

*Extraordinary*



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ABUJA ENVIRONMENTAL PROTECTION BOARD  
(ESTABLISHMENT) BILL, 2021  
ARRANGEMENT OF CLAUSES

*Clause:*

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3. Powers of the Board
4. Establishment and composition of the Governing Board
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# A BILL

## FOR

AN ACT TO ESTABLISH THE ABUJA ENVIRONMENTAL PROTECTION BOARD FOR THE PROTECTION, REGULATION, MANAGEMENT, MONITORING AND CONTROL OF ALL FORMS OF ENVIRONMENTAL DEGRADATION, AND ENFORCEMENT OF STANDARDS AND GUIDELINES ON PROHIBITION OF POLLUTION, AND PROMOTION OF COOPERATION ON ENVIRONMENTAL SCIENCE AND TECHNOLOGIES IN THE FEDERAL CAPITAL TERRITORY; AND FOR RELATED MATTERS

*Sponsored by Hon. Mohammed Tahir Monguno*

*Hon. Jimoh Abdulraheem Olajide*

[ ] Commencement

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

1 PART I - ESTABLISHMENT AND FUNCTIONS OF THE ABUJA

2 ENVIRONMENTAL PROTECTION BOARD

3 1.-(1) There is established the Abuja Environmental Protection  
4 Board in this Bill referred to as "the Board").

Establishment of  
Abuja Environmental  
Protection Board

5 (2) The Board shall:

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

8 (b) have power to sue and be sued in its corporate name; and

9 (c) be capable of purchasing, acquiring, holding and disposing of  
10 movable and immovable property for the purpose of carrying out its  
11 functions under this Bill.

12 2. The functions of the Board shall be to-

Functions of the  
Board

13 (a) advise the Minister on all environmental management policies;

14 (b) give direction to the affairs of the Board on all environmental  
15 matters;

16 (c) prepare a periodic master plan to enhance capacity building for

- 1 the Board and for the environment and natural resources management;
- 2 (d) carry out appropriate tests on insecticides, herbicides and other
- 3 agricultural chemicals;
- 4 (e) carry out public enlightenment and educate the general public on
- 5 sound methods of environmental sanitation and management;
- 6 (f) monitor and control in conjunction with the Federal Capital
- 7 Territory Water Board and the Federal Ministry of Water Resources on the
- 8 disposal of solid, gaseous and liquid waste generated by both government and
- 9 private facilities in the Federal Capital Territory;
- 10 (g) monitor and control all forms of environmental degradation from
- 11 agricultural, industrial and government operations;
- 12 (h) set, monitor and enforce standards and guidelines on vehicular
- 13 emission;
- 14 (i) survey and monitor surface, underground and potable water, air,
- 15 land and soil environments in the Federal Capital Territory to determine
- 16 pollution levels in them and collect baseline data;
- 17 (j) promote co-operation on environmental science and technologies
- 18 with similar bodies in other countries and international bodies connected with
- 19 the protection of the environment; and
- 20 (k) co-operate with the Federal, State and Local Governments,
- 21 statutory bodies and research agencies on matters and facilities relating to
- 22 environmental protection.
- 23 **3.** In carrying out the functions prescribed in section 2 of this Bill, the
- 24 Board shall have power to-
- 25 (a) require to be produced, examine and take a copy of any license,
- 26 permit, certificate or any other document required under this Part;
- 27 (b) require to be produced and examine any appliance, device or other
- 28 items used in relation to environmental protection;
- 29 (c) enter into programmes and agreements of technical assistance
- 30 with the public;

Powers of the  
Board

- 1 (d) apply enforcement measures to combat environmental  
2 degradations in manufacturing premises and government operations;  
3 (e) enter and search vehicles, tents and other structures in any  
4 premises engaged in carrying out manufacturing operations or business;  
5 (f) perform tests and take samples of any substance found on any  
6 premises searched; and  
7 (g) accept gifts of land, money, books or other properties upon such  
8 terms and conditions as may be specified by the person making the gifts if  
9 such terms and conditions attached are consistent with the functions of the  
10 Board.

11 4.-(1) There is established for the Board, a Governing Board.

Establishment  
and composition  
of the Governing  
Board

12 (2) The Governing Board shall consist of the following members-

13 (a) a Chairman who shall be a reputable environmentalist with  
14 cognate experience;

15 (b) Directors of the following Secretariats of the Federal Capital  
16 Territory Administration-

17 (i) Health,

18 (ii) Agriculture,

19 (iii) Works and Infrastructure,

20 (iv) Transportation,

21 (v) Finance, and

22 (vi) one representative each from the six Area Councils not below  
23 the rank of a director, and

24 (c) the Director of Environmental Services, Sewage and Water of  
25 the Federal Ministry of Environment;

26 (d) the General Manager of the Board; and

27 (e) three other members drawn from the academia and the general  
28 public who are experts on environmental matters.

29 (3) The Chairman and members of the Governing Board shall be  
30 appointed by the Minister subject to confirmation by the Senate.

Tenure of members of the Governing Board	1	5. All members of the Governing Board with the exception of
	2	the General Manager and the Secretary shall be on part-time basis for a term of
	3	three years and may be re-appointed for another term of three years and no
	4	more.
Cessation of membership of the Board	5	6.-(1) A member of the Board shall cease to hold office if the
	6	membership of member-
	7	(a) resigns his appointment as a member by notice in writing
	8	addressed to the Minister;
	9	(b) by reason of mental or bodily infirmity, becomes incapable of
	10	discharging his duties;
	11	(c) has been convicted of an offence which involves dishonesty and
	12	fraud;
	13	(d) has been involved in any act that may be considered inimical to the
	14	interest of the Board; or
	15	(e) becomes bankrupt.
	16	(2) The Minister may remove any member of the Board if satisfied
	17	that it is in the interest of the public to do so.
General Manager of the Board	18	7.-(1) There is a General Manager of the Board to be appointed by the
	19	Minister.
	20	(2) The General Manager shall be-
	21	(a) the Chief Executive Officer of the Board;
	22	(b) responsible to the Board and in charge of the day to day
	23	administration of the Board; and
	24	(c) an expert with cognate experience in environmental related
	25	matters.
Secretary to the Board	26	8. There shall be for the Board a Secretary who shall be an officer of
	27	the Board not below Grade Level 15 with cognate experience in
	28	environmental matters and administration and shall be responsible to the
	29	General Manager.



1	PART II - ADMINISTRATIVE PROVISIONS	
2	<b>9.-(1)</b> The Governing Board shall meet at least once every two	Meetings of the Board
3	months for the despatch of business at such place and time as the Chairman	
4	may determine.	
5	<b>(2)</b> A special meeting of the Governing Board may be summoned at	
6	the request of the Chairman.	
7	<b>(3)</b> All meetings of the Governing Board shall be summoned by the	
8	Secretary.	
9	<b>(4)</b> The Chairman shall preside at any meeting of the Board but	
10	when absent the Board shall elect a member to preside.	
11	<b>(5)</b> The General Manager and the Secretary of the Board must be in	
12	attendance at all meetings of the Board and shall take part in its proceedings	
13	and the Board may also require any of its officers to attend such meetings	
14	and take part in the proceedings but neither the General Manager, the	
15	Secretary nor any of the officers of the Board attending its meeting shall	
16	have a right to vote on any matter.	
17	<b>(6)</b> The supplementary provisions relating to the proceedings of	Schedule
18	the Board shall be as set in the Schedule to this Bill.	
19	<b>10.</b> The quorum of the Board shall be a simple majority.	Quorum
20	<b>11.</b> The Chairman or the member presiding in the Chairman's	Voting
21	absence shall at any meeting have a deliberative vote and in the case of an	
22	equality of votes, a second or casting vote.	
23	<b>12.</b> The validity of any proceedings of the Board shall not be	Validity of proceedings
24	affected by any vacancy in the membership of the Board or any defect in the	
25	appointment of a member.	
26	<b>13.</b> The non-ex-officio members of the Board shall be paid such	Remuneration and Allowances t
27	remuneration and allowances as may be determined by the Minister.	
28	<b>14.</b> Service in the Board shall be public service for the purpose of	Pension Act No. 4, 2014
29	the Pension Reform Act and accordingly, officers and other staff of the	
30	Board shall be entitled to pension.	

Power to co-opt	1	<b>15.</b> Where on any special occasion the Board desires to obtain the
	2	advice of any person on any particular matter, the Board may co-opt that person
	3	to be a member for as many meetings as maybe necessary, and that person
	4	while so co-opted will have all the rights and privileges of a member except that
	5	such a person will not be entitled to vote or count towards quorum.
Committees	6	<b>16.</b> The Board may appoint one or more Committees or sub-
	7	committees to carry out on behalf of the Board, such of its functions as the
	8	Board may determine.
Disclosure of interest	9	<b>17.-(1)</b> A member who is in any way, directly or indirectly interested
	10	in a transaction or project of the Board shall disclose the nature of the interest at
	11	the meeting of the Board.
	12	(2) The disclosure by a member of such interest shall be recorded in
	13	the minutes of the meeting of the Board and the members shall not take part in
	14	any deliberation of the Board with respect to the transaction or projects.
Seal of the Board	15	<b>18.-(1)</b> There shall be a common seal for the Board.
	16	(2) The fixing of seal of the Board will be authenticated by the
	17	signature of the Chairman and the General Manager of the Board.
	18	(3) Any contract or instrument which, if made by a person not being a
	19	body corporate would not be required to be under seal may be made or executed
	20	on behalf of the Board by the General Manager or by any other person
	21	generally or specifically authorised to act for that purpose by the Agency.
Protection of Members of the Board	22	<b>19.-(1)</b> Members or officers of the Board shall not be liable to be
	23	prosecuted or sued in any court for any act done or ordered to be done by
	24	them in good faith in the discharge of their functions under this Bill.
	25	(2) In any action or suit against the Board, an execution or any like
	26	process will not be issued against the Board but subject to any directions given
	27	by the Board, any sum of money which is awarded against the Board by
	28	judgment of the court will be paid from the general funds of the Board.
	29	PART III - FINANCIAL PROVISIONS
Funds of the Board	30	<b>20.-(1)</b> There is established a fund for the Board from which all

1 expenses incurred by the Board will be paid.

2 (2) The Fund of the Board shall consist of-

3 (a) such money as may be appropriated to the Board by the  
4 National Assembly; and

5 (b) all subscriptions from the charge, fees and charges for services  
6 rendered by the Board.

7 **21.** The Board may make provisions for the disbursement of Disbursement  
8 the money from the Fund referred to in section 20(1) of this Bill generally of Fund  
9 for the carrying into effect the purpose of this Bill, and without prejudice  
10 to the generalities of the power so conferred in particular for-

11 (a) defraying extra budgetary expenses incurred by the Board;

12 (b) improvement and establishment of standard and well-equipped  
13 laboratories for the purpose of this Bill;

14 (c) setting up of air monitoring pilot scheme; and

15 (d) financing various studies, workshops, seminars and public  
16 enlightenment on the environment and other environmentally related  
17 matters.

18 **22.** The Board shall prescribe the amount to be paid as fees or Fees and charges  
19 charges for permits to be issued under this Bill. permit

20 **23.**-(1) A person engaged in any form of manufacturing shall pay, Payment of annual  
21 environmental not later than the 1st of January of every year, an environmental  
22 environmental development levy (in this Bill referred to as "the charge"). development levy

23 (2) The charge shall be prescribed by the Board and shall be subject  
24 to periodic review.

#### 25 PART IV - PROHIBITIONS AND REGISTRATION

26 **24.**-(1) A person who-

27 (a) displays or engages in the business of selling of musical records Prohibition of  
28 and playing of any musical instruments, songs, lyrics or usage of public noise in private  
29 address system in public places, and public places

30 (b) uses public address system or loud speakers to propagate

	1	beliefs or ideas, advertise any good or solicit and disseminate information in
	2	any residential place, and
	3	(c) uses public address system or loud speakers to solicit for
	4	passengers or advertise the sale of goods at parks, markets or public places,
	5	commits an offence.
	6	(2) A person or organization shall not use a public address system that
	7	causes or is likely to cause nuisance or discomfort to the general public to
	8	disseminate information, propagate beliefs or ideas or engage in activities
	9	without a permit from the Board.
Prohibition of the discharge of substance into the environment	10	<b>25.</b> A person shall not carry on a prescribed process or activities of
	11	discharging any substances into the environment except under a permit granted
	12	by the Board.
Application for permit	13	<b>26.-(1)</b> An application for a permit shall be made to the Board in
	14	accordance with the procedure prescribed by the Board.
	15	(2) An application shall not be granted unless the Board is satisfied that the
	16	applicant will comply with the terms and conditions of the permit.
Dumping and burying of toxic or radioactive, medical and harmful wastes	17	<b>27.</b> A person shall not-
	18	(a) dispose of, dump, bury; or
	19	(b) allow to be buried, dumped in or over any land or medical and
	20	water within the Federal Capital Territory, any solid or liquid, toxic, hazardous
	21	or radioactive substance or harmful waste as may be designated without the
	22	express participation of the Board and in accordance with the Board's
	23	regulations and guidelines.
Control of omission from plant and equipment	24	<b>28.-(1)</b> All emissions from vehicles, plants and equipment including
	25	generating plants in residential, commercial industrial areas within the Federal
	26	Capital Territory shall meet air emission standards prescribed by the Board.
	27	(2) As from the commencement of this Bill, a person who sells or
	28	maintains any plant and equipment including electricity generating plants and
	29	other plants with an emission level above agreed emission standards subject to
	30	the provisions provided in the regulations shall apply for a permit from the

1	Board which may be granted with or without any condition.	Prohibition of air pollution by discharge injurious gases, etc.
2	<b>29.</b> A person who discharges into the environment any	
3	inadequately filtered and purified gaseous wastes, gases containing	
4	substances or hazardous substances which is likely to cause pollution, and	
5	be harmful, or injurious to the environment, commits an offence.	
6	<b>30.</b> -(1) A person who carries on the business of manufacturing,	Prohibition of manufacturing or storage of chemicals in residential and commercial areas without written permission
7	storage of chemicals, lubricants, petroleum products, cement (except for	
8	use in construction), gases or the containerizing of any oil, lubricant or	
9	petroleum product without a permit, commits an offence.	
10	(2) Manufacturing or storage business of chemicals, lubricants,	
11	petroleum products, cement (except for use in construction), gases or	
12	containerizing of any oil, lubricant or petroleum product shall not be	
13	conducted in residential areas.	
14	(3) A person or body engaged in the storage of chemicals,	
15	lubricants, petroleum products, cement (except for use in construction),	
16	gases or carry on the containerizing of any oil, lubricant or petroleum	
17	product shall procure an insurance policy from an approved insurance	
18	company.	
19	<b>31.</b> A person shall not discharge or cause to be discharged into the	Prohibition of the use of chemicals in streams and water bodies
20	environment any untreated waste or chemical substances listed in any	
21	Federal or State law in force except in accordance with regulation made	
22	under this Bill or State Law.	
23	<b>32.</b> A person who uses any prohibited herbicides, insecticides other	Prohibition of the use of chemicals in streams and water bodies
24	chemicals to kill any species in water bodies or for any purpose deposit,	
25	dump, discharge any dangerous substances, herbicides or insecticides,	
26	petroleum or chemical substances listed in any Federal or State Law or	
27	regulation in rivers, lakes and streams within the Federal Capital Territory or	
28	its border States, commits an offence.	
29	<b>33.</b> -(1) An owner or occupier of a facility who uses, stores, keeps	Registration of underground storage tanks or surface storage tanks
30	and maintains an underground storage tanks or surface storage tanks, shall	

1 register such tanks with the Board and such registration shall be renewed  
2 annually.

3 (2) Prior to the issuance of registration of an underground storage  
4 tank or surface storage tank, a facility monitoring and inspection exercise shall  
5 be carried out on all sites with surface or underground tanks periodically to  
6 determine the integrity of the facility involved and soil test of the immediate  
7 environment shall be carried out as required, and the result of such tests shall be  
8 made available to the facility owner on request.

9 (3) The Board shall upon reasonable satisfaction that the owner or  
10 occupier has satisfied the environmental standards imposed by it, register the  
11 facility and issue a certificate of compliance after a facility fee has been paid by  
12 the owner or occupier.

13 (4) Where tests results have confirmed a leakage or inadequacy for  
14 use, the certificate of compliance issued with respect to such surface storage  
15 tank or underground storage tanks shall be immediately suspended and-

16 (a) the tank shall be emptied and usage discontinued immediately;

17 (b) the tank shall be decommissioned and removed from the ground  
18 within seven days; and

19 (c) remedial activity on the soil shall be undertaken.

20 (5) The certificate of compliance to the suspension in accordance with  
21 subsection (4) shall be carried out to the satisfaction of the Board, and a new  
22 tank shall be accessed and declared fit by the Board.

23 (6) A permit shall be renewed annually for an amount payable and to  
24 be determined by the Board and a certificate of compliance shall be issued to  
25 that effect.

Control of  
effluents

26 **34.**-(1) Housing estates, hotels, commercial facilities, waste  
27 management facilities, hospitals, abattoirs and livestock shall not discharge or  
28 cause to be discharged any trade and industrial effluent into the public drain or  
29 natural environment without a permit from the Board.

30 (2) Effluent discharged under this section shall not exceed the

29 (a) take with him a person duly authorised by the Board and if the  
30 Inspector has reasonable proof of any serious obstruction in the execution of

- 1 his duty, a police officer or such number of police officers as he may deem fit;
- 2 (b) take with him equipment or materials required for any purpose for
- 3 which the power of entry is being exercised;
- 4 (c) make such examination and investigation as may in such
- 5 circumstances be necessary;
- 6 (d) take such measurements and photographs and make such
- 7 recordings as he considers necessary for the purpose of any examination or
- 8 investigation under paragraph (c);
- 9 (e) take samples of substances found on any premises which the
- 10 Inspector has a verifiable suspicion to be in contravention of the provisions of
- 11 this Bill;
- 12 (f) require any person whom the Inspector has reasonable cause to
- 13 believe to be able to give any information relevant to any examination or
- 14 investigation under this section, to answer (in the absence of persons other than
- 15 a person nominated to be present and any persons whom the Inspector may
- 16 allow to be present) such questions as the Inspector deems fit to ask and sign a
- 17 declaration of the truth of his answers;
- 18 (g) require the production of, or where the information is recorded
- 19 in computerised form, the furnishing of extracts from, any record where it is
- 20 necessary for him to see for the purposes of an examination or investigation
- 21 under paragraph (c) and to inspect and take copies of the records;
- 22 (h) require any person to afford the Inspector record such facilities
- 23 and assistance with respect to any matter or thing within that person's control
- 24 or in relation to which that person has responsibilities as are necessary to
- 25 enable the Inspector to exercise any of the powers conferred on him by this
- 26 section;
- 27 (i) seal the premises, where there is immediate risk of life, property or
- 28 the environment;
- 29 (j) investigate and monitor compliance with the terms of the permits
- 30 issued by the Board;



1 (k) appraise any environmental technical report of industrial and  
2 commercial activities as it relates to their goods and services within the  
3 Federal Capital Territory which is submitted to the Board either by the  
4 proponent of a project or any agency to ensure compliance with the  
5 environmental policy of the government;

6 (l) investigate, monitor, report and take appropriate action on non-  
7 compliance of laid down regulation with impact mitigation measures of  
8 proposed developmental projects contained in any Environmental Impact  
9 Assessment Report submitted to it in respect of any activities or processes  
10 undertaken within the Federal Capital Territory;

11 (m) appraise and monitor Environmental Technical Reports  
12 submitted by companies;

13 (n) conduct regular survey and monitoring of water bodies and soil  
14 including landfill sites, agricultural farms among other things;

15 (o) collect and analyse water and soil samples with a view to  
16 developing baseline data;

17 (p) investigate public complaints on environmental pollution  
18 matters contained in this Bill; and

19 (q) exercise any other power for the purpose mentioned in  
20 subsection (1) that is conferred by Regulations made by the Board.

