

*Extraordinary*



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# A BILL

## FOR

AN ACT TO ESTABLISH FEDERAL TERTIARY TEACHING HOSPITALS  
DEVELOPMENT TAX FUND FOR REHABILITATION, RESTORATION, AND  
IMPROVEMENT OF HEALTHCARE DELIVERY SYSTEM IN NIGERIA; AND FOR  
RELATED MATTERS

*Sponsored by Hon. Sani Nazifi*

[ ] Commencement

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

1 PART I - ESTABLISHMENT OF FEDERAL TERTIARY TEACHING

2 HOSPITALS DEVELOPMENT TAX FUND

3 1.-(1) There is established Federal Tertiary Teaching Hospitals Establishment  
4 Development Tax Fund (herein referred to as "the Fund) for the of Tertiary  
5 rehabilitation, and improvement of Healthcare Delivery system in Nigeria. Healthcare  
Tax Fund

6 (2) The Fund-

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

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

10 (c) may hold and dispose its property, whether movable or  
11 immovable.

12 2.-(1) There is established for the Fund the Governing Board (in Establishment  
13 this Bill referred to as "the Board"). of Governing  
Board

14 (2) The Board shall consist of-

15 (a) a chairman who shall-

16 (i) be a person with good knowledge in healthcare administration  
17 and management matters,

18 (ii) have qualifications and experience as are required to perform  
19 the functions of that office under this Bill;

- 1 (b) one representative each, not below the rank of a Director, of the-
- 2 (i) Federal Ministry of Health,
- 3 (ii) Federal Ministry of Finance,
- 4 (iii) Federal Ministry of Education,
- 5 (iv) Federal Inland Revenue Service, and
- 6 (v) Pharmaceutical Society of Nigeria.
- 7 (c) one representative each from the-
- 8 (i) six geopolitical zones,
- 9 (d) three representatives of Committee of Medical Directors of
- 10 Tertiary Hospitals and Federal Medical Centres (including Teaching Hospitals,
- 11 and Specialist Hospitals), and
- 12 (e) Executive Secretary of the Fund who shall be the Secretary of the
- 13 Board.
- 14 (3) The President shall, on recommendation of the Minister, appoint
- 15 the Chairman and members of the Board.
- 16 (4) The members shall be persons with considerable experience
- 17 relating to the functions of the Board.
- 18 (5) The performance of the functions or exercise of the powers of the
- 19 Board is not affected by reason of a vacancy in the membership of the Board.
- 20 (6) The supplementary provisions set out in the Schedule to this Bill
- 21 shall have effect with respect to the proceedings of the Board and other matters
- 22 contained therein.
- 23 **3.-(1)** A member other than ex-officio-
- 24 (a) shall hold office for a term of four years and may be renewable for
- 25 another term of four years and no more; and
- 26 (b) may hold office on terms and conditions as may be specified in his
- 27 letter of appointment.
- 28 (2) A member may at any time be removed from office by the
- 29 President-
- 30 (a) for inability to perform the functions of his office (whether arising

Tenure of  
Members

1 from infirmity of mind or body); or

2 (b) if the President considers that it is not in the interest of the Fund

3 or public for such member to continue in office.

4 **4.-(1)** A member ceases to hold office if he-

Cessation of  
Membership

5 (a) is, without permission of the Board, absent-

6 (i) for more than three consecutive meetings for the Board without

7 such permission, or

8 (ii) from the Country for a period exceeding one year;

9 (b) in case of a professional, is disqualified or suspended (other

10 than at his own request) from practising his profession in any part of Nigeria

11 by the order of any competent authority;

12 (c) becomes bankrupt or makes a compromise with his creditors;

13 (d) is guilty of-

14 (i) serious misconduct in relation to his duties, or

15 (ii) an immorality or corrupt conduct;

16 (e) is convicted of a felony or any offence involving dishonesty.

17 (2) A member may at any time resign his membership-

18 (a) by giving notice in writing through the Minister to the President

19 and the resignation becomes effective from the date specified in the notice;

20 and

21 (b) if no date is specified, from the date of the receipt of the notice

22 by the president.

23 (3) Where a member ceases to hold office for any reason

24 whatsoever before the expiration of his term of office, the President, after

25 consulting the Minister, may appoint another person for the unexpired term.

26 **5.** Members shall be paid such allowances as the Revenue

Allowances of  
Members

27 Mobilization, Allocation and Fiscal Commission may direct.

## 28 **PART II - FUNCTIONS OF THE FUND AND POWERS OF THE BOARD**

29 **6.** The Fund shall-

Functions of the  
Fund

30 (1) provide and maintain-

- 1 (a) infrastructure essential for tertiary healthcare service delivery,
- 2 (b) health research and publications, and
- 3 (c) clinical staff training and development;
- 4 (2) monitor and ensure collection of the tax by the Service and ensure
- 5 transfer of same to the Fund;
- 6 (3) manage and disburse the tax imposed by this Bill;
- 7 (4) liaise with the appropriate ministries or bodies responsible for
- 8 collection or safe keeping of the tax;
- 9 (5) receive requests and approve appropriate projects after due
- 10 consideration;
- 11 (6) ensure disbursement of funds to various Tertiary Teaching
- 12 Hospitals in Nigeria;
- 13 (7) monitor and evaluate execution of the projects in relation to funds
- 14 releases;
- 15 (8) invest funds in appropriate and safe securities;
- 16 (9) update the Federal Government on its activities and progress
- 17 through annual and audited reports not later than six month after the preceding
- 18 year;
- 19 (10) review progress and suggest improvements within the provisions
- 20 of this Bill;
- 21 (11) make and issue guidelines, from time to time, to all beneficiaries
- 22 on disbursement from the Fund on the use of monies received from the Fund;
- 23 (12) generally regulate the administration, application and
- 24 disbursement of monies from the Fund under this Bill.
- 25 (13) do such other things as are-
- 26 (a) necessary or incidental to the objects of the Fund under this Bill or
- 27 as may be assigned by the Federal Government, and
- 28 (b) in the opinion of the Board, critical and essential for the
- 29 improvement of quality and maintenance of standards in the Tertiary Hospitals.

1	7. The Board has powers to-	Powers of the Board
2	(1) make regulations for the management of the Fund with the	
3	approval of the President through the Minister for health on the basis of-	
4	(a) funding of all Tertiary Hospitals,	
5	(b) equality among the States of the Federation, in the case of	
6	regular intervention projects, and	
7	(c) equality among the six geopolitical zones of the Federation, in	
8	the case of special intervention projects;	
9	(2) approve the annual budget of the Fund;	
10	(3) approve all grants for healthcare research, training and	
11	development;	
12	(4) approve loan for healthcare investment subject to section 8 (b)	
13	of this Bill;	
14	(5) review and monitor the activities of the Fund;	
15	(6) approve payment to persons employed by the Fund of such	
16	remuneration and allowances;	
17	(7) give report on all activities of the Fund on quarterly basis	
18	through the Minister to the President;	
19	(8) specify the manner in which assets of the Fund are to be held,	
20	and regulate payment into and out of the Fund;	
21	(9) specify the manner for timely disbursement and recovery	
22	(where necessary) of loans;	
23	(10) require the keeping of proper accounts and records for the	
24	purposes of the Fund in such form as may be specified in the rules;	
25	(11) require the accounts of the Fund to be audited periodically by	
26	the Auditor-General of the Federation;	
27	(12) ensure that the copies of the accounts and the auditor's report	
28	thereon are submitted to the Federal Executive Council through Minister;	
29	(13) monitor the execution of projects; and	
30	(14) carry out such other activities as may be incidental to the	

	1	performance of its functions under this Bill.
Management and administration of the Fund	2	<b>8.-(1)</b> The Board shall administer the tax imposed under this Bill and
	3	disburse the amount in the Fund to Tertiary Hospitals specifically for the
	4	provision or maintenance of-
	5	(a) essential physical infrastructure for teaching, learning, research
	6	and service;
	7	(b) instructional , medical and other services equipment;
	8	(c) research and publication;
	9	(d) staff training and development; and
	10	(e) any other need which, in the opinion of the Board of Management,
	11	is critical and essential for the improvement of quality and maintenance of
	12	standards in the Tertiary hospitals.
	13	(2) The Board shall remit in whole or in part a sum added to the unpaid
	14	tax under subsection (1) of this section.
	15	(3) The Board may give due consideration to the peculiarities of each
	16	geo-political zone in the disbursement and management of the tax imposed
	17	under this Bill between the various Tertiary Hospitals.
	18	(4) The Minister shall, on the recommendation of the Board of
	19	Management and subject to approval by the President, make guidelines for
	20	disbursement of funds under this Bill.
	21	<b>PART III - APPOINTMENT OF THE EXECUTIVE SECRETARY</b>
	22	<b>AND OTHER STAFF</b>
Appointment of the Executive Secretary	23	<b>9.-(1)</b> The President shall, appoint for the Fund an Executive
	24	Secretary.
	25	(2) The Executive Secretary shall be a person who, has acquired
	26	cognate experience of not less than 15 years in-
	27	(a) medicine; and
	28	(b) management and administration.
	29	(3) The Executive Secretary is-
	30	(a) the chief executive and accounting officer of the Fund; and



1 (b) responsible for-  
2 (i) the day-to-day management and administration of the Fund,  
3 subject to the general directions of the Board,  
4 (ii) keeping the proper books and records of the proceedings of the  
5 Board,  
6 (iii) the administration of the Secretariat of the Board of  
7 Management, and  
8 (iv) the general direction and control of all other employees of the  
9 Fund.

10 (4) The Executive Secretary shall-

11 (a) hold office for a term of five years and no more; or  
12 (b) on such terms and conditions as are specified in his letter of  
13 appointment.

14 (5) Notwithstanding, the provisions of subsections (4) of this  
15 section, the Executive Secretary may be removed from office by the  
16 President-

17 (a) for inability to perform the functions of his office (whether  
18 arising from infirmity of mind or body or any other cause) or for misconduct,

19 (b) if President is satisfied that it is not in the interest of the service  
20 or public for him to continue in office.

21 (6) The Executive Secretary may resign his appointment by a letter  
22 to the President through the Minister.

23 (7) The Board may deploy or appoint for the Fund other employees  
24 upon such terms and conditions as may be determined by the Board.

25 (8) Service in the Fund shall be approved service for the purpose of  
26 the Pension Reform Act.

#### 27 PART IV - FINANCIAL PROVISIONS

28 **10.-(1)** The Fund shall establish and maintain an account from Account  
29 which shall be defrayed all expenditure incurred by the Fund.

30 (2) There shall be paid into the account established in subsection

1 (1) of this section-

2 (a) money appropriated by the National Assembly;

3 (b) 1% of petroleum companies tax paid on total barrels of crude oil  
4 produced yearly;

5 (c) 1% of mobile phone service providers tax paid on airtime and data  
6 sold yearly;

7 (d) 1% of beverages and breweries companies tax paid on profit  
8 yearly declared;

9 (e) 1% of cement companies on profit yearly declared;

10 (f) 1% of paint and chemical manufacturing companies tax paid on  
11 profit yearly declared; and

12 (g) 1% of tobacco companies tax paid on profit yearly declared.

