

Extraordinary



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NIGERIA ENTREPRENEURSHIP DEVELOPMENT BANK BILL, 2021

ARRANGEMENT OF SECTIONS

1. Establishment of the Nigerian Entrepreneurship Development Bank
2. Objective of the Bank
3. Functions of the Bank
4. Establishment of the Management Board of Director
5. Managing Director and other officers and servant of the Bank
6. Capital
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A BILL

FOR

AN ACT TO ESTABLISH NIGERIAN ENTREPRENEURSHIP DEVELOPMENT
BANK AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Olalekan Rasheed Afolabi

[] Commencement

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

- 1 **1.**-(1) There shall be established a bank to be known as the Nigerian
2 Entrepreneurship Development Bank (in this Bill referred to as the Bank")
3 which shall be a body corporate with perpetual succession.
4 (2) The Bank shall have power to sue and be sued in its own name
5 and may for the purposes of its functions acquire, hold or dispose of property
6 (whether movable or immovable) and shall have a common seal.
7 **2.**-(1) The Bank shall, in accordance with the object clause of its
8 Memorandum, foster the rapid development of entrepreneurs throughout
9 the Federation through the provision of finance to small scale enterprises
10 innovation and other related banking services.
11 **3.**-(1) The principal functions of the Bank shall be to:
12 (a) Provide equity capital and funds by way of loans to indigenous
13 entrepreneurs, small and medium scale industries, institutions and
14 organization for medium term investment and entrepreneurship
15 development at such a rate and upon such terms as may be determined by the
16 Board in accordance with the policy directed by the President;
17 (b) engage and participate in such other banking business as may
18 be directed by the Minister.
19 (2) Without prejudice to the generality of the foregoing, the Bank
20 shall in particular have power to:
21 (a) engage in all aspects of merchant banking particularly,

Establishment
of the Nigerian
Entrepreneurship
Development Bank

Object of the
Bank

Functions

1 confirmation of bills and financial obligation of third parties and acceptance
2 and discounting of bills, underwrite such stocks, shares and debenture as are
3 issued in furtherance of the policy of the Government, purchase and sell stocks
4 and shares quoted on the Nigerian stock exchange; provide guarantees in
5 respect of export credit and letters issued by licensed banks; accept term
6 deposits from public, financial institutions, trust funds, the post office and such
7 other bodies as the Board may direct; and provide cheque facilities for its
8 customers.

9 (3) Any liabilities of the Bank which may be incurred in connection
10 with the exercise of its powers under subsection (2) (a) of this section shall be
11 rediscountable with the Central Bank.

Board of Directors

12 4.-(1) There shall be a Board of Directors of the Bank (in this Act to as
13 lite Board") which shall, subject to the general directives of the Minister, be
14 responsible for the overall policy and general management of the Bank.

15 (2) The Board shall comprise the following, that is:

16 (a) a chairman;

17 (b) the permanent Secretary of each of the following Federal
18 Ministries:

19 (i) Finance;

20 (ii) Trade; and Investment;

21 (iii) Youth Development;

22 (c) the representative of the Central Bank;

23 (d) the Managing Director;

24 (e) a number of directors, not being more than three, who shall be
25 appointed jointly by the minority shareholders; and

26 (f) such other persons as are by reasons of their experience and
27 character suitable for appointment as members of the Board, as may be
28 appointed by the Minister.

29 (3) The chairman of the Bank shall be appointed by the Minister upon

1 such terms and conditions as the Minister may with the approval of the
2 President determine.

3 (4) A member of the Board appointed by the virtue of this section
4 (not being a member by virtue of paragraphs (a), (b), (c) and (d) of
5 subsection (1) of this section, shall be appointed for such period as may be
6 specified in his instrument of appointment and shall be entitled to be paid
7 such fees and allowances in accordance with such rules as the Board may,
8 subject to the approval of the Minister, prescribe.

9 (5) The provisions of the Schedule to this Act shall have effect in Schedule
10 relation to the membership, the procedure at meetings of the Board and such
11 other matters are specified there under.

12 (6) The reference:

13 (a) in subsection (2) (b) of this section to any representative of a
14 Federal Ministry is a reference to such officer of a Federal Ministry as may
15 be nominated by the Permanent Secretary of such Ministry to represent him
16 in that behalf; and

17 (b) in subsection (2) (c) of this section to "the minority
18 shareholders", is a reference to the shareholders of the Bank apart from the
19 Government.

20 **5.-(1)** There shall be an official of the Bank who shall be called the Managing Director and who shall be the chief executive of the Bank
21 responsible for the day-to-day management and operations of the Bank. Managing Director
22 and other Officers
23 and servants of
24 the Bank

23 (2) The Managing Director shall, subject to subsection (3) of this
24 section, be appointed by the Board with the approval of the Minister on such
25 terms and conditions as the Minister may deem fit.

26 (3) Any person appointed as the managing director shall not, while
27 he is the holder of that office, be the holder of the office of a director in any
28 other bank, corporation, company or any other concern, except with the
29 approval of the Minister.

30 (4) the Board may, subject to the provisions of this Act appoint such

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|-------------------------|----|---|
| | 1 | other person be officers and servants of the Bank as may appear to it be |
| | 2 | expedient and necessary for the efficient management of the business of the |
| | 3 | Bank. |
| Capital | 4 | 6.-(1) The capital of the Bank shall consist of equity and loan capital. |
| | 5 | (2) The authorised capital of the Bank shall be N50 million which |
| | 6 | shall be divided into 500,000 shares of N100 each, out of which 100,000 shares |
| | 7 | shall be issued at par and paid up, and the balance shall, subject to the |
| | 8 | provisions of subsections (3), (4), (5) and (6) of this section, be issued and paid |
| | 9 | for in the manner stipulated by the Bank. |
| | 10 | (3) The share capital of the Bank shall be subscribed by the |
| | 11 | Government and the central Bank |
| | 12 | (4) The proportion of the share participation of the Government and |
| | 13 | the Central Bank shall be sixty per cent, respectively, or such other proportion |
| | 14 | as the president may direct. |
| | 15 | (5) Notwithstanding the provisions of subsections (1), (2), (3) and (4) |
| | 16 | of this section, the central Bank may, subject to the approval of the Minister, |
| | 17 | transfer a proportion of its own shareholding (which shall not exceed twenty |
| | 18 | per cent thereof) to banks licensed under the Banks and other Financial |
| | 19 | institutions Act, insurance corporations and such other financial institutions as |
| | 20 | may be approved for this purpose by the Central Bank. |
| | 21 | (6) The loan capital of the bank shall be provided by the Government |
| | 22 | and other shareholders as aforesaid in such amount and upon such terms and |
| | 23 | conditions as may be determined by the Board with the approval of the |
| | 24 | Minister. |
| General Reserve Fund | 25 | 7.-(1) The Bank shall establish a general reserve fund to which shall |
| | 26 | be allocated from the net profits of the Bank at the end of each financial year |
| | 27 | and before any dividend is declared: |
| | 28 | (a) 25% of the net profits of the Bank where the amount of the general |
| | 29 | reserve fund is less than the paid-up share of the Bank; or |
| | 30 | (b) 12% of the net profits of the Bank where the amount of the general |

1 reserve fund is equal to or in excess of the paid-up share capital of the Bank.

2 (2) the net profits of the Bank for each financial year shall be
3 determined by the Bank after meeting all current expenditure for that year
4 and after making all such provisions as it thinks fit for bad and doubtful
5 debts, depreciation of assets, contributions to staff and superannuation fund
6 and all other contingencies.

7 **8.**-(1) The Bank may with the approval of the Minister borrow by Borrowing power
8 way of loan any sources any moneys required by the Bank for meeting its
9 obligations and discharging the functions of the Bank under this Act.

10 (2) The Bank shall also have power to secure the repayment of any
11 money borrowed by the Bank in such manner as the Bank shall think fit, and
12 in particular, by the issue of debentures charged upon all or any of the Bank's
13 properties; and shall also have powers to purchase, redeem and pay up any
14 such securities.

15 (3) The Bank shall have power to receive grants, loans and
16 advances and other moneys on deposits or otherwise from the Government,
17 the Central Bank and any other commercial bank within the meaning of the
18 Banks and other Financial Institutions Act, and also the public in general
19 under such conditions as may be approved by the Minister.

20 (4) The Government may guarantee in such manner and upon such
21 terms and conditions as it may think fit the redemption and the repayment of
22 any interest on any debenture stocks issued by the Bank on temporary loans
23 raised by the Bank.

24 **9.** Without prejudice to section 7 of this Act, the Bank shall Funds of the
Bank
25 maintain a fund which consist of:

26 (a) such monies as may, from time to time, be provided by the
27 government for the purposes of this section by way of grants or loans or
28 both; and

29 (b) such monies as may be received by the Bank in the course of its
30 operations, and from such fund there shall be defrayed all general expenses

| | | |
|-------------------------------|----|--|
| | 1 | incurred by the Bank; and the Bank shall submit to the Minister not later than |
| | 2 | three months before the end of each financial year estimates of its expenditure |
| | 3 | and income (which shall exclude payments to the Bank out of monies provided |
| | 4 | by the Government) relating to the next following financial year. |
| Auditing of accounts | 5 | 10.-(1) The Bank shall as soon as maybe after the end of the financial |
| | 6 | year to which the accounts relate cause its accounts to be audited by auditors |
| | 7 | from the list of auditors and in accordance with guidelines supplied by the |
| | 8 | Auditor-General for the Federation. |
| | 9 | (2) The auditors shall on the completion of the audit of the accounts of |
| | 10 | the Bank for the relevant financial year, prepare and submit to the Bank a report |
| | 11 | setting out: |
| | 12 | (a) general observations and recommendations of the auditors on all |
| | 13 | aspects of the operations of the business of the Bank for that year. |
| | 14 | (b) detailed observations and recommendations of the auditors on all |
| | 15 | aspects of the operations of the business of the Bank for that year. |
| Records and annual reports | 16 | 11.-(1) The Bank shall keep proper accounts and proper records of |
| | 17 | accounts and shall prepare in respect of each financial year a statement of |
| | 18 | account in such form as the Minister may direct, being such form which shall |
| | 19 | conform to the best commercial standards. |
| | 20 | (2) It shall be the duty of the Bank to prepare and submit to the |
| | 21 | Minister, not later than three months after the end of each financial year; a |
| | 22 | report which shall be in such form as the Minister may direct and shall relate to |
| | 23 | the activities of the Bank during the immediately preceding financial year. |
| | 24 | (3) The report shall include the report of the audited accounts of the |
| | 25 | Bank for that year and a copy of the copy of the auditors' reports on the accounts |
| | 26 | and shall be presented to the President by the Minister so soon after the receipt |
| | 27 | thereof as it may be convenient |
| Offices and branches | 28 | 12. The Bank shall have its head office in Abuja and may, subject to |
| | 29 | the approval of the Minister, open branches in other parts of Nigeria and |

1 appoint agents and correspondents in accordance with the decisions of the
2 Board.

3 **13.** The Board may, with the approval of the Minister, make such Regulations
4 regulations as be necessary for giving effect to the provisions of this Act; and
5 in particular, without prejudice to the generality of the foregoing, it may
6 make regulations:

7 (a) governing the granting of loans, advances and making of
8 deposits;

9 (b) regulating the relationship between the Bank and other
10 financial institutions;

11 (c) for prescribing the terms, conditions, rates of interest, fees or
12 administrative charges in respect of advances, credits, guarantees and any
13 other transactions which the bank may undertake from time to time;

14 (d) prescribing forms of applications, agreements and other
15 materials necessary for the control of the grant of advances, credits,
16 guarantees and other transactions which the bank may undertake from time
17 to time;

18 (e) determining and prescribing the provisions as to securities that
19 may be required for loans, and such collaterals which shall be made
20 available as securities for loans granted; and

21 (f) Prescribing such other matters as may be incidental or
22 supplemental to the functions of the Bank under this Act.

23 **14.-(1)** Unless a contrary intention appears, anything required to be Rules
24 prescribed under this Act shall be prescribed by the board with the approval
25 of the Minister.

26 {2} Notwithstanding subsection (1) of this section, the Board may
27 with such approval make such rules as are necessary for giving effect to the
28 provisions of this Act, and in particular for:

29 (a) regulating the terms and conditions of service of the officer,
30 servants and agents of the Bank and making provisions regarding their

| | |
|--|---|
| | 1 remuneration and allowances; |
| | 2 (b) determining pensions, gratuities, medical benefits and provident |
| | 3 funds, and superannuation benefits payable to such officers, servants and |
| | 4 agents; and |
| | 5 (c) the provision and maintenance of any superannuation scheme (|
| | 6 contributory or not) and such other funds as the Bank may at its discretion |
| | 7 determine. |
| Bye-laws | 8 15. Notwithstanding the foregoing provisions of this Act, the Board |
| | 9 may, with the approval of the Minister, make bye-laws for the good order and |
| | 10 management of the Bank and any such bye-law shall be authenticated by the |
| | 11 Bank's seal. |
| Exemptions | 12 16.-(1) The Board shall be exempt from the payment of tax and the |
| | 13 provisions of any enactment relating to taxation of companies shall not apply to |
| | 14 the Board. |
| | 15 (2) The provisions of the Bank and other Financial Institutions Act |
| | 16 shall not apply to the Bank and section 51 (1) thereof shall be construed |
| | 17 accordingly. |
| Restriction as to publication of instruments | 18 17. For the avoidance of doubt, it shall be necessary for any |
| | 19 instrument made under this Act to be published in the Federal or any other |
| | 20 Gazette, but where the provisions of any instrument may affect the interest of |
| | 21 any persons, the Board shall bring any information contained hereunder to the |
| | 22 notice of the persons affected in such manner (including publication thereof in |
| | 23 the Federal or any State Gazette) as the Board may direct. |
| Interpretation | 24 18. In this Act, unless the context otherwise requires: |
| | 25 "Bank" means the Nigerian Bank for Commerce and Industry established |
| | 26 under section 1 of this Act; |
| | 27 "Board" means the board of directors as constituted under section 3 of this Act; |
| | 28 "Central Bank" means the Central Bank of Nigeria established under the |
| | 29 Central Bank of Nigeria Act; |
| | 30 "Financial Institutions" has the same meaning as in section 61 of the Banks and |

1 other Financial Institutions Act;

2 "Government" means the Government of the Federation;

3 "Minister" means the Minister of Finance.

4 **19.** This Bill maybe cited as the Nigerian Entrepreneurship Short title
5 Development Bank Bill, 2021.

6 SCHEDULE

7 [Section 4 (5)]

8 PROVISIONS RELATING TO THE BOARD

9 1. Subject to this Bill and section 27 of the Interpretation Act (
10 which provides for decisions of a statutory body to be taken by a majority of
11 its members and for the chairman to have a second or casting vote), the
12 Board may make standing orders regulating the proceedings of the Board or
13 any committee thereof, in particular, as respects:

14 [Cap. 123.]

15 (a) the holding of meetings

16 (b) notices to be given of such meetings and proceedings thereat;

17 (c) the keeping of minutes and the custody, production and
18 inspection of such minutes; and

19 (d) The opening, keeping, closing and auditing of accounts.

20 2. Every meeting of the Board shall be presided over by the
21 chairman or if the chairman is unable to attend any particular meeting, by
22 another member appointed by the members present at the meeting to act as
23 chairman for that particular meeting.

24 3. The quorum of members at a meeting of the Board shall be the
25 chairman (or, in an appropriate case, the person appointed to act as chairman
26 under paragraph 2 of this schedule) and six other members.

27 4. Where standing orders made under paragraph 1 of this schedule
28 provide for the Board to co-opt persons who are not members of the Board,
29 such persons may advise the Board on any matter referred to them by the
30 Board, shall not be entitled to vote at a meeting of the Board.

1 5. The Bank shall have a common seal and the affixing of the seal shall
2 be authenticated by the signatures of the chairman or another member of the
3 Bank authorised, either generally or specially, by the Bank to act for that
4 purpose, and of the managing director or some other person authorised either
5 generally or specially by the Bank to act for that purpose.

6 6. Every document purporting to be an instrument issued by the Bank
7 and to be sealed with the seal of the Bank authenticated in the manner provided
8 by this paragraph, or to be signed by the managing director, shall be received in
9 evidence and be deemed to be such instrument without further proof, unless the
10 contrary is shown.

11 7. Any contract or instrument which, if made or executed by any
12 person not being a body corporate would not be required to be under seal, may
13 be made or executed on behalf of the Bank by any person generally or specially
14 authorised to act for that purpose by the Bank.

15 8. The validity of any proceedings of the Bank shall not be affected:

16 (a) by any vacancy in the membership of the Board; or

17 (b) by any defect in the appointment of a member of the Board; or

18 (c) by reason that a person not entitled to do so took part in the
19 proceedings of the Board

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Nigerian Entrepreneurship Development Bank to aid, encourage aspiring entrepreneurs and small scale enterprises in Nigeria.