21 (5) Where an Inspector has reasonable cause to believe that any  
22 article or substance found on any premises is a cause of imminent danger of  
23 serious harm such article or substance may be seized or rendered harmless.

24 (6) Where any article or substance has been seized and rendered  
25 harmless under this section, the Inspector shall, as soon as possible, prepare  
26 and sign a written report giving particulars of the circumstances in which the  
27 article or substance was seized and dealt with, and shall-

28 (a) give a signed copy of the report to an owner or occupier of the  
29 premises where the article or substance was found;

30 (b) where such person served is not the owner of the article or

	1	substance, serve a signed copy of the report on the owner; and
	2	(c) where paragraph (b) applies, and the Inspector cannot after
	3	reasonable inquiry ascertain the name or address of the owner, the copy may be
	4	served on the owner by giving it to the person to whom a copy was given under
	5	paragraph (a) or pasted at a conspicuous part of the premises and providing
	6	corroborative proof of service.
Power to deal with imminent danger of serious harm	7	<b>38.-(1)</b> Where the Agency is of the opinion that the operation of a
	8	facility or installation of a mobile plant, or the operation of it in a particular
	9	manner, involves an imminent harm or risk of serious pollution, it may arrange
	10	for steps to be taken to remove that risk.
	11	(2) Where any breach of the provisions of this Bill or Regulations
	12	made under it causes any pollution, the Board may arrange for steps to be taken
	13	towards remedying the effects of the pollution.
	14	(3) Where the Board intends to arrange for steps to be taken under
	15	subsection (2) it shall, give at least seven days' notice before the steps are taken
	16	and notify the operator of the steps that are to be taken.
	17	(4) Subject to subsection (5), where the Board arranges for steps to be
	18	taken under this section, it shall recover the cost of taking those steps from the
	19	operator concerned.
	20	(5) Costs shall not be recoverable under subsection (4) where the
	21	Board arranges for steps to be taken under subsection (1), if the operator shows
	22	that there was no imminent risk of serious pollution requiring any such steps to
	23	be taken and no other costs shall be recoverable which the operator shows to
	24	have been unnecessarily incurred by the Board.
Obstruction of authorised persons	25	<b>39.-(1)</b> A person who obstructs the Board or any of its officials from
	26	carrying out its function under the provision of this Bill commits an offence,
	27	and on conviction shall, in case of an individual, be liable to a fine of N50,000,
	28	or a term of imprisonment for one month or both.
	29	(2) Where the offence under this section is committed by a body
	30	corporate and is proved to have been committed with the consent or

1 connivance of, or attributable to any act on the part of any director, manager,  
2 secretary or other similar officer of the body corporate or a person who was  
3 purporting to act in any such capacity, that person commits an offence and is  
4 liable on conviction to a fine of N250,000 or to a term of imprisonment for  
5 two months, or both.

6 PART V - MISCELLANEOUS PROVISIONS

7 **40.**-(1) A person who shall-  
8 (a) knowingly or negligently contravenes any provision of this  
9 Bill or any provision of the Regulations made in accordance with this Bill,  
10 (b) fails to comply with or contravenes a condition of a permit,  
11 (c) knowingly or negligently introduce into the public drainage or  
12 sewer system or into a publicly owned treatment works any pollutant or  
13 hazardous substance which such persons knew or reasonably should have  
14 known could cause personal injury or property damage other than in  
15 compliance with the requirements of this Bill, Regulations or permits,  
16 (d) prevents any other person from appearing before or from  
17 answering any question to which an Inspector may require an answer,  
18 (e) fails to comply with the requirements of an enforcement notice  
19 or a suspension notice,  
20 (f) fails, without reasonable excuse, to comply with any  
21 requirement imposed by a notice under any Regulation made under this Bill,  
22 (g) makes a statement which he knows to be false or misleading, or  
23 recklessly makes a statement which is false or misleading, where the  
24 statement is made-  
25 (i) in purported compliance with a requirement to furnish any  
26 information under any provision of this Bill or Regulations made under it,  
27 (ii) for the purpose of obtaining the grant of a permit to himself or  
28 any other person, or the variation, transfer or surrender of a permit,  
29 (h) intentionally makes a false entry in any record required to be  
30 kept under the condition of a permit,

Obstruction of  
authorised persons

1 (i) deceives, forges or uses a document issued or authorised to be  
2 issued under a condition of a permit or required for any purpose under a  
3 condition of a permit or to make or have in possession a document so closely  
4 resembling any such document as to be likely to deceive, or

5 (j) fails to comply with an order made by a court, commits an offence.

6 (2) A person who commits an offence under subsection (1) (a), (b), (d)  
7 or (i) shall be liable-

8 (a) on summary conviction in the case of-

9 (i) an individual to a fine not less than N100,000, or

10 (ii) a corporate body to a fine not less N2,000,000;

11 (b) on conviction on indictment in the case of:-

12 (i) an individual to a fine of N250,000. or to imprisonment for a term  
13 not exceeding two years or both, or

14 (ii) a corporate body to a fine not less than N5,000,000.

15 (3) A person who commits an offence under subsection (1)(c), (e), (f),  
16 (g) and (h) shall be liable-

17 (a) on summary conviction, in the case of-

18 (i) an individual, to a fine not less than N200,000, or

19 (ii) a corporate body, to a fine not less than N1,000,000;

20 (b) on conviction on indictment, in the case of-

21 (i) an individual, to a fine of N100,000 or to imprisonment for a term  
22 not exceeding one year or both, or

23 (ii) a corporate body to a fine not less than N2,000,000.

24 (4) Where an offence committed under this Bill by a body corporate is  
25 proved to have been committed with the consent or connivance of, or to have  
26 been attributable to any neglect on the part of any director, manager, secretary  
27 or other similar officer of the body corporate or a person who was purporting to  
28 act in any such capacity, such person as well as the body corporate shall be  
29 liable to be proceeded against and punished accordingly.

30 (5) Where the affairs of a body corporate are managed by its

1 members, subsection (4) shall apply in relation to the acts or defaults of a  
2 member in connection with the functions of management as if such member  
3 were a director of the body corporate.

4 (6) Where the commission of an offence by a person under this Bill  
5 or any Regulation made this Bill is due to the act or default of some other  
6 person, that other person may be charged with and convicted of the offence  
7 by virtue of this subsection whether or not proceedings for the offence are  
8 taken against the first-mentioned person.

9 **41.-(1)** Except where an owner or operator can prove that a Spiller's liability  
10 discharge was caused solely by a natural disaster or an act of war or by  
11 sabotage by a third party provided reasonable and practicable measures of  
12 care and skill has been taken by the owner or operator to prevent such  
13 sabotage, such owner or operator of any vessel or onshore or offshore  
14 facility from which the hazardous substances is discharged in violation of  
15 any section of this Bill, shall in addition to the penalty specified in that  
16 section be liable for-

17 (a) the cost of removal, including any costs which may be incurred  
18 by any government body or agency in the restoration or replacement of  
19 natural resources damaged; and

20 (b) cost of third parties in the form of reparation, restoration,  
21 restitution or compensation as may be determined by the Board.

22 (2) The owner or operator of a vessel or onshore or off shore facility  
23 from which there is a discharge in violation the provisions of this Bill shall,  
24 to the fullest extent possible, act to mitigate the damage by-

25 (a) giving immediate notice of the discharge to the Board and any  
26 other relevant agencies;

27 (b) beginning immediate clean-up operations following the best  
28 available clean-up practice and removal methods as may be prescribed by  
29 the Board;

	1	(c) promptly complying with such other directions as the Board may
	2	prescribe.
Enforcement by Court	3	<b>42.</b> Where the Board is of the opinion that proceedings for an offence
	4	under the provision of this Bill would afford an ineffectual remedy against a
	5	person who has failed to comply with the requirements of an enforcement
	6	notice or a suspension notice, the Board may initiate proceedings in court for
	7	the purpose of securing compliance with the notice.
Prosecution of offenders	8	<b>43.</b> Without prejudice to the foregoing, prosecution for offences
	9	under this Bill shall be instituted before the court by the Minister or such officer
	10	in the Ministry of the Federal Capital Territory, provided that the Minister may-
	11	(a) authorise the Board or any of its officers if he deems fit; or
	12	(b) direct any other legal practitioner in Nigeria to undertake the
	13	prosecution directly or to assist in the prosecution.
Prosecution of offenders	14	<b>44.</b> This Bill, and without prejudice to the generalities of the power
	15	conferred in particular for prescribing-
	16	(a) acceptable standards or criteria to control the pollution of the
	17	environment;
	18	(b) standards for effluent;
	19	(c) water quality standards and monitoring reflecting the latest
	20	scientific knowledge on the-
	21	(i) kind and extent of identifiable effects on health and welfare
	22	including, but not limited to plankton, fish, shellfish, wildlife, plants life,
	23	shorelines, beaches aesthetics and recreation which may be expected from the
	24	presence of pollutants in any water body, including ground water,
	25	(ii) concentration and dispersal of pollutants on them by products,
	26	through biological, physical and chemical processes, and
	27	(iii) effects of pollutants on biological community diversity,
	28	productivity, stability, including information on the factors affecting rates of
	29	eutrophication and rates of organic and inorganic sedimentation for varying
	30	types of receiving waters;

- 1 (d) hazardous waste including but not limited to electronic wastes,  
2 healthcare waste and chemical waste;
- 3 (e) emission standards for each category or subcategory of major  
4 sources of hazardous air pollutants listed for regulation;
- 5 (f) for each environmental medium, the substances to be released  
6 into that medium is to be subject to control;
- 7 (g) emission standards for each category or subcategory of major  
8 sources and areas of sources of hazardous air pollutants listed for regulation  
9 under this section; and
- 10 (h) in relation to releases of any substance from prescribed  
11 processes into any environment medium, prescribe standard limits for-
- 12 (i) the concentration, the amount or the amount in any period of that  
13 substance which may be so released, and
- 14 (ii) any other characteristics of that substances in any  
15 circumstances in which it may be so released;
- 16 (i) in relation to releases of any substance from prescribed  
17 processes into any environment medium, prescribe standard requirements  
18 for the measurement or analysis of, or releases of, substances for which  
19 limits have been set under paragraph (f) ;
- 20 (j) emission standards from vehicles, plants and equipment  
21 including generating plants;
- 22 (k) noise standard for any product or class which emits noise  
23 capable of adversely affecting the public health or welfare;
- 24 (l) noise standard for any product or class which is sold wholly or in  
25 part on the basis of its effectiveness in reducing noise;
- 26 (m) noise pollution standard in any residential, religious,  
27 commercial, industrial or any other premises with a view to controlling the  
28 psychological and physiological effects of noise on humans and the effects  
29 of noise on domestic animals, wildlife and property; and
- 30 (n) procedure for application for permit under this Part.

- 1           (3) The Board shall in relation to emission standards regulated under  
2 this subsection and applicable to new or existing sources of hazardous air,  
3 water, and land pollutants require the maximum degree of reduction in  
4 emission of the hazardous air, water and land pollutants (including a  
5 prohibition on such emissions, where achievable) and the Board, taking into  
6 consideration the cost of achieving such emission reduction, and any non-air  
7 quality health and environmental impacts and energy requirements,  
8 determines that it is achievable through the application of measures, process,  
9 methods, systems or techniques including, but not limited to, measures which-
- 10           (a) reduce the volume of, or eliminate emissions of, such pollutants  
11 through process changes, substitutions of materials or other modifications;  
12           (b) enclose systems or process to eliminate emissions;  
13           (c) collect, capture or treat such pollutants when released from a  
14 process, stack or storage or fugitive emission point; and  
15           (d) are designs, equipment, work practice, or operational standards  
16 (including requirements for operator training or certification).
- 17           (4) The Board may, after careful investigation, and in collaboration  
18 with the Ministry or other relevant agencies connected with environmental,  
19 health and safety matters and industries prepare or develop comprehensive  
20 programme for preventing, reducing or eliminating the pollution of the air, land  
21 and navigable water and underground waters and improving the sanitary  
22 condition of land, air as well as of surface and underground waters of the  
23 Federal Capital Territory.
- 24           (5) The Board shall develop comprehensive framework of regulation,  
25 standards and policies to protect the environment.
- 26           (6) The Board shall in relation to any developmental activities or  
27 processes to be undertaken within the Federal Capital Territory, require,  
28 appraise and ensure that a detailed environmental impact assessment report is  
29 produced and complied with.



1	<b>45.</b> In this Bill-	Interpretation
2	"Board" means the Abuja Environmental Protection Board established in	
3	section 1 of this Bill;	
4	"Court" means High Court of the Federal Capital Territory, the Magistrates'	
5	Court; Environmental Court or any other Court or Tribunal that may be	
6	created by the National Assembly for the purpose of adjudicating on this	
7	Part;	
8	"discharge" means any emission, intentional or unintentional, and which	
9	includes but not limited to, spilling, leaking, pumping, pouring, emitting,	
10	emptying, dumping or placing of any substances into any land, water or air	
11	so that such substance or any constituent may enter into the environment or	
12	be emitted into the air or discharged into any waters, including ground	
13	waters or land;	
14	"effluent" means waste generated from manufacturing service operations	
15	business;	
16	"environment" includes water, air, land and the interrelationship which exist	
17	among water, air, land and all living things and the medium of air includes	
18	the air within buildings and air without other natural or man-made structures	
19	above or below the ground;	
20	"harm" means harm to the health of living organisms or other interference	
21	with the ecological systems of which they form part of and in the case of	
22	human, includes offences caused to human senses or property, and	
23	"harmless" has a corresponding meaning;	
24	"healthcare waste" means waste from any of the following-	
25	(a) any premises forming part of a hospital, trade-medical centres,	
26	clinic or maternity home; or	
27	(b) any premises forming part of a medical laboratory, scientific,	
28	medical or health research institutions;	
29	(c) active pharmaceutical waste from pharmaceutical companies;	
30	"hazardous or special waste" means controlled waste classified as harmful	

1 waste under any Law or  
2 Regulations in the Federal Capital Territory, and includes any solid, liquid,  
3 gaseous or sludge waste which by reason of its chemical reactivity,  
4 environmental or human hazardousness, infectiousness, toxicity,  
5 explosiveness and corrosiveness is harmful to human health, life or  
6 environment;  
7 "Area Council" means the six Area Councils in the Federal Capital Territory;  
8 "Ministry" means the Federal Ministry of Environment;  
9 "permit" means a permit for a process (whether on a premises or by means of  
10 mobile plant) granted under this Part, and a reference to the conditions of any  
11 permit is reference to the conditions subject to which at any time the permit has  
12 effect;  
13 "pollution" means any direct or indirect alteration of the physical, thermal,  
14 chemical, biological, or radio-active properties of any part of the environment  
15 by discharging, emitting, or depositing wastes so as to adversely affect any  
16 beneficial use, to cause a condition which is hazardous to public health, safety  
17 or welfare, or to animals, birds, wildlife, fish or aquatic life, or to plants or to  
18 cause contravention of any condition, limitation, or restriction which is the  
19 subject to a licence under this Bill;  
20 "pollution of the environment" means pollution of the environment arising  
21 from the negligent or deliberate release (into any environmental medium) from  
22 any process of substances including noise which are capable of causing harm to  
23 human life or any other living organisms supported by the environment or  
24 which damage the ecosystem or which results in damage to material property,  
25 impair or interfere with amenities, ecosystem and other legitimate use of the  
26 environment;  
27 "process" means any activity carried out within the Federal Capital Territory,  
28 whether on a premises or by means of mobile plant, which is capable of causing  
29 pollution of the environment,  
30 "activity" shall include industrial and commercial activities, activities of any

1 nature including the keeping or release of a substance and "release"  
2 includes-

3 (a) in relation to air, any emission of the sub- stance into the air,  
4 water any entry (including any discharge) of the substance into water;

5 (b) land, any deposit, keeping or disposal of the substance in or on  
6 land; and for this purpose "water" and "land";

7 For the purpose of determining into what medium a substance is released  
8 into, the Board shall take into consideration-

9 (a) the entire land surface within the Federal Capital Territory;

10 (b) any river, watercourse, lake, loch or pond (whether natural or  
11 artificial or above or below the ground) or reservoir or the surface of the  
12 riverbed or of other land supporting such waters, or ground waters is  
13 released into water;

14 (c) land covered by water falling outside paragraph (a) or the water  
15 covering such land or;

16 (d) the land beneath the surface of the seabed or of other land  
17 supporting waters falling within paragraph (a) above, is release into land,  
18 and a public drainage or sewer shall be treated as a release into water, but a  
19 public drainage or sewer and its contents shall be considered in determining  
20 whether there is a pollution of the environment at any time;

21 "ground waters" mean any waters contained in underground strata, or in-

22 (a) a well, borehole or similar work sunk into underground strata,  
23 including any passage constructed in connection with the well, borehole or  
24 work for facilitating the collection of water in the well, borehole or work;

25 (b) any excavation into underground strata where the level of water  
26 in the excavation depends wholly or mainly on water entering it from the  
27 strata; or

28 (c) any excavated borehole or well that is not in use which shall be  
29 properly decommissioned;

30 "mobile plant" means plant which is designed to move or to be moved

1 whether on roads or otherwise and which is used to carry out one or more  
2 activities listed in the Regulations made by the Board;

3 "substance" means any organic or inorganic substance, whether in solid, liquid,  
4 gaseous or vapour form, of a particular molecular identity including any-

5 (a) combination of such substances occurring in whole or in part as a  
6 result of a chemical or biological reaction or occurring in nature;

7 (b) element or uncombined radical pesticide whether manufactured,  
8 processed, or distributed in trade for use as pesticide; toxic or radioactive  
9 waste;

10 (c) gaseous wastes or gases containing substances including but not  
11 limited to oxides of sulphur, oxides of nitrogen, hydrogen, sulphite, carbon  
12 monoxide, ammonia, chlorine, smoke and metallic dusts and particulates;

13 (d) solid, liquid, gaseous or oil, and hazardous waste; effluents, or  
14 combination of solid wastes, which because of the quantity, concentration, or  
15 physical, chemical or infectious characteristics may-

16 (i) cause, or significantly contribute to increase in mortality, serious  
17 irreversible, or incapacitating reversible illness; or

18 (ii) pose a substantial threat or potential hazard to human health or the  
19 environment when improperly treated, stored, transported, or disposed of, or  
20 otherwise managed.

Citation

21 **46.** This Bill may be cited as Abuja Environmental Protection Board  
22 (Establishment) Bill, 2021.

## SCHEDULE

## Section 9 (6)

## SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

*Proceedings of the Board*

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

(2) The quorum of the Board shall be the Chairman or the person presiding at the meeting, Managing Director or one Executive Director and one-third of other members of the Board. The quorum of any Committee of the Commission shall be as determined by the Board.

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

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

*Committees*

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

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

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

*Miscellaneous*

4.-(1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the

1 Board generally or specifically authorised by the Board to act for that purpose  
2 and the Managing Director.

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

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

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

9 (b) a defect in the appointment of a member of the Board or  
10 committee; or

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

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the Abuja Environmental Protection Board for the protection, regulation, management, monitoring and control of all forms of environmental degradation, enforcement of standards and guidelines on prohibition of pollution, and promotion of cooperation on environmental science and technologies in the Federal Capital Territory.

A BILL

FOR

AN ACT TO AMEND THE PUBLIC HOLIDAYS ACT CAP P40 LAWS OF THE  
FEDERATION OF NIGERIA 2004, TO APPOINT 20TH OCTOBER OF EVERY YEAR  
AS A NATIONAL YOUTH DAY; IN ORDER TO RECOGNISE THE CONTRIBUTIONS  
OF YOUTH IN PEACE KEEPING AND NATIONAL DEVELOPMENT AND FOR  
RELATED MATTERS

*Sponsored by Hon. Shoyinka Abiola Olatunji*

[ ] Commencement

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

- 1

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8
1. The Public Holidays Act Cap P34 Laws of the Federation of

Nigeria 2004, (in this Bill referred to as 'the Principal Act') is amended as set

out under this Bill.