Assessment and  
collection of tax

13 **11.**-(1) The Federal Inland Revenue Service (herein referred to as "the  
14 Service") shall-

15 (a) assess and collect the taxes imposed under this Bill; and

16 (b) when assessing a company for companies income tax for an  
17 accounting period of the company, also assess the company for the tax due  
18 under this Bill;

19 (2) The tax imposed under this Bill shall be due and payable within 90  
20 days.

Expenditure

21 **12.**-(1) The Service shall pay the tax collected under this Bill into the  
22 Fund and shall, when doing so, submit to the Fund in such form as the Board  
23 shall approve, showing-

24 (a) the name of the company making the payment;

25 (b) the amount collected;

26 (c) the assessable profit of the company for the accounting period; and

27 (d) such other information as may be required by the Fund for the  
28 proper administration of the tax.

29 (2) The Fund shall, before disbursement of the amount in the Fund, set  
30 aside in each year, an amount not exceeding 10% of the total money accruing to

1 the Fund in the preceding year which shall be applied-

2 (a) for the cost of administration and management of the Fund;

3 (b) for the development or maintenance of any property acquired  
4 by or vested in the Fund and generally to pay for any service rendered to the  
5 Fund;

6 (c) for project monitoring;

7 (d) to meet all the needs of the Fund necessary for the due  
8 administration and implementation of the purpose of this Bill;

9 (e) for the payment of allowances and benefits of members and for  
10 reimbursing members of any committee set up by the Board for such  
11 expenses as may be expressly authorised by the Board; and

12 (f) for the payment of salaries, remuneration or allowances,  
13 pensions and other benefits payable to the officers and other employees of  
14 the Fund.

15 (3) No payment of any kind under subsection (2) (f) (except such as  
16 may be expressly authorised by the Board) shall be made to any person who  
17 is in receipt of emolument from the Federal or State Government.

18 **13.-(1)** The Fund shall keep accounts in respect of each year and  
19 proper records in relation to those accounts and shall cause to be prepared in  
20 each year a statement-

Annual Accounts  
and Estimates

21 (a) showing the income and expenditure of the Fund for the  
22 preceding year; and

23 (b) of all assets and liabilities of the Fund as at the last day of the  
24 preceding year.

25 (2) The Fund shall cause every statement prepared under this  
26 section to be audited within six months after the end of the year to which the  
27 statement relates by auditors from the list and in accordance with the  
28 guidelines supplied by the Auditor-General for the Federation.

29 (3) The Fund shall submit to the Minister, not later than 31st August

	1	in each year, as estimate of its expenditure and income during the next
	2	succeeding year.
Annual report, audited accounts and auditor's report	3	<b>14.-(1)</b> The fund shall-
	4	(a) prepare and submit to the Minister, not later than six months after
	5	the end of the year, a report, in such form as the Minister may direct, on the
	6	activities of the Fund during the immediate preceding year; and
	7	(b) include in the report a copy of the audited accounts of the Fund for
	8	that year and auditor's report thereon.
	9	(2) The Minister shall submit a copy of each report made to him under
	10	this section to the Federal Executive Council.
Power to accept gifts	11	<b>15.-(1)</b> The Fund may accept any gift of land, money or other property
	12	on such terms and conditions, if any, as may be specified by the person or
	13	organisation making gift.
	14	(2) The Fund shall not accept any gift if the conditions attached by the
	15	person or organisation offering the gift are inconsistent with the functions and
	16	objectives of the Fund.
Power to borrow	17	<b>16.-(1)</b> The Fund may, from time to time, borrow, by way of overdraft
	18	or otherwise, such sums as it may require for the performance of its functions
	19	under this Bill.
	20	(2) The Fund shall not, without the approval of the Minister, borrow
	21	money which exceeds, at any time, the amount set by the Government as the
	22	limit of the authority of the Fund.
	23	(3) Where the sum to be borrowed is in foreign currency, the Fund
	24	shall seek and obtain the approval of the Minister through the Board.
	25	PART V - OFFENCES AND PENALTIES
Offences and penalties	26	<b>17.-(1)</b> A person who contravenes or fails to comply with the
	27	provisions of this Bill commits an offence and is liable on conviction to a fine
	28	not exceeding N2,000,000 or imprisonment for a term of two years or both.
	29	(2) Where an offence under this Bill is committed by a body corporate
	30	or firm or other association of individuals, every-

- 1 (a) director, manager, secretary or other similar officer of the body  
2 corporate,  
3 (b) partner or officer of the firm,  
4 (c) person concerned in the management of the affairs of the  
5 association, or  
6 (d) person who was purporting to act in that capacity,  
7 is severally guilty of that offence and liable to be proceeded against and  
8 punished for the offence in like manner as if he had himself committed the  
9 offence, unless he proves that the act or omission constituting the offence  
10 took place without his knowledge, consent or connivance.

11 PART VI - LEGAL PROCEEDINGS

12 **18.**-(1) No suit shall be instituted in any court against the Fund or Limitation  
against suit  
13 its employee unless it is commenced-

- 14 (a) within three months next after the act, neglect or default  
15 complained of; and  
16 (b) in the case of continuation of damage or injury, within three  
17 months next after the ceasing thereof.

18 (2) No suit shall commence against the Fund before the expiration  
19 of a period of one month after written notice of the intention to commence  
20 the suit shall have been served on the Fund by the intending plaintiff or his  
21 agent and the notice shall clearly state-

- 22 (a) cause of action;  
23 (b) particulars of claim;  
24 (c) the name and place of abode of the intending plaintiff; and  
25 (d) the relief which he claims.

26 **19.** A notice, summons or other documents required or authorised Service of  
Documents  
27 to be served upon the Fund under the provisions of this Bill or any other law  
28 or enactment may be served by-

- 29 (a) delivering it to the office of the Executive Secretary; or  
30 (b) sending it by registered post addressed to the Executive

	1	Secretary or the principal office of the Fund.
Restriction on Execution	2	<b>20.</b> -(1) In any action or suit against the Fund, no execution or
	3	attachment of process in any nature thereof shall be issued against the Fund
	4	unless at least three months' notice of the intention to execute or attach has been
	5	given to the Fund.
	6	(2) Any sum of money which may, by the judgment of any court
	7	awarded against the Fund ought to subject to any direction given by the court
	8	where no notice of appeal against the judgment has been given, be paid from
	9	the account of the Fund.
Indemnity	10	<b>21.</b> A member, the Executive Secretary or any employee of the Fund
	11	shall be indemnified out of the asset of the Fund against any liability incurred
	12	by him in defending any proceeding, whether civil or criminal, if any such
	13	proceeding is brought against him in his capacity as a member, Executive
	14	Secretary or employee of the Fund.
	15	PART VII - MISCELLANEOUS PROVISIONS
Directives	16	<b>22.</b> Subject to the provisions of this Bill, the President may give to the
	17	Fund directives of a general nature or relating generally to matters of policy
	18	with regard to the performance by the Fund of its functions and it is the duty of
	19	the Fund to comply.
Direction by the Minister	20	<b>23.</b> Subject to the provision of this Bill, the Minister may give to the
	21	Board directions of general nature relating to matters of policy with regard to
	22	the exercise by the Board of its powers and the Board shall comply with such
	23	directions.
Power to make regulations	24	<b>24.</b> The Minister may make regulations generally for the purpose of
	25	giving full effect to this Bill.
Fixing of seal	26	<b>25.</b> The fixing of the seal of the Fund shall be authenticated by the
	27	signature of the Executive Secretary.
Interpretation	28	<b>26.</b> In this Bill-
	29	"Board" means the Governing Board of the Fund established by section 2 of
	30	this Act;

1 "Chairman" means the Chairman of the Board;  
2 "Functions" includes power and duty;  
3 "Fund" means the Fund established by section 1 (1);  
4 "Executive Secretary" is the Chief Executive of the Fund and Chairman of  
5 the Management committee;  
6 "Member" means an individual representing an organisation or institution in  
7 (the Board and includes the Chairman and Executive Secretary);  
8 "Minister" means the Minister charged with the responsibility for matters  
9 relating to healthcare.

10 **27.** This Bill may be cited as the Federal Tertiary Hospitals Short title  
11 Development Tax Fund (Establishment) Bill, 2021.

12 **SCHEDULE**

13 **SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS**

14 **OF THE BOARD**

15 1. Before appointing a person as a member, the Minister shall  
16 satisfy himself that, that person will have no such interest or owe such  
17 allegiance as likely to affect prejudicially the performance by him of his  
18 functions as a member and that he has no such interest; and any person who  
19 is or whom the Minister proposes to nominate as a member shall, whenever  
20 requested by the Minister considers necessary for the performance by the  
21 Minister of his duties under this Bill.

22 2.-(1) Subject to this Bill and Section 27 of the Interpretation Act  
23 (which provides for the decisions of a statutory body to be taken by a  
24 majority of the members of the body and for the persons presiding to have a  
25 second or casting vote), the Board may make standing orders regulating its  
26 proceedings or of any committee thereof.

27 (2) The quorum at a meeting shall be a third of the members of the  
28 meeting

29 3.-(1) The Board shall meet not less than three times in each year  
30 and subject thereto, the Board shall meet whenever it is summoned by the

1 Chairman, and if the Chairman is required to do so, by notice to him by not less  
2 than seven members, he shall summon a meeting of the Board to be held within  
3 fourteen days from the date on which the notice is given.

4 (2) At any meeting of the Board, the Chairman shall preside but if he is  
5 absent, the members present at the meeting shall elect one of their members to  
6 preside provided there is a quorum.

7 4. Where the Board wishes to obtain the advice of any person on any  
8 particular matter, the Board may invite any person as it thinks fit, but any  
9 person who is invited by virtue of this sub-paragraph shall not be entitled to  
10 vote at any meeting of the Board and shall not count towards a quorum.

11 5.-(1) The Board may appoint one or more committees to carry out, on  
12 behalf of the Board, such of its functions as the Board may determine.

13 (2) Every Committee appointed under this paragraph shall consist of  
14 such number of persons as may be determined by the Board and not more than  
15 one third of those persons may be persons who are not members of the Board,

16 (3) A decision of a committee of the Board shall be of no effect until it  
17 is ratified by the Board.

18 6.-(1) Where member has an interest in any application for loan for  
19 any project made or proposed by any beneficiary shall disclose his interest at a  
20 meeting of the Board.

21 (2) Such disclosure shall be recorded in the minute of the meeting and  
22 the member shall not take part after such disclosure in any deliberation or  
23 decision of the Board with regard to that particular subject matter in respect of  
24 which his interest was disclosed.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Tertiary Hospitals Development Tax Fund for the Rehabilitation, Improvement of Federal Tertiary Health Care Delivery System in Nigeria.



# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL MEDICAL CENTER, GUMEL, JIGAWA  
STATE AND FOR RELATED MATTERS

*Sponsored by Hon. Nazifi Sani,*

[ ] Commencement

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

1           PART I - ESTABLISHMENT AND THE BOARD OF MANAGEMENT

2           1.-(1) There is hereby established the federal Medical Centre  
3           Gumel (in this Act referred to as "THE Federal Medical Centre") and the  
4           Federal Medical Centre shall serve as such, subject to the provisions of this  
5           Act.