FEDERAL AGRICULTURAL LOAN FACILITY REGULATORY AGENCY

BILL, 2021

ARRANGEMENT OF CLAUSES

Clause:

PART I - ESTABLISHMENT OF THE FEDERAL AGRICULTURAL LOAN

FACILITY REGULATORY AGENCY

1. Establishment of the Agency
2. Governing Board of the Agency
3. Tenure of some members of the Board
4. Resignation, Cessation or removal of some members of the Board

PART II - FUNCTIONS OF THE BOARD

5. Functions of the Agency
6. Powers of the Board

PART III - STAFF OF THE AGENCY

7. The Chairman and Secretary of the Agency
8. Other Staff of the Agency
9. Staff Regulations

PART IV - STRUCTURE OF THE AGENCY

10. Departments of the Agency
11. Zonal offices of the Agency
12. Establishment of management and other committees for the Agency

PART V - FINANCIAL PROVISIONS

13. Establishment of fund for the Agency
14. Applications and Management of the funds
15. Annual budget of the Agency.
16. Reports

PART VI - MISCELLANEOUS PROVISIONS

17. Procedure and Limitation of suits against the Agency
 18. Service of Process
 19. Indemnity of members etc.
 20. Acquisition of property
 21. Regulations
 22. Directives by the president
 23. Powers to obtain information
 24. Citation
- Schedule

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL AGRICULTURAL LOAN FACILITY REGULATORY AGENCY, TO BE SADDLED WITH THE RESPONSIBILITY OF COORDINATING AND REGULATING ALL FORMS OF AGRICULTURAL LOAN FACILITY TO ALL FARMERS ASSOCIATION, CORPORATIVE SOCIETIES COMPRISES OF MEN AND WOMEN IN PARTNERSHIP WITH THE RELEVANT MINISTRY FROM FEDERAL, STATES TO LOCAL GOVERNMENT LEVEL IN ACTUALIZATION FOR RURAL DEVELOPMENT AND ACCESSIBILITY OF PEST CONTROL MECHANISM, INCLUDING PROVISION OF AGRICULTURAL EQUIPMENTS TO COMMENCE MECHANIZE AGRICULTURE IN ORDER TO SUSTAIN FOOD SECURITY AND HUGE HARVEST IN NIGERIA, AND OTHER RELATED MATTERS

Sponsored Hon. Mohammed Auwal Jatau

[] Commencement

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

1 PART 1 - ESTABLISHMENT OF THE FEDERAL AGRICULTURAL, LOAN
2 FACILITY REGULATORY AGENCY AND ITS GOVERNING BOARD

3 1.-(1) There is established Federal Agricultural Loan Facility Establishment of
4 Regulatory Agency (in this Bill referred to as "the Agency"). the Agency

5 (2) The Agency shall be a corporate body with a perpetual
6 succession and a common seal, may sue and be sued in its corporate name
7 and shall operate under the presidency.

8 2.-(1) There is established for the Agency a Governing, Board ("in Governing Board
9 this Bill referred to as "the Board") which shall consists: of the Agency

10 (a) chairman, who shall be an experienced person(s) in
11 Agricultural Expert Agriculturalist and Administration, shall be appointed
12 by the President of the Federal Republic of Nigeria "FRN".

| | | |
|--|----|---|
| | 1 | (b) A representative of: |
| | 2 | (i) Ministry responsible for Agriculture and Rural Development; |
| | 3 | (ii) Ministry responsible for Finance, budget and National planning; |
| | 4 | (iii) CBN; |
| | 5 | (iv) EFCC; |
| | 6 | (v) NDIC; |
| | 7 | (vi) National Food Security Council; |
| | 8 | (vii) National seed development council; |
| | 9 | (viii) IGP's office. |
| | 10 | (c) the Chairman of the Agency, who shall serve as a member and |
| | 11 | secretary of the Board. |
| | 12 | (2) Members of the Board shall not be below the rank of a Director. |
| Schedule | 13 | (3) The supplementary provisions contained in the schedule to this B |
| | 14 | ill, shall have effect with respect to the proceedings of the board and other |
| | 15 | Matters. |
| Tenure of members of the Board | 16 | 3.-(1) The Chairman and members of the Board, shall hold office for |
| | 17 | the term of four "4" years and renewable, subject to satisfactory performances, |
| | 18 | for further term of four "4" years and no more. |
| | 19 | (2) The members of the Board shall be paid such remunerations and |
| | 20 | allowances as the President of the FRN, on recommendation of salaries and |
| | 21 | wages Agency, may from time to time determine. |
| Resignation, Cessation or removal of some members of the Board | 22 | 4.-(1) The members of the Board may resign the appointment, by |
| | 23 | notice in writing addressed to the chairman, while the chairman shall address |
| | 24 | his/her letter of resignation to the President of the FRN. |
| | 25 | (2) A member of the Board, may cease membership if the member: |
| | 26 | (a) dies or becomes of unsound mind; |
| | 27 | (b) becomes bankrupt; |
| | 28 | (c) is convicted of a felony or of any offence involving dishonesty; |
| | 29 | (d) is guilty of serious misconduct in relation to the office; |
| | 30 | (e) in the case of a member holding professional qualification, if the |

1 person(s) is disqualified or suspended from practicing the profession; or

2 (f) cease to be a staff of the Agency he is representing.

3 (3) A member of the Board may be removed, at any time, from the
4 office by the president of the "FRN", if the President of the "FRN" is
5 satisfied that it is not in the interest of the Agency or the public that the
6 member should continue to hold office.

7 PART II - FUNCTIONS OF THE BOARD

8 5. The Agency shall be responsible for:

Functions of the
Agency

9 (a) Coordinating and regulating all forms of Agricultural loan
10 Facility to the farmers Association, cooperative societies comprises of men
11 and women and other farmers interested in obtaining and accessing the
12 facilities for the purpose of food production security and huge harvest to
13 sustain Nigerians;

14 (b) Providing guidelines in which the Loan Facility can be
15 accessed by the farmers in order to achieve the utmost desired results.

16 (c) Ensuring proper distribution of the loan facility to the farmers
17 including agricultural equipment in order to stem food Shortage in the
18 Nation;

19 (d) Ensuring farmers low interest rate, and provision of pest control
20 mechanism as to improve food security, in cushioning the effect of COVID-
21 19 pandemic in the country;

22 (e) Determining all necessary sustainable food production
23 strategy, to enhance food sufficiency and security as to curb food crisis
24 annually in the federation;

25 (f) Approving loan facilities to farmers Association on their farms
26 capacity, with evaluation and monitoring to actualize the core mandate of
27 the Agency; and

28 (g) Performing any other function that may be assigned to it by the
29 president of the FRN, or do any other thing that is incidental to the objectives
30 of this Bill.

Powers of the
Board

- 1 **6.** The Board shall have powers to:
- 2 (a) superintend smooth implementation of the Agency;
- 3 (b) approve guidelines in which all interested farmers Association,
- 4 cooperative societies comprise of men and women including intending fanners
- 5 should obtain and access the loan facilities to Boost huge food production
- 6 harvest in Nigeria;
- 7 (c) approve appointment, discipline, promotion and appeals of staff of
- 8 the Agency;
- 9 (d) approve additional creation of departments, divisions and units as
- 10 it may deem necessary to achieve the objectives of the Agency;
- 11 (e) perform any other function that may be assigned to it by the
- 12 President of the "FRN" from time to time; and
- 13 (f) do any other thing that is incidental to the objectives of this Bill.

14 PART III - STAFF OF THE AGENCY

Chairman and
Secretary of the
agency

- 15 **7.-(1)** There shall be appointed for the Agency a chairman, by the
- 16 president of the FRN, who shall possess cognate experience and qualification
- 17 as Agricultural scientist! Agriculturist and Administration, for a period of not
- 18 less than 10 years.
- 19 (2) The chairman shall:
- 20 (a) be the Chief-Executive and accounting of the Agency and shall be
- 21 charged with:
- 22 (i) matters relating to day-to-day management, and operations of the
- 23 Agency; and
- 24 (ii) determining structure of ranks, for staff of the Agency.
- 25 (b) hold office for a term of four "4" years and renewable, subject to
- 26 satisfactory performance, for further term of four "4" years, and no more; and
- 27 (c) be answerable to the Board.
- 28 (3) There shall be appointed for the Agency, by the Board on the
- 29 recommendation of the chairman, a Secretary for the Agency, who shall qualify
- 30 as a legal practitioner and was so qualified for a period of not less than 10 years.

1 (4) The Secretary shall be:

2 (a) a legal adviser of the Agency

3 (b) secretary to all the committees to be established by the
4 management committees; and

5 (c) answerable to the chairman of the Agency;

6 **8.**-(1) The staff of the Agency other than those, mentioned in this Other staff of
the Agency
7 Bill, shall be employed according to the procedure stipulated by the Board.

8 (2) The staff can be on permanent or temporary appointment on the
9 terms which precludes the grants of pension and gratuity.

10 (3) The staff of the Agency who qualify as a legal practitioner, Cap. L11 LFN,
2004
11 within the meaning of legal practitioners Act, shall in addition to other
12 function, enter appearance to prosecute or defend any civil matters in any
13 court involving the Agency.

14 **9.**-(1) The Agency may subject to the provision of this Bill, with the Staff regulations
15 approval of the Board, make regulations relating, generally to the condition
16 of service in the Agency such regulation may provide for the appointment,
17 promotion, discipline and appeals for the staff of the Agency;

18 (2) The staff of the Agency shall be paid such salary and allowances as may
19 be determined by the president on recommendation of the Board.

20 PART VI - STRUCTURE OF THE AGENCY

21 **10.**-(1) There shall be established for the Agency, such number of Departments of
the Agency
22 Departments, provisions an units as the Agency, with the approval of the
23 Board may deem necessary.

24 (2) Each Department shall be headed by a Director who shall be
25 professionally qualified to hold the office appointed through a competitive
26 process.

27 (3) Subject to the approval of the Board, the Agency may create
28 additional departments, divisions and units as it may deem necessary to
29 achieve the objective of the Agency.

| | | |
|---|----|---|
| Zonal offices of the Agency | 1 | 11. The Agency shall: |
| | 2 | (a) divide the federation into such number of zones as it Agency may |
| | 3 | from time to time, determine for effective organization of the Agency; and |
| | 4 | (b) establish in each zone, a zonal office. |
| Establishment of managements, and other committees for the Agency | 5 | 12.-(1) There is established for the Agency, a management, |
| | 6 | committee comprising of all the Directors and the chairman of the Agency, who |
| | 7 | shall be the chairperson of the committee. |
| | 8 | (2) The committee may create additional standing or Ad-Hoc |
| | 9 | committees and give them specific function. |
| | 10 | PART V - FINANCIAL PROVISIONS |
| Establishment of fund for the Agency | 11 | 13. The Agency shall establish and maintain a fund, which shall be |
| | 12 | paid and credited- |
| | 13 | (a) all subventions and budgetary allocation from the Federal |
| | 14 | Government; |
| | 15 | (b) all sums accruing to the Agency by the way of gifts, endowments, |
| | 16 | bequests, grants or other contributions, by person(s) and organizations; |
| | 17 | (c) returns of investments; |
| | 18 | (d) foreign donations or aid; and |
| | 19 | (e) local donations or aid and assistances. |
| Application and management of the fund | 20 | 14. The Agency shall manage and apply its fund, in accordance with |
| | 21 | the general guidelines made by the management committees, particularly on: |
| | 22 | (a) general operations of the Agency; |
| | 23 | (b) payment of salaries and other allowances for the staff of the |
| | 24 | Agency; |
| | 25 | (c) Provide and maintain of any property vested. in the Agency; |
| | 26 | (d) provide procurement process mechanism to monitor and evaluate |
| | 27 | the farmer's performances on the accessed loans facility if sub-sustainable, to |
| | 28 | achieve the core mandate of the Agency; and |
| | 29 | (e) provide cost of procurement of goods and consultancy services for |
| | 30 | the benefits of the Agency. |

| | | |
|----|--|--------------------|
| 1 | 15. The Agency shall not later than 30th September each year or | Annual Budget |
| 2 | other date stipulated by law or policy, submit to the president an estimate of | of the Agency |
| 3 | expenditure or income of the Agency as approved by the Board for the next | |
| 4 | fiscal year, for incorporation into the Federal budget. | |
| 5 | 16. The Agency shall submit to the Board quarterly report of the | Reports |
| 6 | activities of the Agency and the Board shall submit annual report of its | |
| 7 | activities to the president of FRN. | |
| 8 | PART VI - MISCELLANEOUS PROVISIONS | |
| 9 | 17. A person who has a cause of action against the Agency shall: | Procedure and |
| 10 | (a) give the Agency one-month notice, in writing, of intention to | Limitation of suit |
| 11 | commence an action, disclosing the cause of action and relief sought to be | against the Agency |
| 12 | served on the Agency at its head office; and | |
| 13 | (b) commence the legal action within six '6' weeks from the date the | |
| 14 | cause of action emanated or arose. | |
| 15 | 18. Any document, summons, notices, process or any other thing | Service of process |
| 16 | required or authorized to be served to the Agency, shall be served by | |
| 17 | delivering same to the office of the chairman of the Agency. | |
| 18 | 19. Every member of the Agency, agents or employees of the | Indemnity of |
| 19 | Agency, shall be indemnified from the fund of the Agency, against any | members etc. |
| 20 | liability incurred in defending any proceeding brought against the person(s) | |
| 21 | under this clause, in the person's capacity as member or employee of the | |
| 22 | Agency. | |
| 23 | 20. The Agency may subject to the provisions of, Land Use Act and | Acquisition of |
| 24 | any other applicable law, have powers to lease, rent or acquire an interest in | property. Cap. L40 |
| 25 | land and other properties. | LFN, 2004 |
| 26 | 21. The Agency with approval of the Board shall have power to | Regulations |
| 27 | make regulations for-effective implementation of the provisions of this Bill. | |
| 28 | 22. The President may give the Agency such, directives dealing | Directives by the |
| 29 | with matters of general policy and maintenance of public safety and peace in | President |
| 30 | Nigeria. | |

Citation

Clause 2(3)

PART I - PROCEEDINGS OF THE BOARD

22 (4) The quorum of the Board shall be formed by the Chairman or a
23 person sitting (secretary) in his/her place as chairman and five "5" other
24 members of the Board or more.

28 (2) The decision of the sub-committee appointed under paragraph
29 2(1) shall have no effect until it is approved by the committee and the Board.

PART III - MISCELLANEOUS

3.-(1) The Secretary of the Board shall be the custodian of the seal of the Board.

(2) Fixing of the common seal of the Agency shall be authenticated by the signature of the chairman of the Board or some other person(s) authorized to do so.

(3) Any contract or instrument, which if made or executed by a person(s) not being a corporate body, shall not require to be made under seal, shall be executed on behalf of the Agency by the chairman or any other person authorized to do so.

(4) Where the Board desires to obtain an expert opinion from a person not being a member of the board, the Board may co-opt such person for such period the Board may determine but the co-opted person shall not have the right to vote or to count in forming a quorum.

(5) The validity of any proceeding of the Board or of a committee shall not be adversely affected by any vacancy in the membership of the Board or committee or by any defect in the appointment of a member of the Board or committee or by reason that a person not entitled to take part in the proceedings of the Board or the committee took part.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Agricultural Loan Facility Regulatory Agency, to be saddled with the responsibility of coordinating and regulating all forms of Agricultural Loan Facility to all farmers Association, corporative societies comprises of men and women in partnership with the relevant ministry from federal, states to local government level in actualization for rural development and accessibility of pest control mechanism, including provision of Agricultural equipments to commence mechanize agriculture in order to sustain food security and huge harvest in Nigeria.

A BILL

FOR

AN ACT TO PROVIDE FOR THE INCLUSION OF ANTI-PREJUDICE EDUCATION
IN THE PROGRAMMES OF NATIONAL YOUTH SERVICE CORPS, NATIONAL
ORIENTATION AGENCY, PUBLIC AND PRIVATE BROADCASTING STATIONS
AND IN THE CURICULA OF SCHOOLS AT ALL LEVELS TO PROMOTE
NATIONAL UNITY AND INTEGRATION AND FOR RELATED MATTERS

Sponsored by Hon. Lawal Muhammadu Idirisu

[] Commencement

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

- 1 **1.-(1)** The inclusion of anti-prejudice education is hereby made Inclusion of anti-
- 2 compulsory in: prejudice education
- 3 (a) Curriculums of primary schools, secondary schools and tertiary in strategic sectors
- 4 institutions;
- 5 (b) Programmes of Nigeria Television Authority, Federal Radio
- 6 Corporation of Nigeria, News Agency of Nigeria, Voice of Nigeria, state
- 7 broadcasting stations, National Orientation Agency and National Youth
- 8 Service Corps; and
- 9 (c) private broadcasting stations shall strive to include anti-
- 10 prejudice education in their programmes as part of their corporate social
- 11 responsibilities.
- 12 (2) The course shall be taught or aired in a manner developed and
- 13 prescribed by the Nigerian Educational Research and Development Council
- 14 as the principal agency in collaboration with other members of the steering
- 15 committee established in section 2 of this Act.
- 16 (3) The standard shall be supervised by the Department of Basic
- 17 and Secondary Education in the Federal Ministry of Education, National
- 18 Board for Technical Education (NBTE), National Commission for Colleges

Establishment
of Steering
Committee

1 of Education (NCCE), National Universities Commissions (NUC) and the
2 National Broadcasting Commission (NBC) and failure to adhere to stipulated
3 standards shall be sanctioned in accordance with their extant laws and
4 regulations.

