

Extraordinary



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CONTENTS

INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>	<i>Long Title</i>	<i>Page</i>
HB. 1345	A Bill for an Act to make provisions for the Administration, Management and Operations of Electronic Government (e-Government) Services and for other Related Matters	C 2939 - 2962
HB. 1582	A Bill for an Act to Establish a National Agricultural Tools Development Centre, Aboh Mbaise, Imo State, and for Related Matters	C 2963 - 2973
HB. 1583	A Bill for an Act to Provide the Legal Framework to Establish the Federal College of Medical Laboratory Sciences Ngor Okpala, Imo State; and for Related Matters, 2021	C 2975 - 2994
HB. 1584	A Bill for an Act to Further amend the Constitution of the Federal Republic of Nigeria 1999 (as amended) to provide for the inclusion of the appointment of representatives from each State of the Federation and the FCT in the Federal Civil Service Commission and for Related Matters	C 2995 - 2995
HB. 1510	A Bill for an Act to Establish the Federal Capital Territory Area Councils Service Commission, and for Related Matters, 2021 ...	C 2997 - 3012
HB. 1551	A Bill for an Act to Establish the Michael Okpara University, Umudike; to make comprehensive provisions for due management and administration; and for Related Matters	C 3013 - 3054
HB. 1511	A Bill for an Act to Amend the Customs and Excise Management Act Cap. C45 Laws of the Federation of Nigeria 2004 and for Related Matters	C 3055 - 3056

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ELECTRONIC GOVERNMENT BILL, 2021

ARRANGEMENT OF SECTIONS

Section:

PART I - RESPONSIBILITY OF THE NATIONAL INFORMATION
TECHNOLOGY DEVELOPMENT AGENCY AND THE GOVERNING
BOARD OF THE AGENCY

1. Role of the National Information Technology Development Agency
2. Auxiliary Functions of the Agency
3. Powers of the Agency
4. Auxiliary Functions of the Board

PART II - MANAGEMENT AND OPERATIONS OF E-GOVERNMENT

5. Electric Government governance structure and processes
6. National e-Government Steering Committee
7. e-Government Technical Committee
8. Functions of the e-Government Technical Committee
9. Institutional ICT Steering Committee
10. Operations, accountability and working relationship of committees
11. Establishment of ICT Units
12. e-Government management

PART III - E-GOVERNMENT INFRASTRUCTURE AND SYSTEMS

13. e-Government infrastructure
14. ICT Projects
15. e-Government systems
16. Government ICT resources

PART IV - E-GOVERNMENT SERVICES

17. Recognition of e-Government services
18. Delivery of e-Government services
19. Reduction of paper documents

20. Electronic records
21. Payment of money and issuance of receipt in electronic form
22. Publication of documents in electronic Gazette
23. Electronic communication of Government
24. Audit of documents in electronic form
25. Delivery of services by service provider

PART V - E-GOVERNMENT SECURITY

26. Establishment of e-Government Security Operations Center
27. ICT security governance and management
28. ICT security operations
29. Security of ICT assets
30. Identity and access management
31. ICT security incident management
32. Information system continuity management
33. Information systems acquisition, development and maintenance
34. Human resource security
35. Physical and environment security
36. ICT security compliance and audit

PART VI - ELECTRONIC GOVERNMENT DATA MANAGEMENT

37. Electronic data management
38. Data sharing and exchange
39. Data standards

PART VII - GENERAL PROVISIONS

40. Funding e-Government Project
41. Offences and penalties
42. General penalty
43. Regulations
44. Rules, guidelines, code of ethics and conducts.
45. Interpretation
46. Citation

A BILL

FOR

AN ACT TO MAKE PROVISIONS FOR THE ADMINISTRATION, MANAGEMENT
AND OPERATIONS OF ELECTRONIC GOVERNMENT (E-GOVERNMENT)
SERVICES AND FOR OTHER RELATED MATTERS

Sponsored by Hon. Sani Bala

[] Commencement

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

- 1 PART I - RESPONSIBILITY OF THE NATIONAL INFORMATION
2 TECHNOLOGY DEVELOPMENT AGENCY AND THE GOVERNING
3 BOARD OF THE AGENCY
- 4 1. The Agency established under Section 1(1) of the National
5 Information Technology Development Agency Act No. 28, 2007 (in this Bill
6 referred to as "the Agency") shall enforce the provisions under this Bill. Role of the National
Information
Technology
Development
Agency
- 7 2.-(1) Notwithstanding the provisions of Section 6 of the National
8 Information Technology Development Agency Act No. 28 2007, the Agency Auxiliary
functions of the
Agency
9 shall coordinate, oversee and promote e-Government initiatives and enforce
10 e-Government related policies, laws, regulations, standards and guidelines
11 in public institutions.
- 12 (2) Without prejudice to sub-clause (1), the auxiliary functions of
13 the Agency in respect to provisions under this Bill shall be to:
- 14 (a) promote and provide quality e-Government services to public
15 institutions;
- 16 (b) enforce compliance by public institutions to the National ICT
17 Policy, e-Government related policies, laws, regulations, standards and
18 guidelines during planning, acquisition, implementation, delivery, support
19 and maintenance of ICT infrastructure and systems;
- 20 (c) provide guidance and assistance on e-Government initiatives to

- 1 public institutions;
- 2 (d) approve software and hardware to be used by public institutions;
- 3 (e) promote cooperation and coordination among users and providers
- 4 of ICT services in public institutions;
- 5 (f) ensure end to end visibility of Government ICT systems and other
- 6 systems offering services to the Government including undertaking periodic
- 7 audits of them;
- 8 (g) ensure integration and interoperability of Government ICT
- 9 systems and other systems offering services to the Government;
- 10 (h) enhance capacity of public institutions to implement e-
- 11 Government initiatives;
- 12 (i) set technical standards and procedures for information and
- 13 communication technology planning, acquisition, implementation,
- 14 acceptance, support, sustenance, disposal, risk management, data protection,
- 15 security and contingency management for public institutions;
- 16 (j) in collaboration with other relevant authorities, undertake ICT
- 17 systems audits and ICT security assessments on Government ICT systems and
- 18 other private ICT systems offering services to the Government;
- 19 (k) facilitate public institutions to access shared ICT infrastructure
- 20 and systems;
- 21 (l) monitor and evaluate e-Government implementation in the Public
- 22 institutions;
- 23 (m) facilitate and support implementation of all sector specific ICT
- 24 systems and services;
- 25 (n) advise the Government on implementation of e- Government;
- 26 (o) facilitate public access to e-Government services;
- 27 (p) provide technical advice on ICT human resources recruitment and
- 28 development in public institutions;
- 29 (q) promote e-Government research, development and innovation in
- 30 public institutions;

1 (r) establish and maintain secure shared Government ICT
2 infrastructure and systems;

3 (s) develop mechanisms for enforcement of ICT security standards
4 and guidelines, provision of support on ICT security operations, and
5 implementation of Government-wide cyber security strategies;

6 (t) provide technical advice on Government business process re-
7 engineering and integration; and

8 (u) perform such other functions as may be conferred on the
9 Agency by this Bill or any other written law.

10 3. Notwithstanding the provisions of any other written law, the Powers of
11 Agency shall, in the performance of its functions under this Bill have powers
12 to:

13 (a) demand any information, document, record or report in respect
14 of any ICT related system, infrastructure, project or initiative from any
15 public institution;

16 (b) commission or undertake investigations or performance audits
17 on any ICT project, systems and infrastructure in the public institutions;

18 (c) inspect any ICT project, systems and infrastructure to ensure
19 compliance with e- Government standards and guidelines by any public
20 institution;

21 (d) manage complaints related to e-Government services from
22 public, service providers or any other person;

23 (e) commission or undertake any study relevant to the
24 determination of any decision made in executing ICT projects in the public
25 institutions;

26 (f) stop any implementation of ICT project by public institution
27 which is not in compliance with e-Government standards and guidelines;

28 (g) demand physical or logical access to any public institution ICT
29 systems, infrastructure, or networks for the purposes of conducting ICT
30 audits or ICT security assessments.

- 1 (h) require any public institution to:
- 2 (i) furnish any information or produce any record or any document
- 3 relating to ICT projects, systems or infrastructure; or
- 4 (ii) answer all relevant questions relating to e-Government initiatives;
- 5 (i) examine records or other documents and take copies or extracts
- 6 therefrom; and
- 7 (j) request any professional or technical assistance from any
- 8 appropriate body within or outside the Nigeria.

Auxiliary
functions of the
Board

9 **4.** The Governing Board established under Section 2(1) of the
10 National Information Technology Development Agency Act shall with respect
11 to the objects of this Bill have the auxiliary functions, that is to:

- 12 (a) advise the Minister on matters relating to e-Government
- 13 initiatives; and
- 14 (b) perform any other functions as may, subject to the provisions of
- 15 this Bill, be directed by the Minister.

16 PART II - MANAGEMENT AND OPERATIONS OF E-GOVERNMENT

Electronic
Government
governance
structure and
processes

17 **5.-(1)** There shall be established e-Government governance structure
18 and processes in the Public Service to govern and control the implementation
19 and proper use of ICT in public institutions.

20 (2) The e-Government governance structure under sub-clause (1)
21 shall include:

- 22 (i) National e-Government Steering Committee,
- 23 (ii) e-Government Technical Committee and
- 24 (iii) Institutional e-Government Steering Committee.

National
e-Government
Steering
Committee

25 **6.-(1)** There is established a National e-Government Steering
26 Committee charged with responsibility for overseeing national e-Government
27 matters.

28 (2) The National e-Government Steering Committee shall be
29 composed of the following members:

- 30 (a) the Permanent Secretary responsible for Information

- 1 Communication Technology who shall be the Chairman;
2 (b) the Permanent Secretary in the office of the Secretary to the
3 Government of the Federation;
4 (c) the Permanent Secretary responsible for finance;
5 (d) the Permanent Secretary responsible for national planning;
6 (e) the Permanent Secretary in the Office of Service of the
7 Federation;
8 (f) the Permanent Secretary responsible for Justice; and
9 (g) the Director General of the Agency
10 (h) The Agency shall serve as secretariat to the National e-
11 Government Steering Committee.
12 (3) The National e-Government Steering Committee shall perform
13 the following functions:
14 (a) provide strategic and policy direction required to drive the
15 transformation of the public service delivery and administration in the
16 digital age;
17 (b) approve cross cutting ICT policies, strategies, master plan and
18 directives in the Government;
19 (c) advise on key ICT projects and programmes to ensure
20 synergistic and cost-effective adoption of ICT in the Government;
21 (d) advise the Minister on all matters relating to e-Government;
22 and
23 (e) perform such other functions as may be directed by the Minister
24 in consultation with the Secretary to the Government of the Federation.
25 7.-(1) Subject to subsection (6) of the First Schedule of the
26 National Information Development Agency Act No.28 2007, there shall be
27 established the e-Government Technical Committee.
28 (2) The e-government Technical Committee shall be composed of
29 the following members:
30 (a) the head of ICT from the Ministry responsible for Information

Establishment
of the e-Government
Technical Committee

- 1 Communications Technology who shall be the Chairman;
- 2 (b) a head of ICT nominated from each of the following:
- 3 (i) Office of the Head of Service of the Federation;
- 4 (ii) Office of the Secretary to Government of the Federation;
- 5 (iii) Bureau for Public Procurement;
- 6 (iv) Department of State Security;
- 7 (v) Federal Inland Revenue Service;
- 8 (vi) Central Bank of Nigeria;
- 9 (vii) National Assembly Service Commission.
- 10 (2) Notwithstanding the provisions under sub-clause (2) the Board
- 11 may appoint or co-opt persons from within or outside the Government, and
- 12 voting rights of such person shall be determined by the Board.
- 13 **8.** The e-Government Technical Committee shall perform the
- 14 following functions:
- 15 (a) to review and recommend on e-Government policies for adoption
- 16 by all public institutions;
- 17 (b) to review and recommend on e-Government master plan and
- 18 strategies for adoption by all public institutions;
- 19 (c) to recommend e-Government standards and practices to facilitate
- 20 data sharing across public institutions;
- 21 (d) to review and recommend on key national e- Government Projects
- 22 and programmes;
- 23 (e) to provide technical guidance on resolving conflicts on
- 24 implementation of key ICT projects and initiatives in public institutions;
- 25 (f) any other matter as the Board may deem appropriate.
- 26 **9.-(1)** The accounting officer of each public institution shall establish
- 27 an Institutional ICT Steering Committee for providing technical guidance on
- 28 implementation of ICT initiatives.
- 29 (2) The Institutional ICT Steering Committee shall be composed of a
- 30 minimum of six and maximum of seven members including:

Functions of
the e-Government
Technical
Committee

Institutional ICT
Steering
Committee

- 1 (a) the accounting officer who shall be the Chairman;
- 2 (b) Director/head of ICT who shall provide secretariat to the
- 3 Committee;
- 4 (c) Director responsible for planning and administration;
- 5 (d) Director responsible for procurement;
- 6 (e) Internal Auditor; and
- 7 (f) Director responsible for finance;
- 8 (3) The Institutional ICT Steering Committee shall perform the
- 9 following functions:
- 10 (a) to review and approve ICT policy and strategy of the institution;
- 11 (b) to review and provide advice on ICT investment portfolio and
- 12 priorities;
- 13 (c) to ensure alignment of ICT with the organization's business
- 14 needs;
- 15 (d) to ensure e-Government guidelines and standards are
- 16 implemented by the institution;
- 17 (e) to ensure continuous monitoring and evaluation of institutional
- 18 ICT projects;
- 19 (f) to review and approve institutional disaster recovery plan and
- 20 ensure its effective implementation;
- 21 (g) to approve any other institutional e-Government sub-
- 22 committee as may, from time to time, be constituted and address specific
- 23 ICT related matters;
- 24 (h) to prepare and submit quarterly Ministerial e-Government
- 25 progress report to the Agency; and
- 26 (i) to perform such other functions as may be directed by the
- 27 accounting officer or the Agency.
- 28 (4) Institutional ICT Steering Committee for public institution
- 29 other than Ministry, States or Local Governments shall be composed of
- 30 members from the Ministry under which the public institution belongs.

	1	(5) For effective data, security and service governance, public
	2	institutions may establish such other potential management sub-committees.
	3	(7) The Institutional ICT Technical Committee shall prepare
	4	quarterly report of its deliberations and submit to the e-Government Technical
	5	Committee.
Operations, accountability and working relationship of committees	6	10. The Minister may make regulations prescribing matters relating
	7	to the operations, accountability, working relationship of the committees and
	8	other relevant matters.
Establishment of ICT Unit	9	11.-(1) For the effective carrying out the provisions under this Bill,
	10	there shall be established in every public institution an ICT Unit with such
	11	number of staff as may be required for efficient performance of functions in the
	12	respective public institution.
	13	(2) The ICT Unit shall consist of ICT specialists with appropriate
	14	qualifications.
	15	(3) The ICT Unit shall be headed by a person with appropriate
	16	academic and professional qualification and experience in ICT.
	17	(4) The head of the ICT Unit shall report directly to the accounting
	18	officer of the public institution.
	19	Definition: For the purpose of this clause, "ICT unit" includes directorate,
	20	department or unit responsible for ICT matters in the public institution.
e-Government Management	21	12.-(1) A public institution shall ensure that e- Government initiatives
	22	are managed in compliance with guidelines issued by the Minister and
	23	technical standards and guidelines issued by the Agency.
	24	(2) in line with sub-clause (1) of this clause, a public institution shall,
	25	conduct on an annual basis, self-assessment on the implementation of e-
	26	Government initiatives and submit a copy of the report to the Agency.
	27	(3) The Agency shall ensure that e-Government initiatives within
	28	public institutions are managed in compliance with relevant guidelines.
	29	PART III - e-GOVERNMENT INFRASTRUCTURE AND SYSTEMS
e-Government Infrastructure	30	13.-(1) For the purpose of ensuring that the Government has

1 maximum optimization of infrastructure, public institutions shall use
2 Government approved communication infrastructure for any
3 communication.