2. The Schedule to the Principal Act is amended by inserting, after

the existing number "6", a new number "6A":

“6A National Youth Day (20th October)”.

3. This Bill may be cited as the Public Holidays Act (Amendment)

Bill, 2021.
- Amendment of

the Public Holidays

Act , Cap. P40

LFN, 2004

Amendment of

the Schedule to

th Principal Act

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Public Holidays Act Cap P40 Laws of the  
Federation of Nigeria 2004, to appoint 20th October of every year as a  
National Youth Day; in order to recognize the contributions of youth in  
peace keeping and national development.





FEDERAL UNIVERSITY OF MEDICAL AND HEALTH SCIENCES, ONDO,  
ONDO STATE (ESTABLISHMENT) BILL, 2021  
ARRANGEMENT OF CLAUSES

*Clause:*

PART I - ESTABLISHMENT OF THE OF THE FEDERAL UNIVERSITY OF  
MEDICAL AND HEALTH SCIENCES, ONDO, ONDO STATE

1. Establishment of the Federal University of Medical and Health Sciences, Ondo, Ondo State
2. Objects of the University
3. Functions of the University
4. Composition of the University

PART II - MANAGEMENT BOARD OF THE UNIVERSITY

5. Appointment and functions of the Chancellor
6. Appointment and functions of the Vice-Chancellor
7. Appointment and functions of the Pro-Chancellor
8. Establishment and composition of the Council
9. Functions of the Council and its Finance and General Purposes Committee
10. Functions of the Senate

PART III - STATUTES OF THE UNIVERSITY

11. Power of the University to make statutes
12. Mode of exercising power to make statutes
13. Proof of statutes

PART IV - SUPERVISION AND DISCIPLINE

14. The Visitor.
15. Removal of members of Council
16. Removal and discipline of academic, administrative and professional staff
17. Staff discipline
18. Appointment of external examiners

19. Removal of examiners

20. Discipline of students

PART V - MISCELLANEOUS AND GENERAL

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

22. Quorum and procedure of bodies established under this Bill.

23. Appointment of committees.

24. Retiring age of academic staff of the University.

25. Special provisions relating to pension of professors.

26. Miscellaneous administrative provisions.

27. Interpretation.

28. Short title

SCHEDULES

First Schedule- Principal Officers of the University

Second Schedule - Statute No. 1

# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF MEDICAL AND HEALTH SCIENCES ONDO, ONDO STATE FOR TRAINING AND RESEARCH IN THE FIELD OF MEDICAL AND HEALTH SCIENCES IN NIGERIA; AND FOR RELATED MATTERS

*Sponsored by Hon. Abiola Peter Makinde*

[ ] Commencement

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

1 PART I - ESTABLISHMENT OF THE FEDERAL UNIVERSITY OF MEDICAL  
2 AND HEALTH SCIENCES, ONDO, ONDO STATE

3 1.-(1) There is established the Federal University of Medical and  
4 Health Sciences, Ondo, Ondo State (in this Bill referred to as "the  
5 University").

Establishment  
of the Federal  
University of  
Medical and  
Health Sciences,  
Ondo, Ondo State

6 (2) The University shall be a body corporate with perpetual  
7 succession and a common seal and may sue and be sued in its corporate  
8 name and shall have power to acquire, hold and dispose of movable  
9 properties.

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

Objects of the  
University

11 (a) teach and train health-care professionals;

12 (b) provide healthcare services and consultancy;

13 (c) conduct research and participate in extension, outreach and  
14 community services;

15 (d) operate various schools and specialties that offer training and  
16 quality research in health care;

17 (e) facilitate the acquisition of knowledge and skills in different  
18 specialties for effective and efficient management of health care;

19 (f) provide solution to the lack and the inequitable distribution of

Functions of  
the University

- 1 health professionals serving rural communities,
- 2 (g) train clinically competent and socially conscious health workers;
- 3 (h) develop a training model for the training of community oriented
- 4 health workers that could be replicated in other areas of Nigeria;
- 5 (i) facilitate collaboration and enhancement of health sciences
- 6 research and education endeavors;
- 7 (j) provide support for education and research across the health
- 8 sciences sector;
- 9 (k) promote inter-professional and institutional education across all
- 10 health professional programs; and
- 11 (l) ensure that the health sciences sector is adequately and
- 12 appropriately represented at all levels of University governance.
- 13 **3. The University shall-**
- 14 (a) encourage the advancement of learning and to hold out to all
- 15 persons without distinction of race, creed, sex or political conviction, the
- 16 opportunity of acquiring a higher education in Medicine and other medical and
- 17 health sciences;
- 18 (b) develop and offer academic and professional programs leading to
- 19 the award of diplomas, first degrees, postgraduate research and higher degrees
- 20 with emphasis on planning, adaptive, technical, maintenance, developmental
- 21 and productive skills in the field of Medicine and related disciplines, with the
- 22 aim of producing graduates with capacity not only to understand, use and adapt
- 23 existing technologies in the health industry, but also to improve on those
- 24 disciplines and develop new ones, and to contribute to the scientific
- 25 transformation of medical and other health practices in Nigeria;
- 26 (c) promote training, research and innovation for the effective and
- 27 economic utilization, exploitation and conservation of Nigeria's natural,
- 28 economic and human resources;
- 29 (d) offer results of training and research in medicine and related
- 30 studies and foster the practical application of those results;

- 1 (e) establish appropriate relationships with other national  
2 institutions involved in training, research and development of health care;  
3 (f) identify the health problems and needs of Nigeria and proffer  
4 solutions;  
5 (g) provide and promote sound basic scientific training as a  
6 foundation for the development of medicine and related studies, taking into  
7 account the need to vastly increase the practical content of training, and  
8 adequate preparation of students for self-employment in medicine and  
9 related professions;  
10 (h) promote and emphasize teaching and research in health  
11 extension services and outreach programs, in-service training, continuing  
12 education, and adaptive research;  
13 (i) establish institutional linkages in order to foster collaboration  
14 and integration of training, research, and extension activities;  
15 (j) advise and report regularly to the ministry of education on all  
16 matters relevant to the health sciences sector and its education and research  
17 programs; and  
18 (k) undertake any other activities appropriate for the University  
19 and necessary or expedient for the performance of its functions under this  
20 Bill.

21 **4.-(1)** The University shall consist of-

Composition  
of the University

- 22 (a) Chancellor;  
23 (b) Pro-Chancellor and a Council;  
24 (c) Vice-Chancellor and a Senate;  
25 (d) Deputy Vice-Chancellor (s);  
26 (e) a body to be called Congregation;  
27 (f) a body to be called Convocation;  
28 (g) campuses and colleges of the University;  
29 (h) schools, institutes and other teaching and research units;  
30 (i) persons holding the offices constituted by the First Schedule to

1 this Bill other than those mentioned in paragraph (a) to (d) of this subclause;

2 (j) all graduates and undergraduates of the University; and

3 (k) all other persons who are members of the University in accordance  
4 with provisions made by statute in that behalf.

5 (2) The First Schedule to this Bill shall have effect with respect to the  
6 principal officers of the University.

7 (3) Subject to clause 6 of this Bill, provisions shall be made by statute  
8 with respect to the constitution of the following bodies of the University: the  
9 Council, the Senate, Congregation and Convocation.

10 **PART II - MANAGEMENT BOARD OF THE UNIVERSITY**

Appointment  
and functions  
of the Chancellor 11 **5.** There shall be appointed a Chancellor for the University, who  
12 shall-

13 (a) in relation to the University, take precedence before all other  
14 members of the University and when present, and shall preside at all meetings  
15 of Convocation held for conferring degrees;

16 (b) confirm each proposal to confer an honorary degree;

17 (c) exercise such other powers and perform such other functions as  
18 may be conferred or imposed by this Bill or the statutes; and

19 (d) subject to the provisions of this Bill hold office for a period of four  
20 years, and no more.

Appointment  
and functions  
of the Vice-  
Chancellor 21 **6.-(1)** There shall be appointed for the University a Vice-Chancellor,  
22 who shall, in relation to the University, take precedence before all other  
23 members of the University, except the Chancellor, and any other person for the  
24 time being acting as chairman of the Council.

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

1	7. There shall be appointed a Pro-Chancellor for the University,	Appointment and functions of the Pro-Chancellor
2	who shall-	
3	(a) in relation to the University, take precedence before all other	
4	members of the University, except the Chancellor and the Vice- Chancellor	
5	when Billing as chairman of Congregation or Convocation;	
6	(b) when present, be the chairperson at all meetings of the Council;	
7	and	
8	(c) subject to the provisions of this Bill hold office for a period of	
9	five years, and no more.	
10	8. There is established for the management of the affairs of the	Establishment and composition of the Council
11	University, a Council (in this Bill referred to as "the Council"), which shall	
12	consist of-	
13	(a) Pro-Chancellor;	
14	(b) Vice-Chancellor;	
15	(c) Deputy Vice-Chancellor (s);	
16	(d) one person from the Ministry responsible for matters relating to	
17	education;	
18	(e) nine persons representing a variety of interests and broad	
19	representative of the Federation to be appointed by the President	
20	(f) four persons appointed by the Senate from among its members;	
21	(g) two persons appointed by the Congregation from among its	
22	members; and	
23	(h) one person appointed by Convocation from among its	
24	members.	
25	9. The Council shall-	Functions of the Council and its Finance and General Purposes Committee
26	(a) subject to the provisions of this Bill relating to the Visitor, be the	
27	governing body of the University and shall be charged with the general	
28	control and superintendence of the policy, finance and property of the	
29	University;	
30	(b) have a committee of the Council to be known as the Finance and	

1 General Purposes Committee, which shall, subject to the directions of the  
2 Council, exercise control over the property and expenditure of the University  
3 and perform such other functions of the Council as the Council may, from time  
4 to time, delegate to it;

5 (c) shall make a statute with respect to the constitution of the Finance  
6 and General Purposes Committee;

7 (d) ensure that proper accounts of the University are kept and that the  
8 accounts are audited annually by an independent firm of auditors approved by  
9 the Council, and that an annual report shall be published by the University  
10 together with certified copies of the audited accounts;

11 (e) in conjunction with the Finance and General Purposes Committee  
12 and subject to this Bill and the statutes, make rules for regulating their own  
13 procedure;

14 (f) approve the rules made under paragraph (e) of this clause by the  
15 Finance and General Purposes Committee before coming into force, and in so  
16 far and to the extent that any rules made by that Committee conflict with any  
17 directions given by the Council (whether before or after the coming into force  
18 of the rules in question), the direction of the Council shall prevail; and

19 (g) meet as and when necessary for the performance of its functions  
20 under this Bill and shall meet at least three times in every year;

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

25 (3) Where a written request for a meeting is made by any five  
26 members of the Council, the chairman shall within 28 days after the receipt of  
27 such request call a meeting of the Council, and such request shall specify the  
28 business of the meeting and a business not so specified shall not be transacted at  
29 the meeting.



- 1                   **10.-(1)** The Senate shall organize and control the teaching by the      Functions of the  
2                   University, the admission (where no other enactment provides to the      Senate  
3                   contrary), and the discipline of students; and promote research at the  
4                   University;  
5                   (2) Without prejudice to the generality of sub-clause (1) the Senate  
6                   shall-  
7                   (a) establish, organize and control of campuses, colleges, schools,  
8                   institutes and other teaching and research units of the University and  
9                   allocation of responsibility for different branches of learning;  
10                  (b) organize and control courses of study in the University and  
11                  examinations, appointment of examiners, both internal and external;  
12                  (c) award degrees, and such other qualifications as may be  
13                  prescribed, in connection with examinations held;  
14                  (d) make recommendations to the Council with respect to the  
15                  award to any person of an honorary fellowship or degree or the title of  
16                  professor emeritus;  
17                  (e) establish, organize and control halls of residence and similar  
18                  institutions at the University;  
19                  (f) supervise the welfare of students at the University and the  
20                  regulation of their conduct;  
21                  (g) grant fellowships, scholarships, prizes and similar awards in so  
22                  far as the awards are within the control of the University; and  
23                  (h) determine academic dress for the purposes of the University,  
24                  and regulating the use of academic dress;  
25                  (i) provide that at least one of the persons appointed as the  
26                  examiners at each final or professional examination held in conjunction  
27                  with any course of study at the University, as may be prescribed by the  
28                  Senate from time to time, is not a teacher at the University but is a teacher of  
29                  the branch of learning to which the course relates at some other university of  
30                  high repute, or a person engaged in practicing the profession in a reputable

1 organization or institution; and

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

5 (3) Subject to this Bill and statutes, the Senate may make regulations  
6 for the purpose of exercising any function conferred on it either by the  
7 provisions of this clause or for the purpose of making provisions for any matter  
8 for provided and authorized by regulations or required by this Bill or by statute.

9 (4) Subject to a right of appeal to the Council from a decision of the  
10 Senate, the Senate may deprive any person of any degree, diploma or other  
11 award of the University which has been conferred upon the person, if after due  
12 enquiry there is proof of dishonorable or scandalous conduct in gaining  
13 admission into the University or obtaining that award.

14 PART III - STATUTES OF THE UNIVERSITY

Power of the  
University to  
make statutes

15 **11.** Subject to this Bill, the University may make statutes for-

16 (a) the composition and constitution of any authority of the  
17 University;

18 (b) specifying and regulating the powers and duties of any authority  
19 of the University and regulating any other matter connected with the  
20 University or any of its authorities;

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

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

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

28 (2) The Interpretation provision of this Bill shall apply to any statute  
29 or subsidiary instrument made under this Bill.

30 (3) The power to make statutes under this clause shall not be

1 prejudiced or limited in any way by reason of the inclusion or omission of  
2 any matter in or from the statute contained in the Second Schedule to this  
3 Bill or any subsequent statute.

4                   **12.-(1)** A proposed statute shall not become law unless it has been  
5           approved-

6 (a) at a meeting of the Senate, by the votes of not less than two  
7 thirds of the members present and voting; and

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

10 (2) A proposed statute may originate either in the Senate or in the  
11 Council, and may be approved as required by this clause.

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

(4) A statute shall be deemed made, on the date on which it is duly approved by the Council and the Senate, or in the case of a statute falling within sub- clause (3) of this clause, on the date on which it is approved by the President.

(5) In the event of any doubt or dispute arising at any time as to the meaning of any provision of a statute; or whether any matter is for the purpose of this Bill, an academic matter, the matter may be referred to the Visitor

(6) The decision of the Visitor on any matter referred to him under sub-clause (5) of this clause shall be final and binding upon the authorities, staff and students of the University, and, the dispute so determined shall not be entertained by any court of law in Nigeria

	1	with the 1999 Constitution of the Federal Republic of Nigeria.
Proof of statutes	2	<b>13.</b> A statute may be proved in any court by the production of a copy
	3	with a certificate signed by the Vice Chancellor or the secretary to the Council
	4	to the effect that the copy is a true copy of a statute of the University.
	5	PART IV - SUPERVISION AND DISCIPLINE
The Visitor	6	<b>14.-(1)</b> The President shall be the Visitor of the University.
	7	(2) The Visitor shall as often as the circumstances may require, not
	8	being less than once every five years, conduct a visitation of the University or
	9	direct that such a visitation be conducted by such person or persons as the
	10	Visitor may deem fit and in respect of any of the affairs of the University.
	11	(3) It shall be duty of the bodies and persons of the University to make
	12	available to the Visitor and to any other person conducting a visitation in
	13	pursuance of this clause, such facilities and assistance as may be reasonably
	14	required for the purposes of a visitation.
Removal of membership of Council	15	<b>15.-(1)</b> If it appears to the Council that a member of the Council (other
	16	than the Pro- Chancellor or the Vice-Chancellor) should be removed from
	17	office on the ground of misconduct or inability to perform the functions of his
	18	office or employment, the Council shall make a recommendation to that effect
	19	through the Minister to the President, after making such enquiry, if any, as may
	20	be considered appropriate, and if the President approves the recommendation,
	21	the President may direct the removal of the member from office.
	22	(2) The Minister shall cause a copy of the instrument containing a
	23	direction under subclause (1) of this clause to be served as soon as reasonably
	24	practicable on the person to whom it relates.
Removal and discipline of academic, administrative and professional staff	25	<b>16.-(1)</b> Where the Council has any reason for the removal of an
	26	academic, administrative or professional staff of the University, other than
	27	Vice-Chancellor, on the ground of misconduct or inability to perform the
	28	functions of office or employment, the Council shall-
	29	(a) give notice of those reasons to the person and afford the person an
	30	opportunity of making representations in person on the matter;

- 1 (b) appoint a Staff Disciplinary Committee; and
- 2 (c) if the Council, after considering the report of the Staff
- 3 Disciplinary Committee, is satisfied that the person should be removed, the
- 4 Council may so remove the person by an instrument in writing signed on the
- 5 directions of the Council.
- 6 (2) The Vice-Chancellor may, in case of misconduct by a member
- 7 of staff, which in the opinion of the Vice-Chancellor is prejudicial to the
- 8 interests of the University, suspend such member and any such suspension
- 9 shall be reported to the Council.
- 10 (3) Any staff suspended under subclause (2) may be dismissed
- 11 from duties or appointment by the Council, where-
- 12 (a) the staff is unfit for the discharge of the functions of the office;
- 13 (b) any physical or mental incapacity will render the person unfit to
- 14 continue to hold his office;
- 15 (c) conduct of a scandalous or other disgraceful nature can render
- 16 the person unfit to continue to hold the office;
- 17 (d) a conduct which the Council constitutes failure or in- ability of
- 18 the person to discharge the functions of the office or to comply with terms
- 19 and conditions of service; or
- 20 (e) a conduct is generally of such nature as to render the continued
- 21 appointment or service of the person prejudicial or detrimental to the interest
- 22 of the University.
- 23 (4) Any person suspended this clause shall be on half pay and the
- 24 Council shall before the expiration of three months after the date of such
- 25 suspension consider the case against that person and come to a decision to -
- 26 (a) continue the person's suspension and if so on what terms
- 27 (including the proportion of his emoluments to be paid to him);
- 28 (b) re-instate the person, in which case the Council shall restore full
- 29 emoluments with effect from the date of suspension;
- 30 (c) terminate the appointment of the person and the person shall

1 not be entitled to the proportion of emoluments withheld during the period of  
2 suspension; or

3 (d) take such lesser disciplinary action against such person (including  
4 the restoration of a proportion of the person's emoluments as might have been  
5 withheld) as the Council may determine.

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

11 (6) A person who signs an instrument of removal pursuant to this  
12 clause shall cause a copy of the instrument to be served as soon as reasonably  
13 practicable on the person to whom it relates.

14 (7) Nothing in this clause shall apply to any directive given by the  
15 Visitor in consequence of any visitation, or prevent the Council from making  
16 regulations for the discipline of other categories of workers of the University as  
17 may be prescribed.

Staff discipline

18 **17.-(1)** The Vice-Chancellor or Senate shall constitute an  
19 Investigation Panel to determine whether or not a prima facie case has been  
20 established against any member of staff.

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

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

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

Appointment of  
external examiners

28 **18.** The Senate shall appoint external examiners.

Removal of  
examiners

29 **19.** If on the recommendation of the Senate, it appears to the Vice  
30 Chancellor that a person appointed as an examiner for any examination of the

1 University ought to be removed from office or appointment, then except in  
2 such cases as may be prescribed, the Vice-Chancellor may, after affording  
3 the examiner an opportunity of making representations in person on the  
4 matter to the Vice-Chancellor, remove the examiner from the office or  
5 appointment by an instrument in writing signed by the Vice-Chancellor.