5 2.-(1) There is established an ad hoc steering committee for the
6 development and management of anti-prejudice education in Nigeria.

7 (2) The committee shall consist of:

8 (a) the permanent secretary, Federal Ministry of Education who shall
9 serve as the chairman;

10 (b) a representative of Nigerian Educational Research and
11 Development Council who shall serve as the secretary;

12 (c) a representative of the department of basic and secondary
13 education from the Federal Ministry of Education;

14 (d) a representative of National Commission for Colleges of
15 Education;

16 (e) a representative of National Board for Technical Education;

17 (f) a representative of National Universities Commission;

18 (g) a representative of National Broadcasting Commission;

19 (h) a representative of National Youth Service Corps;

20 (i) a representative of National Orientation agency;

21 (j) a representative of Broadcasting Organizations of Nigeria;

22 (k) a representative of Federal Radio Corporation of Nigeria;

23 (l) a representative of News Agency of Nigeria;

24 (m) a representative of Nigeria Television Authority; and

25 (n) a representative of National Institute for Peace and Conflict
26 Resolution.

27 (3) The ad hoc committee shall be inaugurated on the passage of the
28 Bill into law.

29 (4) Members of the committee shall receive allowances as applicable
30 to government agencies during the times prescribed for the assignments.

- 1 (5) The duties of the committee shall be to:
- 2 (a) develop courses and modules on anti-prejudice education for
- 3 schools and broadcasting stations pursuant to section 1 of this Act.
- 4 (b) reconvene when circumstances so detect to review or address
- 5 emerging challenges; and
- 6 (c) perform other functions or make rules incidental to the
- 7 implementation of the objectives of this Act.
- 8 (6) When the need to reconvene the meeting of the committee
- 9 pursuant to section 2(1) of this Act arises, the permanent secretary of the
- 10 federal Ministry of education shall summon the meeting for such numbers of
- 11 days needed to address emerging issues.
- 12 (7) On completion of its duties pursuant to subsection (5) and (6) of
- 13 this section, the permanent secretary responsible for education shall
- 14 dissolve the committee.
- 15 **3.** In this Bill unless the context otherwise requires; Interpretation
- 16 If Prejudice" means the attitude of pre-judging about phenomena, events,
- 17 individuals or groups without having the basic information needed before
- 18 conclusion or opinion can be made;
- 19 "Anti-prejudice education" means education against the attitude of pre-
- 20 judging about phenomena, events, individuals or groups before one
- 21 becomes exposed to evidence needed to reach a conclusion.
- 22 **4.** This Bill may be cited as Anti-prejudice Education (Inclusion) Citation
- 23 Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to promote anti-prejudice education to provide for appreciation of our diversity and to promote national unity and integration.

FOR

Sponsored by Hon. Joe Edionwele

[] Commencement

| | | |
|----|---|--|
| 1 | 1.-(1) There is hereby established the Federal Medical Centre Illele | Establishment of Federal Medical Centre Illele |
| 2 | (in this Bill referred to as "the Federal Medical Centre") and the Medical | |
| 3 | Centre shall serve as the Medical Centre subject to the provision of this Bill. | |
| 4 | (2) The hospital: | |
| 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 the Board of Management of the Medical Centre |
| 9 | Centre a Board of Management (in this Bill referred to as "Board") which | |
| 10 | shall be constituted and have the functions and powers set out in this Bill. | |
| 11 | 3.-(1) The Board shall consist of: | Membership of the Board |
| 12 | (a) a chairman; | |
| 13 | (b) the Chief Medical Director of the Medical Centre; | |
| 14 | (c) the Director of Clinical Services; | |
| 15 | (d) the Director of Administration; | |
| 16 | (e) the Director of Finance; | |
| 17 | (f) the Director of Maintenance; | |
| 18 | (g) a representative of the president | |
| 19 | (h) the Federal Ministry of Health; | |
| 20 | (i) the National Planning Commission; | |
| 21 | (j) the Society of Gynaecology and Obstetrics of Nigeria; | |

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

1 respect of that member; or

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

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

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

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

Allowances of
members

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

14 **7.-(1)** The Board shall:

Functions of the
Board

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

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

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

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

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

Powers of the
Board

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

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

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

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

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

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

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

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

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

Medical Director
of the Medical
Centre

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

23 (2) The Chief Medical Director shall:

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

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

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

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

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

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

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

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

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

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

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

15 (b) a Director of Clinical Services;

16 (c) a Director of Finance;

17 (d) a Director of Maintenance.

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

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

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

Appointment of
Directors and
other staff of the
Medical Centre

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

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

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

Service in the
Medical Centre
to be pensionable

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

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

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

Establishment
of the Medical
Advisory
Committee, etc.

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

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

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

25 (c) be appointed by the Board.

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

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

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

4 PART IV - FINANCIAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exemption from
tax

Exemption from
customs duties, etc.

Discipline of
students

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

1 as the Board may nominate.

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

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

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

Removal and
discipline of
clinical,
administrative
and technical
staff

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

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

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

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

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

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

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

1 any such suspension shall forthwith be reported to the Board.

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

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

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

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

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

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

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

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

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

28 (d) whether to take such lesser disciplinary action against the
29 person (including the restoration of his emoluments that might have been
30 withheld), as the Board may determine, and in any case where the Board,

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

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

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

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

Discipline of
junior staff

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

20 (a) consider the case; and

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

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

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

29 (4) Any person aggrieved by a decision of the Chief Medical Director
30 made under subsection (3) of this section may, within a period of 21 days from

1 the date of the letter communicating the decision to him, address a petition to
2 the Board to reconsider his case.

3 PART VI - MISCELLANEOUS

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

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

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

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

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

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

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

25 **27.** In this Bill: Interpretation

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

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

29 "chairman" means the chairman of the Board;

30 "functions" include powers and duties;

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

Short title

13 **28.** This Bill may be cited as the Federal Medical Centre Illeh
14 (Establishment) Bill, 2021.

SCHEDULE

[Section 3 (3).]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

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

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

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

30 (2) At any meeting of the Board, the chairman shall preside but if he is

1 absent, the members present at the meeting shall appoint one of their number
2 to preside at the meeting.

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

8 *Committees*

9 3.-(1) The Board may appoint one or more committees to carry out,
10 on behalf of the Board, such functions as the Board may determine.

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

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

17 *Miscellaneous*

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

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

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

30 5. The validity of any proceedings of the Board or of a committee

- 1 shall not be adversely affected by:
- 2 (a) a vacancy in the membership of the Board or committee;
- 3 (b) a defect in the appointment of a member of the Board or
- 4 committee; or
- 5 (c) reason that a person not entitled to do so took part in the
- 6 proceedings of the Board or committee.

EXPLANATORY NOTE

This Bill seeks to provide for the Legal Framework to Establish the Federal Medical Centre Illeh Edo State.

FEDERAL EYE CENTRE IRUEKPEN EKPOMA (ESTABLISHMENT) BILL, 2021

ARRANGEMENT OF SECTIONS

Section:

Establishment of Federal Eye Centre Iruekpen

1. Establishment of the Federal Eye Centre
2. Functions of the Centre.
3. Constituent parts of the Centre.
4. The Management Board.
5. Tenure of office of the Chairman and members of the Board.
6. General duty of the Board.
7. Powers of the Board in relation to management, etc., of the Centre staff

Staff

8. The Director
9. Appointment, etc., of other staff
10. Composition of the education committee
11. Functions of the education committee
12. Candidacy for admission
13. Power of the Minister to give directions

Finance and discipline

14. Financial provisions
15. Fees for services
16. Power to accept gifts
17. Discipline of students
18. Removal and discipline of clinical, administrative and technical staff
19. Discipline of junior staff

Miscellaneous and supplementary

20. Exclusion of discrimination on account of religion, race, etc.
21. Annual reports
22. Interpretation
23. Short title

A BILL
FOR

AN ACT TO ESTABLISH THE FEDERAL EYE CENTRE AT IRUEKPEN FOR THE PREVENTION AND CURE OF EYE DEFECTS AND DISEASES AND TO ESTABLISH A BOARD TO GOVERN THE CENTRE AND AN ACADEMIC COMMITTEE, TO TAKE CHARGE OF THE CENTRE'S ACADEMIC AFFAIRS AND FOR RELATED MATTERS

Sponsored by Hon. Joe Edionwele

[] Commencement

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

- 1

Establishment, etc. of the Federal Eye Centre Iruokpen
- 2

1.-(1) There is hereby established at Iruokpen, a center by the name

Establishment of the Federal Eye Centre, Iruokpen
- 3

of the Federal Eye Centre (in this Bill referred to as "the Centre"), which
- 4

shall be a body corporate with perpetual succession and a common seal.
- 5

(2) The Centre shall be a hospital, specialising in ophthalmology,
- 6

with facilities for the training of ophthalmic personnel at all levels.
- 7

2.-(1) The functions of the Centre shall be to provide as part of the

Functions of the Centre
- 8

hospital and specialist services, services in connection with the diagnosis
- 9

and treatment of diseases or defects of the eye, supply of optical appliances
- 10

and other supplementary ophthalmic services.
- 11

(2) The Centre shall have power:
- 12

(a) to provide diagnostic, curative, promotive and rehabilitative
- 13

ophthalmic services;
- 14

(b) to provide ambulatory and domiciliary ophthalmic treatment,
- 15

employing the services of ophthalmologists and other medical practitioners;
- 16

(c) to provide facilities for the clinical training of
- 17

ophthalmologists;
- 18

(d) to provide facilities for the training of ophthalmic and

1 dispensing opticians, ophthalmic nurses, orthoptists and ophthalmic
2 technicians;

3 (e) to create facilities for research into all aspects of ophthalmology,
4 that is to say, visual, clinical and experimental;

5 (f) to develop new diagnostic and therapeutic ophthalmic instruments
6 and appliances better suited to the practice of ophthalmology in Nigeria.

7 (3) For the purposes of the discharge of its functions under the
8 foregoing provisions of this section, the Centre may:

9 (a) arrange periodic conferences, seminars, study groups and like
10 activities in ophthalmology;

11 (b) advise the Government of the Federation or of a State on all
12 matters relating to defects and diseases of the eye and the prevention of
13 blindness;

14 (c) offer such assistance to ophthalmic hospitals or units in various
15 parts of the Federation, as the Board may deem necessary;

16 (d) do anything in connection with or incidental to the functions
17 conferred on it by this Bill.

Constituent parts
of the Centre

18 **3.** The Centre shall be constituted as follows, that is to say:

19 (a) a management board;

20 (b) an education committee;

21 (c) the clinical and other departments of the Centre;

22 (d) all members of the administrative, clinical and technical staff; and

23 (e) all students of the Centre.

The Management
Board

24 **4.-(I)** There is hereby established for the Centre, a board to be known
25 as the Federal Eye Centre Management Board (in this Bill referred to as "the
26 Board"), which shall have general responsibility for the government of the
27 Centre and shall consist of:

28 (a) the Chairman;

29 (b) the Director;

30 (c) four persons, broadly representative of the whole Federation and

1 representing a variety of interest, who shall be appointed by the President;

2 (d) two persons appointed by the consultant staff of the hospital
3 from among their number;

4 (e) the Permanent Secretary, Federal Ministry of Health, or his
5 representative;

6 (f) the Permanent Secretary, Federal Ministry of Education, or his
7 representative.

8 (2) The Chairman and other members who are not ex officio shall
9 be appointed by the President, on the recommendation of the Minister.

10 (3) The Chairman shall be a person of proven integrity, coupled
11 with experience and outstanding ability in administration and professional
12 or technical education.

13 (4) The members specified in paragraphs (b),(d), (e) and (f) of
14 subsection (1) of this section, are hereafter referred to as "ex-officio
15 members".

16 (5) The supplementary provisions in the Schedule to this Act, shall
17 have effect with respect to the constitution and proceedings of the Board and
18 the education committee and the other matters therein mentioned.

19 **5.-(1)** The Chairman and any other member of the Board (not being
20 an ex-officio member), shall hold office for a period of three years and shall
21 be eligible for re-appointment for a further period of three years:

Tenure of office
of the Chairman
and members of
the Board

22 Provided that members of the Board appointed under paragraph (d)
23 of section 4 (1) of this Bill, shall hold office for two years and shall not be
24 eligible for re-appointment.

25 (2) A member of the Board, other than an ex-officio member, shall
26 be paid out of monies at the disposal of the Board such remuneration and
27 allowances in accordance with scales approved from time to time by the
28 President.

29 (3) In the event of the death or incapacity of the Chairman of the
30 Board, or if for any reason other than effluxion of time, the office of the

1 Chairman is vacant, the President shall, on the recommendation of the
2 Minister, appoint another person as chairman for the residue of the term of the
3 Chairman of the Board.

4 (4) The office of a member of the Board shall become vacant if:

5 (a) he previously resigns his office by notice in writing given to the
6 Minister;

7 (b) the period of his appointment has expired; or

8 (c) there is passed by the Board, a resolution declaring:

9 (i) that he has become unfit for membership of the Board, by reason of
10 the fact that he has become incapable by reason of mental or bodily infirmity of
11 discharging his duties; or

12 (ii) that he has been absent from three consecutive meetings of the
13 Board without leave of the Board; or

14 (iii) he has been convicted of an offence which involves moral
15 turpitude.

16 (5) Soon after the office of a member becomes vacant, the authority
17 by which he was appointed shall appoint another person in his place in
18 accordance with the provisions of this Bill.

19 (6) Any member of the Board other than an ex-officio member may,
20 by notice to the Board, resign his appointment.

General duty
of the Board

21 6.-(1) The Board shall be the governing body of the Centre and shall
22 be charged with the general control and superintendence of the policy, finances
23 and property of the Centre, including its public relations .

24 (2) Without prejudice to the generality of the foregoing, it shall be the
25 duty of the Board:

26 (a) to construct, equip, maintain and operate the hospital, which is to
27 provide comprehensive services, teaching and clinical research in
28 ophthalmology;

29 (b) to construct, equip, maintain and operate such training schools and
30 similar institutions as the Board considers necessary, for providing the Centre

1 at all times 'with adequate and sufficiently qualified staff, including
2 ophthalmologists, ophthalmic technicians, nurses and members of other
3 allied professions and calling, relevant to the practice of ophthalmology;

4 (c) to construct, equip, maintain and operate such clinics, units,
5 out-patient departments, laboratories, research or experimental stations and
6 other like institutions, as the Board may consider necessary for the efficient
7 functioning of the Centre.

8 (3) The duty of running the Centre imposed by the foregoing
9 subsection shall include, without prejudice to the extent of that duty apart
10 from this subsection, the duty of providing proper courses of instruction for
11 students; but the Board shall not have power to award degrees, so however
12 that the Board shall not be prevented from arranging for students to attend
13 courses at or take higher qualifications awarded by other institutions not
14 controlled by the Board.

15 (4) The Board shall ensure that the standards of treatment and care
16 for patients provided at all establishments controlled by the Board and the
17 standards of training at those establishments, do not fall below those usually
18 provided by similar establishments of internationally high repute.

19 (5) Subject to this Bill, the Board shall have power to do anything,
20 which in its opinion, is calculated to facilitate the carrying out of its
21 functions under this Bill.

22 7. The Board shall be responsible for laying down general policies
23 and guidelines relating to the management of the affairs of the Centre,
24 including the management of the hospital and the provision of facilities
25 relating to the training of all categories of ophthalmic personnel and it shall
26 be the duty of the Director to execute such policies and to keep within such
27 guidelines.

Powers of the
Board in relation
to management,
etc., of the Centre
Staff

28 *Staff*

29 8.-(1) Subject to the provisions of this section, the Director shall be
30 appointed or removed from his office by the President.

The Director

1 (2) The Director shall hold office for four years in the first instance
2 and shall be eligible for reappointment for terms not exceeding three years, on
3 each occasion.

4 (3) Subject to this section, the Director shall hold office on such terms
5 as to emoluments and otherwise as may be specified in his letter of
6 appointment.

7 (4) The Director shall, in relation to the Board, take precedence before
8 all other members of the Centre, except the Chairman of the Board and any
9 person for the time being acting as Chairman of the Board.

10 (5) Subject to this section, the Director shall be the chief executive
11 officer of the Centre and in addition to any other function conferred on him by
12 this Bill, have the general function of directing the day-to-day activities of the
13 Centre.

Appointment,
etc., of other staff

14 9.-(1) The senior members of the clinical, administrative and
15 technical staff of the Centre shall be appointed by the Board on the
16 recommendation of a committee, to be known as the Appointments and
17 Promotions Committee, set up under the provisions of paragraph 4 (3) of the
18 Schedule to this Bill.

19 [Schedule.]

20 (2) The Board shall from among the officers appointed pursuant to
21 subsection (1) of this section select, on the recommendation of the Director, a
22 person to act both as the secretary to the Board and to the education committee.

