Practices, or holds himself out to practice, as a Legal  
5 Practitioner;

6 (ii) Takes or uses the title of Legal Practitioner;

7 (iii) Willfully takes or uses any name, title, addition or description  
8 falsely implying or otherwise pretends, that he is a legal practitioner or is  
9 qualified or recognized by law to act as a legal practitioner; or

10 (iv) Prepares in expectation of reward any instrument relating to  
11 immovable property, or relating to or with a view to the grant of probate or  
12 letters of administration, or relating to or with a view to proceedings in any  
13 court of record in Nigeria,

14 shall be guilty of an offence and liable, in the case of an offence under  
15 paragraph 2 (i) of this Item or a second or subsequent offence under  
16 paragraph 2(iv) of this Item, to a fine of an amount not less than N5, 000, 000  
17 (Five Million Naira) or imprisonment for a term not less than 3 (Three) years  
18 or both.

19 (b) Nothing in paragraph 1 of this Item shall prevent a person from  
20 being dealt with for contempt of court, but no proceedings for an offence  
21 under this section shall be brought or continued against a person in respect of  
22 any act if he has been dealt with for contempt of Court in respect of that act;

23 (c) Nothing in paragraph 2(iv) of this Item shall be construed as  
24 making it an offence for any person to prepare an instrument-

25 (i) In the course of his activities as a pupil of a Legal Practitioner;

26 (ii) Relating only to property in which he has or claims an interest  
27 (including an interest as a personal representative or as a person entitled to  
28 any part of the estate of a deceased person);

29 (iii) Relating only to proceedings to which he is a party, or prepared  
30 with a view to proceedings to which he may be a party;

1 (iv) For the purpose of only recording information or expert opinion  
2 intended for use in, or with a view to, any proceeding;

3 (v) Which is, or is intended to be, a will or other testamentary  
4 instrument;

5 (vi) Of such a class or description as the Attorney- General may by  
6 order determine.

7 (d) Where an offence under this Act which has been committed by a  
8 body corporate is proved to have been committed with the consent or  
9 connivance of, or to be attributable to any neglect on the part of any Legal  
10 Practitioner, director, manager, secretary or other similar officer of the body  
11 corporate, he, as well as the body corporate shall be deemed to be guilty of that  
12 offence and shall be liable to be proceeded against and punished accordingly;

13 (e) It is hereby declared that any agreement to transfer, either directly  
14 or indirectly, any money or thing in consideration of any act which constitutes  
15 an offence under this section is void; and any money or thing so transferred, or  
16 the value of the thing, shall be recoverable by the transferor from the transferee  
17 or from any other person by whom the offence was committed, whether or not  
18 any proceedings have been brought in respect of the offence or the time for  
19 bringing such proceedings has expired.

20 3. Any agreement to transfer; either directly or indirectly, any money  
21 or thing in consideration of any act which constitutes an offence under this Item  
22 of this schedule is void; and any money or thing so transferred, or the value of  
23 the thing, is recoverable by the transferor from the transferee or from any other  
24 person by whom the offence was committed, whether or not any proceedings  
25 have been brought in respect of the offence or the time for bringing proceedings  
26 has expired.

27 4. Any document or instrument prepared contrary to paragraph 1 of  
28 this Item is void.



## EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Legal Practitioners Act Cap L11, Laws of the Federation Of Nigeria, 2004 and Re-enact the Legal Practitioners Act to provide for reforms and regulate the Legal Profession.