6 (2) Subject to the provisions of regulations made under this Bill,  
7 the Vice-Chancellor may, on the recommendation of the Senate, appoint an  
8 appropriate person as examiner in place of the examiner removed in  
9 pursuance of subclause (1) of this clause.

10 (3) The Vice-Chancellor shall cause a copy of the instrument of  
11 removal under this clause to be served as soon as is reasonably practicable  
12 on the person to whom it relates.

13 **20.-(1)** Subject to the provisions of this clause, where it appears to  
14 the Vice-Chancellor that any student of the University has been guilty of  
15 misconduct, the Vice-Chancellor may, in consultation with the Senate and,  
16 without prejudice to any other disciplinary power conferred on the Vice-  
17 Chancellor by statute or regulations, direct that the-

Discipline of  
students

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

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

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

26 (d) student be expelled from the University.

27 (2) Where a direction is given under subclause (1) (c) or (d) of this  
28 clause in respect of any student, that student may, within the prescribed  
29 period and in the prescribed manner, appeal to the Council; and where such  
30 an appeal is brought, the Council shall after causing such inquiry to be made

1 in the matter as the Council considers just, confirm or set aside the direction or  
2 modify it in such manner as the Council thinks fit.

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

6 (4) The Vice-Chancellor may delegate his powers under this clause to  
7 a Disciplinary Committee consisting of such members of the University as he  
8 may nominate.

9 (5) Nothing in this clause shall be construed as preventing the  
10 restriction or termination of a student's activities at the University otherwise  
11 than on the ground of misconduct.

12 (6) Without prejudice to the provision of subclause (1) of this clause,  
13 nothing shall prevent the Vice-Chancellor from taking an immediate  
14 disciplinary Billion against a student where he deems fit, and report thereafter  
15 to the Senate.

16 (7) It is hereby declared that a direction under subclause (1) (a) of this  
17 clause may be combined with a direction under subclause (1) (b) of this clause.

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

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

23 (10) Nothing in this clause shall affect any power of a court of  
24 competent jurisdiction to enforce the fundamental right of any aggrieved  
25 citizen as enshrined in the Constitution of the Federal Republic of Nigeria  
26 1999.

27 **PART V - MISCELLANEOUS AND GENERAL**

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

28 **21.-(1)** No person shall be required to satisfy the requirements as to  
29 any of the following matters, that is to say, race (including ethnic grounding),  
30 sex, place of birth or family origin, or religious or political persuasion, as a



1 condition of becoming or continuing to be a student at the University, the  
 2 holder of any degree of the University or of any appointment or employment  
 3 at the University or a member of anybody established by virtue of this Bill;  
 4 and no person shall be subjected to any disadvantage or accorded any  
 5 advantage in relation to the University, by reference to any of those matters.

6 (2) Nothing in subclause (1) of this clause shall be construed as  
 7 preventing the University from imposing any disability or restriction on any  
 8 of the aforementioned persons where such person willfully refuses or fails  
 9 on grounds of religious belief to undertake any duty generally and uniformly  
 10 imposed on all such persons or any group of them which duty, having regard  
 11 to its nature and the special circumstance pertaining thereto, is in the opinion  
 12 of the University reasonably justifiable in the national interest.

13 **22.** Without prejudice to the provisions of the Land Use Bill, the  
 14 University shall not dispose of or charge any land or an interest in any land  
 15 (including any land transferred to the University by this Bill) except either  
 16 with the prior written consent either general or special, of the President:

Restriction on  
disposal of land  
by University

17 *[Cap. L5.]*

18 Provided that such consent shall not be required in the case of any  
 19 lease or tenancy at a rack-rent for a term not exceeding 21 years or lease or  
 20 tenancy to a member of the University for residential purposes.

21 **23.** Except as may be otherwise provided by statute or by  
 22 regulations, the quorum and procedure of any body of persons established  
 23 under this Bill shall be as determined by that body.

Quorum and  
procedure of  
bodies established  
under this Bill

24 **24.-(1)** A body of persons established by this Bill shall, without  
 25 prejudice to the generality of the powers of that body, have power to appoint  
 26 committees, which need not consist exclusively of members of that body  
 27 and to authorize such committee to-

Appointment of  
committees

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

29 (b) co-opt members, and may direct whether or not co-opted  
 30 members shall be entitled to vote in that committee.

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

5 (3) Except as may be otherwise provided by statute or by regulations,  
6 the quorum and procedure of a committee established or meeting held in  
7 pursuance of this clause shall be such as may be determined by the body or  
8 bodies which have decided to establish the committee or hold the meeting.

9 (4) Nothing in clause shall be construed as enabling -

10 (a) statutes to be made otherwise than in accordance with clause 11 of  
11 this Bill; or

12 (b) the Senate to empower any other body to make regulations or to  
13 award degrees or other qualifications.

14 (5) The Pro-Chancellor and the Vice-Chancellor shall be members of  
15 every committee of which the members are wholly or partly appointed by the  
16 Council (other than a committee appointed to inquire into the conduct of any  
17 officer in question); and the Vice-Chancellor shall be a member of the Council  
18 and the Vice-Chancellor shall be a member of every committee of which the  
19 members are wholly or partly appointed by the Senate.

Retiring age  
of academic staff  
of the University

20 **25.** Notwithstanding anything to the contrary in the Pensions Bill, the  
21 compulsory retiring age of an academic staff of a University shall be 65 years  
22 except for the professor, which is 70 years.

23 *[Cap. P4.]*

Special provisions  
relating to pension  
of professors

24 **26.** A person who retires as a professor having served-

25 (a) a minimum period of fifteen years as a professor in the University  
26 or continuously in the service of a university in Nigeria up to the retiring age;  
27 and

28 (b) who during the period of service was absent from the University  
29 only on approved national or University assignments,  
30 shall be entitled to pension at a rate equivalent to his last annual salary and such

1 allowances as the Council may, from time to time, determine as qualifying  
2 for pension and gratuity, in addition to any other retirement benefits to which  
3 the person may be entitled.

4           **27.**-(1) The seal of the University may be determined by the      Miscellaneous  
5 Council and approved by the Chancellor, and the affixing of the seal shall be      administrative  
6 authenticated by any member of the Council and by the Vice Chancellor,      provisions  
7 secretary to the Council or any other person authorized by statute.

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

11           (3) Any contract or instrument, made or executed by a person not  
12 being a body corporate would not be required to be under seal, but may be  
13 made or executed on behalf of the University by any person generally or  
14 specifically authorized to do so by the Council.

15           (4) The validity of any proceedings of any body established in  
16 pursuance of this Bill shall not be affected by any vacancy in the  
17 membership of the body, or by any defect in the appointment of a member of  
18 the body or by reason that any person not entitled to do proceedings.

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

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

27           (7) The power conferred by this Bill on a body to make statutes or      Second Schedule  
28 regulations shall include power to revoke or vary any statute (including the  
29 statute contained in the Second Schedule of this Bill) or any regulation by a  
30 subsequent statute, or, as the case may be, by a subsequent regulation and

	1	statute and regulations.
	2	(8) No stamp duty or other duty shall be payable in respect of any
	3	transfer of property to the University by virtue of any provision of this Bill.
	4	(9) Any notice or other instrument authorized to be served by virtue of
	5	this Bill may, without prejudice to any other mode of service, be served by post.
Interpretation	6	<b>27.-(1)</b> In this Bill, unless the context otherwise requires-
	7	"campus" means any campus established by the University;
	8	"college" means any college established by the University;
	9	"Council" means the Council established by this Bill;
	10	"graduate" means a person on whom a degree, (other than an honorary degree)
	11	has been conferred by the University;
	12	"Minister" means the Minister charged with responsibility relating to
	13	education;
	14	"notice" means notice in writing;
	15	"office" does not include the Visitor;
	16	"prescribed" means prescribed by statutes or regulations;
	17	"professor" means a person designated as a professor of the University in
	18	accordance with provisions made in that behalf by statute or regulations;
	19	"property" includes rights, liabilities and obligations;
	20	"regulations" means regulations made by the Senate or the Council;
	21	"Senate" means the Senate of the University established under this Bill;
	22	"statute" means a statute made by the University under this Bill;
	23	"teacher" means a person holding a full-time appointment as a member of the
	24	teaching or research staff of the University; and
	25	"undergraduate" means a person in statu pupillari at the University other than a
	26	graduate and a person of such description as may be prescribed for the purposes
	27	of this definition.
Short title	28	<b>28.</b> This Bill may be cited as the Federal University of Medical and
	29	Health Sciences, Ondo, Ondo State (Establishment) Bill, 2021.

1 SCHEDULES

2 FIRST SCHEDULE

3 *[Clause 4 (2)]*

4 PRINCIPAL OFFICERS OF THE UNIVERSITY

5 *The Chancellor*

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

8 (2) The Chancellor shall hold office for a period of five years.

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

13 *The Pro-Chancellor*

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

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

19 *The Vice-Chancellor*

20 3.-(1) There shall be a Vice-Chancellor of the University who shall  
21 be appointed by the President in accordance with the provisions of this  
22 paragraph.

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

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

27 (i) the qualities of the persons who may apply for the post; and

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

1 (b) constitute a search team consisting of-

2 (i) a member of the Council, who is not a member of the Senate, as  
3 chairman;

4 (ii) two members of the Senate who are not members of the Council,  
5 one of whom shall be a professor;

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

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

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

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

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

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

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

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

28 (7) The Vice-Chancellor may be removed from office by the Visitor  
29 after due consultation with the Council and the Senate Billing through the  
30 Minister of Education.

1 *Deputy Vice-Chancellors*

2 4.-(1) There shall be for the University such number of Deputy  
3 Vice Chancellors as the Council may, from time to time, deem necessary for  
4 the proper administration of the University.

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

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

11 (4) A Deputy Vice-Chancellor shall-

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

13 (b) fill in the place of the Vice-Chancellor when the post of the  
14 Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent  
15 or unable to perform his functions as Vice-Chancellor; and

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

18 (5) A Deputy Vice-Chancellor-

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

22 (b) may be re-appointed for one further period of two years and no  
23 more.

24 *Office of the Registrar*

25 5.-(1) There shall be for the University a Registrar, who shall be the  
26 chief administrative officer of the University and shall be responsible to the  
27 Vice-Chancellor for the day-to-day administrative work of the University  
28 except as regards matters for which the Bursar is responsible in accordance  
29 with paragraph 6 (2) of this Schedule.

30 (2) The person holding the office of the Registrar shall by virtue of

1 that office be secretary to the Council, the Senate, Congregation and  
2 Convocation.

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

5 *Other Principal officers of the University.*

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

8 (a) the Bursar; and

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

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

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

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

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

24 *Selection Board for other principal officers*

25 7.-(1) There shall be, for the University, a Selection Board for the  
26 appointment of principal officers, other than the Vice-Chancellor or Deputy  
27 Vice-Chancellor, which shall consist of-

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

29 (b) the Vice-Chancellor;

30 (c) four members of the Council not being members of the Senate; and



1 (d) two members of the Senate.

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

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

8 *Resignation and re-appointment*

9 8.-(1) Any officer mentioned in the foregoing provisions of this  
10 Schedule may resign his office-

11 (a) in the case of the Chancellor, by notice to the President; and

12 (b) in any other case, by notice to the Council and the Council shall  
13 immediately notify the Minister in the case of the Vice-Chancellor.

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

17 **SECOND SCHEDULE**

18 **STATUTE NO. 1**

19 **ARRANGEMENT OF ARTICLES**

20 *Articles*

- 21 1. The Council.  
22 2. The Finance and General Purposes Committee.  
23 3. The Senate.  
24 4. Congregation.  
25 5. Convocation.  
26 6. Division of colleges.  
27 7. College Board.  
28 8. Appointments and Promotions Committees.  
29 9. Dean of college.  
30 10. Deputy Dean of college.

- 1 11. Director of institute or center.
- 2 12. Head of department.
- 3 13. Selection of certain principal officers.
- 4 14. Creation of academics posts.
- 5 15. Appointment of academic staff.
- 6 16. Funding of the University.
- 7 17. University Co-ordination Agency.
- 8 18. Interpretation
- 9 19. Citation.

10 *The Council*

11 1.-(1) The composition of the Council shall be as provided in clause 8  
12 of this Bill.

13                   (2) Any member of the Council holding office otherwise than in  
14   pursuance of clause 8 8) of this Bill may, by notice to the Council, resign his  
15   office.

(3) A member of the Council holding office otherwise than in pursuance of clause 8 of this Bill shall, unless he previously vacates it, vacate that office on the expiration of the period of five years beginning with effect from 1 August in the year in which he was appointed.

(4) Where a member of the Council holding office otherwise than in pursuance of clause 8 of this Bill vacates before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.

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

27 (6) The quorum of the Council shall be five, at least one of whom shall  
28 be a member appointed pursuant to clause 8 (d), (e), or (h) of this Bill.

29 (7) If the Pro-Chancellor is not present at a meeting of the Council,  
30 such other member of the Council present at the meeting as the Council may

1       appoint as respects that meeting, shall be the chairman at that meeting, and  
2       subject to clauses 6 and 7 of this Bill and the fore-going provisions the  
3       Council may regulate its own procedure.

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

8                       *The Finance and General Purposes Committee*

9               2.-(1) The Finance and General Purposes Committee of the  
10       Council 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 Deputy Vice-Chancellors;

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

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

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

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

24                       *The Senate*

25              3.-(1) The Senate shall consist of-

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

27              (b) Deans of Colleges;

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

29              (d) the Heads of academic Departments;

30              (e) the Librarian;

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

3           (g) four persons representing the Congregation.

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

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

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

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

16          (6) An elected member shall hold office for the period of two years  
17 beginning with 1 August in the year of his election, and may be a candidate at  
18 any election held in pursuance of paragraph (5) of this article in the year in  
19 which his period of office expires, so however that no person shall be such a  
20 candidate if at the end of his current period of office he will hold office as an  
21 elected member for a continuous period of six years or would have so held  
22 office if he had not resigned it.

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

28          (8) For the avoidance of doubt it is hereby declared that no person  
29 shall be precluded from continuing in or taking office as an elected member by  
30 reason only of a reduction in the total of non-elected members occurring on or

1 after 30 April in any year in which he is to continue in or take office as an  
2 elected member.

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

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

11 *Congregation*

12 4.-(1) Congregation shall consist of-

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

14 (b) the full-time members of the academic staff;

15 (c) the Registrar;

16 (d) the Bursar;

17 (e) the Librarian;

18 (f) the Director of Works;

19 (g) the Director of Academic Planning;

20 (h) the Director of Physical Planning;

21 (i) the Director of Health Services; and

22 (j) every member of the administrative staff who holds a degree  
23 other than an honorary degree of any university recognized for the purposes  
24 of this statute by the Vice-Chancellor.

25 (2) Subject to clauses 5 and 6 of the Bill, the Vice-Chancellor shall  
26 be the chairman at all meetings of Congregation when he is present; and in  
27 his absence any of the Deputy Vice- Chancellors present at the meeting as  
28 Congregation may appoint for that meeting, shall be the chairman at the  
29 meeting.

30 (3) The quorum of Congregation shall be one third (or the whole

1 number nearest to one third) of the total numbers of Congregation or fifty,  
2 whichever is less.

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

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

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

9 (5) Subject to the foregoing provision of this article, Congregation  
10 may 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 regulations.

15 *Convocation*

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

17 (a) the officers of the University mentioned in the First Schedule to  
18 the Bill;

19 (b) all teachers within the meaning of the Bill;

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

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

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

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

28 (3) Regulations shall provide for the establishment and maintenance  
29 of a register for the purposes of this paragraph and subject to paragraph (4) of  
30 this article may provide for the payment from time to time of further fees by

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

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

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

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

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

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

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

26 *Division of Colleges*

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

29 *College Boards*

30 .7.-(1) There shall be established in respect of each college a

1 College Board, which, subject to provisions of this statute, and subject to the  
2 directions of the Vice-Chancellor, shall-

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

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

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

9 (2) Each College Board shall consist of-

10 (a) the Vice-Chancellor;

11 (b) the Deputy Vice-Chancellor;

12 (c) the Dean;

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

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

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

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

23 *Appointments and Promotions Committee*

24 8.-(1) There shall be an Appointments and Promotions Committee of  
25 the Council which shall ultimately be responsible for all appointments,  
26 promotions and discipline of all categories of senior staff in the University,  
27 under the chairmanship of the Vice-Chancellor.

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



1 *Dean of College*

2 9.-(1) The Dean of a college shall be a professor appointed by the  
3 Appointments and Pro- motions Committee and such Dean shall hold office  
4 for a term of three years, and shall be eligible for reappointment for another  
5 term of three years after which he may not be re- appointed again until two  
6 years have elapsed.

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

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

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

19 *Deputy Dean of College*

20 10.-(1) There shall be a Deputy Dean of college who shall be  
21 appointed by the Senate on the recommendation of the Dean.

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

25 *Director of Institute or Centre*

26 11.-(1) The Director of an Institute or of a Centre shall be appointed  
27 by the Appointments and Promotions Committee for academic staff, and  
28 such Director shall hold office for a period of three years and shall be eligible  
29 for re-appointment for another term of three years after which he may not be  
30 appointed again until two years have elapsed.

2 superintendence over the affairs of the Institute or Centre.

3 *Head of Department*

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

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

10 *Creation of academic posts*

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

14 *Appointment of academic staff*

15           14.-(1) Subject to the Bill and the statutes, the filling of vacancies in  
16   academic posts (including newly created ones) shall be the responsibility of the  
17   Senate.

(2) For the purpose of filling such vacancies, the Senate shall set up suitable selection boards to select and make appointments on its behalf.

(3) For appointments to professorships, associate professorships or readerships or equivalent posts, a board of selection (with power to appoint) shall consist of-

23 (a) the Vice-Chancellor;

24 (b) if the post is' tenable at a college, or is within a school comprised in  
25 a college, the Provost of that college;

(c) if the post is within a faculty, school, institute or other teaching unit of the University, the Dean of that teaching unit;

28 (d) two members appointed by the Council;

29 (e) four members of the Senate appointed by the Senate, at least two of

1       whom shall, if the post is tenable at a college, be senior members of the staff  
2       of the college;

3               (f) such other persons as the Senate may from time to time appoint.

4               (4) Subject to paragraph (5) of this Article, for appointments to  
5       associate professorships, readerships, senior lectureships and other  
6       academic posts, a selection board (with power to appoint) shall consist of-

7               (a) the Vice-Chancellor;

8               (b) if the post is tenable at a college, or is within a school comprised  
9       in a college, the Provost of that college;

10              (c) if the post is within a faculty, school, institute or other teaching  
11       unit of the University, the Dean of that teaching unit;

12              (d) four members of the Senate appointed by the Senate, at least  
13       two of whom shall, if the post is tenable at a college, be members of the staff  
14       of the college; and

15              (e) such other persons as the Senate may from time to time appoint.

16              (5) Where an appointment falling within paragraph (4) above is  
17       tenable at a college, the Senate may authorize the college to set up a selection  
18       board therefore (with power to appoint); but every selection board set up in  
19       pursuance of this paragraph shall include the Vice-Chancellor and shall also  
20       include at least two members of the Senate, nominated by the Senate, who  
21       are not members of the academic staff of the college.

22              (6) A college shall have power to make appointments to academic  
23       posts within the college below the level of associate professor or reader.

24              (7) For the purpose of exercising the power conferred by  
25       paragraph (6) above, the college shall set up suitable selection boards to  
26       select and make appointments on its behalf.

27              (8) Every selection board set up in pursuance of paragraph (7) of  
28       this article shall include the Vice-Chancellor and shall also include at least  
29       two members of the Senate, nominated by the Senate, who are not members  
30       of the academic staff of the college.

