

Extraordinary



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FEDERAL MEDICAL CENTRE, HONG, ADAMAWA STATE
(ESTABLISHMENT) BILL, 2021
ARRANGEMENTS OF CLAUSES

Clauses:

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ADAMAWA STATE

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2. Establishment and composition of Governing Board
3. Membership of the Board
4. Tenure of Office
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A BILL

FOR

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

Sponsored by Hon. Yusuf Buba Yakub

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE FEDERAL MEDICAL CENTRE

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

4 (2) The Medical Centre:

5 (a) Shall be a body corporate;

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

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

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

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

Membership of
the Board

12 (a) a chairman;

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

14 (c) the Director of Clinical Services;

15 (d) Association of Medical laboratory scientists;

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

17 Union,

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

19 Professional;

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

21 below the rank of Assistant Director

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

1 (d) he is guilty of a serious misconduct in relation to his duties; or

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

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

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

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

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

Allowance of the
Board

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

18 7.-(1) The Board shall:

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

Function of the
Board

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

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

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

Power of the
Board

1 at all establishments under its control and the standards of treatment and care
2 provided for patients at those establishments do not fall below those usually
3 provided by similar establishments of international repute.

4 (3) Subject to this Bill, the Board shall perform such other functions
5 which in its opinion are calculated to facilitate the carrying out of its functions
6 under this Bill.

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

8 (a) provide the general policies and guidelines relating to major
9 expansion programmes of the Medical Centre;

10 (b) provide facilities for the training of medical students of associate
11 universities;

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

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

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

18 (f) do such other things which in the opinion of the Board are
19 necessary to ensure the efficient performance of the functions of the Medical
20 Centre.

21 PART III - STAFF OF THE MEDICAL CENTRE

Medical Director
of the Medical
Centre

22 **9.-(1)** There shall be for the Medical Centre a Chief Medical Director
23 who shall be appointed by the President on the recommendation of Hon.
24 Minister of Health on such terms and conditions as may be specified in his
25 letter of appointment or as may be determined, from time to time, by the
26 National Salaries Income and Wages Commission.

27 (2) The Chief Medical Director shall:

28 (a) be the chief executive and accounting officer of the Medical
29 Centre;

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

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

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

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

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

12 **10.-(1)** The Board shall appoint for the Medical Centre:

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

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

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

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

20 (b) a Director of Clinical Services;

21 (c) a Director of Finance;

22 (d) a Director of Maintenance.

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

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

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

1 for the proper and efficient

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

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

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

Service in the
Medical Centre
to be pensionable

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

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

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

Establishment
of the Medical
Advisory
Committee, etc.

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

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

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

29 (c) be appointed by the Board.

30 (2) Subject to this Bill, the Board shall have power to appoint either

1 directly or on secondment and discipline consultants holding or acting in
2 any office in the hospital; and any such appointment shall be made having
3 due regard to the approved personnel establishment of the Medical Centre.

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

8 PART IV - FINANCIAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

30 (e) pay other overhead allowances, benefits and other

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

1 be borrowed is in foreign currency, the Medical Centre shall not borrow the
2 sum without the prior approval of the President.

3 **19.**-(1) The Medical Centre shall not pay income tax on any income
4 derived by the Federal Medical Centre under this Bill or accruing to it from
5 any of its investments. Exemption from tax

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

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

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

16 PART V - GENERAL

17 **21.**-(1) Notwithstanding anything to the contrary contained in any
18 other enactment, where it appears to the Board that any student of the
19 Medical Centre has been guilty of misconduct, the Board may, without
20 prejudice to any other disciplinary powers conferred on it by regulations,
21 direct: Discipline of student

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

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

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

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

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

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

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

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

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

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;

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;

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

25 **26.** In this Bill: Interpretation
26 "associate universities" means the universities whose medical students
27 receive aspects of their training from the Medical Centre;
28 "Board" means the Board of Management of the Medical Centre;
29 "chairman" means the chairman of the Board;
30 "functions" include powers and duties;

1 "Federal Medical Centre "means the Federal Medical Centre Hong, Adamawa
2 State;

3 "junior staff" means staff of such grade as may be determined, from time to
4 time, by the Board;

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

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

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

9 "Minister" means the Minister charged with responsibility for matters relating
10 to health; and

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

Citation

13 **27.** This Bill may be cited as the Federal Medical Centre, Hong,
14 Adamawa State (Establishment) Bill, 2021.

15 EXPLANATORY MEMORANDUM

16 This Bill seeks to establish the Federal Medical Centre, Hong, Adamawa State
17 and to provide Legal framework for due management and administration.

SCHEDULE

[section 3(4)]

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 orders regulating its proceedings or those of any 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 members 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-section" shall not be entitled to vote at any meeting of the Board and shall not count toward 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 is
2 confirmed by the Board.

3 *Miscellaneous*

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

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

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

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

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

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

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

A BILL

FOR

AN ACT TO ESTABLISH THE INSTITUTE OF CO-OPERATIVE PROFESSIONALS
OF NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon. Kolawole Lawal

[] Commencement

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

- 1 **1.** There is hereby established a body to be known as the Institute
2 of Co-operative Professionals of Nigeria (in this Bill referred to as the
3 Institute). Establishment
of the Institute
of Co-operative
Professionals of
Nigeria
- 4 **2.** The Institute-
5 (1) shall be a body corporate with perpetual succession and a
6 common seal; and
7 (2) may sue or be sued in its corporate name.
8 (3) The Institute may hold, acquire and dispose of any property,
9 movable or immovable, for the purposes of its functions under this Bill.
10 (4) The Institute shall establish a head office or headquarters at Establishment
of Head Office
and Branches
11 Abuja and offices in each of the State Capital including FCT.
- 12 **3.** The objectives of the Institute shall be to- Objectives of the
Institute
13 (1) Unite Co-operative Professionals in Nigeria and encourage
14 them to work together in the overall interest of the members and co-
15 operative movement:
16 (2) Complement efforts in making the Co-operative profession
17 more impactful in the economy.
- 18 **4.** The Institute shall be charged with the general duty of- Functions of the
Institute
19 (1) determining what standards of knowledge and skill are to be
20 attained by persons seeking to become members of the co-operative
21 profession and review those standards from time to time;

1 (2) ensuring professional ethics, high standard and sound knowledge
2 by members of the Institute;

3 (3) Consulting with and making recommendations to governments,
4 regulatory bodies, trade associations, academic institutions and other
5 professional bodies on all matters related to co-operative management,
6 training and development;

7 (4) securing in accordance with the provisions of this Bill, the
8 establishment and maintenance of the register of members;

9 (5) performing through the Governing Council all functions
10 conferred on it by this Bill.

Establishment
of the Governing
Council

11 **5. -(1)** There shall be a Governing Council for the Institute (referred to
12 in this Bill as the Council) charged with the responsibility of formulation of
13 policies in between conferences.

14 (2) The Council shall consist of elected professional members not
15 below the category of Associate Member and government representatives as
16 follows:

17 (a) the National President of the Institute, who shall be Chairman of
18 the Governing Council;

19 (b) the three Vice Presidents of the Institute, one of which shall be
20 Vice-Chairman of the Governing Council, and on a yearly rotation basis;

21 (c) the treasurer of the Institute;

22 (d) past presidents of the Institute who shall sit on the Council for a
23 maximum period of three years from the expiration of their terms of office;

24 (e) three members to be elected by the National Conference of the
25 Institute who shall come from geopolitical zones different from that of the three
26 Vice-Chairmen;

27 (f) six representatives of the Federal Government from:

28 (i) the government department in charge of co-operatives;

29 (ii) the National Universities Commission;

30 (iii) the National Board for Technical Education;

1 (iv) the National Commission for Colleges of Education;
2 (v) a representative of the Co-operative Colleges, and
3 (vi) the Public Service Office in the Office of the Secretary to the
4 Government of the Federation.

5 (g) three representative of the Co-operative Movement:

6 (i) a representative of the Co-operative Federation of Nigeria
7 (CFN) Limited;

8 (ii) one representative each from any two Sectoral Units of the
9 CFN Limited.

10 (h) the Registrar of the Institute, who shall be the Secretary of the
11 Council.

12 (3) The tenure of office for members of the Council shall be three
13 years subject to a maximum of two consecutive terms.

14 (4) Any member of the Council may, by notice in his own hand
15 submitted to the President of the Institute, resign his membership of the
16 Council.

17 **6.** The Governing Council shall have powers to:

Powers of the
Governing Council

18 (1) Perform all functions conferred on the Institute by this Bill;

19 (2) Formulate policies for the Institute in between conferences;

20 (3) Make rules to govern the proceedings of its meetings;

21 (4) Appoint a Registrar for the Institute;

22 (5) Make rules of a general nature on procedures for and
23 Maintenance of membership registration as provided in Section 14(9) of this
24 Bill;

25 (6) Make rules on acts that constitute professional misconduct as
26 provided for in Section 27 of this Bill.

27 **7.-(1)** There is hereby established the National Conference
28 (hitherto known in this Bill as the Conference) which shall hold not later
29 than the second quarter of the year on dates to be determined by the Council.

Establishment of
National Conference

30 (2) Members and state chapters shall be given at least 30 days

	1	notice for any Conference.
	2	(3) Decisions at the Conference shall be by simple majority of votes
	3	and in the case of a tie, the President shall have a casting vote.
	4	(4) The Conference shall rotate from State to State and FCT in an
	5	order to be prescribed by the Council.
	6	(5) Every registered member shall attend the Conference and pay the
	7	Conference fee as may be determined by the Council from time to time.
Powers of the Conference	8	8. The Conference shall have power to-
	9	(1) Elect officers of the Institute;
	10	(2) approve disciplinary measures;
	11	(3) approve adhoc and standing committees.
	12	(4) Consider the Annual Reports and Annual Accounts and Balance
	13	Sheet of the Institute;
	14	(5) Appoint Auditors;
	15	(6) Review the activities, plans and programmes of the Institute;
	16	(7) Approve any financial levy on members and fees charged by the
	17	Institute;
	18	(8) Approve the conferment of Fellowships and Honours on
	19	deserving persons;
	20	(9) Delegate some of its powers to the National Council.
Quorum of Conference	21	9. The quorum of the Conference shall be representation of members
	22	from at least nine states reflecting at least four (4) geopolitical zones of the
	23	country.
Establishment of the National Executive Council	24	10.-(1) There shall be the National Executive Council (in this Bill
	25	referred to as the NEC) comprising of the officers of the body namely, the
	26	National President, three Vice Presidents, three Representatives, National
	27	Secretary, Assistant National Secretary, National Treasurer, National Financial
	28	Secretary and National publicity Secretary, together with all the Presidents and
	29	Secretaries of the State Chapters.
	30	(2) The NEC shall sit at least four times a year and such meetings shall

1 rotate among the States and Federal Capital Territory.

2 (3) The Quorum at NEC meetings shall be 15 members with five
3 States represented.

4 (4) The Registrar of the Institute shall be in attendance at and
5 service all meetings of the NEC.

6 **11.** The functions of NEC shall be-

Functions of the
National Executive
Council

7 (a) To execute or implement all the decisions of the National
8 Council;

9 (b) To maintain the Register of Members and consider applications
10 for promotions of members to higher levels;

11 (c) To generate and control the funds and render accounts to
12 National Council;

13 (d) To run the activities of the Institute on the day-to-day basis

14 (e) To publish the Nigerian Co-operative Review, a journal of the
15 Institute;

16 (f) To carry out all delegated responsibilities of the Council.

17 **12.-(1)** Members of the National Executive Council shall be
18 elected by the National Conference for a term of three years;

Election of the
National Executive
Members

19 (2) No officer shall serve in the same office for more than two
20 consecutive terms.

21 **13.** There is hereby established State Chapters which shall each
22 comprise of-

Establishment
of State Chapters

23 (1) The State Body:

24 (a) The State Body shall comprise of the registered members in a
25 state;

26 (b) The State Body shall hold Annual General Meetings once a
27 year, within the first quarter of the year, during which Conference papers
28 shall be presented, among other things;

29 (c) The State Body shall hold Ordinary General Meetings as and
30 when necessary but not less than four times a year;

1 (d) Absence from General Meetings shall carry a penalty as may be
2 determined by the State Chapter;

3 (e) The quorum for General Meetings shall be one-quarter of the
4 membership of a State Chapter or 10 members, whichever is less;

5 (f) No resolution of the State Chapter shall contradict any Section of
6 this Bill.

7 (2) The State Executive Council:

8 (a) The State Executive Council shall comprise of the following
9 officers-

10 (i) Chairman;

11 (ii) Vice Chairman;

12 (iii) Assistant Registrar;

13 (iv) Treasurer;

14 (v) Financial Secretary;

15 (vi) Four other members.

16 (b) Members of the State Executive Council shall be elected at the
17 Annual General Meeting for a term of three years provided that no officer shall
18 serve for more than two consecutive terms in the same office;

19 (c) The State Executive Council shall meet at least four times a year;

20 (d) The quorum of the State Executive Council shall consist of half of
21 its members.

Appointment
of Registrar and
maintenance of
Register of Members

22 **14.** -(1) There shall be appointed for the Institute a fit person as
23 Registrar.

24 (2) It shall be the duty of the Council to appoint a Registrar for the
25 Institute.

26 (3) The Registrar shall be the Chief Administrative Head of the
27 Institute.

28 (4) Whenever the Registrar is absent or is unable for any other reason
29 to discharge the functions of his office, the Council shall appoint an Acting
30 Registrar for the period the Registrar is not available.

1 (5) The Registrar and other staff of the Institute shall hold office on
2 such conditions as the Council may determine.

3 (6) The Registrar shall on the instructions of the President of the
4 Council, convene meetings of committees, Council, and Conference and
5 keep minutes of the proceedings at all such meetings.

6 (7) It shall be the duty of the Registrar to prepare and maintain, in
7 accordance with the provisions of this Bill and rules made by the Council
8 and Conference, a Register of members consisting of names, addresses,
9 date of registration, registration number, and approved qualifications of
10 persons who are registered as members and those who apply to be so
11 registered.

12 (8) The Register shall consist of seven parts, one part each in
13 respect of the following-

- 14 (a) Student members;
- 15 (b) Graduate members;
- 16 (c) Associate members;
- 17 (d) Senior members;
- 18 (e) Fellows;
- 19 (f) Honorary Fellows; and
- 20 (g) Corporate members.

21 (9) Without prejudice to the provisions of this section:

22 (a) the Council shall make Rules with respect to the form and
23 keeping of the register and the making of entries therein; and in particular-

24 (i) regulating the making of applications for enrollment or
25 registration;

26 (ii) providing for the notification of the Registrar, by the person to
27 whom any registered particulars relate, of any change in those particulars;

28 (iii) Specifying the fees, including any annual subscription, to be
29 paid to the Institute in respect of the entry of names on the register, and
30 authorizing the Registrar not to enter any name on the register until any fee

	1	specified for the entry has been paid;
Membership	2	15. -(1) Membership shall be open to those who have the following
	3	qualifications:
	4	(a) Certificate/Diploma in Co-operative Studies: Higher National
	5	Diploma; Bachelors; Post Graduate Diploma in Co-operatives, Masters; Ph.D
	6	or equivalent in Co-operative studies;
	7	(b) B.Sc/HND, M.Sc. MBA, Ph.D in Accounting, Banking and
	8	Finance, Insurance, Management Sciences, Marketing, Agriculture,
	9	Agricultural Economics, Law, Economics, Business Administration, Social
	10	Sciences subject to passing the prescribed professional examination of the
	11	Institute;
	12	(c) Final Certificate from any related professional body to be
	13	determined from time to time by the Governing Council subject to passing the
	14	prescribed professional examination.
	15	(2) Members shall be issued with membership cards bearing
	16	membership numbers.
	17	(3) Membership forms shall be collected from and submitted through
	18	State Chapters.
	19	(4) The membership forms shall be filled in duplicate and the first
	20	copy submitted to the Council through the Registrar and the duplicate copy
	21	shall be retained at the State Offices.
Membership Interviews	22	16. There shall be enrollment interviews to ascertain the qualification
	23	and competence of applicants; and to exclude undisciplined, incompetent and
	24	corrupt members from membership.
	25	17. Where a thesis/dissertation is required, the candidate shall defend
	26	his or her thesis/dissertation during the said interview to the satisfaction of
	27	Council.
	28	18. New members shall be publicly received at an induction
	29	ceremony at the National Conference.