23 (3) The power to appoint all other categories of staff to hold or act in
24 offices in the Centre (including power to make appointments on promotion and
25 transfer and to confirm, dismiss or exercise other disciplinary control over
26 persons holding or acting in such offices), shall be exercised by the Director
27 acting on the recommendation of the Junior Staff Appointments and
28 Promotions Committee, constituted under paragraph 4 (4) of the Schedule to
29 this Bill.

| | | |
|----|--|--|
| 1 | 10. The education committee shall consist of: | Composition of the education committee |
| 2 | (a) the Director, who shall be the chairman; | |
| 3 | (b) the heads of the departments of the Centre, responsible for | |
| 4 | training; and | |
| 5 | (c) the persons for the time being holding such offices in the | |
| 6 | Centre, as the Director may specify. | |
| 7 | 11. The education committee shall have responsibility for the | Functions of the education committee |
| 8 | running of the academic affairs of the Centre including- | |
| 9 | (a) the organisation and control of courses of study at the Centre | |
| 10 | and of the examinations held in connection with those courses; | |
| 11 | (b) determining the requisite qualifications for admission into any | |
| 12 | of the courses offered by the Centre; | |
| 13 | (c) determining the duration of the training period; and | |
| 14 | (d) effecting the affiliation of the Centre with universities and | |
| 15 | institutions, for the award of degrees, diplomas or fellowship to students, on | |
| 16 | the successful completion of the relevant courses. | |
| 17 | 12. Where a candidate offers himself for admission as a | Candidacy for admission |
| 18 | postgraduate medical student under this Bill, he shall satisfy the Board that | |
| 19 | he is a registered medical practitioner or that he is on the temporary or | |
| 20 | provisional register of medical practitioners of the Nigeria Medical Council. | |
| 21 | 13. The Minister may give to the Board directions of a general | Power of the Minister to give directions |
| 22 | character or relating generally to particular matters (but not to any individual | |
| 23 | person or case), with regard to the exercise by the Board of its functions | |
| 24 | under this Bill, and it shall be the duty of the Board to comply with the | |
| 25 | directions, but no direction shall be given which is inconsistent with the | |
| 26 | duties of the Board under this Act. | |
| 27 | <i>Finance and discipline</i> | |
| 28 | 14.-(1) The Board shall establish a fund into which it shall pay: | Financial provisions |
| 29 | (a) such sums as may be provided, from time to time, by the | |
| 30 | Government of the Federation or of a State for the Centre; and | |

| | | |
|------------------------|----|--|
| | 1 | (b) all sums accruing to the Centre by way of fees, gifts, testamentary |
| | 2 | disposition, contributions from philanthropic persons or organisations or |
| | 3 | otherwise howsoever. |
| | 4 | (2) Except with the approval of the Minister, the Centre shall not have |
| | 5 | power to borrow money. |
| | 6 | (3) The Board shall prepare and submit to the Minister, not later than |
| | 7 | 31 December in each financial year, an estimate of the income and expenditure |
| | 8 | of the Centre during the next succeeding financial year. |
| | 9 | (4) The Centre shall keep proper accounts in respect of each financial |
| | 10 | year and proper records in relation to those accounts and shall cause its |
| | 11 | accounts to be audited as soon as may be, after the end of the financial year to |
| | 12 | which the accounts relate by a firm of auditors appointed, as respects that year, |
| | 13 | by the Board from the list and in accordance with the guidelines supplied by the |
| | 14 | Auditor-General of the Federation. |
| Fees for services | 15 | 15. The Board may, with the approval of the Minister, prescribe the |
| | 16 | scale of fees chargeable for hospital services provided by the Centre. |
| Power to accept gifts | 17 | 16.-(1) The Centre may accept gifts of land, money or other property |
| | 18 | upon such terms and conditions, if any, as may be specified by the person or |
| | 19 | organisation making the gift. |
| | 20 | (2) The Board shall not accept any gift if the conditions attached by |
| | 21 | the person making the gift are inconsistent with the functions of the Board |
| | 22 | under this Act. |
| Discipline of students | 23 | 17.-(I) Subject to the provisions of this section, where it appears to the |
| | 24 | Director that any student of the Centre has been guilty of misconduct, the |
| | 25 | Director may, without prejudice to any other disciplinary powers conferred on |
| | 26 | him by regulations, direct: |
| | 27 | (a) that, the student shall not, during such period as may be specified |
| | 28 | in the direction, participate in such activities of the Centre or make use of such |
| | 29 | facilities of the Centre as may be so specified; or |
| | 30 | (b) that the activities of the student shall, during such period as may be |

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

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

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

6 (2) Where a direction is given under subsection (1) (c) or (d) of this
7 section in respect of any student, the student may, within the prescribed
8 period and in the prescribed manner, appeal from the direction to the Board;
9 and where such an appeal is brought, the Board shall, after causing inquiry to
10 be made in the matter as the Board considers appropriate, either confirm or
11 set aside the direction or modify it in such manner as the Board thinks fit.

12 (3) The fact that an appeal from a direction is brought in pursuance
13 of the last foregoing subsection, shall not affect the operation of the direction
14 while the appeal is pending.

15 (4) The Director may delegate his powers under this section to a
16 disciplinary committee consisting of such members of the Centre as he may
17 nominate.

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

21 (6) It is hereby declared that a direction under subsection (1) (a) of
22 this section may be combined with a direction under subsection (1) (b) of
23 this section.

24 (7) Nothing in this section shall affect the provisions of any
25 enactment relating to the discipline of medical practitioners, pharmacists,
26 nurses or members of any other profession or calling.

27 **18.-(1)** If it appears to the Board that there are reasons for believing
28 that any person employed as a member of the clinical, administrative or
29 technical staff of the Centre, other than the Director, should be removed
30 from his office or employment, the Board shall require the Director to:

Removal and
discipline of clinical,
administrative and
technical staff

- 1 (a) give notice of those reasons to the person in question;
2 (b) afford him an opportunity of making representations in person on
3 the matter to the Board; and
4 (c) if the person in question so requests within the period of one month
5 beginning with the date of the notice, make arrangements:
6 (i) for a committee to investigate the matter and to report on it to the
7 Board; and
8 (ii) for the person in question to be afforded an opportunity of
9 appearing before and being heard by the investigating committee with respect
10 to the matter, and if the Board, after considering the report of the investigating
11 committee, is satisfied that the person in question should be removed as
12 aforesaid, the Board may so remove him by a letter signed on the direction of
13 the Board.
- 14 (2) The Director may, in a case of misconduct by a member of staff,
15 which in the opinion of the Director is prejudicial to the interest of the Centre,
16 suspend any such member and any such suspension shall forthwith be reported
17 to the Board.
- 18 (3) For good cause, any member of the staff may be suspended from
19 his duties or his appointment may be terminated by the Board; and for the
20 purposes of this section, "good cause" means:
21 (a) a conviction for any offence which the Board considers to be such
22 as to render the person concerned unfit for the discharge of the functions of his
23 office; or
24 (b) any physical or mental incapacity which the Board, after obtaining
25 medical advice, considers to be such as to render the person concerned unfit to
26 continue to hold his office; or
27 (c) conduct of a scandalous or other disgraceful nature which the
28 Board considers to be such as to render the person concerned unfit to continue
29 to hold his office; or
30 (d) conduct which the Board considers to be such as to constitute

1 failure or inability of the person concerned to discharge the functions of his
2 office or to comply with the terms and conditions of his service.

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

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

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

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

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

21 (5) It shall be the duty of the person by whom a letter of removal is
22 signed in pursuance of subsection (1) of this section, to use his best
23 endeavours to cause a copy of the letter to be served as soon as reasonably
24 practicable on the person to whom it relates.

25 (6) Nothing in the foregoing provisions of this section shall prevent
26 the Board from making regulations for the discipline of students and all
27 other categories of employees of the Centre, as the Board may prescribe.

28 (7) Regulations made under subsection (6) of this section, need not
29 be published in the Federal Gazette, but the Board shall bring them to the

Discipline of
junior staff

1 notice of all affected persons in such manner as it may, from time to time,
2 determine.

3 **19.**-(1) If any junior staff is accused of misconduct or inefficiency, the
4 Director may suspend him for not more than three months and forthwith shall
5 direct the Junior Staff Appointments and Promotion Committee appointed
6 under the provisions of paragraph 3 (b) of the Schedule to this Bill:

7 *[Schedule.]*

8 (a) to consider the case; and

9 (b) to make recommendations as to the appropriate action to be taken
10 by the Director.

11 (2) In all cases under this section the officer shall be informed of the
12 charge against him and shall be given reasonable opportunity to defend
13 himself.

14 (3) The Director may, after considering the recommendation made
15 pursuant to subsection (1)(b) of this section, dismiss, terminate, retire or down-
16 grade the officer concerned.

17 (4) Any person aggrieved by the Director's decision under subsection
18 (3) of this section may, within a period of 21 days from the date of the letter
19 communicating the decision to him, address a petition to the Board to
20 reconsider his case, and the Board's decision thereon shall be final.

21 *Miscellaneous and supplementary*

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

22 **20.** No person shall be required to satisfy requirements as to any of
23 the following matters, that is to say, race (including ethnic grouping), sex, place
24 of birth or of family origin, or religious or political persuasion, as a condition to
25 becoming or continuing to be a student at the Centre, the holder of any
26 appointment or employment at the Centre or a member of anybody established
27 by virtue of this Act; and no person shall be subjected to any disadvantage or
28 accorded any advantage in relation to the Centre, by reference to any of those
29 matters:

30 Provided that nothing in this section shall be construed as preventing

1 the Centre from imposing any disability or restriction on any of the
2 aforementioned persons, where such person wilfully refuses or fails, on
3 grounds of religious belief to undertake any duty generally and uniformly
4 imposed on all such persons or any group of them which duty, having regard
5 to its nature and the special circumstances pertaining thereto, is in the
6 opinion of the Centre reasonably justifiable in the national interest.

7 **21.** The Board shall prepare and submit to the President, through Annual reports
8 the Minister, not later than 30 June in each year, a report in such form as the
9 Minister may direct on the activities of the Board during the immediately
10 preceding year and shall include in such report a copy of the audited
11 accounts of the Centre for that year and of the auditors' report thereon.

12 **22.** In this Act, unless the context otherwise requires: Interpretation
13 "the Board" means the governing Board for the Centre, appointed under
14 section 4(1) of this Act;
15 "the Centre" means the Federal Eye Centre, Iruekpen established under
16 section 1 of this Act; "functions" includes powers and duties;
17 "the Minister" means the Minister charged with responsibility for health;
18 "student" means a person enrolled at an institution controlled by the Board,
19 for the purpose of pursuing a course of instruction at the institution.

20 **23.** This Bill may be cited as the Federal Eye Centre Iruekpen Bill, Citation
21 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for Federal Eye Centre responsible for eye
treatment management and other academic pursuit in eye management

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, THE EDUCATION
3 COMMITTEE, ETC.4 *Proceedings of the Board*

5 1. Subject to the provisions of this Bill and section 27 of the
6 Interpretation Bill (which provides for the decisions of a statutory body to be
7 taken by a majority of the members of the body and for the person presiding to
8 have a second or casting vote), the Board may make standing orders regulating
9 the proceedings of the Board or any committee thereof.

10 2. The quorum of the Board shall be five, which shall include the
11 Chairman and at least one other member, who is not an ex-officio member; and
12 the quorum of any committee of the Board shall be determined by the Board.

13 3.-(1) Subject to the provisions of any standing orders of the Board,
14 the Board shall meet whenever it is summoned by the Chairman; and if the
15 Chairman is required so to do by notice given to him by not less than five other
16 members, he shall summon a meeting of the Board to be held within fourteen
17 days of the date of the receipt by him of the notice.

18 (2) At any meeting of the Board, the Chairman of the Board shall
19 preside and if the Chairman is absent, the members present shall elect one of
20 their number to preside at the meeting.

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

25 (4) Notwithstanding anything in the foregoing provisions of this
26 paragraph, the first meeting of the Board shall be summoned by the Minister,
27 who may give such directions as he thinks fit as to the procedure which shall be
28 followed at that meeting.

29 *Committees of the Board and Education Committee*

30 4.-(1) The Board may appoint one or more committees to carry out on

1 behalf of the Board such of its functions as the Board may determine, but a
2 decision of a committee shall be of no effect until it is confirmed by the
3 Board.

4 (2) The education committee may appoint one or more committees
5 to carry out on behalf of the education committee such of its functions as the
6 education committee may determine, but a decision of a committee shall be
7 of no effect until it is confirmed by the education committee.

8 (3) Without prejudice to the generality of sub-paragraphs (1) and
9 (2) of this Schedule, the Board shall appoint the following committees, that
10 is:

11 (a) the Appointments and Promotions Committee, which shall:

12 (i) consist of not less than five members, including the Director,
13 who shall be the chairman of the Committee;

14 (ii) be charged with the responsibility for making
15 recommendations to the Board on the appointment and promotion of the
16 clinical, administrative and technical staff of the Centre and have a quorum of
17 three members;

18 (b) the Junior Staff Appointments and Promotions Committee,
19 which shall have the powers set out in section 19 of this Bill.

20 *Employees of the Centre*

21 5. Subject to this Act, the Board shall have power:

22 (a) to pay the employees of the Centre such remuneration and
23 allowances as the Board may with the approval of the Minister determine;

24 (b) to pay any person appointed to a committee of the Board such
25 remuneration (whether by way of fees or otherwise), in respect of the
26 performance of his functions under this Bill and such travelling and
27 subsistence allowances while on the business of the Board, as the Board may
28 determine;

29 (c) to establish for the employees of the Centre such

1 superannuation scheme (whether contributory or not), as the Board may
2 determine; and

3 (d) to give loans to its employees for purposes approved by the Board.

4 *Miscellaneous*

5 6.-(1) The fixing of the seal of the Board shall be authenticated by the
6 signature of the Chairman or of some other member, authorised generally or
7 specially by the Board for that 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 Centre by any person generally or specially
11 authorised to act for that purpose by the Board or a committee of the Board.

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

15 7. The validity of any proceedings of the Board or a committee
16 thereof, shall not be affected by any vacancy in the membership of the Board or
17 committee, or by any defect in the appointment of a member of the Board or of
18 any other person on the committee.

19 8. Any member, and any person holding office on a committee of the
20 Board, who has a personal interest in any contract or arrangement entered into
21 or proposed to be considered by the Board, shall forthwith disclose his interest
22 to the Board and shall not vote on any question relating to the contract or
23 arrangement.

24 *Education Committee*

25 9. The provisions of this Schedule shall apply mutatis mutandis to the
26 education committee; so however that in relation to the quorum thereof, it shall
27 be as may be determined by the education committee.

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF AGRICULTURE AND
TECHNOLOGY, IGUEBEN EDO STATE AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Joe Edionwele

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL
2 UNIVERSITY OF AGRICULTURE AND TECHNOLOGY IGUEBEN, EDO STATE

3 1.-(1) There is here by established the Federal University of
4 Agriculture and Technology, Igueben, Edo State (in this Bill referred to as
5 "the University") to be known as the Federal University of Agriculture and
6 Technology Igueben, Edo State.

Establishment
and Objects of the
Federal University
of Agriculture and
Technology Igueben,
Edo State

7 (2) The University:

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

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

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

Objects of the
University

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

15 (b) to develop and offer academic and professional programmes
16 leading to the award of diplomas, first degrees, post-graduate research and
17 higher degrees with emphasis on Agricultural research, planning, adaptive,
18 technical, maintenance, developmental and productive skills in the
19 engineering, scientific, and allied professional disciplines with the aim of
20 producing socially mature men and women with capability not only to
21 understand, use and adapt existing technologies in the Agriculture, but also

- 1 to improve on them and develop new ones;
- 2 (c) to act as agents and catalysts, through post-graduate training,
3 research and innovation for the effective and economic utilization, exploitation
4 and conservation of the country's Agriculture resources;
- 5 (d) to offer to the general population particularly in the area
6 Agriculture as a form of public service, the results of training and research and
7 to foster the practical applications of these results;
- 8 (e) to establish appropriate relationships with other national
9 institutions involved in training, research and development of technologies in
10 the Agriculture sector;
- 11 (f) to identify the problems and needs of the Agriculture sector in
12 Nigeria and to find solutions to them within the context of overall national
13 development;
- 14 (g) to provide and promote sound basic scientific training as a
15 foundation for the development of Agriculture in Nigeria, taking into account
16 indigenous cultures and the need to enhance national unity;
- 17 (h) to encourage and promote scholarship and conduct research in
18 restricted fields of learning and human endeavor;
- 19 (i) to relate its activities to the technological, social, cultural and
20 economic needs of the people of Nigeria; and
- 21 (j) to undertake any other activities appropriate for an Agriculture
22 university of the highest standard.
- 23 **3.-(1) The University shall consist of:**
- 24 (a) a Chancellor;
- 25 (b) a Pro-Chancellor and a Council;
- 26 (c) a Vice Chancellor and a Senate;
- 27 (d) a Deputy Vice-Chancellor(s);
- 28 (e) a body to be called Congregation;
- 29 (f) a body to be called Convocation;
- 30 (g) the campuses and colleges of the University;

1 (h) the. faculties, schools, institutes and other teaching and
2 research units of the University;

3 (i) the persons holding the offices constituted by the First Schedule
4 to this Bill other than those mentioned in paragraphs (a) to (c) of this
5 subsection;

6 (j) all graduates and undergraduates; and

7 (k) all other persons who are members of the University in
8 accordance with provisions made by Statute in that behalf.