Establishment  
of the Federal  
Medical Center  
Gumel

6           (2) The Federal Medical Center:  
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          2. These is hereby established for the management of -Medical  
11          Centre, a Board of Management (in this Act referred to as "Board") which  
12          shall be constituted and have the functions and powers set out in this Act.

Establishment  
of the Board of  
Management of  
the Medical Centre

13          3.-(1) The Board shall consist of:  
14          (a) A Chairman;  
15          (b) The Chief Medical Director of the Medical Center;  
16          (c) The Director of the Clinical Services;  
17          (d) the Director of Administration;  
18          (e) the Director of Finance;  
19          (f) the Director of Maintenance;  
20          (g) a representative of the president;  
21          (h) the Federal Ministry of Health;

Membership of  
the Board

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

1 respect of that member; or

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

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

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

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

13 PART II - FUNCTIONS AND POWERS OF THE BOARD, ETC.

14 7.-(1) The Board shall:

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

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

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

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

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

Powers of the  
Board

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

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

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

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

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

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

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

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

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

Medical Director  
of the Medical  
Centre

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

23 (2) The Chief Medical Director shall:

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

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

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

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

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

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

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

8 (a) a Director of Administration, who shall head the Department of  
9 Administration and who shall:

Appointment of  
Directors and  
other staff of the  
Medical Centre

10 (i) report to the Chief Medical Director for the effective  
11 functioning of all the administrative divisions of the Medical Centre;

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

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

16 (b) a Director of Clinical Services who shall head the Department  
17 of Clinical Services;

18 (c) a Director of Finance who shall head the Department of  
19 Finance;

20 (d) a Director of Maintenance who shall head the Department of  
21 Maintenance.

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

27 (3) The Board shall appoint for the Medical Centre such number of  
28 employees as may in the opinion of the Board be expedient and necessary  
29 for the proper and efficient performance of the functions of the Medical  
30 Centre.

1 (4) Notwithstanding the provisions of subsections (1) and (2) of this  
 2 section, the Board shall have power to appoint for the Medical Centre either  
 3 directly or on secondment from any public service in the Federation, such  
 4 number of employees as may, in the opinion of the Board, be required to assist  
 5 the Medical Centre in the discharge of any of its functions under this Act.

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

9 (6) The terms and conditions of service (including remuneration,  
 10 allowances, benefits and pensions) of the employees of the Medical Centre  
 11 shall be as determined by the National Salaries Income and VI ages  
 12 Commission.

Service in the  
 Medical Centre  
 to be pensionable

13 11.-(1) Service in the Medical Centre shall be approved service for the  
 14 purposes of the Pensions Reforms Act.

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

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

Establishment  
 of the Medical  
 Advisory  
 Committee, etc.

22 12.-(1) There shall be for the Medical Centre a Medical Advisory  
 23 Committee which shall:

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

26 (b) be responsible to the Chief Medical Director. for all the clinical  
 27 and training activities of the Medical Centre; and

28 (c) be appointed by the Board.

29 (2) Subject to this Act, the Board shall have power to appoint either  
 30 directly or on secondment and discipline consultants holding or acting in any

1 office in the hospital; and any such appointment shall be made having due  
2 regard to the approved personnel establishment of the Medical Centre.

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

7 PART IV - FINANCIAL PROVISIONS

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

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

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

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

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

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

20 **14.** The Federal Medical Center shall, from time to time, apply the Expenditure of  
21 funds at its disposal to- the Medical Centre

22 (a) the cost of administration and maintenance of the Medical  
23 Centre;

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

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

27 (d) pay the salaries, allowances and benefits of employees of the  
28 Medical Centre;

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

	1	(f) undertake such other activities as are connected with all or any of
	2	the functions of the Medical Centre under this Act.
Power to accept gifts	3	<b>15.</b> -(1) The Medical Centre may accept gifts of land, money or other
	4	property on such legitimate terms and conditions, if any, as may be specified by
	5	the person or organisation making the gift.
	6	(2) The Medical Centre shall not accept any gift if the conditions
	7	attached by the person or organisation making the gift are inconsistent with the
	8	functions of the Medical Centre under this Act.
Annual estimates and expenditure	9	<b>16.</b> -(1) The Board shall, not later than 301 September in each year,
	10	submit to the President through the Secretary to the Government of the
	11	Federation an estimate of the expenditure and income of the Medical Centre
	12	during the next succeeding year.
	13	(2) The Board shall cause to be kept proper accounts of the Medical
	14	Centre in respect of each year and proper records in relation thereto and shall
	15	cause the accounts to be audited not later than six months after the end of each
	16	year by auditors appointed from the list and in accordance with the guidelines
	17	supplied by the Auditor-General for the Federation.
Annual report	18	<b>17.</b> The Board shall prepare and submit to the President, not later than
	19	30 June in each year, a report in such form as the President may direct on the
	20	activities of the Medical Centre during -the immediate preceding year, and
	21	shall include in the report a copy of the audited accounts of the Federal Medical
	22	Centre for that year and the auditor's report thereon.
Power to borrow	23	<b>18.</b> -(1) The Medical Centre may, from time to time, borrow by
	24	overdraft or otherwise such sums as it may require for the performance of its
	25	functions' under this Act.
	26	(2) The Medical Centre shall not, without the approval of the
	27	President, borrow money which exceeds, at any time, the limit set by the
	28	President.
	29	(3) Notwithstanding subsection (1) of this section, where the sum to be
	30	borrowed is in foreign currency, the Medical Centre shall not borrow the sum



1 without the prior approval of the President.

2                   **19.-(1)** The Medical Centre shall not pay income tax on any income                   Exemption from  
3                   derived by the Medical Centre for the purposes of this Act.                   tax

## 4 PART V - GENERAL PROVISIONS

5                   **21.**-(1) Notwithstanding anything to the contrary contained in any Discipline of  
6           other enactment, where it appears to the Board that any student of the students  
7           Medical Centre has been guilty of misconduct, the Board may, without  
8           prejudice to any other disciplinary powers conferred on it by regulations,  
9           direct:

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

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

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

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

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

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

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

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

30 (6) Nothing in this Act shall affect the provisions of any enactment

Removal and  
discipline of  
clinical,  
administrative  
and technical  
staff

1 relating to the discipline of medical practitioners, pharmacists, midwives,  
2 nurses or members of any other profession or calling.

3           **22.-(1)** If it appears to the Board that there are reasons for believing  
4 that any person employed as a member of the clinical, administrative or  
5 technical staff of the Medical Centre, other than the Chief Medical Director,  
6 should be removed from his office or employment, the Board shall require the  
7 Director of Administration to:

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

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

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

13           (i) a committee to investigate the matter and report on it to the Board;  
14 and

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the person to whom it relates.

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

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

Discipline of  
junior staff

10 **23.**-(1) If any junior staff is accused of misconduct or inefficiency, the  
11 Chief Medical Director may suspend him for not more than a period of 3  
12 months and shall direct a committee to:

13 (a) consider the case; and

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

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

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

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

26 PART VI - MISCELLANEOUS

Regulations

27 **24.**-(1) The Board may, with the approval of the President, make  
28 regulations:

29 (a) as to the access of members of the public either generally or of a  
30 particular class, to premises under the control of the Board and as to the orderly

1 conduct of members of the public on those premises; and

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

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

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

Power to give  
directives

13 **26.** In this Act, unless the context otherwise requires:

Interpretation

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

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

17 "chairman" means the chairman of the Board;

18 "functions" include powers and duties;

19 "Federal Medical Centre" and "Medical Center" mean the Medical Centre,  
20 Gumel,

21 "junior staff means staff of such grade as {nay be determined, from time to  
22 time, by the Board;

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

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

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

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

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

Short title 1 **27.** This Bill may be cited as the Federal Medical Centre, Gumel  
2 (Establishment) Bill, 2021.

## SCHEDULE

[Section 3 (3).]

## SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

*Proceedings of the Board*

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

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

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

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

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

## Committees

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

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold

1 office on the committee in accordance with the terms of his appointment.

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

4 *Miscellaneous*

5 4.-(1) The fixing of the seal of the Medical Centre Shall be  
6 authenticated by the signature of the Chairmen, the Chief Medical Director  
7 or any person generally or specifically authorized by Board to act for that  
8 purpose.

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

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

17 5. The validity of any processing's of the Board or of a committee  
18 shall not be adversely affected by:

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

20 (b) a defect in the appointment of a member of the Board or  
21 Committee; or

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

#### EXPLANATORY NOTE

This Bill seeks to establish the Federal Medical Centre, Gumel, Jigawa State and to equip, maintain and operate the Medical Centre so as to provide facilities for diagnosis, curative, promotive and rehabilitative services in medical treatment.





# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF AGRICULTURE,  
KAIAMA, KWARA STATE TO MAKE COMPREHENSIVE PROVISIONS FOR  
ITS DUE MANAGEMENT AND ADMINISTRATION AND FOR RELATED  
MATTERS

*Sponsored by Hon. Mohammed Omar Bio*

[ ] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL

2 UNIVERSITY OF AGRICULTURE, KAIAMA, KWARA STATE

3 1.-(1) There is hereby establish Federal University of  
4 Agriculture. Kaiama, Kwara State (in this Act referred to as “the  
5 University”).

Establishment  
and Objects of  
the Federal University  
of Agriculture,  
Kaiama, Kwara  
State

6 (2) The University-

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

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

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

Objects of the  
University

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

14 (b) to develop and offer academic and professional programmes  
15 leading to the award of diplomas, first degrees, post-graduate research and  
16 higher degrees with emphasis on planning, adaptive, technical,  
17 maintenance, developmental and productive skills in the engineering,  
18 scientific, and allied professional disciplines relating to Agriculture  
19 resources with the aim of producing socially mature men and women with

1 capability not only to understand, use and adapt existing technologies in the  
2 Agriculture, but also to improve on them and develop new ones;

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

6 (d) to offer to the general population particularly in the area  
7 Agriculture as a form of public service, the results of training and research and  
8 to foster the practical applications of these results;

9 (e) to establish appropriate relationships with other national  
10 institutions involved in training, research and development of technologies in  
11 the Agriculture sector;

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

15 (g) to provide and promote sound basic scientific training as a  
16 foundation for the development of Agriculture in Nigeria, taking into account  
17 indigenous cultures and the need to enhance national unity;

18 (h) to encourage and promote scholarship and conduct research in  
19 restricted fields of learning and human endeavor;

20 (i) to relate its activities to the technological, social, cultural and  
21 economic needs of the people of Nigeria; and

22 (j) to undertake any other activities appropriate for an Agriculture  
23 university of the highest standard.

Constitution of  
the University  
and its Constituent  
Bodies, etc.

24 **3.-(1)** The University shall consist of-

25 (a) a Chancellor;

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

27 (c) a Vice Chancellor and a Senate;

28 (d) a Deputy Vice-Chancellor;

29 (e) a body to be called Congregation;

30 (f) a body to be called Convocation;

- 1 (g) the campuses and colleges of the University;
- 2 (h) the faculties, schools, institutes and other teaching and research
- 3 units of the University;
- 4 (i) the persons holding the offices constituted by the First Schedule
- 5 to this Act other than those mentioned in paragraphs (a) to (c) of this
- 6 subsection;
- 7 (j) all graduates and undergraduates; and
- 8 (k) all other persons who are members of the University in
- 9 accordance with provisions made by Statute in that behalf.