1           (9) All appointments to senior library posts shall be made in the same  
2     way as equivalent appointments in the academic staff; and for all such posts,  
3     other than that of librarian, the librarian shall be a member of the selection  
4     board.

5           (10) Boards of selection may interview candidates directly or  
6     consider the reports of assessors or specialist interviewing panels.

7                           *Appointment of administrative and technical staff*

8           15.-(1) The administrative and technical staff of the University, other  
9     than principal officers, shall be appointed by the councilor on its behalf by the  
10    Vice-Chancellor or the Registrar in accordance with any delegation of powers  
11    made by the Council in that behalf.

12          (2) Administrative and technical staff of a college, other than  
13    principal officers, shall be appointed by the board of governors of the college or  
14    by the Provost or secretary of the college in accordance with any delegation of  
15    powers made by the court in that behalf.

16          (3) In the case of administrative or technical staff who have close and  
17    important contracts with the academic staff, there shall be Senate or (in the case  
18    of a college) academic board participation in the process of selection.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a Federal University of Medical and Health Sciences, Ondo, Ondo State for training and research in the field of medical and health sciences in Nigeria.

# A BILL

## FOR

AN ACT TO ESTABLISH THE NATIONAL METALLURGICAL TRAINING INSTITUTE, OBOSI TO PROVIDE FOR THE TRAINING, INFORMATION, SUPERVISION, GUIDANCE AND ADVICE TO STUDENTS, RESEARCHERS AND PERSONNEL IN IRON AND STEEL, AND OIL AND GAS INDUSTRIES FOR NATIONAL DEVELOPMENT AND FOR RELATED MATTERS, 2021

*Sponsored by Hon. Obinna Chidoka*

[ ] Commencement

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

1 PART I - ESTABLISHMENT, OBJECTIVES AND FUNCTIONS OF THE  
2 NATIONAL METALLURGICAL TRAINING INSTITUTE, OBOSI

3 1.-(1) There is established the National Metallurgical Training  
4 Institute, KM 6/7 Onitsha-Owerri Road, Obosi (in this Act referred to as "the  
5 Institute").

Establishment  
of the National  
Metallurgical  
Training Institute,  
Obosi

6 (2) The Institute:

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

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

10 (c) may acquire, hold and dispose of any property for the purpose  
11 of carrying out its functions under this Act.

12 2. The objectives of the Institute are to:

Objectives of  
the Institute

13 (a) establish, organize and run training courses for low and middle  
14 level manpower for the iron, gas, oil, steel and related industries in the area  
15 of welding technique and maintenance engineering; and

16 (b) minimize the need to send Nigerians overseas for professional  
17 training in Metallurgy.

Governing  
Board of the  
Institute

1                   3.-(1) There is established for the Institute a Governing Board (in this  
2   Act referred to as "the Board") which shall be approved by the president.

3                   (2) The Board shall consist of:

4                   (a) A Chairman to be appointed by the President on the  
5   recommendation of the Minister;

6                   (b) one representative of the:

7                   (i) Federal Ministry responsible for Mines and Steel Development,

8                   (ii) Federal Ministry responsible for Education,

9                   (iii) National Board for Technical Education,

10                  (iv) Manufacturer's Association of Nigeria (Steel Group), and

11                  (v) Nigerian Metallurgical Society.

12                  (2) A member of the Board, other than an ex-officio member, shall  
13   hold office for a term of four years and may be re-appointed for a further term of  
14   four years and no more.

15                  (c) the Rector of the Institute;

16                  (d) two persons to be appointed by the Minister on the approval of the  
17   President who by reason of their ability, experience and specialized knowledge  
18   of the Metallurgical and Allied Industries are capable of making useful  
19   contributions to the work of the Institute; and

20                  (e) the Registrar of the Institute who shall also be the Secretary to the  
21   Board.

22                  (3) The Chairman and members of the Board, who are not ex-officio  
23   members, shall be appointed by the President on the recommendation on the  
24   Minister.

25                  (4) The supplementary provisions set out in the schedule to this Act  
26   shall have effect with respect to the proceedings of the Board and other matters  
27   contained therein.

Tenure of office  
of members of  
the Board

28                  4.-(1) The Chairman shall hold office for a term of four years and may  
29   be re-appointed by the President for a further term of four years and no more.

1	<b>5.-(1)</b> The Chairman and members of the Board shall be paid such	Remuneration
2	emoluments as may be specified in their letters of appointment.	of members of
3		the Board
4	(2) The allowances payable to members of the Board shall be in	
5	accordance with such rates as may be specified and approved by the Federal	
6	Government from time to time.	
7	<b>6.-(1)</b> The Chairman or any member of the Board may be removed	Removal from
8	for misconduct or inability to perform the functions of his office.	Office of a member
9		of the Board
10	(2) Where it appears to the Minister that a member of the Board	
11	should be removed on ground of misconduct or inability to perform the	
12	functions of his office, the Minister shall make recommendation for such	
13	removal to the President.	
14	(3) Where the President, after making such inquiries as he	
15	considers necessary approves the recommendation, he shall remove such	
16	member from office.	
17	(4) A member of the Board may resign his appointment by a letter	
18	to the President through the Minister.	
19	<b>7.</b> The Functions of the Institute are to:	Functions of the
20		Institute
21	(a) engage in the training of low and middle level manpower in	
22	metallurgy and related fields in the use of iron, gas, oil and steel industries	
23	for national development;	
24	(b) conduct courses in metallurgy and related subjects for students	
25	and provide them with practical exercises;	
26	(c) provide relevant information, supervision guidance and advice	
27	to personnel in iron, gas, oil and steel industries; and	
28	(d) carry out other activities as are necessary and expedient for the	
29	full discharge of any of its functions under this Act.	
30	<b>8.-(1)</b> The Board shall:	Functions and
		Powers of the
	(a) subject to the provisions of this Act, be charged with the general	Board
	control and supervision of the policy, staff, finances and property of the	
	Institute;	

1 (b) ensure that the Institute is staffed by persons with competencies in  
2 relevant fields;

3 (c) ensure that proper accounts of the Institute are kept and that those  
4 accounts are audited annually as specified in this Act;

5 (d) control courses of study of the Institute and the examinations held  
6 in those courses; and

7 (e) do such other things as are necessary for the successful  
8 performance of its functions and those of the Institute.

9 (2) The Board may subject to its standing orders, appoint such  
10 standing and ad-hoc committees as the Board may think fit, to consider and  
11 report on any matter with which the Institute is concerned.

12 (3) A committee appointed pursuant to the provisions of subsection  
13 (2) of this section shall be presided over by a member of the Board, and shall  
14 consist of such number of persons who are not necessarily members of the  
15 Board as the Board may determine.

Powers of the  
Institute

16 9. For the effective carrying out its objectives and functions under this  
17 Act, the Institute shall have power to:

18 (a) establish such units and departments within the Institute as may,  
19 from time to time, be deemed necessary;

20 (b) institute and award fellowships, scholarships, bursaries, medals,  
21 prizes and other awards;

22 (c) provide for the discipline and welfare of the staff and students of  
23 the Institute;

24 (d) hold examinations and award diplomas, certificates and other  
25 distinctions to persons approved by the Institute as having satisfied the  
26 requirements of the Institute;

27 (e) determine and demand from any student or any other person  
28 attending the Institute for the purpose of instruction and training, such fees as  
29 the Institute may, from time-to-time fix;

30 (f) enter into contracts, establish trusts, act as trustees solely or jointly



- 1 with any other person and employ and act through agents;
- 2 (g) erect, provide, equip and maintain libraries, lecture halls or
- 3 residences, sports grounds, dining halls and other buildings suitable for the
- 4 objectives of the Institute;
- 5 (h) undertake publishing and book sales and liaise with other
- 6 professional bodies and institutions in respect of book publishing for
- 7 activities suitable for the objectives of the Institute;
- 8 (i) subject to any limitations or conditions imposed by this Act,
- 9 invest any money accruing to the Institute by way of endowment, whether
- 10 for general or special purposes and such other money as may not be
- 11 immediately required for current expenditure in investments, securities or in
- 12 the purchase or improvement of land, with power from time to time to vary
- 13 such investment;
- 14 (j) make gifts for any charitable purposes and donations to
- 15 professional bodies; and
- 16 (k) do all other things that are necessary and incidental to giving
- 17 full effect to the provisions of this Act.

18 **PART II - STAFF OF THE INSTITUTE**

19 **10.-(1)** The Principal Officers of the Institute shall consist of:

Appointment of  
Principal Officers  
of the Institute

- 20 (a) the Rector;
- 21 (b) the Director of Studies;
- 22 (c) the Registrar;
- 23 (d) the Bursar;
- 24 (e) the Librarian; and
- 25 (f) such other Officers as may from time to time be appointed and
- 26 removed from office on the approval of the Minister.

27 (2) The Principal Officers of the Institute other than the Rector

28 shall be appointed by the Board.

29 **11.-(1)** There shall be appointed for the Institute by the President on

30 the recommendation of the Minister, a Rector who shall be a graduate of a

Appointment of  
Rector of the  
Institute

1 recognized university and has since his qualification been actively employed  
2 or engaged in the metallurgical or allied industry in managerial capacity for a  
3 continuous period of not less than ten years.

4 (2) The Rector shall be the Chief Academic and Chief Executive  
5 Officer of the Institute and shall be responsible for the day-to-day  
6 administration of the Institute.

7 (3) The Rector shall hold office for a term of four years and shall be  
8 eligible for re-appointment for another term of four years and no more.

9 (4) Subject to the provisions of this section, the Rector shall hold  
10 office on such terms as may be specified in his letter of appointment.

The Director  
of Studies

11 **12.**-(1) There shall be a Director of Studies who shall be responsible  
12 to and assist the Rector of the Institute in the execution of his duties.

13 (2) Subject to the provisions of subsection (1) of this section, the  
14 Director of studies shall be in charge of co-coordinating the activities of the  
15 Heads of Departments in training, collation and publication of course materials  
16 of the Institute.

17 (3) The Director of Studies shall be appointed by the Board on the  
18 recommendation of the Rector and shall hold office on such terms as may be  
19 specified in his letter of appointment.

The Registrar  
of the Institute

20 **13.** There shall be for the Institute, a Registrar who shall be the Head  
21 of Administration of the Institute and shall be responsible to the Rector for the  
22 day-to-day administration of the Institute.

The Bursar of  
the Institute

23 **14.**-(1) The Bursar shall be the Chief Finance Officer of the Institute  
24 and shall be responsible to the Rector for the day-to-day administration and  
25 control of the financial affairs of the Institute.

26 (2) Any person to be appointed to the office of the Bursar shall have  
27 appropriate qualification with cognate experience in financial matters and  
28 shall be a member of a relevant and recognized professional body.

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

1	<b>15.</b> -(1) The Librarian shall be responsible to the Rector for the	The Librarian of the Institute
2	administration of the Institute's libraries.	
3	(2) Any person to be appointed to the office of the Librarian shall be	
4	a certified librarian with cognate experience in Library matters and member	
5	of the Library Council of Nigeria.	
6	(3) The Librarian shall hold office for such period and on such	
7	terms and conditions as to emoluments as may be specified in his letter of	
8	appointment	
9	<b>16.</b> -(1) The Board may, from time to time appoint for the Institute,	Appointment of other employees of the Institute
10	such other staff as it may deem necessary, to assist the Rector in the	
11	performance of his functions under this Act.	
12	(2) Without prejudice to the generality of subsection (1) of this	
13	section, the Board may appoint persons or employees of the Institute, either	
14	by way of transfer or secondment from any of the public services in the	
15	federation.	
16	<b>17.</b> The remuneration, tenure and condition of service of	Condition of Service of employees of the Institute
17	employees of the Institute shall be as those applicable to similar tertiary	
18	Institutions in Nigeria.	
19	<b>18.</b> -(1) If it appears to the Board that the Rector should be removed	Removal from office of the Rector
20	from office on grounds specified under section 6 of this Act, the Board shall	
21	make a recommendation to the Minister, who after making such inquiries as	
22	he may deem fit, approve the recommendation.	
23	(2) The Minister shall, with the written approval of the President,	
24	declare the office of the Rector vacant.	
25	<b>19.</b> -(1) If it appears to the Board that there are reasons for believing	Removal and Discipline of Principal Officers t
26	that a person employed as a Principal Officer of the Institute, other than the	
27	Rector, should be removed from office on grounds of misconduct or	
28	inability to discharge the functions of his office, the Board through its	
29	appropriate committee shall:	
30	(a) give notice of those reasons to the person concerned;	

1 (b) afford him an opportunity of making representation on the matter  
2 to the Board in person; and

3 (c) if the person concerned or any other member of the Board so  
4 requests, within the period of one month beginning with the date of the notice,  
5 make arrangements:

6 (i) for the Appointments and Promotion Committee of the Board or an  
7 Ad-Hoc Committee of the Board to investigate the matter and report to the  
8 Board, and

9 (ii) for the person in question to be afforded an opportunity of  
10 appearing before and being heard by the investigating committee.

11 (2) Where the Board, after considering the report of the investigating  
12 committee, is satisfied that the person in question should be removed, the  
13 Board may remove the person concerned by an instrument in writing signed by  
14 the Chairman of the Board.

15 (3) For a good cause, an employee may be suspended from office or  
16 his appointment may be terminated by the Board.

17 (4) For the purpose of sub-section (3) of this Section, "good cause" means:

18 (a) physical or mental incapacity, which the Board, after obtaining  
19 medical advice, considers to be such as to render the person concerned unable  
20 to discharge the functions of his office;

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

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

27 (5) A person suspended pursuant to sub-section (3) of this section  
28 shall be placed on half pay and the Board shall within six months of suspension  
29 come to a decision as to whether to:

30 (a) continue with that person's suspension;

1 (b) reinstate that person to his office, in which case the Board shall  
2 restore his full emoluments to him with effect from the date of the  
3 suspension;

4 (c) terminate that person's appointment, in which case the person  
5 shall not be entitled to the proportion of his emoluments which might have  
6 been withheld during the period of suspension; or

7 (d) take such lesser disciplinary action against that person,  
8 including the restoration of the proportion of his emoluments which might  
9 have been withheld.

10 (6) It shall be the duty of the person who signed the instrument of  
11 removal by virtue of sub-section (2) of this section to serve or cause to be  
12 served on the person concerned, a copy of the instrument.

13 (7) The Board may make regulations from time to time for the  
14 discipline of other categories of employees and workers of the Institute as it  
15 may think fit.

16 **20.-(1)** Where a junior member of staff is accused of misconduct or Discipline of  
17 inefficiency, the Rector may suspend him for not more than three months Junior Staff  
18 and shall refer the matter to the Junior Staff Disciplinary Committee to make  
19 recommendations as to the appropriate action to be taken by the Rector.

20 (2) In all cases under this section, the junior member of staff shall  
21 be informed in writing of the charges against him and be given reasonable  
22 opportunity to defend himself.

23 (3) The Rector may, after considering the recommendation made  
24 pursuant to subsection (1) of this section, downgrade, retire or dismiss the  
25 junior officer or terminate the appointment.

26 (4) A person aggrieved by a decision of the Rector under sub-  
27 section (3) of this section may, within a period of 21 days from the date of  
28 receipt of the letter communicating the decision to him, address a petition to  
29 the Board to reconsider his case and the Board's decision thereon shall be  
30 final.

Service in the  
Institute to  
Pensionable

1                   **21.**-(1) Service in the Institute shall be approved service for the  
2                   purpose of the Pension Reform Act, and accordingly, officers and other persons  
3                   employed in the Institute shall in respect of their service in the Institute, be  
4                   entitled to pension, and other retirement benefits, provided that nothing in this  
5                   Act shall prevent the appointment of a person to any office on terms which  
6                   preclude the grant of a pension in respect of that office.

7                   (2) For the purpose of the application of the provisions of the Pension  
8                   Reform Act, any power exercisable thereunder by a Minister or other authority  
9                   of the Government of the Federation, other than the power to make regulations  
10                  under section 23 thereof is hereby vested in and shall be exercisable by the  
11                  Board and not by any other authority.

#### 12                   PART III - ACADEMIC BOARD OF THE INSTITUTE

Establishment  
of the Academic  
Board of the  
Institute

13                  **22.**-(1) There is established for the Institute an Academic Board  
14                  which shall consist of:

- 15                  (a) the Rector of the Institute as Chairman;
- 16                  (b) the Director of Studies;
- 17                  (c) all Heads of Department;
- 18                  (d) two members elected by the Congregation;
- 19                  (e) the Librarian; and
- 20                  (f) the Registrar of the Institute who shall be the Secretary to the
- 21                  Academic Board.

22                  (2) The Rector shall preside at the meetings of Academic Board and in  
23                  his absence the Director of Studies shall preside but in their absence the  
24                  members present shall elect one of their number to preside at the meeting.

25                  (3) The Academic Board shall meet at least once in a semester.

26                  (4) Subject to sub sections (2) and (3) of this section, the Academic  
27                  Board shall regulate its own procedure.

Functions of  
the Academic  
Board

28                  **23.** Subject to the provisions of this Act, the Academic Board shall  
29                  formulate, regulate and continuously evaluate the academic programmes of the  
30                  Institute including:

1 (a) the organization and control of courses of study and the  
2 examination held in connection with those courses;

3 (b) the award of diplomas, certificates and such other  
4 qualifications as may be prescribed in connection with examination held as  
5 aforesaid;

6 (c) Such other functions as the Board may from time to time assign  
7 to it.

8 **24.**-(1) The Institute shall create such departments as may be  
9 necessary from time to time.

Creation of  
Departments

10 (2) Each academic department shall have a Departmental Board.

11 (3) Each academic department shall elect from its members, five  
12 members to serve on its Departmental Board, two of such persons being  
13 elected as Chairman and Secretary respectively, and all members so elected  
14 to the Departmental Board shall each hold office for a period of two  
15 academic sessions.

16 (4) Subject to such standing orders that may be made by the  
17 Academic Board for that purpose, each Departmental Board may carry out  
18 its duties as it deems fit.

19 (5) Each academic Department shall appoint a board of examiners  
20 and that board shall be charged with the conduct of examination under this  
21 section and thereafter make its recommendations to the Academic Board.

22 (6) Members of the Departmental Board and board of examiners  
23 shall not be entitled to any emoluments other than expenses reasonably  
24 incurred in the course of the business of the Departmental Board or the board  
25 of examiners, respectively.

26 **25.** Any candidate for any examination shall satisfy the appropriate  
27 Departmental Board that he is:

Candidates for  
Examination

28 (a) a registered student of the Institute; and

29 (b) in possession of and is therein named as the holder of a  
30 certificate that qualified him for admission to the Institute.

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



1 (a) such monies as may, from time to time, be granted to the  
2 Institute by the government of the federation or of a state or any of their  
3 agencies;

4 (b) all monies raised for the purposes of the Institute by way of  
5 gifts, grant-in-aid, testamentary disposition or otherwise;

6 (c) all subscriptions or fees, and charges for services rendered by  
7 the Institute;

8 (d) all interests received in respect of monies invested by the  
9 Institute; and

10 (e) such other monies as may from time to time accrue to the  
11 Institute.

12 (3) The fund shall be managed in accordance with guidelines given  
13 by the Minister and without prejudice to the generality of the power to give  
14 guidelines under this subsection, the guidelines shall in particular contain  
15 such provisions specifying the manner in which the assets of the Institute are  
16 to be held, and regulating the making of payments into and out of the fund.

17 **29.** The Institute may, from time to time, apply the Fund Expenditure of  
18 established under subsection (1) of this section: the Institute

19 (a) to the cost of administration of the Institute and of any research  
20 under the Institute's administration;

21 (b) for reimbursing a member of any Committee set up by the  
22 Institute for expenses expressly authorized by the Institute;

23 (c) for the provision of scholarships and other awards for the  
24 training of staff of the Institute;

25 (d) for the payment of salaries, fees or other remuneration,  
26 allowances, pensions or superannuation payable to the employees of the  
27 Institute.