9 (2) The First Schedule to this Bill shall have effect with respect to
10 the principal officers of the University mentioned therein.

11 (3) Provision shall be made by Statute with respect to the
12 constitution of the following bodies, namely:

13 (a) the Council;

14 (b) the Senate;

15 (c) the Congregation; and

16 (d) the Convocation.

17 **4.-(1)** For the carrying out of its objects as specified in Section 2 of Powers of the
18 this Act, the University shall have power to: University

19 (a) establish such campuses, colleges, faculties, institutes, schools,
20 extra-mural departments and other teaching and research units within the
21 University as may from time to time seem necessary or desirable, subject to
22 the approval of the National Universities Commission;

23 (b) institute professorships, readerships and associate
24 professorships, lectureships and other posts and offices and to make
25 appointments thereto;

26 (c) institute and award fellowships, scholarships, exhibitions,
27 bursaries, medals, prizes and other titles, distinctions, awards and forms of
28 assistance;

29 (d) provide for the residence, discipline and welfare of members of
30 the University;

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

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

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

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

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

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

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

22 (l) hold public lectures and undertake printing, publishing and book
23 selling;

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

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

6 (o) make gifts for any charitable purpose;

7 (p) do anything which it is authorized or required by this Bill or by
 8 any other Statute to do; and

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

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

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

Functions of the
Chancellor and
Pro-Chancellor

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

25 **6.-(1)** There shall be a Council for the University consisting of:

Establishment and
Composition of
Council

26 (a) the Pro-Chancellor;

27 (b) the Vice-Chancellor;

28 (c) the Deputy Vice-Chancellor;

29 (d) one person from the Ministry responsible for Education;

30 (e) four persons representing a variety of interest and broadly

- 1 representative of the whole Federation;
- 2 (f) four persons appointed by the Senate from among its members;
- 3 (g) two persons appointed by the congregation from among its
- 4 members; and
- 5 (h) one persons appointed by Convocation from among its members.
- 6 (2) Persons to be appointed to the Council shall be persons of proven
- 7 integrity, knowledgeable and familiar with the affairs and tradition of the
- 8 University.
- 9 7.-(1) Subject to the provisions of this Bill relating to the Visitor, the
- 10 Council shall be the Governing Body of the University and shall be charged
- 11 with the general control and superintendence of the policy, finances and
- 12 property of the University, including its public relations.
- 13 (2) There shall be a committee of the Council to be known as the
- 14 Finance and General Purposes Committee, which shall, subject to the
- 15 directions of the Council, exercise control over the property and expenditure of
- 16 the Council as the Council by from time to time delegate to it.
- 17 (3) Provision shall be made by Statute with respect to the constitution
- 18 of the Finance and General Purposes Committee.
- 19 (4) The Council shall ensure proper accounts of the University are
- 20 kept and that the accounts of the University are audited annually by auditors
- 21 appointed by the Council from the list and in accordance with guidelines
- 22 supplied by the Auditor-General of the Federation, and that an annual report is
- 23 published by the University together with certified copies of the said accounts
- 24 as audited.
- 25 (5) Subject to this Bill and the Statutes, the Council and the Finance
- 26 and General Purposes Committee may each make rules for the purpose of
- 27 exercising any of their respective functions or of regulating their own
- 28 procedure.
- 29 (6) Rules made under subsection (5) of this section by the Finance and
- 30 General Purposes Committee shall not come into force unless approved by the

Functions of the
Council and its
Finance and
General Purpose

1 Council, and where any rule so made by the Committee conflict with any
2 directions given by the Council (whether before or after the coming into
3 force of the rules in question), the direction of the Council shall prevail.

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

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

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

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

21 **8.-(1)** Subject to section 5 of this Bill and subsections (3) and (4) of
22 this section and to the provisions of this Act relating to the Visitor, it shall be
23 the general function of the Senate to organize and control teaching in the
24 University, admission to Postgraduate courses and other admission of
25 students, the discipline of students and to promote research in the
26 University.

Functions of the
Senate

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

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

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

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

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

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

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

14 (f) supervision of the welfare of students in the University and the
15 regulation of their conduct;

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

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

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

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

30 (b) The Senate shall, by regulation, provide that at least one of the

1 persons appointed as examiners at each final or professional examination
2 held in conjunction with any course of study in the University is not a
3 teacher at the University but is a teacher at the branch of learning to which
4 the course relates in some other University of high repute.

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

11 9.-(1) The Vice-Chancellor shall, in relation to the University, take
12 precedence before all other members of the University except the
13 Chancellor and, subject to section 5 of this Act, the Pro-Chancellor and any
14 other person for the time being acting as Chairman of the Council.

Functions of the
Vice-Chancellor

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

21 PART II - TRANSFER OF PROPERTY

22 10.-(1) All property held by or on behalf of the Provisional Council
23 shall, by virtue of this subsection and without further assurance, vest in the
24 University and be held by it for the purpose of the University.

Transfer of Property
to the University

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

29 PART III - STATUTES OF THE UNIVERSITY

30 11.-(1) Subject to this Bill, the University may make Statutes for

Power of the
University to make
Statutes

1 any of the following purposes:

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

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

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

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

12 (e) making provision for other matters for which provision by Statute
13 is authorized or required by this Bill.

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

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

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

Mode of exercising
the power to make
Statutes

24 **12.-(1)** The power of the University to make Statutes shall be
25 exercised in accordance with the provisions of this section.

26 (2) A proposed Statute shall not have the force of law until it has been
27 approved at a meeting of the:

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

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

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

6 (4) A Statute which:

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

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

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

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

22 **14.-(1)** In the event of any doubt or dispute arising at any time as to Power to decide
the meaning of
Statute
23 the meaning of any provision of a Statute, the matter may be referred to the
24 Visitor, who shall take such advice and make such decision thereon as he
25 deems fit.

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

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

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

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

14 PART IV - SUPERVISION AND DISCIPLINE

The Visitor

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

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

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

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

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

Removal of certain
Members of the
Council

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

1 Executive Council and if the Federal Executive Council after making such
2 enquiries (if any) as may be considered necessary, approves the
3 recommendation it may direct the removal of the member from office.

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

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

Removal and
discipline of
Academic,
Administrative
and Professional
Staff

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (d) take such lesser disciplinary action against such person (including
30 the restoration of such proportion of his emoluments that might have been

1 withheld) as the Council may determine.

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

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

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

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

Removal of
Examiners

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

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

29 **19.-(1)** Subject to the provisions of this section, where after due
30 process it appears to the Vice-Chancellor that any student is guilty of

Discipline of
Students

1 misconduct, the Vice-Chancellor may, without prejudice to any other
2 disciplinary powers conferred on him by Statute or regulations, direct that the:

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

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

8 (c) Student be rusticated for such period as may be specified in the
9 direction.

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

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

18 (4) The fact that an appeal from a direction is brought pursuant to
19 subsection (3) of this section shall not affect the operation of the direction while
20 the appeal is pending.

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

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

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

1 PART V - MISCELLANEOUS AND GENERAL PROVISIONS

2 **20.**-(1) No person shall be required to satisfy requirements as to Exclusion or
3 any of the following matters, that is to say, race (including ethnic grouping) discrimination on
4 sex, place of birth, family origin, religious or political persuasion, as a account of race,
5 condition for becoming or continuing to be a: religion, etc.

6 (a) student in the University;

7 (b) holder of any degree, appointment or employment in the
8 University; or

9 (c) Member of anybody established by virtue of this Act.

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

13 **21.**-(1) For the purpose of the Land Use Act (which provides for the Transfer of land
14 compulsory acquisition of land for public purposes) any purpose of the to the University
15 University shall be the same as that of the Federation.

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

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

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

28 **23.** Except as may be otherwise provided by Statute or by Quorum and
29 Regulation, the quorum and procedure of any body of persons established procedure of bodies
30 by this Bill shall be such as may be determined by that body. established by
this Act

Appointment of
Committees, etc.

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

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

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

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

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

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

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

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

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

Pension Act

29 **25.**-(1) Notwithstanding anything to the contrary in the Pension Act,

1 the compulsory retiring age of the following categories of staff shall be as
2 follows:

3 (a) Academic staff of the University in the non-Professorial cadre
4 shall be 65 years;

5 (b) Academic staff of the University in the Professorial Cadre shall
6 be 70 years;

7 (c) Non-Academic staff of the University shall be 65 years.

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

11 **26.** An Academic staff of the University who retires as a Professor
12 in the University shall be entitled to pension at a rate equivalent to his annual
13 salary provided that the Professor has served continuously in the University
14 up to the retirement age.

15 **27-(1)** The seal of the University shall be such as may be
16 determined by the Council and approved by the Chancellor and the affixing
17 of the seal shall:

Miscellaneous
Administrative
Provisions

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

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

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 deemed 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 specially authorized to do so by the Council without seal.

30 (4) The validity of the proceedings of anybody established

1 pursuant to this Bill shall not be affected by any vacancy in the membership of
2 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 proceeding.

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 disclose his interest to the
6 body and shall not vote on any question relating to that matter.

7 (6) Nothing in section 12 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 pursuant to this Bill.

10 (7) The power conferred by this Bill on anybody to make Statute or
11 Regulations shall include power to revoke or vary any:

12 (a) Statute (including the Statute contained in the Third Schedule to
13 this Bill; or

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

16 PROVIDED that the Statutes and Regulations may have different
17 provisions in relation to different circumstances.

18 (8) No stamp or other duty shall be payable in respect of any transfer
19 of property to the University by virtue of sections 10, 21 and the second
20 schedule to this Bill.

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

Interpretation

23 28.-(1) In this Bill:

24 "appropriate authority" means any person, body or authority authorized by law
25 to act in a specific or general capacity in relation to a subject- matter;

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

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

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

30 "Gross misconduct" means any act of misconduct and improper behavior that

1 may be designated as gross misconduct by any Statute or Regulation made,
2 pursuant to this Bill;

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

4 "misconduct" means any conduct which is prejudicial to the good name of
5 the University and or discipline and the proper administration of the
6 business of the University;

7 "notice" means notice in writing;

8 "officer" does not include the Visitor;

9 "prescribed" means prescribed by Statute or Regulation made under this
10 Bill;

11 "professor" means a person designated as a professor of the University In
12 accordance with provisions made in that behalf by Statute or by
13 Regulations;

14 "property" includes rights, liabilities and obligations;

15 "the provisional Council" means the provisional Council appointed for the
16 University by the President with effect from September 2016;

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

18 "Senate" means the Senate of the University established by the Bill;

19 "Statute" means a Statute made by the University under section 11 of this
20 Bill and in accordance with the provisions of section 12 of this Bill;

21 "the Statutes" means all such Statutes as are in force from time to time;

22 "teacher" means a person holding a full time appointment as a member of the
23 teaching or research staff of the University;

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

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

26 "undergraduate" means a person in statupupilari in the University, other
27 than:

28 (a) a graduate; and

29 (b) A person of such description as may be prescribed for the
30 purposes of this definition.

1 "the University" the Federal University of Agriculture and Technology
2 Igueben, Edo State incorporated and constituted by this Act; and
3 "The Act" means the Federal University of Agriculture and Technology
4 Igueben, Edo State Act.

5 (2) Where in any provision of this Bill, it is laid down that proposals
6 are to be submitted or a recommendation is to be made by one authority to
7 another through one or more intermediate authorities, it shall be the duty of
8 every such intermediate authority to forward any proposals or
9 recommendations received by it pursuant to that provision to the appropriate
10 authority; but any such intermediate authority may, if it thinks fit, forward
11 therewith its own comments thereon.

Short title

12 **29.** This Bill may be cited as the Federal University of Agriculture and
13 Technology Igueben, Edo State, (Establishment, etc.) Bill, 2021.

1 FIRST SCHEDULE

2 *Section 3 (2)*

3 PRINCIPAL OFFICERS OF THE UNIVERSITY

4 *The Chancellor*

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

7 *The Pro-Chancellor*

8 2.-(1) The Pro-Chancellor shall be appointed or removed from
9 office by the President.

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

12 *The Vice-Chancellor*

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

16 *Deputy Vice-Chancellor*

17 4.-(1) There shall be for the University, two Deputy Vice-
18 Chancellors or such number of Deputy Vice Chancellors as the Council may,
19 from time to time, deem necessary for the proper administration of the
20 University.

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

24 (3) A Deputy Vice-Chancellor shall:

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

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

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

Office of the Registrar, Bursar and University Librarian

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

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

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

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

(a) the Bursar; and

(b) The University Librarian.

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

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

(4) The Bursar and the University Librarian shall each hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.

Other Officers of the University

7. There shall be for the University, a Director of Works, who shall be responsible to the Vice Chancellor for the administration of the Works Department. He shall be responsible for all works, services and maintenance of University facilities.

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1 established by this Bill had been a party to it in place of the provisional Council.

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

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

9 *Registration of Transfers*

10 3.-(1) If the law in force at the place where any property transferred by
11 this Bill is situated provides for the registration of transfers of property of the
12 kind in question (whether by reference to an instrument of transfer or
13 otherwise), the law shall, so far as it provides for alterations of a register (but
14 not for avoidance of transfers, the payment of fees of any other matter) apply,
15 with the necessary modifications to the transfer of the property in question.

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

20 4.-(1) The first meeting of the Council shall be convened by the Pro-
21 Chancellor on such date and in such manner as he may determine.

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

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

28 (4) The persons who were members of the Senate immediately before
29 the coming into force of this Act shall be deemed to constitute the Senate of the
30 University until the date when the Senate as set up under the Third Schedule of

1 this Act must have been duly constituted.

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

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

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

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

18 **THIRD SCHEDULE**

19 *Section 11 (3)*

20 **FEDERAL UNIVERSITY OF AGRICULTURE AND TECHNOLOGY**

21 **IGUEBEN, EDO STATE STATUTE NO.1**

22 *Articles:*

- 23 1. The Council.
- 24 2. Finance and General Purpose Committee
- 25 3. The Senate
- 26 4. The Congregation
- 27 5. Convocation
- 28 6. Organization of Faculties and the Branches
- 29 7. Faculty Board
- 30 8. The Dean of the Faculty

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

2 10. Creation of Academic Post.

3 11. Appointment of Academic Staff.

4 12. Appointment of Administrative and Technical Staff.

5 *The Council*

6 (1) Any member of Council holding office pursuant to section 6 (e) (j)
7 (g) or (h) of this Act may, by notice to the Council resign his office.

8 (2) A member of Council holding office pursuant to section 6 (e) (j)
9 (g) or (h) of this Act shall, unless he previously vacates it, vacate that office on
10 the expiration of a period of four years starting from 1st August in the year in
11 which he was appointed.

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

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

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

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

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

29 (8) The Council constituted by this Bill shall have a four year tenure
30 from the date of its inauguration, provided that where a Council is found to be

1 incompetent and corrupt, it shall be dissolved by the visitor and a new
2 Council shall be immediately constituted for the effective functioning of the
3 University.

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

8 *The Finance and General Purpose Committee*

9 2.-(1) The Finance and General Purpose Committee of the Council
10 shall consist of:

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

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

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

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

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

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

24 *The Senate*

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

26 (a) the Vice-Chancellor;

27 (b) the Deputy Vice-Chancellor;

28 (c) all Professors of the University;

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

1 (e) all Heads of Academic Departments, Units and Research Institutes
2 of the University;

3 (f) the University Librarian; and

4 (g) Academic members of the congregation who are not Professors as
5 specified in the Laws of the University.

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

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

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

16 *Congregation*

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

18 (a) the Vice-Chancellor and the Deputy Vice-Chancellor;

19 (b) the full time members of the academic staff;

20 (c) the Registrar;

21 (d) the Bursar; and

22 (e) Every member of the administrative and technical staff who holds
23 a degree of any University recognized for the purpose of this Statute by the
24 Vice-Chancellor, not being an honorary degree.

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

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

1 fifty, whichever is less.

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

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

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

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

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

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

16 *Convocation*

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

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

20 (b) all teachers within the meaning of this Bill; and

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

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

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

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

29 (3) Regulations shall provide for the establishment and
30 maintenance of a register for the purpose of this paragraph and, subject to

1 paragraph (3) below, may provide for the payment from time to time of further
2 fees by persons whose names are on the register and for the removal from the
3 register of the name of any person who fails to pay those fees.