4 (2) For the purpose of ensuring cost effectiveness and ICT
5 readiness, construction of any Government owned infrastructure such as
6 roads, railways, buildings and such other infrastructure shall, subject to the
7 guidelines issued by the Agency:

8 (a) include ICT Infrastructure as part of the project design in
9 accordance with the standards, conditions or guidelines issued by the
10 Agency;

11 (b) share all the necessary ICT design with the Agency; and

12 (c) provide necessary environment for installation of
13 communication infrastructure.

14 (3) Notwithstanding any other written law the installation of
15 Government ICT infrastructure in road, railway or any reserve shall not be
16 subject to any charges.

17 **14.-(1)** Each public institution shall implement ICT projects in ICT Projects
18 compliance with technical standards and guidelines as may be prescribed by
19 the Agency.

20 (2) For the purpose of ensuring compliance with technical
21 standards and guidelines and avoiding duplication of efforts, any institution
22 that intends to implement ICT project shall submit to the Agency for advice
23 and-

24 (a) provide details of the projects during the planning stage and
25 receive clearance from the Agency before solicitation of the funds;

26 (b) formulate a competent project team;

27 (c) Maintain all necessary project documents; and

28 (d) submit final project report to the Agency in a format provided
29 by the Agency.

e-Government
Systems

- 1 **15.** Public institutions shall, for the purpose of e- Government system
2 sustainability, reliability, continuity and availability:
3 (a) in the case of development of new system:
4 (i) prepare all the necessary requirements and initial documentation
5 based on the set of standards and guidelines as provided by the Government
6 and share with the Agency;
7 (ii) involve relevant stakeholders and avoid duplication;
8 (iii) where applicable, use Government centralized systems instead of
9 developing new system;
10 (iv) formulate government competent team to participate in the
11 system development; and
12 (v) submit all system development reports to the Agency.
13 (b) in the case of system deployment and hosting:
14 (i) assess the system and produce assessment report before
15 deployment in the production environment; and
16 (ii) host the system to the Government approved hosting
17 environment.
18 (c) in the case of system operations and maintenance:
19 (i) ensure availability of competent staff to support the system
20 operations;
21 (ii) establish user support mechanism of the system; and
22 (iii) undertake regular maintenance of the system when required.

Government
ICT Resources

- 23 **16.-(1)** For the purpose of proper utilization and management of
24 Government owned ICT resources, public institutions shall:
25 (a) observe value for money, flexibility in customization, scalability,
26 integration and interoperability in sourcing or using application software;
27 (b) develop or apply licensed and approved software to conduct their
28 business processes;
29 (c) ensure Government ICT resources are used only for the benefits of
30 the Government and its service delivery;

1 (d) maintain a register of all Government ICT resources owned by
2 the public institution through central system managed by the Agency; and

3 (e) acquire Government ICT resources specifications guide from
4 the Agency.

5 *Definition:* For the purpose of this clause, "Government ICT
6 resources" includes ICT equipment, software, bandwidth, documents and
7 other ICT related resources.

8 PART IV - e-GOVERNMENT SERVICES

9 17.-(1) Without prejudice to any other written law, where a public
10 institution has power to deal with data or information or a document or to
11 provide services, it may deal with that information or document or provide
12 such services in electronic form in accordance with this Bill.

Recognition of
e-Government
services

13 (2) For the purpose of sub-clause (1), the Minister may, by notice
14 published in the Gazette, issue guidelines specifying:

15 (a) the manner and format in which the electronic transaction shall
16 be made;

17 (b) the type of electronic signature required, in cases where an
18 electronic transaction has to be signed;

19 (c) the manner and format in which the electronic signature may be
20 attached or associated with an electronic transaction;

21 (d) the identity or criteria to be met by an authentication service
22 provider for e- Government services;

23 (e) the appropriate control process and procedure to ensure
24 adequate integrity, security and confidentiality of information, an electronic
25 transaction or an electronic payments; and

26 (f) any other requirements that relate to electronic transaction.

27 *Definition:* In this clause, "electronic transaction" includes
28 transmission of data, information, document or providing services
29 electronically.

Delivery of
e-Government
services

- 1 **18.** A public institution shall, for proper delivery of e-Government
2 services:
3 (a) use ICT to deliver government services to achieve objectives of
4 the institution;
5 (b) ensure business processes subject for re- engineered to enhance e-
6 Government service provision;
7 (c) ensure availability of e-Government services that are reliable and
8 citizen-centric;
9 (d) use appropriate channels and languages that enable citizens to
10 access Government services based on available technologies;
11 (e) consider impact on persons with limited access to e-services and
12 persons with disabilities;
13 (f) ensure e-Government services delivered have adequate support
14 systems to end users;
15 (g) maintain and promote integrated and interoperable systems to be
16 used in service provision; and
17 (h) ensure any business process that facilitates revenue generation is
18 automated and integrated with approved Government payment systems.

Reduction of
paper documents

- 19 **19.-(1)** Public institutions shall reduce paper documents acquired,
20 prepared, circulated, and preserved by it by innovating and digitalizing work
21 processes and sharing administrative information amongst public institutions.
22 **(2)** The Minister may make regulations prescribing matters related for
23 implementation of this clause.

Enhancement
of electronic
records

- 24 **20.-(1)** Where any law provides that records shall be retained for any
25 specific period, that requirement shall be deemed to have been satisfied if such
26 records are retained in the electronic form if:
27 (a) the information contained in that record remains accessible so as
28 to be usable for a subsequent reference;
29 (b) the electronic record is retained in the format which represent
30 accurately the information originally generated, sent or received; and

1 (c) the details which will facilitate the identification of the origin,
2 destination, date and time of dispatch or receipt of such electronic record are
3 available in the electronic record.

4 (2) Management and use of public electronic records shall be in
5 accordance with the National Archives Act.

6 **21.** Where the law requires payment to be made or issuance of any
7 receipt of payment, that requirement shall be met if payment is made or
8 receipt is issued by an electronic means in accordance with legislations
9 relating to electronic transactions.

Payment of money
and issuance of
receipt in
electronic form

10 **22.** Where any law provides that any document shall be published
11 in the Gazette, such requirement shall be deemed to have been satisfied if
12 such document is published in the Gazette or electronic Gazette.

Publication of
documents in
electronic Gazette

13 **23.**-(1) Where any law provides for:

Electronic
communication
of Government

14 (a) the sending of any letter, request, report, internal memo or any
15 other document within Government office, authority, body or agency in a
16 particular manner; and

17 (b) the issue of short messaging, calling, video or any other form of
18 multimedia communication within the Government offices or officials, such
19 communication shall be deemed to have been met if effected by means of
20 electronic form.

21 (2) The Minister may, for the purposes of sub-clause (1) by rules,
22 prescribe:

23 (a) the standards of the approved systems and devices to be used for
24 official Government Communication; and

25 (b) the category, type, classification of information and data that
26 shall not be transmitted through electronic communication.

27 **24.** Where any law provides for audit of documents, records or
28 information, that law shall also be applicable for audit of documents, records
29 or information processed and maintained in electronic form.

Audit of documents
in electronic form

Delivery of
services by service
provider

1 **25.**-(1) The Minister may, with the advice of the Agency, for the
2 purposes of efficient Government authorize any service provider to integrate
3 with the government systems, maintain and upgrade the computerized
4 facilities and perform such services as it may be specified, by order published
5 in the Gazette.

6 (2) A service provider authorized under sub-clause (1) of this clause
7 may collect, and retain appropriate service charges, as may be prescribed by the
8 Minister in consultation with the Minister responsible for finance, for the
9 purposes of providing such services.

10 PART V - e-GOVERNMENT SECURITY

Establishment
of e-Government
Security Operations
Center

11 **26.**-(1) Without prejudice to any other written law, there shall be
12 established within the Agency an e-Government Security Operations Center.

13 (2) The Minister may make regulations with respect to the
14 composition and duties of e- Government Security Operations Center.

ICT security
governance and
management

15 **27.** A public institution shall for the purpose of ICT security
16 governance and management:

17 (a) develop and implement institutional ICT security policy and ICT
18 security strategy that provide directives for managing ICT security;

19 (b) set and review objectives for ICT security strategy and make
20 budgetary provisions to achieve those objectives;

21 (c) establish ICT security governance structure that provides strategic
22 direction and oversight of ICT security issues;

23 (d) comply with the technical standards and guidelines prescribed by
24 the Minister on ICT security matters;

25 (e) perform regular ICT security risk assessment at such intervals as
26 may be prescribed by the Agency; and

27 (f) prepare regular ICT security reports and submit them to the
28 Agency.

ICT security
operations

29 **28.**-(1) A public institution shall, for the purpose of ICT security
30 operations:

1 (a) monitor ICT systems against ICT security requirements for
2 performance and compliance with the ICT security policy;

3 (b) record and retain key information relating to information
4 system activities as per security requirements;

5 (c) perform vulnerability assessment and penetration testing on
6 networks and systems as may be prescribed by the Agency;

7 (d) secure networks by segmentation, putting adequate intrusion,
8 detection and prevention mechanisms, deploying firewalls and other
9 security measures;

10 (e) protect systems from potential vulnerabilities by patching and
11 updating applications and operating systems;

12 (f) perform ICT security testing before deployment of critical
13 application software;

14 (g) secure data from unauthorized interception, alteration and
15 destruction in storage, in transit or while being processed; and

16 (h) implement complete security for endpoint ICT equipment as
17 may be prescribed by the Agency.

18 *Definition:* In this clause, "endpoint ICT equipment" means the
19 ICT equipment that allows entry to a network system.

20 **29.** A public institution shall, for the purpose of security of leT
21 assets identify, classify, manage and report to the Agency ICT assets such as
22 network appliances, systems, applications, storage devices and data.

Security of ICT
assets

23 **30.** All public institutions shall, for the purpose of identity and
24 access management-

Identity and access
management

25 (a) authenticate users of ICT systems appropriately by granting
26 identity, access and privileges on the basis of a verified business need;

27 (b) monitor access for appropriate usage and revoke access when
28 no longer required;

29 (c) implement focused auditing on the use of administrative
30 privileged functions and monitor for anomalous behavior; and

	1	(d) inform users of ICT systems on their obligations and
	2	responsibilities for ICT security.
ICT security incident management	3	31. A public institution shall, for the purpose of ICT security incident
	4	management identify, manage and recover from ICT security-related incidents
	5	in a timely and effective manner by-
	6	(a) anticipating potential ICT security incidents and plan resource
	7	mobilization to ensure appropriate incident response when required; and
	8	(b) reporting significant incidents to the Agency for appropriate
	9	support and facilitation of cross- governmental information sharing.
Information system continuity management	10	32. A public institution shall, for the purpose of information system
	11	continuity management-
	12	(a) develop and implement proper backup and restoration
	13	mechanisms for ICT systems continuity;
	14	(b) develop and implement disaster recovery plan (DRP); and
	15	(c) test the disaster recovery plan at such intervals as may be
	16	prescribed and submit the report to Agency.
Information systems acquisition, development and maintenance	17	33. A public institution shall, for the purpose of ensuring security
	18	during information systems acquisition, development and maintenance-
	19	(a) specify ICT security control requirements in business
	20	requirements for new systems or enhancements; and
	21	(b) design, develop, implement and test ICT security controls against
	22	ICT security requirements.
Human resource security	23	34. Public institutions shall for the purpose of human resource
	24	security-
	25	(a) make a careful and critical examination of personnel before
	26	assigned responsibilities for handling critical ICT systems;
	27	(b) make provision for an appropriate segregation of duties taking
	28	into consideration ICT security risk assessment results; and
	29	(c) provide ICT security awareness to all staff and trainings to ICT
	30	technical staff as may be prescribed and submit report to the Agency.

1	35. A public institution shall, for the purpose of physical and	Physical and environment security
2	environment security:	
3	(a) protect critical Government ICT processing and hosting	
4	facilities from unauthorized access, damage, interference and	
5	environmental threats;	
6	(b) use the available Government ICT processing and hosting	
7	facilities or use Government approved supplier environment only; and	
8	(c) record and retain ICT processing and hosting facilities	
9	visitation and maintenance information.	
10	36. A public institution shall, for the purpose of ICT security	ICT security compliance and audit
11	compliance and audit:	
12	(a) perform regular independent ICT security assessments and	
13	audits as part of internal operations in a manner prescribed by the Agency;	
14	and	
15	(b) comply with legal, regulatory and ICT security requirements in	
16	ICT operations and management.	
17	PART VI - e-GOVERNMENT DATA MANAGEMENT	
18	37.-(1) Public institutions shall have the duty to establish and	Electronic data management
19	comply with electronic data management mechanism as may be prescribed	
20	by the Minister to ensure effective decision making and improved	
21	performance.	
22	(2) Without prejudice to other laws, public institutions shall ensure	
23	confidentiality, integrity and availability of the electronic data owned by the	
24	public institution.	
25	38.-(1) Without prejudice to any written law and for the purpose of	Data sharing and exchange
26	enhancing efficiency and decision making, public institutions shall share	
27	data electronically in the manner prescribed by the Minister.	
28	(2) For the purposes of facilitating data sharing across the Public	
29	Service, the Agency shall establish and manage a data sharing and exchange	
30	platform.	

Data standards	1	39. In case of capturing, storing, processing, and sharing of electronic
	2	data, public institutions shall comply with technical standards and guidelines
	3	issued by the Agency.
	4	PART VII - GENERAL PROVISIONS
Funding e-Government Project	5	40.-(1) In addition to the components of the account established in
	6	Section 20 of the National Information Technology Development Agency Act,
	7	there shall be increased budgetary provision for the Agency pursuant to the
	8	fulfilment of provisions under this Bill.
	9	(2) In the performance of its functions under the Bill, the Agency may
	10	collect fees, charges or commissions in a manner prescribed in the regulations.
Offences and penalties	11	41.-(1) A person who:
	12	(a) illegally discloses or shares any data or electronic record accessed
	13	in the course of employment;
	14	(b) downloads unauthorized materials by the use of Government ICT
	15	equipment or infrastructure;
	16	(c) disseminate or transmit official information or data through
	17	unauthorized channel;
	18	(d) access information or programs through government ICT
	19	equipment without authorization;
	20	(e) unlawfully removes, destroys, alters or damages any data or
	21	electronic record or ICT infrastructure or ICT equipment;
	22	(f) knowingly or negligently fails to comply with prescribed technical
	23	guides and standards on ICT security matters; or
	24	(g) fails to comply with provisions of this Bill regarding
	25	implementation of ICT project, commits an offence and upon conviction shall:
	26	(h) in the case of offences under paragraphs (a), {c}, (d) and (f), be
	27	liable to a fine of not less than N5,000, 000 but not exceeding N10,000, 000 or
	28	to imprisonment for a term of not less than six months but not exceeding twelve
	29	months or to both; and
	30	(i) in the case of offences under paragraphs (b), (e) and {g}, be liable

1 to a fine of not less than N3,000,000 but not exceeding N5,000,000 or to
2 imprisonment for a term of not less than six months but not exceeding
3 twelve months or to both.

