

Extraordinary



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A BILL

FOR

AN ACT TO PROVIDE FOR ESTABLISHMENT OF UMAR IBN IBRAHIM EL-KANEMI COLLEGE OF EDUCATION, SCIENCE AND TECHNOLOGY, BAMA, BORNO STATE AND FOR RELATED MATTERS

Sponsored by Hon. Zainab Gimba

[] Commencement

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

1 PART I - ESTABLISHMENT OF UMAR IBN IBRAHIM EL-KANEMI COLLEGE
2 OF EDUCATION, SCIENCE AND TECHNOLOGY, BAMA, BORNO STATE

3 1.-(1) There is hereby established the Umar Ibn Ibrahim El-kanemi
4 College of Establishment of the Education, Science and Technology Bama,
5 Borno State (herein after Called “the College”) which shall have such
6 powers and exercise such functions as is conferred on it by this Act.

Establishment of
the College

7 (2) The College shall be a body corporate with perpetual
8 succession and a common seal and shall have power to acquire and dispose
9 of interests in movable and immovable property and may sue and be sued in
10 its corporate name.

11 2. The functions of the College shall be:

Functions of the
College

12 (a) to provide full-time and part-time courses in teaching,
13 instruction and training to produce middle and high level Man Power:

14 (i) in technology, sciences/applied sciences, commerce, arts, social
15 sciences, humanities and management; and

16 (ii) in such other fields of applied learning relevant to the needs of
17 the development of Nigeria in the areas of industrial and agricultural
18 production and distribution and for research in the development and
19 adaptation of techniques as the Council may from time to time determine.

20 (b) to conduct courses in education for qualified teachers;

1 (c) to arrange conferences, seminars, inaugural lectures and
2 workshops relative to the fields of learning specified in paragraph (a) of this
3 section; and

4 (d) to perform such other functions as in the opinion of the Council
5 may serve to promote the objectives of the College.

Governing
Council of College

6 **3.-(1)** The governance of the College and the direction of its affairs
7 shall vest in the Governing Council of the College (hereafter in this Act referred
8 to as “the Council”).

9 (2) Without prejudice to the generality of subsection (i) of this section,
10 it shall be the responsibility of the Council to consider and approve:

11 (a) the plan of activities of the College;

12 (b) the programme of studies, courses and research to be undertaken
13 by the College;

14 (c) the annual estimates of the College; and

15 (d) the investment plans of the College.

16 (3) The provisions of Schedule 1 to this Act shall have effect with
17 respect to the Council as specified therein.

Membership
of the Governing
Council

18 **4.-(1)** The Council of the College shall consist of a Chairman to be
19 appointed by the President, Commander-in-Chief of the Armed Forces, and the
20 following other members:

21 (a) the Hon. Minister of Education or his Representative;

22 (b) two elected representatives of the Academic Board and the
23 congregation (one each) of the College;

24 (c) an elected Representative of the National Commission for
25 Colleges of Education;

26 (d) a Representative of the Alumni Association of the College;

27 (e) four persons of note in the areas of Education Arts, Sciences and
28 Technology, who shall be former or serving teachers/educationists, to be
29 appointed by the President, Commander-in-Chief of the Armed Forces;

30 (f) the Provost of the College;

1 (g) the Deputy Provost of the College; and

2 (h) the Registrar shall be a member and Secretary.

3 **5.-(1)** A member of the Council shall hold office for a term of four
4 years and, subject to the provisions of subsection (2) of this section, shall be
5 eligible for re- appointment for a further period of four years.

Tenure of Council
Members

6 (2) The office of a member appointed under sections 4 (1) (d) and 4
7 (2)(d) of this Act shall become vacant if:

8 (a) the member resigns his office by notice in writing under his
9 hand, addressed to the Minister; or

10 (b) the Minister is satisfied that it is not in the interest of the College
11 for the person appointed to continue in office and notifies the member in
12 writing to that effect.

13 **6.-(1)** For the carrying out of the functions of the College, the
14 Council shall have power to:

Power of the
Governing
Council

15 (a) hold examinations and award diplomas, professional
16 certificates, Degrees and other distinctions of the College, to persons who
17 have pursued a course of study approved by the Council and who have
18 satisfied such other requirements as the Council as accredited by NCCE;

19 (b) demand and receive from any student or any other person
20 attending the College for the purpose of instruction such fees as the Council
21 may, with the prior approval of NCCE from time to time determine;

22 (c) hold public lectures and undertake printing, publishing and
23 bookselling;

24 (d) make gifts for any charitable purpose;

25 (e) hold examinations in education, Science and Technology;

26 (f) provide amenities for and make such other provision for the
27 welfare of the staff of the College;

28 (g) invest the funds of the College in securities specified by law or
29 in such other securities in Nigeria as may be approved by the NCCE;

30 (h) borrow money within Nigeria in such manner and upon such

- 1 security as the NCCE may from time to time authorize;
- 2 (i) recruit staff of the right caliber and determine the career structure
- 3 of such staff;
- 4 (j) establish and maintain such schools and other teaching units within
- 5 the College or extramural departments as the Council may from time to time
- 6 decide;
- 7 (k) provide such courses of instruction either alone or in association
- 8 with other institutions whether in Nigeria or not as the Council may determine
- 9 approve;
- 10 (l) institute and award fellowships, medals, prizes and other titles;
- 11 (m) mount exhibitions and displays designed to foster an appreciation
- 12 of trends in the scope and requirements of education;
- 13 (n) erect, provide, equip and maintain such educational, recreational
- 14 and residential facilities as the College may require;
- 15 (o) create lecturerships and other academic posts and offices and to
- 16 make appointments thereto;
- 17 (p) encourage and make provision for research and research grant in
- 18 the College;
- 19 (q) do such acts and things whether or not incidental to the foregoing
- 20 powers as may advance the objects of the College;
- 21 (r) the President and Commander-in-chief shall be the visitor to the
- 22 College; and
- 23 (s) The Minister shall arrange visitation every 4 years on behalf of the
- 24 Visitor.
- 25 (2) The power of the Council to establish further schools within the
- 26 College shall be exercisable by order and not otherwise.
- 27 **7.-(1)** There shall be established for the College a Board to be known
- 28 as the Academic Board, which shall consist of the following members:
- 29 (a) the Provost of the College, who shall be the Chairman;
- 30 (b) all Heads of Academic Units;

The Academic
Board and its
functions

1 (c) the College Librarian;
 2 (d) not more than two members of the academic staff
 3 Congregation, other than Heads of Department to be appointed by the
 4 congregation; and

5 (e) Deputy Provosts, Deans, Academic Directors/Coordinators,
 6 All Chief lecturers with Ph.D/Professors.

7 (2) The Academic Board shall be responsible for:

8 (a) the direction and management of academic matters of the
 9 College including the regulation of admission of students, the award of
 10 certificates, scholarships, teaching and research, prizes and other academic
 11 distinctions;

12 (b) making periodic reports on such academic matters to the
 13 Council; and

14 (c) discharging any other functions which the Council may from
 15 time to time delegate to it.

16 **8.-(a)** There shall be a Management Committee made up of all the Establishment of
 17 Principal Officers of the College, all Deans and Directors in the College; Management
Committee

18 (b) The Provost shall be the Chairman of the Management
 19 Committee; and

20 (c) The Management Committee shall meet at least once in a month
 21 to discuss and take decisions on matters of general interest to the College.

22 **9.-(a)** (i) There shall be a School Board for each school in the Establishment
 23 College of Education made up of all the Academic Staff in that School; of School/
Departmental
Board

24 (ii) The School Board shall deal with academic matters and any
 25 other matter of interest to the School or any matter assigned to it by the
 26 Council, the Provost or the Academic Board;

27 (iii) The Dean shall be the Chairman of the School Board;

28 (iv) The Dean shall be elected from among the Academic Staff not
 29 below the rank of Chief Lecturer in that School for a tenure of three years
 30 and not immediately renewable.

1 (b)(i) There shall be a Departmental Board for each Department in the
2 College of Education made up of all the Academic Staff in that department;

3 (ii) The Departmental Board shall deal with academic matters and any
4 other matter of interest to the Department;

5 (iii) The Head of Department shall be chairman of the Departmental
6 Board;

7 (iv) The Head of Department shall be elected from among the
8 Academic staff not below the rank of Senior Lecturer in that department for a
9 tenure of three years and not immediately renewable.

10 (c) Where there is no qualified candidate for the position of Dean or
11 Head of Department, the Provost shall appoint an Acting Dean not below the
12 rank of Senior Lecturer or Acting Head of Department not below the rank of
13 Lecturer I for a period of one year in the first instance and renewable once and
14 no more;

15 (d) Nothing in this Act shall prevent the management Committee and
16 Boards from making supplementary rules to guide their proceedings provided
17 such rules are not inconsistent with the provisions of this Act.

Establishment
of the Congregation

18 **10.** There shall be for the College, a Congregation made of both
19 Academic and Senior Non-Teaching staff, who holds at least a first degree or its
20 equivalent:

21 (a) the Provost shall be the Chairman of the Congregation; and

22 (b) the Congregation shall meet at least once in a year.

Power of Minister
over Council

23 **11.** Subject to the provisions of this Act, the Minister may give to the
24 Council directives of a general character or relating generally to matters of
25 policy with regard to the exercise by the Council of its functions under this Act,
26 and it shall be the duty of the Council to comply with such directives.

Office of Provost

27 **12.-(1)** There shall be a Provost of the College (in his Act referred to as
28 "the Provost who shall be appointed by the President, Commander-in-Chief of
29 the Armed Forces in accordance with the provisions of this section.

30 (2) Where vacancy occurs in the post of Provost, the Council shall:

1 (a) advertise the vacancy in a reputable journal or a widely read
2 newspaper in Nigeria specifying:

3 (i) The qualifications of the person who may apply for the post; and
4 (ii) the terms and conditions of service applicable to the post, and
5 thereafter draw up a short list of suitable candidates for consideration.

6 (b) constitute a Search Team consisting of:

7 (i) a member of Council, not being a member of the Academic
8 Board, as Chairman;

9 (ii) two members of the Academic Board not below the rank of
10 Chief Lecturer/Professor;

11 (iii) two members of the academic community of the college not
12 below the rank of Principal Lecturer/Associate Professor/ Reader and not
13 members of Academic Board to be selected by the Academic Staff
14 Congregation, to identify and draw up a short list of suitable persons who are
15 not likely to apply for the post for any reason whatsoever.

16 (3) A Joint Council and Academic Board Selection Committee
17 consisting of:

18 (a) the Chairman of the Council;

19 (b) two members of the Council, not being members of the
20 Academic Board; and

21 (c) two members of the Academic Board not below the rank of
22 Chief Lecturer/Professor, who were not members of the Search Team, shall
23 consider the candidates and persons on the shortlists drawn up under
24 subsection (2) of this section through an examination of their curriculum
25 vitae and interaction with them and recommend, through the Council, to the
26 President, Commander-in-Chief of the Armed Forces, three candidates for
27 his consideration.

28 (4) The President, commander-in-Chief of the Armed Forces shall
29 appoint as Provost one of the candidates recommended to him under the
30 provisions of subsection (3) of this section.

1 (5) Subject to this Act and the general control of the Council, the
2 Provost shall be the chief executive of the College and shall be charged with
3 general responsibility for matters relating to the day-to-day management
4 operations of the College.

5 **13.-(1)** The Provost shall hold office for a period of 5 years only
6 beginning with the effective date of his appointment and on such terms and
7 conditions as may be specified in his letter of appointment.

8 (2) Where on the commencement of this section a Provost appointed
9 before the commencement of this section has held office:

10 (a) for less than five years, he shall be deemed to be serving his 5 years
11 single tenure and shall not have right for the renewal of his appointment for a
12 further term of four years;

13 (b) for more than five years and has more than 1 year to complete his
14 second term, the Council may allow him to serve as Provost for a further period
15 of one year only and thereafter he shall relinquish his post and be assigned other
16 duties in the College;

17 (c) for more than 5 years and has less than 1 year to complete his
18 second term, the Council may allow him to serve as Provost to complete his
19 second term and thereafter he shall relinquish his post and be assigned other
20 duties in the College.

21 (3) (a) The Provost may be removed from office by the Visitor on
22 grounds of gross misconduct of inability to discharge the functions of his office
23 as a result of infirmity of the body or mind after due consultation with the
24 Council and the Academic Board acting through the Minister of Education;

25 (b) When the proposal for the removal of the Provost is made, the
26 Council shall constitute a joint committee of Council and Academic Board
27 consisting of:

28 (i) three members of the Council one of whom shall be the chairman
29 of the Committee; and

30 (ii) two members of Academic Board, provided that where the ground

Tenure of and
procedure for the
removal of provost

1 for the removal is infirmity of the body or mind, the Council shall seek
2 appropriate medical opinion;

3 (c) The committee shall conduct investigation into the allegations
4 made against the Provost and shall report its findings to the Council;

5 (d) The Council shall where the allegations are proved inform the
6 Visitor who shall remove the Provost;

7 (e) There shall be no sole administrator in the College;

8 (f) In any case of a vacancy in the office of the Provost, the Council
9 shall appoint an Acting Provost on the recommendation of the Academic
10 Board;

11 (g) An Acting Provost in all circumstances shall not be in office for
12 more than 6 months.

13 **14.-(1)** There shall be for the College Deputy Provost.

14 (2) The Council shall appoint the Deputy Provost from among the
15 Chief Lecturers in the college in one of the following ways that is:

Office of the
Deputy Provost
and Functions,
tenure and procedure
of removal

16 (a) from a list of three candidates, in order of preference, submitted
17 by the Provost; or

18 (b) on the nomination of one candidate by the Academic Board
19 through election.

20 (3) The Deputy Provost shall:

21 (a) assist the Provost in the performance of his functions;

22 (b) act in the place of the Provost when the post of the Provost is
23 vacant or if the Provost is, for any reason, absent or unable to perform his
24 functions as Provost; and

25 (c) perform such other functions as the Provost or the Council may,
26 from time to time, assign to him.

27 (4) The Deputy Provost:

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

1 (b) may be re-appointed for a further period of two years and no more.

2 (5) A Deputy Provost may be removed from office for good cause by
3 the Council acting on the recommendation of the Provost and Academic board.

4 (6) "Good cause" for the purpose of this section means gross
5 misconduct or inability to discharge the functions of his office arising from
6 infirmity of body or mind.

Other Principal
Officers

7 **15.** There shall be for the college, the following principal officers, in
8 addition to the Provost and Deputy Provost, that is:

9 (a) the Registrar;

10 (b) the Bursar; and

11 (c) the College Librarian,

12 who shall be appointed by the Council on the recommendation of the Selection
13 Board constituted under section 12 (3).

Functions of
Registrar and
tenure

14 **16.-(1)** The Registrar shall keep the records and conduct the
15 correspondence of the council and shall perform such other duties as the
16 council subject thereto as the Provost may from time to time direct.

17 (2) The Registrar shall, in addition to the other duties conferred on
18 him by or under this Act, be a Secretary to the Council; Secretary to Academic
19 Board and any committee of the Council and in his absence, the Councilor any
20 such committee may appoint some other persons to act as Secretary. The
21 Registrar shall not vote on any question before the Councilor count towards a
22 quorum.

23 (3) (a) A Registrar shall hold office for a single term of five years only
24 beginning from the effective date of his appointment and such terms and
25 conditions as may be specified in his letter of appointment;

26 (b) Where on the commencement of this section a Registrar appointed
27 before the commencement of this section has held office:

28 (i) for less than five years, he shall be allowed to complete the five
29 years specified in his appointment letter and shall not have right for the renewal
30 of his appointment for a further term of five years;

1 (ii) for more than five years and has more than 1 year to complete
 2 his second term, the council may allow him to serve as Registrar for a further
 3 period of one year only and thereafter he shall relinquish his post and be
 4 assigned other duties in the College;

5 (iii) for more than five years and has less than 1 year to complete his
 6 second term, the council may allow him to serve as Registrar for a further
 7 period of one year only and thereafter he shall relinquish his post and be
 8 assigned other duties in the College.

9 **17.-(1)** The Bursar shall be the Chief Financial Officer of the
 10 College and be responsible to the Provost for the day-to-day administration
 11 and control of financial affairs of the college.

Functions of
Bursar and tenure

12 (2) (a) A Bursar shall hold office for a single term of five years only
 13 beginning from the effective date of his appointment and such terms and
 14 conditions as may be specified in his letter of appointment;

15 (b) Where on the commencement of this section a Bursar appointed
 16 before the commencement of this section has held office:

17 (i) for less than five years, he shall be allowed to complete the five
 18 years specified in his appointment letter and shall not have right for the
 19 renewal of his appointment for a further term of five years;

20 (ii) for more than five years and has more than 1 year to complete
 21 his second term, The Council may allow him to serve as Bursar for a further
 22 period of one year only and thereafter he shall relinquish his post and be
 23 assigned other duties in the College;

24 (iii) for more than five years and has less than 1 year to complete his
 25 second term, The Council may allow him to serve as Bursar for a further
 26 period of one year only and thereafter he shall relinquish his post and be
 27 assigned other duties in the College.

28 **18.-(1)** The College Librarian shall be responsible to the Provost
 29 for the administration of the College Library and co-ordination of the
 30 Library services in the teaching units of the College.

Functions of
College Librarian
and tenure

1 (2) (a) A College Librarian shall hold office for a single term of five
2 years only and upon such terms and conditions as may be specified in his letter
3 of appointment;

4 (b) Where on the commencement of this section a College Librarian
5 appointed before the commencement of this section has held office:

6 (i) for less than five years, he shall be allowed to complete the five
7 years specified in his appointment letter and shall not have right for the renewal
8 of his appointment for a further term of five years;

9 (ii) for more than five years and has more than 1 year to complete his
10 second term, the Council may allow him to serve as College Librarian for a
11 further period of one year only and thereafter he shall relinquish his post and be
12 assigned other duties in the College;

13 (iii) for more than 5 years and has less than 1 year to complete his
14 second term, the Council may allow him to serve as College Librarian to
15 complete his second term and thereafter he shall relinquish his post and be
16 assigned other duties in the College.

Resignation of
a Principal Officer

17 **19.** A Principal Officer may resign his appointment:

18 (a) in the case of the Provost, by notice to the Visitor;

19 (b) in any other case, by notice to the Council.

Appointment
of Registrar,
College Librarian
and Bursar

20 **20.-(1)** (a) There shall be for the College, a Selection Board which
21 shall consists of:

22 (i) the Chairman of the Council;

23 (ii) The Provost;

24 (iii) four members of the Council not being members of Academic
25 Board; and

26 (iv) two members of Academic Board.

27 (b) The functions, procedure and other matters relating to the
28 Selection Board constituted under subsection (i) of this section shall be as the
29 Council may determine from time to time.

Appointment of
other staff of the
College that are
not Principal
Officers

(3) The Council may appoint such other persons to be employees of the College as the council may determine to assist the Provost in the exercise of his functions under this Act.

Remuneration of
Provost and other
employees

Pension Act Provisions

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (other than the power to make regulations under section 23 thereof) shall be exercisable by the College and not by any other person or authority.

PART II - FINANCIAL PROVISIONS

Establishment
of the College
Fund

1 be applied towards the promotion of the objectives specified in this Act.

2 (2) There shall be paid and credited to the fund established under
3 subsection (1) of this section:

4 (a) such sums as may from time to time be granted to the Council by
5 the Government of the Federation;

6 (b) all monies raised for the purposes of the Council by way of gifts,
7 grants-in-aid or testamentary dispositions;

8 (c) all subscriptions, fees and charges for services rendered by the
9 Council and all other sums that may accrue to the Council from any source.

10 (3) The Council shall submit to the Minister, not later than 3 months
11 before the end of each financial year or at least at such other time as he may
12 direct, an estimate of its revenue and expenditure for the succeeding financial
13 year.

Power to accept
gifts

14 **25.**-(1) The Council may accept gifts of land, money or other property
15 upon such terms and conditions, if any, as may be specified by the person
16 making the gift.

17 (2) The Council shall not accept any gift if the conditions attached by
18 the person making the gift are inconsistent with the functions of the Council.

Accounts and
Audit

19 **26.** The Council shall keep proper accounts of its receipts, payments,
20 assets and liabilities and shall in respect of each year cause the accounts to be
21 audited.

Annual Reports
of Operations,
Finance and
Audit

22 **27.** The Council shall soon after the expiration of each financial year
23 prepare and submit to the Minister, through NCCE a report of its activities
24 during the immediate preceding financial year and shall include in the report a
25 copy of the audited accounts of the College for that year and of the auditor's
26 report on the accounts.