- 1 **19.** There shall be seven classes of membership in the Institute as
2 follows- Categories of
membership and
designatory letters
- 3 (1) Student Member: This shall be open to all students currently
4 studying co-operatives in any Institution of higher learning or enrolled for
5 the Institute of Cooperative Professional of Nigeria's examination Stage
6 One.
- 7 (2) Graduate Member: This shall be open to holders of
8 Bachelors/Higher National Diploma in Co-operative Studies. or their
9 equivalents.
- 10 (3) Associate Member: An Associate Member shall have been a
11 graduate Member or possess the Institute of Co-operative Professional of
12 Nigeria's Certificate Stage II-
- 13 (a) He/she shall have acquired not less than five years post
14 qualification experience in co-operatives or related discipline;
- 15 (b) He/she shall be entitled to the initials, AMCP after his/her
16 name.
- 17 (4) Senior Member: A Senior Member shall have been an
18 Associate Member and shall be recommended by the State Chapter for up
19 grading-
- 20 (a) He/she shall have acquired not less than ten years experience in
21 co-operatives or related profession;
- 22 (b) He/she shall be entitled to the initials, SMCP after his/her name.
- 23 (5) Fellow: Fellowship is the most prestigious level of membership
24 and shall be open to Senior Members who have rendered distinguished
25 service to the co-operative movement or to the Institute-
- 26 (a) Candidates for fellowship must be at least 40 years old and
27 must have acquired not less than 15 years experience in the co-operative
28 field;
- 29 (b) Any person applying to be a Fellow shall submit book(s) or
30 thesis on Co-operative to the Council and defend same as a valuable

1 contribution to the study of Co-operatives in Nigeria;

2 (c) He/she shall be entitled to the initials, FICP after his/her name.
 3 He/She shall be decorated with the Institute's medal. He/She can operate as an
 4 independent co-operative consultant. His signature and seal shall be a
 5 conclusive evidence of the authenticity and legality of the document that bears
 6 it.

7 (6) Honorary Fellow: The Council may, at its discretion, elect
 8 distinguished persons, being non-members, to honorary fellowship-

9 (a) Such person(s) would normally have used their positions to
 10 render valuable assistance to the Institute and/or the co-operative movement.

11 (7) Corporate Fellow: The Council may admit as Corporate
 12 Members companies, institutions, and organizations seen to promote co-
 13 operative interests and/or render valuable assistance to the Institute and/or the
 14 co-operative movement.

Registration
Fees, etc.

15 **20.** The Institute shall charge registration fees, annual dues,
 16 examination fees and other fees as may be fixed by the National Council and
 17 approved by the Conference.

Institute's
Professional
Examinations

18 **21.** The Institute shall conduct the following membership qualifying
 19 examinations-

20 (1) The Institute of Cooperative Professionals of Nigeria
 21 Examination Stage I, which shall be open to persons with qualifications lower
 22 than the HND/B.Sc in Co-operative Studies wishing to be members of the
 23 Institute.

24 (2) The Institute of Cooperative Professionals of Nigeria
 25 Examination Stage II shall be open to persons with stage I Certificate, HND,
 26 B.Sc, M.Sc, and Ph.D in Co-operative Studies or their equivalents, with at least
 27 5 years post qualification experience.

Cessation of
membership

28 **22.** A person shall cease to be a member of the Institute if-

29 1. (1) He/She dies;

30 (2) He/She resigns after giving three months' notice in writing and

1 paying all liabilities owed by him/her to the Institute;

2 (3) He/she is adjudged by a competent medical board to be of
3 unsound mind;

4 (4) He/she fails to pay his/her dues and subscriptions for two
5 consecutive years.

6 (5) He/she is convicted of a criminal offence or found guilty of any
7 misconduct by a competent court of law.

8 (6) his/her expulsion is approved by the Council on disciplinary
9 reasons.

10 (2) A person who ceases to be a member of the Institute shall have
11 his/her certificate cancelled and his/her name struck out of the Register of
12 Members.

13 (3) Notwithstanding the provision of section 22(4), a person loses
14 his/her membership for default in dues and subscriptions, may be readmitted
15 on application and payment of the debt and a fine as may be fixed by the
16 Council in the sum not exceeding 15% of the amount in default.

17 **23.** Members below Associate as well as Honorary Fellows are not
18 entitled to vote, or be voted for, at meetings of the Institute. Eligibility for
Election

19 **24.** All persons who apply to be members of the Institute within six
20 months of the commencement of this Bill shall be deemed to be foundation
21 members and shall be exempted from qualifying examinations as provided
22 for by Section 21 of this Bill. Foundation
Members

23 **25.-(1)** The Council may make rules not inconsistent with this Bill
24 as to acts which constitute professional misconduct. Professional
misconduct

25 (2) The Rules shall include a Code of Conduct to which every
26 member shall subscribe upon admission.

27 (3) The Council shall constitute a national disciplinary committee
28 which shall be charged with monitoring compliance with the code of
29 conduct and recommending disciplinary actions referred to it by the
30 Council.

Fund of the
Institute

1 (4) Notwithstanding section 27(3), the state Chapter may establish
2 state disciplinary committees to handle local issues not already treated by the
3 national disciplinary committee.

4 (5) Any member dissatisfied with the action of the state disciplinary
5 committee, shall have the right to appeal to the national disciplinary
6 committee

7 **26.-(1)** The Institute shall maintain a Fund which shall be applied
8 towards the carrying out of its functions.

9 (2) There shall be paid and credited into the fund established pursuant
10 to section (1) of this section-

11 (a) all fees and other monies payable to the Institute in pursuance of
12 this Bill;

13 (b) all grants, aids, loans and solicited funds received for the Institute;

14 (c) proceeds from programmes/activities;

15 (d) money borrowed from time to time for the purpose of executing
16 programmes of the Institute.

17 (e) proceeds from any investment in securities created or issued by or
18 on behalf of the government of the federation or any other securities in Nigeria
19 approved by the Council.

20 (3) There shall be paid out of the fund-

21 (a) all expenditures incurred by the Institute in the discharge of its
22 functions under this Bill;

23 (b) any interest payable on monies borrowed for the activities of the
24 Institute;

25 (c) the remuneration and allowances of the Registrar and other
26 employees of the Institute; and

27 (d) such reasonable traveling and subsistence allowances of Council
28 executive and committee members in respect of the time spent on the duties of
29 the Institute as may be determined by the Council.

30 (4) The Council shall ensure that proper records of income and

1 expenditure of the Institute are kept in respect of each year; and the Council
 2 shall cause the accounts to be audited by registered external auditors and to
 3 submit the said audited accounts to the National Conference once in each
 4 year.

5 **27.**-(1) The Institute shall maintain bank accounts(s) in its name in Bank Account
 6 banks approved by the Council.

7 (2) Any funds of the Institute in excess of an imprest to be
 8 determined by the Council shall be lodged into the Institute's account.

9 (3) The National President, National Treasurer and the Registrar
 10 shall be signatories to the Institute's account.

11 At the State Chapters the Chairman, the Treasurer and Assistant Registrar
 12 shall be signatories.

13 **28.** The seal of the Institute can only be affixed to any instrument The Seal
 14 by the President and any instrument that bears the seal and the signature of
 15 the President shall be of judicial recognition..

16 **29.** In the event of the dissolution of the Institute, all debts and Winding up
 17 liabilities legally incurred on behalf of the Institute shall be fully discharged
 18 and any credit balance shall be transferred to the Co-operative Federation of
 19 Nigeria Limited for Co-operative development.

20 **30.** This Bill may be cited as the Institute of Co-Operative Citation
 21 Professionals of Nigeria Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Institute of Co-operative Professionals of
 Nigeria.

A BILL

FOR

AN ACT TO AMEND THE FISCAL RESPONSIBILITY ACT, 2007 TO ENHANCE REVENUE GENERATION AND TO PROVIDE PENALTIES FOR AGENCIES WHO FAIL TO RENDER THEIR ACCOUNTS AS PRESCRIBED BY LAW AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Mansur Manu Soro

[] Commencement

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

- | | |
|--|---|
| <p>1 1. The Fiscal Responsibility Act, 2007 (in this Bill referred to as</p> <p>2 “the Principal Act” or “the Act”) is amended as set out in this Bill.</p> <p>3 2. Section 2 of the Act is amended as follows:</p> <p>4 (i) Section 2(1b) of the Act is amended by substituting the word</p> <p>5 “cause” with the word “conduct” to read as follows:</p> <p>6 2(1b) conduct investigations to ascertain whether any person has</p> <p>7 violated any provisions of this Act;</p> <p>8 (ii) That section 2 of this Act be further amended by adding the</p> <p>9 following sub-paragraph to subsection 1 of section 2:</p> <p>10 (c) request for and obtain information relating to public revenue,</p> <p>11 expenditure and related matters from any person, department, agencies,</p> <p>12 public institution or body, or arm of the Federal Government;</p> <p>13 (d) request and be permitted by all government ministries,</p> <p>14 department, extra-ministerial departments, agencies, public bodies,</p> <p>15 institutions, corporations and arms of government to inspect all documents,</p> <p>16 record, minutes, entries, electronic systems machine and objects which the</p> <p>17 Commission shall deem necessary for the performance of its functions</p> <p>18 under this Act;</p> <p>19 (e) interview any person it deems necessary with regard to</p> | <p>Amendment of
the Fiscal
Responsibility
Act, 2007</p> <p>Amendment of
Section 2</p> |
|--|---|

- 1 government revenue and expenditure;
- 2 (f) monitor and enforce the remittance of revenue by all Corporations
- 3 and government agencies into the Consolidated Revenue Fund as is herein
- 4 provided and publish same at the commencement of every fiscal year;
- 5 (g) Sub-Treasury Single Account for all revenue generating agencies,
- 6 80% of Internally Generated Revenue to be remitted to Consolidated Revenue
- 7 of the Federation while 20% balance utilized by agencies;
- 8 (h) collaborate and cooperate with all or any of the following - Nigeria
- 9 Police, Economic and Financial Crimes Commission, Independent Corrupt
- 10 Practices and other Related Offences Commission or any other agency, public
- 11 body, ministry or extra-ministerial department in the performance of any of its
- 12 functions under this Act;
- 13 (i) without prejudice to the powers of the Auditor General of the
- 14 Federation, review or verify the financial records of any government agency,
- 15 corporation, ministry, department, extra-ministerial department etc;
- 16 (j) make rules and issue guidelines for implementation of this Act; and
- 17 (k) do other things which, in its opinion, are necessary for the efficient
- 18 performance of its functions under this Act.
- 19 That section 2(2) of this Act be amended by deleting the provision of
- 20 the subsection and inserting therein as follows:
- 21 2(2) If the Commission is satisfied that a person has committed any
- 22 punishable offence under this Act or violated any provisions of this Act, the
- 23 Commission shall undertake the prosecution of the alleged offender.
- 24 That section 2 of this Act is further amended by including the
- 25 subsection immediately after subsection 2 to read as follows:
- 26 2(3) Every prosecution of an offender under this Act by the
- 27 Commission or its appointed Legal Practitioner shall be deemed to have been
- 28 done with the consent of the Attorney General of the Federation.
- 29 3. The Act is amended by inserting a new section 49 on offences and
- 30 penalties as follows:

1 49. (1) Any person who wilfully, whether directly or indirectly,
2 hinders or obstructs the Commission or its agent from performing the
3 functions or duties imposed by this Act commits an offence and shall upon
4 conviction be liable to a term of imprisonment of not less than three (3)
5 months or a fine not less than N500,000.00 (Five Hundred Thousand Naira)
6 or to both fine and imprisonment.

7 (2) Any person who gives false information to another person,
8 authority or the Commission, in response to a request or in the performance
9 of a function imposed by this Act or falsifies any document commits an
10 offence and shall upon conviction be liable to a term of imprisonment of not
11 less than Six (6) months or fine not less than N1,000,000.00 (One Million
12 Naira) or to both fine and imprisonment.

13 (3) Any person who, with intent to deceive or mislead, makes a
14 partial (instead of full) disclosure of information to the Commission or its
15 agent, Federal Ministry of Finance, Budget and Planning or Debt
16 Management Office in response to a request made in the performance of a
17 function imposed by this Act commits an offence and shall upon conviction
18 be liable to a term of imprisonment of not less than Three (3) months or fine
19 not less than N500,000.00 (Five Hundred Thousand Naira) or to both fine
20 and imprisonment.

21 (4) Any person who refuses or fails, without lawful excuse, to give
22 information to the Commission or Federal Ministry of Finance, Budget and
23 Planning or the Debt Management Office of the Federation upon a request
24 made in the performance of a function imposed by this Act commits an
25 offence and shall upon conviction be liable to a term of imprisonment of not
26 less than One year or a fine of not less than N1,000,000.00 (One Million
27 Naira) or both fine and imprisonment.

28 (5) Any person who, without lawful excuse, fails to perform a duty
29 imposed upon or assigned to him or the office which he occupies by this Act
30 commits an offence and shall upon conviction be liable to a term of

1 imprisonment not less than three (3) months or fine not less than N500,000.00
2 (Five Hundred Thousand Naira) or both fine and imprisonment.

3 (6) Any person(s) who borrows or lends or is responsible for
4 borrowing or lending in contravention of the provisions of Part (X) of this Act
5 commits an offence and shall upon conviction be liable to imprisonment for a
6 term not less than six (6) months or with a fine not less than N1,000,000.00
7 (One Million Naira) or with both fine and imprisonment.

8 (7) Any person who under-declares public revenue generated or
9 collected by any government institution, corporation, agency, or government
10 owned company commits an offence and shall upon conviction be liable to
11 refund the total amount under-declared, imprisonment for a term not less than
12 three years or with a fine not less than 10% of the total amount under-declared,
13 or with both fine and imprisonment.

14 (8) Any person who duplicates a project or item in the budget, or
15 accepts and expends a grant regarding an item for which monies are
16 appropriated, released and spent from the budget, commits an offence and shall
17 upon conviction be liable to imprisonment for a term not less than one year or
18 with a fine not less than N1,000,000.00 (One Million Naira) or with both fine
19 and imprisonment.

20 (9) Subject, only, to the provisions of the Constitution, any person
21 who spends or authorises the spending of any money collected or generated
22 without appropriation by the National Assembly, commits an offence and shall
23 upon conviction be liable to imprisonment for a term not less than three years or
24 with a fine not less than 10% of the total amount spent or with both fine and
25 imprisonment.

26 (10) Any person who transfers or spends any sum allocated for a
27 particular project, or service in an Appropriation Act, on another project or
28 service without approval of the National Assembly, commits an offence and
29 shall upon conviction be liable to imprisonment for a term not less than three

1 (3) months or a fine not less than N500,000.00 or to both imprisonment
2 and fine.

3 (11) Any person who assaults an officer, staff or agent of the
4 Commission while performing a function under this Act commits an
5 offence and shall upon conviction be liable to imprisonment for a term
6 of two years without an option of fine.

7 Provided that, in addition to the punishment provided herein,
8 the court shall have the power to award appropriate compensation to
9 the staff or officer so assaulted.

10 (12) Any person who aids or abates the commission of an
11 offence under this Act commits an offence and shall upon conviction
12 be liable to the same sanction as the principal offender.

13 (13) Any person who fails to remit funds pursuant to section
14 23 of this Act commits an offence and shall upon conviction be liable
15 to imprisonment for a term not less than one (1) year or a fine not less
16 than N2,000,000.00 (Two Million Naira) or to both imprisonment and
17 fine, and shall in addition, ensure the remittance of the full amount so
18 outstanding.

19 (14) Any person who partially remits funds pursuant to
20 section 23 of this Act commits an offence and shall upon conviction be
21 liable to imprisonment for a term not less than six (6) months or a fine
22 not less than N1,000,000.00 (One Million Naira) or to both
23 imprisonment and fine, and shall in addition, ensure the remittance of
24 the full amount so outstanding.

25 (15) Any person who contravenes any provision of this Act
26 commits an offence and shall where no other punishment has been
27 provided be liable to imprisonment for a term not less than three (3)
28 months or a fine not less than N500,000.00 (Five Hundred Thousand
29 Naira) or to both imprisonment and fine.

Citation

1 **4.** This Bill may be cited as the Fiscal Responsibility Act
2 (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Fiscal Responsibility Act, 2007 to provide punishment or penalties for agencies who fail to render their accounts as prescribed by law.