10 (2) The First Schedule to this Act shall have effect with respect to

11 the Principal Officers of the University mentioned therein.

12 (3) Provision shall be made by Statute with respect to the

13 constitution of the following bodies, namely-

- 14 (a) the Council;
- 15 (b) the Senate;
- 16 (c) the Congregation; and
- 17 (d) the Convocation.

18 **4.-(1)** For the carrying out of its objects as specified in Section 2 of Powers of the

19 this Act, the University shall have power to- University

20 (a) establish such campuses, colleges, faculties, institutes, schools,

21 extra-mural departments and other teaching and research units within the

22 University as may from time to time seem necessary or desirable, subject to

23 the approval of the National Universities Commission;

24 (b) institute professorships, readerships and associate

25 professorships, lectureships and other posts and offices and to make

26 appointments thereto;

27 (c) institute and award fellowships, scholarships, exhibitions,

28 bursaries, medals, prizes and other titles, distinctions, awards and forms of

29 assistance;

1 (d) provide for the residence, discipline and welfare of members of  
2 the University;

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

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

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

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

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

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

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

24 (l) hold public lectures and undertake printing, publishing and book  
25 selling;

26 (m) subject to any limitations or conditions imposed by Statute, to  
27 invest any moneys appertaining to the University by law of endorsement,  
28 whether for general or special purposes, and such other moneys as may not be  
29 immediately required for current expenditure, in any investments or securities  
30 or in the purchase or improvement of land, with power from time to time to vary

1 any such investments and to deposit any moneys for the time being un-  
2 invested with any bank on deposit or current account;

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

8 (o) make gifts for any charitable purpose;

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

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

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

18 **5.-(1)** The Chancellor shall in relation to the University, take Functions of the  
Chancellor and  
Pro-Chancellor  
19 precedence before all other members of the University, and when he is  
20 present shall preside at all meetings of convocation held for conferring  
21 degrees.

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

27 **6.-(1)** There shall be a Council for the University consisting of: Establishment  
and Composition  
of Council  
28 (a) the Pro-Chancellor;  
29 (b) the Vice-Chancellor;  
30 (c) the Deputy Vice-Chancellor;

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

Functions of the  
Council and its  
Finance and  
General Purpose

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

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

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

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

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

23                  **8.-(1)** Subject to section 5 of this Act and subsections (3) and (4) of  
24                  this section and to the provisions of this Act relating to the Visitor, it shall be  
25                  the general function of the Senate to organize and control teaching in the  
26                  University, admission to Postgraduate courses and other admission of  
27                  students, the discipline of students and to promote research in the  
28                  University.

Functions of the  
Senate

29                  (2) Without prejudice to the generality of the provisions of  
30                  subsection (1) of this section, it shall in particular be the function of the

1 Senate to make provision for the-

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

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

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

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

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

16 (f) supervision of the welfare of students in the University and the  
17 regulation of their conduct;

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

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

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

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



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

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

12 **9.-(1)** The Vice-Chancellor shall, in relation to the University, take  
 13 precedence before all other members of the University except the  
 14 Chancellor and, subject to section 5 of this Act, the Pro-Chancellor and any  
 15 other person for the time being acting as Chairman of the Council.

Functions of the  
Vice-Chancellor

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

## 22 PART II - TRANSFER OF PROPERTY

23 **10.-(1)** All property held by or on behalf of the Provisional Council  
 24 shall, by virtue of this subsection and without further assurance, vest in the  
 25 University and be held by it for the purpose of the University.

Transfer of  
Property to the  
University

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

PART III - STATUTES OF THE UNIVERSITY

Power of the  
University to  
make Statutes

1  
2 **11.**-(1) Subject to this Act, the University may make Statutes for any  
3 of the following purposes-

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

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

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

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

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

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

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

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

Mode of exercising  
the power to make  
Statutes

26 **12.**-(1) The power of the University to make Statutes shall be  
27 exercised in accordance with the provisions of this section.

28 (2) A proposed Statute shall not have the force of law until it has been  
29 approved at a meeting of the-

30 (a) Senate, by the votes of not less than two thirds of the members

1 present and voting; and

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

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

7 (4) A Statute which-

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

10 (b) provides for the establishment of a new campus or college or for  
11 the amendment or revocation of any Statute whereby a campus or college is  
12 established;

13 shall not come into operation unless it has been approved by the Visitor.

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

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

23 **14.-(1)** In the event of any doubt or dispute arising at any time as to Power to decide  
the meaning of  
Statute  
24 the meaning of any provision of a Statute, the matter may be referred to the  
25 Visitor, who shall take such advice and make such decision thereon as he  
26 deems fit.

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

1 the meaning of that provision shall be entertained by any other authority in  
2 Nigeria:

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

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

14 PART IV - SUPERVISION AND DISCIPLINE

The Visitor

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

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

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

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

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

Removal of certain  
Members of the  
Council

27 **16.-(1)** If it appears to the Council that a member (other than the Pro-  
28 Chancellor or the Vice-Chancellor) should be removed from office on grounds  
29 of misconduct or inability to perform the functions of his office, the Council

1 shall make a recommendation to that effect through the Minister of the  
2 Agriculture,

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

7 **17.-(1)** If it appears to the Council that there are reasons for  
8 believing that any person employed as a member of the academic,  
9 administrative or professional staff of the University, other than the Vice-  
10 Chancellor, should be removed from office or on grounds of misconduct or  
11 inability to perform the functions of his office Council shall-

Removal and  
discipline of  
Academic,  
Administrative  
and Professional  
Staff

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

13 (b) afford such person an opportunity of making representation in  
14 person on the matter to the Council; and

15 (c) take a decision to terminate or not to terminate the appointment.

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

19 (a) a joint committee of the Council and the Senate to review the  
20 matter and to report on it to the Council;

21 (b) the person in question to be afforded an opportunity to appear  
22 before and be heard by an investigating committee with respect to the  
23 matter;

24 and if the Council after considering the report of the investigating  
25 committee, is satisfied that the person in question should be removed, the  
26 Council may so remove him by an instrument in writing signed on the  
27 directions of the Council.

28 (3) The Vice-Chancellor may, in a case of gross misconduct by a  
29 member of staff which in the opinion of the Vice-Chancellor is prejudicial to  
30 the interest of the University, suspend such member and any such

1 suspension shall immediately be reported to the Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Removal of  
Examiners

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

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

28                  **19.**-(1) Subject to the provisions of this section, where it appears to  
29                  the Vice-Chancellor that any student is guilty of misconduct, the Vice-  
30                  Chancellor may, without prejudice to any other disciplinary powers

Discipline of  
Students

1 conferred on him by Statute or regulations, direct that the-

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

5 (b) 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 specified;

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

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

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

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

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

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

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

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

29 PART V - MISCELLANEOUS AND GENERAL PROVISIONS

30 **20.-(1)** No person shall be required to satisfy requirements as to any of



1 the following matters, that is to say, race (including ethnic grouping) sex,  
2 place of birth, family origin, religious or political persuasion, as a condition  
3 for becoming or continuing to be a-

4 (a) student in the University;

5 (b) Holder of any degree, appointment or employment in the  
6 University; or

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

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

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

18 **21.-(1)** For the purpose of the Land Use Act (which provides for the  
19 compulsory acquisition of land for public purposes) any purpose of the  
20 University shall be the same as that of the Federation.

Transfer of land  
to the University

21 (2) Where an estate or interest in land is acquired by the  
22 Government pursuant to this section, the Government may, by a certificate  
23 under the hand and seal of the University Agriculture, Oregbeni, Edo State  
24 or any other person authorized in that behalf transfer it to the University.

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

Restriction on  
disposal of land  
by University

29 PROVIDED that such consent shall not be required in the case of  
30 any lease or tenancy at a rack-rent for a term not exceeding twenty-one years

	1	of any lease or tenancy to a member of the University for residential purpose.
Quorum and procedure of bodies established by this Act	2	<b>23.</b> Except as may be otherwise provided by Statute or by Regulation,
	3	the quorum and procedure of any body of persons established by this Act shall
	4	be such as may be determined by that body.
	5	<b>24.-(1)</b> Anybody of persons established by this Act shall, without
Appointment of Committees, etc.	6	prejudice to the generality of the powers of that body, have power to appoint
	7	committees, which need not consist exclusively of members of that body and
	8	authorize a committee established by it to-
	9	(a) exercise on its behalf, such of its functions as it may determine;
	10	and
	11	(b) co-opt members and direct whether or not co-opted members shall
	12	be entitled to vote in that committee.
	13	(2) Any two or more such bodies may arrange for the holding of joint
	14	meetings of those bodies or for the appointment of committees consisting of
	15	members of those bodies, for the purpose of considering any matter within the
	16	competence of those bodies or any of them and either dealing with it or of
	17	reporting on it to those bodies or any of them.
	18	(3) Except as may be otherwise provided by Statute or Regulations,
	19	the quorum and procedure of a committee established or meeting held pursuant
	20	to this section shall be such as may be determined by the body or bodies which
	21	have decided to establish the committee or hold the meeting.
	22	(4) The Pro-Chancellor and the Vice-Chancellor shall be members of
	23	every committee of which the members are wholly or partly appointed by the
	24	Council, (other than a committee appointed to inquire into the conduct of the
	25	officer in question) and the Vice-Chancellor shall be a member of every
	26	committee of which the members are wholly or partly appointed by the Senate.
	27	(5) Nothing in the foregoing provisions of this section shall be
	28	construed as enabling-
	29	(a) statutes to be made otherwise than in accordance with section 11 of
	30	this Act; or

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

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

Miscellaneous  
Administrative  
Provisions

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

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

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

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

18 (4) The validity of the proceedings of anybody established  
19 pursuant to this Act shall not be affected by-

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

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

27 (7) The power conferred by this Act on anybody to make Statute or  
28 Regulations shall include power to revoke or vary any-

29 (a) Statute (including the Statute contained in the Third Schedule to  
30 this Act; or

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

3 PROVIDED that the Statutes and Regulations may have different  
4 provisions in relation to different circumstances.

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

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

Interpretation

10 **26.-(1)** In this Act-

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

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

17 “gross misconduct” means any act of misconduct and improper behavior that  
18 may be designated as gross misconduct by any Statute or Regulation made,  
19 pursuant to this Act;

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

21 “misconduct” means any conduct which is prejudicial to the good name of the  
22 University and or discipline and the proper administration of the business of  
23 the University;

24 “notice” means notice in writing;

25 “officer” does not include the Visitor;

26 “prescribed” means prescribed by Statute or Regulation made under this Act;

27 “professor” means a person designated as a professor of the University in  
28 accordance with provisions made in that behalf by Statute or by Regulations;

29 “property” includes rights, liabilities and obligations;

30 “the provisional Council” means the provisional Council appointed for the

1 University by the President with effect from September 2016;  
2 “regulations” means regulations made by the Senate or Council;  
3 “Senate” means the Senate of the University established by the Act;  
4 “Statute” means a Statute made by the University under section 11 of this  
5 Act and in accordance with the provisions of section 12 of this Act;  
6 “the Statutes” means all such Statutes as are in force from time to time;  
7 “teacher” means a person holding a full time appointment as a member of  
8 the teaching or research staff of the University;  
9 “President” means the President of the Federal Republic of Nigeria;  
10 “Constitution” means the Constitution of the Federal Republic of Nigeria;  
11 “undergraduate” means a person in statu pupillari in the University, other  
12 than-  
13 (a) a graduate; and  
14 (b) a person of such description as may be prescribed for the  
15 purposes of this definition.  
16 “the University” the Federal University of Agriculture, Kaiama, Kwara  
17 State incorporated and constituted by this Act; and  
18 “the Act” means the Federal University of Agriculture Kaiama, Kwara State  
19 Act.