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

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

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

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

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

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

26 *Organisation of Faculties and Branches thereof*

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

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

1 of the Vice-Chancellor, shall:

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

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

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

8 (2) Each Faculty Board shall consist of:

9 (a) the Vice-Chancellor;

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

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

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

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

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

19 *The Dean of the Faculty*

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

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

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

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

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

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

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

18 *Selection of Certain Principal and other key Officers*

19 9.-(1) When a vacancy occurs in the Office of the Registrar, Bursar,
20 the University Librarian, Director of Works or Director of Health Services, a
21 Selection Board shall be constituted by the Council and shall consist of:

22 (i) the Pro-Chancellor;

23 (ii) the Vice-chancellor;

24 (iii) two members appointed by the Council, not being members of
25 Senate; and

26 (iv) two members appointed by the Senate not being members of
27 Council.

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

1 make an appointment to that office.

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

5 *Creation of Academic Post*

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

9 *Appointment of Academic Staff*

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

13 *Appointment of Administrative and Technical Staff*

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal University of Agriculture and Technology Igueben, Edo State to make comprehensive provisions for its due Management and Administration.

FEDERAL COLLEGE OF AGRICULTURE KAGARKO, KAGARKO
(ESTABLISHMENT) BILL, 2021
ARRANGEMENT OF SECTIONS

Sections:

PART I- ESTABLISHMENT, BOARD MEMBERSHIP ETC,

1. Establishment
2. Board of Directions, Appointment into the board
3. Office of the provost, Deputy provost (Academics) and Deputy Provost (Administration), Office of the Registrar and Academic Secretary and Management Faculties and Departments
4. Academic Faculties and Departments
5. Deans of Faculties and heads of Departments
6. Administrative Departments

PART II - FUNCTIONS AND POWERS

7. Functions
8. General powers
9. Powers to borrow
10. Power to accept gift as donations

PART III - STAFF OF THE INSTITUTION

11. Academic Staff and Non-Academic Staff

PART IV- POWER OF THE INSTITUTION

12. Power of the Institution
13. Staff rules and Regulations

Part V - Financial Provision

14. Financial Provisions
15. Annual estimate, Audit of account,
16. Annual report

Part VI - Regulations and supplementary provision

17. Regulations
18. Indemnity
19. Seal of the Institution
20. Interpretation
21. Short title

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF FEDERAL COLLEGE OF AGRICULTURE KAGARKO, KAGARKO LGA OF KADUNA STATE FOR THE PURPOSE OF PROVIDING QUALITATIVE EDUCATION IN AGRICULTURAL SCIENCES, AGRICULTURAL MANAGEMENT AND EXTENSION AND OTHER TECHNICAL KNOWLEDGE IN AGRICULTURE AND FOR RELATED MATTERS, 2021

Sponsored by: Hon. Gabriel Saleh Zock

[] Commencement

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

1 PART I - ESTABLISHMENT, BOARD MEMBERSHIP ETC

2 1.-(1) There is hereby establishment for the Federal Republic of Establishment
3 Nigeria an institution known as Federal College of Agriculture kagarko,
4 Kagarko LGA of Kaduna State for the purpose of providing qualitative
5 education in Agricultural Sciences, Agricultural management and
6 Extension and other technical knowledge in Agriculture and for other
7 related matters connected therewith; herein this Bill referred to as the
8 institution or institute' as the case may be.

9 (2) The Institution shall be a body with the status of a public study
10 and research facility, corporate with perpetual succession and a common
11 seal, so that the institution may:

12 (a) Sue and be sued in its corporate name; and

13 (b) Hold, acquired and dispose of any property, moveable or
14 immoveable.

15 (3) The institution shall be vested with the powers to award
16 Degrees, Diplomas and other educational certificates to students who
17 studied in the established faculties of the institution and having obtained the

Board of Directors,
Appointment into
the Board

1 standard requirements for award of such certificates.

2 **2.-(1)** The governing body of the Institution shall be a team of Board
3 of Directors herein referred to in this bill as "the Board". The Board shall
4 consist of the following as Chairman, Vice Chairman and Members:

5 (a) A Chairman, to be appointed by the President of the Federal
6 Republic of Nigeria;

7 (b) The Provost, who shall be the Vice-Chairman of the Board and a
8 fulltime member;

9 (c) Six (6) other Members (with 1 Member representing each geo-
10 political Zone of the country) with cognate experience, initiatives and
11 Administrative capacity.

12 (2) All members of Board, other than the Provost shall be part-time
13 members.

14 (3) There shall be paid to the members of the Board such
15 remuneration as may be determined by the National Salaries Income and
16 Wages Commission with the exception of the Provost.

17 (4) All Members of the Board shall be appointed by the President C-
18 in-C of the Armed Force of the Federal Republic of Nigeria.

19 (5) Members appointed to the Board pursuant to paragraph (a - c) of
20 section 2, subsection 1, other than the Provost shall hold office for the period of
21 four (4) years renewable once for a further period of four (4) years only,
22 provided however that:

23 (a) Any member may resign his appointment at any given time by
24 notice in writing under his hand, addressed to the Minister of Education who
25 shall forward same to the President C-in-C;

26 (b) If a member dies or resign on otherwise vacate his office before the
27 expiration of his term, a fit proper and qualified person shall be appointed by
28 the President C-in-C for the remainder of the term of office of the member and
29 the successor shall represent the same interest and zone of his predecessor;

30 (c) A member may be removed from office by the President C-in-C on

1 the recommendation of the Minister of Education, if the Minister and other
2 Board members are satisfied that it is not in the interest of the institution or
3 the interest of the public that the member should continue in office.

4 **3.-(1) OFFICE OF THE PROVOST:**

5 (a) There shall be for the Institution a Provost herein this bill
6 referred to as 'the Provost', who shall be the head of the academic and
7 administrative functions of the institution;

8 (b) The Provost shall be the Chief Accounting Officer of the
9 Institution who shall also report to the Minister of Education;

10 (c) The Provost of the Institution shall be a person of good moral
11 character with cognate administrative and academic experience, who must
12 have attained the educational status of not below doctoral degree in relevant
13 field as it relates to the Institution.

14 **(2) OFFICE OF DEPUTY PROVOST (ACADEMICS):**

15 (a) There shall be for the institution a Deputy Provost (Academic)
16 who shall be the head of the academic functions of the institution, who shall
17 also report to the Provost;

18 (b) The Deputy Provost (Academics) shall be a person of good
19 moral character with cognate experience, who must have attained the
20 educational status of not below doctoral degree in relevant field as it relates
21 to the institution.

22 **(3) OFFICE OF DEPUTY PROVOST (ADMINISTRATION):**

23 (a) There shall be for the institution a Deputy Provost
24 (Administration) who shall be the head of the Administrative functions of
25 the institution who shall also report to the Provost;

26 (b) The Deputy Provost (Administration) shall be a person of good
27 moral character with cognate experience, who must have attained.

28 **(b) Faculty of Forestry, wildlife and Conservation:**

29 (i) Department of Forestry Management;

30 (ii) Department of Botany and Horticulture;

Office of the
Provost, Deputy
Provost (Academics)
and Deputy Provost
(Administration),
Office of the Registrar
and Academic
Secretary and
Management
Committee of the
Institute

- 1 (iii) Department of Afforestation Management;
- 2 (c) Faculty of Agriculture Management and Social Sciences:
- 3 (i) Department of Business Management (Agriculture);
- 4 (ii) Department of Home Management (Agriculture);
- 5 (iii) Department of Nutrition and Food Sciences.
- 6 (2) Subject to the provisions sections 4 (1) of this bill, the
- 7 Management of this Institution in consultation of the Board may establish
- 8 additional faculty or department for the Institution if it deems fit for the
- 9 effective conduct of the functions of the institution.
- 10 (4) OFFICE OF THE REGISTRAR AND ACADEMIC
- 11 SECRETARY:
- 12 (a) There shall be for the institution a Registrar and also an Academic
- 13 Secretary who shall perform the functions as so stipulated in the scheme of
- 14 service for all tertiary institutions:
- 15 (i) The duo shall also report to the Provost.
- 16 (b) The duo shall be a persons of good moral character who must have
- 17 attained the educational status of not below Master's degree with the required
- 18 working experience to hold such offices.
- 19 (5) MANAGEMENT COMMITTEE OF THE INSTITUTION:
- 20 Subject to the provision of this bill, the Management of the Institution shall
- 21 consist of the following;
- 22 (a) The Provost;
- 23 (b) The Deputy Provost Academics;
- 24 (c) The Deputy Provost Administration;
- 25 (d) The Registrar;
- 26 (e) The Academic Secretary;
- 27 (f) All Deans of all Faculties;
- 28 (g) All Head of Departments;
- 29 (h) A representative of the Ministry as may be nominated by the
- 30 Minister.

1 4.-(1) There shall be established Academic faculties and
2 departments of learning for the institutes as follows:

3 (a) Faculty of Agriculture:

4 (i) Department of Agricultural Extension and Technology;

5 (ii) Department of Agricultural Management and Administration;

6 (iii) Department of Livestock and Poultry Management;

7 (a) Department of Administration and Personal Management;

8 (b) Department of Works and Facility Management;

9 (c) Department of legal Service;

10 (d) Department of Finance and Procurement;

11 (e) Department of Planning Research and Statistics.

12 (2) Subject to the provisions of Section 6, Subsection (1) (a - e),
13 there shall be appointed for each f Department a Director, who shall head the
14 operational functions of the department, who shall also report to the Provost.

15 (3) The Director shall be a person of good moral character who
16 must have attained the educational status of not below a Bachelor degree or
17 its equivalent in relevant field and with the required working experience as
18 stipulated for the post of a Director in the public service rules.

19 (4) The Provost in consultation with the Management committee
20 and the approval of the Board may issue regulations prescribing additional
21 departments for the Institution or altering the departments listed in sub-
22 section (1) of this section in any matter whatsoever if it deems fit for the
23 effective conduct of the functions of the institution.

24 (5) Notwithstanding the provision of this section, the Board shall
25 have powers to set up any Committee to assist in the performance of its
26 duties as prescribe under this Bill.

27 (6) A committee set up under subsection (5) of this section shall
28 consist of such member of persons as may be determined by the Board and
29 the Management Committee, and a member of such committee shall hold
30 office in accordance with the term of his appointment.

1 (7) A decision of any of each committee shall not be effective unless
2 ratified by the Board.

Deans of Faculties/
Heads of
Departments

3 **5.**-(a) There shall be for each faculty a Dean herein this bill referred to
4 as 'the Dean", who shall be the head of the academic and administrative
5 functions of the faculty who shall also report to the Deputy Provost Academics;

6 (b) The Dean of each faculty shall be a person of good moral character
7 who must have attained the educational status of not below doctoral degree in
8 relevant field as it relates to the respective faculty;

9 (c) There shall be for each Department a Head of Department, who
10 shall be the head of the academic and administrative functions of the
11 Department who shall also report to the Dean of the respective Faculty;

12 (d) The Head of department of each faculty shall be a person of good
13 moral character who must have attained the educational status of not below
14 doctoral degree in relevant field as it relates to the respective Department.

Administrative
Departments

15 **6.**-(1) There shall be establish Administrative departments for the
16 Institution to provide the needed support in line with the provision of the laws
17 and scheme of service for tertiary Institutions, the departments may include;
18 the educational status of not below Master's degree in relevant field as it relates
19 to the institution.

20 **PART II - FUNCTIONS AND POWERS**

Functions

21 **7.**-(1) Subject to without prejudice to the provision of the constitution
22 of the Federal Republic of Nigeria, the Institution shall be responsible for the
23 following functions:

24 (a) Admit Students to study courses offered by the Institution in such
25 faculties as they may wish provided to fulfill all necessary requirements
26 needed for admission;

27 (b) liaise, collaborate or partner with other universities, polytechnic
28 or colleges within or outside the country to train and award the required
29 certificates to students that earned such certificate after having written and pass

1 the prescribe examinations in respective courses as so undertaken by the
2 student;

3 (c) Award National Certificates of Education (NCE) to students
4 that earned such certificate after having written and pass the prescribe
5 examinations in respective courses as so undertaken by the student;

6 (d) Award Higher National Diploma to students that earned such
7 certificate after having written and pass the prescribe examinations in
8 respective courses as so undertaken by the student;

9 (e) Award Bachelor's Degree to students that earned such
10 certificate after having written and pass the prescribe examinations in
11 respective courses as so undertaken by the student;

12 (f) Award Post Graduate Diploma Certificate to students that
13 earned such certificate after having written and pass the prescribe
14 examinations in respective courses as so undertaken by the student;

15 (g) Provide atmosphere and facilities for research, studies and
16 trainings;

17 (h) Organize conferences, seminars and intellectual discussion for
18 the purpose of promoting and making viable recommendations to the
19 Government in Agriculture and other sectors;

20 (h) Participate in any other activity that the law admits in the
21 scheme of functions for tertiary institutions.

22 (2) In discharging its general responsibility under subsection 1
23 above, the institution shall:

24 (a) Enter into agreement with any person or conglomerate for the
25 supply, purchase, construction and maintenance or repair of any property
26 whether movable or unmovable which is necessary or appropriate for the
27 purpose of promoting educational standard of the Institution;

28 (b) Prepare plans for the management of all public facilities or
29 project of the institution;

30 (c) In collaboration with the Ministry and other relevant

| | | |
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| | 1 | stakeholders, improve the quality of training and capacity building workshop |
| | 2 | for its staff; |
| | 3 | (d) Implore stabilities that will prepare the staff and students for |
| | 4 | future governance and leadership. |
| General Powers | 5 | 8.-(1) The institution shall have powers to: |
| | 6 | (a) Do all things which by this Act any other enactment is required or |
| | 7 | permitted to be done by the institution; |
| | 8 | (b) Monitor any matter that may affect the functions of the institution; |
| | 9 | (c) Do anything that will ensure the advancement of the skills of |
| | 10 | employees of the Institution including the provision of training facilities, |
| | 11 | general research and establishment of centres; |
| | 12 | (d) Perform any other actions or inaction reasonable and of advantage |
| | 13 | or convenience needed to promote full discharge of its functions. |
| | 14 | (2) Subject to any limitation impose by law, the Institution may |
| | 15 | delegate any of its powers to any members of the Board or employee to perform |
| | 16 | any of its functions at an approved period of time. |
| Powers to borrow | 17 | 9.-(1) Subject to the approval of the Ministers, and base on the |
| | 18 | recommendation of the Board, the Institution may borrow by way of overdraft |
| | 19 | or otherwise such sum as it may require for efficient discharge of its functions |
| | 20 | under this Act. |
| Powers to accept gift and donations | 21 | 10.-(1) The Institution may accept gift of land, money, property or |
| | 22 | other valuables from persons or organization upon such terms that are |
| | 23 | acceptable to the Institution if any, as may be specified by those making the |
| | 24 | donation as long as the terms does not go in conflict with the provisions of the |
| | 25 | constitution of the Federal Republic of Nigeria. |
| | 26 | (2) The Institution shall not accept any of such gifts as stated in |
| | 27 | subsection (1) of this section if the terms attached thereto by those making the |
| | 28 | donation are inconsistent with the functions of the Institution. |
| Academic Staff and Non-Academic Staff | 29 | PART III - STAFF OF THE INSTITUTION |
| | 30 | 11.-(1) The Institution shall employ such number of Academic staff as |

1 it may require on a permanent and pensionable status:

2 (a) Such employed Academic staff may be on different lecturing
3 and teaching categories as may be prescribed by the scheme of service for
4 Academic staff;

5 (b) Such employed Academic staff shall earn remuneration as
6 prescribed for academic Staff of tertiary Institutions;

7 (c) Academic Staff shall report to the heads of the respective
8 departments of which they are assigned, taking cognizance of their
9 discipline and study line;

10 (d) the Academic staff shall be a person of good moral character
11 who must have attained the educational status of not below Bachelor's
12 degree in relevant field as it relates to the respective Departments.

13 (2) The Institution shall employ such number of Non- Academic
14 staff as it may require on a permanent and pensionable status:

15 (a) Such employed Non-Academic staff may be on different cadre,
16 salary grade levels and categories as may be prescribed by the scheme of
17 service for Non-Academic staff;

18 (b) Such employed Non-Academic staff shall earn remuneration as
19 prescribed for Non-Academic Staff of tertiary Institutions;

20 (c) Non-Academic Staff shall report to the heads of the respective
21 departments of which they are assigned;

22 (d) The Non-Academic staff shall be a person of good moral
23 character who must have attained the educational status of Secondary
24 School Certificate and or above depending on the grade level and seniority
25 as so stipulate in the employment terms.

26 (3) The Institution may from time to time appoint such other
27 employees as it may deem fit and necessary to assist in the discharge of its
28 functions under this Act.

29 (4) There shall be unit heads of all division and units of each of
30 department who shall be from the other employees of the Institution and

1 shall report to their various directors.

2 (5) Subject to the provisions of Section 11, Subsections (1 - 3),
3 employment and appointment of all categories of Staff of the institution must
4 be in compliance with the rules of employment into all Federal tertiary
5 establishments as laid by the Federal Civil Service Commission and the
6 Federal Character Commission.