A BILL

FOR

AN ACT TO REPEAL THE FEDERAL ROADS MAINTENANCE AGENCY
(FERMA) ACT 2007 AND ENACT A ROAD FUND AND MANAGEMENT
AUTHORITY ACT (ROFMA) AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Mansur Manu Soro

[] Commencement

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

PART I - OBJECTIVES AND APPLICATION

1 **1.** The objectives of this Act are to- Objectives

2 (a) establish the Road Fund and Management Authority which
3 shall be a repository for revenues accruing from road user related charges
4 and other sources for financing the development, rehabilitation,
5 maintenance and other activities related to the provision of roads;

6 (b) establish the Road Fund and Management Board which shall be
7 responsible for the management of the Roads Fund in accordance with the
8 provisions of this Act; and

9 (c) promote the sustainable development and operation of the road
10 sector.

11 **2.** The provisions of this Act shall apply to the development, Application
12 management, rehabilitation, reconstruction, maintenance and funding of the
13 roads network.

14 PART II - ESTABLISHMENT OF THE ROAD FUND AND 15 MANAGEMENT AUTHORITY

16 **3.-(1)** There is established, a fund to be known as Road Fund and Establishment of
17 Management Authority (in this Act referred to as "the Road Fund and the Road Fund
18 Management Authority") which shall be a repository for revenues accruing and Management
Agency

1 from roads use charge systems and other sources for the maintenance of roads.

2 (2) The Road Fund and Management Authority shall:

3 (a) be a body corporate with perpetual succession and a common seal;
4 and

5 (b) have power to sue or be sued in its corporate name;

6 (c) be capable of holding, purchasing, acquiring and disposing of
7 property movable or immovable, for the purpose of carrying out its functions
8 under this Act;

9 (3) The Road Fund and Management Authority shall, in each year,
10 before disbursement of the amount in the Roads Fund, set aside an amount not
11 exceeding 3 percent of the total monies accruing to the Fund in the preceding
12 year (in this Act referred to as "the Administrative Fund") for the management
13 and administration of the Roads Fund and Management.

Sources of the
Road Fund and
Management
Authority

14 4.-(1) The sources of the Road Fund and Management Authority shall
15 include-

16 (a) five percent user's charge on pump price of petrol and diesel
17 received from petroleum products as required to meet the routine and periodic
18 road maintenance needs;

19 (b) grants and loans to the Roads Fund by the Federal, State or Local
20 Government, statutory corporations in the Federation, or any agency or
21 institutions of any government, any international organization, or private
22 foundation or any person whatsoever;

23 (c) all sums payable to the Roads Fund from axle load control charges;

24 (d) all other assets which may, from time to time, accrue to the Fund;

25 and

26 (e) gifts of land, money or other property upon such terms and
27 conditions, if any, as may be specified by the person or organization making the
28 gift, provided such terms and conditions are not inconsistent with the
29 objectives of the Board and Fund under this Act.

- 1 **5.** The amount in the Roads Fund shall be disbursed to the Road Application of
2 Agencies specifically for the" development, management, rehabilitation, the Road Fund
3 reconstruction and maintenance of road networks. and Management
- 4 **6.-(1)** There is established for the management of the Road Fund Establishment
5 and Management Authority, a Board of Directors (in this Act referred to as of the Board of
6 "the Board") which shall be responsible to the Minister. Directors
- 7 (2) The Board shall consist of the following members:
- 8 (a) a non-Executive Chairman who shall be from the private sector;
- 9 (b) the Permanent Secretary, Federal Ministry of Finance;
- 10 (c) the Permanent Secretary, Federal Ministry of Works;
- 11 (d) the Permanent Secretary, Federal Ministry of Transport;
- 12 (e) one representative of each of the following:
- 13 (i) the Nigerian Association of Chambers of Commerce; Industry,
- 14 Mines and Agriculture,
- 15 (ii) the Nigerian Society of Engineers;
- 16 (iii) the National Union of Road Transport Workers.
- 17 (f) one persons from each of the six geo-political zones; and
- 18 (g) the Executive Secretary of the Fund who shall also be the
- 19 Secretary to the Board.
- 20 (3) Members of the Board shall be appointed by the President on
- 21 the recommendation of the Minister.
- 22 (4) Members of the Board shall be persons of recognized expert
- 23 knowledge, qualifications and with not less than fifteen years cognate
- 24 experience in one or more of the following fields:
- 25 (a) engineering;
- 26 (b) transport Management technology;
- 27 (c) law;
- 28 (d) finance;
- 29 (e) accountancy; or
- 30 (f) economics.

	1	(5) The provisions of the First Schedule to this Act shall have effect as
	2	to the proceedings of the Board and other matters contained therein.
Tenure of office of Members	3	7. Members of the Board other than ex-officio shall hold office-
	4	(a) for a term of 4 years in the first instance and may be re-appointed
	5	for another term of 4 years and no more; and
	6	(b) on such terms and conditions as may be specified in their letters of
	7	appointment.
Allowances of Members	8	8. Members of the Board shall be paid such allowances, expenses and
	9	benefits as may be approved by the Federal Government in accordance with
	10	extant Laws and regulations.
Cessation of Membership	11	9.-(1) A member of the Board shall cease to hold office if:
	12	(a) he becomes bankrupt;
	13	(b) he is convicted of a felony or any offence involving dishonesty or
	14	fraud;
	15	(c) he becomes of unsound mind or is incapable of carrying out his
	16	duties;
	17	(d) he is guilty of a serious misconduct in relation to his duties;
	18	(e) in the case of a person possessed of professional qualifications, he
	19	is disqualified or suspended from practicing his profession by an order of a
	20	competent authority;
	21	(f) he resigns his appointment by a letter addressed to the President
	22	through the Minister; and
	23	(g) in the case of an ex-officio member, he ceases to hold the office on
	24	the basis of which he is member of the Board.
	25	(2) The President may if satisfied that it is not in the interest of the
	26	Roads fund or the public, remove a member from office.
	27	(3) Where a member of the Board ceases to hold office for any reason
	28	whatsoever before the expiration of the term for which he is appointed, another
	29	person representing the same interest as that member shall be appointed to the
	30	Board for the unexpired term.

1 (4) A vacancy on the Board shall be filled by the appointment of
2 another person to the vacant office by the President on the recommendation
3 of the Minister as soon as is reasonably practicable after the occurrence of
4 such a vacancy.

5 PART III - FUNCTIONS AND POWERS OF THE BOARD

6 10. The Board shall be responsible for:

Functions of the
Board

7 (a) put in place cost-effective, transparent and accountable
8 arrangements for the collection of money falling due for payment into the
9 Roads Fund and Management;

10 (b) to generate fund and remit it to Consolidated Revenue of the
11 Federation;

12 (c) ensure that Toll-Gates operate an Automated Revenue
13 Collection System;

14 (d) pays Personnel Overhead and Capita;

15 (e) receiving monies accruing to the Roads Fund;

16 (f) administering and managing the Roads Fund;

17 (g) coordinating and ensuring total and timely accountability of all
18 monies allocated to the Roads Fund;

19 (h) disbursing monies from the Roads Fund to the road agencies for
20 financing the development, rehabilitation, management, maintenance and
21 other activities related to the provision of roads;

22 (h) retaining the balance of the money in the Roads Fund after the
23 disbursement specified in paragraph (e) above for the discharge of its
24 functions under this Act;

25 (i) scrutinizing and approving applications to the Roads Fund for
26 road maintenance projects from roads agencies and other bodies to ensure
27 prudent management, accountability and proper utilization of the Roads
28 Fund for the purposes set out in this Act;

29 (j) establishing the allocation criteria to disburse monies to the
30 various categories of road agencies;

1 (k) ensuring transparency and accountability in the disbursement of
2 the Roads Fund by, among other things, preparing and publishing an annual
3 report and also issuing guidelines to the public on criteria for accessing the
4 Roads Fund;

5 (l) making such rules as Board may think necessary or expedient for
6 securing the due and effective administration and management of the Roads
7 Fund including setting up key performance indices for the road agencies;

8 (m) preparing, publishing and submitting to the Minister audited
9 annual accounts of the Fund;

10 (n) making policy recommendations to the Federal Government on
11 matters relating to the national roads network;

12 (o) making recommending to the Minister on the level of road user
13 charges required to finance the recommended road maintenance programmes;

14 (p) advising the Minister on the funding policy for the maintenance,
15 rehabilitation and development of roads;

16 (q) carrying out such other activities may be necessary or expedient
17 for the full and efficient discharge of its functions under this Act either alone or
18 in association with any other person or body;

19 (r) doing all other things as are necessary for achieving the purposes
20 for which the Roads Fund and Management is established; and

21 (s) assessing the allocation of financial resources required by the road
22 agencies for the maintenance of the different classes of roads under the
23 responsibility of the road agencies; and further, reviewing regularly and
24 determine the allocation of financial resources required between maintenance,
25 rehabilitation and reconstruction.

Powers of the
Board

26 **11.-(1)** In carrying out its functions, the Board shall have powers to:

27 (a) maintain its buildings and facilities necessary for the discharge of
28 the functions of the Board under this Act;

29 (b) accept, acquire and hold any security of any kind in any form
30 whatsoever;

1 (c) exercise any power, right or privilege, in relation to any security
2 held by the Board, that a private individual would be capable of exercising in
3 like circumstances including power to invest, surrender, transfer or recovery
4 of any security held by the Board whether upon exchange for other security
5 or upon discharge; and

6 (2) The Board shall have power to take such reasonable steps it
7 deems fit for the purpose of advancing the skills, knowledge and
8 performance of employees of the Fund.

9 PART IV - STAFF OF THE ROADS FUND

10 12.-(1) There shall be for the Roads Fund and Management
11 Authority an Executive Secretary to be appointed by the President, on the
12 recommendation of the Minister.

Appointment of
the Executive
Secretary

13 (2) The Executive Secretary shall:

14 (a) possess a degree or its equivalent with cognate experience of
15 not less than twenty years in the field of engineering, transport management
16 technology, law, finance, accountancy or economics;

17 (b) be the chief executive and accounting officer of the Roads
18 Fund; and

19 (c) hold office for a term of five years in the first instance and may
20 be reappointed for a further term of five years and no more

21 (3) The Executive Secretary shall, subject to the general direction
22 of the Board, be responsible for:

23 (a) the implementation of the decisions of the Board and the day to
24 day administration and management of the affairs of the Board; and

25 (b) conducting the correspondence of the Board and keeping
26 proper records of the proceedings of the Board.

27 13.-(1) The Executive Secretary may be suspended or removed
28 from office by the President if he:

Removal of the
Executive Secretary

29 (a) has demonstrated inability to effectively perform the duties of
30 his office;

1 (b) has been absent from three consecutive meetings of the Board
2 without the consent of the Chairman unless he shows good reasons for such
3 absence;

4 (c) is guilty of serious misconduct in relation to his duties as
5 Executive Secretary; or

6 (d) in the case of a person possessed of professional qualifications, is
7 disqualified or suspended from practicing his profession by order of a
8 competent authority.

9 (2) Where the Executive Secretary is unable to perform the functions
10 of his office due to temporary incapacity which is likely to be prolonged, the
11 President may, on the recommendation of the Minister, appoint a substitute to
12 act as the Executive Secretary.

Other Staff

13 **14.**-(1) The Roads Fund and Management Authority shall employ
14 directly, on transfer or secondment from any civil service or public service of
15 the federation such number of employees as may in the opinion of the Board
16 necessary to assist the Board and the Executive Secretary in the performance of
17 their functions under this Act.

18 (2) The terms and conditions of service of employees of the Roads
19 Fund and Management Authority shall be as may be determined by the Board
20 from time to time.

21 (3) The Board shall have power to establish and review from time to
22 time market-oriented criteria for establishing the remuneration of the members
23 of staff of the Roads Fund and Management Authority in accordance with
24 extant laws and regulations.

Pension

25 **15.**-(1) The officers and other employees of the Fund shall be entitled
26 to pensions and other retirement benefits in conformity with provisions of the
27 Pensions Reform Act, 2004.

28 (2) Nothing in subsection (1) of this section shall prevent the
29 appointment of a person to any office on terms which may preclude the grant of
30 a pension, gratuity or other retirement benefits in respect of that office.

1 PART V - FINANCIAL PROVISIONS

2 **16.** The Roads Fund and Management Authority shall apply the
3 Administrative Fund specified in section 3(3) of this Act:

Application of
the Administrative
Fund

4 (a) to the administration of the Roads Fund and Management;
5 (b) to the payment of allowances and benefits of members of the
6 Board and for reimbursing members of the Board or of any Committee set
7 up by the Board for such expenses as may be expressly authorized by the
8 Board;

9 (c) to the payment of the salaries, fees or other remuneration,
10 allowances and other benefits payable to the officers and other employees of
11 the Roads Fund and Management Authority;

12 (d) for the development and maintenance of any property vested in
13 or owned by the Fund;

14 (e) to such capital expenditure as the Board may deem necessary
15 from time to time; and

16 (f) for such other payment in connection with all or any of its
17 functions under this Act.

18 **17.-(1)** The Roads Fund and Management Authority shall not later
19 than four months to the end of a financial year, prepare and present to the
20 Minister for approval a statement of estimated income and expenditure for
21 the following financial year.

Statement of
Account

22 (2) The Board shall ensure that in any financial year, the
23 expenditure and commitments of the Roads Fund and Management
24 Authority does not exceed the Administrative Fund.

25 (3) Where, in exceptional circumstances, the Road Fund and any
26 surplus income brought forward from a previous year, is insufficient to meet
27 the actual or estimated liabilities of the Roads Fund and Management
28 Authority, the Minister may make advances to the Roads Fund and
29 Management Authority in order to meet the deficiency or any part thereof
30 and such advances shall be made on such terms and conditions, whether as to

Proper books
and records of
account

1 repayment or otherwise, as the Minister responsible for Finance may
2 determine.

3 **18.-(1)** The Road Fund and Management Authority shall keep proper
4 books and other records of account in respect of receipt and expenditure of the
5 Road Fund and Management Authority and the Administrative Fund in
6 accordance with acceptable principles of accounting.

7 (2) The accounts of the Road Fund and Management Authority shall
8 be audited by Auditors to be appointed annually by the Authority from among
9 the list of auditors and in accordance with guidelines prepared by the Auditor-
10 General for the Federation.

11 (3) The Road Fund and Management Authority shall submit to the
12 Minister not later than 30th June in each financial year, a report of its activities
13 during the preceding year, which shall include a copy of the audited accounts of
14 the Roads Fund for that year and a copy of the auditor's report.

15 (4) Auditors appointed pursuant to subsection (2) of this section shall
16 have access to all accounts and other records relating to such accounts which
17 are kept by the Authority or its agents and shall have the power to require from
18 any member of the Board or employee or agent of the Authority such
19 information and explanation as in the auditors opinion are necessary for the
20 purpose of the audit.

21 (5) Any member of the Board, employee or agent of the Road Fund
22 and Management Authority who fails without reasonable cause to comply with
23 a request or instruction of an auditor pursuant to subsection (4) of this section
24 commits an offence and liable on conviction to a fine not less than N100,000.00

Audit and
Accounts

25 **19.-(1)** The Roads Fund and Management Authority shall, within
26 three months after the end of each financial year, furnish the Minister with:

27 (a) a copy of the audited accounts of the Roads Fund and the
28 Administrative Fund, prepared by a reputable external auditing firm;

29 (b) a copy of the general report and full report of the external auditor;
30 and

1 (c) an annual Report detailing:

2 (i) the state of affairs of the Roads Fund and Management
3 Authority for the financial year and including a any change in the reserve
4 fund arising from the activities of the Board during the year; and

5 (ii) opportunities and constraints impacting upon the Board's
6 performance and the actions proposed for addressing them.

7 (2) All sums received for the purpose of the Road Fund and
8 Management Authority shall be paid into one or more banking accounts at
9 such bank or banks as the Board may determine, and no amount shall be
10 withdrawn there from except under the authority of the Board and by means
11 of cheques or other financial instruments on procedures as are authorized in
12 that regard by the Board.

13 (3) The signatories to the account(s) referred to in subsection (3) of
14 this section shall be the 'Executive Secretary and the Chairman of the Board
15 or in their absence their designated' representatives or any person duly
16 authorized by the Board.

17 (4) The balance of the revenue accruing to the Road Fund and
18 Management Authority in any financial year shall be applied for the purpose
19 of creating a general reserve or such other reserve as the Board may from
20 time to time approve.

21 (5) Any part of the Road Fund and Management Authority not
22 immediately required for the purpose of the Roads Fund may be invested in
23 such manner as the Board may, in its discretion, determine subject to the
24 approval of the Minister.

25 (6) The financial year of the Roads Fund and Management
26 Authority shall be a period of twelve months commencing on the 1st of
27 January of each year and ending on the 31st of December of the same year.