28 (e) for the maintenance of any property vested in the Institute.

29 **30.-(1)** The Institute may accept gifts, legacies and donations of Powers to accept  
30 land, money or other property, on such terms and conditions, if any, as may gifts

1 be specified by the person or organization making the gift.

2 (2) The Institute shall not accept a gift if the conditions attached by the  
3 person or organization making the gift are inconsistent with the objectives and  
4 functions of the Institute.

Power to borrow

5 **31.**-(1) The Institute may, with the consent of the Minister or in  
6 accordance with the general authority given by the Federal Government,  
7 borrow by way of loan or overdraft, from any source, any monies required by  
8 the Institute for meeting its obligations and discharging its functions under this  
9 Act, provided that no such consent or authority shall be required, where the  
10 sum or the aggregate of the sums involved at anyone time does not exceed the  
11 limit set by the Minister.

12 (2) Notwithstanding the provisions of subsection (1) of this section,  
13 where the sum to be borrowed is in foreign currency, the Institute shall not  
14 borrow the sum without the prior approval of the Minister.

Annual Estimate,  
Accounts and  
audit

15 **32.**-(1) The Board shall cause to be prepared, not later than 30th  
16 September in each year, an estimate of the expenditure and income of the  
17 Institute during the next succeeding year, and when prepared, they shall be  
18 submitted to the Minister through the Board.

19 (2) The Board shall cause to be kept proper accounts of the Institute  
20 and proper records in relation thereto and when certified by the Board the  
21 accounts shall be audited as provided in subsection (3) of this section.

22 (3) The accounts of the Institute shall be audited within six months  
23 after the end of each year by auditors appointed by the Board from the list and  
24 in accordance with the guidelines supplied by the Auditor General for the  
25 Federation, and the fees of the auditors generally shall be paid from the funds of  
26 the Institute.

Annual Report

27 **33.** The Board shall, not later than 31st July in each year, submit to the  
28 President report, in such form as the President may, from time to time, direct on  
29 the activities of the Institute during the preceding year, and shall include in the  
30 report the audited accounts of the Institute.

## PART V - MISCELLANEOUS PROVISIONS

34.-(1) Subject to the provisions of this Act, the results of all  
researched discoveries, inventions and improvements in respect of  
processes, apparatus and machines made by:

Discoveries,  
Invention and  
Improvements

- (a) employees and Student of the Institute; and
- (b) persons assisting the Institute with any investigation or research, shall vest in the Institute.

(2) Where the rights in any discoveries, inventions or improvements are vested in the Institute by virtue of subsection (1) of this section, the Board may award to the person responsible for the discoveries, inventions or improvements such bonus as it deems fit and make provisions for financial participation by him in the profits derived from such discoveries, inventions or improvements to such extent as the Minister may determine.

(3) The provisions of this section shall not apply in respect of a discovery or an invention or improvement contemplated in subsection (1) of this section, if in the opinion of the Board such discovery, invention or improvement was not made by the person:

- (a) in the course of his employment as an employee of the Institute;
- (b) during the performance of functions in respect of which he has been placed at disposal of the Institute;
- (c) in the course of any investigation or research in which he assisted the Institute; or
- (d) in the course of any research in respect of which he receives a bursary or grant-in-aid from the Institute.

35. The Minister may give to the Institute or the Board, directives of a general nature or relating generally to matters of relating to policy and the performance of any function by the Institute or the Board and it shall be the duty of the Institute or the Board to comply with those directives.

Power of the  
Minister to give  
directives

Office and Premises	1	<b>36.</b> -(1) For the purpose of providing offices and premises necessary
	2	for the performance of its functions, the Institute may:
	3	(a) purchase or take on lease any interest in land, building or property;
	4	(b) build, equip and maintain offices and premises.
	5	(2) The Institute may, subject to the Land Use Act, sell or lease out
	6	land, office or premises held by it, which is no longer required for the
	7	performance of its functions under this Act.
Provision of Library Services	8	<b>37.</b> The Institute shall establish and maintain a library comprising
	9	such books, records, reports and other publications as may be directed by the
	10	Board for the advancement of knowledge in the areas of work undertaken by it,
	11	for research purposes and for other purposes connected with the functions
	12	conferred on the Institute under this Act.
Procedure in respect of suit against the Institute etc.	13	<b>38.</b> -(1) No suit against the Institute, a member of the Board or an
	14	employee of the Procedure in Institute for any act done in pursuance or
	15	execution of any law of any public respect of suit duties or in respect of any
	16	alleged neglect or default in the execution of such against the law or duties shall
	17	lie or be instituted in any court unless it is commenced within Institute etc.
	18	twelve months after the act, neglect or default complained of or, in the case of a
	19	continuance of damage or injury, within twelve months after the ceasing
	20	thereof.
	21	(2) No suit shall be commenced against the Institute before the
	22	expiration of a period of one month after written notice of intention to
	23	commence the suit shall have been served upon the Institute by the intending
	24	plaintiff or his agent, and the notice shall clearly and explicitly state the:
	25	(a) cause of action;
Service of documents	26	(b) particulars of the claim;
	27	(c) name and place of abode of the intending plaintiff; and
	28	(d) relief which he claims.
	29	<b>39.</b> The notice referred to in section 38 (2) of this Act and any
	30	summons, notice or other document required or authorized to be served upon

1 the Institute under the provisions of this Act or any other law may be served  
2 by delivering the same to the Chairman or the Rector or by sending it by  
3 registered post addressed to the Rector at the principal office of the Institute.

4 **40.** Every member of the Board, agent, auditor or employee for the  
5 time being of the Institute shall be indemnified out of the assets of the  
6 Institute against any liability incurred by him in defending any proceeding  
7 whether civil or criminal, if any such proceeding is brought against him in  
8 his capacity as such member, agent, auditor or employee.

Indemnity of  
members of the  
Board and  
employees of the  
Institute

9 **41.-(1)** The Board may, with the approval of the Minister, make  
10 regulations for giving effect to the provisions of this Act and without  
11 prejudice to the foregoing the regulations shall provide for matters including  
12 the:

Power to make  
regulations

13 (a) entry into and the type of courses and programmes approved by  
14 the Institute;

15 (b) duration of the courses and programmes; and

16 (c) degrees, diplomas, or certificates if any to be awarded by the  
17 Institute.

18 (2) Any regulations made pursuant to subsection (1) of this section  
19 shall be published in the Federal Gazette.

20 **42.-(1)** The Metallurgical Training Institute, KM 6/7 Onitsha-  
21 Owerri Road, Obosi (in this Act referred to as "the reconstituted Institute") is  
22 reconstituted as the National Metallurgical Training Institute, Obosi in  
23 accordance with the provisions of this Act.

Transitional  
provisions

24 (2) A person who at the commencement of this Act was a member  
25 of staff or an employee of the reconstituted Institute shall as from the  
26 commencement of this Act, become the holder of the appointment in the  
27 Institute with the status, rank, designation and functions which corresponds  
28 as far as possible to those which appertained to him as a member of staff or  
29 employee of the Institute.

30 (3) All assets, rights, liabilities and obligations which immediately

	1	before the commencement of this Act were assets, rights, liabilities and
	2	obligations of reconstituted institute shall by virtue of this Act and without
	3	further assurance, vest in or be taken over by the Institute.
	4	(4) Anything made or done or having effect as if made before the
	5	commencement of this Act by the reconstituted institute and having any
	6	resulting or continuing effect shall be treated as from the commencement of
	7	this Act as if it were made or done by the Institute.
Interpretation	8	<b>43.</b> In this Act:
	9	"Act" means the National Metallurgical Training Institute, Obosi, Act;
	10	"Academic Board" means the Academic Board established pursuant to Section
	11	22 of this Act;
	12	"Board" means the Board of the Institute;
	13	"Chairman" means the Chairman of the Board of the Institute;
	14	"Institute" means the National Metallurgical Training Institute, Obosi,
	15	established under Section 1 of this Act;
	16	"maintenance engineering" means mechanical maintenance, industrial
	17	electrics, instrumentation and control, heavy mobile equipment maintenance
	18	and industrial metallurgy;
	19	"Member" means a member of the Board and includes the Chairman.
	20	"Minister" means the Minister charged with responsibility for metals
	21	industries;
	22	"President" means the President of the Federal Republic of Nigeria;
	23	"Principal Officer" means the Principal Officers of the Institute appointed
	24	under this Act;
	25	"Rector" means the Rector of the Institute appointed under this Act.
Short title	26	<b>44.</b> This Bill may be cited as the National Metallurgical Training
	27	Institute, Obosi (Establishment) Bill, 2021.

## SCHEDULE

*[Section 3 (4)]*

## SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC

*Proceedings of the Board*

1.-(1) Subject to the provisions of this Act and Section 27 of the Interpretation Act, the Board shall have power to regulate its proceedings and may make standing orders with respect to holding of its meetings and those of any of its committees, the notice to be given, the proceedings thereat, the keeping of minutes of those proceedings and the custody and production for inspection of the minutes.

(2) The quorum of the Board shall be five and the quorum of a committee of the Board shall be determined by the Board.

(3) subject to the provisions of any applicable standing orders, the Board shall meet whenever it is summoned by the Chairman and if the Chairman is required so to do by notice given to him by not less than six other members he shall summon a meeting of the Board to be held within twenty one days from the date on which the notice is given.

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

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

*Committees*

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

(7) A committee appointed under this schedule shall consist of such number of persons (not necessarily members of the Board) as may be

1 determined by the Board; and a person other than a member of the Board shall  
2 hold office on the committee in accordance with the terms of his appointment.

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

5 *Miscellaneous*

6 (9) (1) The fixing of the seal of the Institute shall be authenticated by  
7 the signature of the Chairman and the Rector.

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

11 (10) The validity of the proceedings of the Board or any of its  
12 committees shall not be affected by:

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

14 (b) reason that a person not entitled to do so took part in the  
15 proceedings; or

16 (c) a defect in the appointment of a member.

17 (11) A member of the Board and a person holding office on a  
18 committee of the Board, who has a personal interest in any contract or  
19 arrangement entered into or proposed to be considered by the Board or the  
20 Committee:

21 (a) Shall forthwith disclose his interest to the Board or Committee, as  
22 the case may be; and

(b) Shall not vote on any question relating to contract or arrangement.

EXPLANATORY MEMORANDUM

*(This memorandum does not form part of the Bill but is  
intended to explain its purport)*

This Bill seeks to reconstitute the Metallurgical Training Institute, Obosi by establishing the National Metallurgical Training Institute, Obosi, to provide training, information, supervision, guidance and advice to students, researchers and personnel in iron and steel, and oil and gas industries for national development.



# A BILL

## FOR

AN ACT TO ESTABLISH THE NATIONAL SECURITY COORDINATION CENTRE  
IN THE COUNTRY FOR ALL SECURITY AGENCIES COORDINATION IN  
COMBATING ACTS OF TERRORISM INCLUDING BANDITRY, KIDNAPPING  
AND FOR RELATED MATTERS

*Sponsored by Hon. Ahmed Munir, Hon. Magaji Aliyu Dau*

[ ] Commencement

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

### 1 PART I - DECLARATION OF POLICY AND ESTABLISHMENT OF THE 2 NATIONAL SECURITY COORDINATION CENTRE (NSCC)

3 **1.** In line with the provision of Section 14(b) of the Constitution of  
4 the Federal Republic of Nigeria, 1999 (as amended), it shall be a State Policy  
5 and the primary purpose of government to provide for the security and  
6 welfare of the people.

Declaration of  
Policy

7 **2.-(1)** There is established the National Security Coordination  
8 Centre (in this Act referred to as "the National Centre").

Establishment  
of the National  
Security  
Coordination  
Centre

9 (2) The National Centre:

10 (a) shall be a body corporate with perpetual succession and a  
11 common seal; and

12 (b) may sue and be sued in its corporate name.

13 (3) The Headquarters of the National Centre shall be in Kaduna,  
14 Kaduna State.

15 (4) There shall be established in each of the six geo-political zones  
16 of Nigeria an office of the National Centre which shall perform such  
17 functions as may be assigned to it, from time to time by the National Centre.

18 **3.** There is established for the National Centre a Governing  
19 Council (in this Act referred to as "the Council").

Establishment  
of the Governing  
Council

Membership  
of the Council

- 1                   **4.-(1)** The Council shall consist of:
- 2                   (a) the National Security Adviser (NSA) who shall be the Chairman;
- 3                   (b) a representative of the Ministry of Defence;
- 4                   (c) a representative, with anti-terrorism intelligence background,
- 5 from each of the six geo-political zones;
- 6                   (d) a representative from each of the law enforcement/
- 7 security/intelligence agencies;
- 8                   (f) The Director-General of the National Centre.
- 9                   (2) The other members of the Council shall be appointed by the
- 10 President of the Federal Republic of Nigeria on the recommendation of the
- 11 National Security Adviser.
- 12                   (3) The supplementary provisions set out in the Schedule to this Act
- 13 shall have effect with respect to the proceedings of the Council and the other
- 14 matters contained therein.

Tenure of Office

- 15                   **5.** The Chairman shall hold office throughout his tenure as National
- 16 Security Adviser and other members of the Council, other than ex-officio
- 17 members:
- 18                   (a) shall hold Office for a period of four years on such terms and
- 19 conditions as may be specified in their letters of appointment; and
- 20                   (b) may be re-appointed for another period of four years and no more.

Removal from  
Office

- 21                   **6.-(1)** Notwithstanding the provisions of section 5 of this Act, a
- 22 member of the Council may at any time be removed from office by the
- 23 President for inability to discharge the functions of his Office (whether arising
- 24 from infirmity of mind or body or any other cause) or for misconduct.
- 25                   (2) A member of the Council may resign his appointment by a notice
- 26 in writing under his hand addressed to the President and that member shall, on
- 27 the date of the receipt of the notice by the President cease to be a member of the
- 28 Council.
- 29                   (3) Where a vacancy occurs in the membership of the Council, it shall
- 30 be filled by the appointment of a successor to hold office for the remainder of

1 the term of office of his predecessor, and the successor shall represent the  
2 same interest and shall be appointed by the President.

3 7. The Chairman and members of the Council shall be paid such Emolument  
4 emoluments, allowances as may be determined from time to time by the  
5 Revenue Mobilization, Allocation and Fiscal Commission.

6 PART II

7 8.-(1) The Council shall be responsible for the determination of the Functions of  
8 overall policy of the National Centre and the formulation of long-term plans the Council  
9 and budget and ensuring the implementation of such policies and plans.

10 (2) Without prejudice to the generality of subsection (1) of this  
11 section, the Council shall be responsible for:

12 (a) ensuring effective administration of the National Centre;

13 (b) approving the research and training programme of the National  
14 Centre;

15 (c) determining the procedure to be followed in conducting its  
16 business;

17 (d) carrying out such other activities as are necessary for carrying  
18 out the functions set out in this Act.

19 (3) The Council may, subject to such conditions as it may impose,  
20 delegate any of the powers conferred on it by this Act (including power to  
21 appoint and exercise disciplinary control) to any of its committees or the  
22 Director-General of the National Centre, as the case may be.

23 (4) Nothing in this section shall preclude the Council from  
24 exercising any of the powers delegated under subsection (3).

25 PART III - FUNCTIONS OF THE NATIONAL CENTRE

26 9.-(1) The National Centre shall be responsible for: Functions of the  
27 National Centre

28 (a) providing the operational base for counter terrorism rapid  
29 response;

(b) conducting research into the cause patterns, dynamics, factors

1 and forces behind acts of emerging terrorism including banditry and  
2 kidnapping;

3 (c) developing strategies to enable Nigeria to respond to emerging  
4 threats of terrorism and monitoring implementation of such strategies;

5 (d) making recommendations as to appropriate responses to specific  
6 terrorism threats;

7 (e) assisting in the resolution of operational and policy differences  
8 amongst intelligence elements and agencies in their responses to terrorism  
9 threats;

10 (f) developing policies and procedure to ensure the effective sharing  
11 of information about terrorism threats among elements of the intelligence  
12 community;

13 (g) advising the President with respect to the integration of all  
14 relevant security, intelligence, law enforcement and military services so as to  
15 enable them cooperate more effectively in matters involving national security;

16 (h) establishing policies relating to the conduct of intelligence  
17 activities of Nigeria, including appropriate roles and missions for the elements  
18 of the intelligence community and appropriate targets of intelligence collection  
19 activities;

20 (i) identifying on an annual basis, and at such other times as the centre  
21 may require, the intelligence required to combat terrorism threats and  
22 establishing an order of priority for the collection and analysis of such  
23 intelligence;

24 (j) conducting an annual review of the elements of the intelligence  
25 community in order to determine the success of such elements in collecting,  
26 analyzing and disseminating the intelligence identified above;

27 (k) performing such other functions which are necessary to achieve  
28 the purpose for which the National Centre was established.

29 PART IV - STAFF OF THE NATIONAL CENTRE

Director of the  
National Centre

30 **10.-(1)** There shall be for the National Centre a Director-General who

1 shall be appointed by the President on the recommendation of the National  
2 Security Adviser.

3 (2) The Director-General shall be the Chief Executive and  
4 Accounting Officer of the National Centre, the head of the secretariat of the  
5 Council and shall be responsible for the execution of the policy and the day  
6 to day administration of the affairs of the National Centre.

7 (3) The Director-General shall hold office:

8 (a) for a term of four years in the first instance and may be re-  
9 appointed for a further term of four years and no more; and

10 (b) on such terms and conditions as may be specified in his letter of  
11 appointment.

12 **11.**-(1) The National Centre shall have the following Departments: Departments

13 (a) Administration and Personnel;

14 (b) Planning, Research and Statistics;

15 (c) Finance and Audit;

16 (d) Legal, Enforcement and Compliance;

17 (e) Training, Surveillance and Operations;

18 (f) Monitoring and Evaluation;

19 (g) ICT Department;

20 (h) any such Department as may be deemed necessary.

21 (2) A director/head of a Department shall hold office for a term of  
22 four years in the first instance and may be re-appointed for a further term of  
23 one year at a time but not more than two renewals on such terms and  
24 condition as may be specified in his letter of appointment.

25 **12.**-(1) The Council shall appoint for the National Centre such Other employees  
26 officer and other employees as it may, from time to time, deem necessary for of the National  
27 the purposes of the National Centre. Centre

28 (2) The terms and conditions of service (including remuneration,  
29 allowances, benefits and pensions of officers and employees of the National  
30 Centre shall be as determined by the Council.

1 (3) Without prejudice to the generality of subsection (1) of this  
2 section, the Centre may appoint persons as employees of the National Centre,  
3 either by way of transfer or secondment from any of the security agencies and/  
4 or public services in the Federation or otherwise howsoever, as it considers  
5 necessary.

Pension 6 **13.-(1)** It is hereby declared that service in the National Centre shall  
7 be approved service for the purpose of the Pension Reform Act, 2004.  
8 Accordingly, employees of the National Centre shall be entitled to pensions,  
9 gratuities and other retirement benefits as are prescribed under the said Pension  
10 Reform Act.

11 (2) Notwithstanding the provisions of subsection (1) of this section,  
12 nothing in this Act shall prevent the appointment of a person to any office on  
13 terms which preclude the grant of a pension, gratuity or other retirement benefit  
14 in respect of that office.

15 (3) for the purposes of the application of the provisions of this Act,  
16 any power exercisable by the Council or any authority of the Federal  
17 Government, other than the power to make regulation under the relevant  
18 section of the Act, is hereby vested in and shall be exercisable by the Council  
19 and not by any other person or authority.