27 **PART III - MISCELLANEOUS AND SUPPLEMENTARY**

Offices and
premises

28 **28.**-(1) For the purpose of providing offices and premises necessary
29 for the performance of its functions, the Council may:

30 (a) purchase any interest in or take on lease any land; and

1 (b) build, equip and maintain offices and premises.

2 (2) The Council may, with the approval of the Minister, sell any
3 interest in or lease any land, offices or premises held by it and no longer
4 required for the performance of its functions.

5 **29.**-(1) The Council may make rules providing for the Provost to Discipline of
students
6 conduct enquiries into alleged breaches of discipline (including lack of
7 diligence) by students and such rules may make different provisions for
8 different circumstances.

9 (2) The rules shall provide for the procedure and rules of evidence
10 to be followed at enquiries under this section.

11 (3) Subject to the provisions of subsection (1) of this section, where
12 it is proved during the enquiry that any student of the College has been found
13 guilty of misconduct, the Provost may, without prejudice to any other
14 disciplinary powers conferred on him by this Act or any regulations made
15 thereunder, direct:

16 (a) that the student shall not, during such period as may be specified
17 in the direction, participate in such activities of the College, or make use of
18 such facilities of the College, as he may specify; or

19 (b) that the activities of the student shall, during such period as may
20 be specified in the directions, be restricted in such manner as may be so
21 specified; or

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

24 (d) that the student shall be expelled from the College.

25 (4) Where there is temporarily no Provost or where the Provost
26 refuses to apply any disciplinary measures, the Council may, either directly
27 or through some other staff, apply such disciplinary actions as are specified
28 in subsection (3) of this section to any student of the College who is guilty of
29 misconduct.

30 (5) Where a direction is given under subsection 3(c) or (d) of this

1 section in respect of any student, the student may, within 21 days from the date
2 of the letter communicating the decision to him appeal against the decision of
3 the Council, and where such an appeal is, brought, the Council shall after
4 causing such inquiry to be made in the matter as the Council considers just,
5 either confirm or set aside the decision or modify it in such manner as the
6 Council may think fit.

7 (6) The fact that an appeal from a decision is brought in pursuance of
8 the last foregoing subsection shall not affect the operation of the decision while
9 the appeal is pending, except the Council direct otherwise.

10 (7) The Provost may delegate his powers under this section to a
11 disciplinary committee, consisting of such members of the College as he may
12 nominate.

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

16 (9) It is hereby declared that a direction under subsection (3) (a) of this
17 section may be combined with a direction under subsection (3) (b) of this
18 section.

19 (10) In all cases under this section, the decision of the Council shall be
20 final unless reversed by the Minister on appeal by the student.

Interpretation

21 **30.** In this Act, unless the context otherwise requires:

22 "Chairman" means the Chairman of the Council,

23 "College" means the Umar Ibn Ibrahim El-kanemi College of Education,
24 Science and Technology specified in Schedule 1 to this Act and

25 "Council" means the Governing Council of the College established by or
26 pursuant to section 1 of this Act;

27 "Provost" means the Provost of a College appointed under section 9 of this Act;

28 "function" includes powers and duties;

29 "Minister" means the Minister charged with responsibility for matters relating
30 to education;

1 "Member" means a member of the Council including the Chairman.

2 31. This Bill may be cited as the Umar Ibn EI-kanemi College of Short title
3 Education, Science and Technology, Bama, Borno State (Establishment
4 Bill), 2021.

5 SCHEDULE

6 SCHEDULE I

7 Section 3 (3)

8 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC

9 Terms of Service

10 Remuneration of Council Members

11 1. There may be paid to the members of the Councilor any
12 Committee, such remuneration and allowances as may from time to time be
13 determined by the President, Commander-in-Chief of the Armed Forces.

14 Vacancy of Council Seat

15 2. Where a vacancy occurs in respect of the membership specified
16 in section 3 (1) (a) and (2) (d), it shall be filled by the appointment of a
17 successor to hold offices for the remainder of the term of office of his
18 predecessor

19 3. The Council may act notwithstanding any vacancy in its
20 membership or any defect in the appointment of a member or the absence of
21 a member.

22 Proceedings

23 4.-(1) The Council shall meet for the conduct of business at such
24 times, places and on such days as the Chairman may appoint but shall meet
25 not less than once in every three months.

26 (2) The Chairman may at any time and shall, at the request in
27 writing of not less than 6 members, convene a meeting of the Council.

28 (3) At any meeting of the Council the Chairman shall preside; but
29 in his absence, members present shall elect one of their members to preside
30 at the meeting.

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

(5) The quorum of the Council shall be one half of the total members of the Council at least one of whom shall be a member appointed by the President, Commander-in-Chief of the Armed Forces.

8 (6) Decisions of the Council shall be made on approval by a simple
9 majority of members.

10 *Miscellaneous*

11 5.-(1) The fixing of the seal of the College shall be authenticated by
12 the signature of the Chairman, Provost and some other members of the Council
13 authorized generally or specially by the Council to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person other than a body corporate would not be required to be under seal may be made and executed on behalf of the College by any person generally or specially authorized to act for that purpose by the Council.

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

EXPLANATORY NOTE

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

This Bill seeks to establish the Umar Ibn Ibrahim El-Kanemi College of Education, Science and Technology, Bama.

The functions of the College, amongst other things are:

(a) To provide full-time and part-time courses in teaching, instruction and training to produce middle and high level Man Power in technology, applied sciences, commerce, arts, social sciences, humanities, Law and management;

(b) Carry out research in the development and adaptation of techniques as the Council may, from time to time, determine.

The Bill also provides for the appointment of a Provost to be the Chief executive of the College, Principal Officers and other members of staff.

Other provisions relate to the discipline of students, finances, pensions of staff and supplementary matters: schedule 1 to the Act prescribes the terms of service of members of the Council and proceedings thereof.

FEDERAL CAPITAL TERRITORY SIGNAGE AND ADVERTISEMENT

AGENCY BILL, 2021

ARRANGEMENT OF CLAUSES

PART I - ESTABLISHMENT, MEMBERSHIP AND FUNCTIONS OF THE
AGENCY

Clause:

1. Establishment of the Federal Capital Territory Signage and Advertisement Agency
2. Establishment and membership of the Board
3. Vacation of office
4. Meetings of the Board
5. Disclosure of interest
6. Functions of the Agency
7. Power of the Agency
8. Appointment of consultants
9. Functions of the consultants.

PART II - FINANCIAL PROVISIONS

10. Fund of the Agency
11. Power to borrow
12. Signatories to bank account
13. Annual accounts
14. Accounts and audit
15. Collection of tariffs and charges
16. Prescription of fees or charges.

PART III - REGISTRATION

17. Registration
18. Structure requiring special permit
19. Qualification of advertisers
20. Application for registration
21. Certificate of registration

- 22. Requirement for registration as owner of a structure
- 23. Duration of application for permit
- 24. Approval of outdoor structure for signage
- 25. Prohibited structure, signage or content

PART IV - MISCELLANEOUS PROVISIONS

- 26. Offences
 - 27. Permissible outdoor structure
 - 28. Resolution of conflicts
 - 29. Pre-action notice
 - 30. Interpretation
 - 31. Citation
- Schedules

A BILL
FOR

AN ACT TO ESTABLISH THE FEDERAL CAPITAL TERRITORY SIGNAGE AND
ADVERTISEMENT AGENCY AS THE REGULATORY BODY FOR OUTDOOR
STRUCTURES USED FOR SIGNAGE AND ADVERTISEMENT TO PROTECT THE
ENVIRONMENT FROM POTENTIAL ADVERSE IMPACT THAT MAY ARISE FROM
SIGNAGE AND OUTDOOR ADVERTISEMENT AND VISUAL BLIGHTS; AND FOR
RELATED MATTERS

Sponsors:

- | | |
|----------------------------|--------------------------------------|
| Hon. Abdullahi Idris Garba | Hon. Nkole Uko Ndukwe |
| Hon. Mohammed T. Monguno | Hon. Onuh Onyeche Blessing |
| Hon. Gwani Gideon Lucas | Hon. Ogun Sergius Oseasochie |
| Hon. Yusuf Adamu Gagdi | Hon. Ossai N. Ossai |
| Hon. Kuye Ademorin | Hon. Akande-Sadipe Tolulope Tiwalola |
| Hon. Abdullahi Saidu Musa | |

[] Commencement

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

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- PART I - ESTABLISHMENT, MEMBERSHIP AND FUNCTIONS OF
THE AGENCY
1.-(1) There is established the Federal Capital Territory Signage
and Advertisement Agency (in this Bill referred to as "the Agency").
(2) The Agency-
(a) is a body corporate with perpetual succession and a common
seal;

Establishment of
the Federal Capital
Territory Signage
and Advertisement
Agency

	1	(b) has power to sue and be sued in its corporate name;
	2	(c) is capable of acquiring and disposing of property movable and
	3	immovable for the purpose of carrying out its functions under this Bill.
Establishment and membership of the Board	4	2.-(1) There is established a Governing Board of the Agency (in this
	5	Bill referred to "the Board").
	6	(2) The Board consists of-
	7	(a) the Federal Capital Territory Chapter of the Association of Local
	8	Governments of Nigeria, of the chairman who shall be the Chairman of the
	9	Board;
	10	(b) one member from each of the Area Councils;
	11	(c) the Managing Director of the Agency; and
	12	(d) seven members each representing-
	13	(i) Area Councils Secretariat,
	14	(ii) Legal Services Secretariat,
	15	(iii) Abuja Municipal Management Council,
	16	(iv) Department of Urban and Regional Planning,
	17	(v) Abuja Geographic Information Systems, and
	18	(vi) the Secretary of the Board who shall be the Legal Adviser of the
	19	Agency.
	20	(3) The Minister shall appoint the Chairman of the Board on a two
	21	year rotational basis from the Chairmen of Area Councils who are members of
	22	the Board.
	23	(4) The members of the Board shall hold office-
	24	(a) for a term of two years, and no more on a part-time basis; and
	25	(b) on terms and conditions as may be specified in their letters of
	26	appointment.
	27	(5) The Managing Director shall serve on a full time basis.
	28	(6) The Minister shall approve remuneration for members of the
	29	Board.
	30	(7) Where the office of a member becomes vacant before the

1 expiration of his tenure for any reason, the Board shall notify the Minister.

2 **3.** The Chairman or a member of the Board shall cease to hold Vacation of office
 3 office if-

4 (a) he resigns his appointment in writing addressed to the Minister
 5 through the Chairman of the Board;

6 (b) he becomes incapacitated by reason of infirmity of the mind or
 7 body which prevents him from performing the functions of his office;

8 (c) he has been convicted of an indictable offence or an offence
 9 under this Bill;

10 (d) he has been found guilty of a serious misconduct in relation to
 11 his duties or shown gross negligence in his duties;

12 (e) in case of a person possessing a professional qualification, he is
 13 disqualified or suspended by an order of a competent authority;

14 (f) he has been absent from four consecutive meetings for reasons
 15 considered to be unjustifiable by the Board or without prior written notice;

16 (g) he has an interest in the Agency or outside the Agency which
 17 may prejudice him in the discharge of his functions; or

18 (h) the Minister removes him from office where he is satisfied that
 19 it is not in the interest of the Agency or of the public for him to continue in
 20 office.

21 **4.-(1)** The Board shall meet at least once in a quarter at a place and Meetings of the
Board
 22 time as the Board may determine.

23 (2) An extraordinary meeting of the Board may be summoned by-

24 (a) the Chairman;

25 (b) the Managing Director; or

26 (c) by a written request of at least four members of the Board.

27 (3) The Secretary may call for a meeting of the Board or a person
 28 acting in that office.

29 (4) The Chairman shall preside at a meeting of the Board, and in
 30 his absence, the Managing Director shall preside.

1 (5) The quorum of a meeting of the Board is five members.

2 (6) Where a member is excused during a meeting on grounds of an
3 emergency or unforeseen development, the member shall not count against the
4 quorum.

5 (7) A question for decision by the Board at a meeting shall be decided
6 by a majority of the votes of members present and voting and in the case of an
7 equality of votes, the Chairman has a casting vote.

8 (8) Where the Chairman or a Board member is unable to attend a
9 meeting of the Board, he shall notify the Board in writing stating reason for his
10 absence.

11 (9) Where the Board desires to obtain the advice or opinion of a
12 person on a matter, the board may invite the person to attend its meeting.

13 (10) The Board may request an officer, agent or a consultant of the
14 Agency to attend a meeting of the Board.

15 (11) A Person invited shall not vote under subsection (9) and (10) on a
16 question for decision by the Board nor count towards a quorum.

17 (12) The validity of a proceeding of the Board shall not be affected by-

18 (a) a vacancy in the Board's membership;

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

20 (c) reason that a person who is not entitled to take part in the
21 proceedings took part in it.

Disclosure of
interest

22 **5.** A member of the Board who is directly or indirectly interested in a
23 transaction with the Agency or a transaction which the Agency is required by
24 this Bill to approve, shall disclose the interest at a meeting of the Board.

Functions of the
Agency

25 **6.-(1)** The Agency shall-

26 (a) control outdoor structures used for signage and advertisement;

27 (b) issue a license or permit for the construction and placement of an
28 outdoor advertisement structure in the Federal Capital Territory;

29 (c) protect the environment from potential adverse impact that may
30 arise from an activity connected with signage and outdoor advertisement

- 1 including visual blights;
- 2 (d) control the number, size and location of an outdoor
- 3 advertisement structure;
- 4 (e) ensure that an outdoor advertisement structure is-
- 5 (i) designed according to prevailing standards,
- 6 (ii) erected, modified or maintained, or
- 7 (iii) removed when no longer in use to avoid danger to life, damage
- 8 to property, or prevent a health, safety or an environmental risk;
- 9 (f) ensure that an outdoor advertisement structure is compatible
- 10 with surrounding land use and environment standard;
- 11 (g) ensure that the beautification of the immediate vicinity of the
- 12 advertisement;
- 13 (h) control the posting of posters on a fence, building, vehicle,
- 14 public structure, street and highways;
- 15 (i) organise a procedure to regulate the ownership and operation of
- 16 an outdoor advertisement structure for the purpose of signage and
- 17 advertisement under a specific regulation in this Bill, or any Law relating to
- 18 outdoor advertisement in the Federal Capital Territory;
- 19 (j) refuse an application, revoke or modify a permit if found to be in
- 20 violation of this Bill or condition for its grants;
- 21 (k) prepare and keep general records and any record relating to
- 22 issuance and denial of an outdoor advertisement structures permit;
- 23 (l) monitor and inspect through its monitoring unit on outdoor
- 24 advertisement structure and verify its compliance with this Bill;
- 25 (m) establish a data-base of outdoor advertisement structures for signage,
- 26 hoarding and advertisement, their owners and operators as well as their
- 27 location and the reason for the operation.

28 **7. The Agency shall-**

- 29 (a) employ staff as it may require;
- 30 (b) determine the remuneration for its staff, which shall not be less

Powers of the
Agency

	1	than those of their counterparts in the civil service; and
	2	(c) appoint an agent or a contractor to perform any duty which the
	3	Agency may assign to him or provide professional services to the Agency
Appointment of Consultants	4	8.-(1) The Board may, with the approval of the Minister, appoint a
	5	Consultant to the Agency who shall be a technical partner to the Agency in the
	6	exercise of its functions.
	7	(2) The Agency may delegate to the Consultant-
	8	(a) the collection of revenue in respect of an outdoor advertisement
	9	structure, signage, hoarding and advertisements on its behalf; or
	10	(b) any other function as it consider necessary.
Functions of the Consultants	11	9. The Consultant shall advise the Agency and make recommendation
	12	on matters relating to-
	13	(a) the regulation of an outdoor advertisement structure and its uses
	14	for the display of signage; and
	15	(b) advertisement and any other connected matters.
	16	PART II - FINANCIAL PROVISIONS
Fund of the Agency	17	10.-(1) The Agency shall establish and maintain a Fund to be
	18	approved by the Board into which shall be paid -
	19	(a) amounts appropriated by the National Assembly for the Agency;
	20	(b) sums, debentures, investments or properties vested in the Agency;
	21	(c) money raised by loan under the powers to borrow vested in the
	22	Board under section 11;
	23	(d) fees and charges for services rendered;
	24	(e) fees, charges or tariffs from licenses or other permits;
	25	(f) money accruing to the Agency by way of gifts, grants-in-
	26	aids, testamentary dispositions, endowment and donations from any source;
	27	and
	28	(g) proceeds from other assets that may accrue to the Agency.
	29	(2) The Agency shall administer the Fund in accordance with
	30	regulations made by the Board.

- 1 (3)The Board may make regulations to-
- 2 (a) specify how the Agency shall manage its asset or Fund;
- 3 (b) regulate how the Agency makes payment into and out of the
- 4 Fund; and
- 5 (c) ensure that proper accounts and records are kept for the purpose
- 6 of the Fund in a form as the regulation may specify.
- 7 (4) Notwithstanding anything to the contrary in this Bill-
- 8 (a) each Area Council is entitled to 60% of the revenue accruing
- 9 from signage, hoarding and outdoor advertisement from that Area Council;
- 10 (b) the Agency is entitled to 20% of the revenue accruing from
- 11 signage, hoarding and outdoor advertisement generated by the Agency
- 12 from each Area Council as administrative and running cost; and
- 13 (c) The Federal Capital Territory Administration is entitled to 20%
- 14 of the revenue accruing from signage, hoarding, and outdoor advertisement
- 15 from each Area Council.
- 16 (5) The Agency shall establish the Accruals and Allocation
- 17 Complaints Committee, to receive and resolve complaints from an
- 18 aggrieved Area Council regarding accruals and allocations.
- 19 **11.** The Agency may with the written consent of the Federal Power to borrow
- 20 Capital Territory Executive Council and the approval of the National
- 21 Assembly, borrow money required in the exercise of its functions on terms
- 22 and conditions as it may determine.
- 23 **12.** The Managing Director and the Agency's accountant are the Signatories to
- 24 signatories to the Agency's bank account. bank account
- 25 **13.** The Agency shall prepare not later than 31 March each year, an Annual accounts
- 26 account of the expenditure and income for the preceding financial year.
- 27 **14.-(1)** The Agency shall- Account and
- 28 (a) keep proper accounts for each year in respect of its revenue and audits
- 29 expenditure;
- 30 (b) prepare an annual statement of account not later than three

	1	months after the end of each financial year; and
	2	(c) cause the accounts to be audited-
	3	(i) not later than three months after the end of each financial year, and
	4	(ii) by an auditor appointed by the Federal Capital Territory Auditor-
	5	General for Area Councils.
	6	(2) The Agency shall submit-
	7	(a) a copy of the audited accounts of the Agency together with the
	8	auditor's report;
	9	(b) a quarterly report of its activities, and
	10	(c) not later than 31st March after the end of each financial year, a
	11	report that accurately reflects the Agency's activities during the preceding year;
	12	to the-
	13	(i) Federal Capital Territory Executive Council through the
	14	Permanent Secretary Federal Capital Territory,
	15	(ii) each Area Council Chairman, and
	16	(iii) the Auditor-General for Area Councils.
Collection of tariffs and charges	17	15.- (1) The Agency has power to-
	18	(a) impose a commercial tariff which may vary from one Area
	19	Council to another, and
	20	(b) make a direct charge on a user for a structure and signage.
	21	(2) The Agency may institute a civil action against a person who fails
	22	to pay the tariff, fee or charge imposed by the Agency and that person shall be
	23	liable for the legal fee or other cost incurred by the Agency in the process.
Prescription of fees or charges	24	16.- (1) The Agency shall, subject to the Board's approval, prescribe
	25	an amount to be paid as a fee or charge in each Area Council or zone for the
	26	mounting of an outdoor advertisement structure and the charge for amendment
	27	of an existing structure.
Fifth Schedule	28	(2) The Board may review, when necessary, the fees and charges in
	29	the Fifth Schedule.

PART III - REGISTRATION

17.-(1) A person who owns or operates an outdoor advertisement structure shall register it with the Agency and the Agency shall give him a registration number.

(2) An owner or operator shall apply to the Agency for a permit and provide the registration number in the application

(3) Where an applicant for a permit has registered an outdoor advertisement structure and paid the prescribed fee, the Agency shall issue the permit.

(4) The permit is renewable annually.

(5) Specification and application for outdoor advertisement structure are as contained in the Schedules.