4 (2) A public servant who contravenes the provisions of this Bill
5 shall be liable for disciplinary or criminal proceedings as provided for under
6 the Public Service Rules or other relevant laws.

7 **42.**-(1) Where a person contravenes any of the provisions of this General penalty
8 Bill for which no specific penalty is provided, commits an offence and on
9 conviction, shall be liable to a fine of not less than N2,000,000 but not
10 exceeding N20,000,000 or to imprisonment for a term of not less than six
11 months but not exceeding five years or to both.

12 (2) Where a person is convicted of an offence under this Act, the
13 court may in addition, order the person convicted to pay to the Agency a sum
14 equal to the cost of repairing any damage so caused.

15 **43.**-(1) The Minister may, in consultation with the Agency, make Regulations
16 regulations for the better carrying out or giving effect to the provisions of
17 this Bill.

18 (2) Without prejudice to the generality of sub-clause (1), the
19 Minister may make regulations prescribing:

20 (a) the conditions and terms upon which any specified facilities or
21 services within the scope of the functions of the Agency shall be provided to
22 the public;

23 (b) the criteria for integrated systems;

24 (c) the manner in which electronic record shall be maintained,
25 stored and accessed;

26 (d) manner of conducting assessment of system deployment and
27 hosting;

28 (e) procedure for approval of new systems developed by public
29 institutions;

30 (f) procedures for conducting inspection and investigation on any

	1	ICT project, systems and performance audits;
	2	(g) procedures for reduction of paper work in public institutions;
	3	(h) manner of sharing information amongst public institutions;
	4	(i) procedure for management of complaints; and
	5	(j) providing for any matter which, in the opinion of the Agency, is
	6	necessary for the efficient performance of its functions under this Bill.
	7	(3) The Minister shall, in consultation with the Minister responsible
	8	for procurement, make detailed specifications and standards of computers and
	9	other related equipment and tools for use by public institutions.
Rules, guidelines, code of ethics and conducts	10	44. The Agency may prepare rules, guidelines, code of ethics and
	11	conduct for regulating its staff activities, for compliance purposes, monitoring
	12	and evaluation.
Interpretation	13	45. In this Bill-
	14	"Agency" means the Agency established under section 1(1) of the National
	15	Information;
	16	Technology Development Agency Act No.28 2007;
	17	"Board" means the Governing Board established under section 2 of the
	18	National Information Technology Development Agency Act No.28 2007;
	19	"confidentiality" means preserving authorized restrictions on access and
	20	disclosure, including means for protecting personal privacy and proprietary
	21	information;
	22	"critical application software" means application software which is used to
	23	deliver or perform core institutions or Government business processes;
	24	"critical system" means a system which is used to deliver or perform core
	25	institutions or
	26	Government business processes;
	27	"data" means any information presented in an electronic form;
	28	"e-Government" means the use of information and communication
	29	technologies (ICT) by the Government to deliver public services;
	30	"e-Government initiative" means any intervention taken by public institution

- 1 for the purpose of implementing e- government;
- 2 "e-Government security" means ICT security in the public sector;
- 3 "e-Government services" means all services which are delivered by public
- 4 institutions by electronic means;
- 5 "e-Government Technical Committee" means the e- Government Technical
- 6 Committee established under clause 7 of this Bill;
- 7 "electronic communication" means any transfer of sign, signal or computer
- 8 data of any nature transmitted in whole or in part by a wire, radio,
- 9 electromagnetic, photo-electronic, photo optical or in any other similar
- 10 form;
- 11 "electronic record" means a record that is created, generated, sent,
- 12 communicated, received, stored or accessed by electronic means;
- 13 "ICT disposal" means ICT equipment and software disposal;
- 14 "ICT infrastructure" means composite hardware, software, network
- 15 resources and services required for the existence, operation and
- 16 management of an enterprise ICT environment;
- 17 "ICT project" means a project for acquiring, sourcing or improving ICT
- 18 infrastructure or systems for undertaking e-Government initiatives;
- 19 "ICT Security" means protecting information systems from unauthorized
- 20 access, use, disclosure, disruption, modification, or destruction in order to
- 21 provide confidentiality, integrity and availability;
- 22 "ICT system" means an ICT set-up consisting of hardware, software, data,
- 23 communication technology and people who use them;
- 24 "Institutional ICT Steering Committee" means the Institutional ICT
- 25 Steering Committee established under clause 9 of this Bill;
- 26 "integrity" means guarding against improper information modification or
- 27 destruction, and includes ensuring information non-repudiation and
- 28 authenticity;
- 29 "interoperability" means the ability of different information technology
- 30 systems and software applications to communicate, exchange data and use

- 1 of information that has been exchanged;
- 2 "metadata" means a set of data that describes and provides information about
- 3 other data;
- 4 "Minister" means the Minister responsible for e- Government;
- 5 "Minister" means Minister responsible for Information Communication
- 6 Technology;
- 7 "National e-Government Steering Committee" means the National e-
- 8 Government Steering Committee established under clause 6 of this Bill;
- 9 "public institution" Means ministries, departments, agencies, the National
- 10 Assembly, the judiciary, executive agencies, parastatals, organizations, public
- 11 corporations or any other Government autonomous or semi-autonomous
- 12 institutions;
- 13 "record" has the meaning ascribed to it under the National Archives Act;
- 14 "service provider" means an organization, business or individual which offers
- 15 electronic service to a public institution.

Citation

- 16 **46.** This Bill may be cited as the Electronic Government Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to make provisions for the Administration, Management and Operations of Electronic Government (e-Government) Services.

A BILL

FOR

AN ACT TO ESTABLISH A NATIONAL AGRICULTURAL TOOLS
DEVELOPMENT CENTRE, ABOH MBAISE, IMO STATE, AND FOR RELATED
MATTERS, 2021

Sponsored by Hon. Bede Eke

[] Commencement

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

1 PART I – ESTABLISHMENT OF A NATIONAL AGRICULTURAL TOOLS

2 DEVELOPMENT CENTRE, ABOH MBAISE, IMO STATE

3 1.-(1) There is hereby established a body to be known the National Establishment

4 Agricultural Tools Development Centre, Aboh Mbaise, Imo State (herein in

5 this Bill referred to as "Centre").

6 (2). The "Centre" shall be a body corporate with perpetual

7 succession and a common seal; and may sue and be sued in its corporate

8 name.

9 (3) The Centre shall be sited in Aboh Mbaise, Imo State;

10 2.-(1) There is hereby established for the management of “the Establishment

11 Centre" a governing board (in this Act referred to as the Board) which shall of Management

12 consist of: Board of the

13 (a) Chairman, who shall be appointed by the President,

14 Commander-in-Chief of the Armed Forces of Nigeria;

15 (b) Representatives of the following Federal Establishments:

16 (i) Three representatives of the Agricultural Research Council of

17 Nigeria,

18 (ii) A representative of the Association of Agricultural

19 Technologist in Nigeria;

20 (iii) A representative of Nigeria society of Engineers;

	1	(iv) The Director-General shall be secretary to the Board.
Appointment of the Chairman and Members of the Board	2	3. -(1) The Chairman and members of the Board shall be appointed by
	3	the President of the Federal Republic of Nigeria;
	4	(2) Members of the Board, other than the Director - General shall be
	5	appointed by the President of the Federal Republic of Nigeria.
Schedule	6	4. The supplementary provisions set out in the schedule to this Act
	7	shall have effect with respect to the proceedings of the Board and other matters
	8	contained therein.
Tenure of Office	9	5. The Chairman and members of the Board:
	10	(a) shall each hold office for a period of 4 years on such terms and
	11	conditions as may be specified in their letters of appointment; and
	12	(b) May be re-appointed for an additional period of 4 years and no
	13	more.
Removal from Office	14	6. Notwithstanding the provisions of section 2(5) of this Act the
	15	chairman or any member of the Board may at any time be removed from the
	16	office by the president for inability to discharge the functions of his office
	17	(whether arising from infirmity of mind or body or any other cause).
Emoluments and Allowances	18	7. A member of the Board shall be paid such emoluments, allowances
	19	and benefits as the President of the Federal Republic of Nigeria may, from time
	20	to time approve.
	21	PART II - FUNCTIONS AND POWERS OF "THE CENTRE"
Functions pf the Centre	22	8. The functions of the Centre shall be to:
	23	(a) Co-ordinate research on agricultural tools and machineries
	24	development and improving on indigenous technologies that are still in use in
	25	Nigeria;
	26	(b) Collaborate with sister organizations in Nigeria and abroad with
	27	the aim to keep local farmers and agricultural technologist abreast of
	28	developments in agricultural technologies in other parts of the world;
	29	(c) Set up the necessary infrastructure to ensure the local production

1 of vital agricultural equipment and tools which hitherto were being sourced
2 abroad;

3 (d) Commercialize their products and generate foreign exchange
4 through export to other African countries and the world;

5 (e) Collate and maintain a data bank of all farming equipment in
6 use in Nigeria with a view to improving upon their efficiency and where
7 necessary recommend suitable replacement for any of them and for related
8 matters;

9 (f) Partner with higher institutions of learning and research
10 institutes in Nigeria and other parts of the world in achieving her set
11 objectives;

12 (g) Serve as an incubator for programs aimed at drawing the youths
13 into agriculture and creating youth entrepreneurs in Agriculture through the
14 use of modern tools and technologies.

15 **9.** The Powers of the "Centre" shall be to:

Powers of
"the Centre"

16 (a) Demand and obtain relevant information, data, statistics and
17 report on matters relating to agricultural raw materials and processing
18 equipment and machinery and latest inventions;

19 (b) Liaise with relevant establishments within and outside Nigeria
20 in pursuance of the functions of the Centre;

21 (c) Initiate and implement skill acquisition programmes in
22 agricultural tools machining and raw materials processing with the aim of
23 empowering the young population to be successful entrepreneurs in
24 agriculture;

25 (d) Partner with higher Institutions of learning in designing
26 programs which will better the skills of agricultural engineers and
27 technologist studying in those institutions;

28 (f) Carry out such activities as are necessary or expedient for the
29 performance of its functions under this Bill.

	1	PART III - FUNCTIONS AND POWERS OF THE BOARD
Functions and Powers of the Board	2	10. The Board shall:
	3	(a) Determine the overall policies of the Centre, including its
	4	financial and operating procedures and ensure the effective implementation of
	5	the policies and procedures;
	6	(b) Establish committees, as may be expedient which shall be charged
	7	with specific functions delegated by the Board;
	8	(c) Appoint, promote and discipline employees for the proper
	9	discharge of the functions of the Centre;
	10	(d) Design strategies for mobilizing and synergizing resources
	11	throughout the economy for the purpose of addressing the challenges
	12	confronting farmers in Nigeria and other parts of the world in preserving their
	13	products and proffer solutions to them through processing technologies;
	14	(e) Relate with the local community and other stakeholders to develop
	15	funding options for young farmers and aspiring entrepreneurs in agricultural
	16	raw materials processing and preservation;
	17	(f) Establish, encourage and promote training program for the
	18	employees of the Centre and other appropriate persons from the public or
	19	private organizations;
	20	(g) Promote multi - sectoral and multi-disciplinary collaboration and
	21	encourage networking among the farmers' co-operative organizations;
	22	(h) Assess from time to time the research, consultancy, training and
	23	advocacy program on agricultural products processing and other related
	24	matters conducted by various institutions with a view to:
	25	(i) Ascertain their sustainability, and,
	26	(ii) Offering them such assistance, either alone or in co-operation with
	27	other related bodies as may improve the contents and quality of their work;
	28	(i) the Board may, subject to such conditions as it may impose,
	29	delegate any of its functions under this act to any of its committees or to the
	30	Director - General;

1 (j) Nothing in this section shall prevent the Board from performing
2 or exercising any of the functions and powers so delegated;

3 (k) Open and operate ordinary and domiciliary account for the
4 Centre in recognized banking institutions in Nigeria as stipulated by extant
5 financial guidelines of the Federal Government;

6 (l) enter into agreement with public or private organizations and
7 individuals to develop, utilize, coordinate and share such information as are
8 determined to be appropriate by the Board for the performance of its
9 functions under this Act, and,

10 (m) Carry out such other activities which are connected with its
11 other functions or as may be assigned to it by the Minister of Agriculture or
12 other relevant authority.

13 **PART IV - STRUCTURE OF THE "CENTRE"**

14 **11.** The Centre shall have:

Structure of the
"Centre"

15 (a) A Planning, Research and Statistics Directorate to be headed by
16 a Director;

17 (b) A Production Directorate to be headed by a Director;

18 (c) An Administration and Finance Directorate to be headed by a
19 Director;

20 (d) A Technical Directorate headed by a Director;

21 (e) Such other Directorates as may be required for the proper
22 performance of the functions of the Centre, such Directorates shall be
23 determined by the Board and approved by the Federal Ministry of Health.

24 **PART V - STAFF OF THE CENTRE**

25 **12.-(1)** there shall be appointed for the Centre by the President of
26 the Federal Republic of Nigeria, a Director General, who shall be a person
27 with a background in Agricultural Engineering or Agricultural Technology
28 and other related disciplines.

Appointment of
Director-General

29 (2) The Director General shall be:

30 (a) The Chief Executive of the Centre;

1 (b) Be responsible for the day-to-day administration of the Centre,
2 keep the books and records of the Board; and

3 (c) Be subject to the supervision and control of the Board Tenure of
4 Director-General.

5 (3) The Director - General shall hold office for a term of 5 (five) years
6 and may be renewed for another term and no more.

Appointment
of other staff

7 **13.**-(1) The Board may from time to time, appoint for the Centre such
8 other, staff, as it may deem necessary to assist the Director-General in the
9 performance of the function of the Centre and the Board.

10 (2) The Terms and Conditions of service (including remuneration,
11 allowances, benefits and pensions) of officers and employees of the Centre
12 shall be determined by the Board on the recommendation of the Federal Civil
13 Service Commission.

14 (3) The staff of the Centre shall be:

15 (a) Public Servants as defined in the 1999 Constitution of the Federal
16 Republic of Nigeria; and

17 (b) Governed by the rules governing the Civil Service of the
18 Federation.

Pensions
Cap 346 LFN

19 **14.**-(1) Service in the "Centre" shall be approved service for the
20 purpose of the Pensions Act and accordingly, officers and other persons
21 employed in the Centre shall, in respect of their services in the Centre, be
22 entitled to pension, gratuities and other retirement benefits as are prescribed
23 there under.

24 (2) Notwithstanding subsection (1) of this section, the Centre may
25 appoint a person to any office on the terms, which preclude the grant of a
26 pension, gratuity or retirement benefits.

27 (3) For the purpose of the application of the Pension Act, any power
28 exercisable there under by a Minister or other authority of the Government of
29 the Federation other than the power to make regulations is hereby vested and
30 shall be exercisable by the Board and not by other persons or authority.