20 PART V - FINANCIAL PROVISION

Financial Provisions 21 **14.-(1)** There shall be established and maintained for the National  
22 Centre a fund into which shall be paid and credited:

23 (a) the take off grant for the National Centre;

24 (b) annual subventions and budgetary allocation from the Federal  
25 Government;

26 (c) gifts, loans, grants-in-aid from national, bilateral and multilateral  
27 agencies;

28 (d) all subscription, fees and charges for services rendered by the  
29 National Centre; and

1 (e) all other sums which may from time to time, accrue to the  
2 National Centre.

3 **15.** The Council may apply the proceeds of the Fund of the Expenditure of  
4 National Centre for: the National  
Centre

5 (a) the cost of administration of the National Centre;

6 (b) the payment of the emoluments, allowances and benefits of  
7 members of the Council and for reimbursing members of the Council or of  
8 any committee of the National Centre for such expenses as may be expressly  
9 authorized by the Council;

10 (c) the payment of the salaries, fees or other remuneration or  
11 allowance, gratuities and pension and other benefits payable to the officers  
12 and other employees of the National Centre;

13 (d) the development and maintenance of any property vested in or  
14 owned by the National Centre; and

15 (e) for and in connection with all or any of its functions under this  
16 Act.

17 **16.-(1)** The National Centre shall, in each year, submit to the Annual estimates  
18 Council an estimate of its expenditure and income (including payments to and accounts  
19 the National Centre's fund) for the next succeeding year.

20 (2) The National Centre shall keep proper accounts in respect of  
21 each year and proper records in relation to those accounts and shall cause its  
22 accounts to be audited within six months after the end of each year by  
23 auditors appointed and in accordance with the guidelines supplied by the  
24 Auditor-General of the Federation.

25 **17.** The National Centre shall prepare and submit to the Council, Annual Reports  
26 not later than six months after the end of each year, a report on the activities  
27 of the National Centre during the immediate preceding year, and shall  
28 include in such report a copy of the audited accounts of the National Centre  
29 for the year and the auditor's report on the accounts.

Power to accept gifts	1	<b>18.</b> -(1) The National Centre may accept any gift of land, money or
	2	other property on such terms and conditions, if any, as may be specified by the
	3	person or organization making the gift.
	4	(2) The National Centre shall not accept any gift if the conditions
	5	attached by the person or organization of offering the gift are inconsistent with
	6	the functions and objectives of the National Centre.
Power to borrow	7	<b>19.</b> -(1) The National Centre may from time to time, borrow money by
	8	overdraft or otherwise as it may require for the performance of its functions
	9	under this Act.
	10	(2) The National Centre shall not without the approval of the Council,
	11	borrow money which exceeds, at any time, the amount set by the Council.
	12	(3) Notwithstanding the provisions of subsection (1) of this section,
Investment	13	where the sum to be borrowed is in foreign currency, the National Centre shall
	14	not borrow the sum without the prior approval of the Federal Government of
	15	Nigeria.
	16	<b>20.</b> The National Centre may, subject to the provisions of this Act and
	17	the conditions of any trust created in respect of any property, invest all or any of
	18	its funds in any security prescribed by the Trustee Investments Act or in such
Exemption from tax	19	other securities as may, from time to time, be approved by the Council.
	20	<b>21.</b> -(1) The National Centre shall be exempted from the payment of
	21	income tax on any income accruing from investments made by the Council for
	22	the National Centre.
	23	(2) The provisions of any enactment relating to the taxation of
	24	companies or trust funds shall not apply to the National Centre.
Limitation of suit against the National Centre	25	PART VI - LEGAL PROCEEDINGS
	26	<b>22.</b> Subject to the provisions of this Act, the provisions of the Public
	27	Officers Protection Act shall apply in relation to any suit instituted against the
	28	National Centre or its officer or employee of the National Centre.
	29	<b>23.</b> A notice, summons or other document required or authorized to
	30	be served on the National Centre under the provision of this Act or any other
Service of documents		



1 enactment or law may be served by delivering it to the Director-General or  
2 by sending it by registered post addressed to the Director-General at the  
3 Headquarters of the National Centre.

4 **24.** A member of the Council or the Director-General or any officer Indemnity of  
5 or employee of the National Centre shall be indemnified out of the assets of officers  
6 the National Centre against any liability incurred by him in defending any  
7 proceeding, whether civil or criminal, if the proceeding is brought against  
8 him in his capacity as a member, Director-General, officer or other  
9 employees of the National Centre.

10 **25.**-(1) A member of the Centre or the Director-General or any other Secrecy  
11 officer or employee of the National Centre shall:

12 (a) not, for his personal gain, make use of any information which  
13 has come to his knowledge in the exercise of his powers or is obtained by  
14 him in the ordinary course of his duty as a member of the Council or as the  
15 Director-General, officer or employee of the National Centre;

16 (b) treat as confidential any information referred to under  
17 paragraph (b) of this subsection, except when required to do so by a court or  
18 in such other circumstances as may be prescribed by the Council.

19 (2) Any person who contravenes the provisions of subsection (1) of  
20 this section commits an offence and is liable on conviction to a fine of not  
21 less than one million (N1,000,000.00) or imprisonment for a term not  
22 exceeding five years or both such fine and imprisonment.

23 **26.**-(1) The Council may, subject to the provisions of this Act, Staff regulations  
24 make staff regulations relating generally to the conditions of service of the  
25 officers and employees as determined by the Council and without prejudice  
26 to the generality of the foregoing, such regulations may provide for:

27 (a) the appointment, promotion and disciplinary control (including  
28 dismissal) of the officers and employees of the National Centre;

29 (b) appeals by such officers and employees against dismissal or  
30 other disciplinary measures, and until such regulations are made any

	1	instrument relating to the conditions of service in the civil service of the
	2	Federation shall be applicable, with such modifications as may be necessary, to
	3	the officers and employees of the National Centre.
	4	(2) Staff regulations made under subsection (1) of this section, shall
	5	not have effect until approved by the Council, and when so approved they need
	6	not be published in this Federal Gazette but the Council shall cause them to be
	7	brought to the notice of all affected persons.
Directive by the Council	8	27. The Council may give such directives of a general nature or
	9	relating generally to matters of policy with regard to the exercise by the
	10	Council of its functions under this Act and all officers/employees of the
	11	National Centre shall comply with the directives or cause them to be complied
	12	with.
Regulations	13	28. The National Centre may, with the approval of the Council, make
	14	such regulation as in its opinion are necessary or expedient to give full effect to
	15	the provisions of this Act and for the due administration of its provisions.
Interpretation	16	29. In this Act, unless it is otherwise expressly provided or the context
	17	otherwise required:
	18	"Council" means the Governing Council of the National Centre established
	19	pursuant to section 2 of this Act;
	20	"Intelligence Community" include the following:
	21	(a) the Office of the National Security Adviser;
	22	(b) all the law enforcement and security agencies in Nigeria;
	23	(c) the intelligence elements of the Army, the Navy and the Air Force;
	24	(d) such other elements of any department or agency as may be
	25	designated by the President, or by an Act of the National Assembly for the
	26	collection of specialized national intelligence.
	27	"National Centre" means the National Security Coordination Centre
	28	established under section 1 of this Act;
	29	"NSA" means the National Security Adviser.
	30	"member" includes the Chairman of the Council;

1 "President" means the President of the Federal Republic of Nigeria.

2                   **30.** This Bill may be cited as the National Counter Terrorism      Short title  
3                   Centre (Establishment) Bill, 2021.

4 SCHEDULE

5 *Section 4(3)*

## 6 SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL

7 *Proceedings of the Council*

8 1.- (1) Subject to this Act and section 27 of the Interpretation Act,  
9 the Council may make standing orders regulating its proceedings or that of  
10 any of its committees.

(2) The quorum of any meeting of the Council shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting) and not less one third of the members.

(3) At every meeting of the Council, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their members to preside at the meeting.

(4) The Council shall for the purposes of this Act, meet not less than three times in each year and subject, thereto, the Council shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by not less than one third of the members, he shall summon a meeting of the Council to be held within 14 days from the date on which the notice is given.

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

(6) A member of the Council who is directly or indirectly interested in any matter being deliberated on by the Council, or is interested in any contract made or proposed to be made by the National Centre shall, as soon

1 as possible after the relevant facts have come to this knowledge disclose the  
2 nature of his interest at a meeting of the Council.

3 *Committees*

4 2.-(1) The Council may set up one or more standing and ad hoc  
5 committees to carry out, on behalf of the National Centre such of its functions  
6 as the Council may determine.

7 (2) A Committee set up under this paragraph shall consist of such  
8 number of persons (not necessarily members of the Council as may be  
9 determined by the Council) and a person, other than a member of the Council  
10 shall hold office on the Committee in accordance with the term of his  
11 appointment.

12 (3) The quorum of any committee set up by the Council shall be as  
13 may be determined by the Council.

14 (4) A decision of a committee of the National Centre shall be of no  
15 effect until it is confirmed by the Council.

16 *Miscellaneous*

17 3.-(1) The fixing of the seal of the National Centre shall be  
18 authenticated by the signature of the Chairman or any other person generally or  
19 specifically authorized by the Council, to act for that purpose by the Council.

20 (2) Any contract or instrument which, if made by a person not being a  
21 body corporate, would not be required to be under seal, may be made or  
22 executed on behalf of the National Centre by the Chairman or by any other  
23 person generally or specially authorized to act for that purpose by the Council.

24 (3) Any document purporting to be a contract, instrument or other  
25 document duly signed or sealed on behalf of the National Centre shall be  
26 received in evidence and shall, unless the contrary is proved, be presumed to be  
27 executed.

28 (4) The validity of any proceeding of the Council or of any of its  
29 committees shall not be affected by:

30 (a) any vacancy in the membership of the Council, or committee;

- 1 (b) any defect in the appointment of a member, of the Councilor  
2 committee; or  
3 (c) reason that any person not entitled to do so took part in the  
4 proceedings of the Councilor committee.  
5 (5) A member of a committee who has a personal interest in any  
6 contract or arrangement entered into or proposed to be considered by the  
7 committee shall not vote on any question relating to the contract or  
8 arrangement.  
9 (6) No member of the Council shall be personally liable for any act  
10 or omission done or made in good faith while engaged in the business of the  
11 National Centre.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Security Coordination Centre in the Country for all Security Agencies coordination in combating Acts of Terrorism including Banditry, Kidnapping.



# A BILL

## FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 TO REMOVE THE NATIONAL YOUTH SERVICE CORPS CAP N84 LAWS OF THE FEDERATION OF NIGERIA, 2004 FROM THE CONSTITUTION FACILITATE AN EASY AMENDMENT OF THE ENABLING LAW AND FOR RELATED MATTERS, 2021

*Sponsored by Hon. Shehu Balarabe Kakale*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria

- |   |  |   |
|---|--|---|
| 1 | <b>1.</b> The Constitution of the Federal Republic of Nigeria 1999 Cap         | Amendment of<br>the Constitution<br>of the Federal<br>Republic of<br>Nigeria 1999 |
| 2 | C23, Laws of the Federation of Nigeria, 2004 in this Bill referred to as ('the |   |
| 3 | Principal Act") is altered as set out in this Bill.                            |   |
| 4 | <b>2.</b> Section 315 of the principal is altered:                             | Amendment of<br>Section 315   |
| 5 | (a) in subsection by deleting paragraph (a); and                               |   |
| 6 | (b) by re-numbering the paragraphs appropriately.                              |   |
| 7 | <b>3.</b> This Bill may be cited as Constitution (Alteration) Bill, 2021.      | Citation  |

### EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution Federal Republic of Nigeria 1999 to remove the National Youth Service Corps Cap N84 Laws of the Federation of Nigeria, 2004 from the Constitution to facilitate an easy amendment of the enabling.





# A BILL

## FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 TO INCLUDE PROVISION OF HEALTH CARE SERVICES UNDER FUNDAMENTAL OBJECTIVE AND DIRECTIVE PRINCIPLES OF STATE POLICY TO ADDRESS THE LINGERING NATIONAL HEALTH CHALLENGES AND FOR RELATED MATTERS, 2021

*Sponsored by Hon. Shehu Balarabe Kakale*

[ ] Commencement

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

- |   |   |   |
|---|---|---|
| 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18 | <p><b>1.</b> The Constitution of the Federal Republic of Nigeria Cap. C23, Laws of the Federation of Nigeria, 2004 (in this Bill referred to as "the Principal Act") is altered as set out in this Bill.</p> <p><b>2.</b> Section 17 of the Principal Act is altered:</p> <p style="padding-left: 20px;">(a) by inserting after Section 17, a new clause (17A):</p> <p style="padding-left: 20px;">"(17A (1) The government shall direct Its policy towards ensuring that there are adequate and best health care services within the limit of available resources for all persons living in Nigeria.</p> <p style="padding-left: 20px;">(2) There shall be effective health system that is accessible, affordable, acceptable and sustainable in the Spirit of self-reliance and self-determination.</p> <p style="padding-left: 20px;">(3) There shall be adequate medical and health care facilities, while ensuring the safety and welfare of all persons in employment Safeguard and not endangered or abused.</p> <p style="padding-left: 20px;">(4) Government shall as practicable as possible provide health education, health information essential drugs, medicines and remedies to all person at all level of governance.</p> <p style="padding-left: 20px;">(5) Government shall harness the human resources for health to</p> | <p>Amendment of the Constitution of the Federal Republic of Nigeria 1999</p> <p>Amendment of Section 17</p> |
|---|---|---|

	1	promote National property and efficient dynamic health reliant system.
	2	(6) Government shall mobilize National resources for the equitable
	3	and responsive citizens focused development of an health care system.
	4	(b) re-numbering the section appropriately.
Citation	5	3. This Bill may be cited as Constitution (Alteration) Bill, 2021.

## EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution Federal Republic of Nigeria to include provisions of Health Care Services under Fundamental Objectives and Directive Principles of State Policy to address the lingering national health challenges.

# A BILL

## FOR

AN ACT TO ALTER THE FIFTH SCHEDULE PART2, TO THE CONSTITUTION  
FEDERAL REPUBLIC OF NIGERIA 1999 TO EXPAND THE SCOPE OF CODE OF  
CONDUCT FOR PUBLIC OFFICERS TO FACILITATE REALISATION OF FOOD  
AND ECONOMIC SECURITY AND FOR RELATED MATTERS, 2021

*Sponsored by Hon. Shehu Balarabe Kakale*

[ ] Commencement

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

- |    |   |   |
|----|---|---|
| 1  | 1. The Constitution of the Federal Republic of Nigeria Cap. C23,          | Amendment of<br>the Constitution<br>of the Federal<br>Republic of<br>Nigeria 1999 |
| 2  | Laws of the Federation of Nigeria, 2004 (in this Bill referred to as" the |   |
| 3  | Principal Act") is altered as set out in this Bill.                       |   |
| 4  | 2. The Fifth Schedule, Part 1, to the Principal Act is altered:           | Amendment of<br>the Fifth Schedule<br>Part 1                                      |
| 5  | (a) in paragraph (2)(b) by substituting for the word "farming", in        |   |
| 6  | line 4, the words:  |   |
| 7  | (i) agricultural production and services;                                 |   |
| 8  | (ii) health care services and production; and                             |   |
| 9  | (b) by re-numbering the paragraph appropriately.                          |   |
| 10 | 3. This Bill may be cited as Constitution (Alteration) Bill, 2021         | Citation  |

### EXPLANATORY MEMORANDUM

This Bill seeks to alter the Fifth Schedule Part 1, to the Constitution Federal  
Republic of Nigeria 1999 to expand the scope of Code of Conduct for Public  
Officers to facilitate realization of food and economic security.





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

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

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

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

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

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

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

16 7.-(1) The Board shall:

Functions of the  
Board

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

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

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

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

	1	provided by similar establishments of international repute.
	2	(3) Subject to this Act, the Board shall perform such other functions
	3	which in its opinion are calculated to facilitate the carrying out of its functions
	4	under this Act.
Powers of the Board	5	8. The Board shall have power to:
	6	(a) Provide the general policies and guidelines relating to major
	7	expansion programmes of the Medical Centre;
	8	(b) provide facilities for the training of medical students of associate
	9	universities;
	10	(c) manage and superintend the affairs of the Medical Centre;
	11	(d) subject to the provisions of this Act, make, alter and revoke rules
	12	and regulations for carrying on the functions of the Medical Centre;
	13	(e) fix terms and conditions of service, including remuneration of the
	14	employees of the Medical Centre subject to the approval of National Salaries
	15	Incomes and Wages Commission;
	16	(f) do such other things which in the opinion of the Board are
	17	necessary to ensure the efficient performance of the functions of the Medical
	18	Centre.
	19	PART III - STAFF OF THE MEDICAL CENTRE
Medical Director of the Medical Centre	20	9.-(1) There shall be for the Medical Centre a Chief Medical Director
	21	who shall be appointed by the President on the recommendation of the Board
	22	and on such terms and conditions as may be specified in his letter of
	23	appointment or as may be determined, from time to time, by the National
	24	Salaries Income and Wages Commission.
	25	(2) The Chief Medical Director shall:
	26	(a) be the chief executive and accounting officer of the Medical
	27	Centre;
	28	(b) be responsible to the Board for the day-to-day administration of
	29	the Medical Centre;
	30	(c) be appointed for a term of four years in the first instance and may



1 be reappointed for a further term of four years subject to satisfactory  
2 performance;

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

5 (e) have considerable administrative experience in matters of  
6 health;

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

9 **10.-(1)** The Board shall appoint for the Medical Centre:

Appointment of  
Directors and  
other staff of the  
Medical Centre

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

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

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

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

17 (b) a Director of Clinical Services;

18 (c) a Director of Finance;

19 (d) a Director of Maintenance.

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

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

29 (4) Notwithstanding the provisions of subsections (i) and (2) of this  
30 section the Board shall have power to appoint for the Medical Centre either

1 directly or on secondment from any public service in the Federation, such  
 2 number of employees as may, in the opinion of the Board, be required to assist  
 3 the Medical Centre in the discharge of any of its functions under this Act.

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

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

Service in the  
 Medical Centre  
 to be pensionable

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

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

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

Establishment  
 of the Medical  
 Advisory  
 Committee, etc.

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

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

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

26 (c) be appointed by the Board.

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

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

5 PART IV - FINANCIAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (7) The Medical Centre shall not, without the approval of the  
10 President, borrow money which exceeds, at any time, the limit set by the  
11 President.

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

Removal and  
discipline of  
clinical,  
administrative  
and technical  
staff

15 **22.-(1)** If it appears to the Board that there are reasons for believing  
16 that any person employed as a member of the clinical, administrative or  
17 technical staff of the Medical Centre, other than the Chief Medical Director,  
18 should be removed from his office or employment, the Board shall require the  
19 Director of Administration to:

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

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

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

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

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

1       aforesaid, the Board may so remove him by a letter signed on the direction of  
2       the Board.

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

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

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

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

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

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

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

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

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

30              (c) whether to terminate the appointment of the person concerned,

1 in which case he shall not be entitled to the proportion of his emoluments  
2 withheld during the period of suspension; or

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

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

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

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

Discipline of  
junior staff

22 **23.**-(1) If any junior staff is accused of misconduct or inefficiency, the  
23 Chief Medical Director may suspend him for not more than a period of 3  
24 months and shall direct a committee to:

25 (a) consider the case; and

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

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



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

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

8 PART VI - MISCELLANEOUS

9 **24.**-(1) The Board may, with the approval of the President, make Regulations  
10 regulations:

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

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

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

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

25 **26.**-(1) On the commencement of this Act, any person employed by Transition and  
26 or serving in, the Medical Centre shall be deemed to have been employed or Savings Provision  
27 serving in the Medical Centre established under this Act.