28 Provided that the first financial year may be a period shorter or
29 longer than twelve months as the Board shall determine, but in any case not
30 longer than eighteen months.

Limitation of
suit

1 (7) The Annual Report of the Roads Fund and Management Authority
2 shall be available, on demand, to the public.

3 PART VI - LEGAL PROCEEDINGS

4 **20.-(1)** The provisions of the Public Officers Protection Act shall
5 apply in relation to any suit instituted against an official or employee of the
6 Board.

7 (2) No suit shall be commenced against a member of the Board or any
8 official or employee of the Board before the expiration of a period of one (1)
9 month after written notice of the intention to commence the suit shall have been
10 served on the Board by the intending plaintiff or his agent.

11 (3) The notice referred to in subsection (2) of this section shall, clearly
12 and explicitly, state the cause of action, the particulars of the claim, the name
13 and address of the intending plaintiff and the relief which he claims.

14 (4) A notice, summons or other document required or authorized to be
15 served on the Board under the provisions of this Act or any other law or
16 enactment may be served by delivery of such notice, summons or other
17 document to the Board or by sending such notice, summons or other document
18 by registered post, addressed to the Managing Director or Secretary to the
19 Board at the principal office of the Board or by electronic means through the E-
20 mail or Website of the Board.

21 (5) Any member of the Board, their secretaries or any official or
22 employee of the Board shall be indemnified out of the assets of the Board,
23 against any liability incurred in defending any proceeding whether civil or
24 criminal, if the proceeding is brought against the person in his capacity as a
25 member, secretary, officer or employee of the Board.

26 (6) In any action or suit against the Board, no execution or attachment
27 or process in the nature thereof shall be issued against the Board but any sums
28 of money which may, by the judgment of the Court, be awarded against the
29 Board shall be paid from the funds of the Board.

PART VII - ROADS PROGRAMME

21.-(1) The Board shall, within the first year of its establishment, prepare a five year Rolling Road Plan (hereinafter referred to as the ("Plan")) for the fulfillment of its responsibilities under this Act.

Five Year Rolling
Plan

(2) The Plan shall be broken into yearly action programmes and shall contain information, amongst others, that would allow the determination of the Board's proposed activities over the Plan period in respect of each element of the road network.

(3) The Plan shall constitute the basis for determining the financial needs of the Board and of its sourcing, including the needed contribution of the road user charges.

(4) Notwithstanding the provisions of subsection 6 of this section, the Board shall ensure that the process and method used in the preparation of the first plan allows for adequate contribution by the road agencies in a manner such as to make its intent and purpose consistent with the objectives of this Act.

(5) The Board shall keep the Plan under review and update it annually, with appropriate input from the road agencies, within the five-year rolling plan cycle.

(6) In preparing the Plan, the Board shall:

(a) require road agencies to submit to it four months before the start of the financial year, their five-year funding programmes and the database for the service level for the Plan period relative to the roads network for which they have responsibility;

(b) review the funding submissions of the road agencies against set financial, economic and social criteria, for the achievement of the objects of the Roads Board; and

(c) after agreeing to amendments and satisfying itself of the integrity of the submissions taken singly and as a whole, consolidate the submissions for the purpose of any approval.

Exemption from taxation	1	22. The provisions of any enactment relating to the taxation of
	2	companies or trust funds shall not apply to the Roads Fund.
	3	PART VIII - MISCELLANEOUS
Directives	4	23. -(1) The Board may with the approval of the Minister and make
	5	regulations to give proper effect to the provisions of this Act.
	6	(2) Regulations made pursuant to subsection (1) of this section shall
	7	be published in the official Gazette.
Regulations	8	24. The Minister may give directives to the Board relating to the
	9	performance by the Board of any of its functions under this Act; provided that
	10	such directives are not inconsistent with the objectives of the Road Fund and
	11	Management Authority and the functions and powers of the Board under this
	12	Act.
Role of the National Council on Privatization	13	25. The National Council on Privatization shall, in consultation with
	14	the Minister in charge of roads, not later than three months after the coming into
	15	force of this Act, take such steps as are necessary to bring into being the
	16	institutional structures of the Road Fund and Management Authority.
Interpretation	17	26. In this Act, unless the context otherwise requires:
	18	"Board" means the Board of Directors Board established by section 6 of this
	19	Act;
	20	"Road Fund and Management Authority" means the Roads Fund established
	21	by section 3 of this Act;
	22	"Financial year" means every period of twelve months terminating on 31st day
	23	of December; provided that the first financial year may be shorter or longer
	24	than eighteen months;
	25	"Gazette" means the official Gazette of the Federal Republic of Nigeria;
	26	"Minister" means the Minister responsible for Works;
	27	"Member" in relation to the Board includes the Chairman;
	28	"Roads" means roads and bridges owned by the Federal, State and Local
	29	Governments, including non-designated local and community roads, village
	30	tracks, network, paths and trails;

1 "Road Agencies" refers to statutory institutions charged with the
2 responsibilities for the development, management, rehabilitation,
3 reconstruction and maintenance of national road networks;

4 "Rolling Roads Plan" means a five year roads programme prepared by the
5 Board for the fulfillment of its responsibilities under this Act; and

6 "Tariffs" includes road user charges such as fuel levy, supplementary heavy
7 vehicle licenses, international transit fees, tolls and fines for overloading,
8 etc.

9 27. This Bill may be cited as the Road Fund and Management Short title
10 Authority Bill, 2021.

11 SCHEDULE

12 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

13 *Proceedings of the Board*

14 1. Subject to the provisions of this Act, the Board may make standing orders
15 regulating its proceedings or that of any of its Committees.

16 2. The Board shall hold a meeting at least once every three months
17 and subject thereto, the Board shall meet whenever it is convened by the
18 Chairman.

19 3. A notice of not less than fourteen (14) days or such other period
20 of as may be agreed from time to time by all the members of each meeting
21 shall be given to all members and the notice shall specify the date, time and
22 place of the meeting and the business to be transacted.

23 4. The Chairman shall preside at meetings of the Board, and if he is
24 absent from a meeting the members present shall elect one of their number to
25 preside at the meeting.

26 5. Where not less than five members of the Board request the
27 Chairman by notice in writing signed by them, to convene an extra-ordinary
28 meeting of the Board for any purpose specified in the notice, the Chairman
29 shall upon receipt of such notice convene an extra- ordinary meeting of the
30 Board for that purpose within seven days at such place and time as he may

1 appoint. A written notice shall be addressed and sent to the members at least
2 three working days prior to the date of the meeting.

3 6. Notwithstanding anything in the foregoing provisions of this
4 paragraph, the inaugural meeting of the Board shall be summoned by the
5 Minister responsible for Finance, who may give such directions as he thinks fit
6 as to procedure which shall be followed at that meeting.

7 7. The quorum for a meeting of the Board shall five members. If,
8 within half an hour from the time appointed for the meeting of the Board, a
9 quorum is not present, the meeting shall stand adjourned to the same day in the
10 next week at the same time and place, or such other date, time or place as the
11 chairman of the meeting shall appoint.

12 8. A meeting of the Board shall not be adjourned to a date which is less
13 than two (2) Days later than the day it was to be held unless otherwise agreed by
14 all the members and the meeting may only deal with the matters which were on
15 the agenda of the meeting which was adjourned.

16 9. Where a meeting has been adjourned, notice of the adjourned
17 meeting shall be given by the Secretary to the members.

18 10. The Board may co-opt non-voting observers at any of its
19 meetings, as and when required.

20 11. The Board shall appoint such study groups or committees as may
21 be necessary for the proper discharge its functions.

22 12. A study group or committee shall consist of some members and
23 such other persons as the Board may determine and the objectives of such
24 groups or committees shall be defined.

25 13. Members of the Board and such other persons appointed to study
26 groups or committees shall be paid such allowances as may be determined by
27 the Board.

28 14. A member of the Board shall not appoint any proxy to represent
29 him at any meeting of the Board.

30 15. All questions at a meeting of the Board shall be determined by a

1 simple majority of votes of the members present and voting, being members
2 who under this paragraph are entitled to vote at such meeting. All relevant
3 Board papers for Board meetings shall be sent to all members prior to the
4 Board meeting and the minutes of the meeting will be sent as soon as
5 practicable after the holding of the meeting.

6 16. At any meeting of the Board each member shall have a vote,
7 and if there is equality of votes the Chairman shall have a second or casting
8 vote.

9 17. The minutes of meetings of the Board and its committees shall
10 be recorded in a register and kept by the Secretary of the Board or his
11 nominee and be confirmed at the next succeeding ordinary meeting of the
12 Board.

13 18. Subject to the provisions of this Act, the Board may make
14 standing orders with respect to the holding of meetings of the Board, the
15 notices to be given of such meetings, the proceedings of meetings, the
16 keeping of minutes of such proceedings and custody or the production for
17 inspection of such.

18 19. Without limiting the discretion of the Board to regulate its
19 meetings, the members of the Board may, if in their view, a matter requires
20 urgent attention:

21 (i) confer by telephone;

22 (ii) close circuit television;

23 (iii) other electronic means; or

24 (iv) audio or audiovisual communication,

25 and a resolution passed at such a conference shall, notwithstanding that the
26 members are not present together in one place at the time of the conference,
27 be deemed to have been passed at a meeting of the Board duly called and
28 constituted on the day and at the time at which the conference was so held, it
29 being agreed that the provisions of the Act relating to meetings of members
30 shall apply mutatis mutandis to such conferences.

1 *Committees of the Board*

2 20. The Board may appoint one or more Committees to carry out, on
3 behalf of the Board, such of its functions as the Board may determine.

4 21. The decision of a Committee of the Board shall be of no effect
5 until it is confirmed by the Board.

6 *Disclosure of Interest by Members of the Board*

7 22. A member of the Board who is in any way directly or indirectly
8 interested in any contract or proposed contract or arrangement shall disclose
9 the nature of his interest at a meeting of the Board where the subject is first
10 discussed by the Board, and the disclosure shall be recorded in the minute book
11 of the Board, and the member shall not take part in any deliberation or decision
12 of the Board with respect to that transaction or project.

13 23. A member of the Board need not attend in person a meeting of the
14 Board in order to make a disclosure which he is required to make under this
15 paragraph if he takes reasonable steps to ensure that the disclosure is made by a
16 notice which is brought up and read at the meeting.

17 *Conflict of Interest*

18 24. The personal interest of a member shall not conflict with any of his
19 duties -as a member under this Act.

20 25. A member shall not in the course of the management of affairs of
21 the Fund or in the utilization of the Fund's property, make any secret profit or
22 achieve other unnecessary benefits.

23 26. A member shall be accountable to the Fund for any secret profit
24 made by him or any unnecessary benefit derived by him contrary to this
25 provision.

26 *The Common Seal*

27 27. The common seal of the Board shall not be affixed to any
28 instrument except by the authority of a resolution of the Board and the affixing
29 of the common seal shall be authenticated by the signatures of the Chairman
30 and the Secretary, or of some other members authorized generally or

1 specifically by the Board to act for the purpose. Any document purporting to
2 be a document duly executed under the common seal of the Board shall be
3 received in any court and shall, unless contrary is prove~, be deemed to be so
4 executed.

5 28. The validity of any proceedings of the Board shall not be
6 affected by vacancy in the membership of the Board or by any defect in the
7 appointment of a member of the Board, or by reason that a person not
8 entitled to do so took part in the proceedings.

EXPLANATORY MEMORANDUM

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

This Bill seeks to establish the Road Fund and Management Authority which shall be a repository for revenues accruing from road user charging systems and other sources for the purpose of financing the maintenance and upkeep of national roads and promote sustainable development of the road sector.

A BILL

FOR

AN ACT TO AMEND THE INLAND FISHERIES ACT CAP.144 LAWS OF THE
FEDERATION OF NIGERIA 2004 AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Dozie F. Nwankwo

[] Commencement

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

- | | | |
|----|---|------------------|
| 1 | 1. The Inland Fisheries Act Cap.144 Laws of the Federation of | Amendment of |
| 2 | Nigeria 2004(in this bill referred to as the “Principal Act”) is amended as set | Inland Fisheries |
| 3 | out in this Bill. | Act Cap. 144 |
| | | LFN, 2004 |
| 4 | 2. Section 1(2) of the Principal Act is amended by substituting the | Amendment |
| 5 | expression "N500" with the expression "N25000". | Section 1(2) |
| 6 | 3. Section 4(2) of the Principal Act is amended by substituting the | Amendment |
| 7 | expression "N250" with the expression of "N10000". | Section 4(2) |
| 8 | 4. Section 5(3) of the Principal Act is amended by substituting the | Amendment |
| 9 | expression "N500" with the expression "N25000". | Section 5(3) |
| 10 | 5. Section 6(2) of the Principal Act is amended by substituting the | Amendment |
| 11 | expression "N3000" with the expression "N300000". | Section 6(2) |
| 12 | 6. Section 7 (2) of the Principal Act is amended by substituting the | Amendment |
| 13 | expression "N500" with the expression "N5000". | Section 7(2) |
| 14 | 7. Section 8(2) of the Principal Act is amended by substituting the | Amendment |
| 15 | expression "N25000" with the expression "N100000". | Section 8(2) |
| 16 | 8. Section 9 (2) of the Principal Act is amended by substituting the | Amendment |
| 17 | expression "(N3000" with expression "N100000". | Section 9(2) |
| 18 | 9. Section 10(2) of the Principal Act is amended by substituting the | Amendment |
| 19 | expression "N50000" with the expression "N500000". | Section 10(2) |
| 20 | 10. Section 11 of the Principal Act is amended by substituting | Amendment |
| 21 | subsection (2) of this section with a new subsection (2): | Section 11 |

1 "A person who contravenes the provision of subsection (1) of this
2 section commits an offence and is liable on conviction to a fine of N100000 or
3 imprisonment for a term of nine months or to both such fine and imprisonment
4 and in addition, the contaminated, infected or spoiled fish or fish product shall
5 be destroyed."

Citation

6 **11.** This Bill may be cited as the Inland Fisheries Act (Amendment)
7 Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Inland Fisheries Act Cap.144 Laws of the
Federation of Nigeria 2004 to review the penalties upwards.

A BILL

FOR

AN ACT TO AMEND SECTIONS 47(1) & 91 OF THE LABOUR ACT CAP. 198,
LAWS OF THE FEDERATION OF NIGERIA, 1990 TO INCREASE THE FINE FOR
OFFENCES AND EXCLUDE THE WORD RECRUITING AGENTS FROM THE
DEFINITION OF EMPLOYERS AND FOR RELATED MATTERS

Sponsored by Hon. Omoregie Ogbeide-Ihama

[] Commencement

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

- 1 **1.** The Labour Act, Cap. 198 Laws of the Federation 1990 Amendment of
2 (hereinafter referred to as the "Principal Act") is amended as set out in this the Principal Act
3 Bill.
- 4 **2.** Section 47(1) of the Principal Act is amended in the phrase after Amendment of
5 paragraph (g) by increasing the fine payable from N2,000 to N2,000,000. Section 47(1)
6 "shall be guilty of an offence and on conviction shall be liable to a
7 fine not exceeding N2,000,000 or to imprisonment for a period not
8 exceeding five years or both"
- 9 **3.** Section 91 of the Interpretation Section IS amended by Amendment of
10 redefining the word "employer" in to read thus: Section 91
11 "employer -Any person who has entered into a contract of
12 employment to employ any other person as a worker for himself.
- 13 **4.** This Bill may be cited as the Labour Act (Amendment) Bill, Citation
14 2021.

EXPLANATORY NOTES

This Bill seeks to amend Sections 47(1) & 91 of the Labour Act Cap 178,
Laws of the Federation of Nigeria 1990 to increase the fine for offences
under sections 23, 24, 25, 26, 27, 29 & 30 and exclude the word recruiting
agents from the definition of employer as defined in the Act.