1	PART VI - FINANCIAL PROVISIONS	
2	15. -(1) The Centre shall establish and maintain a fund from which	Funding of the Centre
3	all expenditures incurred by the Centre shall be defrayed.	
4	(2) The Fund shall comprise fund derived from but not limited to	
5	the following sources:	
6	(a) Such funds as may be appropriated to the Centre from time to	
7	time by the National Assembly;	
8	(b) Gifts, loans, grants, aids, etc; and	
9	(c) 0.03% of Profit of Agriculture -raw materials based companies;	
10	(d) All other assets that may from time to time accrue to the Centre.	
11	16. The Centre may accept gifts and grants of money or aids or	Gift and Monies
12	other property from national and multilateral organization and upon such	
13	term and conditions if any, as may be agreed upon between the donor and the	
14	Centre provided such gift are not inconsistent with the objectives and	
15	functions of the Centre under this Act.	
16	17. -(1) The Centre shall not later than 30th September in each	Budget and Expenditure
17	financial year prepare and present to the National Assembly through the	
18	President for approval, a statement of estimated income and expenditure for	
19	the following financial year.	
20	(2) Notwithstanding the provision of subsection (1) of this section,	
21	the Centre may also, in any financial year, submit supplementary or adjust	
22	statements of estimated income and expenditure to the National Assembly	
23	through the President for approval.	
24	(3) Subject to subsection (1) and (2) of this section, the Centre shall	
25	apply the proceeds of the Centre's fund:	
26	(a) To meet the administration and operating costs of the Centre;	
27	(b) For the payment of salaries, wages, fees and other allowances,	
28	retiring benefits such as pensions and gratuities and other remunerations	
29	payable to the Director - General and staff of the Centre;	
30	(c) For the purchase or acquisition of property or other equipment	

	1	and other capital expenditure and for maintenance of any property acquired or
	2	vested in the Centre; and
	3	(d) For or in connection with all or any of the functions of the Centre
	4	under this Act or its subsidiary legislation.
Financial Year and Audit of Centre's Account	5	18. -(1) the financial year shall start on 1st January of each year and
	6	end 30th December of the same year.
	7	(2) The Centre shall keep proper records of its accounts to be audited
	8	within six from the end of each financial year by auditors whose appointment
	9	shall be approved by the Board and shall be subjected to reappointment on
	10	annual basis provided that such Auditors are on the list of Auditors approved
	11	from time to time by the Auditor - General of the Federation.
Annual Report to the National Assembly	12	19. The Centre shall prepare and submit to the National Assembly
	13	annually, through the President not later than six (6) months after the end of its
	14	financial year, a report on the activities of the Centre's audited accounts for the
	15	year under review together with auditor's report thereon.
Exemption from Taxation	16	20. The provision of any enactment relating to the taxation of
	17	companies or trust funds shall not apply to the Centre.
Miscellaneous	18	21. -(1) The Centre may make regulation not inconsistency with this
	19	Bill.
	20	(a) Concerning any matter that:
	21	(i) Mayor may not be prescribed in terms of a provision of this bill; or
	22	(ii) is necessary to prescribe for the effective carrying out of the
	23	objectives of the bill;
	24	(b) Providing for payment, by the National Assembly for this purpose,
	25	or compensation to any person or dependents of any person, whose death,
	26	bodily injury or disablement results from any event occurring in the course of
	27	the performance of any function entrusted to such person in terms of this bill.
	28	(2) The Board may, with the approval of the President make the
	29	regulations for the effective operation of this Bill.

1	22. Subject to the provision of this bill, the provision of the public	Limitations
2	officers' protection Act shall apply in relation to any suit instituted against an	against suit
3	officer or employee of the Centre.	
4	23. A notice summons or other document required or authorized to	Service of
5	be served upon the Board under the provisions of this bill or any other law or	Documents
6	enactment may be served by delivering it to the Director-General or by	
7	sending it by registered post and addressed to the Director-General at the	
8	principal office of the Board.	
9	24. In any action or suit against the Board, no execution or	Restriction on
10	attachment of process shall be issued against the Board.	Executive against
11	25. In this Bill unless the context otherwise requires:	Properties of the
12	"Centre" means the National Agricultural Tools Development Centre, Aboh	Commission
13	Mbaie, Imo state, established by section 1 of this Bill;	Interpretation
14	"Aboh Mbaie" means a local government in Imo State;	
15	"Function" includes duties and powers;	
16	"President" means President of the Federal Republic of Nigeria.	
17	26. This Bill may be cited as the National Agricultural Tools	Short title
18	Development Centre, Aboh Mbaie, Imo State, Bill, 2021.	

1 SCHEDULE

2 SUPPLEMENTARY PROVISION RELATING TO THE CENTRE, ETC

3 *Proceedings of the Centre*

4 1.- (1) Subject to this Bill and Section 20 of the interpretation Act, the
5 Centre may make standing orders regulating its proceeding or those of its
6 committee;

7 (2) The quorum of the Centre's Board shall be the Chairman or the
8 person presiding at the meeting, and three (3) other members of the Board and
9 the quorum of any committee of the Centre shall be as determined by the
10 Centre.

11 2.-(1) The Centre shall meet whenever it is summoned by the
12 chairman and if the Chairman is required to do so by giving him not less than
13 four (4) other members, he shall summon a meeting of the Centre to be held
14 within twenty-four (24) days from the date upon which the notice is given.

15 (2) Where the Centre desires to obtain the advice of any person on a
16 particular matter, the Centre may co-opt him to the Centre for such period of
17 time it deems fit, but a person who is in attendance by virtue of this
18 subparagraph shall not be entitled to vote at any meeting and shall not count
19 towards a quorum.

20 *Committee*

21 3.-(1) The Centre may appoint one or more committee to carry out, on
22 behalf of the Centre such functions as the Centre may determine.

23 (2) The Committee appointed under this paragraph shall consider
24 such number of persons as may be determined by the Centre and a person shall
25 hold office in the committee in accordance with the term of his appointment.

26 (3) A decision of a committee of the Centre shall be of no effect until it
27 is confirmed by the Centre.

28 4.-(1) the fixing of the seal of the Centre shall be authenticated by the
29 signature of the Chairman or any other member of the Centre generally or
30 specified by the Centre to act for the purpose and the Chief Executive.

1 (2) Any contract or instrument which, if made or executed by a
2 person not being a body corporate, would not require to be under seal may be
3 made or executed on behalf of the Centre by the Chief Executive or any
4 person generally or specified authorized by the Centre to act for the purpose.

5 (3) A document purporting to be a document duly executed under
6 seal of the Centre shall be received in evidence and shall, unless and until the
7 contrary is proved, be presumed to so execute.

8 5. The validity of any proceeding of the Centre or of a committee
9 shall not be adversely affected by:

10 (a) A vacancy in the membership of the Centre or committee;

11 (b) A defect in the appointment of a member of the Centre or
12 committee; or

13 (c) Reason that a person not entitled to do take part in the
14 proceedings of the Centre or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a National Agricultural Tools Development Centre in Aboh Mbaise, Imo State to serve as an Agriculture tools incubation and innovation.

FEDERAL COLLEGE OF MEDICAL LABORATORY SCIENCES NGOR
OKPALA, IMO STATE (ESTABLISHMENT) BILL, 2021
ARRANGEMENTS OF CLAUSES

Clauses:

PART I - ESTABLISHMENT AND CONSTITUTION OF FEDERAL COLLEGE OF
MEDICAL LABORATORY SCIENCES NGOR OKPALA, IMO STATE

1. Establishment of Federal College of Health and Medical Sciences
Ngor Okpala, Imo State
2. Constitution and Principal Officers of the College
3. Powers of the College and their exercise

PART II - FUNCTIONS

4. Functions of Chancellor and Pro-Chancellor
5. Composition, Tenure and Powers of the Council of the College
6. Functions of the Council and its Finance and General Purposes
Committee
7. Functions of the Senate of the College
8. Functions of the Provost

PART III - STAFF OF COLLEGE

9. Appointment of Provost of the College
10. Functions of the Board
11. Service in College to be pensionable
12. Establishment of College Advisory Committee

PART IV - FINANCIAL PROVISION

13. Fund of the College
14. Expenditure of the University
15. Power to accept Gifts
16. Annual Estimates and expenditure
17. Annual reports
18. Power to Borrow
19. Exemption from tax

20. Exemption from custom duties etc

PART V - GENERAL ADMINISTRATION

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

PART VI - MISCELLANEOUS PROVISIONS

24. Power to make regulations
25. Power to give directives
26. Interpretation
27. Citation

Schedule

A BILL

FOR

AN ACT TO PROVIDE THE LEGAL FRAMEWORK TO ESTABLISH THE
FEDERAL COLLEGE OF MEDICAL LABORATORY SCIENCES NGOR OKPALA,
IMO STATE; AND FOR RELATED MATTERS

Sponsored by Hon. Bede Uchenna Eke

[] Commencement

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

- 1 PART I - ESTABLISHMENT AND CONSTITUTION OF THE
2 FEDERAL COLLEGE
3 1.-(1) There is hereby established the Federal College of Medical
4 Laboratory Sciences Ngor Okpala, Imo State (in this Bill referred to as "the
5 College").
6 (2) The College:
7 (a) Shall be a body corporate;
8 (b) May sue and be sued in its corporate name;
9 (c) Shall have perpetual succession and a common seal;
10 (d) Shall be a training institution for the development of Medical
11 Laboratory Technology in the country;
12 (e) The College shall be supervised by the Federal Ministry of
13 Education through the National Board for Technical Education (NBTE)
14 who shall be responsible for approving and regulating all academic
15 programmes run in the College, to ensure quality compliance and provide
16 funds for academic and research programmes, infrastructure and
17 remuneration of employees;
18 (f) The objects of the College shall be:
19 (a) to encourage the advancement of learning and to hold out to all
20 persons without distinction of race, creed, sex or political conviction;

Establishment
of Federal College
of Health and
Medical Sciences
Ngor Okpala,
Imo State

	1	(b) to develop and offer academic professional programmes leading
	2	to the award of certificates, degrees, post graduate research, diploma and
	3	higher degrees with emphasis on Medical Laboratory and Technological
	4	Sciences;
	5	(c) to undertake any other activities that is appropriate for a Science
	6	College of the highest standard.
Constitution and Principal Officers of the College	7	2.-(1) The College shall consist of:
	8	(a) a Chancellor;
	9	(b) a Pro-Chancellor and a Council;
	10	(c) the Provost of the College and a Senate;
	11	(d) a body to be called Congregation;
	12	(e) a body to be called Convocation;
	13	(f) the Colleges, institutes and other teaching and research units of the
	14	College;
	15	(g) the person holding the offices constituted by the First Schedule to
	16	this Bill other than those mentioned in paragraphs (a) to (c) of this sub section;
	17	(h) all graduates and undergraduates of the College; and
	18	(i) all other persons who are members of the College in accordance
	19	with provisions made by statute in that behalf.
	20	(2) The First Schedule to this Bill shall have effect with respect to the
	21	principal officers of the College.
	22	(3) Subject to section 5 of this Bill provision shall be made by statute
	23	with respect to the constitution of the Council, the Senate, Congregation and
	24	Convocation.
Powers of the College and their exercise	25	3.-(1) For the carrying out of its objects as specified in section 1 of this
	26	Bill, Federal College of Medical Laboratory Sciences Ngor Okpala, Imo State
	27	shall have power:
	28	(a) to offer courses of instruction, training and research in Education,
	29	Medical, Technology and Laboratory Sciences;
	30	(b) to establish such colleges, campuses, institutes, schools,

1 departments and other teaching and research units within the College as may
2 from time to time be deemed necessary or desirable, subject to the approval
3 of National Board for Technical Education (NBTE);

4 (c) to institute professorships, readerships or associate
5 professorships, lectureship and other posts and offices and to make
6 appointments thereto;

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

10 (e) to provide for the discipline and welfare of members of the
11 College;

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

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

17 (h) to demand and receive from any student or any person attending
18 the college such fees as the college may from time to time determine subject
19 to the overall directives of the Minister;

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

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

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

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

	1	for any of the objects of the college;
	2	(m) to hold public lectures and undertake printing, publishing and
	3	bookselling; and
	4	(n) to do all such acts or things, whether or not incidental to the
	5	foregoing powers, as may advance the Objects of the college.
	6	(2) subject to the provisions of this Bill, the powers conferred on the
	7	College by subsection (1) of this section shall be exercisable on behalf of the
	8	college by the councilor by the senate or in any manner which may be
	9	authorized by the statute.
	10	(3) The power of the college to establish further campuses and
	11	colleges shall be exercisable by statute and not otherwise .
Functions of Chancellor and Pro-Chancellor	12	4.-(1) The Chancellor shall, in relation to the college, take precedence
	13	before all other members of the college, and when he is present, shall preside at
	14	all meetings of convocation held for conferring degrees.
	15	(2) The Pro-Chancellor shall, in relation to the college, take
	16	precedence before all other members of the college, except the Chancellor and
	17	except the Provost when acting as Chairman of congregation or convocation
	18	and Pro-Chancellor shall, when he is present, to be the Chairman at all
	19	meetings of the Council.
Composition, Tenure and Powers of the Council of the College	20	5.-(1) The Council of the College shall consist of:
	21	(a) the Pro-Chancellor who shall be appointed by the President on the
	22	recommendation of the Minister of Education;
	23	(b) the Provost;
	24	(c) the Deputy Provost(s);
	25	(d) one person from the Ministry of Education;
	26	(e) four persons representing a variety of interests and broadly
	27	representative of the whole Federation to be appointed from:
	28	(i) Teachers Registration Council;
	29	(ii) Tertiary Education Trust Fund; and
	30	(iii) two other persons, one of whom shall be a representative of the

1 College host community.

2 (2). Persons to be appointed to the council shall be of proven
3 integrity, knowledgeable and familiar with the affairs and traditions of the
4 college.

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

10 (4) The powers of the council shall be exercised, as in this Bill and
11 to the extant establishment circulars that are inconsistent with this Bill shall
12 not apply to the college.

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

Functions of the
Council and its
Finance and General
Purposes Committee

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
20 of the college and perform such other functions of the council as the council
21 may from time to time delegate to it.

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

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

29 **PART II - FUNCTIONS**

30 **7.-(1)** Subject to section 6 of this Bill and subsections (3) and (4) of

Functions of the
Senate of the
College

1 this section and the provisions of this Bill relating to the visitor, it shall be the
2 general function of the senate to organize and control the teaching by the
3 college, the admission of students where no other enactment provides to the
4 contrary and the discipline of students, and to promote, research at the college.

5 (2) Without prejudice to the generality of subsection (1) of this section
6 and subject as therein mentioned, it shall in particular be the function of the
7 senate to make provision for:

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

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

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

16 (d) the making of recommendations to the council with respect to the
17 award to any person of an honorary fellowship or honorary degree or the title of
18 professor emeritus.

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

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

Functions of
the Provost

28 8.-(1) The Provost shall, in relation to the college, take precedence
29 before all other members of the college except the chancellor and subject to
30 section 4 of this Bill except the Pro-Chancellor and any other person for the

1 time being acting as Chairman of the Council:

2 (a) provide the general policies and guidelines relating to major
3 expansion programmes of the University;

4 (b) provide facilities for the training of medical students of
5 associate universities;

6 (c) manage and superintend the affairs of the University;

7 (d) subject to the provisions of this Bill, make, alter and revoke
8 rules and regulations for carrying on the functions of the University;

9 (e) fix terms and conditions of service, including remuneration of
10 the employees of the College subject to the approval of National Salaries
11 Incomes and Wages Commission;

12 (f) do such other things which in the opinion of the Board are
13 necessary to ensure the efficient performance of the functions of the
14 University.