(6) The Agency shall provide a registration code for each registered outdoor advertisement.

(7) The registration code of each structure erected shall be boldly displayed on it.

(8) A structure for-

(a) free-standing portable signs including any sign on a standard, column or A- frame boards fixed to its own self-contained base which may be moved manually or temporarily attached to a permanent free-standing sign;

(b) a billboard including a signage structure designed and intended to provide a leasing advertisement copy pasted or otherwise mounted onto the copy area;

(c) a spectacular billboard;

(d) roof sign which includes a sign which is entirely on or above the roof line or parapet of a building;

(e) a sign including a sign painted or posted on a wall;

(f) furniture or statute type of sign which includes a structure, kiosk supporting outdoor advertising or signage, and

	1	(g) a temporary sign including a permitted sign structure designed or
	2	intended to be displayed for a short period of time, shall require registration.
	3	(9) Each sign in subsection (8) shall be recorded on the form and
	4	attachment in the Schedules.
	5	(10) A structure shall bear at its base, the registration number of the
	6	owner and permit number of the structure.
Structure requiring special permit	7	18. Application for special permit shall be made for:
	8	(a) a structure that-
Fourth Schedule	9	(i) exceed the permissible dimension provided in the Fourth
	10	Schedule,
Third Schedule	11	(ii) is illuminated by flashing lights, bare bulb or not conforming to
	12	the scope of illumination provided in the Third Schedule; and
	13	(b) the use of a mobile trailer or vehicle for the sole purpose of
	14	advertising.
Qualification of Advertisers	15	19. -(1) No person shall establish or operate a billboard or outdoor
	16	commercial advertisement unless he is a member of the Advertising
	17	Practitioners Council of Nigeria.
	18	(2) Subsection (1) shall not apply to a person who does outdoor
	19	advertisement business.
Application for registration	20	20. -(1) An application for a-
	21	(a) special permit;
	22	(b) license; or
	23	(c) renewal of a permit or license,
	24	shall be addressed the Agency.
	25	(2) The application shall be in a form specified by the Agency.
	26	(3) The Agency shall fix the fee for the issuance or renewal of a permit
	27	or license.
	28	(4) A permit, license, or renewal of a permit or license, is valid for one
	29	year.

1	21. -(1) The Agency shall issue a certificate of registration to a	Certificate of registration
2	successful applicant.	
3	(2)No person shall apply for a permit for ownership unless he holds	
4	a certificate of registration.	
5	(3)The Agency shall assign a registration number to a person who	
6	holds a certificate of registration.	
7	(4)An applicant who has been issued a registration number shall	
8	use it in any correspondence with the Agency.	
9	(5)The terms and conditions on a permit or license is a binding	
10	agreement between the Agency and a holder of the permit or license.	
11	(6) A Certificate of registration is renewable annually at a fee less	
12	than the initial payment.	
13	(7) An applicant shall provide the Agency with necessary	
14	information and any accompanying material which the Agency may require.	
15	22. -(1) No person shall erect, enlarge, structurally modify or	Requirement to register as owner of a structure
16	operate an outdoor advertisement or a signage structure without a permit	
17	from the Agency.	
18	(2) An erected, affixed or a constructed structure shall comply with	First, Second and Third Schedules
19	First, Second and Third Schedules.	
20	(3)Subsection (1) shall not apply to-	
21	(a) an official, a directional or warning sign erected or maintained	
22	by-	
23	(i) the Federal, State or an Area Council, or	
24	(ii) an agency of the Federal, State or Area Council; and	
25	(b) a structure for a sign or billboard mandatory under the Federal	
26	or Federal Capital Territory Laws or authorised by the Agency.	
27	23. -(1) An owner or operator of an existing structure shall submit	Duration of application for permit
28	the prescribed registration form with the Agency and apply for a permit	
29	required by this Bill at least 30 days from the date of commencement of this	
30	Bill.	

1 (2) Where an existing structure does not conform to the requirements
2 of this Bill, the Agency shall notify the owner or operator to remove it not later
3 than 30 days of receipt of notice.

4 (3) Subject to subsection (2), where the owner or operator fails to
5 remove the structure, the Agency shall remove it at the expense of the owner or
6 operator.

7 (4) Where an existing structure is not registered within 30 days from
8 the commencement of this Bill, the Agency shall direct its removal at the
9 expense of the owner or operator.

10 (5) A structure which existed before this Bill or erected after the
11 commencement of this Bill which does not conform to this Bill shall be
12 demolished at the expense of the owner.

Approval of
outdoor structure
for signage

13 **24.**-(1) A residential unit visible from the public highway shall be
14 identified by a street number not exceeding 0.30 square meters in area.

15 (2) A non-residential building or group of buildings must be identified
16 by a street number, visible from adjacent streets, not exceeding 0.30 square
17 meters in area.

18 (3) The street numbers are not part of the total sign area permitted for
19 the building or group of buildings and shall not require a sign permit.

Prohibited
structures, signage
or content

20 **25.**-(1) A structure not permitted by this Bill shall not be used for
21 signage, except a sign that is less.

22 (2) These signs are prohibited-

23 (a) a sign with an unethical or obscene content;

24 (b) a sign that does not conform with Federal, State or Area Council
25 Laws, Rules or Regulations;

26 (c) use of a scrolling device, moving or flashing character for
27 advertising on a vehicle;

28 (d) erection, attachment or painting of a sign on a fence, rock or
29 natural feature;

30 (e) outdoor structures of any classification installed, erected or

- 1 attached in any form, shape or master to roof fire escape or any door or
- 2 window giving access to any fire escape;
- 3 (f) abandoned signs;
- 4 (g) fly posting;
- 5 (h) outdoor structures obstructing pedestrian or vehicular visibility
- 6 or otherwise interfering with the safe operation of vehicles or the safety of
- 7 pedestrians; and
- 8 (i) a trailer, or any other vehicle as a statutory billboard.

9 **PART IV - MISCELLANEOUS PROVISIONS**

10 **26.-(1)** A person who-

Offences

- 11 (a) contravenes a regulation or order made under this Bill, or
- 12 (b) displays a sign or billboard, L.E.D, screen, post a bill, poster,
- 13 sign, panel, banner sticker, or any advertising material or message on a tree,
- 14 road, sign, road divider, flyover, bridge, rock, wall or an electric pole or any
- 15 other place without authority,
- 16 commits an offence and is liable to a fine of N250,000 for a corporate body
- 17 and N50,000 for an individual.

18 (2) Subject to subsection (1), the Agency shall notify the person
19 within seven days of its intention to impose the fine.

20 (3) Where the person fails to pay the fine at the expiration of the
21 seven days' notice-

22 (a) he is liable to a fine of N20,000 for each week that the default
23 continues; and

24 (b) where the default continues beyond four weeks, the Agency,
25 where it considers necessary, may order the removal of the structure and the
26 owner or operator of the structure shall bear the cost of removal.

27 (4) A person who falsifies a plan, statement or information relating
28 to signage, hoarding or outdoor advertisement,
29 commits an offence and is liable on conviction to a term of imprisonment for

1 one year or fine of N1,500,000 for a corporate body and N500,000 for an
2 individual.

3 (5) Where an offence is committed by a corporate body or firm or
4 other association of individuals, every-

5 (a) director, manager, secretary or other similar officer of the body
6 corporate,

7 (b) partner or officer of the firm,

8 (c) person concerned in the management of the association, or

9 (d) person purposing to act in that capacity,

10 commits that offence and is liable as if he had himself committed that offence,
11 unless he proves that the actor omission constituting the offence took place
12 without his knowledge, consent or connivance.

Permissive
outdoor structure

13 **27.** The Agency shall regulate-

14 (a) on-premises and off-premises sign and billboard;

15 (b) lamp post or pole-mounted advertisement;

16 (c) illuminated lighting device used on-kkpremises and off-premises
17 sign and billboard;

18 (d) decorative flashing lights, banner, poster, pennant, string of lights,
19 ribbon, streamer for advertising purpose;

20 (e) portable sign which include but not limited to an A-frame sign and
21 air activated attraction and device;

22 (f) direction sign, which include those of the public and private
23 addresses;

24 (g) inflatable sign;

25 (h) furniture advertisement;

26 (i) political signs;

27 (j) L.E.D. screens; and

28 (k) any other method of outdoor advertisement.

Resolution of
conflicts

29 **28.**-(1) The Agency shall collaborate with any ministry, department or

1 agency of government in relation to signage, hoarding or outdoor
2 advertisement.

3 (2) Where there is a conflict between this Bill and another Law in
4 the Federal Capital Territory regarding the setting of a guideline and standard
5 for signage, hoarding and outdoor advertisement, this Bill shall prevail.

6 **29.-(1)** A person who intends to sue the-

Pre-action notice

7 (a) Agency; either as a party or an agent to of a party; or

8 (b) Managing Director, shall give a one month written notice of his
9 intention to the Agency.

10 (2) The notice shall state-

11 (a) the cause of action;

12 (b) the name and address of the claimant; and

13 (c) the claims or reliefs sought by the Claimant.

14 **30.** In this Bill-

Interpretation

15 "A-Frame sign" means a double standing two-faced board usually placed on
16 a medium that can be seen by traffic to and fro;

17 "abandoned structure" means a sign which is not supported properly or
18 which no longer correctly stands but advertises:

19 (a) a bona fide business, lessor, product, an owner or activity;

20 (b) a product available on the premises where the sign is displayed;

21 advertiser" means a person, people, organisation, unincorporated body or
22 corporate body whose name, service, goods, product, business, trade,
23 campaign, event, programme, cause, idea or place is being advertised;

24 "area of copy" means an area of the largest single face, continuous perimeter
25 composed of square, area rectangle or circles, which encloses an extreme
26 limit of an advertising message announcement or decoration of a wall sign;

27 "area of sign" includes-

28 (a) largest face of a sign within a perimeter which forms the outside
29 shape but excluding necessary supports or uprights which the sign may be;

30 (b) a total of all areas of a sign if more than one section or module;

1 (c) computation of total sign areas using actual sign surface in a case
2 of irregular shape; and

3 (d) an area of copy in case of wall sign;

4 "directional sign" means a sign which serves to designate a location or
5 direction of a place or area, street, highway and includes a sign identifying a
6 restroom, telephone, parking area, an entrance or exit;

7 "flashing sign" includes a sign which contains an intermittent or flashing light
8 by means of animation or an externally mounted intermittent light source, but
9 excludes a changeable message sign;

10 "frontage" means a length of a properly line of a premises parallel to and along
11 a public right-of-way it borders;

12 "grade" means an elevation of a street closest to a sign to which reference is
13 made at the street center line;

14 "height of sign" means a vertical distance measured from a grade at a street's
15 right-of-way line where the sign is located to a highest point of the sign or
16 structure;

17 "illuminated sign" means a sign which is lighted by an artificial light source,
18 either directed upon it or illuminated from an interior source;

19 "L.E.D." means light emitting diode;

20 "multi-faced sign" means a sign with copy on two or more faces that are legible
21 from more than one direction;

22 "non-conforming sign" means a sign that does not meet code regulations;

23 "off-premises sign" includes a sign or an advertisement of anything which is
24 not produced, procured, sold, delivered, performed or provided from a
25 premises on which the advertisement is displayed;

26 "on-premises sign" means a sign which identifies or advertises a business,
27 person, activity, goods, products or service located on a premises where the
28 sign is installed and maintained;

29 "outdoor structure" means a sign which is free-standing or mounted in such a
30 way that it offers a display of a sign or advertisement

1 "owner or operator" means the actual person or corporation that owns and
2 operates its own structure or on behalf of another party;

3 "projecting sign" means a sign, normally double faced, which is attached to
4 and projects from a structure or building fascia;

5 "roof sign" means a sign erected on, against or above a roof;

6 "sign" includes a structure, emblem, painting, banner, pennant, placard,
7 design, identification, description, illustration whether illuminated or non-
8 illuminated to advertise or identify, communicate, convey information or
9 direct attention to a produce, service, place, activity, person, institution or
10 business including a permanently installed or situated, merchandise and
11 sign structure;

12 "spectacular billboard" means a billboard with over 20 square meters of
13 area;

14 "swinging sign" means a sign installed on an arm or mast or spar that is not
15 permanently fastened to an adjacent wall or upright pole;

16 "wall sign" means a sign attached to a wall or a building with a face parallel
17 to a plane of the building, including a sign painted directly on a wall.

18 **31.** This Bill may be cited as the Federal Capital Territory Signage Citation
19 and Advertisement Agency Bill, 2021.

1 SCHEDULES

2 FIRST SCHEDULE

3 *Clause 22 (2)*

4 PERMITTED STRUCTURES THAT REQUIRE NO SPECIAL PERMISSION

5 *Identification Signs*

6 1.-(1) An identification sign not exceeding 0.50 square meters which
7 indicates-

8 (a) name,

9 (b) type of business, or

10 © hours of operation,

11 affixed to or painted on a window, door, or main entrance to a building.

12 (2) A residential real estate sign not exceeding one and a half square
13 meters in area or two meters in height, and the sign or bill board-

14 (a) is allowed only on the property offered for sale or lease with no
15 more than one sign per street frontage; and

16 (b) shall be removed from the site not later than five days after the sale
17 or lease of the property.

18 *Political Sign*

19 2.-(1) A political sign-

20 (a) not exceeding one and a half square meters on a residential
21 property and three square meters on a non-signresidential property,

22 (b) whose height does not exceed two meters, or

23 (c) not placed in a right-of-way or in a manner which will block
24 visibility to a road or property, requires no special permission.

25 (2) A political sign shall be removed not later than 10 days after the
26 event.

27 3.-(1) A grand opening, quarterly or seasonal sale, convention,
28 meeting sign or banner, shall only indicate the new business, service, or
29 gathering.

30 (2) A holiday sign shall be displayed 30 days before a festival and shall

1 be removed not later than five days after the festival.

2 (3) A holiday decoration may be displayed for a commercial
3 establishment but the decoration shall not be displayed for more than 45
4 days.

5 (4) A boutique sign provided that not more than three off-site
6 temporary signs are used may only be used during the hours that the
7 boutique is open and placement criteria and other applicable sign or
8 billboard regulations apply.

9 (5) These signs shall not be posted or displayed on a surface,
10 building, fence, perimeter wall or a public structure like a bridge or bus
11 shelter-

12 (a) an interior sign inside a building displayed not closer than one
13 meter from the window area;

14 (b) a permanent off-site directional sign which shows the location
15 of or direction to a government facility;

16 (c) a contractor, sub-contractor, or construction sign limited to sign
17 not greater than three square meters;

18 (d) a poster or handbill which shows a-

19 (i) future event such as a fair, show, film, comedy, an advance
20 notice of a feature in a newspaper, magazine, which is posted on a
21 designated flat surface or object approved by the Agency; and

22 (ii) product, service, public service, notice, social notice and other
23 related events not exceeding a maximum face area of 0.5 square meters and
24 posted or displayed on a designated public information board approved by
25 the Agency.

26 (6) A person who contravenes the provisions of this Schedule,
27 commits an offence and shall, on conviction, be liable to imprisonment for a
28 term of one month or to a fine of N50,000.00 for an individual and
29 N500,000.00 for a corporate body.

SECOND SCHEDULE

Clause 22 (2)

GENERAL CONSIDERATION FOR OUTDOOR STRUCTURES

Rights

1.-(1) Except as otherwise provided by this Bill, no on-premises sign shall be displayed within a public right-of-way except by a government agency which has jurisdiction in that right-of-way, and a sign displayed on a right-of-way prior to the commencement of this Bill shall be removed by the owner or operator within 90 days from commencement of this Bill.

(2) An on-premises sign shall be erected and maintained only as-

(a) an accessory used, or

(b) a structure,

to the principal or approved use of a building or land.

(3)Where a principal or approved use of a building or land changes, any on-premises sign which is an accessory to the principal or approved use shall be removed within 90 days, unless a new principal use of the building or land is established and the on premise sign can be adapted to the new principal or approved use in a manner permitted by this Bill.

Illumination

2.-(1) Where a sign or billboard is illuminated by electricity, a separate electrical permit shall be obtained from a relevant body.

(2) An illuminated lighting device used in conjunction with an on-premises or off-premises sign shall not be placed in a manner likely to cause the illumination to be beamed directly on-

(a) a public thoroughfare,

(b) a Highway,

(c) a Sidewalk, or

(d) adjacent premises,

so as to cause direct glare or reflection that may constitute a hazard to public safety or create a nuisance.

1 (3) Where applicable, any writing, fitting and material used in the
2 construction, connection and operation of electronically illuminated on-
3 premises or off-premises sign must be in accordance with the provisions of
4 any relevant code in force.

5 (4) Except as otherwise provided in paragraph 3, a flashing light,
6 banner, poster, pennant, string of lights, ribbon streamer or similar moving
7 device shall not be displayed for advertising, either independently or as part
8 of an on-premises or off-premises sign.

9 *Location*

10 3.-(1) An on-premises or off-premises sign shall not obstruct a
11 pedestrian or vehicular visibility or interfere location and with the safe
12 operation of a vehicle or safety of a pedestrian.

13 (2) An on-premises or off-premises sign shall not be installed,
14 erected, or attached in any manner to a roof, fire escape or a door or window
15 which gives access to a fire escape.

16 (3) An on or off premises sign or other object shall not be erected,
17 used or maintained in a way which obstructs an official, a directional or
18 warning sign erected or maintained by:

19 (a) the Federal Government;

20 (b) the Federal Capital Territory;

21 (c) an Area Council; or

22 (d) an agency of the Federal, State or an Area Council concerned
23 with the protection of public health or safety.

24 (4) Except where permitted, an on or off premises shall not be
25 painted or attached to a rock, tree or any form of vegetation.

26 (5) Except where otherwise provided in this Bill, a portable sign
27 such as a trailer sign, roll away sign, an A-frame sign, a balloon, an inflatable
28 and any air activated attraction or device are not permitted.

1 *Maintenance*

2 4.-(1) An on-premises and off-premises sign shall be kept in a safe
3 condition.

4 (2) Where an on-premises or off-premises sign becomes unsafe, the
5 owner or operator of the sign shall on receipt of a written notice from the
6 Agency, remove or put the sign in a safe condition.

7 *Conflicts and Standards*

8 5. -(1) Where a conflict arises between the placement of an on-
9 premises or off-premises sign adjacent to highway under this Bill and another
10 Law, the more restrictive regulations shall be applied.

11 (2) An on-premises and off-premises sign shall be erected to conform
12 to a construction standard set by the Agency.

13 **THIRD SCHEDULE**

14 *Clause 22 (2)*

15 **SPECIAL LIMITATIONS FOR OUTDOOR STRUCTURES USED FOR SIGNS**

16 *Table of Sizes standing signs*

17 1. -(1) Where the size of a permitted sign is to be ascertained, it shall be
18 done by scaling signage to the mass size of the associated building under sub
19 paragraphs (2) and (3) for free.

20 (2) The size of a face of a sign is ascertained by multiplying a
21 predetermined mass factor times the square root of the area of the face of the
22 building, specified in paragraph 14 of this Schedule, and the-

23 (a) table of elements for free standing signs specified in section 15 of
24 this Schedule specify the application mass factors;

25 (b) the square root of the area of the facing of the building may be
26 ascertained by-

27 (i) the method specified in paragraph 14 of this Schedule for rounded
28 off factors for most average Building sizes, or

29 (ii) multiplying the height by the width and extract the square root (H
30 X W - square root of the face of the building).

1 (3) The height and width of a building face are ascertained by
2 measuring the-

3 (a) vertical distance from the establishment grade of the lot to the
4 roofing line in the case of flat roofs, and to the mean between the point of the
5 gable and the eaves in the case of pitched roofs to get the height of the
6 building;

7 (b) horizontal distance between the outermost vertical dimensions
8 of a wall that is parallel to the facing of the building with which the sign, if
9 associated and visible from the public right-of-way, to get the width of the
10 building.

11 (4) A property that contains no building on which the relate mass
12 factors in the table of elements shall determine sign size by using the
13 following formulae-

14 (a) 1 square metre of a sign area per linear metre of street frontage
15 for the first 15 metres of frontage;

16 (b) 450 square centimetres of sign area per linear metre of street
17 frontage for the second 15 metres Frontage; and

18 (c) 230 square centimetres of sign area per linear metre of street
19 frontage for the remainder of frontage up to 40 in the tables of elements for
20 free standing signs.