A BILL

FOR

AN ACT TO AMEND THE FEDERAL HIGHWAYS ACT NO.4, 1971 TO PROHIBIT THE BLOCKAGE OF HIGHWAYS IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Omoregie Ogbeide-Ihama

[] Commencement

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

- | | | |
|----|--|-------------------|
| 1 | 1. The Federal Highways Act No.4, 1971 (in this Act referred to as | Amendment of |
| 2 | "the Principal Act") is amended as set out in this Bill. | the Principal Act |
| 3 | 2. Section 22 of the Principal Act is amended by inserting new | Amendment of |
| 4 | subsections 4, 5 and 6 after Section 22(3) as follows: | Section 22 |
| 5 | "22(4): | |
| 6 | It shall be unlawful for any person or group to assemble human | |
| 7 | beings, vehicles, other objects or things capable of causing a blockage or | |
| 8 | obstructing human or vehicular movement on a Federal Highway without | |
| 9 | the express permission of the Minister. | |
| 10 | 22(5): | |
| 11 | It shall be unlawful for any person or group to carry on a procession | |
| 12 | on a Federal Highway without the express permission of the Minister sought | |
| 13 | and obtained. | |
| 14 | 22(6): | |
| 15 | Any person or group who cause a blockage or an obstruction on a | |
| 16 | Federal Highway hindering vehicular or pedestrian movement either | |
| 17 | permanently or for a particular period by assembling human beings, | |
| 18 | vehicles or other objects and/or by carrying on a procession commits an | |
| 19 | offence under this Act and shall be liable upon conviction to imprisonment | |
| 20 | for a term of two (2) years or a fine of N10,000,000.00. | |

Citation 1 3. This Bill may be cited as the Federal Highways Act (Amendment)
2 Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to prohibit the common practice of indiscriminate blockage/obstruction of Federal Highways by individuals or groups and also to restrict processions on Federal Highways except with the express permission of the Minister. The Bill makes it a criminal offence to block/obstruct a Federal Highway or carry on processions on same without the express permission of the Minister and makes it punishable with two (2) years imprisonment upon conviction.

CABINET COMPOSITION BILL, 2021

ARRANGEMENT OF SECTIONS

Section:

1. Objectives of the Act
2. Submission of names of Nominees
3. Referral of nomination to Committees
4. Petitions against Nominees
5. Timeframe to form a Cabinet
6. Offences
7. Interpretation
8. Citation

A BILL

FOR

AN ACT TO PROVIDE FOR THE INCLUSION OF THE PORTFOLIOS OF THE
VARIOUS MINISTERIAL NOMINEES AND FOR THE TIMELY COMPOSITION OF
A CABINET BY THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA
AND FOR RELATED MATTERS

Sponsored by Hon. Omoregie Ogbeide-Ihama

[] Commencement

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

- | | |
|---|---|
| <p>1 1.-(1) The Primary objective of this Act is to prescribe a timeframe</p> <p>2 within which the President shall constitute and inaugurate his</p> <p>3 Cabinet/Executive Council. The Act also aims at ensuring that a Ministerial</p> <p>4 Nomination list sets out the proposed Portfolio which every Nominee is</p> <p>5 intended to be assigned.</p> | <p>Objectives of
the Act</p> |
| <p>6 2.-(1) A President shall within 8 weeks after taking his Oath of</p> <p>7 Office submit to the Senate the written list of his Ministerial nominees;</p> <p>8 (2) the list mentioned in subsection 1 of this Section shall contain</p> <p>9 the designated Portfolio's the Nominees are to be assigned if appointed;</p> <p>10 (3) the names of the said Ministerial Nominees shall be contained</p> <p>11 in not more than two lists.</p> | <p>Submission of
names of Nominees</p> |
| <p>12 3.-(1) Subject to the provisions of Sections 147(2) of the 1999</p> <p>13 Constitution of the Federal Republic of Nigeria as amended, when a list is</p> <p>14 submitted to the Senate, the nomination(s) may be referred to the</p> <p>15 Committees with 'jurisdiction over the Position or Agency in which the</p> <p>16 position exists.</p> <p>17 (2) when the nomination(s) is referred to the Senate Committee by</p> <p>18 the Senate, the Committee may carry out hearings and revert to the Senate</p> <p>19 within the time specified by the Senate.</p> | <p>Referral of
nomination to
Committees</p> |

	1	(3) the Senate after it receives the Committee's report shall proceed to
	2	screen the nominees according to its standing rules and thereafter revert to the
	3	President within the timeframe allowed by the Constitution to render a return.
Petitions against Nominees	4	4.-(1) Any person, group or organization who objects to the
	5	nomination of any nominee shall express his/their objection by a Petition
	6	addressed to the Senate within Seven (7) days after such nomination is made.
	7	(2) The said objection shall set out the grounds of the Petition and the
	8	full identity of the Petitioners.
	9	(3) Where a Petition is submitted to the Senate, the President shall be
	10	in copy and be availed a copy of the Petition by the Petitioners.
	11	(4) Upon receipt of the Petition, the Senate shall forthwith refer the
	12	Petition to the relevant Committee for further investigation.
Timeframe to form a Cabinet	13	5.-(1) Subject to the provisions of sections 147(2)&(6) 'of the 1999
	14	Constitution of the Federal Republic of Nigeria as amended, the President shall
	15	have a maximum period of Three(3) Months after he takes his Oath of office to
	16	inaugurate his Ministers:
	17	Provided that, where the President nominates any person for
	18	appointment as a Minister and the Nominee gets rejected by the Senate, the
	19	President shall have a further period of not more than Four (4) weeks from the
	20	date of rejection of the Nominee to submit a fresh name to the Senate for
	21	confirmation.
	22	(2) In the event that a new Nominee is submitted to replace a rejected
	23	Nominee, such appointment must be made within a maximum period of Two
	24	(2) months after the date the former Nominee is rejected.
Offences	25	6.-(1) It shall be unlawful for the President to carry on the
	26	administration of the Country for a period exceeding Three Months without
	27	having a fully composed cabinet.
	28	(2) Any president who carries on the administration of the Country in
	29	contravention of sub-section 1 of this Section commits an offence and the
	30	offence amounts to gross misconduct.

1	7. In this Act, unless the context otherwise requires, the following	Interpretation
2	expressions have the meanings hereby assigned to them respectively:	
3	"List" means the official communication from the President to the Senate	
4	which contains the names of persons and their proposed Portfolio's;	
5	"Nominee" means a person whose name has been submitted by the President	
6	to the Senate for confirmation for appointment as a Minister;	
7	"Petition" means any formal complaint to the Senate against a Nominee	
8	showing cause why the Nominee J should not be appointed to the proposed	
9	Portfolio.	
10	"Portfolio" refers to the Ministry to which a nominee will be appointed to as	
11	a Minister.	
12	8. This Bill may be cited as the Cabinet Composition Bill, 2021.	Citation

EXPLANATORY MEMORANDUM

This Bill seeks to prescribe the timeframe within which the President shall constitute and inaugurate his Cabinet/Executive Council and also aims to ensure that a Ministerial Nomination list sets out the proposed Portfolio which every Nominee is intended to be assigned.

A BILL

FOR

AN ACT TO AMEND THE CHILD'S RIGHTS ACT CAP C50, LAWS OF THE
FEDERATION OF NIGERIA, 2004 TO INCLUDE THE PROHIBITION OF SALE OF
ALCOHOL BY OR TO A MINOR; PROHIBIT THE PURCHASE OF ALCOHOL FOR
A MINOR; GRANT THE POLICE THE RIGHT TO CONFISCATE ALCOHOL
FOUND IN POSSESSION OF A MINOR AND FOR RELATED MATTERS

Sponsored by Hon. Omoregie Ogbeide-Ihama

[] Commencement

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

- 1 **1.** The Child's Rights Act, Cap C50, Laws of the Federation, 2004
2 (hereinafter referred to as the 'Principal Act') is amended as set out
3 hereunder.
 - 4 **2.** The Principal Act is amended by inserting in the existing Part III
5 after Section 25 and before the existing Section 26 the following provisions
6 as follows:
- PART III
- 8 **25B.** Sale of Alcohol to Minors:
9 (1) Any person who sells or supplies any alcohol or allows it to be
10 sold or supplied to a person under the age of 18 years, whether for his own
11 use or not, is guilty of an offence and is liable on conviction to three (3) years
12 of imprisonment or a fine not exceeding the sum of three hundred thousand
13 naira.
 - 14 (2) It is a defence to a charge under Subsection (1) if the defendant
15 proves that he had reasonable grounds to believe that the person to whom he
16 sold or supplied the alcohol had attained the age of 18 years.
 - 17 **25C.** Sale of Alcohol by Minors:
18 (1) It is an offence to allow a person under the age of 18 to sell or

Amendment to
the Child Rights
Act

Amendment to
section 25 by
inserting paragraphs
25B, 25C, 25D,
25E, 25F and 25G

1 supply alcohol unless the sale has been specifically approved by a responsible
2 person who in this case must be a person who has parental responsibility for the
3 child or any other with whom the child is living with.

4 (2) Anyone who contravenes the provision of Subsection (1) commits
5 an offence and is liable on conviction to 5 years imprisonment or to a fine of five
6 hundred thousand naira.

7 25D. Giving Alcohol to a Minor:

8 (1) Anyone who gives or causes to be given to any person under the
9 age of 18 years any alcohol except under the order of a certified medical
10 practitioner in the case of sickness is guilty of an offence and on conviction
11 shall be liable to 5 years imprisonment.

12 25E. Purchasing Alcohol for a Minor:

13 (1) Any person who purchases or acquires alcohol with the intention
14 of supplying the alcohol or any of it to a person under the age of 18 years
15 commits an offence and on conviction is liable to 5 years imprisonment

16 (2) No person shall be guilty of an offence against Subsection (1) by
17 purchasing or supplying alcohol for any other person who then supplies it to a
18 third person who is under the age of 18 years, unless it is proved that the
19 defendant knew or had reasonable grounds to believe that the alcohol was
20 intended for the under age.

21 25F. Purchasing of Alcohol by Minors:

22 (1) It is an offence for someone under 18 years to purchase or attempt
23 to purchase alcohol.

24 (2) Anyone who contravenes the above provision commits an offence
25 and shall be prosecuted in accordance with the law-governing juveniles.

26 25G. Confiscation of Alcohol:

27 (1) The Police and Nigeria Security and Civil Defence Corps shall
28 have the right to 'confiscate both open and sealed containers of alcohol in
29 possession of any person apparently under the age of 18 years whom he finds
30 drinking in the street or public place and alcohol seized shall be disposed of in

1	such manner as the Police Authority may direct.	
2	3. Section 277(1) of the Principal Act is amended by including the	Interpretation
3	following words and their meanings:	
4	"Alcohol" in this Bill means any intoxicating drink;	
5	"Minor" in this Bill means a child or a person under the age of Eighteen (18)	
6	years.	
7	4. This Bill may be cited as the Child's Rights Act (Amendment)	Citation
8	Bill, 2021.	

EXPLANATORY NOTES

This Bill seeks to amend the Child's Rights Act to prohibit the sale of alcohol by or to a minor, prohibit the purchase of alcohol for a minor, prohibit the giving of alcohol to a minor, to grant the police the right to confiscate any alcohol found in possession of a minor.

TRANSITION BILL, 2021

ARRANGEMENT OF SECTIONS

1. Transition Committee
2. Functions of the Committee
3. Powers of the Committee
4. Preparation of Hand over notes
5. Presentation and publication of Hand over notes
6. Offences
7. Interpretation
8. Short title

A BILL

FOR

AN ACT TO PROVIDE AMONG OTHER THINGS, A FRAMEWORK FOR THE DOCUMENTATION AND TRANSMISSION OF HAND OVER NOTES FROM ONE ADMINISTRATION TO ANOTHER, AND TO ENSURE THE PUBLICATION OF SAME IN THE OFFICIAL GAZETTE AND FOR RELATED MATTERS

Sponsored by Hon. Omoregie Ogbeide-Ihama

[] Commencement

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

1 1.-(1) There shall be established a Transition Committee to be The Transition
2 inaugurated by an incumbent President not later than One (1) Month before Committee
3 the expiration of the tenure of the President.

4 (2) The Committee shall consist of a Chairman who shall be the
5 serving Secretary to the Government of the Federation and Six (6) other
6 members to include:

7 (i) The Head of Service of the Federation;
8 (ii) The Permanent Secretary, Federal Ministry of Finance;
9 (iii) The Permanent Secretary, Federal Ministry of Interior;
10 (iv) And any other three (3) members as may be appointed by an
11 incumbent President.

12 (3) The President-elect shall constitute a Committee one (1) month
13 to the date fixed for handing over who shall liaise with the Transition
14 Committee for a smooth transition process:

15 Provided that where an incumbent President will succeed himself,
16 the provision of sub-section (3) of this section shall not apply.

17 2.-(1) The Committee shall have the mandate to prepare and Functions of the
18 publish hand over notes of an outgoing Administration and shall have the Committee
19 following functions:

1 (a) to collate all 'relevant information from all Government
2 Ministries, Agencies, Departments and Public Corporations to enable the
3 preparation of the Hand over notes;

4 (b) to prepare 'a detailed inventory of all existing assets and liabilities
5 of the Government as at the date of the inventory;

6 (c) In synergy with the incumbent President, prepare the hand over
7 notes of the President's administration;

8 (d) make recommendations on current policies of the government;

9 (e) to publish the hand over notes in the official Gazette or such other
10 medium readily accessible to the public;

11 (f) to 'ensure that the severance benefits of the incumbent President
12 his Appointees and Aides are paid on or before the date of hand over;

13 (g) to do all such acts and things, whether incidental to the powers
14 aforesaid 'or not.: as may be requisite in order to further the objects of this Act.

15 (2) Notwithstanding any provisions in this Act to the contrary, the
16 duty of the Committee to publish the hand over notes in the official Gazette is
17 subject to extant laws of the Federal Republic of Nigeria restricting the
18 publication of certain sensitive or classified information on issues bordering on
19 National Security/Defence and international relations.

Powers of the
Committee

20 **3.-(1)** The Committee shall have power to do any of the following:

21 (a) gather relevant information by demanding for reports, records,
22 documents, or other information from Government Ministries, Agencies,
23 Departments and Public Corporations;

24 (b) compel the production of any information required for the
25 performance of its functions by Government Ministries, Agencies,
26 Departments and Public Corporations;

27 (c) interview any person, group, organization or institution for the
28 purpose of carrying out its functions;

29 (d) hold inquiry or investigation on the affairs of Government
30 Ministries, Agencies, Departments and Public Corporations for the purpose of

1 carrying out its functions;

2 (e) access official records/documents of Government Ministries,
3 Agencies, Departments and Public Corporations for the purpose of carrying
4 out its functions;

5 (f) appoint any person, firm, organization or sub-committee as its
6 agent to carry out specific tasks in furtherance of the functions of the
7 Committee under this Act

8 (g) exclude from the hand over notes to be published in the Gazette,
9 information that may border on issues of National Security/Defence,
10 International relations or other classified information.

11 4.-(1) the Hand over notes to be prepared by the Committee shall Preparation of
12 among other things includes the following: Hand over notes

13 (a) summary of policies introduced and/or implemented by the
14 incumbent administration;

15 (b) summary of activities of the offices of the President and Vice-
16 President;

17 (c) summary of activities of the Ministries, Agencies, Departments
18 and Public Corporations;

19 (d) an inventory of the Assets and liabilities of the Government
20 including ongoing projects;

21 (e) recommendations and developmental projections.

22 5.-(1) The Committee shall conclude the hand over notes no later Presentation and
23 than Fourteen (14) days before the day power is to be handed over to the publication of
24 President-elect; Hand over notes

25 (2) The Committee shall make available a copy of the Hand over
26 notes to each of the following State Organs:

27 (i) the Senate President;

28 (ii) the Speaker House of Representatives;

29 (iii) the Chief Justice of Nigeria.

30 (3) Subject to the provision of Section 2(2) of this Act, the

1 Committee 'shall cause the hand over notes to be published in the official
2 Gazette of the Federal Government not later than the date of transfer of power
3 to the new administration;

4 (4) Where the Committee fails to publish the hand over notes as
5 provided in sub-section (2) of this Section, it shall devolve on the new
6 administration to publish same within Fifteen days after assuming office.

7 (5) Where the Committee fails to publish the hand over notes and the
8 new administration also fails to publish same within the time stipulated by this
9 Act, any member of the public may apply to the office of the Secretary to the
10 Government of the Federation to be given a Certified Copy of the hand over
11 notes.

12 (6) Where any person applies for a certified copy of the hand over
13 notes and pays the prescribed fees, the office of the Secretary to the
14 Government of the Federation shall within thirty (30) days make available to
15 such person a certified copy of the hand over notes or give reasons in writing
16 for the denial.

17 (7) where a person who has applied for a copy of the hand over notes
18 and has paid the prescribed fees is denied access to the hand over notes within
19 the stipulated time, such a person may within Thirty (30) days after such denial
20 apply to the Court for a review of the matter or to compel the office of the
21 Secretary to the Government of the Federation to comply with the provisions of
22 this Act.