15 **PART III - STAFF OF THE UNIVERSITY**

16 **9.-(1)** There shall be for the College a Provost who shall be
17 appointed by the President on the recommendation of Hon. Minister of
18 Health on such terms and conditions as may be specified in his letter of
19 appointment or as may be determined, from time to time, by the National
20 Salaries Income and Wages Commission.

Appointment of
Provost of the
College

21 (2) The Provost shall:

22 (a) be the chief executive and accounting officer of the University;

23 (b) be responsible to the Board for the day-to-day administration of
24 the University;

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

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

	1	(e) have considerable administrative experience in matters of health;
	2	(f) hold a post-graduate specialist qualification obtained not less than
	3	ten years prior to the appointment as Chief Medical Director.
Functions of the Board	4	10.-(1) All property held by or on behalf of the Provisional Council of
	5	the college shall, by virtue of this sub-section and without further assurance,
	6	vest in the college and be held by it for the purpose of the College.
Second Schedule	7	(2) The provisions of the second schedule to this Bill shall have effect
	8	with respect to, and matters arising from, the transfer of property by this section
	9	and with respect to the other matters mentioned in that schedule .
	10	(3) Notwithstanding the provisions of subsections (1) and (2) of this
	11	section the Board shall have power to appoint for the College either directly or
	12	on secondment from any public service in the Federation, such number of
	13	employees as may, in the opinion of the Board, be required to assist the College
	14	in the discharge of any of its functions under this Bill.
	15	(4) Nothing in subsection (4) of this section shall preclude the Board
	16	from appointing persons from outside the public service of the Federation or of
	17	the State whenever it deems it necessary so to do.
	18	(5) The terms and conditions of service (including remuneration,
	19	allowances, benefits and pensions) of the employees of the College shall be as
	20	determined by the National Salaries Income and Wages Commission.
Service in College to be pensionable	21	11. -(1) Service in the College shall be approved service for the
	22	purposes of the Pensions Reforms Act.
	23	(2) The officers and other persons employed in the College shall be
	24	entitled to pensions, gratuities and other retirement benefits as are enjoyed by
	25	persons holding equivalent grades in the civil service of the Federation.
	26	(3) Nothing in subsections (1) and (2) of this section shall prevent the
	27	appointment of a person to any office on terms which preclude the grant of
	28	pension and gratuity in respect of that office.
Establishment of College Advisory Committee	29	12.-(1) There shall be for the College a Medical Advisory Committee
	30	which shall:

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

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

6 (c) be appointed by the Board.

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

(3) Notwithstanding anything to the contrary, the Board may, from time to time, appoint consultants outside the hospital to perform such medical duties as the Board or the Chief Medical Director may assign to such consultants.

15 PART IV - FINANCIAL PROVISIONS

16 **13.** There shall be established and maintained for the College a Fund of the
17 fund into which shall be paid and credited: College

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

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

(c) all sums accruing to the College by way of gifts, endowments, bequests, grants or other contributions by persons and organisations;

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

25 (e) all other sums which may, from time to time, accrue to the
26 College.

27 **14.** The College shall, from time to time, apply the funds at its Expenditure of
28 disposal to: the University

29 (a) (a) the cost of administration and maintenance of the
30 University;

- 1 (b) publicize and promote the activities of the University;
- 2 (c) pay allowances, expenses and other benefits of members of the
- 3 Board and committees of the Board;
- 4 (d) pay the salaries, allowances and benefits of employees of the
- 5 College;
- 6 (e) pay other overhead allowances, benefits and other administrative
- 7 costs of the College; and
- 8 (f) undertake such other activities as are connected with all or any of
- 9 the functions of the College under this Bill.

Power to accept
gifts

- 10 **15.**-(1) The College may accept gifts of land, money or other property
- 11 on such terms and conditions, if any, as may be specified by the person or
- 12 organization making the gift.
- 13 (2) The College shall not accept any gift if the conditions attached by
- 14 the person or organisation making the gift are inconsistent with the functions of
- 15 the College under this Bill.

Annual Estimates
and expenditure

- 16 **16.**-(1) The College shall, not later than 30 September in each year,
- 17 submit to expenditure the President through the Secretary to the Government
- 18 of the Federation an estimate of the expenditure and income of the College
- 19 during the next succeeding year.
- 20 (2) The College shall cause to be kept proper accounts of the College
- 21 in respect of each year and proper records in relation thereto and shall cause the
- 22 accounts to be audited not later than six months after the end of each year by
- 23 auditors appointed from the list and in accordance with the guidelines supplied
- 24 by the Auditor-General for the Federation.

Annual reports

- 25 **17.** The College shall prepare and submit to the President, not later
- 26 than 30th June in each year, a report in such form as the President may direct on
- 27 the activities of the College during the immediately preceding year, and shall
- 28 include in the report a copy of the audited accounts of the Federal College for
- 29 that year and the auditor's report thereon.

Power to borrow

Exemption from
tax

Exemption from
custom duties etc.

Discipline of
students

1 be specified in the direction, be restricted in such manner as may be so
2 specified;

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

5 (d) that the student be expelled from the University.

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

9 (3) The Board may delegate its powers under this section to a
10 disciplinary committee consisting of such members of the College as the
11 Council may nominate.

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

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

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

Removal and
discipline of
clinical,
administrative
and technical staff

20 **22.-(1)** If it appears to the Board that there are reasons for believing
21 that any person employed as a member of the clinical, administrative or
22 technical staff of the College, other than the Provost, should be removed from
23 his office or employment, the Council shall require the Director of
24 Administration to:

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

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

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

1 (i) a committee to investigate the matter and report on it to the
2 Board; and

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

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

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

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

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

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

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

28 (4) Any person suspended shall, subject to subsections (2) and (3)
29 of this section be on half pay and the Board shall before the expiration of a
30 period of three months after the date of such suspension consider the case

1 against that person and come to a decision as to:

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

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

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

9 (d) whether to take such lesser disciplinary action against the person
10 (including the restoration of his emoluments that might have been withheld), as
11 the Board may determine, and in any case where the Board, pursuant to this
12 section, decides to continue a person's suspension or decides to take further
13 disciplinary action against a person, the Board shall before the expiration of a
14 period of three months from such decision come to a final determination in
15 respect of the case concerning any such person .

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

20 (6) Nothing in the foregoing provisions of this section shall preclude
21 the Board from making such regulations not inconsistent with the provisions of
22 this Bill for the discipline of students and all other categories of employees of
23 the hospital as the Board may prescribe.

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

Discipline of
junior staff

28 **23.-(1)** If any junior staff is accused of misconduct or inefficiency, the
29 Provost may suspend him for not more than a period of 3 months and shall
30 direct a committee to:

1 (a) consider the case; and
2 (b) make recommendations as to the appropriate action to be taken
3 by the Provost.

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

7 (3) The Provost may, after considering the recommendation made
8 pursuant to subsection (1) (b) of this section, dismiss, or take such other
9 disciplinary action against the officer concerned.

10 (4) Any person aggrieved by a decision of the Provost made under
11 subsection (3) of this section may, within a period of 21 days from the date of
12 the letter communicating the decision to him, address a petition to the Board
13 to reconsider his case.

14 **PART VI - MISCELLANEOUS**

15 **24.**-(1) The Council may, with the approval of the President, make
16 regulations: Power to make
regulations

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

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

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

25 **25.** The "Minister of Health" may give to the Council directions of Power to give
directives
26 a general character or relating generally to particular matters (but not to any
27 individual person or case) with regard to the exercise by the Board of its
28 functions under this Bill, and it shall be the duty of the Board to comply with
29 the directions; but no direction shall be given which is inconsistent with the
30 duties of the Board under this Bill.

Interpretation	1	26. In this Bill:
	2	"Council" means the Management Council of the College;
	3	"member" means a member of the Council including the Chairman.
	4	"Provost" means the Provost of the College so appointed under this Act.
	5	"chairman" means the chairman of the Council;
	6	"functions" include powers and duties;
	7	"Federal College "means the Federal College Ngor Okpala, Imo State;
	8	"junior staff" means staff of such grade as may be determined, from time to
	9	time, by the Board;
	10	"medical student" means a student whose course of instruction is:
	11	(a) designed (either alone or in conjunction with other courses) to enable him to
	12	qualify as a medical practitioner; or
	13	(b) designed for the further training of medical practitioners;
	14	"Minister" means the Minister charged with responsibility for matters relating
	15	to health; and
	16	"student" means a person enrolled at an institution controlled by the Councillor
	17	the purpose of pursuing a course of instruction at the institution.
Citation	18	27. This Bill may be cited as the Federal College of Medical
	19	Laboratory Sciences Ngor Okpala, Imo State (Establishment) Bill, 2021.

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

3 *Terms of Service*

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

7 2. Where a vacancy occurs in respect of the membership specified
8 in section 3, it shall be filled by the appointment of a successor to hold office
9 for the remainder of the term of office of his predecessor in office and such
10 successor shall represent the same interest as his predecessor.

11 3. The Council may act notwithstanding any vacancy in its
12 membership or any defect in the appointment of a member or the absence of
13 a member.

14 *Proceedings*

15 4.-(1) Where the Council desires to obtain the advice of any person
16 on any particular matter, the Council may co-opt persons who are not
17 members of the Council but persons co-opted shall not be entitled to vote at a
18 meeting of the Council.

19 (2) The quorum of the Council shall be one half of the total
20 members of the Council, at least one of whom shall be a member appointed
21 by the President.

22 (3) Decisions of the Council shall be made on approval by a simple
23 majority of members.

24 *Miscellaneous*

25 5.-(1) The fixing of the Seal of the College shall be authenticated
26 by the signature of the Chairman, Provost and some other members of the
27 Council authorized generally or specifically by the Council to act for that
28 purpose.

29 (2) Any contract or instrument which, if made or executed by a
30 person other than a body corporate would not be required to be under seal

1 may be made or executed on behalf of the College by any person generally or
2 specifically authorized to act for that purpose by the Council.

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

6 *Interpretation*

6. In this Statute, the expression "the Bill" means the Federal College
of Medical Laboratory Sciences Ngor Okpala, Imo State Bill and any word or
expression defined in the Bill has the same meaning in this Statute.

10 *Short Title*

11 7. This Statute may be cited as the Federal College of Medical
12 Laboratory Sciences Ngor Okpala, Imo State (Establishment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Medical Laboratory Sciences Ngor Okpala, Imo State and to provide Legal framework for due management and administration.

The passage of this Bill will provide a Federal Institution to promote Medical and Technological Sciences in Imo State and engage our restive youths.

A BILL

FOR

AN ACT TO FURTHER AMEND THE CONSTITUTION OF THE FEDERAL
REPUBLIC OF NIGERIA 1999 (AS AMENDED) TO PROVIDE FOR THE INCLUSION
OF THE APPOINTMENT OF REPRESENTATIVES FROM EACH STATE OF THE
FEDERATION AND THE FCT IN THE FEDERAL CIVIL SERVICE COMMISSION
AND FOR RELATED MATTERS

Sponsored by Hon. Aniekan Umanah

[] Commencement

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

- 1

2

3

4

5

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9
1. The Constitution of the Federal Republic of Nigeria (1999) (as amended) (herein referred to as “Principal Act”) is further amended as set out in this Bill.

2. Section 153 (1)(d) of the Principal Act is amended in paragraph 10 (b) contained in Part 1 of the Third Schedule in the following manner by (a) replacing the clause; "not more than fifteen persons", with (b) one person to represent each state of the Federation and the FCT.

3. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Amendment) Bill, 2021.
- Constitution amendment

Amendment of Section 153

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to further amend the Constitution of the Federal Republic of Nigeria 1999 (as amended) to provide for the inclusion of the appointment of representatives from each state of the Federation and the FCT in the Federal Civil Service Commission.

FEDERAL CAPITAL TERRITORY AREA COUNCILS SERVICE COMMISSION
(ESTABLISHMENT) BILL, 2021
ARRANGEMENT OF CLAUSES

Clauses:

PART I - ESTABLISHMENT, ETC. OF THE FEDERAL CAPITAL TERRITORY
AREA COUNCILS SERVICE COMMISSION

- 1 Establishment
- 2 Composition and Membership of the Commission
- 3 Qualification and Cessation of Membership
- 4 Tenure of Office
- 5 Quorum
- 6 Remuneration and Condition of Service of Members

PART II - FUNCTIONS AND POWERS OF THE COMMISSION

- 7 Functions
- 8 Powers of the Commission
- 9 Power to Borrow
- 10 Power to accept Gifts
- 11 Investments
- 12 Acquisition of Land
- 13 Power to obtain Information

PART III - SECRETARY AND OTHER STAFF OF THE COMMISSION

- 14 Secretariat
- 15 Other Staff of the Commission
- 16 Pension

PART IV - FINANCIAL PROVISIONS

- 17 Fund of the Commission
- 18 Annual Estimates and Accounts
- 19 Annual Reports

PART V - ADMINISTRATION OF THE AREA COUNCILS SERVICE OF THE
FEDERAL CAPITAL TERRITORY

- 20 Area Councils Service Staff Code
- 21 Board of Examiners

PART VI - REGULATIONS AND SUPPLEMENTARY PROVISIONS

- 22 Regulations
- 23 Interpretations
- 24 Citation

First Schedule - Proceedings of the Commission

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL CAPITAL TERRITORY AREA
COUNCILS SERVICE COMMISSION, AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Uzoma Nkem Abonta

[] Commencement

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

1 PART I - ESTABLISHMENT, ETC. OF THE FEDERAL CAPITAL TERRITORY

2 AREA COUNCILS SERVICE COMMISSION

3 1.-(1) There is hereby established the Federal Capital Territory
4 Area Councils Service Commission (in this Act referred to as "the
5 Commission").

Establishment
of the Federal
Capital Territory
Area Councils
Service
Commission

6 (2) The Commission shall be a body corporate with perpetual
7 succession and a common seal and may:

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

9 (b) hold, acquire and dispose of any property or interest in property,
10 moveable or immovable.

11 2.-(1) There shall be for the Commission, Commissioners who are
12 called Members of the Commission (in this Act referred to as Members) that
13 shall be responsible for the discharge of the functions of the Commission.

Composition and
Membership of
the Commission

14 (2) The Members of the Commission shall consist of:

15 (a) a Chairman;

16 (b) not less than two and not more than four other persons.

17 (3) The Chairman shall be the Chief Executive and Accounting
18 Officer of the Commission and shall direct and supervise all administrative
19 and operational activities of the Commission.

20 (4) The Chairman and the other Members shall:

21 (a) be resident in the FCT;

	1	(b) be persons of unquestionable integrity and of sound mind;
	2	(c) have wide knowledge in Area Councils service administration
	3	matters;
	4	(d) have at least 15 years post-tertiary institution cognate experience
	5	in Area Councils service administration;
	6	(e) be appointed by the President on the recommendation of the
	7	Minister.
Qualification and Cessation of Membership of the Commission	8	3.-(1) notwithstanding the provisions of section 2 of the Act, a person
	9	shall not be qualified or shall cease to hold office as a Member of the
	10	Commission if -
	11	(a) is not a citizen of Nigeria;
	12	(b) is an undischarged bankrupt;
	13	(c) he has committed a felony or any offence involving dishonesty or
	14	fraud;
	15	(d) is of unsound mind;
	16	(e) is for one reason or the other incapable of carrying out his duties;
	17	(f) is guilty of gross misconduct in relation to his duties of office;
	18	(g) he holds office in any political party or political organization;
	19	(h) he has, within the preceding 10 years, been removed from office as
	20	a member of any of the bodies established by section 153 of the constitution of
	21	the Federal Republic of Nigeria (as amended);
	22	(i) he resigns his appointment by a letter addressed to the Minister;
	23	(j) in the case of a person possessed of professional qualifications, he
	24	is disqualified or suspended from practicing his profession in any part of the
	25	world by an order of a competent authority made in respect of that member.
	26	(2) Any person employed in the Area Councils Service of the
	27	Federation or of a State shall not be disqualified for appointment as a Chairman
	28	or Member of the Commission, provided that where such a person has been
	29	duly appointed to the Commission, the person shall, upon accepting the
	30	appointment, be deemed to have resigned or retired from his or her former

1 office as from the date of the appointment.