21 (5) A property that contains a building which occupies less than
22 10% of the lot may use the formula in paragraph (4) in lieu of the mass
23 factors set forth in the tables of elements for free standing

24 *General conditions relevant to free standing signs*

25 2.-(1) Except as otherwise provided, an owner of a building
26 housing an activity may display one freestanding sign of the area and height
27 limitations pursuant to paragraph 5 of this Schedule where-

28 (a) the sign to the front leading edge of the sign and its supporting
29 structure are set back at four and a half metres from the existing adjacent
30 highway right-to-way;

- 1 (b) the building does not display a projecting sign;
- 2 (c) the height of the free standing sign is measured from the
3 established grade of the property or grade elevation of the edge of pavement,
4 street or highway of a public right-of-way directly perpendicular in front of the
5 proposed location of the sign;
- 6 (d) no additional sign is attached to a part of a free standing sign other
7 than on a display surface originally constructed as part of the sign;
- 8 (e) an attach-on sign, like a credit card detail or a symbol of a product
9 known nationally, is included with the original display surface;
- 10 (f) a free standing sign not exceeding 75 centimetres in height is
11 located within five metres of the curb line or edge of right-of-way where the
12 existing building location or a permanent obstruction prevents a free-standing
13 sign or projecting sign from being seen by a passing motorist and the free
14 standing sign shall be located within an existing right-of-way;
- 15 (g) a free-standing sign is located within the first 30 metres of setback
16 from an existing public street right of-way or according to the area and space
17 available;
- 18 (h) a free-standing sign does not exceed-
- 19 (a) 30 square metres in size, or
20 (b) a size specified in section 15 of this Schedule;
21 whichever is smaller;
- 22 (i) the maximum size of a free-standing signs erected beyond the 30
23 metres setback is that allowed by the tables of elements;
- 24 (j) a free-standing sign consists of more than one section or module
25 per facing the area of each individual sign component is added together and
26 does not exceed the permitted sign area for that particular location; and
- 27 (k) as permitted, when more than one free-standing sign is to be
28 placed on a lot, the facing of each free-standing sign is oriented to the street or
29 highway right-to-way opposite the face of the building for which the free-
30 standing sign is permitted.

1 3. A sign in a commercial centre which has a minimum frontage of
2 300 metres along a public street is permitted where-

3 (a) for the purpose of identification, a single premises with
4 multiple tenants, a commercial centre or a shopping centre-

5 (i) groups the signs of its tenants in one structure; and

6 (ii) displays two free-standing signs for each street frontage but the
7 signs must be setback from the side property lines by at least 75 metres and
8 from a public right-of-way line by at least eight metres;

9 (b) the first free-standing sign may be up to 6 metres in height and
10 up to 20 square metres in size;

11 (c) the second free-standing sign does not exceed 10 metres in
12 height or 28 square metres in size;

13 (d) in lieu of the second free-standing sign, a changeable copy sign
14 not exceeding 28 square metres which may be added to the first free-
15 standing sign;

16 (e) in addition, a regional shopping centre may identify an exit or
17 entrance with a graphic not more than two square metres wide and three
18 metres in height; and

19 (f) an individual activity within the regional shopping centre may
20 display one wall sign per frontage in line with the table of elements for wall
21 signs.

22 *Exceptions to the Setback requirement for free-standing signs*

23 4. Where a structure which constitutes a visual obstruction, other
24 than an on-premise sign precedes subject site in a direction of traffic flow
25 within 50 metres of a centre-point of a street frontage of the subject site and is
26 less than four metres behind the right-of-way, a free-standing sign may be
27 erected at the setback of the structure where:

28 (a) the free-standing sign will not project over the public right-of-
29 way;

30 (b) the size for the appropriate zoning district for one metre setback

1 is as specified in paragraph 15 of this Schedule;

2 (c) except otherwise provided in this Bill, no free-standing sign
3 permitted shall be established less than three metres above street grade;

4 (d) a setback reduction permitted is temporal and the site conditions
5 that led to section shall be moved to a confronting location by the sign's owner;
6 and

7 (e) a certificate of zoning compliance is obtained for a free-standing
8 sign in accordance with this Bill.

9 5. Except otherwise provided by this paragraph, an operator may not
10 display wall signs for each wall of a special building which faces a public
11 street as specified in paragraph 16 of this Schedule where:

12 (a) the permitted area of wall signs specified in paragraph 15 of this
13 Schedule is that of the advertising area of the individual letters and symbols
14 when they are attached directly to the building, thereby utilising the building
15 wall as the background (area of individual letters only);

16 (b) the sign incorporates its own background, the permitted area of the
17 sign specified in paragraph 15 of this Schedule is the sign area as defined in this
18 paragraph;

19 (c) a wall sign may be attached flat to or pinned away from a wall of a
20 building but the sign shall not project from the wall by more than 50
21 centimetres;

22 (d) a wall sign may be located in a plane but below a top roof line of a
23 building, which sign has a clearance height of not less than two and a half
24 metre at its lowest point;

25 (e) a wall sign may be located at a front edge of a canopy or marquee,
26 but the sign shall not project beyond a horizontal or vertical dimensions of the
27 wall with which it is associated;

28 (f) a wall sign shall not extend beyond a perimeter of the wall or fascia
29 to which it is attached;

30 (g) one wall sign may be displayed on a side or rear of a building

1 adjacent to an off-street parking area provided for that building for the
 2 purpose of instructing customers of parking procedures but the sign must
 3 not exceed one and a half square metres in size and the sign may be
 4 illuminated during hours of operation; or

5 (h) a sign attached to a sidewall of a building, other than those
 6 permitted by this paragraph, but slanted towards a street on which the
 7 building faces may be displayed on the sidewall, but it shall be counted as
 8 part of the total wall sign area allotment associated with the building front;
 9 and a required clearance for two to three floors building is a minimum of one
 10 metre while a multi-floor building is a minimum of two and the half metres.

11 6.-(1)A roof sign is displayed as specified in paragraph 15 of this
 12 Schedule for free-standing signs where-

13 (a) a building in excess of 12 metres in height may display a roof
 14 sign in addition to signs permitted, but the total area of the roof sign and a
 15 wall used shall not exceed the maximum sign area permitted by this Bill;

16 (b) a building up to twelve metres in height displays a roof sign in
 17 lieu of any of the area permitted, the sign shall be oriented only to a public
 18 street on which the building fronts;

19 (c) a roof sign permitted in paragraphs (a) and (b) whether as part of
 20 the building's initial design or an addition after the building was constructed,
 21 shall be constructed to appear as an integral part of the supporting building.

22 (2)A roof sign must meet the following minimum specifications-

23 (a) structural support for a sign must be enclosed to form a
 24 background to a message;

25 (b) a plane of a sign's advertising area must appear as a vertical
 26 continuation of the plane of a building's wall with which it is associated,
 27 unless otherwise originally designed as an integral part of the building;

28 (c) a roof sign shall not project beyond vertical boundaries of a wall
 29 with which it is associated;

30 (d) a combined height of a building and roof sign shall not exceed a

1 height restriction of an underlying zoning district;

2 (e) a message on a roof sign shall be limited to an identification of the
3 building or a principal occupant;

4 (f) a roof sign must be enclosed so that no support structure is visible
5 from a public right-of-way or a residential use or residential zoned district
6 within 150 metres;

7 (g) A roof sign must be designed by an engineer registered by the
8 Council for the Regulation of Engineering in Nigeria (COREN) and submitted
9 to the Agency for approval; and

10 (h) A certificate of zoning compliance must be obtained for each roof
11 sign in accordance with this Bill.

12 7. Except as otherwise provided in this paragraph, an owner of a
13 building used for one or more activity may display one projecting sign on each
14 street frontage as specified in paragraph 17 of this Schedule and must ensure
15 that-

16 (a) the building or property does not display a free-standing sign;

17 (b) the projecting sign shall clear an established grade of the property
18 by at least two and the half hours metres;

19 (c) the projecting sign shall not extend above the wall or fascia to
20 which it is attached, except that a free-standing sign treated as a projecting sign
21 does not exceed six metres in height;

22 (d) the sign shall not project from the wall by more than
23 45centimetres;

24 (e) a wall sign is not used in the proximity or on the same structure;
25 and

26 (f) no projecting sign shall extend over a public right-of-way.

27 8. Permission for a development area identification sign for a
28 residential sub-division multi-family residential complex or an institution will
29 be given where-

30 (a) a development area identification sign is permitted adjacent to an

1 arterial street at a major access point to the sub-division, complex, or
2 institution;

3 (b) a development area identification is not located within four and
4 a half metres of the public right-of-way of the arterial street abutting the
5 development area;

6 (c) a development area identification is not located within two and
7 a half metres from a pavement or curb of internal street or private drive
8 within the development area; and it is not located within a public right-of-
9 way;

10 (d) a message is limited to the name, logo and street address of the
11 complex;

12 (e) size of a development identification sign does not exceed nine
13 square metres and the height or width of the sign does exceed not three and a
14 half metres;

15 (f) certificate of zoning compliance is obtained from the Agency
16 for each development area; and

17 (g) the sight triangle required is maintained.

18 *Special consideration for directional or information signs*

19 9.-(1) A directional sign which shows a direction or instruction
20 regarding a premises on which it is located may be constructed on the
21 premises.

22 (2) A directional sign may also be located within a perimeter of
23 450 metres from the premises.

24 (3) An off-premises location may be located only at a road junction
25 as where it does not contravene traffic or another regulation.

26 (4) A directional sign is limited to three-quarter of a square metre
27 in area.

28 (5) Where more than one directional sign is to be located in an off-
29 premise single point, they may be grouped in a frame not exceeding ten
30 metres in height at 30 square metres in size.

1 (6) A certificate of zoning compliance shall be obtained from the
2 Agency for each directional and Informational sign.

3 *Special considerations for bulletin boards*

4 10.-(1) A sign or bulletin board incidental to a place of worship,
5 library, museum, social club or society may be erected on the premises of such
6 an institution in a zoning district where:

7 (a) its maximum area does not exceed one and a half square metres;
8 and

9 (b) a certificate of zoning compliance has been obtained from the
10 Agency for each bulletin board.

11 (2) Where an occupant of a residential building intends to put up a
12 sign, he-

13 (a) shall put only one sign;

14 (b) may flatly affix it on the wall of the building and illuminate it
15 directly by reflecting light or back light;

16 (c) shall ensure that the intensity of illumination is limited or shielded
17 to prevent a demonstrable adverse effect on an adjacent property; and

18 (d) shall illuminate it if it is a detached sign.

19 (3) A maximum permitted area for a residential sign is 0.30 square
20 metres on one side.

21 (4) A sign in a planned development Zoning District must be
22 constructed and maintained in accordance with this Bill and with a plan and
23 guideline established for signs and approved as a part of the development plan.

24 (5) The maximum permitted area of a temporary sign is-

25 (a) six square metres for a street frontage up to 75 metres; or

26 (b) nine square metres for 75 metres of road frontage,

27 (6) A temporary sign-

28 (a) may be created for two years, inclusive of the construction;

29 (b) shall not be located closer than six metres to a pavement of a public
30 street;

- 1 (c) shall not be located within a public right of way; and
- 2 (d) of above three square metres must have a certificate of zoning
- 3 compliance prior to its construction.
- 4 (7) A sign which announces a sale or lease of a property,
- 5 construction or remodeling of a building may not be erected in the
- 6 residential zoning districts, except-
- 7 (a) the sign is non-illuminate;
- 8 (b) the maximum area of a sign advertising a sale or lease of a
- 9 property meets these conditions-
- 10 (i) up to 45 metres abutment on a public right-of-way permits up to
- 11 three square metres maximum sign area,
- 12 (ii) from 45 to 75 metres abutments on a public right-of-way
- 13 permits up to three square metres maximum sign area,
- 14 (iii) 75 metres of abutment on a public right-of-way permit up on
- 15 more than 9 square metres in sizes,
- 16 (iv) no certificate of zoning compliance is required for signs
- 17 advertising the sale, lease or rent of a building provided that the said sign
- 18 does not exceed 3/4 of a square metres in area and is not illuminated,
- 19 (v) that the sign announcing the construction or demodelling of a
- 20 building in residential zoning districts shall not exceed 2½ square metres in
- 21 area and it shall be removed from the premises as free-standing signs upon
- 22 reaching an occupancy rate of 90% of the newly- constructed or remodeling
- 23 building,
- 24 (vi) a sign which announces a special, public or an institutional
- 25 event may be erected on permitted conditional, or legally non-conforming
- 26 institutions or businesses in residential zoning district,
- 27 (vii) the sin must not exceed 2 ½ Square metres in area, and
- 28 (viii) the sign shall not be displayed for more than 30 days;
- 29 (c) a farm market may display a sign which identifies a sale of an
- 30 agricultural products produced no the premises on which the agricultural

1 product sign is located where the agricultural product sign is-
2 (a) a maximum size of three square metre,
3 (b) be separated from another agricultural product sign on the same
4 premises by at least 75 metres
5 (c) located outside a public street or highway right-of-way; and
6 (d) removed from the lot at the end of the sale of the agricultural
7 products.

8 11. An on-premises sign displayed only to identify an activity by
9 name, logo, address, and principal product or service is permitted within a
10 property with a setback of 2 meters where no mechanical movement or
11 flashing light's used.

12 12. The graphics on the sign in subsection (2) must comply with this
13 section and the specifications of size and height in the tables of elements of
14 signs.

15 13. an on-premises temporary, construction or real estate signs is
16 permitted on condition that:

17 (a) a temporary construction or real estate sign on open land or land
18 been developed may-

19 (i) use 9 square meters at a right-of-way line, and

20 (ii) Increase 1 square meters in size for every meter of setback up to a
21 maximum of 55 square meters, and

22 (b) the sign is subject to the time of the limitation and requirements.

Table of Allowance measurement for structures used for signs

14. The table below provides rounded off factors for average building sizes it represents the height x width(rounded to the nearest number) in meter

H/w	>0.5	1	2	3	4	5	6	7	8	9	10
>0.5	1	1	1	2	2	3	3	4	4	5	5
1	1	1	2	3	4	5	6	7	8	9	10
2	1	2	4	6	8	10	12	14	16	18	20
3	2	3	6	9	12	15	18	21	24	27	30
4	2	4	8	12	16	20	24	28	32	36	40
5	3	5	10	15	20	25	30	35	40	45	50
6	3	6	12	18	24	30	36	42	48	54	60
7	4	7	14	21	28	35	42	49	56	63	70
8	4	8	16	24	32	40	48	56	64	72	
9	5	9	18	27	36	45	54	63	72		
10	5	10	20	30	40	50	60	70			
12	6	12	24	36	48	60	72				
14	7	14	28	42	56	70					
15	8	15	30	45	60						

Allowable height for structures used for free standing sign

The table below is the allowable height in meters of a free -standing sign foreach setback from the right -off-way and depends according to the type of road.

Setbacks m metres		5	8	15	25	50
# lanes	Speed limit	Allowable height				
# Lane	<55km/h	5.0	5.0	5.0	5.0	6.0
	<55km/h	3.0	4.0	5.0	6.0	6.0
	<55km/h	4.0	6.0	6.0	6.0	6.0
	<55km/h	5.0	6.0	6.0	6.0	7.0
			5.0	6.0	6.0	7.0

Allowable hight for structures used for wall signs.

16. The table below is the allowable mass in metres of a sign for a set-back from a right-of-way and depends on according to the type of road

Setbacks m metres		5	8	15	25	50
# lanes	Speed limit	Allowable height				
# Lane	<55km/h	2.0	3.0	5.0	5.0	6.0
	<55km/h	3.0	4.0	5.0	6.0	6.0
	<55km/h	4.0	6.0	6.0	6.0	6.0
	<55km/h	5.0	6.0	6.0	6.0	7.0
			5.0	6.0	6.0	7.0
Freeway or controlled access			5.0	6.0	6.0	7.0

Allowable height for structure used for projecting signs

17 The table is the allowable mass in meters of a projecting sign for a setback from a height of way and depends on according to the type of road

Setbacks m metres		5	8	15	25	50
# lanes	Speed limit	Allowable height				
# Lane	<55km/h	5.0	5.0	5.0	5.0	6.0
	<55km/h	5.0	5.0	5.0	6.0	6.0
	<55km/h	5.0	6.0	5.0	6.0	6.0
	<55km/h	5.0	6.0	6.0	6.0	7.0
Freeway or controlled access	7.0		5.0	6.0	6.0	7.0

FOURTH SCHEDULE

Clause 18 (a)

SPECIAL LIMITATIONS FOR OUTDOOR STRUCTURES USED FOR SIGNS

1.-(1) The maximum advertising area for a billboard facing a public facility including street, highway and buildings is 35 square metres including embellishments.

(2) The maximum advertising area for a billboard facing a street with a width of 30 to 80 metres is 72 square metres and 34% maximum allowance for embellishments.

(3) An embellishment-

(a) may extend outward from, but in the same plane as, the permitted advertising area of the billboard; and

(b) shall not extend beyond the top of the rectangular plane of the billboard by more than 1.8 metres nor extend beyond the side or bottom of the rectangular plane by more than 60 centimetres.

(4) Two billboards may be permitted on the same site location facing the same direction provided that they are immediately adjacent to each other and their total combined advertising area does not 80 square metres.

(5) A billboard with a surface in excess of 80 square area will be considered only under special

1 arrangement in which the advertising surface of the larger format will be
2 considered as two or more billboards.

3 *Standard for spacing Requirements of Billboards*

4 3.-(1) A billboard or a part of it shall be setback:

5 (a) a minimum of 60 metres from a side lot line of a residentially
6 zoned district located along same street as the billboard site location; and

7 (b) 18 metres from a lot line of a residentially zoned district on a street
8 other than the billboard location site

9 (2) A billboard-

10 (a) which is free standing or a part of it shall not be erected,
11 constructed or extended closer to a street line beyond 7.5 metres, or the
12 required building set back, whichever is greater;

13 (b) attached to a wall of a building may be located at the building line
14 notwithstanding the required setback; and

15 (c) shall not be located within 150 metres of a historic site or public
16 park.

17 (2) A billboard site location shall be separated from every other
18 billboard site location provided that-

19 (a) a spacing requirement shall be measured along the curb line of a
20 street that the billboard is oriented to and the measurement shall apply to both
21 sides of the street;

22 (b) a spacing requirement shall be measured from an existing
23 billboard notwithstanding a political jurisdiction in which another billboard
24 may be located.

25 (c) measurement of a spacing between billboard locations shall begin
26 at a point nearest to the proposed billboard site location from an existing
27 billboard site location and existing to a point nearest to the existing billboard
28 site location from the proposed billboard site location;

29 (d) a billboard of an advertising area shall be located less than:

30 (i) 400 meters from a billboard containing at least 60 square meters of

- 1 advertising area,
- 2 (ii) 300 meters from billboard containing less than 37 to 60 square
- 3 meters of advertising area, or
- 4 (iii) 150 meters from all billboards containing less than 37 square
- 5 meters of advertising area; and
- 6 (e) a billboard may be placed on a wall of a building and only one
- 7 billboard is permitted on each wall surface except the agency permits
- 8 otherwise.
- 9 4.-(1) The height of a billboard is the distance measured from the
- 10 elevation of an edge of a pavement, street or highway adjacent and
- 11 perpendicular to the billboard location and the top of the billboard facing.
- 12 (2) Except as otherwise provided, a maximum height of a billboard
- 13 is 10 meters.
- 14 (3) The maximum height of a billboard located within 120 meters
- 15 of a side or rear lot of an institution zone or use, residentially zoned district
- 16 or a residential use is 10 meters.
- 17 (4) A height limitation is determined by reference to one street
- 18 only.
- 19 (5) A registered civil engineer shall put his stamp of approval for
- 20 structural integrity on a permitted billboard which exceeds 5 meters in
- 21 height.
- 22 (6) A billboard which is less than seven square meters in area shall
- 23 not exceed 26 meters.
- 24 (7) A billboard oriented to an elevated highway shall extend at most
- 25 7 meters above a paving of the elevated highway.
- 26 (8) Where there is a conflict in the provisions of regulations
- 27 regarding a standard for height requirements of a billboard, the most
- 28 restrictive one applies.
- 29 (7) A free standing billboard erected on its supporting structure is
- 30 deemed to be a permanent structure and must meet construction standards,

1 the provisions of this paragraph and requirements of any other applicable law.

2 (8) A billboard must be insured against third party injury.

3 (9) No roof billboard shall exceed the height of the building to which
4 it is attached by more than five meters.

5 (10) A roof billboard shall be scaled with the supporting building, and
6 the supporting building height shall be at least twice the height of the proposed
7 billboard.