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

27 **27.** This Bill may be cited as the Federal University of Agriculture      Short title  
28 Kaiama, Kwara State (Establishment, etc.) Bill, 2021.

1 SCHEDULES

2 FIRST SCHEDULE

3 *Section 3 (2)*

4 PRINCIPAL OFFICERS OF THE UNIVERSITY

5 *The Chancellor*

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

8 *The Pro-Chancellor*

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

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

13 *The Vice-Chancellor*

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

17 *Deputy Vice-Chancellor*

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

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

24 (3) A Deputy Vice-Chancellor shall-

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

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

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

*Office of the Registrar, Bursar and University Librarian*

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

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

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

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

(a) the Bursar; and

(b) the University Librarian.

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

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

(4) The Bursar and the University Librarian-

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

*Other Officers of the University*

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

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

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

8 *Resignation and re-appointment*

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

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

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

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

18 **SECOND SCHEDULE**

19 *Section 10 (2)*

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

21 *Transfer of Property to the University*

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

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

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

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



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

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

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

10 *Registration of Transfers*

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

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

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

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

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

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

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

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

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

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

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

20 THIRD SCHEDULE

21 Section 11 (3)

22 FEDERAL UNIVERSITY OF AGRICULTURE KAIAMA, KWARA STATE

23 STATUTE NO. 1

24 *Articles:*

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

1 7. Faculty Board.

2                   8. The Dean of the Faculty.

3 9. Selection of Certain Principal and other key officers.

4 10. Creation of Academic Post.

5 11. Appointment of Academic Staff.

6 12.Appointment of Administrative and Technical Staff.

7 *The Council*

8 (1) Any member of Council holding office pursuant to section 6 (e)

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

10 (2) A member of Council holding office pursuant to section 6 (e) (f)

(g) or (h) of this Act shall, unless he previously vacates it, vacate that office on the expiration of a period of four years starting from 1st August in the year in which he was appointed.

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

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

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

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

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

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

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

9 *The Finance and General Purpose Committee*

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

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

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

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

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

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

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

24 *The Senate*

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

26 (a) the Vice-Chancellor;

27 (b) the Deputy Vice-Chancellor;

28 (c) all Professors of the University;

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

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

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

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

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

16 *Congregation*

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

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

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

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

1 or fifty, whichever is less.

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

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

5 (b) the names of the persons who are members of Congregation  
6 during a particular period;

7 shall be conclusive evidence of that number or as the case may be of the names  
8 of those persons.

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

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

16 *Convocation*

17 5.-(1) Convocation shall consist of-

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

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

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

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

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

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

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

1 persons whose names are on the register and for the removal from the  
2 register of the name of any person who fails to pay those fees.

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

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

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

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

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

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

26 *Organisation of Faculties and Branches thereof*

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

29 7.-(1) There shall Be established in respect of each Faculty, a  
30 Faculty Board, which, subject to the provisions of this Act, and subject to the

1 directions of the Vice-Chancellor, shall-

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

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

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

8 (2) Each Faculty Board shall consist of-

9 (a) the Vice-Chancellor;

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

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

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

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

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

19 *The Dean of the Faculty*

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

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

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



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

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

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

17                  (7) In this article, “good cause” has the same meaning as in section  
18                  17 (4) of this Act.

19                               *Selection of Certain Principal and other key Officers*

20                  9.-(1) When a vacancy occurs in the Office of the Registrar, Bursar,  
21                  the University Librarian, Director of Works or Director of Health Services, a  
22                  Selection Board shall be constituted by the Council and shall consist of-

- 23                               (i) the Pro-Chancellor;  
24                               (ii) the Vice-chancellor;  
25                               (iii) two members appointed by the Council, not being members of  
26                  Senate; and  
27                               (iv) two members appointed by the Senate not being members of  
28                  Council.

29                  (2) The Selection Board, after making such inquiries as it thinks fit,  
30                  shall recommend a candidate to the Council for appointment to the vacant

1 office, and after considering the recommendation of the Board the Council may  
2 make an appointment to that office.

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

6 *Creation of Academic Post*

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

10 *Appointment of Academic Staff*

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

14 *Appointment of Administrative and Technical Staff*

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal University of Agriculture Kaiama,  
Kwara State to make comprehensive provisions for its due management and  
administration.

# A BILL

## FOR

AN ACT TO ESTABLISH THE FCT COMPENSATION, RESETTLEMENT AND WELFARE BOARD WITH THE PRIMARY AIM OF RAISING FUNDS TO RESETTLE ALL ORIGINAL INHABITANTS OCCUPYING DEVELOPED AREAS WITHIN THE FCT AND ALSO FOR FURTHER RESETTLEMENT PROJECTS AND FOR RELATED MATTERS. 2021

*Sponsored by Hon. Gaza Jonathan Gbefwi*

[ ] Commencement

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

- |    |  |   |
|----|--|---|
| 1  | 1.-(1) There is hereby established a body to be known as the FCT         | Establishment<br>of the FCT<br>Compensation,<br>Resettlement and<br>Welfare Board |
| 2  | Compensation, Resettlement and Welfare Board (in this Act referred to as |   |
| 3  | "the Board").  |   |
| 4  | (2) The Board-   |   |
| 5  | (a) shall be a body corporate with perpetual succession and a            |   |
| 6  | common seal;   |   |
| 7  | (b) may sue and be sued in its corporate name.                           |   |
| 8  | (3) The Board shall have its head office in the Federal Capital          |   |
| 9  | Territory, Abuja.  |   |
| 10 | 2.-(1) The Board shall have a Chairman of FCT indigenous                 | Establishment<br>of the Board   |
| 11 | extraction not a settler.  |   |
| 12 | (2) The Board shall comprise the following-                              |   |
| 13 | (a) a representative of each Area Council in the FCT;                    |   |
| 14 | (b) 3 representatives of the Traditional Council, all must be            |   |
| 15 | indigenous Traditional Chiefs with chieftones;                           |   |
| 16 | (c) the Director of the Department of Resettlement and                   |   |
| 17 | Compensation FCT.  |   |

Appointment of the Board Chairman	1	<b>3.</b> -(1) (a) The Chairman shall be appointed by the Board in
	2	consultation with the Minister of the FCT who must be an original indigene of
	3	the FCT and would have worked in the FCT for at least 15 years;
	4	(b) be a person of proven integrity and ability.
	5	(2) The Board referred to in paragraph (a) - (f) of subsection (2) of this
	6	section shall be part-time members.
Funding	7	<b>4.</b> -(a) 5% of all statutory transfers and all Internally Generated
	8	Revenue (IGR) apart from land related fund to the FCT;
	9	(b) 30% of all incomes from land related transactions; and
	10	(c) Any amount other than monies approved by the Annual
	11	Appropriation Acts which may be approved by other Acts of the National
	12	Assembly including the Sovereign Wealth Fund Act;
Tenure of Office of Members	13	(d) Local and International Grants, Aids, Gift etc.
	14	<b>5.</b> -(1) Subject to the provisions of section 4 of this Act a member of
	15	the Board, other than an ex-officio member, shall hold office for a term of 4
	16	years at the first instance and may be reappointed for a further term of 4 years
	17	and no more.
	18	(2) A member of the Board other than ex-officio member, may resign
Removal/Cessation from Office	19	his appointment by notice, in writing under his hand addressed to the Minister
	20	of the Federal Capital Territory
	21	<b>6.</b> -(1) Notwithstanding the provisions of section 3 of this Act, a
	22	person shall cease to hold office as a member of the Board if-
	23	(a) he becomes bankrupt, suspends payment or compounds with his
	24	creditors; or
	25	(b) he is convicted of a felony or any offence involving dishonesty or
	26	fraud, or
	27	(c) he becomes of unsound mind, or incapable of carrying out his
	28	duties; or
	29	(d) he is guilty of a serious misconduct in relation to his duties; or
	30	(e) in the case of a person who possessed a professional qualifications,

1 he is disqualified or suspended, other than at his own request, from  
 2 practicing his profession in any part of the world by an order of a competent  
 3 authority made in respect of that member: or

4 (f) he resigns his appointment by a letter addressed to the Minister  
 5 of the Federal Capital Territory.

6 (3) Where a vacancy occurs in the membership of the Board it shall  
 7 be filled by the appointment of a successor to hold office for the remainder of  
 8 the term of office of his predecessor, so however, that the successor shall  
 9 represent the same interest and shall be appointed by the Minister.

10 **7.** There shall be paid to every Board member and staff of the Remuneration of  
 11 Board such remunerations, allowances and expenses as the Federal Members  
 12 Government may, from time to time, direct.

13 **8.-(1)** The Board shall- Functions and  
 14 (a) source funds for continuous implementation and payment from powers of the  
Board, etc.

15 both local and international bodies, grants etc. for the compensation and  
 16 resettlement.

17 (b) fund research to bring about global best practice in the practice  
 18 of compensation and resettlement in the FCT and Nigeria as a whole;

19 (c) formulate policies and guidelines on the proper Compensation,  
 20 Resettlement and welfare of the FCT Aborigines;

21 (d) conceive, plan and implement, in accordance with set rules and  
 22 regulations, projects and programmes of the FCT Aborigines in the areas of  
 23 Agriculture, Education, Scholarship, Health and Environment;

24 (e) identify factors inhibiting the development of such areas and  
 25 assist in the formulation and implementation of policies to ensure sound and  
 26 efficient management of the resources of the Board;

27 (f) ensure effective planning, projects assessment, proper  
 28 resettlement and compensation of FCT aborigines, economic and social  
 29 development of the people;

30 (g) assist the department of Compensation and Resettlement to

1 ensure that funds released for such projects are properly utilized; and  
 2 (g) execute such other works and perform such other functions which  
 3 in the opinion of the Board, are required for the sustainable all round  
 4 development of the rural areas and its peoples.

5 (2) In excising its functions and powers under this section, the Board  
 6 shall have regard to the varied and specific contributions of the Federal Capital  
 7 Administration.

8 (3) The Board shall be subject to the direction, control or supervision  
 9 in the performance of its functions under this Act by the Minister of FCT.

Structure of the  
Board

10 **9.** There shall be established in the head office of the Board, the  
 11 following Departments-

- 12 (a) the Department of Finance;
- 13 (b) the Operations (Project Monitoring etc),
- 14 (c) the Research and Development;
- 15 (d) the Fund Mobilization and Inter-Governmental Affairs.