2 **4.-(1)** The Chairman and Members of the Commission shall hold Tenure of Office
 3 office for a term of 4 years in the first instance and may be re-appointed for
 4 another term of 4 years and no more.

5 (2) A Member of the Commission may be removed by the Minister,
 6 if all the Members of the Commission and the Chairman are satisfied that it
 7 is not in the interest of the Commission or in the interest of the public that the
 8 Member continues in office.

9 (3) The President upon the recommendation of the Minister shall
 10 remove any member of the Commission if the Member or the Chairman did
 11 not comply with section 3 of this Act or for any other reason that is not for the
 12 interest of the Area Councils service of the federation.

13 (4) A member of the Commission may resign his appointment at
 14 any time by notice in writing under the member's hand addressed to the
 15 President through the Minister.

16 (5) If a Member of the Commission dies or resigns or otherwise
 17 vacates the office before the expiration of the term for which he is appointed,
 18 the President shall within thirty days and from among three persons
 19 nominated by the Minister appoint fit and proper person for the remainder of
 20 the term of office of the predecessor.

21 (6) Upon appointment of any Member or Chairman of the
 22 Commission, he or she shall take and sign an oath of office before the
 23 Minister.

24 **5.** The quorum for a meeting of the Members of the Commission Quorum
 25 shall not be less than three members including the chairman or the person
 26 presiding at the meeting pursuant to item two (2) of this schedule.

27 **6.** The remuneration and condition of service of the Chairman and Remuneration
and condition of
service members
 28 Members of the Commission shall be determined by the Minister.

29 **PART II - FUNCTIONS AND POWERS OF THE COMMISSION**

30 **7.-(1)** the commission shall, without prejudice to the powers of the

1 President, have the duty:

2 (a) to appoint other staff and persons to offices in the Area Councils
3 service of the FCT;

4 (b) to dismiss and exercise disciplinary control over persons holding
5 any office referred to in sub-section (a) of this section;

6 (c) advice the Minister on policies relating to the Area Councils
7 service of the FCT on:

8 (i) The establishment or otherwise of any department or structure in
9 the Area Councils service of the FCT;

10 (ii) The administrative functions of departments in the Area Councils
11 service of the FCT;

12 (iii) The conditions of service of employees generally including the
13 ranks and grades of officers and employees;

14 (iv) The scales of salaries, emoluments, benefits, allowances of all the
15 various classes of officers and employees;

16 (v) The employment, appointment, promotions, transfers, discharge
17 and other career issues of Area Councils service in the FCT;

18 (vi) Capacity building and human resource management of the Area
19 Councils service in the FCT;

20 (vii) Strict adherence to the principles enshrined in the Constitution of
21 the Federal Republic of Nigeria;

22 (viii) Application of labour laws and relations in the Area Councils
23 service of the FCT;

24 (ix) Ensuring the efficiency and effectiveness of various departments
25 within the Area Councils service of the FCT;

26 (x) Ensuring that disciplinary measures are adhered to in the Area
27 Councils service of the FCT;

28 (xi) Information management and information technology in the Area
29 Councils service of the FCT;

30 (xii) Any other thing which in its opinion is to facilitate the

1 administrative performance of the Area Councils service in the FCT.

2 **8.-(1)** The Commission should have power to:

Powers of the
Commission

3 (a) give directives to officers and employees of the Area Councils
4 service of the FCT;

5 (b) make recommendations and conduct enquiries in relation to its
6 functions and duties under this Act;

7 (c) issue a code of conduct that will be applicable to officers and
8 employees of the Area Councils service of the FCT;

9 (d) provide advisory services to the officers and employees of the
10 Area Councils service of the FCT;

11 (e) prescribe the guidelines and procedures for recruitment,
12 appointment, promotion and transfer within the Area Councils service of the
13 FCT;

14 (f) prepare and distribute to officers and employees of the Area
15 Councils service of the FCT staff procedure manuals;

16 (g) publish and advertise any vacancy positions in the Area
17 Councils service of the FCT;

18 (h) provide staff evaluation advisory services;

19 (i) provide mechanisms for staff training and development
20 programmes;

21 (j) hear appeals on matters of appointment, promotion, transfer,
22 discipline and any other issue that may arise.

23 (k) do anything which in its opinion is calculated to facilitate the
24 performance and administrative functions under this Act;

25 (l) act independently without the directives or control of any other
26 authority or person(s) in exercising its powers to make appointments, to
27 exercise disciplinary actions or other actions the commission shall
28 undertake in exercising its powers under this Act;

29 (m) delegate or authorize any member of the Commission or any
30 officer or employee in the Area Councils service of the FCT to perform any

	1	of its powers and functions under this Act;
	2	(n) engage consultants and advisers as it may require for the effective
	3	discharge of its functions.
Power to borrow	4	9.-(1) the Commission may, from time to time, borrow by overdraft or
	5	otherwise such sum as it may require for the performance of its functions under
	6	this Act.
	7	(2) the Commission shall not, without the approval of the Minister,
	8	borrow money which exceeds, at any time the amount set by the Minister.
	9	(3) notwithstanding the provisions of sub-section (1) of this section,
	10	where the sum to be borrowed is in foreign currency, the Commission shall not
	11	borrow the sum without the prior approval of the Minister.
Power to accept Gifts	12	10.-(1) The Commission may accept any gift of land, money or other
	13	property in accordance with the law on such terms and conditions, if any, as
	14	may be specified by the person or organization making the gift.
	15	(2) The Commission shall not accept any gift if the conditions
	16	attached by the person or organization offering the gift are inconsistent with the
	17	functions of the Commission.
Investment	18	11. The Commission may, subject to the provisions of this Act and the
	19	conditions of any trust created in respect of any property, invest all or any of its
	20	fund in any security prescribed by the Trustee Investment Act or in such other
	21	securities as may from time to time, be approved by the Minister.
Acquisition of Land	22	12. the Commission may subject to the provisions of the Land Use
	23	Act, acquire, hold, grant, charge or otherwise deal with any interest in land or
	24	other property, for the purpose of providing offices and premises necessary for
	25	the performance of its functions under this Act.
Power to obtain information	26	13.-(1) For the purpose of carrying out the functions conferred on the
	27	Commission under this Act, the Commission or any Member or any authorized
	28	officer or employee of the Commission:
	29	(a) shall have right of access to all the records and relevant
	30	information of any staff of any agency, department and secretariat and all other

1 administrative units of the FCT to which this Act applies;

2 (b) may by notice in writing served on any person require that
3 person to furnish or cause to be furnished information on such matters as
4 may be specified in the notice necessary for the discharge of the functions
5 of the Commission.

6 (2) It shall be the duty of any person required to furnish information
7 pursuant to sub-section (1) of this section to comply with the notice within a
8 reasonable period of time.

9 **PART III - SECRETARY AND OTHER STAFF OF THE COMMISSION**

10 14.-(1) There shall be a Secretary for the Commission who shall be
11 appointed by the Minister on the recommendation of the Commission.

12 (2) The Secretary shall-

13 (a) be a senior officer of the Commission not below the rank of a
14 Deputy Director in the Area Councils service of the FCT;

15 (b) hold office for a term of 5 years in the first instance and may be
16 re-appointed for another term of 5 years and no more;

17 (c) be on such terms and conditions as to remuneration and other
18 conditions of services as approved by the Minister;

19 (d) be responsible for the execution of the policy and the day to day
20 administration of the Commission;

21 (e) keep the books and proper records of proceedings of the
22 Commission;

23 (f) conduct the correspondence of the Commission.

24 (g) perform such other functions and duties as the Commission or
25 the Chairman may, from time to time, direct.

26 **15.-(1)** The Commission shall have power to:

27 (a) appoint such number of staff and other employees as it may,
28 from time to time, deem necessary to assist the Commission in the discharge
29 of any of its functions under this Act.

30 (b) pay persons so employed such remuneration and allowances as

Other Staff of the
Commission

1 may be payable to other officers or employees of similar grade in the Area
2 Councils service of the FCT.

3 (2) The terms and conditions of employment applicable to officers
4 and employees of the Area Councils service of the FCT shall apply to the
5 employees and staff appointed by the Commission under sub-section (1) of this
6 section.

7 (3) The Commission may generally or specifically delegate to the
8 chairman, the power to appoint such categories of staff of the Area Councils
9 service of the FCT as the Commission may from time to time specify.

Pension

10 **16.**-(1) service in the Commission shall be approved service under the
11 provision of the Pension Reform Act and accordingly, staff and employees of
12 the commission shall be entitled to pensions, gratuities and other retirement
13 benefits as prescribed under the Pension Reform Act and are engaged by
14 persons holding equivalent offices in the Area Councils service of the
15 federation.

16 (2) Without prejudice to the provisions of sub-section (1) of this
17 section, nothing in this Act shall prevent the appointment of any person to any
18 office on terms which preclude the grant of pension, gratuity or other
19 retirement benefits with respect to that office.

20 PART IV - FINANCIAL PROVISIONS

Fund of the
Commission

21 **17.**-(1) The FCT Administration shall establish a fund for the FCT
22 Area Councils Service Commission and provision for the fund shall be made in
23 the annual budget of the FCT Administration.

24 (2) There shall be paid and credited to the fund, established pursuant
25 to sub-section (1) of this section:

26 (a) such monies as may be provided by the FCT Administration by
27 way of annual subvention or otherwise;

28 (b) such monies granted or deposited with the Commission by the
29 FCT Administration or anybody or institution within the country;

30 (c) such sums or other advances by way of loans;

1 (d) all monies raised for the purposes of the Commission by way of
2 gifts, grants-in-aid, testamentary dispositions or otherwise;

3 (e) such subvention or budgetary allocation from the Federal
4 Government;

5 (f) money earned or arising from any investment or other property
6 acquired or vested in the Commission;

7 (g) such monies as may from time to time accrue to the
8 Commission;

9 (h) all sums, investments or other property vested in the
10 Commission by virtue of this Act.

11 (3) The Commission shall defray from the fund all expenditures
12 incurred by it, including but not limited to:

13 (a) the cost of administration of the Commission;

14 (b) The remuneration and allowance of the members of the
15 Commission and any Committee set up by the Commission of such
16 expenses as may be expressly authorized by the Commission in accordance
17 with the rates approved by the Minister;

18 (c) the payment of salaries, remuneration, fees, allowances,
19 pensions and gratuities of the staff and employees of the Commission;

20 (d) the remuneration payable to agents and consultants of the
21 Commission;

22 (e) for the maintenance of any property vested in the Commission;

23 (f) such other sums as the Commission may approve in connection
24 with any of its functions under this Act.

25 **18.-(1)** The Commission shall not later than 30th day of September
26 in each year, submit to the Minister, an estimate of the income and
27 expenditure of the Commission (including estimates of expected payments
28 into the fund of the Commission) during the next succeeding year.

Annual Estimates
and Accounts

29 (2) The Commission shall keep proper records of accounts of each
30 year in a form which conforms to accepted accounting standards, and proper

1 records in relation thereto.

2 (3) The accounts of the Commission shall be audited at the end of each
3 calendar year by auditors appointed by the FCT Administration from a list and
4 in accordance with the guidelines supplied by the Auditor-General of the
5 Federation.

Annual Reports

6 **19.** The Commission shall, not later than six months after the end of
7 each year, submit to the Minister, a report on the activities of the Commission
8 and its administration during the immediately preceding year and shall include
9 in the report the audited accounts of the Commission and the auditor's report on
10 the accounts.

11 PART V - ADMINISTRATION OF THE AREA COUNCILS SERVICE OF THE
12 FEDERAL CAPITAL TERRITORY

Area Councils
Service Code

13 **20.-(1)** the Commission shall issue a Code of Conduct for the FCT
14 Area Councils service Commission, which may otherwise be termed the FCT
15 Area Councils Service Staff Code.

16 The Commission may from time to time amend same to reflect and supplement
17 the provisions of the Act.

18 (2) The FCT Area Councils Service Staff Code shall consist of
19 principles for the directive guidance, regulation and governance of the FCT
20 Area Councils service officers and employees.

21 (3) The provisions of the Area Councils service staff code shall be
22 binding upon any department, officer or employee of the Area Councils service
23 of the FCT in so far as they apply to that unit, department, officer or employee.

24 (4) The issues contained in the Area Councils Service Staff Code shall
25 not be inconsistent with the provisions of this Act or any regulations made
26 thereunder.

Board of Examiners

27 **21.-(1)** The commission shall set up such board of examiners as may
28 from time to time be required to test candidates for appointment or promotion
29 within the Area Councils service of the FCT.

30 (2) The Chairman of the Commission when sitting upon a board of an

1 examiners shall be the chairman of the board, and in other cases he shall send
2 a representative to be present at the interview, but the representative will not
3 be the chairman during such representation.

4 (3) The Board of Examiners shall stipulate its modus operandi
5 during interviews which may include:

6 (a) ensuring that appointments and promotions within the Area
7 Councils service of the FCT shall be based on principles of merit;

8 (b) establishing such standards for selection and assessment of
9 such officers and staff.

10 (c) conducting competitive written examination(s) or such other
11 competitive processes for selection, as the Commission may consider to be
12 appropriate for the best interest of the Area Councils service of the FCT;

13 (d) taking into cognizance the education, knowledge, experience,
14 language, residence and any other issue which in the opinion of the
15 commission, are necessary or desirable having regard to the nature of the
16 duties to be performed by the applicant(s).

17 (4) The Chief Executive Officer of any department or agency of the
18 FCT Administration in respect of which candidates for appointment or
19 promotion are examined by a board of examiners, may upon the
20 Commission's request, be present or designate a representative to be present
21 at such interview of any candidate.

22 (5) The Commission shall not discriminate against any person by
23 reason of national or ethnic origin, religion, age, sex, marital status, family
24 status, disability and under any circumstances whatsoever.

25 **PART VI - REGULATIONS AND SUPPLEMENTARY PROVISIONS**

26 **REGULATIONS**

27 **22.** The Minister may with the approval of the President, make
28 regulations for the effective operation of this Act and the due administration
29 thereof.