Offences

23 **6.-(1)** A person who:

24 (a) withholds information from the Committee or fails to respond to
25 an inquiry made to a Government Ministry, Agency, Department or Public
26 Corporation by the Committee within the timeframe specified for the delivery
27 of such information to the Committee;

28 (b) submits false or misleading information to the Committee;

29 (c) without justification or lawful excuse, obstructs, hinders, or
30 threatens a member or agent of the Committee acting under this Act, commits

1 an offence under this Act and shall be liable, on conviction to imprisonment
2 for a term of Six (6) months or to a fine of N500,000.00 (Five Hundred
3 Thousand Naira).

4 7.-(1) In this Bill:

Interpretation

5 "Administration" means the term of office accruing to any person occupying
6 the office of the President;

7 "Classified information" means any information or thing which, under any
8 system of security classification, from time to time, in use by or by any
9 branch of the government, is not to be disclosed to the public and of which
10 the disclosure to the public would be prejudicial to the security of Nigeria;

11 "Committee" means the Transition Committee;

12 "Government" means the Government of the Federation;

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

14 "Secretary to the Government" means a Person appointed as the Secretary to
15 the Government the Federation;

16 "Official Gazette" the official Journal of the Government used to convey
17 legal and state notices;

18 "Prescribed fees" means the amount to be charged an applicant for the hand
19 over notes in this Act which shall be fixed by the office of the Secretary to the
20 Government of the Federation.

21 8. This Bill may be cited as the Transition Bill, 2021.

Short title

EXPLANATORY MEMORANDUM

This Bill seeks to provide among other things, a framework for the documentation and transmission of hand over notes from one administration to another, and to ensure the publication of same in the official gazette.

FEDERAL UNIVERSITY OF LAND RESOURCES TECHNOLOGY BILL, 2021

ARRANGEMENT OF SECTIONS

1. Establishment and objects of university of Land Resources Technology, Oforolla Imo State
2. Constitution and principal officers or each University
3. Powers or each university and their exercise
4. Functions of the Chancellor
5. Functions of the Chancellor
6. Composition of the council
7. Functions of the Council and its Finance and General Purposes Committee
8. Functions of the Senate
9. Functions of the Vice-Chancellor
10. Transfer of property, etc., to each University
11. Transfer of property
- Statutes of each University*
12. Power of each University to make statutes.
13. Mode of exercising power to make statutes
14. Proof of Statutes
- Supervision and discipline*
15. The Visitor
16. Removal of certain members of Council
17. Removal and discipline of academic, administrative and professional staff
18. Procedure for staff discipline
19. Appointment of external examiners
20. Removal of examiners
21. Discipline of students
- Miscellaneous and general*
22. Exclusion of discrimination on account of race, religion, etc

- 23. Restriction on disposal of land by University
- 24. Quorum and procedure of bodies established by this Act
- 25. Appointment of committees, etc
- 26. Retiring age of academic staff of the University
- 27. Special provisions relating to pension of professors
- 28. Miscellaneous administrative provisions
- 29. Interpretation
- 30. Short title

SCHEDULES

FIRST SCHEDULE

Principal Officers of each University

SECOND SCHEDULE

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF LAND RESOURCES
TECHNOLOGY OFOROLLA, IMO STATE AND FOR RELATED MATTERS

Sponsored by Hon. Henry Nwawuba, Hon. Jerry Alagboso

Hon. Jerry Alagboso

Hon. Uju Kingsley

Hon. Bede Eke

Hon. Pascal Obi

Hon. Elezieanya Ikenna Onyechere

Hon. Chinedu Emeka Martins

Hon. Onuoha Princess

[] Commencement

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

1 1.-(1) There is herein established the Federal University of land
2 Resources Technology, Oforolla, Imo State (in this Bill referred to as "the
3 University") which shall have such powers and exercise such functions as
4 are conferred on them by this Bill.

Establishment of
Federal University
of Land Resources
Technology Oforolla,
Imo State

5 (2) The University shall be a body corporate with perpetual
6 succession and a common seal and shall have power to acquire and dispose
7 of interest in movable and immovable property and may sue and be sued in
8 its corporate name;

9 (3) The objectives of the University shall be:

10 (a) To train and develop skilled professionals in the areas of
11 land/soil resources conservation and environmental management, food
12 security and climate change management services;

13 (b) To develop and offer academic and professional programmes
14 leading to the award of diplomas, first degrees, postgraduate research and

1 higher degrees which emphasize planning, adaptive, technical and productive
2 skills in Land Resource Technology development with the aim of producing
3 persons with capacity to improve on the disciplines and develop new ones and
4 to contribute to the optimal utilization of land resources in Nigeria;

5 (c) To act as agents and catalysts, through graduate and post graduate,
6 research and development for the effective and economic utilization,
7 exploitation and conservation of Nigeria's land and human resources;

8 (d) To offer to the general population as a form of public service, the
9 results of training and research in land resources utilization and allied
10 disciplines and to foster the practical application of these results;

11 (e) To establish appropriate relationship with other national
12 institutions involved in training, research and development of land resources
13 and the corresponding technology;

14 (f) To provide and promote sound basic scientific training as a
15 foundation for the development and improvement of land resources
16 development technology and allied disciplines, taking into account indigenous
17 technologies and the need to vastly increase the practical content of student
18 training and adequate preparation of graduates for self-employment in land
19 resource management and technology applications;

20 (g) To promote and emphasize teaching, research and extension of
21 land resources development, agricultural knowledge, including agriculture
22 extension services and outreach programmes, in service training, continuing
23 education, and other related services;

24 (h) To offer academic programmes in relation to the training of
25 manpower for land resources development and related disciplines;

26 (i) To offer through her entrepreneurship development centre training
27 for students in different areas of agriculture to make them self- sustaining and
28 wealth creators after school;

29 (j) To organize extension services and outreach programmes for
30 technology transfer;

1 (k) To establish institutional linkages in order to foster
 2 collaboration and integration of training, research and extension services;
 3 and

4 (l) To undertake any other activities appropriate for a University
 5 saddled with the responsibility of producing manpower and technology for
 6 the utilization and development of Land Resources;

7 **2.-(1)** The University shall consist of:

Constitution and
Principal Officers
of the University

8 (a) A Chancellor;

9 (b) A Pro-Chancellor and a Council;

10 (c) A Vice-Chancellor and a Senate;

11 (d) A Deputy Vice-Chancellor;

12 (e) A body to be called Congregation;

13 (f) A body to be called Convocation;

14 (g) Campuses and Colleges of the University;

15 (h) Schools and other teaching and research units;

16 (i) Persons holding the offices constituted by the First schedule to
 17 this Act other than those mentioned in paragraph (a) to (d) of this subsection;

18 (j) All graduates and undergraduates of the University; and

19 (k) All other persons who are members of the University in
 20 accordance with provisions made by statute in that behalf;

21 (1) The First Schedule to this Bill shall have effect with respect to
 22 the principal officers of the University therein mentioned;

First Schedule

23 (2) Subject to section 5 of this Bill, provision shall be made by
 24 statute with respect to the constitution of the following bodies, namely the
 25 Council, the Senate, Congregation and Convocation;

26 **3.-(1)** for carrying out of its objectives as specified in section 1 of
 27 this Bill, the University shall have power;

Powers of each
University and
their exercise

28 (a) To establish such campuses, colleges, institutes, schools, extra-
 29 mural departments and other teaching and research units within the
 30 University as may, from time to time" be deemed necessary or desirable

- 1 subject to the approval of the Federal Ministry of Agriculture;
- 2 (b) To institute professorships, readerships or associate
3 professorships, and other posts and offices and to make appointments thereto;
- 4 (c) To institute and award fellowships, scholarships, exhibitions,
5 bursaries, medals, prizes and other titles, distinctions, awards and other forms
6 of assistance;
- 7 (d) To provide for the discipline and welfare of members of the
8 University;
- 9 (e) To hold examinations and grant degrees, diplomas, certificates
10 and other distinctions to persons who have pursued a course of study approved
11 by the University and have satisfied such other requirements as the University
12 may lay down;
- 13 (f) To grant honorary degrees, fellowships or academic titles;
- 14 (g) To demand and receive from any student or any other person
15 attending the university for the purpose of instruction such fees as the
16 University may from time to time, determine subject to the overall directives of
17 the Minister;
- 18 (h) Subject to section 22 of this Bill, to acquire, hold, grant, charge or
19 otherwise deal with or dispose of movable and immovable property wherever
20 situated;
- 21 (i) To accept gifts, legacies and donations, but without obligation to
22 accept the same for a particular purpose unless it approves the terms and
23 conditions attached thereto;
- 24 (j) to enter into contracts, establish trusts, act as trustee, solely or
25 jointly with any other person, and employ and act through agents;
- 26 (k) to erect, provide, equip and maintain libraries, laboratories;
27 lecture halls, halls of residence, refectories, sports grounds, playing fields and
28 other buildings or things necessary or suitable or convenient for any of the
29 objects of the University;

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

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

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

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

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

18 (4) Subject to the provisions of this Bill and of the statutes and
19 without prejudice to section 9 (2) of this Bill, the powers conferred on the
20 University by subsection (1) of this section shall be exercisable on behalf of
21 the University by the Councillor by the Senate or in any other manner, which
22 may be authorised by statute;

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

26 4.-(1) The Chancellor shall, in relation to each University, take
27 precedence before all other members of the University and when he is
28 present shall preside at all meetings of Convocation held for conferring
29 degrees.

The functions of
the Chancellor

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

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

1 of the Finance and General Purposes Committee.

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

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

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

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

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

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

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

Functions of
the Senate

1 **8.**-(1) Subject to section 7 of this Bill and subsections (3) and (4) of
2 this section and to the provisions of this Bill relating to the Visitor, it shall be the
3 general function of the Senate to organise and control the teaching by the
4 University, the admission (where no other enactment provides to the contrary,
5 of students) and the discipline of students; and to promote research at the
6 University.

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

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

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

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

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

21 (e) the establishment, organisation and control of halls of residence
22 and similar institutions at the University;

23 (f) the supervision of the welfare of students at the University and the
24 regulation of their conduct;

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

27 (h) determining what description of dress shall be academic dress for
28 the purposes of the University, and regulating the use of academic dress.

29 (3) The Senate shall not establish any new campus, college, school,
30 department, institute or other teaching and research units of the University

1 without the approval of the Council.

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

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

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

20 **9.-(1)** The Vice-Chancellor shall, in relation to each University,
21 take precedence before all other members of the University, except the
22 Chancellor, and any other person for the time being acting as chairman of the
23 Council.

Functions of the
Vice-Chancellor

24 (2) Subject to sections 7, 8, and 14 of this bill, the Vice-Chancellor
25 shall have the general function, in addition to any other functions conferred
26 on him by this bill or otherwise, of directing the activities of the University
27 and shall be the chief executive and academic officer of the University and
28 ex-officio chairman of the Senate.

29 *Transfers of property, etc., to each University*

30 **10.-(1)** All property held by or on behalf of each University shall,

Transfer of
property

	1	by virtue of this subsection and without further assurance, vest in the
	2	University and be held by it for the purposes of the University.
Second Schedule	3	(2) The provisions of the Second Schedule to this Bill shall have effect
	4	with respect to matters arising from the transfer of property by this section and
	5	with respect to the other matters mentioned in that Schedule.
	6	<i>Statutes of each University</i>
Powers of each University to make statutes	7	11.-(1) Subject to this Bill, each University may make statutes for any
	8	of the following purposes, that is to say:
	9	(a) making provision with respect to the composition and constitution
	10	of any authority of the University;
	11	(b) specifying and regulating the powers and duties of any authority
	12	of the University and regulating any other matter connected with the
	13	University or any of its authorities;
	14	(c) regulating the admission of students (where no other enactment
	15	provides to the contrary), and their discipline and welfare;
	16	(d) determining whether any particular matter is to be treated as an
	17	academic or non-academic matter for the purposes of this bill and of any
	18	statute, regulation or other instrument made thereunder;
	19	(e) making provision for any other matter for which provision by
	20	statute is authorised or required by this bill.
	21	(2) Subject to section 28 (6) of this bill, the Interpretation Act shall
	22	apply in relation to any statute made under this section as it applies to a
	23	subsidiary instrument within the meaning of section 29 (1) of that bill.
	24	<i>[Cap. 123.]</i>
Second Schedule	25	(3) The statute contained in the Second Schedule to this bill shall be
	26	deemed to have come into force on the commencement of this section of this
	27	Bill and shall be deemed to have been made under this section by each
	28	University.
Second Schedule	29	(4) The power to make statutes conferred by this section shall not be
	30	prejudiced or limited in any way by reason of the inclusion or omission of any

1 matter in or from the statute contained in the Second Schedule to this Act or
2 any subsequent statute.

3 12.-(1) The power of each University to make statutes shall be
4 exercised in accordance with the provisions of this section and not
5 otherwise. Mode of exercising
power to make
statutes

6 (2) A proposed statute shall not become law unless it has been
7 approved:

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

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

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

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

19 (5) For the purposes of section 1 (2) of the Interpretation Act a
20 statute shall be treated as being made on the date on which it is duly
21 approved by the Council after having been approved by the Senate, as the
22 case may be or, in the case of a statute falling within sub-section {4} of this
23 section, on the date on which it is approved by the President.

24 *[Cap. 123.]*

25 (6) In the event of any doubt or dispute arising at any time:

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

27 (b) as to whether any matter is for the purpose of this Act an
28 academic matter as they relate to such doubt or dispute, the matter may be
29 referred to the Visitor, who shall take such advice and make such decision
30 therein as he shall think fit.

1 (7) The decision of the Visitor on any matter referred to him under
 2 subsection {6} of this section shall be final and binding upon the authorities,
 3 staff and students of the University and where any question as to the meaning of
 4 any provision of a statute has been decided by the Visitor under that subsection,
 5 the question as to the meaning of that provision shall not be entertained by any
 6 court of law in Nigeria.

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

11 *[Cap. C23.]*

Proof of statutes t

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

16 Supervision and discipline

The Visitor

17 **14.-(1)** The President shall be the Visitor of each University.

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

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

Removal of
 certain members
 of Council

26 **15.-(1)** If it appears to the Council that a member of the Council (other
 27 than the Pro- Chancellor or the Vice-Chancellor) should be removed from
 28 office on the ground of misconduct or inability to perform the functions of his
 29 office or employment, the Council shall make a recommendation to that effect
 30 through the Minister to the President after making such enquiry, if any, as may

1 be considered appropriate, and if the President approves the
2 recommendation he may direct the removal of the person in question from
3 office.

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

8 **16.-(1)** If it appears to the Council that there are reasons for
9 believing that any person employed as a member of the academic,
10 administrative or professional staff of the University, other than Vice-
11 Chancellor, should be removed from his office or employment on the
12 ground of misconduct or of inability to perform the functions of his office or
13 employment, the Council shall:

Removal and
discipline of
academic,
administrative
and professional
staff

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

15 (b) afford him an opportunity of making representations in person
16 on the matter;

17 (c) appoint a Staff Disciplinary Committee, and if the Council,
18 after considering the report of the Staff Disciplinary Committee, is satisfied
19 that the person in question should be removed as aforesaid, the Council may
20 so remove him by an instrument in writing signed on the directions of the
21 Council.

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

26 (3) For good cause, any member of staff may be suspended from
27 his duties or his appointment may be terminated by the Council; and for the
28 purposes of this subsection 16(b) "Good cause" means:

29 (a) Conviction for any offence which the Council considers to be

1 such as to render the person concerned unfit for the discharge of the functions
2 of his office;

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

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

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

12 (e) conduct which the Council considers to be generally of such
13 nature as to render the continued appointment or service of the person
14 concerned prejudicial or detrimental to the interest of the University.

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

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

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

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

26 (e) Whether to take such lesser disciplinary action against such person
27 (including the restoration of such proportion of his emoluments as might have
28 been withheld) as the Council may determine.

29 (5) In any case where the Council, pursuant to this section, decides to
30 continue a person's suspension or decides to take further disciplinary action

1 against a person, the Council shall before the expiration of a period of three
2 months from such decision come to a final determination in respect of the
3 case concerning any such person.

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

8 (7) Nothing in the foregoing provisions of this section shall:

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

11 (b) Prevent the Council from making regulations for the discipline
12 of other categories of workers of the University as may be prescribed.

13 **17.-(1)** The Vice-Chancellor or Senate shall constitute an
14 Investigation Panel to determine whether or not a prima facie case has been
15 established against any member of staff.

Procedures for
staff discipline

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

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

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

23 **18.** External examiners shall be appointed by the Senate.