16 (2) The Board may with the approval increase the number of  
 17 directorates as it may deem necessary and expedient to facilitate the realization  
 18 of the objectives of the Board.

Establishment  
of the Management  
Committee

19 **10.** There shall be a Secretary who is a member of the Board and shall  
 20 serve as the Executive Secretary and the Executive shall be the Chief Executive  
 21 Officer of the Board.

Staff and Other  
Employees of  
the Board

22 **11.-(1)** There shall be for the Board, an Executive Secretary/Chief  
 23 Executive Officer, and Director of the Departments established in Section 7 of  
 24 this Act-

25 (a) have such qualification and experience as are appropriate for a  
 26 person required to perform the functions of those offices under this Act;

27 (b) the Executive Secretary must be appoint from the board members  
 28 as contained in section 2; and

29 (c) hold office on such terms and conditions as to emolument,  
 30 conditions of service as may be specified in his letter of appointment, and

1 subject to the provision of section 3 of this Act.

2 (2) The Secretary shall, subject to the general direction of the  
3 Board, be responsible-

4 (a) for the day to day administration of the Board;

5 (b) for keeping the books and proper records of the proceedings of  
6 the Board;

7 (c) the administration of the secretariat of the Board; and

8 (d) the general direction and control of all other employees of the  
9 Board.

10 (3) The Board shall have power to employ either directly or on  
11 secondment from any civil or public service in the Federation or a State such  
12 number of employees as may be in the opinion of the Board, be required to  
13 assist the Board in the discharge of any of its functions under this Act.

14 **12.-(1)** Compensation payment shall be in according to global best  
15 practice are determined by the board in consultation with the FCT  
16 Administration through the Department of Resettlement and Compensation  
17 and may be guided by Compensation Cap 503 LFN, 2004.

Compensation  
Cap. 503 LFN

18 (2) In computing the compensation payable under this Act, account  
19 shall be taken of any building or crops on the land acquired for the purpose of  
20 this Act, and any compensation payable shall be in respect to:

21 (a) land affected by this Act, for an amount equal to the total rent  
22 paid by the lessee over the period between the date of the execution of the  
23 lease, and the date of its determinations by the Agency and in addition,  
24 interest at the bank rate between the last mentioned date and the date of  
25 payment of compensation shall be made payable;

26 (b) building on such land, for the amount of the actual cost of  
27 construction of the building (less any depreciation) and interest at the bank  
28 rate over the period between the date of the acquisition of such building and  
29 the date of payment of compensation shall be made payable;

30 (c) crops on such land, for an amount equal to the fair market value

1 of such crops and the cost of mentioned in the foregoing provisions of this  
2 subsection shall be such as may be determined by the Agency.

3 (3) Any person who claims any right or interest in any land comprised  
4 in the satellite towns shall submit in writing, particulars of his claims to the  
5 Administrator on or before the expiration of a period of twelve months from the  
6 date of commencement of the order made under section 2 of this Act or such  
7 longer period as the President may either generally or in relation to any  
8 particular claim(s) prescribe by notice published in the Federal Gazette.

9 (4) No claim for compensation shall be entertained by the Agency  
10 unless a written notice of the claim in accordance with subsection (3) of this  
11 section is served on the Agency within the period specified in the said  
12 subsection.

Application of  
Pension Reform  
Act, 2004

13 **13.**-(1) Service in the Board shall be approved service in line with the  
14 provisions of the Contributory Pensions Reform Act, 2004.

15 (2) The officers and other persons employed into the Board shall be  
16 entitled to pensions, gratuities and other retirement benefits as are enjoyed by  
17 persons holding equivalent grades as appropriate.

18 (3) Nothing in subsections (1) and (2) of this section shall prevent the  
19 appointment of a person to any office on terms which preclude the grant of  
20 pension and gratuity in respect of that office authority of the Government of the  
21 Federation, other than the power to make regulations under section 23 thereof  
22 is hereby vested in and shall be exercisable by the Board, and not by any other  
23 person or authority.

Financial  
Provisions

24 **14.**-(1) The Board shall establish and maintain a fund from which  
25 shall be defrayed all expenditure incurred by the Board.

26 (2) There shall be paid and credited to the fund established pursuant to  
27 subsection (1) of this section-

28 (a) Budgetary provision from Federal Capital Development  
29 Authority and the Federal Capital Territory Administration;

30 (b) should be in accordance to section 4 of this Act;



1 (c) such monies as may from time to time be granted or lent the

2 Board;

3 (d) all moneys raised for the purposes of the Board by way of gifts,  
4 loan, grants-in-aid, testamentary disposition or otherwise;

5 (e) proceeds from all other assets that may, from time to time,  
6 accrue to the Board;

7 (f) specifying the manner in which the assets or the fund of the  
8 Board are to be held, and regulating the making of payments' into and out of  
9 the fund; and

10 (g) requiring the keeping of proper accounts and records for the  
11 purpose of the fund in such form as may be specified in the rules.

12 **15.** The Board shall apply the proceeds of the fund established Expenditure of  
the Board  
13 pursuant to section 14 of this Act to-

14 (a) Principally for payment of compensation and resettlement  
15 within the FCT starting from FCC;

16 (b) to fund research into the best practice of resettlement and  
17 compensation globally;

18 (c) the cost of administration of the Board;

19 (d) the payment of salaries, fees, remuneration, allowances,  
20 pensions and gratuities payable to the members of the Board specified in  
21 section 6 of this Act or any committee of the Board and the employees of the  
22 Board;

23 (e) the payment for all contracts, including mobilization,  
24 fluctuations, variations, legal fees and cost on contract administration;

25 (f) the payment for all purchases; and

26 (g) undertaking such other activities as are connected with all or  
27 any of the Functions of the Board under this Act.

28 **16.-(1)** The Board may accept gifts of land, money, or other Power to accept  
gifts  
29 property on such terms and conditions, if any, as may be specified by the  
30 person or organization making the gift.

	1	(2) The Board shall not accept any gift if the conditions attached by
	2	the person or organization making the gift are inconsistent with, the functions
	3	of the Board under this Act.
Power to borrow	4	<b>17.</b> The Board may, with the consent of the Minister, borrow, on such
	5	terms and conditions as the Board may determine, such sums of money as the
	6	Board may require in the exercise of its functions under this Act.
Submission of Annual Budget	7	<b>18.-(1)</b> The Board shall submit to the Minister of FCT its annual
	8	Budget for the succeeding year for consideration.
	9	(2) The Board shall be cause to be kept proper accounts of the Board
	10	in respect of each year and proper records in relation thereto and shall cause the
	11	accounts to be audited not later than 6 months after the end of each year by
	12	auditors appointed from the list and in accordance with the guidelines supplied
	13	by the Auditor-General for the Federation.
Annual Report	14	<b>19.</b> The Board shall, at the end of every quarter in each year, submit to
	15	the Minister of the Federal Capital Territory report on the activities and
	16	administration of the Board.
Audit Report	17	<b>20.-(1)</b> The Board shall prepare and submit to the Minister of the
	18	Federal Capital Territory, not later than 30th June in each year, a report in such
	19	form as the FCT Minister may direct on the activities of the Board during the
	20	immediately preceding year, and shall include in the report a copy of the
	21	audited accounts of the Board for that year and the auditor's report thereon.
	22	(2) The Minister shall, upon receipt of the report referred to in
	23	subsection (1) of this section, cause a copy of the report and the audited
	24	accounts of the Board and the auditor's report thereon to be submitted to each
	25	House of the National Assembly.
Accounts	26	<b>21.-(1)</b> All monies mentioned in Section 3 of this Act shall form part
	27	of the Fund and shall be deposited in a Bank as may be decided by the Board
	28	and the said account shall be audited by auditors appointed by the Board from
	29	the list and in accordance with the guidelines supplied by the Auditor-General
	30	for the Federation.

1 (2) The Board shall maintain such books of the Account and other  
 2 books in relation to its accounts and prepare annual statement of account  
 3 which shall be audited by the Auditor appointed by the Board in accordance  
 4 with the provisions of subsection(1) of this section.

5 (3) No amount shall be withdrawn there from any account of the  
 6 Fund except under the authority of the Board and by means of cheques or  
 7 other financial instruments on procedures as are authorised in that regard by  
 8 the Board.

9 (4) The signatories to the account(s) shall be the Managing  
 10 Director and the Head Finance of the Fund, or in their absence their  
 11 designated representatives or any person duly authorised by the Board.

12 (5) The balance of the revenue accruing in the Road Fund in any  
 13 financial year shall be applied for the purpose of creating a general reserve  
 14 or such other reserve as the Board may from time to time approve. Any part  
 15 of the Fund not immediately required for the purpose of the Fund may be  
 16 invested in such manner as the Board may, in its discretion, determine.

17 (6) The financial year of the Road Fund shall be the period of  
 18 twelve (12) months commencing on the 1st of January of each year and  
 19 ending on the 31st of December of the same year.

20 (7) Notwithstanding the provisions of subsection (6) of this section  
 21 the first financial year may be period shorter or longer than twelve months as  
 22 the Board shall determine, but in any case not longer than eighteen (18)  
 23 months.

24 **22.** All expenses incurred in the administration of the Fund shall  
 25 be paid by the Board out of the monies of the Fund.

Expenses to be  
paid out of the  
Fund

26 **23.** For the purposes of providing offices and premises necessary  
 27 for the performance of its functions under this Act, the Board may, subject to  
 28 the Land Use Act-

Office Premises  
of the Board

29 (a) purchase or take on lease any interest in land, or other property;  
 30 and

1 (b) construct offices and premises and equip and maintain same.

2 (2) The Board may, subject to the Land Use Act, sell or lease out any  
3 office or premises held by it, which office or premises is no longer required for  
4 the performance of its functions under this Act.

Directives

5 **24.**-(1) Subject to the provisions of this Act, the provisions of the  
6 Public Officers Protection Act shall apply in relation to any suit instituted  
7 against any officer or employee of the Board.

8 (2) Notwithstanding anything contained in any other law or  
9 enactment, no suit shall lie against any member of the Council, the Executive  
10 Secretary or any other officer or employee of the Board for any act done in  
11 pursuance or execution of this Act or any other law or enactment, or of any  
12 public duty or authority or in respect of any alleged neglect or default in the  
13 execution of this Act or such law or enactment, duty or authority, shall lie or be  
14 instituted in any court unless-

15 (a) it is commenced within three months next after the act, neglect or  
16 default complained of; or

17 (b) in the case of a continuation of damage or injury, within six  
18 months next after the ceasing thereof.

Service of  
document

19 **25.** A notice, summons or other document required or authorized to be  
20 served upon the Board under the provisions of this Act or any other law or  
21 enactment may be served by delivering it to the Executive Secretary or by  
22 sending it by registered post and addressed to the Executive Secretary as the  
23 principal officer of the Board.

Limitation suit  
against the Board

24 **26.**-(1) In any action or suit against the Board, no execution or  
25 attachment of process in the nature thereof shall be issued against the Board.

26 (2) Any sum of money which may by the judgment of any court be  
27 awarded against the Board shall, subject to any direction given by court where  
28 notice of appeal of the said judgment has been given, be paid from the general  
29 reserve fund of the Board.