Interpretations 1 **23.** In this Bill:

2 (a) "Commission" means the FCT Area Councils Service

3 Commission established by section 1 of this Act;

4 (b) "FCT" means the Federal Capital Territory, Abuja;

5 (c) "Member" means Commissioners of the Commission and

6 includes the chairman;

7 (d) "Minister" means the Minister for the time being charged with

8 responsibility for the FCT under the Federal Capital Territory Act;

9 (e) "President" means the President of the Federal Republic of

10 Nigeria;

11 (f) "Area Councils Service of the FCT" shall consist of persons who

12 hold fixed or permanent appointments in the Area Councils service of the FCT

13 and who receives funds wholly or part appropriated by the FCT

14 Administration.

Citation 15 **24.** This Act may be cited as the Federal Capital Territory Area

16 Councils Service Commission (Establishment) Bill, 2021.

17 FIRST SCHEDULE

18 PROCEEDINGS OF THE COMMISSION

19 (1) Subject to this Act and section 27 of the Interpretation Act (which

20 provides for decisions of a statutory body to be taken by a majority of its

21 members and for the chairman to have a second or casting vote), the

22 Commission may make standing orders regulating the proceedings of the

23 Commission and an Committee thereof.

24 (2) If at any time, the office of the chairman is vacant or the chairman

25 is in the opinion of the Commission permanent or temporarily unable to

26 perform the function of the office, the Commission may appoint one of its

27 Members to perform such functions from the period of the vacancy in the office

28 of the chairman and references in this schedule to the chairman shall be

29 construed according.

30 (3) Every meeting of the Commission shall be presided over by the

1 chairman and if the chairman is unable to attend a particular meeting, the
2 Members present at the meeting shall elect one of their Members to preside
3 at the meeting.

4 (4) Where upon any specific issue or occasion, the Commission
5 desires to obtain the advice of any person on any person on any particular
6 matter, the Commission may co-opt that person to be Member for as many
7 meetings as may be necessary, and that person while so co-opted shall have
8 all the rights and privileges of a Member, except that the person shall not be
9 entitled to vote or count towards a quorum.

10 *Committees*

11 (5) Subject to its standing orders, the Commission may appoint such
12 number of Standing ad-hoc Committees as it thinks fit to consider and report
13 on any matter with which the Commission is concerned.

14 (6) Every Committee appointed under the provisions of sub-
15 section (1) of this paragraph, shall be presided over by a Member of the
16 Commission and shall be made up of a number of persons, not necessarily
17 Members of the Commission, as the Commission may determine in each
18 case.

19 (7) The decision of the Committee shall have no effect until it is
20 confirmed by the Commission.

21 *Miscellaneous*

22 (8) The fixing of the seal of the Commission shall be authenticated
23 by the signature of the Chairman and the Secretary of the Commission or
24 such other Member authorized generally or specifically by the Commission
25 to act for that person.

26 (9) Any contract or instrument, which if made by a person not being
27 a body corporate, would not be required to be made under seal, may be made
28 or executed on behalf of the Commission by the Secretary or by any other
29 person generally or specifically authorized by the Commission to act for that
30 purpose.

1 (10) Any document purporting to be a contract, instrument or other
2 document signed or sealed on behalf of the Commission shall be received in
3 evidence and, unless the contrary is proved, be presumed, without further proof
4 to have been so signed or sealed.

5 (11) The validity of any proceedings of the Commission or a
6 Committee thereof, shall not be adversely affected by:

7 (a) Any vacancy in the Membership of the Commission;

8 (b) Any defect in the appointment of a Member of the Commission or
9 Committee;

10 (c) Reason that a person not entitled to do so, took part in the
11 proceedings.

12 (12) Any member of the Commission or a Committee thereof, who
13 has a personal interest in any contract or agreement entered into or proposed to
14 be considered by the Commission or Committee, shall forthwith disclose such
15 interest to the Commission or Committee and shall not vote on any question
16 relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to provide a legal framework for the regulation of the employment and working conditions of Area Councils Staff within the FCT with a view to professionalizing the FCT Area Councils Service.

MICHAEL OKPARA UNIVERSITY, UMUDIKE

(ESTABLISHMENT, ETC.) BILL, 2021

ARRANGEMENT OF SECTIONS

Section:

PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE

MICHAEL OKPARA UNIVERSITY, UMUDIKE

1. Establishment of the Michael Okpara University, Umudike
2. Amendment of Cap. F22, LFN, 2004
3. Objects and mandate
4. Composition of the University
5. Powers of the University and their exercise
6. Functions of the Chancellor
7. Functions of the Pro-Chancellor
8. Composition of the Council
9. Functions of the Council and its Finance and General Purposes Committee
10. Functions of the Senate
11. Functions of the Vice-Chancellor

PART II - STATUTES OF THE UNIVERSITY

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

PART III - SUPERVISION AND DISCIPLINE

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

21. Discipline of students

PART IV - MISCELLANEOUS AND GENERAL PROVISIONS

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

23. Restriction on disposal of land by University

24. Quorum and procedure of bodies established by this Act

25. Appointment of committees, etc.

26. Retiring age of academic staff of the University

27. Special provisions relating to pension of professors

28. Miscellaneous administrative provisions

29. Transitional provisions

30. Interpretation

31. Short title

Schedule

A BILL

FOR

AN ACT TO ESTABLISH THE MICHAEL OKPARA UNIVERSITY, UMUDIKE; TO
MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT AND
ADMINISTRATION; AND FOR RELATED MATTERS

Sponsored by Hon. Benjamin Okezie Kalu

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE
2 MICHAEL OKPARA UNIVERSITY, UMUDIKE

3 1.-(1) There is hereby established the Michael Okpara University, Establishment
4 Umudike, Abia State in this Bill referred to as "the University"). of the Michael
Umudike

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

8 2. The Federal Universities of Agriculture Act, Cap F22, Laws of Amendment of
9 the Federation of Nigeria, 2004 is amended in section 2(1) thereof by Cap. F22, LFN,
10 deleting the words "(c) Federal University of Agriculture, Umudike Abia 2004
11 State."

12 3.-(1) The general objects/purposes of the University shall be to- Objects and
13 (a) encourage the advancement of learning and to hold out to all mandate

14 persons without distinction of race, creed, sex or political conviction, the
15 opportunity of acquiring a higher education in Medicine and other Health
16 Sciences;

17 (b) develop and offer academic and professional programs leading
18 to the award of diplomas, first degrees, postgraduate research and higher
19 degrees with emphasis on planning, adaptive, technical, maintenance,
20 developmental and productive skills in the field of Medicine, biomedical

1 engineering, scientific, and allied professional disciplines relating to health
2 resources with the aim of producing socially mature persons with capacity not
3 only to understand, use and adapt existing technologies in the health industry,
4 but also to improve on those disciplines and develop new ones, and to
5 contribute to the scientific transformation of medical and other health practices
6 in Nigeria;

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

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

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

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

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

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

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

28 (j) organize research relevant to training of manpower and health
29 technology;

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

	1	(l) work collectively on common health academic issues and their
	2	implementation;
	3	(m) provide management support for education and research across
	4	the health sciences sector;
	5	(o) promote inter-professional education across all health
	6	professional programs and optimize the resources to do so; and
	7	(p) ensure that the health sciences sector is adequately and
	8	appropriately represented at all levels of University governance.
Composition of the University	9	4.- (1) The University shall consist of-
	10	(a) Chancellor;
	11	(b) Pro-Chancellor and a Council;
	12	(c) Vice-Chancellor and a Senate;
	13	(d) Deputy Vice-Chancellor(s);
	14	(e) a body to be called Congregation;
	15	(f) a body to be called Convocation;
	16	(g) campuses and colleges of the University;
	17	(h) schools, institutes and other teaching and research units;
	18	(i) persons holding the offices constituted by the First Schedule to this
	19	Act other than those mentioned in paragraph (a) to (d) of this subsection;
	20	(j) all graduates and undergraduates of the University; and
	21	(k) all other persons who are members of the University in accordance
	22	with provisions made by statute in that behalf.
	23	(2) The First Schedule to this Bill shall have effect with respect to the
	24	principal officers of each University therein mentioned.
	25	(3) Subject to section 7 of this Bill, provision shall be made by statute
	26	with respect to the constitution of the following bodies, namely the Council,
	27	the Senate, Congregation and Convocation.
Powers of the University and their exercise	28	5.- (1) For the carrying out of its objects as specified in section 3 of this
	29	Bill, the University shall have power-
	30	(a) to establish such campuses, colleges, institutes, schools,

1 extramural departments and other teaching and research units within the
2 University as may, from time to time, be deemed necessary or desirable,
3 subject to the approval of the Federal Ministry of Education;

4 (b) to institute professorships, readerships or associate
5 professorships, and other posts and offices and to make appointments
6 thereto;

7 (c) to institute and award fellowships, scholarships, exhibitions,
8 bursaries, medals, prizes and other titles, distinctions, awards and other
9 forms of assistance;

10 (d) to provide for the discipline and welfare of members of the
11 University;

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

16 (f) to grant honorary degrees, fellowships or academic titles;

17 (g) to demand and receive from any student or any other person
18 attending the University for the purpose of instruction such fees as the
19 University may, from time to time, determine subject to the overall
20 directives of the Minister;

21 (h) subject to section 24 of this Bill, to acquire, hold, grant, charge
22 or otherwise deal with or dispose of movable and immovable property
23 wherever situate;

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

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

29 (k) to erect, provide, equip and maintain libraries, laboratories;
30 lecture halls, halls of residence, refectories, sports grounds, playing fields

1 and other buildings or things necessary or suitable or convenient for any of the
2 objects of the University;

3 (l) to hold public lectures and to undertake printing, publishing and
4 book-selling;

5 (m) subject to any limitations on conditions imposed by statute, to
6 invest any money appertaining to the University by way of endowment, not
7 being immediately required for current expenditure, in any investments or
8 securities or the purchase or improvement of land, with power from time to
9 time to vary any such investments and to deposit any money for the time being
10 not invested with any bank on deposit or current account;

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

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

17 (p) to do all such acts or things, incidental to the foregoing powers, as
18 may advance the objects of the University.

19 (2) Subject to the provisions of this Bill and of the statutes and without
20 prejudice to section 10(2) of this Bill, the powers conferred on the University
21 by subsection (1) of this section shall be exercisable on behalf of the University
22 by the Council or by the Senate or in any other manner, which may be
23 authorized by statute.

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

Functions of
the Chancellor

27 6.-(1) The Chancellor shall, in relation to the University, take
28 precedence before all other members of the University and when he is present
29 shall preside at all meetings of Convocation held for conferring degrees.

30 (2) Every proposal to confer an honorary degree shall be subject to the

1 confirmation of the Chancellor.

2 (3) The Chancellor shall exercise such other powers and perform
3 such other duties as may be conferred or imposed on him by this Bill or the
4 statutes.

5 7.-(1) The Pro-Chancellor shall, in relation to the University, take
6 precedence before all other members of the University, except the
7 Chancellor and except the Vice-Chancellor when acting as chairman of
8 Congregation or Convocation and the Pro-Chancellor shall, when he is
9 present, be the chairman at all meetings of the Council.

Functions of the
Pro-Chancellor

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

12 8. The Council of each University shall consist of-

Composition of
the Council

13 (a) the Pro-Chancellor;

14 (b) the Vice-Chancellor;

15 (c) the Deputy Vice-Chancellor(s);

16 (d) one person from the Ministry responsible for education;

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

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

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

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

24 9.-(1) Subject to the provisions of this Bill relating to the Visitor,
25 the Council shall be the governing body of each University and shall be
26 charged with the general control and superintendence of the policy, finance
27 and property of the University.

Functions of the
Council and its
Finance and
General Purposes
Committee

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

1 of the University and perform such other functions of the Council as the
2 Council may, from time to time, delegate to it.

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

5 (4) The Council shall ensure that proper accounts of the University
6 are kept and that the accounts of the University are audited annually by an
7 independent firm of auditors approved by the Council, and that an annual
8 report shall be published by the University together with certified copies of the
9 said accounts as audited.

10 (5) Subject to this Bill and the statutes, the Council and the Finance
11 and General Purposes Committee may each make rules for regulating their
12 own procedure.

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

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

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

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

29 (10) Any request made under subsection (9) of this section shall
30 specify the business to be considered at the meeting and a business not so

1 specified shall not be transacted at the meeting.

2 **10.**-(1) Subject to section 9 of this Bill and subsections (3) and (4) Functions of the
Senate
3 of this section and to the provisions of this Bill relating to the Visitor, it shall
4 be the general function of the Senate to organize and control the teaching by
5 the University, the admission (where no other enactment provides to the
6 contrary, of students) and the discipline of students; and to promote research
7 at the University.

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

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

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

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

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

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

25 (f) the supervision of the welfare of students at the University and
26 the regulation of their conduct;

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

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

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

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

9 (5) Regulations shall provide that at least one of the persons appointed
10 as the examiners at each final or professional examination held in conjunction
11 with any course of study at the University, as may be prescribed by the Senate
12 from time to time, is not a teacher at the University but is a teacher of the branch
13 of learning to which the course relates at some other university of high repute or
14 a person engaged in practicing the profession in a reputable organization or
15 institution.

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

Functions of
the Vice-Chancellor

21 **11.-(1)** The Vice-Chancellor shall, in relation to each University, take
22 precedence before all other members of the University, except the Chancellor,
23 and any other person for the time being acting as chairman of the Council.

24 (2) Subject to sections 9, 10, and 16 of this Bill, the Vice-Chancellor
25 shall have the general function, in addition to any other functions conferred on
26 him by this Bill or otherwise, of directing the activities of the University and
27 shall be the chief executive and academic officer of the University and ex-
28 officio Chairman of the Senate.

Powers of the
University to
make statutes

29 PART II - STATUTES OF THE UNIVERSITY

30 **12.-(1)** Subject to this Bill, the University may make statutes for any

1 of the following purposes, that is to say-

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

4 (b) specifying and regulating the powers and duties of any
5 authority of the University and regulating any other matter connected with
6 the University or any of its authorities;

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

9 (d) determining whether any particular matter is to be treated as an
10 academic or non-academic matter for the purposes of this Bill and of any
11 statute, regulation or other instrument made thereunder; and

12 (e) making provision for any other matter for which provision by
13 statute is authorized or required by this Bill.

14 (2) Subject to section 29(6) of this Bill, the Interpretation Act shall
15 apply 2 in relation to any statute made under this section as it applies to a 3
16 subsidiary instrument within the meaning of section 30(1) of that Bill.

17 (3) The statute contained in the Second Schedule to this Bill shall
18 be 5 deemed to have come into force on the commencement of this section 7
19 of this Bill and shall be deemed to have been made under this section by each
20 University.

21 (4) The power to make statutes conferred by this section shall not
22 be prejudiced or limited in any way by reason of the inclusion or omission of
23 any matter in or from the statute contained in the Second Schedule to this
24 Bill or any subsequent statute.

25 **13.-(1)** The power of the University to make statutes shall be
26 exercised in accordance with the provisions of this section and not
27 otherwise.

Mode of exercising
power to make
statutes

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

30 (a) at a meeting of the Senate, by the votes of not less than two

1 thirds of the members present and voting; and

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

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

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

10 (5) For the purposes of section 1(2) of the Interpretation Act a statute
11 shall be treated as being made on the date on which it is duly approved by the
12 Council after having been approved by the Senate, as the case may be or, in the
13 case of a statute falling within sub- section (4) of this section, on the date on
14 which it is approved by the President.

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

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

17 (b) as to whether any matter is for the purpose of this Bill an academic
18 matter as they relate to such doubt or dispute, the matter may be referred to the
19 Visitor, who shall take such advice and make such decision therein as he shall
20 think fit.

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

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

1 **14.** A statute may be proved in any court by the production of a Proof of statutes
2 copy thereto bearing affixed to it a certificate purporting to be signed by the
3 Vice-Chancellor or the secretary to the Council to the effect that the copy is a
4 true copy of a statute of the University.