8 (11) A roof billboard must be enclosed so that no support structure is
9 visible from a public right of way or a residential use or residentially zoned
10 district within one hundred and fifty metres

11 (12) A combined height of the supporting building and the roof
12 billboard shall not exceed the height restriction of the underlying zoning district.

13 (13) A registered civil engineer shall put his stamp of approval for
14 structural integrity on a roof billboard.

15 5.-(1) A civil or institutional billboard is deemed to be a permanent
16 billboard and must meet the provisions of this Bill, and the billboards may be
17 grouped into one larger billboard which shall not exceed 28 square metres.

18 (2) A trailer or mobile billboard with an accompanying advertising
19 area may be used on a site as permanent or stationery billboard

20 (3) Flashing lights or bare bulb illumination shall not be permitted on
21 a billboard except for a time and temperature device or a message centre.

22 (4) A billboard shall be built in a neutral colour, dark green colour or a
23 colour that matches the surrounding environment.

24 (5) An owner of the billboard must maintain the location of the site
25 around the billboard in a way to prevent littering and pollution.

26 6.-(1) A mechanical movement shall not create an undue distraction to
27 a passing motorist.

28 (2) A billboard that moves or gives an appearance of movement:

29 (a) shall be limited to a maximum of 8 revolutions per minute for each
30 evolving element; and

1 (b) If utilising a copy change procedure, shall display each
2 individual copy for a minimum of seven seconds.

3 7.-(1) Except as otherwise provided in this section, no sign or
4 billboard shall be-

5 (a) erected or permitted within or which overhangs a portion of the
6 right-of-way of an interstate highway; or

7 (b) located or illuminated so as to obstruct or impair the vision of a
8 driver of a motor vehicle who is proceeding in a lawful direction within the
9 interstate system right-of-way.

10 (2) The billboard must be within the limits set by a Federal Law in
11 respect of an interstate highway right-of-way line and can be seen by a driver
12 of motor vehicle proceeding in a lawful direction within the interstate
13 highway right-of-way.

14 FIFTH SCHEDULE

15 *Clause 16 (2)*

16 FEES TO BE CHARGED ANNUALLY

17 *Application form*

18 1. A person who intends to put up an outdoor structure for signage
19 and advertisement

20 *Registration certificate*

21 2. An owner of a billboard shall pay N100,000.00 as registration
22 fee and the agency shall issue him a registration certificate

23 *Cost of inspection*

24 3. Fee of N10, 000.00 per inspection is applicable for an inspection
25 per site. If there are inspection schedules for different sites within one
26 geographical area for an applicant in a place, then fee of N5,000.00 per
27 additional site shall apply

28 4. Agreement fee:

29 Is an annual fee applicable to a commercial or private owner of a structure
30 but does not apply to the state, federal government, diplomatic or

humanitarian mission (humanitarian mission refers to a group that is involved in a direct lifesaving activity):

- (a) applies to the owner of the sign and billboard; and
- (b) is in relation to the size and location category.

(a) Fee standing signs

Maximum Area in Square metres	Normal zone	Restrictive zone
Up to 1.0	2,500.00	N5,000
Up to 5.0	N6,000.00	N8,000
Up to 10.0	N11,000.00	N17,000
Up to 15.0	N17,000.00	N28,000
Up to 20.0	N28,000.00	N45,000
Up to 25.0	N44,000.00	N75,000
Up to 30.0	N68,000.00	N85,000
Above 30.00	N103,000.00	N150,000

(b) Project signs

Maximum area in square meters	Normal Zone	Restrictive zone
Up to 1.0	N8,000	N13,000
Up to 5.0	N24,000	N40,000
Up to 10.0	N37,000	N62,000
Up to 15.0	N57,000	N96,000
Up to 20.0	N88,000	N149,000
Up to 25.0	N134,000	N227,000
Up to 30.0	N202,000	N343,000
Above 30.000	N234,000	399,00

(c) Wall signs

Maximum area in square metres	Normal zone	Restrictive Zone
Up to 1.0	N11,000	N18,000
Up to 5.0	N17,000	N28,000
Up to 10.0	N28,000	N47,000
Up to 15.0	N44,000	N74,000
Up to 20.0	N68,000	N115,000
Up to 25.0	N103,000	N175,000
Up to 30.0	N156,000	N265,000
Above 30.0	N235,000	N399,000

Billboard

Designated	Max area in square	Normal		Restrictive	height
Width		Zone	Zone		
4 sheet	Metres or up to 1.5	N2,500	N5,000	1	1.5
	Or up to 3.0	N5,000	N8,000	1	3
16 sheet	Or up to 6.0	N10,000	N16,000	2	3
32 sheet	Or up to 12.0	N15,000	N24,000	2	6
40 sheet	Or up to 14.0	N18,000	N28,000	2	7
48 sheet	Or up to 18.0	N20,000	N32,000	3	6
96 sheet	Or up to 36.0	N30,000	N48,000	3	12
Roof top	Or up to 60.0	N50,000	N80,000	4	10
Backlit	Or up to 30.0	N50,000	N80,000	3	7.5
Ultra wave	Or up to 36.0, 73.5 or	N30,000	N48,000	3	6
Unipole	Above	N120,000	N192,000	5	14.7

Rental fee charge

5.-(1) The lease of an advertiser of a commercial space of a leased billboard or sign is subjected to a fee that is equal to 12.5% of the lease amount charged by the leasing company.

(2) This amount must be paid not later than five working days from the date of the payment by the advertiser.

Fines

(3) A person who contravene this Schedule or a regulation made under it commits an offence and liable on conviction to a-

(a) term of one month imprisonment or a fine of N60,000 for an individual and N250,000 for a corporate body; and

(b) fine of N10,000 for each week in which he contravention continues for four weeks 14 days have elapsed from the date of the issuance of the order to conform to the standard infringed was issued.

(4) Where the contravention persists beyond four weeks or the offender fails to pay the fine,

the Agency shall order the removal of the structure at the cost of the owner or operator of the outdoor advertisement structure or signage.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Capital Territory Signage and Advertisement Agency as the regulatory body for outdoor structures used for signage and advertisement, to protect the environment from potential adverse impact that may arise from signage, outdoor advertisement activities and visual blights.

PUBLIC-PRIVATE PARTNERSHIP BILL, 2021

ARRANGEMENT OF SECTIONS

Section:

PART I - GENERAL PROVISIONS

1. Application of the Act
2. Responsibilities of public partner
3. Public-private partnership contract
4. Tender Procedure
5. Duration of Relationship
6. Control over the Performance of Activities
7. Supervisory Measures
8. Prior Approval for Particular Business Activities
9. Changes to Private Partner Company
10. Law Applicable to Disputes on Public-Private Partnership Contract

PART II - ADMINISTRATIVE STRUCTURE

11. Coordinating and Supervisory Ministry
12. Establishment of Public-Private Partnership Council
13. Membership of the Public-Private Partnership Council

PART III - PUBLIC-PRIVATE PARTNERSHIP PRELIMINARY PROCEDURE

14. Purpose of the Preliminary Procedure
15. Call to Promoters
16. Content of call
17. Initiation of Preliminary Procedure
18. Rights of Promoter

PART IV - SELECTION OF PRIVATE PARTNER

19. Submission and Opening of Applications
20. Review and Evaluation of Application
21. Report on Review and Evaluation of Application
22. Declaration of Decision on Selection
23. Rejection of all Applications
24. Rejection of a Candidate
25. Interpretation
26. Short Title

A BILL

FOR

AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF PUBLIC-PRIVATE PARTNERSHIP CONTRACTS BETWEEN PUBLIC PARTNER AND PRIVATE PARTNER AND TO ESTABLISH A SET OF RULES GOVERNING PUBLIC-PRIVATE PARTNERSHIP CONTRACT AND FOR RELATED MATTERS

Sponsored by Hon. Gideon Gwani

[] Commencement

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

PART I - GENERAL PROVISIONS

1.-(1) A public partner shall establish a public-private partnership only in compliance with the provisions of this Act unless otherwise stated in this Act or any other law.

Application of
the Act

(2) The purpose of this Act is to-

(a) enable and promote private investment in the construction, maintenance or operation of structures and facilities of public-private partnership and other projects that are in the public interest;

(b) ensure the economically sound and efficient performance of public services or other activities whose performance is in the public interest;

(c) facilitate the rational use, operation or exploitation of natural assets or private and public funds in the construction of structures and facilities that are partly or entirely in the public interest, or in an activity provided in the public interest;

(d) ensure the transparency, competitiveness, non-discrimination and regularity of procedures of the creation, establishment and operation of public-private partnership; and

(e) protect the public interest in this relationship and ensuring the

	1	influence of the public partner to ensure that the subject of the public-private
	2	partnership is performed in the public interest.
	3	(3) In order to achieve the purpose of this Act, public-private
	4	partnership shall be performed in the areas of financing, design, construction,
	5	supervision, organisation and management, maintenance and providing the
	6	activities referred to in subsection (2).
Responsibilities of public partner	7	2.-(1) A public partner shall undertake or cause to be undertaken a
	8	feasibility study where it considers that a project may be implemented under a
	9	contract, to assess whether the proposed project is feasible as a public-private
	10	partnership project.
	11	(2) A public partner shall also-
	12	(a) identify, appraise, develop and monitor a project to be
	13	implemented under this Act;
	14	(b) undertake or cause to be undertaken a feasibility study where it
	15	considers that a project may be implemented as a public private partnership
	16	project;
	17	(c) submit the feasibility study to the Ministry in charge of finance for
	18	its approval;
	19	(d) supervise private partner;
	20	(e) assist the private partner in securing the necessary material and
	21	other rights and the various permits which the private partner alone cannot
	22	obtain, in compliance with regulations and the public-private partnership
	23	contract; and
	24	(f) perform any other functions specified in this Act.
Public-private partnership contract	25	3.-(1) A public partner may enter into a contract with a private partner
	26	for the performance of any of the functions of that public partner.
	27	(2) A contract made pursuant to subsection (I) of this section shall-
	28	(a) identify the responsibilities of the public partner and the private
	29	party;
	30	(b) specify the financial terms or obligations of the parties;

- 1 (c) ensure the management of performance of the private partner;
- 2 (d) provide for the return of assets, if any, to the public partner, at
- 3 the termination or expiry of the contract, in such matter as may be provided
- 4 for in the contract;
- 5 (e) provide for the sharing of risks between the public partner and
- 6 the private partner;
- 7 (f) provide for the payment to the private partner by way of
- 8 compensation from a revenue fund or of charges or fees collected by the
- 9 private partner from users or customers of a service provided by it;
- 10 (g) provide for its duration;
- 11 (h) provide mechanism for the resolving of disputes arising from
- 12 the contract except otherwise stated by law; and
- 13 (i) contain such other information as may be provided in this Act.

14 (3) Notwithstanding the provisions of this section, in a public-

15 private partnership relationship, irrespective of its title, the private partner

16 shall bear part of the risk.

17 4. Subject to the Public Procurement Act, any other law or Tender Procedure

18 regulation applicable to public tender procedure, a private partner shall be

19 selected on the basis of a public tender, notice of which must also be

20 published on the internet.

21 5.-(1) Public-private partnership shall be established for a fixed Duration of

22 period. relationship

23 (2) The duration of the public-private partner relationship shall

24 afford the private partner-

- 25 (a) stability and security of investment;
- 26 (b) the possibility of effective and safe financial investment and the
- 27 return of what it has invested;
- 28 (c) during the relationship, the return to the partnership of funds
- 29 invested and the achievement on this of a proper market yield, while at the
- 30 same time keeps, assumes and manages part of the commercial risk.

Control over the
performance of
activities

1 (3) The duration of the public-private partnership may be extended in
2 a manner provided by the public-private partnership contract, where-

3 (a) owing to the measures of the public partner or other measures by
4 an authority the private partner cannot implement the relationship;

5 (b) this is necessary owing to additional investment by the private
6 partner resulting from requests of the public partner or its measures in the
7 public interest.

8 (4) The duration of the public-private partnership may not be
9 extended by more than half of its established duration.

10 **6.-(1)** A public partner shall-

11 (a) have the right and obligation to control the implementation of a
12 contract on public-private partnership; and

13 (b) exercise control over the operation of a public-private partnership
14 in compliance with the agreed plan of control and quality assurance.

15 (2) A public partner may request a written report on the operations of
16 the private partner relating to the fulfillment of obligations pursuant to the
17 contract on public-private partnership.

18 (3) A report referred to in subsection (2) shall contain information on-

19 (a) the fulfillment of obligations held by the private partner and
20 relating to the fulfillment of obligations pursuant to the public-private
21 partnership contract;

22 (b) liabilities, assets and property of the private partner;

23 (c) complaints from users of the public-private partnership services
24 and on how they were dealt with;

25 (d) the awarding of business to subcontractors and changes in the
26 private partner company;

27 (e) damage events, changed conditions for carrying out the public-
28 private partnership contract;

29 (f) insurance claims; and

30 (g) all other circumstances that might directly or indirectly affect the

1 execution of the public-private partnership contract.

2 (4) Unless provided otherwise by the contract on public-private
3 partnership, reports referred to in this section shall be drawn up annually.

4 (5) In addition to reports referred to in this section, the public
5 partner shall have the right to view the business books and annual financial
6 statements which the private partner must draw up in accordance with the
7 law.

8 7.-(1) In addition to the rights of the public partner referred in this
9 Act, a competent body of the public partner shall conduct supervision of the
10 fulfillment of tasks and obligations pursuant to the contract on public-
11 private partnership.

Supervisory
Measures

12 (2) Within the framework of such supervision, authorised
13 representatives of the competent body of the public partner may-

14 (a) inspect structures and facilities of the public-private
15 partnership;

16 (b) inspect the documentation of the private partner;

17 (c) determine the quality of performance of the subject of the
18 public-private partnership.

19 (3) Where the competent body of the public partner determines that
20 the private partner is not properly fulfilling the obligations proceeding from
21 the public-private partner relationship, such body may, if so provided by law
22 or a regulation issued on the basis thereof, require the private partner
23 through an administrative decision to fulfill these obligations or to act in
24 some other way appropriate to the public-private partner relationship.

25 (4) In the event of it not being possible to require the fulfillment of
26 obligations unilaterally through an administrative decision referred to in this
27 section, fulfillment of obligations by the private partner shall be governed
28 by the provisions of other regulations and the public-private partnership
29 contract.

Prior approval for
particular business
activities

1 **8.**-(1) Public-private partnership contracts shall lay down the
2 conditions for awarding business to subcontractors.

3 (2) Where necessary in view of the nature, scope and subject of the
4 public-private partnership, the public-private partnership contract may also lay
5 down business which the private partner may undertake only on the basis of
6 prior consent from the public partner.

7 (3) The public partner may refuse the consent referred to in subsection
8 (2) of this Section if such business would run counter to the public-private
9 partnership contract, the public order of the country or would threaten the
10 unimpeded operation of the public-private partner relationship.

Changes to Private
Partner Company

11 **9.**-(1) A private partner must inform the public partner of changes
12 concerning the articles of association of the company, of reorganization of the
13 status of the private partner's company and its members, and of major changes
14 to the structure of the company's membership, to the management of the
15 company and its supervision.

16 (2) The public partner and private partner may agree in the public-
17 private partnership contract that prior to any decisions on all or individual
18 changes referred to in subsection (1) of this section, private partner must obtain
19 the consent of the public partner.

20 (3) The public partner may refuse its consent only where it has
21 reasonable grounds to suspect that the proposed change might threaten the
22 fulfillment of obligations under the public-private partnership contract.

Law applicable
to disputes on
Public-Private
Partnership
Contract

23 **10.**-(1) Nigerian law shall be applicable to all disputes arising from a
24 public-private partnership contract executed in compliance with this Act.

25 (2) Subject to subsection (1) of this section, the parties to a public-private
26 partnership may agree that disputes directly related to their relationship and
27 which are not within the exclusive jurisdiction of a court in Nigeria, may be
28 resolved through an agreed arbitration service.

Coordinating and
Supervisory Ministry

29 PART II - ADMINISTRATIVE STRUCTURE

30 **11.**-(1) The Ministry in charge of finance shall-

- 1 (a) develop, monitor and cooperate in implementing public-private
- 2 partnerships in the country;
- 3 (b) draw up manuals for operating public-private partnerships,
- 4 (c) formulate measures that might help in improving practices and
- 5 eliminating problems in the formulation and implementation of public-
- 6 private partnership; and
- 7 (d) monitor, advise, participate in the selection, evaluation and
- 8 operation of public-private partnership projects;
- 9 (e) cooperate in all stages of the creation and operation of public-
- 10 private partnerships, especially in public calls and the collection of
- 11 applications, in compliance with the provisions of this Act and in
- 12 supervising the operation of public-private partnership projects;
- 13 (f) where necessary, involve the representatives of other ministries
- 14 or external experts in performing its activities under this Act.
- 15 (g) keep records of public-private partnership projects and monitor
- 16 them;
- 17 (h) offer expert assistance to other public partners in the country,
- 18 in-
- 19 (i) formulating documents serving to determine the fulfillment of
- 20 the conditions for the creation and operation of public-private partnerships;
- 21 (ii) in seeking technical solutions for public-private partnerships
- 22 and in all other issues relating to the formation of relationships; or
- 23 (iii) carrying out the procedure for selecting private partners.
- 24 (i) draw up guidelines and standards for the selection, monitoring
- 25 and assessment of public-private partnership projects.
- 26 (j) link and coordinate its work with budgetary planning and the
- 27 implementation of capital and other projects that might be the subject of
- 28 public-private partnership;
- 29 (k) keep records of public-private partnership contracts;
- 30 (l) on the basis of annual information and reports shall also draw up

	1	annual reports on the success of implementation of individual public-private
	2	partnership projects; and
	3	(m) work to provide education, information exchange, public
	4	presentations and promotion of the possibility of public-private partnership in
	5	the country.
	6	(n) perform other tasks provided by this Act.
	7	(2) The substance and record-keeping for projects and records of
	8	public-private partnership contracts shall be regulated by an implementing
	9	regulation issued on the basis of this Act by the Minister.
Establishment of the Public-Private Partnership Council	10	12.-(1) There is established, for the purpose of studying policy and
	11	providing consultation in public-private partnership, a council known as the
	12	'Public-Private Partnership Council' (hereinafter referred to as 'the Council').
	13	(2) The Council shall be chaired by the Minister.
	14	(3) The membership of the Council shall comprise of independent
	15	experts in the economic, legal and other areas of public-private partnership.
	16	(4) The Council shall-
	17	(a) study key policy issues of conducting public-private partnership
	18	projects and problems and deficiencies of the system in this area;
	19	(b) in line with its findings, draw up a strategy for operating public-
	20	private partnerships;
	21	(c) formulate proposals and initiatives, proposing them to the
	22	Ministry, which shall in turn submit the strategy, proposals and initiatives to the
	23	Federal Government for adoption.
	24	(5) Operational and technical support for the functioning of the
	25	Council shall be provided by the Ministry.
Membership of the Public-Private Partnership Council	26	13. The membership, appointment, tenure and condition of service of
	27	members of the Council shall be determined by the Minister in a regulation.
	28	PART III - PUBLIC-PRIVATE PARTNERSHIP PRELIMINARY PROCEDURE
Purpose of the preliminary procedure	29	14.-(1) Prior to taking a decision on public-private partnership, the
	30	public partner shall initiate a preliminary procedure on the basis of which the

1 decision is made to operate a public-private partnership project.

2 (2) The purpose of the preliminary procedure is to-

3 (a) determine whether the economic, legal, technical,
4 environmental and other conditions for implementing the project and
5 establishing a public-private partnership have been fulfilled, and

6 (b) define the fundamental elements of public-private partnership
7 to determine the substance of the decision and/or document on public-
8 private partnership.

9 (3) The assessment of the economic feasibility of the project or
10 programme shall be performed by the public partner in compliance with the
11 relevant laws or regulations.

12 **15.**-(1) The public partner shall as a rule issue once a year a call to Call to Promoters
13 potential promoters to submit applications regarding their interest in
14 operating a public-private partnership in areas where the conditions might
15 be met for public co-financing of a private project or where there exists an
16 interest in private investment in public projects.

17 (2) Public partners shall issue calls ,no later than following
18 inclusion of the project in the plan of development programmes or other
19 document of similar substance once a year, within three months of adoption
20 of the budget.

21 (3) Calls to potential promoters to submit applications regarding
22 their interest in operating a public-private partnership may be issued prior to
23 the decision on public-private partnership.