Appointment of
external examiners

24 **19.-(1)** If on the recommendation of the Senate, it appears to the
25 Vice-Chancellor that a person appointed as an examiner for any
26 examination of the University ought to be removed from his office or
27 appointment, then except in such cases as may be prescribed, the Vice-
28 Chancellor may, after affording the examiner an opportunity of making
29 representations in person on the matter to the Vice-Chancellor, remove the
30 examiner from the office or appointment by an instrument in writing signed

Removal of
examiners

Discipline of
students

1 by the Vice-Chancellor.

2 (2) Subject to the provisions of regulations made in pursuance of
3 section 9 (5) of this Act, the Vice-Chancellor may, on the recommendation of
4 the Senate, appoint an appropriate person as examiner in place of the examiner
5 removed in pursuance of subsection (I) of this section.

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

10 **20.-(1)** Subject to the provisions of this section, where it appears to
11 the Vice- Chancellor that any student of the University has been guilty of
12 misconduct, the Vice-Chancellor may, in consultation with the Senate and,
13 without prejudice to any other disciplinary power conferred on him by statute
14 or regulations, direct that:

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

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

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

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

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

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

1 the appeal is pending.

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

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

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

12 (7) It is hereby declared that a direction under subsection (1) (a) of
13 this section may be combined with a direction under subsection (1) (b) of
14 this section.

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

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

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

25 *Miscellaneous and general*

26 **21.-(1)** No person shall be required to satisfy the requirements as to
27 any of the following matters, that is to say, race (including ethnic
28 grounding), sex, place of birth or family origin, or religious or political
29 persuasion, as a condition of becoming or continuing to be a student at the
30 University, the holder of any degree of the University or of any appointment

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

1 or employment at the University or a member of anybody established by virtue
 2 of this Act; and no person shall be subjected to any disadvantage or accorded
 3 any advantage in relation to the University, by reference to any of those
 4 matters.

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

Restriction on
disposal of land
by University

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

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

Quorum and
procedure of bodies
established by
this Bill

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

Appointment
of committees,
etc.

22 **24.-(1)** Anybody of persons established by this Act shall, without
 23 prejudice to the generality of the powers of that body, have power to appoint
 24 committees, which need not consist exclusively of members of that body and to
 25 authorise a committee established by it:

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

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

29 (2) Any two or more such bodies may arrange for the holding of joint
 30 meetings of those bodies or for the appointment of committees consisting of

1 members of those bodies or any of them and either of dealing with it or of
2 reporting on it to those bodies or any of them.

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

8 (4) Nothing in the foregoing provisions of this section shall be
9 construed as:

10 (a) enabling statutes to be made otherwise than in accordance with
11 section 13 of this Bill; or

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

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

20 **25.**-(1) Notwithstanding anything to the contrary in the Pensions
21 Act, the compulsory retiring age of an academic staff of a University shall be
22 65 years.

Retiring age of
academic staff
of the University

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

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

Special provisions
relating to pension
of professors

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

30 (b) who during the period of service was absent from the

Miscellaneous
administrative
provisions

1 University only on approved national or University assignments, shall be
2 entitled to pension at a rate equivalent to his last annual salary and such
3 allowances as the Council may, from time to time, determine as qualifying for
4 pension and gratuity, in addition to any other retirement benefits to which he
5 may be entitled.

6 **27.-(1)** The seal of each University shall be such as may be
7 determined by the Council and approved by the Chancellor, and the affixing of
8 the seal shall be authenticated by any member of the Council and by the Vice-
9 Chancellor, secretary to the Council or any other person authorised by statute.

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

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

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

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

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

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

1 statute and regulations may make different provisions in reaction to
2 different circumstances.

3 *[Second Schedule.]*

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

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

9 **28.-(1)** In this Act, unless the context otherwise requires:

Interpretation

10 "Campus" means any campus which may be established by each University;

11 "College" means any college which may be established by each University;

12 "Council" means the Council established by this Bill for each University;

13 "Graduate" means a person on whom a degree, (other than an honorary
14 degree) has been conferred by each University;

15 "Minister" means the Minister charged with responsibility for agriculture;

16 "Notice" means notice in writing;

17 "Office" does not include the Visitor;

18 "Prescribed" means prescribed by statutes or regulations;

19 "Professor" means a person designated as a professor of each University in
20 accordance with provisions made in that behalf by statute or regulations;

21 "Property" includes rights, liabilities and obligations;

22 "Regulations" means regulations made by the Senate or the Council;

23 "Senate" means the Senate of the University;

24 "Statute" means a statute made by each University under section 11 of this
25 Bill and in accordance with the provisions of section 13 of this Bill, and

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

27 "Teacher" means a person holding a full-time appointment as a member of
28 the teaching or research staff of each University;

29 "Undergraduate" means a person in statu pupillari at each University other
30 than:

1 (a) a graduate; and

2 (b) a person of such description as may be prescribed for the purposes
3 of this definition;

4 "University" means the University of Land Resources Technology, Oforolla
5 established under section 2 of this Act.

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

Short title

13 **29.** This Act may be cited as the Federal University of Land Resources
14 Technology Bill, 2021.

15 SCHEDULES

16 FIRST SCHEDULE

17 [Section 2 (2).]

18 PRINCIPAL OFFICERS OF THE UNIVERSITY

19 *The Chancellor*

20 1.-(1) The Chancellor shall be appointed by the President of Nigeria.

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

22 (3) If it appears to the Visitor that the Chancellor should be removed
23 from his office on the ground of misconduct or of inability to perform the
24 functions of his office, the Visitor may by notice in the Federal Gazette remove
25 the Chancellor from office.

26 *The Pro-Chancellor*

27 2.-(1) The Pro-Chancellor shall be appointed or removed by the
28 President on the recommendation of the Minister.

29 (2) Subject to the provisions of this Act, the Pro-Chancellor shall hold
30 office for a period of four years beginning with the date of his appointment.

1 *The Vice-Chancellor*

2 3.-(1) there shall be a Vice-Chancellor of the University who shall
3 be appointed by the President in accordance with the provisions of this
4 paragraph.

5 (2) Where a vacancy occurs in the post of a Vice-Chancellor, the
6 Council shall:

7 (a) Advertise the vacancy in a reputable journal or a widely read
8 newspaper in Nigeria, specifying:

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

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

13 (b) Constitute a search team consisting of:

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

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

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

22 (3) A joint Council and Senate Selection Board consisting of:

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

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

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

30 (4) The Council shall select three candidates from among the

1 candidates recommended to it under subparagraph (3) of this paragraph and
2 may indicate its order of preference stating the reasons therefore and forward
3 the names to the President.

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

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

10 (7) The Vice-Chancellor may be removed from office by the Visitor
11 after due consultation with the Council and the Senate acting through the
12 Minister of Education.

13 *Deputy Vice-Chancellors*

14 4.-(1) There shall be for each University such number of Deputy Vice-
15 Chancellors as the Council may, from time to time, deem necessary for the
16 proper administration of the University.

17 *[1996 No. 25.]*

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

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

24 (4) A Deputy Vice-Chancellor shall:

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

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

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

1 *A Deputy Vice-Chancellor*

2 5.-(a) shall hold office for a period of two years beginning from the
3 effective date of his appointment and on such terms and conditions as may
4 be specified in his letter of appointment; and
5 (b) may be re-appointed for one further period of two years and no more.

6 *Office of the Registrar*

7 6.-(1) There shall be for each University a Registrar, who shall be
8 the chief administrative officer of the University and shall be responsible to
9 the Vice-Chancellor for the day-to-day administrative work of the
10 University except as regards matters for which the Bursar is responsible in
11 accordance with paragraph 6 {2} of this Schedule.

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

15 *Other principal officers of the University*

16 7.-(1) There shall be for each University the following principal
17 officers, in addition to the Registrar, that is:

18 (a) the Bursar; and

19 (b) the University Librarian, who shall be appointed by the Council
20 on the recommendation of the Selection Board constituted under paragraph
21 8 of this Schedule.

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

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

30 (4) Any question as to the scope of the responsibilities of the

1 aforesaid officers shall be determined by the Vice-Chancellor.

2 *Selection Board for other principal officers*

3 8.-(1) there shall be, for the University, a Selection Board for the
4 appointment of principal officers, other than the Vice-Chancellor or Deputy
5 Vice-Chancellor, which shall consist of:

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

7 (b) the Vice-Chancellor;

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

9 (d) two members of the Senate.

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

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

16 *Resignation and re-appointment*

17 8.-(1) Any officer mentioned in the foregoing provisions of this
18 Schedule may resign his office:

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

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

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

25 SECOND SCHEDULE

26 ARRANGEMENT OF ARTICLES

27 1. The Council

28 2. The Finance and General Purposes Committee

29 3. The Senate

30 4. Congregation

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

16 *The Council*

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

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

(3) A member of the Council holding office otherwise than in pursuance of section 7 (a), (b), (c) or (d) 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 section 7 (a), (b), (c) or (d) of this Bill vacates before the expiration of the period aforesaid, the body or person by whom he was

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

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

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

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

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

17 *The Finance and General Purposes Committee*

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

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

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

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

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

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

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

3 *The Senate*

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

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

6 (b) Deans of colleges;

7 (c) the Directors of institutes and research centres;

8 (d) the Heads of academic departments;

9 (e) the Librarian;

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

12 (g) four persons representing the Congregation.

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

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

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

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

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

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

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

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

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

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

21 *Congregation*

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

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

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

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

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

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

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

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

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

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

26 *Convocation*

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

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

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

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

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

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

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

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

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

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

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

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

30 (8) Subject to section 4 of this Act, the Chancellor shall be the

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

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

6 *Division of colleges*

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

9 *College Board*

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

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

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

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

19 (2) Each College Board shall consist of:

20 (a) the Vice-Chancellor;

21 (b) the Deputy Vice-Chancellor;

22 (c) the Dean;

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

25 (e) such of the teachers assigned to the college and having the
26 prescribed qualifications as the Board may determine; and

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

29 (3) The quorum of the Board shall be six members or one quarter,
30 (whichever is greater), of the members for the time being of the Board; and

1 subject to the provisions of this statute and to any provisions of this article and
2 to any provision made by regulations in that behalf, the Board may regulate its
3 own procedure.

4 *Appointments and Promotions Committee*

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

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

12 *Dean of college*

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

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

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

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

1 *Deputy Dean of college*

2 10.-(1) There shall be a Deputy Dean of college who shall be
3 appointed by the Senate on the recommendation of the Dean.

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

7 *Director of institute or centre*

8 11.-(1) The Director of an institute or of a centre shall be appointed
9 by the Appointments and Promotions Committee for academic staff, and
10 such Director shall hold office for a period of three years and shall be eligible
11 for re-appointment for another term of three years after which he may not be
12 appointed again until two years have elapsed.

13 (2) The Director of an institute or centre shall exercise general
14 superintendence over the affairs of the institute or centre.

15 *Head of department*

16 12.-(1) The Head of a department shall be appointment by the Vice-
17 Chancellor and such Head shall hold office for a period of three years and
18 shall be eligible for re-appointment for another term of three years after
19 which he may not be appointed again until two years have elapsed.

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

23 *Creation of academic posts*

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

27 *Appointment of academic staff*

28 14. Subject to this Act and statutes deriving therefrom, the filling of
29 vacancies in academic posts (including newly created ones) shall be the
30 responsibility of the Appointments and Promotions Committee,

1 notwithstanding the fact that the Vice-Chancellor shall have the power to make
2 temporary appointments to academic and non-academic positions for a period
3 not exceeding twelve calendar months.

4 *Funding of the University*

5 15.-(1) The Federal Ministry of Agriculture and Rural Development
6 shall have responsibility for agricultural or land resources related education in
7 the University similar to the responsibility of the Federal Ministry of Education
8 in general universities.

9 (2) Notwithstanding the provisions of the National Universities
10 Commissions Act, the University shall receive funds directly from the Federal
11 Ministry of Agriculture and Rural Development and from other national and
12 international agencies.

EXPLANATORY NOTE

This Bill seeks to establish the Federal College of Land Resources Technology in Oforolla, Imo State to serve as a special purpose vehicle in the development and optimal utilization of land resources in the country through indigenously developed manpower and technologies.

A BILL

FOR

AN ACT TO ESTABLISH A MARKETING BOARD FOR AGRICULTURAL PRODUCTS AND REGULATE THE BUYING AND SELLING OF AGRICULTURAL PRODUCTS IN NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon. Lawan Shettima Ali

[] Commencement

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

- 1 *Establishment of the Marketing Board, etc.*
- 2 1.-(1) There is hereby established, a board by the name of the Establishment of
3 Agricultural Products Marketing Board (in this Bill referred to as "the Agriculture Products
4 Board") to be responsible for the management and regulation of Agricultural Marketing Board
5 Products in Nigeria.
- 6 (2) The Board shall be a body corporate with perpetual succession
7 and a common seal.
- 8 2. The Board shall consist of a Chairman and the following other Composition of
9 members, that is: the Board
- 10 (a) one representative of each State Government which is a major
11 producer of agricultural products;
- 12 (b) a representative of the Federal Ministry of Agriculture;
- 13 (c) one representative of each of the following Federal Ministries,
14 that is:
- 15 (i) Agriculture and Rural Development; and
16 (ii) Commerce;
- 17 (d) the General Manager of the Board; and
18 (e) three persons appointed by the Minister for their special interest
19 in agricultural production:
- 20 (2) The chairman shall be a person of proven integrity coupled with

1 experience and outstanding ability in administration or in professional
2 agricultural production.

3 (3) The chairman shall be appointed by the President on the
4 recommendation of the Minister.

5 (4) The members specified in paragraphs (a) to (c) and (f) and (g) in
6 subsection (1) of this section are hereafter referred to as "ex-officio members".

7 (5) The provisions of the First Schedule to this Bill shall have effect
8 with respect to the constitution of the Board and other matters therein
9 mentioned,

Tenure of office
of members

10 **3.-(1)** The chairman or any member of the Board other than an ex-
11 officio member shall:

12 (a) hold office for such period, not exceeding four years and on such
13 terms as may be specified in his letter of appointment;

14 (b) unless he previously vacates his office, be eligible for re-
15 appointment for one further term of four years:

16 Provided that nothing in this paragraph shall be construed as entitling
17 any person who has held office as chairman for a term and who is being re-
18 appointed under this paragraph to be appointed again as chairman;

19 (c) be paid out of money at the disposal of the Board such
20 remuneration and allowances in accordance with scales approved in that behalf
21 by the President.

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

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

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

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

26 (i) that he has become incapable, by reason of mental or bodily
27 infirmity of discharging his duties; or

28 (ii) that he has become unfit for membership of the Board by reason of
29 the fact that he has an interest in a contract entered into by the Board and has not
30 disclosed that fact; or

1 (iii) that he has been absent from three consecutive meetings of the
2 Board without leave of the Board; or

3 (iv) he is convicted of an offence which involves moral turpitude.

4 (3) Soon after the office of a member of the Board has become
5 vacant, the authority by which he was appointed shall appoint another
6 person in his place in accordance with the provisions of this Bill.

7 **4.-(1)** It shall be the duty of the Board:

Functions of the
Board

8 (a) to secure the most favourable arrangements for the purchase of
9 relevant agricultural products and subsequent sale thereof to meet domestic
10 requirements and the evacuation to a port of shipment of any surplus to such
11 requirements intended for export; and

12 (b) to purchase all relevant agricultural products which are offered
13 for sale to the Board and which conform with the grades and standards of
14 quality prescribed under any enactment;

15 (c) to enter into contracts or partnerships with any company, firm
16 or person which in the opinion of the Board will facilitate the discharge of its
17 functions under or pursuant to this Bill;

18 (d) to train managerial and other staff for the purpose of the running
19 of its operations;

20 (e) to support and stabilise the price of agricultural products;

21 (f) to appoint licensed buying agents;

22 (g) to fix and control the allowances to be paid to licensed agents
23 for relevant agricultural products;

24 (h) to grant, renew and withhold licences to licensed agents, to
25 impose conditions upon the granting or renewal of such licences and to
26 cancel or suspend them for good cause;

27 (i) to prescribe by public notice specific periods during which the
28 buying of the relevant agricultural product for export or-for mechanised
29 processing shall be prohibited, restricted or allowed;

30 (j) to do all things necessary for and in connection with the

1 purchase, sale, cleaning, packing and transport of the relevant agricultural
2 products;

3 (k) to establish buying centres in all major producing areas for the
4 relevant commodity;

5 (l) to conduct research into the marketing of the relevant commodity;
6 and

7 (m) to do any other thing as may be necessary or expedient for giving
8 full effect to the provisions of this Bill.