7 PART IV - POWERS OF THE INSTITUTION

Powers

8 **12.-(1)** The powers of the Institution under this section shall include
9 the power to:

10 (a) Promote and control all staff of the Institution as it may appear to it
11 necessary or expedient, and

12 (b) Dismiss, terminate, suspend, consider the resignation, withdrawal
13 of appointment and exercise disciplinary control over the staff of the Institution
14 in case of serious misconduct as may be specified under the public service rule
15 and regulations.

16 (2) In Collaboration with the Board, the Provost may recruit or
17 employ a category of staff for the Institution from time to time:

18 (a) Those Category of Staff that may be employed by the Provost as
19 stated in subsection 2 of this section shall only be the category of staff on the
20 junior cadre of the civil Service.

21 (3) The Staff of the Institution shall be public officers of the Federal
22 Republic of Nigeria as defined by the Federal Civil Service Commission and
23 must adhere to the codes and conducts of the Federal Civil Service.

24 (4) The Institution may also from time to time engage such
25 consultants and experts or advisers or visiting lecturers as it may require for the
26 effective discharge of its functions:

27 (a) Employers under subsection 4 of this section shall serve on such
28 terms as may be specified in their appointment letters and their emolument and
29 remunerations specified based on the recommendations of the Board and
30 approval of the Ministers.

Staff Regulations

(b) Listen to and consider appeal by employees against disciplinary measures

(3) In the discharge of their respective duties employees shall also take into special recognition of all rules and financial regulations and other Acts that guide the conduct or otherwise of civil servants in the Federal Republic of Nigeria.

(4) Staff rules and regulations issued by the Institution under subsection 1 of this section shall not have effect until approved by the Board and officially published in the Federal Government gazette.

21 PART V - FINANCIAL PROVISIONS

Financial Provisions

25 (2) Income from any other investment or other property acquired
26 by or vested in the Institution.

(3) Subject to the provisions of section 10 of this Act, all other sum
accruing to the Institution by way of gift or grants, endowment or donations
made to the institution.

30 (4) The Provost shall keep proper account and records for the

| | | |
|------------------------------------|----|---|
| | 1 | purpose which the funds were used. |
| | 2 | (5) The Institution shall operate accounts with banks as provided it is |
| | 3 | not in conflict with the constitution of the Federal Republic of Nigeria. |
| | 4 | (6) Subject to the approval of the Management committee and in |
| | 5 | consultation with the Board, the institution may undertake some degrees of |
| | 6 | Corporate Social responsibilities (CSR) to the host community. |
| Annual Estimate, Accounts Audit | 7 | 15.-(1) The Institution shall not later than 31st December of each year |
| | 8 | submit its financial report and record to the Minister for onward submission to |
| | 9 | the President C-in-C. |
| Annual Report | 10 | 16.-(1) The financial report must also be made public through |
| | 11 | publication in at least 3 local Newspapers not later than 31st December of each |
| | 12 | year. |
| | 13 | (2) The Institution shall also not later than 31st December of each year |
| | 14 | submit to the Minister a Comprehensive report on the activities carried out by |
| | 15 | the Institution during the year, and also the annual report of all activities shall |
| | 16 | be made public in not less than 3 local Newspapers. |
| | 17 | PART VI - REGULATIONS AND SUPPLEMENTARY PROVISION |
| Regulation | 18 | 17.-(1) Every member of the Board and Employees of the Institution |
| | 19 | shall have the rules and regulations of the Institution binding on him for which |
| | 20 | breach of such rules may lead to disciplinary actions. |
| Indemnity | 21 | 18.-(1) Every member of the Board and Employees shall be |
| | 22 | indemnified out of the assets of the Institution against any liability incurred by |
| | 23 | him/her defending any proceeding whether civil or criminal. |
| Common Seal of the Institution | 24 | 19.-(1) The Institution shall have a common seal such as may be |
| | 25 | determined by the board. |
| | 26 | (2) The common seal shall be authorized by the Signature of the |
| | 27 | provost or any member as authorized by the board in an event of absence of the |
| | 28 | provost. |
| Interpretation | 29 | 20. -(1) In this Act, unless the content otherwise requires: |
| | 30 | (a) "The Institution" or "the institute" means the Federal College of |

1 Agriculture Kagarko, Kagarko LGA of Kaduna State;

2 (b) "The Board" means the governing Board of the Federal College
3 of Agriculture Kagarko, Kagarko LGA of Kaduna State;

4 (c) "The Provost" means the provost of the Federal college of
5 Agriculture Kagarko, Kagarko LGA of Kaduna State and the chief
6 accounting office of the institute;

7 (d) "The Minister" means the Honourable Minister for the Federal
8 Republic of Nigeria charged with the responsibility of overseeing all
9 Federal Institutions under the Federal Ministry of Education;

10 (e) "The Ministry" means the Federal Ministry of Education;

11 (f) "Members" means a member of the governing Board of the
12 Federal college of Agriculture Kagarko, Kagarko LGA of Kaduna State;

13 (g) "The President C-in-C" means the President Commander in
14 Chief of the Arms forces of the Federal Republic of Nigeria.

15 **21.** This Bill may be cited as the Federal College of Agriculture Short title
16 Kagarko, Kagarko (Establishment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of Federal College of Agriculture Kagarko, Kagarko LGA of Kaduna State for the purpose of providing qualitative education in Agricultural Sciences, Agricultural Management and Extension and other technical knowledge in Agriculture.

A BILL

FOR

AN ACT TO AMEND SECTIONS 4 OF THE COASTAL AND INLAND SHIPPING (CABOTAGE) ACT, 2003, TO AMONGST OTHERS, PROVIDE FOR THE INCLUSION OF OIL RIGS UNDER THE DEFINITION OF A VESSEL AND FOR RELATED MATTERS

Sponsored by Hon. Francis Ejiroghene Waive

[] Commencement

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

- | | | |
|----|---|---------------------|
| 1 | 1. The Coastal and Inland Shipping (CABOTAGE) Act 2003, (in | Amendment of |
| 2 | this Bill referred to as the "Principal Act") is amended as follows; | Coaster and Inland |
| 3 | 2. Section 4 of the principal Act is altered herein | Shipping (CABOTAGE) |
| 4 | 3. The definition of "vessel" in Section 4 of the principal Act is | Act 2003 |
| 5 | altered by inserting the word "oil rigs" | |
| 6 | "vessel" includes any description of vessel, ship, boat, , oil rigs, | Amendment of |
| 7 | hovercraft or craft, including air cushion vehicles and dynamically | Section 4 |
| 8 | supported craft, designed, used or capable of being used solely or partly for | |
| 9 | marine navigation and used for the carriage on through or under water of | |
| 10 | persons or property without regard to method or lack of propulsion. | |
| 11 | 4. This Bill may be cited as the Coastal and Inland Shipping | Citation |
| 12 | (Cabotage) Act (Alteration) Bill, 2021. | |

1 EXPLANATORY NOTE

This Bill seeks to include oil rigs as a vessel, within the meaning of a vessel under the Act, and subject to every other provisions of the Act relating to vessels.

A BILL

FOR

AN ACT TO PROHIBIT KIDNAPPING, HOSTAGE TAKING AND FOR RELATED
MATTERS

Sponsored by Hon. Francis Ejiroghene Waive

[] Commencement

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

1 PART I - OBJECTIVES

2 1. The objectives of this Act is to provide for: Objectives

3 (a) An effective, unified and comprehensive legal, regulatory and
4 institutional framework for the detection, prevention, prohibition,
5 prosecution and punishment of the act of kidnapping, hostage taking and
6 other related matters in Nigeria;

7 (b) Measures for the detention, freezing search, seizure,
8 confiscation and forfeiture of kidnapper's property;

9 (c) Appropriate punishment for the act of kidnap;

10 (d) And to ensure safety of lives of citizens and well being of the
11 victims of kidnap.

12 PART II - OFFENCE OF KIDNAPPING

13 2.. No person shall knowingly and intentionally: Offences

14 (1) Attempt or threaten to kidnap any person by means of a letter, e-
15 mail,

16 (2) SMS, telephone call or any other method of communication
17 with the intent to kidnap,

18 (3) Kidnap, forcibly takes, holds, abducts, captures amongst others
19 or detain another person; or

20 (4) Prevent another person from applying to the court for his

- 1 release or from disclosing to any other person the place where he is being held;
2 (5) Prevent any person entitled to have access to another from
3 discovering the place where he is held hostage with or without demand for
4 ransom; or
5 (6) Stimulate or connive with another to kidnap oneself or any person;
6 (7) Withhold information from security Agencies of the location of
7 any person kidnapped; or
8 (8) Withhold information of the means of livelihood of a person(s)
9 involved in the act of kidnapping and for attempted kidnapping; or
10 (9) Intimidate or harm, threaten to take and keep another person as
11 surety until certain conditions are met and it shall not be an excuse to rely on the
12 fact that the threat was made by the use of an electronic device, telephone or
13 some other devices with a remote possibility of bringing the threat of reality.

14 PART III - PUNISHMENT FOR KIDNAPPING

Punishment

- 15 3.-(1) Notwithstanding the provisions of the Extant laws, this Act and
16 punishments prescribed therein supersedes every other punishment
17 prescribed.
18 (2) Whoever kidnaps any person under section (3) of this Act commits
19 an offence and shall upon conviction be sentenced to life imprisonment
20 without option of fine.
21 (3) Whoever with criminal intent initiates a compromise, settlement
22 or refuses to give testimony in court in respect of the offences stated in section
23 (3) of this Act shall be guilty of an offence and shall on conviction be liable to
24 be sentenced to life imprisonment.
25 (4) Any person who with criminal intent, attempt or threaten to kidnap
26 any person by means of a letter, e-mail, SMS, telephone call or any other
27 method of communication with intent to kidnap upon conviction is liable to
28 Twenty-five (25) years imprisonment.
29 (5) The owner of property whether moveable or immoveable who
30 knowingly lets or allow his property/premises to another for the purpose of

1 kidnap or harbouring any person is guilty of an offence and shall on
2 conviction be sentenced to life imprisonment and forfeiture of the said
3 property to the Federal Government.

4 (6) The Attorney- General or his representatives shall apply to the
5 court for the sealing of any property reasonably suspected to have been used
6 in the commission of the act of kidnap.

7 (7) The sealing of the premises under sub section (6) of this section
8 shall remain in force pending the final determination of the criminal liability
9 of the offender unless the court orders otherwise.

10 (8) The Police shall within 2 days of completion of investigation,
11 send the Police Investigation Report to the Attorney- General and Minister
12 for Justice.

13 (9) Where death occurs as a result of kidnapping, the offender is
14 liable on conviction to death sentence.

15 (10) Where 2 or more conspire to commit the act of kidnapping, on
16 conviction is liable to Twenty (20) years imprisonment.

17 (11) Any person whether or not in authority, who receives
18 information that the act of kidnap has been committed or is about to be
19 committed and fails, refuses and or neglects to take appropriate action to
20 prevent same or to facilitate the apprehension of the culprit commits an
21 offence and is liable on conviction to imprisonment of 10 (ten) years without
22 an option of fine.

23 (12) any offence committed that is related to the offence of kidnap
24 which punishment is not stated hitherto shall receive a punishment not lesser
25 than life imprisonment.

26 (13) Notwithstanding the provisions of this Act, the Police shall
27 assist the court with the gathering of investigation on the offence of kidnap;

28 (1) further to section 13 above, the police have power to:

29 (a) Enforce all rules and regulations on kidnapping in Nigeria;

- 1 (b) Adopt measures to prevent and combat the acts of kidnapping in
2 Nigeria;
- 3 (c) Facilitate the detection and investigation of acts of kidnapping in
4 Nigeria;
- 5 (d) Establish, maintain and secure communications to eradicate the
6 rapid increase of kidnap in Nigeria;
- 7 (e) Conduct research with the aim of improving preventive measures
8 to efficiently and effectively combat kidnapping in Nigeria;
- 9 (f) Investigate whether any person or entity has directly or indirectly
10 committed the act of kidnap under this Act or under any other law;
- 11 (g) Execute search warrants authorizing its officers or any other law
12 enforcement officer to enter into any premises, property or conveyance for the
13 purpose of conducting searches in furtherance of its functions in further
14 investigation against kidnap;
- 15 (h) Notwithstanding the provisions of sub section (g) above the law
16 enforcement agencies or security agencies can enter any property without
17 warrant when there is a reasonable suspicion that a premises is used for the act
18 of kidnapping;
- 19 (i) If the Police or other security agents suspect on reasonable grounds
20 that the act of kidnap was committed by a person, they have power to arrest and
21 detain such a person or enter into his premises for investigation without a
22 warrant;
- 23 (j) Upon reasonable suspicion, it shall be lawful for the Police or any
24 law enforcement agency upon an order of the court to obtain confidential
25 information from telecommunication companies;
- 26 (k) Where a telecommunication company fails to comply within
27 Forty Eight (48) hours of a request made pursuant to subsection 0) of this
28 section, such company shall be liable upon conviction to a fine of Twenty
29 Million Naira for each request refused;
- 30 (l) Where any person believes on reasonable grounds, that another

1 person is a kidnapper or an accessory before and/or after the offence of
2 Kidnapping, he may, where possible, arrest the suspect and hand him over to
3 the police.

4 PART IV - PROHIBITION OF HOSTAGE - TAKING

5 4.-(1) Any person, whether a citizen or alien, shall be guilty of an Prohibition of
6 offence if such Person knowingly and intentionally; Hostage-Taking

7 (a) Contemplates, plans, attempts, or induce I coordinate, the
8 taking into hostage of a person or group of persons;

9 (b) hold, seize, hijack or detain another person or group of persons
10 with or without the demand for ransom;

11 (c) seize or hold a person as security for the fulfillment of a
12 condition;

13 (d) unlawfully and intentionally depriving a person of his or her
14 :freedom of movement;

15 (e) Prevent any person entitled to have access to another from
16 discovering the place where he is held hostage with or without demand for
17 ransom; or

18 (f) seize or detain and threaten to kill, or to injure, or to continue to
19 detain another person in order to compel a third person or a Governmental
20 Organization to do or abstain from doing any act as an explicit or implicit
21 condition for the release of the person detained, or attempts or conspires to
22 do so.

23 PART V - PUNISHMENT FOR HOSTAGE-TAKING

24 5.-(1) Any person who contravenes section (5) of this Act commits Punishment for
25 an offence and shall on conviction be sentenced to life imprisonment Hostage-Taking
26 without option of fine.

27 (2) any person who seize or held or detain and threaten to kill, to
28 injure, or to continue to detain another person in order to compel a third
29 person or a Governmental Organization to do or abstain from doing any act
30 as an explicit or implicit condition for the release of the person detained, or

1 attempts or conspires to do so, shall on conviction be sentenced to 25 years
2 imprisonment.

3 (3) Where death occurs as a result of hostage taking, the offender is
4 liable on conviction to death sentence.

5 (4) any person or group of persons who held hostage or detain an
6 alien, shall on conviction be liable to life imprisonment.

7 PART VI - CONSPIRACY

Conspiracy

8 6.-(1) Where an offence is committed under this Law, each of the
9 following persons who partook in the commission of the offence with criminal
10 intent or motive shall be deemed to have taken part in committing the offences:

11 (a) Every person who actually commits the acts or makes the
12 omission which constitutes the offences;

13 (b) Every person who does any act for the purpose of enabling or
14 aiding another person to commit the offence;

15 (c) Every person who Counsel, procures or sponsors any other person
16 to commit the offence;

17 (d) Any person who aids another in committing the offence;

18 (e) Any bank staff who divulges the financial status of a customer to
19 kidnappers or unauthorized persons to encourage the kidnap of the customer;

20 (f) Every person who is aware that an offence is about to be committed
21 but refused to notify the police;

22 (g) The occupants, owner or security personnel of the premises where
23 the offence of kidnap or hostage taking is taking place or have been taking
24 place who is reasonably believed to have known that such offence is being
25 committed or is about to be committed.

26 (2) A conviction under sub section (1) of this section shall carry the
27 same punishment in all respects as a conviction for committing the offence of
28 kidnap.

29 (3) Any person who with criminal intent;

30 (a) Permits the escape of, or

- 1 (b) Aids any person to be at large; or
2 (c) Assist the escape from arrest or detention of another person who
3 commits any offence under this Act and shall on conviction be sentenced to
4 life imprisonment.

5 PART VII - JURISDICTION

6 7.-(1) Offences under this Act shall be tried summarily by any
7 Division of the High Court of the state in Nigeria, notwithstanding the place
8 where the offences were committed.

9 (2) The Court shall ensure that persons charged under this Act have
10 speedy trial.

11 (3) Notwithstanding the provision of any Law, any person who
12 contravenes the provisions of this Act shall not be entitled to bail, except by
13 an order of a Judge of the High Court.

14 (4) The Attorney- General shall be responsible for strengthening
15 and enhancing the existing legal framework on combating kidnapping and
16 to ensure; The trial and prosecution of kidnappers and other offences under
17 this Act.