24 **16.**-(1) Public calls shall set out the substance of applications Content of call
25 regarding interest and the expectations as to which documents promoters
26 must attach or which aspects of public-private partnership to present.

27 (2) Public calls which already contain a definition of the public
28 partner's requirements and the essential elements from the capital elaborate,
29 may not prejudice forms of public-private partnership or the substance of
30 decisions and documents on public-private partnership.

Initiation of
Preliminary
Procedure

1 **17.-(1)** The public partner shall initiate the preliminary procedure on
2 its own initiative or on the basis of an application regarding interest in
3 operating a public-private partnership.

4 (2) An application regarding interest may be submitted by a person
5 that has an interest in operating a public-private partnership.

6 (3) The public partner must deliberate and decide on any application
7 regarding interest in operating a public-private partnership within four months
8 of receipt, and in that time it must also decide, wherein it shall not be bound to
9 initiate a preliminary procedure-

10 (a) whether the proposed project runs counter to the Constitution or
11 law;

12 (b) whether it involves activities that are so closely linked to the
13 protection of State, Official or Military secrets that implementing the
14 procedure would prevent the protection of such secrets; or

15 (c) whether the activity that is the subject of the proposal is already
16 being performed.

Rights of Promoter

17 **18.-(1)** A person that has submitted an application regarding interest
18 in operating a public-private partnership has the same rights as other
19 candidates in the ensuing procedure of establishment.

20 (2) Submission of an application regarding interest shall not be deemed to
21 indicate that the investor is also a candidate in the further procedure of selecting
22 a contractor.

23 PART IV - SELECTION OF PRIVATE PARTNER

Submission and
opening of
applications

24 **19.-(1)** Candidates may supplement or change applications until the
25 expiration of the tender deadline.

26 (2) Until the expiry of the tender deadline, candidates shall not have
27 the right to view the applications of other candidates in the same tender.

28 (3) The opening of bids or other applications for selection a private
29 partner contractor shall be public, unless for reasons of protecting commercial
30 secrets or official, military or state secrets the public partner determines that the

30 (2) If in the selection procedure the public partner does not select a

	1	private partner, it shall issue an instrument to that effect whereby it terminates
	2	the selection procedure, and shall set out all the parties whose applications have
	3	been rejected and the grounds for their rejection.
	4	(3) With regard to legal remedies and/or administrative disputes
	5	against such instrument referred to in subsection (2) of this section, the
	6	provisions of this Act relating to the instrument of selecting a public-private
	7	partner shall be applicable.
Rejection of a Candidate	8	24. -(1) Until a contract on public-private partnership is concluded the
	9	public partner may reject the candidate that most successfully meets the criteria
	10	set, and select the next one on the ranking scale, if circumstances arise to
	11	indicate that the candidate will not be able to fulfill the contractual obligations.
	12	(2) Circumstances indicating that a candidate will not be able to fulfill
	13	the obligations under a public-private partnership contract are in particular if-
	14	(a) proceedings of bankruptcy, liquidation or forced settlement are
	15	instigated against the candidate,
	16	(b) if the candidate has not settled its liabilities regarding tax and other
	17	contributions provided by law,
	18	(c) if it is shown that the application enclosed false information on the
	19	fulfillment of essential requirements, on the existence of acts of organized
	20	crime, corruption, fraud or money laundering and similar.
	21	(3) With regard to the form of taking a decision referred to in the first
	22	paragraph of this article, legal remedies and/or administrative disputes against
	23	such decision, the provisions of this Act relating to the instrument of selecting a
	24	public-private partner shall be applicable.
	25	PART V - MISCELLANEOUS
Interpretation	26	25. In this Act, unless the context otherwise requires-
	27	"application" is any application aimed at obtaining a public-private
	28	partnership, unless otherwise expressly provided in this Act;
	29	"associated company" means any undertaking over which a company may
	30	directly or indirectly exercise predominant and decisive control, deriving from

- 1 ownership, financial interest or legal rules from which such relationship
2 derives;
- 3 "awarding authority" is the public partner in the case of a concession form of
4 public-private partnership;
- 5 "candidate" is a person that participates in the procedure of selecting the
6 contractor for a public-private partnership, by submitting an application
7 aimed at establishing a public-private partnership; unless otherwise
8 expressly provided in this Act or where this does not proceed from its
9 purpose, the rules applicable to candidates shall also apply mutatis mutandis
10 to bidders and contractors for public-private partnerships;
- 11 "commercial public service" is an activity in which the private partner has
12 special obligations in the public interest;
- 13 "concessionaire" is the public-private partnership contractor in the case of a
14 concession form of public-private partnership;
- 15 "concession partnership" is a form of contractual public-private partnership
16 as defined in this Act;
- 17 "Council" means the Public-Private Partnership Council established under
18 this Act;
- 19 "feasibility study" means study to determine the viability or otherwise of a
20 project;
- 21 "Minister" means the Minister in charge of finance;
- 22 "Ministry" means the Ministry in charge of finance;
- 23 "person" means individual or company;
- 24 "private partner" means a party to a contract other than a public partner;
- 25 "project" means a scheme which is the subject matter of a public-private
26 partnership contract;
- 27 "public interest" is a general benefit, as defined by an act or regulation issued
28 on the basis thereof, which is determined by a decision referred to in this Act;
- 29 "public partner" means any Ministry or Government department, local
30 authority or statutory corporation;

- 1 "public-private partnership contract" means a contract between a public
2 partner and a private partner, approved in terms of this Act, in terms of which-
- 3 (a) the private partner undertakes to perform a public partner's
4 function on behalf of the public partner for a specified period;
- 5 (b) the private partner receives a benefit for performing the function
6 by way of-
- 7 (i) compensation from a revenue fund;
- 8 (ii) charges or fees collected by the private partner from users or
9 customers of a service provided by it; or
- 10 (iii) a combination of compensation and charges or fees;
- 11 (c) the private partner is liable for the risks arising from the
12 performance of its function;
- 13 (d) state facilities, equipment or other state resources may be
14 transferred or made available to the private partner;
- 15 "structures and facilities" means buildings, services, equipment, etc, that are
16 provided for a particular purpose;

Short title

- 17 **26.** This Bill may be cited as the Public-Private Partnership Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the implementation of public-private partnership contracts between public partner and private partner and to establish a set of rules governing public-private partnership contract.

A BILL

FOR

AN ACT TO ALTER THE SECOND SCHEDULE TO THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA ACT (NO 24) 1999, TO TRANSFER
METEOROLOGY FROM THE EXCLUSIVE LEGISLATIVE LIST TO THE
CONCURRENT LEGISLATIVE LIST; AND FOR RELATED MATTERS

Sponsored by Hon. Abbas Tajudeen

[] Commencement

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

1 1. The Constitution of the Federal Republic of Nigeria, (as
2 amended), is altered in the Second Schedule as follows:

Alteration of the
Second Schedule
to the Constitution,
Act (No 24) 1999

3 (a) in Part I, in Exclusive Legislative List, delete item 37 thereof,
4 and

5 (b) in Part II, in Concurrent Legislative List, after paragraph 20
6 thereof, insert the following new item:

7 "HA- Meteorology:

8 20A - The National Assembly may make Laws for the Federation
9 or any part thereof, with respect to Meteorology, so far as the subject matter
10 relates to matter which the National Assembly has power to make Laws in
11 this constitution.

12 20B - A House of Assembly may, subject to paragraph 20A hereof,
13 make Laws for the State or any part thereof with respect to Meteorology in
14 so far as the subject matter relates to matter which a State House of
15 Assembly has power to make Laws in this Constitution."

16 2. This Bill may be cited as the Constitution of the Federal
17 Republic of Nigeria (Fifth Alteration) Bill, 2021.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Second Schedule to the Constitution of the Federal Republic of Nigeria Act (No 24) 1999, to transfer Meteorology from the Exclusive Legislative list to the Concurrent Legislative List.

A BILL

FOR

AN ACT TO ALTER THE SECOND SCHEDULE TO THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA ACT (NO 24) 1999, (AS AMENDED) TO TRANSFER MINES AND MINERALS, INCLUDING OIL FIELDS, OIL MINING, GEOLOGICAL SURVEYS AND NATURAL GAS FROM THE EXCLUSIVE LEGISLATIVE LIST TO THE CONCURRENT LEGISLATIVE LIST; AND FOR RELATED MATTERS

Sponsored by Hon. Abbas Tajudeen

[] Commencement

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

- 1 **1.** The Second Schedule to the Constitution of the Federal
- 2 Republic of Nigeria (as amended) (hereinafter refers to as "the Principal
- 3 Act") is altered as follows:
- 4 (a) in Part I, in Exclusive Legislative List, delete item 39 thereof,
- 5 and
- 6 (b) in Part II, in Concurrent Legislative List, after paragraph 30
- 7 thereof, insert the following new item:
- 8 "HA- Mines and Minerals including oil fields, oil Mining;
- 9 geological surveys and gas".
- 10 30A - The National Assembly may make Laws for the Federation
- 11 or any part thereof with respect to Mines and Minerals, including oil fields,
- 12 oil mining, geological Surveys and gas so for as the subject matter relates to
- 13 matter which the National Assembly has power to make Laws in this
- 14 constitution.
- 15 30B. A State House of Assembly may, subject to paragraph 30A
- 16 hereof, make Laws for the State or any part thereof, with respect to mines
- 17 and Minerals, including oil fields, oil mining, geological survey, and

Alteration of the
Second Schedule
to the Constitution,
Act (No 24) 1999

	1	natural gas so far as the subject matter relates to a matter which a House of
	2	Assembly has power to make Laws in this Constitution."
Alteration of Section 44 of the Principal Act	3	2. Section 44 of the Principal Act is altered by deleting the existing
	4	provision of subsection (3) thereof and inserting instead the following new
	5	provision:
	6	"Notwithstanding the foregoing provisions of this section is altered as
	7	follows:
	8	"(3)Notwithstanding the foregoing provisions of this Section, the
	9	entire property in and control of all minerals, mineral oils and natural gas:
	10	(a) in, under or upon the territorial waters and the Exclusive and
	11	Economic Zone of Nigeria shall vest in the Government of the Federation and
	12	shall be managed in such manner as may be prescribed by the National
	13	Assembly, and
	14	(b) in, under or upon any land and part of the continental shelf of
	15	Nigeria, in any State of the Federation, shall be managed in such manner as
	16	may be prescribed by the State House of Assembly."
Citation	17	3. This Bill may be cited as the Constitution of the Federal Republic of
	18	Nigeria (Fifth Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks alter the Second Schedule to the Constitution of the Federal Republic of Nigeria Act (No 24) 1999, as amended, to transfer Mines and Minerals, including oil field, oil Mining; geological surveys, and natural gas from the Exclusive Legislative list to the Concurrent Legislative List; to effect consequential alteration of section 44 thereof.

A BILL

FOR

AN ACT TO ALTER THE SECOND SCHEDULE TO THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA ACT (NO 24) 1999, (AS AMENDED) TO
TRANSFER DRUGS AND POISONS FROM THE EXCLUSIVE LEGISLATIVE LIST
TO THE CONCURRENT LEGISLATIVE LIST, AND FOR RELATED MATTERS

Sponsored by Hon. Abbas Tajudeen

[] Commencement

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

- 1 1. The Constitution of the Federal Republic of Nigeria, (as
2 amended) (hereinafter referred to as the Principal Act"), is altered as
3 follows:
- 4 (a) in Part 1, in Exclusive Legislative List, delete item 21 thereof,
5 and
- 6 (b) in Part II, in Concurrent Legislative List, after paragraph 16
7 thereof, insert the following new item:
- 8 "GA- Drugs and Poisons:
- 9 16A - The National Assembly may make Laws for the Federation
10 or any part thereof, with respect to Drugs and Poisons, so far as the subject
11 matter relates to a matter which the National Assembly has power to make
12 Laws in this constitution.
- 13 16B - A State House of Assembly may, subject to paragraph 16A
14 hereof, make Laws for the State or any part thereof, with respect to Drugs
15 and Poisons so far as the subject matter relates to a matter which a House of
16 Assembly has power to make Laws in this Constitution".
- 17 2. Section 251 of the Principal Act is altered in subsection (1) by
18 deleting paragraph (m) thereof.

Alteration of the
Second Schedule
to the Constitution,
Act (No 24) 1999

Alteration of
Section 251 of
the Principal Act

C 374 *Constitution of the Federal Republic of Nigeria (Fifth Alteration) Bill, 2021* **2021**

Citation 1 **3.** This Bill may be cited as the Constitution of the Federal Republic of
2 Nigeria (Fifth Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Second Schedule to the Constitution of the Federal Republic of Nigeria Act (No 24) 1999, (as amended) to transfer Drugs and Poisons from the Exclusive Legislative List to the Concurrent Legislative List.

FEDERAL MEDICAL CENTRE, KWOI, KADUNA STATE
(ESTABLISHMENT) BILL, 2021
ARRANGEMENTS OF CLAUSES

Clauses:

PART I - ESTABLISHMENT OF FEDERAL MEDICAL CENTRE, KWOI,
KADUNA STATE

1. Establishment of Federal Medical Centre, Kwoi, Kaduna State
2. Establishment and composition of Governing Board
3. Membership of the Board
4. Tenure of Office
5. Cessation of membership
6. Allowance of board

PART II - FUNCTIONS AND POWERS OF THE BOARD

7. Functions of board
8. Power of Board

PART III- STAFF OF MEDICAL CENTER

9. Appointment of Medical Director of the Medical Centre
10. Appointment of Director of Administration and recruitment of other staff of the Medical center
11. Service in Medical center to be pensionable
12. Establishment of Medical advisory Committee

PART IV - FINANCIAL PROVISION

13. Fund of the Medical Centre
14. Expenditure of the Medical Centre
15. Power to accept Gifts
16. Annual Estimates and expenditure
17. Annual reports
18. Power to Borrow
19. Exemption from tax
20. Exemption from custom duties etc

PART V - GENERAL ADMINISTRATION

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

PART VI - MISCELLANEOUS PROVISIONS

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

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF FEDERAL MEDICAL CENTRE, KWOI, KADUNA STATE; AND FOR RELATED MATTERS, 2021

Sponsored Hon. Magaji Amos Gwamna

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE FEDERAL MEDICAL CENTRE

2 1.-(1) There is hereby established the Federal Medical Centre, Establishment of
3 Kwoi, Kaduna State (in this Bill referred to as "the Medical Centre"). the Federal Medical
Kaduna State

4 (2) The Medical Centre:

5 (a) Shall be a body corporate;

6 (b) May sue and be sued in its corporate name;

7 (c) Shall have perpetual succession and a common seal.

8 2. There is hereby established for the management of the Medical Establishment of
9 Centre a Board of Management (in this Bill referred to as "Board") which the Board of
10 shall be constituted and have the functions and powers set out in this Bill. Management of
the Medical Centre

11 3.-(1) The Board shall consist of:

12 (a) a chairman;

13 (b) the Chief Medical Director of the Medical Centre;

14 (c) the Director of Clinical Services;

15 (d) Association of Medical laboratory scientists;

16 (e) One person to represent each Medical and Health Workers

17 Union,

18 (f) One person to represent National Union of Allied Health

19 Professional;

20 (g) the representative of the Minister of health who should not be

21 below the rank of Assistant Director;

Membership of
the Board

	1	(h) the Federal Ministry of Health;
	2	(i) the National Planning Commission;
	3	(j) one representative of Nigerian Medical Association;
	4	(k) the Pharmaceutical Society of Nigeria;
	5	(l) the Association of Medical Laboratory Scientists of Nigeria;
	6	(m) the Pediatrics Association of Nigeria;
	7	(n) the National Association of Nigerian Nurses and Midwives; and
	8	(o) one person to represent public interest.
	9	(2) The Director of Administration shall be the Secretary of the board
	10	(3) The chairman and members of the Board, other than ex-officio
	11	members, shall be:
	12	(a) appointed by the President; and
	13	(b) persons of proven integrity and ability.
Schedule	14	(4) The supplementary provisions set out in the Schedule to this Bill
	15	shall have effect with respect to the proceedings of the Board and the other
	16	matters contained therein.
Tenure of office	17	4. Subject to the provisions of section 5 of this Bill, a member of the
	18	Board, other than ex-officio members, shall each hold office:
	19	(a) for a term of three years in the first instance and may be re-
	20	appointed for a further term of three years and no more; and
	21	(b) on such terms and conditions as may be specified in his letter of
	22	appointment.
Cessation of Membership	23	5.-(1) Notwithstanding the provisions of section 4 of this Bill a person
	24	shall cease to hold office as a member of the Board if:
	25	(a) he becomes bankrupt, suspends payment principal loan with his
	26	creditors;
	27	(b) he is convicted of a felony or any offence involving dishonesty or
	28	fraud;
	29	(c) he becomes of unsound mind or is incapable of carrying out his
	30	duties;

1 (d) he is guilty of a serious misconduct in relation to his duties; or
 2 (e) in the case of a person possessed of professional qualifications,
 3 he is disqualified or suspended, other than at his own request, from
 4 practising his profession in any part of the world by an order of a competent
 5 authority made in respect of that member; or

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

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

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

14 6. There shall be paid to every member of the Board such
 15 allowances and expenses as the Revenue Mobilization Allocation and Fiscal
 16 Commission may, from time to time, direct.

Allowance of
the Board

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

18 7.-(1) The Board shall:

Function of the
Board

19 (a) equip, maintain and operate the Medical Centre so as to provide
 20 facilities for diagnosis, curative, promotive and rehabilitative services in
 21 medical treatment;

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

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

30 (2) The Board shall ensure that the standards of teaching provided

	1	at all establishments under its control and the standards of treatment and
	2	care provided for patients at those establishments do not fall below those
	3	usually provided by similar establishments of international repute.
	4	(3) Subject to this Bill, the Board shall perform such other
	5	functions which in its opinion are calculated to facilitate the carrying out of
	6	its functions under this Bill.
Power of the Board	7	8. The Board shall have power to:
	8	(a) provide the general policies and guidelines relating to major
	9	expansion programmes of the Medical Centre;
	10	(b) provide facilities for the training of medical students of
	11	associate universities;
	12	(c) manage and superintend the affairs of the Medical Centre;
	13	(d) subject to the provisions of this Bill, make, alter and revoke
	14	rules and regulations for carrying on the functions of the Medical Centre;
	15	(e) fix terms and conditions of service, including remuneration of
	16	the employees of the Medical Centre subject to the approval of National
	17	Salaries Incomes and Wages Commission;
	18	(f) do such other things which in the opinion of the Board are
	19	necessary to ensure the efficient performance of the functions of the
	20	Medical Centre.
	21	PART III - STAFF OF THE MEDICAL CENTRE
Medical Director of the Medical Centre	22	9.-(1) There shall be for the Medical Centre a Chief Medical
	23	Director who shall be appointed by the President on the recommendation of
	24	Hon. Minister of Health on such terms and conditions as may be specified in
	25	his letter of appointment or as may be determined, from time to time, by the
	26	National Salaries Income and Wages Commission.
	27	(2) The Chief Medical Director shall:
	28	(a) be the chief executive and accounting officer of the Medical
	29	Centre;
	30	(b) be responsible to the Board for the day-to-day administration

1 of the Medical Centre;

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

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

7 (e) have considerable administrative experience in matters of
8 health;

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

11 **10.-(1)** The Board shall appoint for the Medical Centre:

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

13 (i) be responsible to the Chief Medical Director for the
14 effective functioning of all the administrative divisions of the Medical
15 Centre;

16 (ii) conduct the correspondence of the Board and keep the
17 records of the Medical Centre; and

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

21 (b) a Director of Clinical Services;

22 (c) a Director of Finance;

23 (d) a Director of Maintenance.

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

29 (3) The Board shall appoint for the Medical Centre such
30 number of employees as may in opinion of the Board expedient and

Appointment of
Director of
Administration
and recruitment
of other staff of
the Medical Centre

1 necessary for the proper and efficient performance of the functions of the
2 Medical Centre for the proper and efficient.

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

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

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

Service in the
Medical Centre
to be pensionable

15 **11.**-(1) Service in the Medical Centre shall be approved service for the
16 purposes of the Pensions Reforms Act.

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

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

Establishment
of the Medical
Advisory
Committee, etc.

24 **12.**-(1) There shall be for the Medical Centre a Medical Advisory
25 Committee which shall:

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

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

30 (c) be appointed by the Board.