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

Interpretation	1	<b>27.</b> In this Act, unless the context otherwise requires-
	2	"associate universities" means the universities whose medical students receive
	3	aspects of their training from the Medical Centre;
	4	"Board" means the Board of Management of the Medical Centre;
	5	"chairman" means the chairman of the Board;
	6	"functions" include powers and duties;
	7	"Federal Medical Centre " means the Medical Centre Saminaka, Kaduna State;
	8	"junior staff" means staff of such grade as may be determined, from time to
	9	time, by the Board;
	10	"medical student" means a student whose course of instruction is:
	11	(a) designed (either alone or in conjunction with other courses) to
	12	enable him to qualify as a medical practitioner; or
	13	(b) designed for the further training of medical practitioners;
	14	"Minister" means the Minister charged with responsibility for matters relating
	15	to health and "Ministry" shall be construed accordingly;
	16	"student" means a person enrolled at an institution controlled by the Board for
	17	the purpose of pursuing a course of instruction at the institution.
Short title	18	<b>28.</b> This Bill may be cited as the Federal Medical Centre Saminaka,
	19	Kaduna State (Establishment) Bill, 2021.

## SCHEDULE

*[Section 3 (3).]*

## SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

*Proceedings of the Board*

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

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

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

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

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

*Committees*

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

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

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

3 *Miscellaneous*

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

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

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

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

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

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

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

#### EXPLANATORY NOTE

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

NIGERIAN RURAL INFRASTRUCTURE DEVELOPMENT COMMISSION  
(ESTABLISHMENT, ETC.) BILL, 2021  
ARRANGEMENT OF CLAUSES

*Clause:*

PART I - OBJECTIVE AND APPLICATION

1. Objective
2. Application

PART II - ESTABLISHMENT OF THE RURAL INFRASTRUCTURE  
DEVELOPMENT COMMISSION

3. Establishment of Rural Infrastructure Development Commission.
4. Functions of the Commission.
5. Powers of the Commission

PART III - GENERAL ORGANISATION AND ADMINISTRATION

6. Establishment and Composition of the Governing Board
7. Tenure of Office
8. Remuneration of the Board members
9. Functions and Powers of the Board

PART IV - MANAGEMENT AND STAFF OF THE COMMISSION

10. The Appointment of Director-General and Secretary of the Commission
11. Staff of the Commission
12. Staff regulations
13. Pensions

PART V - STRUCTURE OF THE COMMISSION

14. Departments of the Commission.
15. Establishment of management and other committees for the Commission.

PART VI - FINANCIAL PROVISIONS

16. Fund of the Commission.
17. Expenditure of the Commission.

- 18. Account and audit
- 19. Annual Estimates and Expenditure
- 20. Annual Reports
- 21. Power to Accept Gifts
- 22. Power to Borrow
- 23. Exemption from Tax

PART VII - JURISDICTION

- 24. Jurisdiction

PART VIII - LEGAL PROCEEDINGS

- 25. Limitation of suits against the Commission
- 26. Restriction on execution of judgment against the Commission
- 27. Indemnity of Officers

PART IX - MISCELLANEOUS PROVISIONS

- 28. Power of Minister to give Direction to the Commission
- 29. Power to make regulations
- 30. Compulsory acquisition of property
- 31. Transitional provisions
- 32. Interpretations.
- 33. Short title

SCHEDULE

# A BILL

## FOR

AN ACT TO ESTABLISH NIGERIAN RURAL INFRASTRUCTURE DEVELOPMENT  
COMMISSION TO BE SADDLED WITH THE RESPONSIBILITY OF FACILITATING  
THE PROVISION OF INFRASTRUCTURE FOR THE RURAL AREAS AND FOR  
RELATED MATTERS

*Sponsored by Hon. Kolade V. Akinjo*

[ ] Commencement

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

1 PART I - OBJECTIVES AND APPLICATION

2 1. The objective of this bill is to provide an effective legal and Objective  
3 institutional frame work for the facilitation and provision of infrastructural  
4 development for the rural areas in Nigeria

5 2.-(i) This Bill shall apply to provision of rural infrastructure in Application  
6 Nigeria;

7 (ii) The provision of this bill shall apply to all facilitation of rural  
8 infrastructure development in;

9 (a) States in the federation; and

10 (b) Federal capital territory of Nigeria.

11 PART II - ESTABLISHMENT OF THE NIGERIAN RURAL INFRASTRUCTURE

12 DEVELOPMENT COMMISSION

13 3.-(1) There is established a body to be known as the Nigerian rural Establishment  
14 infrastructure development Commission. (In this Bill referred to as "the of Rural  
15 Commission"). Infrastructure Development  
Commission

16 (2). the Commission:

17 (a) Shall be a body corporate with perpetual succession and a  
18 common seal;

19 (b) Shall sue and be sued in its corporate name for matters

	1	associated with provision of rural development;
	2	(c) May acquire, purchase, mortgage, hold and dispose of properly
	3	whether moveable or immovable and
	4	(d) Shall be independent in carrying out its functions and duties under
	5	the Bill.
Functions of the Commission	6	<b>4.</b> The Commission shall be responsible for:
	7	(a) facilitating massive development of rural infrastructure;
	8	(b) collaborating with FG, states, Local and international organisation
	9	in the development of rural infrastructure;
	10	(c) facilitate rural infrastructure by closing the gap between the urban
	11	areas and rural areas in terms of development;
	12	(d) other things that are incidental to the objectives of the Bill;
	13	(e) identifying factors that contribute or have contributed to
	14	development of rural infrastructure;
	15	(f) identifying factors that affect or is likely to affect development of
	16	rural infrastructures;
	17	(g) Publishing electronically and other means quarterly reports on
	18	development of the rural infrastructure.
Powers of the Commission	19	<b>5.</b> The Commission shall have the power to:
	20	(a) establish or issue policies and procedures manual, regulation,
	21	employee manual and any other documents or as may be relevant for carrying
	22	out its functions under this bill;
	23	(b) collaborate with research and technical institutions or any other
	24	body to carry out studies related to its functions under this Bill;
	25	(c) negotiate and enter into agreement with individuals, private
	26	entities, departments and agencies of government, government of foreign
	27	countries for the provision of facilities and training of its employees for the
	28	purpose of carrying out its functions under this Bill; and
	29	(d) ensure adequate trainings for its employees for proper
	30	performance of their functions under this Bill.



1 PART III - GENERAL ORGANIZATION AND ADMINISTRATION

2 6.-(1) There is established a governing Board for the Commission Establishment  
3 (in this Bill referred to as the Board) which shall consist of the following and Composition  
4 members: of the Governing  
Board

5 (a) Chairperson who shall be a person with 15 years cognate  
6 technical knowledge, qualification and practical experience in engineering!  
7 related field

8 (b) A representative not below the rank of a director from the  
9 ministries of:

10 (i) Works;

11 (ii) Industry and trade;

12 (iii) Justice! attorney general of the federation;

13 (iv) Science and technology;

14 (v) Agriculture;

15 (vi) Environment.

16 (c) A Legal Practitioner with 10 years cognate practice experience;  
17 and

18 (d) The director general of the Commission who shall be the  
19 secretary of the Board.

20 (2) The Chairperson and members of the Board shall be appointed  
21 by the President subject to confirmation by the senate.

22 (3) The Board shall from time to time among its members appoints  
23 a vice Chairperson, who shall in the absence of the Chairperson have all the  
24 powers and duties of the Chairperson and if neither the Chairperson nor the  
25 vice-Chairperson is available, shall nominate a person from their own ranks  
26 to preside at the meeting

27 7.-(1) A member of the Board shall hold office for a term of 4 years Tenure of Office  
28 in the first instance and may be eligible for reappointment for a further term  
29 of 4 years and no more.

30 (2) Notwithstanding the provision of sub-classes:

1 (i) A person shall cease to hold office as a member of the Board where  
2 the person;

3 (a) Becomes bankrupt;

4 (b) Is convicted of an offence involving dishonesty or fraud;

5 (c) Lacks physical or mental capacity to perform their functions;

6 (d) Is disqualified or suspended from professional practice;

7 (e) Is in breach of the conflict of interest provisions;

8 (f) Resigns the appointment by 30 days' notice in writing addressed to  
9 the President.

10 (2) A member of the Board, other than the Director General may be  
11 removed from office by the President if the President is satisfied that it is not in  
12 the interest of the Commission or public that the member should continue in  
13 that office

14 (3) Where a vacancy occurs in the membership of the Board, it shall  
15 be filled by the appointment of a successor to hold office for the remainder of  
16 the term of the office of the predecessor

Remuneration  
of the Board  
members

17 **8.** The members of the Board shall be paid such remuneration and  
18 allowances as the revenue mobilization and fiscal Commission may, from time  
19 to time determine.

Functions and  
Powers of the  
Board

20 **9.** The Board shall;

21 (a) Formulate, monitor and determine the general policy guideline for  
22 the Commission;

23 (b) Ensure the implementation of the policies and programme of the  
24 Commission;

25 (c) Fix terms and conditions of service including remuneration of the  
26 employees of the Commission in accordance with the provisions of the salary  
27 and wages Commission;

28 (d) Receive and review annual reports from the management of the  
29 Commission of the activities of the Commission in the preceding calendar  
30 year, which shall include a copy of the audited account of the calendar year;

1 (e) Cause the account of the Commission to be audited not later  
2 than 6 months after the end of each year by auditors appointed from the list  
3 and in accordance with the guideline supplied by the auditor general of the  
4 federation;

5 (f) Submit to the national assembly, not later than 30th September  
6 in each year an estimate of the expenditure and income of the Commission  
7 for the next succeeding year; and

8 (g) Carry out such other functions as are necessary or expedient to  
9 ensure the efficient performance of the functions of the Commission under  
10 the Bill.

11 **PART IV - MANAGEMENT AND STAFF OF THE COMMISSION**

12 **10.-(1)** There shall be for the Commission a Director- General who  
13 shall be appointed by the President subject to the confirmation by the Senate

The appointment  
of Director-General  
and Secretary of  
the Commission

14 (2) The Director - General shall:

15 (a) Be a person with extensive knowledge and expertise in the area  
16 relevant to the functions of the Commission; and

17 (b) Hold office for a period of four years in the first instance and  
18 may be eligible for reappointment for another term of four years and no  
19 more.

20 (3) The Director-General shall be the chief executive and  
21 accounting officer of the Commission and shall be responsible for:

22 (a) The execution of the policies, decisions and programme of the  
23 Commission;

24 (b) The administration, coordination, supervision and  
25 management of the day to day activities of the Commission;

26 (c) The implementation of the Board's decision and ensuring that  
27 the Commission achieve its objectives under this Bill;

28 (d) The direction and supervision of all employees of the  
29 Commission;

1 (e) Keeping the books and proper records of the proceedings of the  
2 Board;

3 (f) Keeping the seal of the Commission;

4 (g) The general direction and control of all other employees of the  
5 Commission; and

6 (h) The performance of such other duties as the Board may, from time  
7 to time assign.

8 (4) The Director General may be suspended or be removed from  
9 office by the President, where the Director-General:

10 (a) Demonstrate inability to effectively perform the duties of the  
11 office;

12 (b) Is guilty of serious misconduct in relation to his duties;

13 (c) Is disqualified or suspended from professional practice;

14 (d) Is in contravention of the conflict of interest.

Staff of the  
Commission

15 **11.** The Director- General shall:

16 (a) Appoint Directors as may be required for proper performance of  
17 the functions of the Commission;

18 (b) Employ either directly or on transfer or secondment from any civil  
19 or public service in the federation such number of employees as may, in the  
20 opinion of the Board be required to assist the Board and the Director-General in  
21 the discharge of their functions; and

22 (c) Pay to persons so employed such remuneration including  
23 allowances as the Board may recommend with approval of the rational salaries,  
24 incomes and wages Commission.

Staff regulations

25 **12.-(1)** Subject to the provision of this Bill, the Board shall make staff  
26 regulations relating to the conditions of service

27 (2) The staff regulations made under sub clause (1) of this Clause shall  
28 not have effect until approved by the Board and when so approved, the  
29 Commission shall cause a notice of the staff regulations to be issued to all  
30 affected staff.

## Pensions

## Departments of the Commission

### Establishment of management and other committees for the Commission

Fund of the  
Commission

1 Commission by the federal government, a state government or Local  
2 government Board;

3 (d) All sums Accruing to the Commission by way of gifts)  
4 endowments) Bequests) donations) grants or voluntary contributions by  
5 persons and organizations;

6 (e) Foreign aid and assistance from multilateral and bilateral  
7 organizations;

8 (f) Subvention and extra budgetary allocations accruable from federal  
9 government or any other institution; and

10 (g) Any other fund that may be approved for the development of rural  
11 infrastructure in Nigeria.

Expenditure of  
the Commission

12 **17.** The Commission shall apply the proceeds of the fund at its  
13 disposal to:

14 (a) The cost of the administration of the Commission;

15 (b) Perform the functions of the Commission under the Bill;

16 (c) Pay members of the Board or any Committee set up by the Board  
17 for such expenses as may be expressly authorized by the Board;

18 (d) The payment of salaries) fees or other remunerations) allowances)  
19 pension and benefits payable to employees) experts appointed by the  
20 Commission.

Account and  
audit

21 **18.-(1)** The Commission shall keep proper account and record of its  
22 funds and shall prepare in respect of each financial year a statement of account  
23 in such form as may be required and in conformity with best practice and  
24 financial regulations.

25 (2) The Commission shall within six months after the end of each year  
26 to which the account relate) cause its account to be audited by auditors  
27 appointed from the list of auditors and in accordance with guidelines supplied  
28 by the auditor-General of the federation.

29 (3) The auditor shall on the completion of the audit to the account of  
30 the Commission for each year, prepare and submit to the Board.

1	<b>19.</b> -(1) The Commission shall not later than 30th of September	Annual Estimates and Expenditure
2	each year or other date stipulated by law or policy, submit to the National	
3	assembly through the relevant minister an estimate of expenditure or	
4	income of the Commission as approved by the Board for the next fiscal year	
5	for incorporation into the national budget.	
6	(2) The Commission shall keep proper account in respect of each	Annual Reports
7	year and proper records in relation to those account and shall cause its	
8	account to be audited within six months after the end of each year by the	
9	auditors appointed from the list of auditors and in accordance with the	
10	guideline supplied by the auditor-General of the Federation.	
11	<b>20.</b> The Commission shall, not later than 30th September in each	Annual Reports
12	year prepared and submitted to the relevant minister and the auditor General	
13	of the federation a report on the activities and administration of the	
14	Commission during the preceding year and shall include in the report a copy	
15	of the audited financial statement of the Commission for the immediate	
16	preceding calendar year and the auditor's report there on.	
17	<b>21.</b> -(1) The Commission may accept gifts of land, money or other	Power to accept gifts
18	property upon such terms and conditions, considered lawful.	
19	(2) The Commission shall not accept any gift if the conditions	Power to borrow
20	attached by the person or organization are inconsistent with the function of	
21	the Commission under this Bill and the provisions of independent corrupt	
22	practices and other related offences Commission Act.	
23	<b>22.</b> -(1) The Commission may with the approval of the Board,	
24	Borrow, on such term and conditions as the Commission may require in the	Power to borrow
25	exercise of its functions under this Bill.	
26	(2) Notwithstanding the provision of the sub clause (1), the	
27	Commission shall not borrow money which exceeds the limit set by the	
28	federal Government, and where the sum to be borrowed is in foreign	
29	currency, the Commission shall not borrow the sum without the prior	
30	approval of the President and in consultation with central bank of Nigeria.	

Exemption from Tax	1	<b>23.</b> The Commission shall be exempted from Tax.
	2	PART VII - JURISDICTION
Jurisdiction	3	<b>24.</b> The federal high court shall have jurisdiction to try matters under
	4	this Bill.
	5	PART VIII - LEGAL PROCEEDINGS
Limitation of suit against the Commission	6	<b>25.-(1)</b> Subject to the provisions of this Bill, the provisions of the
	7	public officers protection Act Shall apply in relation to any suit instituted
	8	against any officer or employee of the Commission
	9	(2) Notwithstanding any provision in any other law, not suit shall be
	10	brought against any member of the Board, the Director-General or any officer
	11	or employee of the Commission for any act done in pursuance or execution of
	12	this Bill or any other law, duty or authority, shall lie or be instituted in any court
	13	unless:
	14	(a) it is commenced within 3 months next after the act, neglect or
	15	default complained of, or
	16	(b) In the case of a continuation of damage or injury, within 6 months
	17	next after the ceasing thereof.
	18	(3) no suit shall be commenced against a member of the Board, the
	19	Director- General, officer or employee of the Commission before the
	20	expiration of a period of one month, after written notice of intention to
	21	commence the suit have been served on the Commission by the intending
	22	plaintiff or their agent.
	23	(4) The notice referred to in sub clause (3) of this Clause shall clearly
	24	and explicitly state the cause of action, the particulars of the claim, the name
	25	and place of abode of the intending plaintiff and the relief which he claims.
Restriction on execution of judgment against the Commission	26	<b>26.-(1)</b> In any action or suit against the Commission no execution or
	27	attachment of process in the nature thereof shall be issued against the
	28	Commission.
	29	(2) Any sum of money which may, by the judgement of any court, be
	30	awarded against the Commission shall, subject to any direction given by the



1 court, where notice of appeal of the said judgement has been given, be paid  
2 from the general reserve fund of the fund.

3 **27.** A member of the Board, the Director-General, any officer or  
4 employee of the Commission shall be shall be indemnified out of the assets  
5 or funds of the Commission against any proceeding whether civil or  
6 criminal, in which judgement is given in favour of the person or where the  
7 person is acquitted, if any such proceeding is brought against the person in  
8 their capacity as a member of the Board, officer or employee of the  
9 Commission.

Indemnity of  
Officers

10 **PART IX - MISCELLANEOUS**

11 **28.** The minister may give to the Commissions such directives  
12 dealing with matters of general policy and administration.

Power of Minister  
to give Direction  
to the Commission

13 **29.** The Board may in exercise of its powers under this Bill, in  
14 consultation and approval of the minister, make regulations for generally  
15 carry out its functions and powers under this Bill.

Power to make  
regulations

16 **30.** for the purpose of the land use Act which provides for  
17 compulsory acquisition of Land for overriding public interest, any  
18 requirement of land by the Commission shall be deemed to be for public  
19 purposes of the federation

Compulsory  
acquisition of  
property

Interpretation

20 **31.** In this Bill-  
21 “the Minister” means Minister of works.

22 **32.** This Bill may be cited as the Nigerian Rural Infrastructure  
23 Development Commission (Est., Etc.) Bill, 2021.

Short title

1 SCHEDULE

2 *Clause 2(2)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

4 PART I - PROCEEDINGS OF THE BOARD

5 1.-(1) Subject to the provisions of this Bill and other applicable laws  
6 the Board may make standing orders regulating its proceedings.

7 (2)The Board shall meet whenever summoned by the Chairman, or if  
8 required to do so by at least 4 members of the Board and shall meet for a  
9 minimum of 4 times in a year.

10 (3)The Chairman shall preside over the meetings of the Commission  
11 and in his absence, members of the Board shall appoint one person among  
12 themselves to act for that meeting as the Chairman.

13 (4)The quorum of the Board shall be formed by the Chairman or a  
14 person sitting in his place and three other members of the Board including the  
15 Secretary.

16 PART II - COMMITTEES

17 2.-(1) The Board may appoint Committees and sub-committees to  
18 carry out, on its behalf, such functions that Board shall do.

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

21 PART III - MISCELLANEOUS

22 3.-(1) The Secretary of the Board shall be the custodian of the seal of  
23 the Board.

24 (2) Fixing of the common seal of the Commission shall be  
25 authenticated by the signature of the Chairman of the Board or some other  
26 persons authorized to do so.

27 (3) Any contract or instrument, which if made or executed by a person  
28 not being a body corporate, shall not be required to be made under seal, shall be  
29 executed on behalf of the Commission by the Director-General or any other  
30 person authorized to do so.

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Rural Infrastructure Development Commission to be saddled with the responsibility of facilitating the provision of infrastructural development for the rural areas in Nigeria.