18 PART VIII - INTERPRETATIONS

19 8.-(1) In this Act unless the context otherwise requires:

Interpretation

20 (a) "Kidnap" means forcibly take, hold, abduct, capturing or
21 unlawfully depriving a person of his/her liberty by force or fraud with or
22 without a demand for ransom;

23 (b) "Kidnapping" means the unlawful transportation, asportation
24 and confinement of a person against their will, and also false imprisonment
25 by means of abduction;

26 (c) "Kidnapper" means a person who abducts someone and holds
27 them captive, typically to obtain a ransom;

28 (d) "Attempt to kidnap" means where a person and/or group of
29 persons intending to commit the offence of kidnapping, begins to put this
30 intention into execution by any means adopted to its fulfillment, and

1 manifests this intention by some overt act, but does not fulfill this intention to
2 such an extent as to commit the offence;

3 (e) "Hostage" means any person(s) held captive by another person or
4 group of persons with or without the demand for ransom;

5 (f) "Hostage-taking" means the act of seizing or holding a person as
6 security for the fulfillment of a condition;

7 (g) "Ransom" means any fee, amount, pledge or assurance given in
8 exchange for the release of a kidnapped person or a person held hostage;

9 (h) "Conspiracy" means a secret plan by a group to do something
10 unlawful or harmful;

11 (i) "Attorney General" means the Attorney General of the Federation
12 and Minister for Justice;

13 (j) "Inspector General of Police" means the head of the Nigerian
14 Police Force;

15 (k) "President" means the President of the Federal Republic of
16 Nigeria.

Citation

17 9. This Bill may be cited as the Anti-Kidnapping and Hostage Taking
18 Bill, 2021.

EXPLANATORY NOTE

This Bill seek to provide for the prohibition of the act of Kidnapping and
hostage taking and also highlight the punishments accrued by the act of
kidnapping which is life imprisonment and in some case death sentence.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, CAP.C23, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE FOR THE ESTABLISHMENT OF THE ECCLESIASTICAL COURT OF APPEAL OF THE FEDERAL CAPITAL TERRITORY ABUJA AND THE ECCLESIASTICAL COURT OF APPEAL OF THE STATES; AND FOR RELATED MATTERS

Sponsored by Hon. Francis Ejiroghene Waive

[] Commencement

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

- | | |
|---|---|
| <p>1 1. The Constitution of the Federal Republic of Nigeria, Cap. C23,</p> <p>2 LFN, 2004 (in this bill referred to as "the Principal Act") is altered as set out</p> <p>3 in this Bill.</p> | <p>Alteration of Constitution of the Federal Republic of Nigeria, Cap. C23, LFN, 2004</p> |
| <p>4 2. Section 6(5) of the Principal Act is altered by inserting two new</p> <p>5 subparagraphs (h) and</p> <p>6 (i) while the existing paragraph h, i, j, k, is re arrange to be j, k,l, m</p> <p>7 respectively,:</p> <p>8 "(h) the Ecclesiastical Court of Appeal of the Federal Capital</p> <p>9 Territory, Abuja;</p> <p>10 (i) an Ecclesiastical Court of Appeal of a State;"</p> | <p>Alteration of Section 6(5)</p> |
| <p>11 3. Section 84 of the Principal Act is altered in sub-section 4 by:</p> <p>12 Inserting immediately after the word "GRAND KADI OF THE</p> <p>13 SHARIA COURT OF APPEAL OF THE FEDERAL CAPITAL</p> <p>14 TERRITORY, ABUJA," in lines 7 and 8, the words "Grand Cardinal of the</p> <p>15 Ecclesiastical Court of Appeal of the Federal Capital Territory, Abuja; and</p> <p>16 High Cardinal and Cardinal of the Ecclesiastical Court of Appeal of a State."</p> | <p>Alteration of Section 84</p> |

Alteration of
Section 240

1 **4.** Section 240 of the Principal Act is altered by:
2 inserting immediately after the words, "Sharia Court of Appeal of the
3 Federal Capital Territory, Abuja, "in lines 5, the words, "Ecclesiastical Court of
4 Appeal of the Federal Capital Territory, Abuja", and inserting immediately
5 after the words Sharia Court of Appeal of a State, "in line 6, the words,
6 "Ecclesiastical Court of Appeal of a State".

Alteration of
Section 247(1)

7 **5.** Section 247(1) of the Principal Act is altered by inserting a new
8 paragraph (b), while the existing paragraph b in the Principal Act is re-arrange
9 as paragraph c:

10 "(b) an Ecclesiastical Court of Appeal, if it consists of not more than 3
11 Justices learned in Ecclesiastical law or Christian personal law."

Alteration of
Section 280

12 **6.** Section 280 of the Principal Act is altered by inserting a new section
13 280;

14 280 - (1) there shall be an Ecclesiastical Court of Appeal of the
15 Federal Capital Territory, Abuja.

16 (2) the Ecclesiastical Court of Appeal of the Federal Capital territory
17 shall consist of:

18 (a) a Grand Cardinal of the Ecclesiastical Court of Appeal;

19 (b) such number of Cardinals of the Ecclesiastical Court of Appeal as
20 may be prescribed by an Act of the National Assembly.

21 281 - (1) the appointment of a person to the office of the Grand
22 Cardinal of the Ecclesiastical Court of Appeal of the Federal Capital Territory,
23 Abuja shall be made by the President on recommendation of the National
24 Judicial Council, subject to the confirmation of such appointment by the
25 House.

26 (2) the appointment of a person to the office of a Cardinal of the
27 Ecclesiastical Court of Appeal of the Federal Capital Territory, Abuja shall be
28 made by the President on the recommendation of the National Judicial
29 Council.

30 (3) apart from such other qualification as may be prescribed by an Act

1 of the National Assembly, a person shall not be qualified to hold the office of
2 Grand Cardinal of an Ecclesiastical Court of Appeal of the Federal Capital
3 Territory, Abuja unless:

4 (a) he is a legal practitioner in Nigeria and has been so qualified for
5 a period of not less than ten years and has been obtained a recognized
6 qualification in Ecclesiastical Law or Christian personal law from an
7 institution acceptable to the National Judicial Council;

8 (b) he has attended and has obtained a recognized qualification in
9 Ecclesiastical Law or Christian Personal Law from an institution approved
10 by the National Judicial Council and has the qualification for a period of not
11 less than twelve years;

12 (c) he has either considerable experience in the practice of
13 Ecclesiastical Law or Christian Personal Law; or

14 (d) he is a distinguished scholar of Ecclesiastical Law or Christian
15 Personal Law.

16 (4) if the office of the Grand Cardinal of the Ecclesiastical Court of
17 Appeal is vacant or if the person holding the office is for any reason unable
18 to perform the functions of the office, then, until a person has been so
19 appointed and has assumed those functions, the President shall appoint the
20 most senior Cardinal from amongst the Cardinals of the Ecclesiastical Court
21 to perform those functions.

22 (5) except on the recommendation of the National Judicial
23 Council, an appointment pursuant to the provisions of subsection(4) of this
24 section shall cease to have after the expiration of three months from the date
25 of such appointment and the President shall not re-appoint a person whose
26 appointment has elapsed.

27 282 - (1) the Ecclesiastical Court of Appeal shall, in addition to
28 such other jurisdiction as may be conferred upon it by an Act of the National
29 Assembly exercise such appellate and supervisory jurisdiction in civil
30 proceedings involving questions of Ecclesiastical Law, Christian Personal

1 Law or Ecclesiastical Law.

2 (2) for the purposes of subsection (1) of this section, the Ecclesiastical
3 Court of Appeal shall be competent to decide:

4 (a) any question of Christian personal law regarding marriage
5 concluded in accordance with that law; including a question relating to the
6 validity or dissolution of such marriage or a question that depends on such a
7 marriage and relating to family relationship or the guardianship of an infant;

8 (b) where all parties to the proceedings are Christians, any question or
9 Christian personal law regarding a marriage where no prior or subsequent
10 customary or statutory marriage is contracted, including the validity or
11 dissolution of that marriage, or regarding family relationship, a foundling or
12 guardianship of an infant;

13 (c) any question of Christian personal law regarding a will or
14 succession where the endower, donor, testator or deceased person is a
15 Christian;

16 (d) any question of Christian personal law regarding an infant,
17 prodigal or person of unsound mind who is a Christian or the maintenance or
18 the guardianship of a Christian who is physically or mentally infirm; or

19 (e) where all parties to the proceedings, being Christians, have
20 requested the court that hears the case in the first instance to determine, that
21 case in accordance with Christian personal law, or any question.

22 283. for the purpose of exercising any jurisdiction conferred upon it
23 by this constitution or any Act of the National Assembly, the Ecclesiastical
24 Court of Appeal shall be duly constituted if it consists of at least three Cardinals
25 of that court.

26 284. Subject to the provisions of any Act of the National Assembly,
27 the Grand Cardinal of the Ecclesiastical Court of Appeal of the Federal Capital
28 Territory, Abuja may make rules for regulating the practice and procedures of
29 the Ecclesiastical Court of Appeal of the Federal Capital Territory, Abuja."

| | | |
|----|--|----------------------------------|
| 1 | 7. Section 288 (1) of the Principal Act is altered: | Alteration of Section 388 (1) |
| 2 | In subsection 1 by inserting after the word, "Islamic Personal law" | |
| 3 | in line 5, the words "persons learned in Christian personal law", and | |
| 4 | SECTION 288 (2) is altered by inserting a new paragraph (c): | |
| 5 | (c) A person shall be deemed to be learned in Christian personal | |
| 6 | law if he is a legal practitioner in Nigeria and has been so qualified for a | |
| 7 | period of not less than twelve years in the case of a Justice of a Court of | |
| 8 | Appeal and has in either case and in the opinion of the National Judicial | |
| 9 | Council considerable knowledge and experience in Chris personal law. | |
| 10 | 8. Section 289 of the Principal Act is altered: | Alteration of Section 289 |
| 11 | Inserting after the word, "Sharia Court of Appeal" in line 3, the | |
| 12 | words, "or Cardinal of the Ecclesiastical Court of Appeal". | |
| 13 | 9. Section 292 sub section 1 paragraph (a) i and ii of the Principal | Alteration of Section 292 |
| 14 | Act is altered: | |
| 15 | (i) By inserting after the word, "Grand Kadi of the Sharia Court of | |
| 16 | Appeal, Abuja" in line 5, the words, and Grand Cardinal of the Ecclesiastical | |
| 17 | Court of Appeal of the Federal Capital Territory Abuja"; | |
| 18 | (ii) inserting after the word, "Sharia Court of Appeal" in line 1, the | |
| 19 | words, "or Grand Cardinal of the Ecclesiastical Court of Appeal of a State". | |
| 20 | 10. Section 318 of the Principal Act is altered: | Alteration of Section 318 |
| 21 | In the interpretation of the words "judicial office": | |
| 22 | By inserting after the word, "Kadi of the Sharia Court of Appeal" in line 7, | |
| 23 | the words, "the Grand Cardinal of the Ecclesiastical Court of Appeal of the | |
| 24 | Federal Capital Territory, Abuja"; | |
| 25 | By inserting after the word, "State" in line 10, the words, "or Grand Cardinal | |
| 26 | of the Ecclesiastical Court of Appeal of a State", | |
| 27 | (a) In the interpretation of the words, "public service of the | |
| 28 | Federation" by inserting after the word, "Sharia Court of Appeal, Abuja " in | |
| 29 | line 3, the words, "or the Ecclesiastical Court of Appeal of the Federal | |
| 30 | Capital Territory, Abuja"; | |

| | | |
|---|----|--|
| | 1 | (b) In the interpretation of the words, "Public Service of a State "by |
| | 2 | inserting after the word, "Sharia Court ofAppeal" in paragraph (b), line 1, the |
| | 3 | words, "the Ecclesiastical Court ofAppeal". |
| Alteration of Second Schedule of the Principal Act | 4 | 11. The second schedule to the Principal Act is altered - Part 1 item 61 |
| | 5 | by inserting after the words, "Customary law", in line 2, the words, |
| | 6 | "Ecclesiastical Law". |
| Alteration of Third Schedule of the Principal Act | 7 | 12. The third schedule of the principal Act is altered in part I item 20, a |
| | 8 | new paragraph I is inserted as follows: |
| | 9 | (i) one Grand Cardinal of the Ecclesiastical Court of Appeal to be |
| | 10 | appointed by the Chief Justice of Nigeria from among the Grand Cardinals of |
| | 11 | the Ecclesiastical Court ofAppeal to serve in rotation of two years;" |
| | 12 | Part I item 21 of the third schedule of the Principal Act is amended in |
| | 13 | paragraph (a) (ii), line 4, by inserting after the word, Sharia Court of Appeal |
| | 14 | Abuja, "Grand Cardinal and Cardinals of the Ecclesiastical Court of Appeal of |
| | 15 | the Federal Capital Territory, Abuja"; |
| | 16 | Paragraph (c), line 6, is altered after the word, Kadis of the Sharia |
| | 17 | Court of Appeal, " Grand Cardinal and Cardinals of the Ecclesiastical Court of |
| | 18 | Appeal of the States"; |
| | 19 | Part II paragraph C of the Third Schedule is altered, under - State |
| | 20 | Judicial Service Commission: |
| | 21 | (i) By inserting a new paragraph (d): |
| | 22 | (d) the Grand Cardinal of the Ecclesiastical Court of Appeal of the |
| | 23 | State, if any," |
| | 24 | Part IIC paragraph 6 of the Third Schedule is amended by inserting a |
| | 25 | new paragraph vii |
| | 26 | (vii) the Grand Cardinal of the Ecclesiastical Court of Appeal of the |
| | 27 | State, if any;" |
| | 28 | and paragraph (c) before the word, 'magistrates" in line 3, the word |
| | 29 | "Ecclesiastical Court ofAppeal"; |
| | 30 | (a) By inserting in item 6 paragraph (c), by inserting immediately |

1 after the words, "Customary Courts" in line 4, the words "Ecclesiastical
2 Courts";

3 (b) In part III Item I-Judicial Service Committee of the Federal
4 Capital Territory, Abuja by inserting a new paragraph (d)

5 (d) the Grand Cardinal of Ecclesiastical Court of Appeal of the
6 Federal Capital Territory;"

7 (h) in Part III Item 2, Judicial Service Committee of the Federal
8 Capital Territory, Abuja by inserting a new paragraph (a)sub paragraph
9 (vii)":

10 "(vii) a Cardinal of the Ecclesiastical Court of Appeal of the
11 Federal Capital Territory;"

12 (c) in Part III Item 2(c), judicial Service Committee of the Federal
13 Capital Territory, Abuja by inserting immediately after the word" Abuja" in
14 line 4, the word "Ecclesiastical Court of Appeal of the Federal Capital
15 Territory".

16 **13.** The Sixth schedule is altered:

Alteration of
Sixth Schedule

17 (a) In section 1 (2):

18 By inserting after the words, "Customary Court of Appeal" in line
19 3, the words, Cardinals of the Ecclesiastical Court of Appeal";

20 (b) In section 1 (3), by the inserting after the words, "State" in line 3
21 the word, "Grand Cardinal of the Ecclesiastical Court of Appeal of the State"

22 (c) In section 2(2) by inserting before the word, "or" in line 3, the
23 words "Cardinals of the Ecclesiastical Court of Appeal"; and

24 (d) In section 2(3) by inserting after the word, "State" in line 4, the
25 words, "Grand Cardinal of the Ecclesiastical Court of Appeal of the State".

26 **14.** The Seventh Schedule, Judicial Oath, is altered:

Alteration of
Seventh Schedule

27 (a) By inserting after the word, "State" in line 10, the words" Grand
28 Cardinal of the Ecclesiastical Court of Appeal of the Federal Capital
29 Territory, Abuja, Cardinal of the Ecclesiastical Court of Appeal of the State".

Citation 1 **15.** This Bill may be cited as the Constitution of the Federal Republic
 2 of Nigeria (Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, Laws of the Federation Cap C23, 2004 to provide for the Ecclesiastical Court of Appeal of the Federal Capital Territory, Abuja and the Ecclesiastical Court of Appeal of the States to provide for the functions, jurisdiction, qualification, appointment and tenure of the Ecclesiastical Court of Appeal.

A BILL

FOR

AN ACT TO AMEND THE PENSION REFORM ACT 2014 TO PROVIDE FOR THE
EXEMPTION OF THE NIGERIA POLICE FORCE FROM THE CONTRIBUTORY
PENSION SCHEME AND FOR RELATED MATTERS

Sponsored by Hon. Francis Ejiroghene Waive

[] Commencement

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

- 1 **1.** The Pension Reform Act 2014 (in this Bill referred to as "the
2 Principal Act") is amended as set out in this Bill. Amendment of
the Pension Reform
Act 2014
- 3 **2.** Section 5, sub-section 1 paragraph (a) of the Principal Act is
4 amended by the addition of "The Nigerian Police Force". Its shall be read as
5 follows:
- 6 (a) the categories of persons mentioned in section 219 of the
7 Constitution of the Federal Republic of Nigeria, 1999 (as amended)
8 including members of the Armed Forces, The Nigerian Police Force, the
9 intelligence and secret services of the Federation.
- 10 **3.** This Bill may be cited as the Pension Reform Act (Amendment) Citation
11 Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Pension Reform Act of 2014, to include the
Nigerian Police Force as part of the categories of persons exempted from the
Contributory Pension Scheme.