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

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

9 PART IV - FINANCIAL PROVISIONS

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

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

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

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

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

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

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

24 (a) the cost of administration and maintenance of the Medical
25 Centre;

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

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

29 (d) pay the salaries, allowances and benefits of employees of the
30 Medical Centre;

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

1 (3) Notwithstanding subsection (1) of this section, where the sum
2 to be borrowed is in foreign currency, the Medical Centre shall not borrow
3 the sum without the prior approval of the President.

4 **19.**-(1) The Medical Centre shall not pay income tax on any income
5 derived by the Federal Medical Centre under this Bill or accruing to it from
6 any of its investments. Exemption from tax

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

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

14 Provided that nothing in this section shall be construed as
15 preventing the Nigeria Customs Service from inspecting any equipment, or
16 material imported by the centre.

17 PART V - GENERAL

18 **21.**-(1) Notwithstanding anything to the contrary contained in any
19 other enactment, where it appears to the Board that any student of the
20 Medical Centre has been guilty of misconduct, the Board may, without
21 prejudice to any other disciplinary powers conferred on it by regulations,
22 direct: Discipline of student

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

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

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

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

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

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

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

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

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

Removal and
discipline of
clinical
administrative
and technical
staff

16 **22.**-(1) If it appears to the Board that there are reasons for believing
17 that any person employed as a member of the clinical, administrative or
18 technical staff of the Medical Centre, other than the Chief Medical Director,
19 should be removed from his office or employment, the Board shall require the
20 Director of Administration to:

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

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

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

26 (i) a committee to investigate the matter and report on it to the Board;
27 and

28 (ii) the person in question to be afforded an opportunity of appearing
29 before and being heard by an investigating committee set up with respect to the
30 matter, and if the Board, after considering the report of the investigating

1 committee, is satisfied that the person in question should be removed as
2 aforesaid, the Board may so remove him by a letter signed on the direction of
3 the Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Discipline of
junior staff

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

26 (a) consider the case; and

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

29 (2) In all cases under this section of this Bill, the officer shall be

1 informed of the charge against him and given a reasonable opportunity to
2 defend himself.

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

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

10 PART VI - MISCELLANEOUS

11 24.-(1) The Board may, with the approval of the President, make
12 regulations: Power to make
regulations

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

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

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

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

27 26. In this Bill: Interpretation
28 "associate universities" means the universities whose medical students
29 receive aspects of their training from the Medical Centre;
30 "Board" means the Board of Management of the Medical Centre;

1 "chairman" means the chairman of the Board;
2 "functions" include powers and duties;
3 "Federal Medical Centre "means the Federal Medical Centre Kwoi, Kaduna
4 State;
5 "junior staff" means staff of such grade as may be determined, from time to
6 time, by the Board;
7 "medical student" means a student whose course of instruction is:
8 (a) designed (either alone or in conjunction with other courses) to
9 enable him to qualify as a medical practitioner; or
10 (b) designed for the further training of medical practitioners;
11 "Minister" means the Minister charged with responsibility for matters relating
12 to health; and
13 "student" means a person enrolled at an institution controlled by the Board for
14 the purpose of pursuing a course of instruction at the institution.

Citation

15 27. This Bill may be cited as the Federal Medical Centre, Kwoi,
16 Kaduna State (Establishment) Bill, 2021.

17 EXPLANATORY MEMORANDUM

18 This Bill seeks to establish the Federal Medical Centre, Kwoi, Kaduna State
19 and to provide Legal framework for due management and administration.

1 SCHEDULE

2 *[section 3(4)]*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4 *Proceedings of the Board*

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

8 (2) The quorum of the Board shall be the chairman or the person
9 presiding at the meeting and 5 other members of the Board, 2 of whom shall
10 be ex-officio members, and the quorum of any Committee of the Board shall
11 be as 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
14 not less than 8 other members, he shall summon a meeting of the Board to be
15 held 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
17 is absent, the members present at the meeting shall appoint one of their
18 members to preside at the meeting.

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

24 *Committees*

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

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

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

3 *Miscellaneous*

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

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

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

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

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

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

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

A BILL

FOR

AN ACT TO AMEND THE FEDERAL UNIVERSITIES OF AGRICULTURE ACT TO
ESTABLISH THE FEDERAL UNIVERSITY OF AGRICULTURE, SAMARU KATAF
AND FOR RELATED MATTERS

Sponsored Hon. Magaji Amos Gwamna

[] Commencement

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

- | | |
|--|--|
| <p>1 1.-(1) There is hereby establish a University of Agriculture, which</p> <p>2 is to be located in Samaru Kataf, Kaduna State, (in this Bill referred to as</p> <p>3 "the University").</p> <p>4 (2) The University shall be a body corporate with perpetual</p> <p>5 succession and a common seal and may sue and be sued in its corporate</p> <p>6 name.</p> <p>7 (3) The objects of the University shall be:</p> <p>8 (a) to encourage the advancement of learning and to hold out to all</p> <p>9 persons without distinction of race, creed, sex or political conviction, the</p> <p>10 opportunity of acquiring a higher education in agriculture;</p> <p>11 (b) to develop and offer academic and professional programmes</p> <p>12 leading to the award of diplomas, first degrees, postgraduate research and</p> <p>13 higher degrees which emphasise planning, adaptive, technical,</p> <p>14 maintenance, developmental and productive skills in agriculture,</p> <p>15 agricultural engineering and allied professional disciplines with the aim of</p> <p>16 producing socially matured persons with capacity to improve on those</p> <p>17 disciplines and develop new ones, but also to contribute to the scientific</p> <p>18 transformation of agriculture in Nigeria;</p> <p>19 (c) to act as agents and catalysts, through postgraduate training,</p> <p>20 research and innovation for the effective and economic utilisation,</p> | <p>Establishment
and objects of
University of
Agriculture
Samaru Kataf</p> |
|--|--|

1 exploitation and conservation of Nigeria's natural, agricultural, economic and
2 human resources;

3 (d) to offer to the general population, as a form of public service, the
4 results of training and research in agriculture and allied disciplines and to foster
5 the practical application of those results;

6 (e) to establish appropriate relationships with other national
7 institutions involved in training, research and development of agriculture;

8 (f) to identify the agricultural problems and needs of Nigeria and to
9 find solutions to them within the context of overall national development;

10 (g) to provide and promote sound basic scientific training as a
11 foundation for the development of agriculture and allied disciplines, taking
12 into account indigenous culture, the need to enhance national unity, the need to
13 vastly increase the practical content of student training, and adequate
14 preparation of graduates for self-employment in agriculture and allied
15 professions;

16 (h) to promote and emphasise teaching, research and extension of
17 agricultural knowledge, including agriculture extension services and outreach
18 programmes, in-service training, continuing education, and on-farm adaptive
19 research;

20 (i) to offer academic programmes in relation to the training of
21 manpower for agriculture in Nigeria;

22 (j) to organise research relevant to training of agriculture with
23 emphasis on small-scale farming;

24 (k) to organise extension services and out-reach programmes for
25 technology transfer;

26 (l) to establish institutional linkages in order to foster collaboration
27 and integration of training, research, and extension activities; and

28 (m) to undertake any other activities appropriate for a University of
29 Agriculture.

1	2.-(1) The University shall consist of:	Constitution and principal officers of the University
2	(a) a Chancellor;	
3	(b) a Pro-Chancellor and a Council;	
4	(c) a Vice-Chancellor and a Senate;	
5	(d) a Deputy Vice-Chancellor;	
6	(e) a body to be called Congregation;	
7	(f) a body to be called Convocation;	
8	(g) campuses and colleges of the University;	
9	(h) schools, institutes and other teaching and research units;	
10	(i) persons holding the offices constituted by the First Schedule to	
11	this Bill other than those mentioned in paragraph (a) to (d) of this subsection;	
12	(j) all graduates and undergraduates of the University; and	
13	(k) all other persons who are members of the University in	
14	accordance with the provisions made by statute in that behalf.	
15	(2) The First Schedule to this Bill shall have effect with respect to	
16	the principal officers of the University therein mentioned. [First Schedule]	
17	(3) Subject to section 5 of this Bill, provision shall be made by	
18	statute with respect to the constitution of the following bodies, namely the	
19	Council, the Senate, Congregation and Convocation.	
20	3.-(1) For the carrying out of its objects as specified in section 1 of	Powers of the University and their exercise
21	this Bill, the University shall have power:	
22	(a) to establish such campuses, colleges, institutes, schools, extra-	
23	mural departments and other teaching and research units within the	
24	University as may, from time to time, be deemed necessary or desirable,	
25	subject to the approval of the Federal Ministry responsible for Agriculture;	
26	(b) to establish agricultural and rural extension services in various	
27	parts of Nigeria;	
28	(c) to institute professorships, readerships or associate	
29	professorships, and other posts and offices and to make appointments	
30	thereto;	

1 (d) to institute and award fellowships, scholarships, exhibitions,
2 bursaries, medals, prizes and other titles, distinctions, awards and other forms
3 of assistance;

4 (e) to provide for the discipline and welfare of members of the
5 University;

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

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

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

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

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

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

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

27 (m) to hold public lectures and to undertake printing, publishing and
28 book-selling;

29 (n) subject to any limitations on conditions imposed by statute, to
30 invest any money appertaining to the University by way of endowment, not

1 being immediately required for current expenditure, in any investments or
2 securities or the purchase or improvement of land, with power from time to
3 time to vary any such investments and to deposit any money for the time
4 being not invested with any bank on deposit or current account;

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

10 (p) to do anything which it is authorised or required by this Bill or
11 by statute to do; and

12 (q) to do all such acts or things, incidental to the foregoing powers,
13 as may advance the objects of the University.

14 (2) Subject to the provisions of this Bill and of the statutes and
15 without prejudice to section 8 (2) of this Bill, the powers conferred on the
16 University by subsection (1) of this section shall be exercisable on behalf of
17 the University by the Council or by the Senate or in any other manner, which
18 may be authorised by statute.

19 (3) The power of the University to establish further campuses and
20 colleges within the University shall be exercisable by statute and not
21 otherwise.

22 4. -(1) The Chancellor shall take precedence before all other
23 members of the University and when he is present shall preside at all
24 meetings of Convocation held for conferring degrees.

Functions of the
Chancellor

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

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

Functions of the Pro-Chancellor	1	5.-(1) The Pro-Chancellor shall take precedence before all other
	2	members of the University, except the Chancellor and except the Vice-
	3	Chancellor when acting as chairman of Congregation or Convocation and the
	4	Pro-Chancellor shall, when he is present, be the chairman at all meetings of the
	5	Council.
	6	(2) Subject to the provisions of this Bill, the Pro-Chancellor shall hold
Composition of the Council	7	office for a period of five years beginning with the date of his appointment.
	8	6. The Council of the University shall consist of:
	9	(a) the Pro-Chancellor;
	10	(b) the Vice-Chancellor;
	11	(c) the Deputy Vice-Chancellor;
	12	(d) one person from the Ministry responsible for education;
	13	(e) nine persons representing a variety of interests and broadly
	14	representative of the whole Federation to be appointed by the President;
	15	(f) four persons appointed by the Senate from among its members;
	16	(g) two persons appointed by Congregation from among its members;
Functions of the Council and its finance and general purposes committee	17	(h) one person appointed by Convocation from among its members.
	18	7.-(1) Subject to the provisions of this Bill relating to the Visitor, the
	19	Council shall be the governing body of the University and shall be charged with
	20	the general control and superintendence of the policy, finance and property of
	21	the University.
	22	(2) There shall be a committee of the Council to be known as the
	23	Finance and General Purposes Committee, which shall, subject to the
	24	directions of the Council, exercise control over the property and expenditure of
	25	the University and perform such other functions of the Council as the Council
	26	may, from time to time, delegate to it.
	27	(3) Provision shall be made by statute with respect to the constitution
	28	of the Finance and General Purposes Committee.
	29	(4) The Council shall ensure that proper accounts of the University
	30	are kept and that the accounts of the University are audited annually by an

1 independent firm of auditors approved by the Council and that an annual
2 report shall be published by the University together with certified copies of
3 the said accounts as audited.

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

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

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

18 (8) The Council shall meet as and when necessary for the
19 performance of its functions under this Bill and shall meet at least three
20 times in every year.

21 (9) If requested in writing by any five members of the Council the
22 chairman shall within 28 days after the receipt of such request call a meeting
23 of the Council.

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

27 **8.-(1)** Subject to section 7 of this Bill and subsections (3) and (4) of
28 this section and to the provisions of this Bill relating to the Visitor, it shall be
29 the general function of the Senate to organise and control the teaching by the
30 University, the admission (where no other enactment provides to the

Functions of the
Senate

1 contrary, of students) and the discipline of students; and to promote research at
2 the University.

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

6 (a) the establishment and organisation and control of campuses,
7 colleges, schools, institutes and other teaching and research units of the
8 University and allocation of responsibility for different branches of learning;

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

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

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

17 (e) the establishment, organisation and control of halls of residence
18 and similar institutions at the University;

19 (f) the supervision of the welfare of students at the University and the
20 regulation of their conduct;

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

23 (h) determining what description of dress shall be academic dress for
24 the purposes of the University, and regulating the use of academic dress.

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

28 (4) Subject to this Bill and statutes, the Senate may make regulations
29 for the purpose of exercising any function conferred on it either by the
30 foregoing provisions of this section or otherwise or for the purpose of making

1 provisions for any matter for which provision by regulations is authorised or
2 required by this Bill or by statute.

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

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

16 9.-(1) The Vice-Chancellor shall, in relation to the University, take
17 precedence before all other members of the University, except the
18 Chancellor, and any other person for the time being acting as chairman of the
19 Council.

Functions of the
Vice-Chancellor

20 (2) Subject to sections 7, 8, and 14 of this Bill, the Vice-Chancellor
21 shall have the general function, in addition to any other functions conferred
22 on him by this Bill or otherwise, of directing the activities of the University
23 and shall be the chief executive and academic officer of the University and
24 ex-officio chairman of the Senate.

25 *Powers of the University to make statutes.*

26 10.-(1) Subject to this Bill, the University may make statutes for
27 any of the following purposes, that is to say:

Statutes of the
University

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

30 (b) specifying and regulating the powers and duties of any

	1	authority of the University and regulating any other matter connected with the
	2	University or any of its authorities;
	3	(c) regulating the admission of students (where no other enactment
	4	provides to the contrary), and their discipline and welfare;
	5	(d) determining whether any particular matter is to be treated as an
	6	academic or non- academic matter for the purposes of this Bill and of any
	7	statute, regulation or other instrument made thereunder;
	8	(e) making provision for any other matter for which provision by
	9	statute is authorised or required by this Bill.
	10	(2) Subject to section 26 (6) of this Bill, the Interpretation Act shall
	11	apply in relation to any statute made under this section as it applies to a
	12	subsidiary instrument within the meaning of section 27 (1) of that Act.
Second Schedule	13	(3) The statute contained in the Second Schedule to this Bill shall be
	14	deemed to have come into force on the commencement of this section of this
	15	Bill and shall be deemed to have been made under this section by the
	16	University.
Second Schedule	17	(4) The power to make statutes conferred by this section shall not be
	18	prejudiced or limited in any way by reason of the inclusion or omission of any
	19	matter in or from the statute contained in the Second Schedule to this Bill or any
	20	subsequent statute.
Mode of exercising power to make statutes	21	11.-(1) The power of the University to make statutes shall be
	22	exercised in accordance with the provisions of this section and not otherwise.
	23	(2) A proposed statute shall not become law unless it has been
	24	approved:
	25	(a) at a meeting of the Senate, by the votes of not less than two thirds
	26	of the members present and voting; and
	27	(b) at a meeting of the Council, by the votes of not less than two thirds
	28	of the members present and voting.
	29	(3) A proposed statute may originate either in the Senate or in the
	30	Council, and may be approved as required by subsection (2) of this section by

1 either one of those bodies before the other.

2 (4) A statute which makes provision for or alters the composition or
3 constitution of the Council, the Senate or any other authority of the
4 University shall not come into operation unless it has been approved by the
5 National Assembly.

6 (5) For the purposes of section 1 (2) of the Interpretation Act a
7 statute shall be treated as being made on the date on which it is duly
8 approved by the Council after having been approved by the Senate, as the
9 case may be or, in the case of a statute falling within subsection (4) of this
10 section, on the date on which it is approved by the National Assembly

11 (6) In the event of any doubt or dispute arising at any time:

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

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

17 (7) The decision of the Visitor on any matter referred to him under
18 subsection (6) of this section shall be final and binding upon the authorities,
19 staff and students of the University and where any question as to the
20 meaning of any provision of a statute has been decided by the Visitor under
21 that subsection, the question as to the meaning of that provision shall be
22 subject to review of a competent court of law.

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

27 **12.** A statute may be proved in any court by the production of a
28 copy thereto bearing affixed to it a certificate purporting to be signed by the
29 Vice-Chancellor or the secretary to the Council to the effect that the copy is a
30 true copy of a statute of the University.

Proof of statutes

	1	<i>The Visitor</i>
Supervision and discipline	2	13. -(1) The President shall be the Visitor of the University.
	3	(2) The Visitor shall as often as the circumstances may require, not
	4	being less than once every five years, conduct a visitation of the University or
	5	direct that such a visitation be conducted by such person or persons as the
	6	Visitor may deem fit and in respect of any of the affairs of the University.
	7	(3) It shall be duty of the bodies and persons comprising the
	8	University to make available to the Visitor and to any other person conducting a
	9	visitation in pursuance of this section, such facilities and assistance as he or
	10	they may reasonably require for the purposes of a visitation.
Removal of certain members of Council	11	14. -(1) If it appears to the Council that a member of the Council (other
	12	than the Pro-Chancellor of the Vice-Chancellor) should be removed from
	13	office on the ground of misconduct or inability to perform the functions of his
	14	office or employment, the Council shall make a recommendation to that effect
	15	through the Minister to the President after making such enquiry, if any, as may
	16	be considered appropriate, and if the President approves the recommendation
	17	he may direct the removal of the person in question from office.
	18	(2) It shall be the duty of the Minister to use his best endeavour to
	19	cause a copy of the instrument embodying a direction under subsection (1) of
	20	this section to be served as soon as reasonably practicable on the person to
	21	whom it relates.
Removal and discipline of academic, administrative and professional staff	22	15. -(1) If it appears to the Council that there are reasons for believing
	23	that any person employed as a member of the academic, administrative or
	24	professional staff of the University, other than Vice-Chancellor, should be
	25	removed from his office or employment on the ground of misconduct or of
	26	inability to perform the functions of his office or employment, the Council
	27	shall:
	28	(a) give notice of those reasons to the person in question;
	29	(b) afford him an opportunity of making representations in person on
	30	the matter;

1 (c) appoint a Staff Disciplinary Committee, and if the Council,
2 after considering the report of the Staff Disciplinary Committee} is satisfied
3 that the person in question should be removed as aforesaid, the Council may
4 so remove him by an instrument in writing signed on the directions of the
5 Council.

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

10 (3) For good cause, any member of staff may be suspended from
11 his duties or his appointment may be terminated by the Council; and for the
12 purposes of this subsection "Good cause" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (7) Nothing in the foregoing provisions of this section shall:

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

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

Procedures for
staff discipline

26 **16.-(1)** The Vice-Chancellor or Senate shall constitute an
27 Investigation Panel to determine whether or not a prima facie case has been
28 established against any member of staff.

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

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

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

6 **17.** External Examiners shall be appointed by the Senate.

Appointment of
external examiners

7 **18.**-(1) If on the recommendation of the Senate, it appears to the
8 Vice-Chancellor that a person appointed as an examiner for any
9 examination of the University ought to be re- moved from his office or
10 appointment, then except in such cases as may be prescribed, the Vice-
11 Chancellor may, after affording the examiner an opportunity of making
12 representations in person on the matter to the Vice-Chancellor, remove the
13 examiner from the office or appointment by an instrument in writing signed
14 by the Vice-Chancellor.

Removal of
examiners

15 (2) Subject to the provisions of regulations made in pursuance of
16 section 9 (5) of this Bill, the Vice-Chancellor may, on the recommendation
17 of the Senate, appoint an appropriate person as examiner in place of the
18 examiner removed in pursuance of subsection (1) of this section.

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

23 **19.**-(1) Subject to the provisions of this section, where it appears to
24 the Vice-Chancellor that any student of the University has been guilty of
25 misconduct, the Vice-Chancellor may, in consultation with the Senate and,
26 without prejudice to any other disciplinary power conferred on him by
27 statute or regulations, direct that:

Discipline of
students

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

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

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

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

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

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

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

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

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

25 (7) It is hereby declared that a direction under subsection (1) (a) of this
26 section may be combined with a direction under subsection (1) (b) of this
27 section.