- 1                    **27.** A member of the Board, the Executive Secretary, any officer or     Indemnity of  
2                    employee of the Board shall be indemnified out of the assets of the Board     staff  
3                    against any proceeding, whether civil or criminal, in which judgment is  
4                    given in his favour or in which he is acquitted, if any such proceeding is  
5                    brought against him in his capacity as a member of the Board, the Executive  
6                    Secretary, officer or employee of the Board.
- 7                    **28.** In this Act, unless the context otherwise requires-     Interpretation  
8                    "Chairman" means the Chairman of the Board;  
9                    "Board" means the FCT Compensation, Resettlement and Welfare Board  
10                    established by section 1 of this Act;  
11                    "Member" means a member of the Board and includes the Chairman, and  
12                    other Members of the Board;  
13                    "Indigenous" means Gwandara, Gbagyi, Gwari, Gbari, Gade, Ganagana,  
14                    Igbira, Bassa and Koro.
- 15                    **29.** This Bill may be cited as the FCT Compensation, Resettlement     Citation  
16                    and Welfare Board (Establishment, etc.) Bill, 2021.

1 SCHEDULE

2 *Section 2 (4)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4 *Proceedings of the Board*

5 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the  
6 Council may make standing orders regulating its proceedings or those of any of  
7 its committees.

8 (2) The quorum of the Board shall be the Chairman the person  
9 presiding at the meeting, Executive Secretary and one third of other members  
10 of the Board. The quorum of any Committee of the Board shall be as  
11 determined by the Board.

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

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

19 3.-(1) The Board may appoint one or more committees to carry out, on  
20 behalf of the Board such functions as the Board may determine.

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

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

26 4.-(1) The fixing of the seal of the Board shall be authenticated by the  
27 signatures of the Chairman or any other member of the Board generally or  
28 specifically authorized by the Board to act for that purpose and the Executive  
29 Secretary.

30 (2) A document purporting to be a document duly executed under the

1 seal of the Board shall be received in evidence and shall, unless and until the  
2 contrary is proved be presumed to be so executed.

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

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

6 (b) a defect in the appointment of a member of the Board or  
7 committee; or

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

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the FCT Compensation, Resettlement and Welfare Board which shall be responsible for formulating policies and guidelines for the proper compensation, resettlement and welfare of the FCT aborigines; conceiving, planning and implementing, in accordance with set rules and regulations, projects and programmes for the sustainable development of the rural areas of the FCT, rural industrialization, agriculture and water supply; causing the rural areas to be surveyed in order to ascertain measures which are necessary to promote its agricultural and socio-economic development; preparing master plans and schemes designed to promote the physical development of the areas and the estimates of the costs of implementing such master plans and schemes; implementing all the measures approved for the development of the rural areas by the FCTA; identifying factors inhibiting the proper resettlement of such areas and assist in the formulation and implementation of policies to ensure sound and efficient management of the resources of the Board.





# A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL PUBLIC  
SAFETY BOARD AND FOR RELATED MATTERS, 2021

*Sponsored by Hon. Gaza Jonathan Gbefwi*

[ ] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL PUBLIC SAFETY BOARD

2           **1.**-(1) There is hereby established a body to be known as National Establishment  
3 Public Safety Board (in this Act referred to as the “Board”). of National Public  
Safety Board

4 (2) The Board-

(a) shall be a body corporate with perpetual succession and a common seal with power to sue and be sued in its corporate name;

7 (b) may acquire, hold or dispose of any moveable or immoveable  
8 property; and

9 (c) shall seek to achieve the objectives and perform the functions  
10 listed in this Bill.

11	<b>2. The objectives of the Board:</b>	Objectives of the Board
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12 (a) To interface with National Assembly in creating legislation for  
13 National Safety laws for the protection of lives and to prevent occurrence of  
14 disasters;

(b) Ensure effective coordination of National Safety and disaster management for the protection of lives and property;

17 (c) Enlightening and informing the public on matters relating to  
18 Safety;

19 (d) Ratification of African and global Charter on issues of public  
20 safety;

Composition  
of the Governing  
Board

- 1 (e) Create public awareness on the need to adhere to personal and  
2 public safety;
- 3 (f) Control and prevent abuse of safety regulations in public and  
4 private sectors of the Nigerian economy;
- 5 (g) Strategize and liaise with relevant safety agencies both in public  
6 and private sectors for rapid response to cases of safety violations;
- 7 (h) Ensure the adherence of safety protocols in all sectors of the  
8 Nigerian socioeconomic spheres with a view to preventing or mitigating  
9 manmade and Natural disaster to manage National safety protocols;
- 10 (i) Canvass international support for the harmonisation of global  
11 safety protocols;
- 12 (j) Training safety professionals on safety protocols with a view to  
13 protecting the citizens against harm; and
- 14 (k) It also seeks to harmonise all safety laws operational by several  
15 agencies and departments within public and private organisations in Nigeria.
- 16 **3.-(1)** The Governing Board shall consist of:
- 17 (a) Chairman who shall be a knowledgeable person on safety matters  
18 and shall be appointed by the Minister;
- 19 (b) The Executive Secretary of the Board who shall be the Secretary  
20 of the board;
- 21 (c) Representative of the Ministry of Humanitarian affairs;
- 22 (d) Representative of National Disaster Management Agency  
23 (NEMA);
- 24 (e) Representative of the office of the Attorney General of the  
25 Federation; and
- 26 (f) Other members of the board shall also be appointed by the Minister  
27 as deemed necessary.
- 28 (2) The Chairman and all members of the Governing Board shall, on  
29 the recommendation of the Secretary appointed by the Minister.

1	4. The following departments shall be created for the purpose of	Operational
2	administering the operations of the board.	Departments
3	(a) Administrations;	
4	(b) Finance, accounts & Budgets;	
5	(c) Legal/Prosecution;	
6	(d) Operations & Enforcements;	
7	(e) Planning/Research; and	
8	(f) Public affairs.	
9	5.-(1) Subject to the provisions of this Bill, the Chairman and	Tenure of office
10	members of the Governing Board, other than an ex-officio member, shall	of the Board
11	hold office for a term of four years in the first instance and may be	
12	reappointed for a further term of four years and no more.	
13	(2) The office of a member of the Governing Board shall become	
14	vacant if-	
15	(a) he resigns his appointment by notice in writing to the Minister;	
16	(b) he dies;	
17	(c) the period of his appointment expires;	
18	(d) is convicted of an offence involving fraud by a court of	
19	competent jurisdiction;	
20	(e) he is adjudged or declared bankrupt;	
21	(f) he is sentenced to death or imprisoned;	
22	(g) he is a member of a secret society; and	
23	(h) the Governing Board passes a resolution declaring that-	
24	(i) he has become incapable by reasons of mental or bodily	
25	infirmity or unable to discharge his duties,	
26	(ii) he has become unfit for membership of the Board by reason of	
27	the fact that he has interest in contract entered into by the Board and has not	
28	disclosed that fact, or	
29	(iii) he has become unfit for membership by reason of having	
30	contravened the provisions of this Bill or any regulations made generally for	

Functions of  
the Board

1 the carrying into effect the purpose of this Bill.

2 (2) Where a vacancy occurs in the membership of the governing  
3 board, it shall be filled by the appointment of a successor to represent the same  
4 interest as and for the unexpired term of the member concerned.

5 PART II - FUNCTIONS AND POWERS OF THE NATIONAL

6 PUBLIC SAFETY BOARD

7 **6.** The Board shall:

8 (a) take responsibility for the day-to-day running of the National  
9 Public Safety Board as outlined in the structures of the Departments that make  
10 up the Board;

11 (b) It shall coordinate the activities of Regional directorates and state  
12 commands;

13 (c) It shall receive instructions from government on policies that will  
14 enhance public safety;

15 (d) It shall liaise with the National Assembly to enact and review laws  
16 that offer safety protection to all citizens;

17 (e) It shall liaise with other relevant agency to formulate working  
18 documents for the operation of the Board;

19 (f) It shall be responsible for the overall financial activities of the  
20 Board;

21 (g) It shall be responsible for recruitment of all staff and officers in  
22 various; categories for the board;

23 (h) It will deal with any major issues regarding the violation of safety  
24 and apply appropriate sanctions or prosecute individuals or group violating  
25 safety rules;

26 (i) Coordinate with private sector to enhance efficiency of safety laws  
27 and regulations in the economy.

28 (j) It shall organise seminars symposia, lectures and sensitisations  
29 workshops for the public to imbibe the principles of safety in all activities.

30 (k) Facilitate training and retraining of personnel in the commission

1 to local and international safety programs to update them on global best  
2 practices;

3 (l) Enhance the utilisation of data collation for effective national  
4 planning on public safety programs;

5 (m) Carry out periodic sectorial safety audit to ensure compliance  
6 to safety guidelines;

7 (n) Approve all Appointments, Promotion and Discipline Annual  
8 Work plans, Budgets, Programs, Capital Expenditures and Projects, any  
9 other major undertaking, that may be necessary to enhance the function of  
10 the Board; and

11 (o) Mobilize funds necessary for the provision of effective and  
12 efficient services;

13 (p) be responsible for the development and implementation of all  
14 aspects of Public Safety human resources and services within the Nigeria;

15 (q) take into cognisance the Public Safety operational guideline in  
16 the execution of its mandate;

17 (r) be responsible for planning and implementation of National  
18 Public Safety services and programs in the Nigeria;

19 (s) ensure budgetary provision, monitoring and evaluation of all  
20 Public Safety services in the Nigeria;

21 (t) advise the Minister of the Humanitarian Affairs on any matter  
22 regarding Public Safety Services in the Nigeria;

23 (u) ensure the development and establishment of policies with  
24 respect to the implementation of Public Safety and programs in the Nigeria;

25 (v) recruit, promote, deploy, train and discipline of all Staff in line  
26 with Public Safety Rules;

27 (w) appoint program and deputy sub program officers for each geo-  
28 political zones;

29 (x) ensure annual financial auditing of Public Safety facilities in all  
30 geo-political zones; and

	1	(y) ensure compliance with minimum standard and issue annual
	2	certificate as appropriate to Public Safety facilities in Nigeria.
Schedule	3	<b>7.</b> The supplementary provisions contained in the Schedule to this Bill
	4	shall have effect with respect to the proceedings of the governing board and
	5	other matters mentioned in those provisions.
	6	<b>8.</b> No member of the Board may be personally liable for any act or
	7	omission, provided that such act or omission occurred in the course of
	8	discharge of his/her official duties and was done in good faith.
	9	PART III - ADMINISTRATIVE STRUCTURE AND COORDINATION
	10	OF THE BOARD
Appointment of Executive Secretary	11	<b>9.</b> There shall be appointed by the Minister, an Executive Secretary
	12	for the Board upon recommendation by the Honorable Secretary of
	13	Humanitarian Affairs Services, upon the conclusion of internal competitive
	14	screening process. The Executive Secretary shall be a Public Safety
	15	professional, not below the rank of a Director or its equivalent, and of good
	16	character and proven integrity, with additional qualification in public health
	17	and cognate experience of not less than fifteen years, five of which must be in
	18	Public Safety.
Duties of Executive Secretary	19	<b>10.</b> The Executive Secretary shall:
	20	(i) be the Chief Executive and Accounting officer of the Board;
	21	(ii) be responsible for the day-to-day administration of the Board; and
	22	(iii) ensure the implementation of the decisions of the Governing
	23	Board.
Tenure of Executive Secretary	24	<b>11.</b> The Executive Secretary shall hold office for a period of four years
	25	and shall be eligible for reappointment for a final term of four years.
Salary and Allowances	26	<b>12.</b> The Executive Secretary shall be paid such salary and allowances
	27	as may be determined by the Minister.
Vacancy	28	<b>13.</b> The Minister may declare the office of the Executive Secretary
	29	vacant if:
	30	(a) the Executive Secretary resigns his appointment by notice in

1 writing under his hand to the Minister; or  
2 (b) the Minister is satisfied that the Executive Secretary-  
3 (i) has been convicted of an offence involving fraud or dishonesty,  
4 (ii) is incapacitated by physical or mental illness from performing  
5 his functions,  
6 (iii) has become bankrupt or made arrangements with his creditors,  
7 (iv) has such financial or other interest in the operations of the  
8 Board, which is likely to prejudicially affect the discharge of his functions.