5 PART III - SUPERVISION AND DISCIPLINE

6 **15.-(1)** The President shall be the Visitor of the University. The Visitor

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

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

16 **16.-(1)** If it appears to the Council that a member of the Council
17 (other than the Pro- Chancellor or the Vice-Chancellor) should be removed
18 from office on the ground of misconduct or inability to perform the
19 functions of his office or employment, the Council shall make a
20 recommendation to that effect through the Minister to the President after
21 making such enquiry, if any, as may be considered appropriate, and if the
22 President approves the recommendation he may direct the removal of the
23 person in question from office.

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

28 **17.**-(1) If it appears to the Council that there are reasons for
29 believing that any person employed as a member of the academic,
30 administrative or professional staff of the University, other than Vice-

Removal and discipline of
academic,
administrative
and professional
staff

1 Chancellor, should be removed from his office or employment on the ground of
2 misconduct or of inability to perform the functions of his office or
3 employment, the Council shall-

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

6 (b) appoint a Staff Disciplinary Committee;

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

11 (2) The Vice-Chancellor may, in case of misconduct by a member of
12 staff, which in the opinion of the Vice-Chancellor is prejudicial to the interests
13 of the University, suspend such member and any such suspension shall
14 forthwith be reported to the Council.

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

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

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

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

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

30 (e) conduct which the Council considers to be generally of such

1 nature as to render the continued appointment or service of the person
2 concerned prejudicial or detrimental to the interest of the University.

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

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

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

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

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

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

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

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

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

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

Procedures for
staff discipline

1 **18.**-(1) The Vice-Chancellor or Senate shall constitute an
2 Investigation Panel to determine whether or not a prima facie case has been
3 established against any member of staff.

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

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

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

Appointment of
external examiners

11 **19.** The Senate shall appoint external examiners.

Removal of
examiners

12 **20.**-(1) If on the recommendation of the Senate, it appears to the Vice-
13 Chancellor that a person appointed as an examiner for any examination of the
14 University ought to be re- moved from his office or appointment, then except in
15 such cases as may be prescribed, the Vice-Chancellor may, after affording the
16 examiner an opportunity of making representations in person on the matter to
17 the Vice-Chancellor, remove the examiner from the office or appointment by
18 an instrument in writing signed by the Vice-Chancellor.

19 (2) Subject to the provisions of regulations made in pursuance of
20 section 10(5) of this Bill, the Vice-Chancellor may, on the recommendation of
21 the Senate, appoint an appropriate person as examiner in place of the examiner
22 removed in pursuance of subsection (1) of this section.

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

Discipline of
students

27 **21.**-(1) Subject to the provisions of this section, where it appears to
28 the Vice-Chancellor that any student of the University has been guilty of
29 misconduct, the Vice-Chancellor may, in consultation with the Senate and,
30 without prejudice to any other disciplinary power conferred on him by statute

1 or regulations, direct that-

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

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

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

10 (d) the student be expelled from the University.

11 (2) Where a direction is given under subsection (1)(c) or (d) of this
12 section in respect of any student, that student may, within the prescribed
13 period and in the prescribed manner, appeal to the Council; and where such
14 an appeal is brought, the Council shall after causing such inquiry to be made
15 in the matter as the Council considers just, confirm or set aside the direction
16 or modify it in such manner as the Council thinks fit.

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

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

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

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

30 (7) It is hereby declared that a direction under subsection (1)(a) of

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

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

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

8 (10) Nothing in this subsection shall affect any power of a court of
9 competent jurisdiction to enforce the fundamental right of any aggrieved
10 citizen as enshrined in the Constitution of the Federal Republic of Nigeria
11 1999.

12 PART IV - MISCELLANEOUS AND GENERAL PROVISIONS

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

13 **22.-(1)** No person shall be required to satisfy the requirements as to
14 any of the following matters, that is to say, race (including ethnic grounding),
15 sex, place of birth or family origin, or religious or political persuasion, as a
16 condition of becoming or continuing to be a student at the University, the
17 holder of any degree of the University or of any appointment or employment at
18 the University or a member of any body established by virtue of this Act; and no
19 person shall be subjected to any disadvantage or accorded any advantage in
20 relation to the University, by reference to any of those matters.

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

Restriction on
disposal of land
by University

28 **23.** Without prejudice to the provisions of the Land Use Act, the
29 University shall not dispose of or charge any land or an interest in any land
30 (including any land transferred to the University by this Act) except either with

1 the prior written consent either general or special, of the President:
2 Provided that such consent shall not be required in the case of any lease or
3 tenancy at a rack-rent for a term not exceeding 21 years or lease or tenancy to
4 a member of the University for residential purposes.

5 **24.** Except as may be otherwise provided by statute or by
6 regulations, the quorum and procedure of any body of persons established
7 by this Bill shall be as determined by that body.

Quorum and
procedure of bodies
established by
this Act

8 **25.**-(1) Anybody of persons established by this Bill shall, without
9 prejudice to the generality of the powers of that body, have power to appoint
10 committees, which need not consist exclusively of members of that body
11 and to authorize a committee established by it-

Appointment of
committees, etc,

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

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

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

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

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

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

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

	1	(5) The Pro-Chancellor and the Vice-Chancellor shall be members of
	2	every committee of which the members are wholly or partly appointed by the
	3	Council (other than a committee appointed to inquire into the conduct of any
	4	officer in question); and the Vice- Chancellor shall be a member of the Council
	5	and the Vice-Chancellor shall be a member of every committee of which the
	6	members are wholly or partly appointed by the Senate.
Retiring age of academic staff of the University	7	26. -(1) Notwithstanding anything to the contrary in the Pensions Act,
	8	the compulsory retiring age of an academic staff of a University shall be 65
	9	years except for the professor, which is 70 years.
	10	(2) A law or rule requiring a person to retire from the public service
	11	after serving for 35 years shall not apply to an academic staff of the University.
Special provisions relating to pension of professors	12	27. A person who retires as a professor having served-
	13	(a) a minimum period of fifteen years as a professor in the University
	14	or continuously in the service of a university in Nigeria up to the retiring age;
	15	and
	16	(b) who during the period of service was absent from the University
	17	only on approved national or University assignments, shall be entitled to
	18	pension at a rate equivalent to his last annual salary and such allowances as the
	19	Council may, from time to time, determine as qualifying for pension and
	20	gratuity, in addition to any other retirement benefits to which he may be
	21	entitled.
Miscellaneous administrative provisions	22	28. -(1) The seal of each University shall be such as may be
	23	determined by the Council and approved by the Chancellor, and the affixing of
	24	the seal shall be authenticated by any member of the Council and by the Vice-
	25	Chancellor, secretary to the Council or any other person authorized by statute.
	26	(2) Any document purporting to be a document executed under the
	27	seal of the University shall be received in evidence and shall, unless the
	28	contrary is proved, be presumed to be so executed.
	29	(3) Any contract or instrument, which if made or executed by a person
	30	not being a body corporate would not be required to be under seal, may be made

1 or executed on behalf of the University by any person generally or
2 specifically authorized to do so by the Council.

3 (4) The validity of any proceedings of any body established in
4 pursuance of this Act shall not be affected by any vacancy in the membership
5 of the body, or by any defect in the appointment of a member of the body or
6 by reason that any person not entitled to do proceedings.

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

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

15 (7) The power conferred by this Act on any body to make statutes or
16 regulations shall include power to revoke or vary any statute (including the
17 statute contained in the Second Schedule to this Bill) or any regulation by a
18 subsequent statute, or, as the case may be, by a subsequent regulation and
19 statute and regulations may make different provisions in reaction to
20 different circumstances.

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

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

26 **29.**-(1) Subject to the provisions of this Bill, the Vice-Chancellor of
27 the Federal University of Agriculture, Umudike, shall at the commencement
28 of this Bill be deemed to have been appointed under this Bill as the Vice-
29 Chancellor of the University.

Transitional
provisions

30 (2) Any person who immediately before the commencement of this

1 Bill was a staff of the Federal University of Agriculture, Umudikeshall
2 continue in office and be deemed to have been appointed under this Bill for
3 purposes of pension.

4 (3) Properties held immediately before the commencement date of
5 this Bill on behalf of the Federal University of Agriculture, Umudikeby any
6 person shall, by virtue of this Bill, be vested in the University established under
7 this Bill.

8 (4) As from the commencement of this Bill, any disciplinary
9 proceeding pending or existing against any staff of the Federal University of
10 Agriculture, Umudikeshall be continued and completed by the University
11 established under this Bill.

Interpretation t

12 **30.-(1)** In this Bill, unless the context otherwise requires -

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

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

15 "Council" means the Council established by this Bill for the University;

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

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

19 "notice" means notice in writing;

20 "office" does not include the Visitor;

21 "prescribed" means prescribed by statutes or regulations;

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

24 "property" includes rights, liabilities and obligations;

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

26 "Senate" means the Senate of the University established pursuant to section
27 4(1)(c) of this Bill;

28 "statute" means a statute made by the University under section 13 of this Act
29 and in accordance with the provisions of section 14 of this Act;

30 "the statutes" means all such statutes as are in force from time to time;

1 "teacher" means a person holding a full-time appointment as a member of
2 the teaching or research staff of the University;

3 "undergraduate" means a person in statupupillari at the University other
4 than-

5 (a) a graduate; and

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

8 "University" means any of the Michael Okpara University, Umudike
9 established under section 3 of this Act.

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

17 **31.** This Bill may be cited as the Michael Okpara University, Short title
18 Umudike (Establishment, etc.) Bill, 2021.

1 SCHEDULES

2 FIRST SCHEDULE

3 [Section 2 (2).]

4 PRINCIPAL OFFICERS OF THE UNIVERSITY

5 *The Chancellor*

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

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

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

12 *The Pro-Chancellor*

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

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

17 *The Vice-Chancellor*

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

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

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

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

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

28 (b) constitute a search team consisting of-

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

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

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

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

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

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

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

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

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

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

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

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

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

1 for a further term of four years.

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

5 *Deputy Vice-Chancellors*

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

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

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

15 (4) A Deputy Vice-Chancellor shall-

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

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

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

22 (5) A Deputy Vice-Chancellor-

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

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

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

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

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

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

9 *Other principal officers of the University*

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

12 (a) the Bursar; and

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

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

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

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

27 (5) Any question as to the scope of the responsibilities of the
28 aforesaid officers shall be determined by the Vice-Chancellor.

29 *Selection Board for other principal officers*

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

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

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

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

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

13 *Resignation and re-appointment*

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

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

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

22 SECOND SCHEDULE

23 *[Section 9 (2).]*

24 UNIVERSITY OF HEALTH SCIENCES STATUTE NO.1

25 ARRANGEMENT OF ARTICLES

26 *Articles*

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

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

16 *The Council*

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

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

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

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

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

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

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

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

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

17 *The Finance and General Purposes Committee*

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

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

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

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

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

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

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

3 *The Senate*

4 3.-(1) The Senate shall consist of-

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

6 (b) Deans of Colleges;

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

8 (d) the Heads of academic Departments;

9 (e) the Librarian;

10 (f) one member of not less than the rank of senior lecturer of each
11 college;

12 (g) four persons representing the Congregation.

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

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

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

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

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

1 elected member for a continuous period of six years or would have so held
2 office if he had not resigned it.

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

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

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

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

21 *Congregation*

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

- 23 (a) the Vice-Chancellor and the Deputy Vice-Chancellors;
24 (b) the full-time members of the academic staff;
25 (c) the Registrar;
26 (d) the Bursar;
27 (e) the Librarian;
28 (f) the Director of Works;
29 (g) the Director of Academic Planning;
30 (h) the Director of Physical Planning;

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

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

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

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

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

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

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

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

26 *Convocation*

27 5.-(1) Convocation shall consist of-

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

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

1 (c) all other persons whose names are registered in accordance with
2 paragraph (2) of this article.

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

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

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

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

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

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

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

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

30 (8) Subject to section 5 of this Act, the Chancellor shall be the

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

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

6 *Division of colleges*

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

9 *College Boards*

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

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

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

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

19 (2) Each College Board shall consist of-

20 (a) the Vice-Chancellor;

21 (b) the Deputy Vice-Chancellor;

22 (c) the Dean;

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

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

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

1 (3) The quorum of the Board shall be Six members or one quarter,
2 (whichever is greater), of the members for the time being of the Board; and
3 subject to the provisions of this statute and

4 *Appointments and Promotions Committee*

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

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

12 *Dean of college*

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

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

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

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

Deputy Dean of college

10.-(1) There shall be a Deputy Dean of college who shall be appointed by the Senate on the recommendation of the Dean.

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

Director of Institute or Centre

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

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

Head of Department

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

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

Creation of academic posts

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

Appointment of academic staff

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

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

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

6 (a) the Vice-Chancellor;

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

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

11 (d) two members appointed by the Council;

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

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

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

19 (a) the Vice-Chancellor;

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

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

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

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

28 (5) Where an appointment falling within paragraph (4) above is
29 tenable at a college, the Senate may authorize the college to set up a selection
30 board therefore (with power to appoint); but every selection board set up in

1 pursuance of this paragraph shall include the Vice-Chancellor and shall also
2 include at least two members of the Senate, nominated by the Senate, who
3 are not members of the academic staff of the college.

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

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

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

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

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

19 *Appointment of administrative and technical staff*

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

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

28 (3) In the case of administrative or technical staff who have close
29 and important contracts with the academic staff, there shall be Senate or (in

1 the case of a college) academic board participation in the process of selection.

2 *Interpretation*

3 16. In this Statute, the expression-

4 "the Act" means the Michael Okpara University, Umudike Act and any
5 expression defined in the Act has the same meaning in this Statute.

6 *Short title*

7 17. This Statute may be cited as Michael Okpara University, Umudike
8 No. 1.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Michael Okpara University, Umudike in Abia State; to transform the existing Federal University of Agriculture Umudike to a conventional university with mandate to conduct teaching and research in all aspect of academic endeavours.

FOR

Sponsored by Hon. Afolabi Rasheed Olalekan

[] Commencement

Amendment of
Section 147 of
Act, Cap. C45,
LFN 2004

Amendment of Section 175 of the Principal Act

14 “175. Liability of Officers etc. in relation to seizure and detention
15 of goods etc.

1 Where any proceedings, whether Civil or Criminal, are brought against the
2 Board or any person authorised by or under this Act to seize or detain anything
3 liable to forfeiture under the customs and excise laws on account of the seizure
4 or detention of anything, and judgment is given for the plaintiff or prosecutor
5 then, the plaintiff or prosecutor shall be entitled recover any damages or costs
6 and the defendant shall be liable to any punishment prescribed by this Act or
7 any applicable law:

8 Provided that nothing in this section or in section 157 of this Act shall
9 affect any right of any person to the return of the thing seized or detained or to
10 compensation in respect of any damage to the thing or in respect of the
11 destruction thereof".

Short title

12 **3.** This Bill may be cited as the Customs and Excise Management Act
13 (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for an Act to amend the Customs and Excise Management Act Cap. C45 Laws of the Federation of Nigeria 2004 to provide that the Board or any Person Authorized by or under the Act shall not have Power to Enter, Search, Seize, Detain or Remove anything that is liable to forfeiture under the Customs and Excise Laws, kept or concealed in any House, Building, or Premises, Unless the Board or such a person obtains a warrant from a Competent Court of Law.