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

1 (9) The Visitor shall be the final arbiter on staff and student
2 discipline, and his decision shall be subject to appeal by a competent Court
3 of Law.

4 (10) Nothing in this subsection shall affect any power of a court of
5 competent jurisdiction to enforce the fundamental right of any aggrieved
6 citizen as enshrined in the Constitution of the Federal Republic of Nigeria
7 1999.

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

9 **20.**-(1) No person shall be required to satisfy the requirements as to
10 any of the following matters, that is to say, race (including ethnic
11 grounding), sex, place of birth or family origin, or religious or political
12 persuasion, as a condition of becoming or continuing to be a student at the
13 University, the holder of any degree of the University or of any appointment
14 or employment at the University or a member of anybody established by
15 virtue of this Bill; and no person shall be subjected to any disadvantage or
16 accorded any advantage in relation to the University, by reference to any of
17 those matters.

Miscellaneous
and general

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

25 **21.**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 Bill) except either
28 with the prior written consent either general or special, of the President:

Restriction on
disposal of land
by University

29 Provided that such consent shall not be required in the case of any
30 lease or tenancy at a rack-rent for a term not exceeding 21 years or lease or

	1	tenancy to a member of the University for residential purposes.
Quorum and procedure of bodies established by this Bill	2	22. Except as may be otherwise provided by statute or by regulations,
	3	the quorum and procedure of anybody of persons established by this Bill shall
	4	be as determined by that body.
	5	23.-(1) Anybody of persons established by this Bill 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 to
	8	authorise a committee established by it:
	9	(a) to exercise, on its behalf, such of its functions as it may determine;
	10	(b) to co-opt members, and may direct whether or not co-opted
	11	members (if any) shall be entitled to vote in that committee.
	12	(2) Any two or more such bodies may arrange for the holding of joint
	13	meetings of those bodies or for the appointment of committees consisting of
	14	members of those bodies or any of them and either of dealing with it or of
	15	reporting on it to those bodies or any of them.
	16	(3) Except as may be otherwise provided by statute or by regulations,
	17	the quorum and procedure of a committee established or meeting held in
	18	pursuance of this section shall be such as may be determined by the body or
	19	bodies which have decided to establish the committee or hold the meeting.
	20	(4) Nothing in the foregoing provisions of this section shall be
	21	construed as:
	22	(a) enabling statutes to be made otherwise than in accordance with
	23	section 11 of this Bill; or
	24	(b) enabling the Senate to empower any other body to make
	25	regulations or to award degrees or other qualifications.
	26	(5) The Pro-Chancellor and the Vice-Chancellor shall be members of
	27	every committee of which the members are wholly or partly appointed by the
	28	Council (other than a committee appointed to inquire into the conduct of any
	29	officer in question); and the Vice-Chancellor shall be a member of the Council
	30	and the Vice-Chancellor shall be a member of every committee of which the

1 members are wholly or partly appointed by the Senate.

2 **24.**-(1) Notwithstanding anything to the contrary in the Pensions
3 Act, the compulsory retiring age of an academic staff of a University shall be
4 65 years except professors who shall retire at 70 years.

Retiring age of
academic staff of
the University

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

8 **25.** A person who requires as a professor having served:

Special provisions
relating to pension
of professors

9 (a) a minimum period of fifteen years as a professor in the
10 University or continuously in the service of a university in Nigeria up to the
11 retiring age; and

12 (b) who during the period of service was absent from the
13 University only on approved national or University assignments, shall be
14 entitled to pension at a rate equivalent to his last annual salary and such
15 allowances as the Council may, from time to time, determine as qualifying
16 for pension and gratuity, in addition to any other retirement benefits to which
17 he may be entitled.

18 **26.**-(1) The seal of the University shall be such as may be
19 determined by the Council and approved by the Chancellor, and the affixing
20 of the seal shall be authenticated by any member of the Council and by the
21 Vice-Chancellor, secretary to the Council or any other person authorised by
22 statute.

Miscellaneous
administrative
provisions

23 (2) Any document purporting to be a document executed under the
24 seal of the University shall be received in evidence and shall, unless the
25 contrary is proved, be presumed to be so executed.

26 (3) Any contract or instrument which if made or executed by a
27 person not being a body corporate would not be required to be under seal,
28 may be made or executed on behalf of the University by any person
29 generally or specifically authorised to do so by the Council.

30 (4) The validity of any proceedings of anybody established in

1 pursuance of this Bill shall not be affected by any vacancy in the membership
2 of the body, or by any defect in the appointment of a member of the body or by
3 reason that any person not entitled to do so took part in the proceedings.

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

7 (6) Nothing in section 10 of the Interpretation Act (which provides for
8 the application in relation to subordinate legislation of certain incidental
9 provisions) shall apply to statutes or regulations made in pursuance of this Bill.

Second Schedule

10 (7) The power conferred by this Bill on anybody to make statutes or
11 regulations shall include power to revoke or vary any statute (including the
12 statute contained in the Second Schedule of this Bill) or any regulation by a
13 subsequent statute, or, as the case may be, by a subsequent regulation and
14 statute and regulations may make different provisions in reaction to different
15 circumstances.

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

18 (9) Any notice or other instrument authorised to be served by virtue of
19 this Bill may, without" prejudice to any other mode of service, be served by
20 post.

Interpretation

21 **27.-(1)** In this Bill, unless the context otherwise requires:
22 "Campus" means any campus which may be established by the University;
23 "College" means any college which may be established by the University;
24 "Council" means the Council established by this Bill for the University;
25 "Graduate" means a person on whom a degree, (other than an honorary degree)
26 has been conferred by the University;
27 "Minister" means the Minister charged with responsibility for agriculture;
28 "Notice" means notice in writing;
29 "Office" does not include the Visitor;
30 "Prescribed" means prescribed by statutes or regulations;

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

3 "Property" includes rights, liabilities and obligations;

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

5 "Senate" means the Senate of the University established pursuant to section
6 3(1)(c) of this Bill;

7 "Statute" means a subsidiary Legislative made by the University under
8 section 10 of this Bill and in accordance with the provisions of section 12 of
9 this Bill, and "the statutes" means all such statutes as are in force from time
10 to time;

11 "Teacher" means a person holding a full-time appointment as a member of
12 the teaching or research staff of each University;

13 "Undergraduate" means a person in statupupillari at each University other
14 than:

15 (a) a graduate; and

16 (b) a person of such description as may be prescribed for the
17 purposes of this definition;

18 "University" means any of the Universities of Agriculture established under
19 section 1 of this Bill.

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

27 **28.** This Bill may be cited as the Federal University of Agriculture, Citation
28 Samaru Kataf (Establishment) Bill, 2021.

1 SCHEDULES

2 FIRST SCHEDULE

3 [Section 2 (2)]

4 PRINCIPAL OFFICERS OF THE UNIVERSITY

5 *The Chancellor*

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

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

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

12 *The Pro-Chancellor*

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

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

17 *The Vice-Chancellor*

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

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

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

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

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

28 (iii) two members of the Senate who are not members of the Council,
29 one of whom shall be a professor;

30 (b) constitute a search team consisting of:

1 (i) a member of the Council, who is not a member of the Senate, as
2 chairman;

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

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

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

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

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

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

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

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

25 (7) The Vice-Chancellor may be removed from office by the
26 Visitor after due consultation with the Council and the Senate acting through
27 the Minister of Education.

28 *Deputy Vice-Chancellors*

29 4.-(1) There shall be for the University such number of Deputy
30 Vice-Chancellors as the Council may, from time to time, deem necessary for

1 the proper administration of the University.

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

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

8 (4) A Deputy Vice-Chancellor shall:

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

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

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

15 (5) A Deputy Vice-Chancellor:

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

19 (b) may be re-appointed for one further period of two years and no
20 more.

21 *Office of the Registrar*

22 5.-(1) There shall be for the University a Registrar, who shall be the
23 chief administrative officer of the University and shall be responsible to the
24 Vice-Chancellor for the day-to-day administrative work of the University
25 except as regards matters for which the Bursar is responsible in accordance
26 with paragraph 6 (2) of this Schedule.

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

1 *Other principal officers of the University*

2 6.-(1) There shall be for the University the following principal
3 officers, in addition to the Registrar, that is:

4 (a) the Bursar; and

5 (b) the University Librarian, who shall be appointed by the Council
6 on the recommendation of the Selection Board constituted under paragraph
7 8 of this Schedule.

8 (2) The Bursar shall be the chief financial officer of the University
9 and be responsible to the Vice-Chancellor for the day-to-day administration
10 and control of the financial affairs of the University,

11 (3) The University librarian shall be responsible to the Vice-
12 Chancellor for the administration of the university library and the co-
13 ordination of the library services in the University and its campuses,
14 colleges, faculties, schools, departments, institutes and other teaching or
15 research units.

16 (4) Any question as to the scope of the responsibilities of the
17 aforesaid officers shall be determined by the Vice-Chancellor.

18 *Selection Board for other principal officers*

19 7.-(1) There shall be, for the University, a Selection Board for the
20 appointment of principal officers, other than the Vice-Chancellor or Deputy
21 Vice-Chancellor, which shall consist of:

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

23 (b) the Vice-Chancellor;

24 (c) four members of the Council not being members of the Senate;

25 and

26 (d) two members of the Senate.

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

30 (3) The Registrar, Bursar and Librarian shall hold office for such

1 period and on such terms as to the emoluments of their offices and otherwise as
2 may be specified in their letters of appointment.

3 *Resignation and re-appointment*

4 8.-(1) Any officer mentioned in the foregoing provisions of this
5 Schedule may resign his office:

6 (a) in the case of the Chancellor, by notice to the President; and

7 (b) in any other case, by notice to the Council and the Council shall
8 immediately notify the Minister in the case of the Vice-Chancellor.

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

12 SECOND SCHEDULE

13 [Section 9 (2)]

14 ARTICLES

15 *The Council*

16 1.-(1) The composition of the Council shall be as provided in section
17 60 of the Act.

18 (2) Any member of the Council holding office otherwise than in
19 pursuance of section 6 (a), (b), (c) or (d) of this Bill may, by notice to the
20 Council, resign his office.

21 (3) A member of the Council holding office otherwise than in
22 pursuance of section 6 (a), (b), (c) or (d) of this Bill shall, unless he previously
23 vacates it, vacate that office on the expiration of the period of five years
24 beginning with effect from 1 August in the year in which he was appointed.

25 (4) Where a member of the Council holding office otherwise than in
26 pursuance of section 6 (a), (b), (c) or (d) of this Bill vacates before the
27 expiration of the period aforesaid, the body or person by whom he was
28 appointed may appoint a successor to hold office for the residue of the term of
29 his predecessor.

30 (5) A person ceasing to hold office as a member of the Council

1 otherwise than by removal for misconduct shall be eligible for, re-
2 appointment for only one further period of five years.

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

5 (7) If the Pro-Chancellor is not present at a meeting of the Council,
6 such other member of the Council present at the meeting as the Council may
7 appoint as respects that meeting, shall be the chairman at that meeting, and
8 subject to sections 4 and 5 of this Bill and the foregoing provisions, the
9 Council may regulate its own procedure.

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

14 *The Finance and General Purposes Committee*

15 2.-(1) The Finance and General Purposes Committee of the
16 Council shall consist of:

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

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

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

24 (d) the Permanent Secretary of the Federal Ministry of Agriculture
25 and Rural Development or, in his absence, such member of his Ministry as
26 he may designate to represent him.

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

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

1 *The Senate*

2 3.-(1) The Senate shall consist of:

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

4 (b) Deans of colleges;

5 (c) the Directors of institutes and research centres;

6 (d) the Heads of academic departments;

7 (e) the Librarian;

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

10 (g) four persons representing the Congregation.

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

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

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

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

23 (6) An elected member shall hold office for the period of two years
24 beginning with 1st August in the year of his election, and may be a candidate at
25 any election held in pursuance of paragraph (5) of this article in the year in
26 which his period of office expires, so however that no person shall be such a
27 candidate if at the end of his current period of office he will hold office as an
28 elected member for a continuous period of six years or would have so held
29 office if he had not resigned..

30 (7) No election held in pursuance of this article in any year if the

1 number specified in the certificate given in pursuance of paragraph (10) of
2 this article does not exceed by more than one the figure which is thrice the
3 number of those elected members holding office on the date of the certificate
4 who do not vacate office during that year in pursuance of paragraph (6) of
5 this article.

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

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

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

19 *Congregation*

20 4.-(1) Congregation shall consist of:

- 21 (a) the Vice-Chancellor and the Deputy Vice-Chancellors;
22 (b) the full-time members of the academic staff;
23 (c) the Registrar;
24 (d) the Bursar;
25 (e) the Librarian;
26 (f) the Director of Works;
27 (g) the Director of Physical Planning;
28 (h) the Director of Academic Planning;
29 (i) the Director of Health Services; and
30 (j) every member of the administrative staff who holds a degree

1 other than an honorary degree of any university recognised for the purposes of
2 this statute by the Vice-Chancellor.

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

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

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

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

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

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

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

23 *Convocation*

24 5.-(1) Convocation shall consist of:

25 (a) the officers of the University mentioned in the First Schedule to
26 the Act;

27 (b) all teachers within the meaning of the Act;

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

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

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

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

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

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

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

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

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

30 (8) Subject to section 4 of this Bill, the Chancellor shall be the

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

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

6 *Division of colleges*

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

9 *College Board*

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

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

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

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

19 (2) Each College Board shall consist of:

20 (a) the Vice-Chancellor;

21 (b) the Deputy Vice-Chancellor;

22 (c) the Dean;

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

24 (e) such of the teachers assigned to the college and having the
25 prescribed qualifications as the Board may determine; and

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

28 (3) The quorum of the Board shall be six members or one quarter,
29 (whichever is greater), of the members for the time being of the Board; and
30 subject to the provisions of this statute and to any provisions of this article and

1 to any provision made by regulations in that behalf, the Board may regulate
2 its own procedure.

3 *Appointments and Promotions Committee*

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

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

11 *Dean of college*

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

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

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

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

29 *Deputy Dean of college*

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

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

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

5 *Director of institute or centre*

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

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

13 *Head of department*

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

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

20 *Creation of academic posts*

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

24 *Appointment of academic staff*

25 14. Subject to this Bill and statutes deriving therefrom, the filling of
26 vacancies in academic posts (including newly created ones) shall be the
27 responsibility of the Appointments and Promotions Committee,
28 notwithstanding the fact that the Vice-Chancellor shall have the power to make
29 temporary appointments to academic and non-academic positions for a period
30 not exceeding twelve calendar months.

Funding of the University

15.-(1) The Federal Ministry of Agriculture and Rural Development shall have responsibility for agricultural education in the University similar to the responsibility of the Federal Ministry of Education in general universities.

(2) Notwithstanding the provisions of the National Universities Commissions Act, the University shall receive funds directly from the Federal Ministry of Agriculture and Rural Development and from other national and international agencies.

Agricultural Universities Co-ordination Agency

16. The Agricultural Universities Co-ordination Agency established in the Federal Ministry of Agriculture and Rural Development shall have the responsibility for monitoring and coordinating the academic and physical development of the Universities of Agriculture.

Functions of the Agency

17. Subject to sections 10 (3) and 18 (1) of the Act, the Agricultural Universities Co-ordination Agency shall have responsibility for monitoring and co-ordinating the academic and physical development and have responsibility:

(a) to advise the President and Visitor to the Universities of Agriculture, through the Minister, of matters relating to agricultural education, adaptive research and outreach extension services programme development in keeping with national priorities;

(b) to advise on the conditions of service and related establishments matters;

(c) to advise on the establishment and location of Agricultural Universities and related to agricultural institutions;

(d) to advise on the accreditation of academic programmes of Universities of Agriculture and schools/colleges of Agriculture, Forestry,

1 Fisheries, Soil Conservation, Animal Health, Wildlife Conservation, etc.; and
2 (e) for other specific functions as may be assigned to it from time to
3 time by the Federal Government of Nigeria.

4 18. There shall be for the Agency a Board charged with the
5 superintendence of the Agency, subject to section 18 (1) of the Act and shall
6 consist of:

7 (a) a chairman and the following other members, that is:

8 (b) the Permanent Secretary, Federal Ministry of Agriculture and
9 Rural Development;

10 (c) the Vice-Chancellor of each University of Agriculture;

11 (d) the Permanent Secretaries of the following Federal Ministries,
12 that is:

13 (i) Science and Technology;

14 (ii) Education;

15 (iii) National Planning Commission;

16 (iv) Finance;

17 (e) a representative of the National Association of Chambers of
18 Commerce, Industries, Mines and Agriculture (NACIMA);

19 (f) a representative of Farmer's Organisations;

20 (g) three members appointed by the President on individual merit and
21 a nation-wide basis to represent commercial, agricultural, industrial and
22 professional interests and such other national interests as are not otherwise
23 represented;

24 (h) the Executive Secretary as an ex-officio member.

25 *Statutory Committees of the Board*

26 19.-(1) The Board constituted under article 18 of this statute shall be
27 assisted in the performance of its functions by two Statutory Committees, the
28 Finance Committee and the Development Committee.

29 (2) The Finance Committee shall assist the Board in maintaining an
30 agency fund for running the Agency and in the allocation of funds to the

1 Universities of Agriculture and constituent affiliates.

2 (3) The Development Committee shall assist the Board in the
3 academic and physical development of the Universities of Agriculture and
4 constituent affiliates.

5 (4) The Board shall have power to appoint such, committee as will
6 assist it in performing its statutory functions.

7 *Tenure of office of members of the Board*

8 20. Subject to the provisions of this statute, a person appointed to
9 be a members of the Board, not being a public officer, shall hold office for a
10 period of five years from the date of his appointment' or for such other period
11 as may be specified in his instrument of appointment.

12 *The Executive Secretary of the Agency*

13 21.-(1) There shall be for the Agency established under article 17 of
14 this statute an Executive Secretary, to be appointed by the President and
15 Visitor to the Universities of Agriculture, on the advice of the Minister.

16 (2) The Executive Secretary shall be the chief executive of the
17 Agency and shall be responsible for the execution of the policy of the
18 Agency and the day-to-day running of the affairs of the Agency.

19 (3) The Executive Secretary shall hold office for a period of five
20 years and shall be eligible for re-appointment for another term of five years
21 as the President may determine.

22 (4) The Executive Secretary shall be assisted in the management of
23 the Agency by an Agency Secretariat as may be determined by the Agency.

24 22. In this statute, the expression "the Act" means the Universities
25 of Agriculture Act and any word or expression defined in the Act has the
26 same meaning in this statute.

27 23. This statute may be cited as the Universities of Agriculture
28 Statute.

EXPLANATORY NOTE

This Bill seeks to provide an Act to establish a Specialised University of Agriculture to be located in Samaru Kataf town, Kaduna State.

A BILL

FOR

AN ACT TO ALTER 1 OF THE FIRST SCHEDULE TO THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED), TO CHANGE THE NAME OF SABON GARI LOCAL GOVERNMENT AREA OF KADUNA STATE TO ZARIA NORTH LOCAL GOVERNMENT AREA, ALSO TO MAKE CONSEQUENTIAL AMENDMENTS BY ADDING THE WORD "SOUTH" TO THE NAME OF THE EXISTING ZARIA LOCAL GOVERNMENT AREA OF KADUNA STATE AND FOR RELATED MATTERS

Sponsored by Hon Tajudeen Abbas

[] Commencement

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

- 1 **1.** The Constitution of the Federal Republic of Nigeria 1999 (As
2 Amended)(herein after referred to as 'principal Act') is altered in Part 1, First
3 Schedule, under the local Government Areas in Kaduna State, as follows:
4 (a) delete 'Sabon Gari' and in place insert 'Zaria North', and
5 (b) immediately after "Zaria" insert "South"
6 **2.** This Bill may be cited as the Constitution (Fourth Alteration)
7 Bill, 2021.

Alteration of
Part I First Schedule
to the Constitution

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to provide for an Act to alter Part 1, First Schedule to the Constitution, to Change the name of Sabon Gari Local Government Area of Kaduna State to Zaria North Local Government Area; also to make consequential amendment by adding the word south to the name of the existing Zaria Local Government Area. The essence of this other is to clearly show that the Sabon Gari local Government and the Zaria local Government of Kaduna State are both geographically situated in Zaria city and shared common identity.