9 **14.** The Management team shall be comprised of the Executive  
10 Secretary and such number of Directors as may be appointed in accordance  
11 with the operational guideline.

Management  
team

12 **15.** The Board Management Team shall meet weekly and shall,  
13 through the Executive Secretary prepare, present and submit Quarterly  
14 Progress Report to the Governing Board during the latter's Quarterly  
15 Review Meeting

Quarterly Report

16 **16.** The Board shall have Departments headed by Directors based  
17 on operational guideline as follows:

Operational  
Directors

- 18 (a) Administrations;  
19 (b) Finance, accounts & Budgets;  
20 (c) Legal/Prosecution;  
21 (d) Operations & Enforcements;  
22 (e) Planning/Research; and  
23 (f) Public affairs.

24 **17.** There shall be established an inter-agency coordinating  
25 committee that will provide technical advice to the board. The composition  
26 and function shall be in line with national guidelines.

27 **PART IV - FINANCE, ANNUAL ACCOUNTS AND AUDIT REPORTS**

28 **18.** A basket fund will be provided and maintained for the  
29 implementation of the board's activities and programs. This fund shall  
30 comprise of:

Fund

	1	(a) National Public Safety Annual Statutory Budgetary Allocation for
	2	Public Safety;
	3	(b) Annual grants of not less than two percent (2%) of Ministry of
	4	Humanitarian Consolidated Revenue Fund from the Ministry Joint Account or
	5	any other similar account that may be operated Board;
	6	(c) Allocation from the National Public Safety Provision fund as
	7	provided by the National Public Safety Act; and
	8	(d) Grants and donation from development partners and
	9	philanthropists
Annual Accounts	10	<b>19.</b> The Board shall keep proper record and statements of accounts of
	11	all its transactions and shall cause to be prepared a report on or before 45 days
	12	after the closure of each financial year.
Audit reports	13	<b>20.</b> The statement of account referred to in section 34 of this Section
	14	shall be verified by the Governing Board and Audited by a firm of Auditors
	15	appointed by the Governing Board and shall be published in the Annual Report
	16	of the Board.
	17	PART V - REGULATIONS AND MISCELLANEOUS PROVISIONS
Regulations	18	<b>21.</b> The Governing Board may, subject to the approval of the Minister
	19	make regulations for the purpose of carrying out its functions.
Pension Reform Act	20	<b>22.</b> The staff of the Board shall be subject to the provisions of the
	21	Pension Reform Act.
	22	<b>23.</b> The Board or may enter into agreement with any Private Public
	23	Safety establishment or non- governmental organization in order to achieve the
	24	objectives of this Act.
Establishment of Public Safety Management Information System	25	<b>24.</b> There shall be established a Public Safety Management
	26	Information System which is a sub-set of the National Public Safety Board to
	27	guide strategic planning, management and operational functions of the Public
	28	Safety at all levels.
Enforcements and Penalties	29	<b>25.</b> The Board shall through the office of the Attorney General of the
	30	Federation determine penalties to individuals, corporate private organisations



1 or Government agencies for violations of safety bylaws in the country. Such  
2 penalties shall include but not limited to the following:

3 (a) Individual violations shall attract a fine of not less than N50,  
4 000.00k or Three Months Jail term or both;

5 (b) Corporate violations shall attract Sealing of the affected firm or  
6 work place.

7 A fine of N3,000,000.00k (Three Million Naira only) or a 1 year  
8 jail term shall be imposed upon owners of such private organization;

9 (c) Governmental violations shall attract a reprimand or removal  
10 from office of Chief executives of the offending organisation or government  
11 agency and violating officers of such agencies. Such officers shall be liable  
12 to prosecution for criminal conspiracy or negligence. A fine of  
13 N5,000,000.00k (Five million Naira only) which is deductible from  
14 consolidated revenue account of the violating agency.

15 **26.-(1)** Subject to the provisions of this Act, the provisions of the  
16 Public Safety Act shall apply in relation to any suit instituted against any  
17 member, officer or employee of the Board.

Application of  
Public Safety  
Act

18 (2) Notwithstanding anything contained in any other law or  
19 enactment, no suit against the Executive Secretary, a member of the  
20 Governing Board, or any other officer or employee of the Board for any act  
21 done in pursuance or execution of this Act or any other law or enactment, or  
22 of any public duty or authority or in respect of any alleged neglect or default  
23 in the execution of this Act or any other law or enactment, duty or authority,  
24 shall lie or be instituted in any court unless it is commenced-

25 (a) within three months next after the act, neglect or default  
26 complained of; or

27 (b) in the case of a continuation of damage or injury, within six  
28 months next after the ceasing thereof.

29 (3) No suit shall be commenced against the Executive Secretary, a  
30 member of the Governing Board, or any other officer or employee of the

	1	Board before the expiration of a period of one month after written notice of the
	2	intention to commence the suit shall have been served on the Board by the
	3	intending plaintiff or his agent.
Notice of Action	4	<b>27.-(1)</b> In any action or suit against the Board, no execution or
	5	attachment of process in the nature thereof shall be issued against the Board
	6	unless not less than three months notice of the intention to execute or attach has
	7	been given to the Board.
	8	(2) Any sum of money which by the judgment of any court has been
	9	awarded against the Board shall, subject to any direction given by the court,
	10	where no notice of appeal against the judgment has been given, be paid from
	11	the fund of the Board.
Indemnity of Officer	12	<b>28.</b> The Executive Secretary, a member of the Governing Board, or
	13	any officer or employee of the Board shall be indemnified out of the assets of
	14	the Board against any liability incurred by him in defending any proceeding,
	15	whether civil or criminal, if the proceeding is brought against him in his
	16	capacity as Executive Secretary, a member of the Governing Board, officer or
	17	other employee of the Board
Interpretation	18	<b>29.</b> In this Bill, unless the context otherwise requires:
	19	“Public Safety” means the obviation of danger to the general public, to public
	20	property and to streets, railways, airports, ports, canals, docks, wharves, piers,
	21	bridges, gasworks and their appurtenances and telegraphic, telephonic and
	22	other electrical signalling lines owned or operated by the Federal Government
	23	or any State Government;
	24	Board: National Public Safety Board, a Board established by Nigerian Law to
	25	prevent and protect citizens against safety violations;
	26	Citizens: Nigerians living anywhere within the boundaries of the Federal
	27	Republic of Nigeria;
	28	Government: Federal or State Governments of Nigeria.
	29	Public: Citizens and visitors within the Federal Republic of Nigeria.
	30	"Chairman" means the Chairman of the Governing Board appointed under

1 section of this Bill;

2 "Executive Secretary" means the Executive Secretary of the Board  
3 appointed under section of this Bill;

4 "Functions" includes powers and duties;

5 "Governing Board" means the Governing Board of the National Public  
6 Safety Board, established under section of this Bill;

7 "'Member" means a Member of the Governing Board, and includes the  
8 Chairman;

9 "Minister" means the Minister of the Humanitarian and Disaster  
10 Management.

11 **30.** This Bill may be cited as the National Public Safety Board Bill, Short title  
12 2021.

## 1 SCHEDULE

2 [Section 8]

## 3 SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING BOARD, ETC.

4 *Proceedings of the governing board*

5 1.-(1) Subject to this Act and to section of the Act (which provides for  
6 the decisions of a statutory body to be taken by a majority of the members of the  
7 body and for the person presiding to have a second or casting vote) the  
8 governing board may make standing orders regulating the proceeding of the  
9 governing board or a committee thereof.

10 (2) The quorum of the governing board shall be the chairman and six  
11 other members, and the quorum of any committee of the Governing Board shall  
12 be determined by the governing board.

13 2.-(1) The governing board shall meet not less than four times in each  
14 year and, the governing board shall meet whenever it is summoned by the  
15 chairman, and if the chairman is required to do so by notice given to him by not  
16 less than three other members, he shall summon a meeting of the Board to be  
17 held within fourteen days from the date on which the notice is given.

18 (2) At any meeting of the governing board, the chairman shall preside,  
19 but if he is absent, the member's present at the meeting shall appoint one of their  
20 number to preside at that meeting.

21 (3) Where the governing board desires to obtain the advice of any  
22 person on a particular matter, the governing board may co-opt him as a member  
23 this sub-paragraph shall not be entitled to vote at any meeting of the governing  
24 board and shall not count towards the quorum.

25 (4) Notwithstanding anything in the foregoing provisions of this  
26 paragraph, the first meeting of the governing board shall be summoned by the  
27 Minister.

28 *Committees*

29 3.-(1) The governing board may appoint one or more committees to  
30 carry out on behalf of the governing board such of its functions as the

1 governing board may determine.

2 (2) A committee appointed under this paragraph shall consist of  
3 such number of persons (not necessarily all members of the governing  
4 board) as may be determined by the governing board and a person other than  
5 a member of the governing board shall hold office on the committee in  
6 accordance with the terms of his appointment.

7 (3) A decision of a committee of the governing board shall be of no  
8 effect until it is confirmed by the Governing Board.

9 *Miscellaneous*

10 4.-(1) The fixing of the seal of the governing board shall be  
11 authenticated by the signature of the Executive Secretary and of some other  
12 member authorised generally or specially to act for that purpose by the  
13 governing board.

14 (2) Any contract or instrument which, if made or executed by a  
15 person not being a body corporate, would not be required to be under seal  
16 may be made or executed on behalf of the governing board by the executive  
17 secretary or any person generally or specially authorised to act for that  
18 purpose by the governing board.

19 5. The validity of any proceedings of the governing board or of a  
20 committee thereof shall not be affected by any vacancy in the membership  
21 of the governing board or of a committee, or by reason that a person not  
22 entitled to do so took part in the proceedings.

23 6. A member of the governing board or of a committee thereof who  
24 has a personal interest in any contract or arrangement entered into or  
25 proposed to be considered by the governing board or the committee shall  
26 forthwith disclose his interest to the governing board or committee and shall  
27 not vote on any question relating to the contract or arrangement.

## EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the National Public Safety Board and to deal with any major issues regarding the violation of safety and apply appropriate sanctions or prosecute individuals or group violating safety rules.