9 (2) For the purpose of this section, the relevant agricultural products
10 shall be as specified by the Board and approved by the President.

11 (3) Subject to this Bill, the Board shall have power to do anything
12 which, in its opinion, is calculated to facilitate the carrying out of its functions
13 under this Bill.

Secretary to the
Board and other
staff

14 **5.-(1)** There shall be appointed a secretary to the Board who shall
15 have such experience and qualifications as are appropriate for a person
16 required to perform the functions conferred on the secretary by or under this
17 Bill.

18 (2) The secretary shall be appointed by the Board and shall, subject to
19 the directions of the Board, be responsible for the general administration of the
20 hospitals and shall carry out such other duties as the Board may from time to
21 time direct.

22 (3) Subject to this Bill, the Board shall have power:

23 (a) to appoint such other employees of the Board as it may determine;

24 (b) to pay its employees such remuneration and allowances as the
25 Board may with the approval of the Minister determine.

Power of Minister
to give directions

26 **6.** The Minister may give to the Board directions of a general
27 character or relating generally to particular matters (but not to any individual
28 person or case) with regard to exercise by the Board of its functions under this
29 Bill and it shall be the duty of the Board to comply with the directions; but no

1 direction shall be given which is inconsistent with the duties of the Board
2 under this Bill.

3 *Finance and discipline, etc.*

4 **7.** The funds and resources of each Commodity Board shall be: Funds of the Board

5 (a) such sums as may be provided thereto by the Government of the
6 Federation either by way of loans or grants or otherwise howsoever;

7 (b) moneys derived from the sale of agricultural products;

8 (c) moneys earned or arising from any property or investments
9 acquired by or vested in the Board under or pursuant to this Bill;

10 (d) all sums as may from time to time be lent to the, Board by any
11 person; and

12 (e) all sums or assets which may in any manner become payable to
13 or vested in the Board in respect of any matter incidental to its functions.

14 **8.** The Board may, from time to time, apply the funds at its Expenditure
15 disposal:

16 (a) to or in connection with the purchase of the relevant agricultural
17 products;

18 (b) to the stabilisation of prices of agricultural products;

19 (c) to the cost of administration of the Board, including payments
20 to members thereof or of any committee of the Board and all salaries,
21 allowances, gratuities or pensions and loans to the staff of the Board;

22 (d) for and in connection with all or any of the functions of the
23 Board under this Bill or any other enactment.

24 **9.-(1)** The Board shall prepare and submit to the Minister, not later Annual reports
25 than the 31st day of September in each financial year, an estimate of its
26 income and expenditure during the next succeeding financial year; and such
27 estimates shall be submitted by the Minister for approval by the President.

28 (2) The Board shall keep proper accounts in respect of each
29 financial year- (and proper records in relation to those accounts) and shall
30 cause the accounts to be audited as soon as may be after the end of the

	1	financial year to which the accounts relate by a firm of auditors approved from
	2	the list of auditors-and in accordance with the guidelines submitted by the
	3	Auditor-General for the Federation as respects that year, by the Minister for
	4	Finance.
	5	(3) The Board shall with the approval of the Minister have power:
	6	(a) to borrow money; or
	7	(b) to charge fees for any facilities provided by or by arrangement
	8	with the Board (including in particular the provision of treatment and
	9	accommodation).
Bad debts	10	10. The Board may, with the approval of the President, write off bad
	11	debts.
Removal and discipline of staff of the Board	12	11. -(1) If it appears to the Board that there are reasons for believing
	13	that any person employed as a Staff of the Board should be removed from his
	14	office or employment, the Board shall require the secretary to:
	15	(a) give notice of those reasons to the person in question;
	16	(b) afford him an opportunity of making representations in person on
	17	the matter to the Board; and
	18	(c) if the person in question so requests within the period of one month
	19	beginning with the date of the notice, make arrangements:
	20	(i) for a committee to investigate the matter to the Board; and
	21	(ii) for the person in question to be afforded an opportunity of
	22	appearing before and being heard by the investigating committee with respect
	23	to the matter, and if the Board, after considering the report of the investigating
	24	committee, is satisfied that the person in question should be removed as
	25	aforesaid, the Board may so remove him by a letter signed on the direction of
	26	the Board.
	27	(3) For good cause, any staff may be suspended from his duties or his
	28	appointment or may be terminated by the Board; and for the purposes of this
	29	section, "good cause" means:
	30	(a) a conviction for any offence which the Board considers to be such

1 is to render the person concerned unfit for the discharge of the functions of
2 his office;

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

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

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

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

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

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

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

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

30 (5) It shall be the duty of the person by whom a letter of removal is

Miscellaneous
and supplementary

1 signed in pursuance of subsection (1) of this section to use his best endeavours
2 to cause a copy of the letter to be served as soon as reasonably practicable on
3 the person to whom it relates.

4 (6) Nothing in the foregoing provisions of this section shall prevent
5 the Board from making regulations for the discipline of all categories of
6 employees as the Board may prescribe.

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

10 **12.** By-laws regulating behaviour of the public

11 (1) The Board may, with the approval of the Minister make by-laws:

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

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

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

20 (3) By-laws made under this section may provide that a breach of the
21 by-laws or of a particular provision of the by-laws shall be punishable by a fine
22 (not exceeding N10,000) and in default of payment of the fine by imprisonment
23 for such a term as may be so specified, or exceeding seven days.

24 (4) By-laws under this section shall not apply to any member of the
25 Board.

Interpretation

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

27 "Board" means the Agricultural Products Marketing Board established by
28 section 1 of this Bill;

29 "chairman" means the chairman of the Board;

30 "functions" includes powers and duties;

1 "Minister" means the Minister charged with responsibility for agricultural
2 matters;

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

4 **14.** This Bill may be cited as the Agricultural Products Marketing Short title
5 Board Bill, 2021.

6 SCHEDULES

7 FIRST SCHEDULE

8 CONSTITUTION, ETC., OF THE BOARD

9 *Proceedings of the Board*

10 1. Subject to the provisions of this Bill, the Board may make
11 standing orders regulating the proceedings of the Board or any committee
12 thereof

13 2. The quorum of the Board shall be five which shall include the
14 chairman and at least one other member who is not an ex-officio member;
15 and the quorum of any committee of the Board shall be determined by the
16 Board.

17 3.-(1) The Board shall elect from among its number a member to be
18 Deputy Chairman of the Board for such period as the Board may determine,
19 so however that a deputy chairman who ceases to be a member shall cease to
20 be chairman.

21 (2) At any time while the office of chairman is vacant or the
22 chairman is absent from Nigeria or is in the opinion of the Board
23 permanently or temporarily unable to perform the functions of his office, the
24 deputy chairman shall perform those functions, and references to the
25 chairman in this Schedule shall be construed accordingly.

26 4.-(1) Subject to the provisions of any standing orders of the Board,
27 the Board shall meet whenever it is summarised by the chairman; and if the
28 chairman is required so to do by notice given to him by not less than five
29 other members, he shall summon a meeting of the Board to be held within
30 fourteen days of the date of the receipt by him of the notice.

(2) At any meeting of the Board the chairman or in his absence the deputy chairman shall preside, but if both are absent the members present at the meeting shall elect 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 as 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.

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

13 Committees

14 5.-(1) Without prejudice to the other provisions of this Bill, the Board
15 may appoint one or more committees to carry out, on behalf of the Board, such
16 of its 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 not more than one-third of those persons may be persons who are not members of the Board; and a person other than a member shall hold office on the committee in accordance with the instrument by which he is appointed.

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

24 *Remuneration*

25 6. Subject to this Bill, the Board shall have power:

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

1 (b) as regard employees in whose case it may determine so to do, to
2 pay to or in respect of them such pensions and gratuities approved by the
3 Government of the Federation; and

4 (c) to give loans to its employees for purposes approved by the
5 Board.

6 *Miscellaneous*

7 7.-(1) The fixing of the seal of the Board shall be authenticated by
8 the signature of the chairman or of some other member authorised generally
9 or specially by the Board to act for that purpose.

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

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

17 8. The validity of any proceedings of the Board "or a committee
18 thereof shall not be affected by any vacancy in the membership of the Board
19 or committee, or by any defect in the appointment of a member of any other
20 person to serve thereon.

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish a Marketing Board for Agricultural Products and regulate the buying and selling of Agricultural Products in Nigeria.

A BILL

FOR

AN ACT TO ESTABLISH FEDERAL COLLEGE OF AGRICULTURE, GEIDAM, YOBE STATE TO PROVIDE FULL-TIME COURSES LEADING TO THE AWARD OF DIPLOMA, HIGHER NATIONAL DIPLOMA IN AGRICULTURE AND ALLIED DISCIPLINES, AND BE RESPONSIBLE FOR THE DUE ADMINISTRATION OF THE COLLEGE; AND FOR RELATED MATTERS

Sponsored by Hon. Lawan Shettima Ali

[] Commencement

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

1 PART I - ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COLLEGE

2 1.-(1) There is established the Federal College of Agriculture,
3 Geidam, Yobe State (hereinafter referred to as "the College").

Establishment of
Federal College
of Agriculture,
Geidam, Yobe
State

4 (2) The College referred to in sub-section (1) of this Section shall
5 be a body corporate with perpetual succession and a common seal, and shall
6 have power to acquire and dispose of interests in movable and immovable
7 properties and may sue or be sued in its corporate name.

8 (3) The objects of the College shall be:

9 (a) To encourage the advancement of learning to all persons
10 without distinction of race, religion, sex or political conviction, the
11 opportunity of acquiring higher education in agriculture;

12 (b) To develop and offer academic and professional programmes
13 leading to the award of Certificates, Ordinary National Diplomas and
14 Higher National Diplomas, which emphasize planning, adaptive, technical,
15 maintenance, developmental and productive skills in agriculture, and to
16 contribute to scientific transformation of agriculture in Nigeria.

17 (c) to act as agents and catalysts, through training, research and
18 innovation for the effective and economic utilization, exploitation and

1 conservation of the country's natural, agricultural, economic and resources;

2 (d) to identify the agricultural problems and needs of Nigeria and to
3 find solutions to them within the context of overall national development;

4 (e) to provide and promote sound basic scientific training as a
5 foundation for the development of agriculture and allied disciplines, taking
6 into account the indigenous culture, the need to enhance national unity, the
7 need to vastly increase the practical content of student training, and adequate
8 preparation of graduates for self-employment in agriculture and allied
9 professions;

10 (f) to promote and emphasise teaching, research and extension of
11 agricultural knowledge, including agricultural extension services and outreach
12 programmes, in-service training, continuing education, and on-farm adaptive
13 research;

14 (g) to organize such research relevant to training in agriculture with
15 emphasis on small and large scale farming;

16 (h) to establish institutional collaboration in order to foster
17 integration of training, research and extension activities; and

18 (i) Undertake any other activities appropriate for Colleges of
19 Agriculture.

Governing
Council of the
College

20 2.-(1) There is established for the College a Governing Council (in the
21 Bill referred to as "the Council").

22 (2) Without prejudice to the generality of subsection (1) of this
23 section, the Council shall have the responsibility to consider and approve:

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

25 (b) the Programme of studies, courses, and research to be undertaken
26 in the College;

27 (b) the annual estimates of the College; and

28 (c) the investment plans of the College.

29 (3) The Provision of the First Schedule to this Bill shall have effect
30 with respect to the Council as specified therein.

1	3.-(1) The Council shall consist of a Chairman and the following	Composition of the Council of the College
2	other members, to be appointed by the President through the Minister of	
3	Education;	
4	(a) a representative of the Federal Ministry responsible for	
5	education;	
6	(b) a representative of the Federal Ministry responsible for	
7	Agriculture;	
8	(c) a representative of the National Board for Technical Education	
9	(NBTE);	
10	(d) a representative of Alumni association of the College;	
11	(e) three persons appointed on individual merit on a nationwide	
12	basis who should have vast experience of service in the agricultural sector;	
13	(f) two representatives of the academic board of the College; and	
14	(g) the Provost of the College.	
15	4.-(1) A member of the Council, other than an ex-officio member,	Tenure of Office of the Members of the Council
16	shall hold office for a term of three years and subject to the provision of sub-	
17	section (2) of this section, shall be eligible for re-appointment for a further	
18	period of three years and no more.	
19	(2) The office of a member appointed under section 3 of this Bill	
20	shall become vacant if:	
21	(a) the member resigns in office by notice in writing under his	
22	hand, addressed to the President through the Minister; or	
23	(b) the President is satisfied that it is not in the interest of the	
24	College or of the public for such member to continue in his office and	
25	notifies the member in writing to that effect.	
26	5. The functions of the College shall be:	Functions of the College
27	(a) to provide full-time courses in teaching instruction and	
28	training:	
29	(i) in Agriculture and allied matters; and	
30	(ii) in such other fields of applied learning relevant to the needs of	

Powers of the
Council

- 1 development of Nigeria:
- 2 (b) to conduct courses in Agriculture for qualified teachers;
- 3 (c) to arrange conferences, seminars and workshops relative to the
- 4 functions of the College and
- 5 (d) to perform such other functions as in the opinion of the Council
- 6 may serve to promote the objective of the College.
- 7 **6.** The Council of the College shall have power to:
- 8 (a) hold examinations and grant Diplomas, Professional Certificates
- 9 and other distinctions to persons who have pursued a course of study approved
- 10 and accredited by the relevant regulatory body and have satisfied such other
- 11 requirements as the College may lay down;
- 12 (b) conduct examinations in Agriculture for qualified teachers;
- 13 (c) recruit staff of the right caliber and determine the career a structure
- 14 of such staff;
- 15 (d) demand and receive from any student or any other person
- 16 attending the College for the purpose of study, such fees as the Council may
- 17 from time to time determine subject to the overall directives of the Ministry;
- 18 (e) hold public lectures and undertake printing, publishing and book
- 19 selling;
- 20 (f) award fellowship, medals, prizes and other titles;
- 21 (g) establish and maintain such schools and other teaching units with
- 22 the College or extra moral departments as the Council may from time to time
- 23 determine;
- 24 (h) erect, provide, equip and maintain such educational recreational
- 25 and residential facilities as the College may require;
- 26 (i) Institute professorships, readerships or associate professorships,
- 27 lectureships, other posts and offices and make appointments thereto;
- 28 (j) receive and make gifts;
- 29 (k) enter into such contracts as may be necessary or expedient for
- 30 carrying into effect the objects of the College;

1 (l) provide for the welfare and discipline of the staff and students of
2 the College;

3 (m) encourage and make provision for research in the College;

4 (n) do such acts and things whether or not incidental to the
5 foregoing power as may advance the objects of the College.

6 7.-(1) The Minister shall be the Visitor of the College.

Visitation

7 (2) the Visitor shall as often as the circumstances may require, not
8 being less than once every five years, conduct a visitation to the College or
9 appoint a visitation panel consisting of not less than five experts to conduct
10 the visitation for the purposes of evaluating the academic and administrative
11 performance of the College or for such other purposes in respect of any
12 affairs of the College, which the Visitor may consider necessary.

13 8.-(1) There shall be established for the College a Board to be
14 known as the Academic Board which shall consist of the following
15 members;

The Academic
Board and its
functions

16 (a) the Provost of the College who shall be the Chairman;

17 (b) all heads of departments;

18 (c) the College Bursar;

19 (d) the College Librarian; and

20 (e) not more than three members of the Academic staff other than
21 the heads of departments to be appointed by the Council.

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

23 (a) the direction and management of academic matters of the
24 College including the regulation of admission of students, the award of
25 certificates, scholarships, prizes and other academic distinction;

26 (b) discharging any other functions which the Council may from
27 time to time delegate to it.

28 9. Subject to the provisions of this Bill, the Minister may give to
29 the Council directions of the general character or relating generally to matter
30 with regard to the exercise by the Council of its functions and it shall be the

Power of Minister
to give directives
to the Council

	1	duty of the Council to comply with such directions.
The Provost of the College	2	10. -(1) There shall be a Provost of the College (hereinafter referred to
	3	as "the Provost") who shall be appointed by the president on the
	4	recommendation of the Minister.
	5	(2) Where a vacancy occurs in the post of the Provost, the Council
	6	shall:
	7	(a) advertise the vacancy in reputable journal or widely read
	8	newspaper in Nigeria specifying:
	9	(i) the qualities and qualifications of the person who may apply for the
	10	post:
	11	(ii) the terms and conditions of service applicable to the post, and
	12	thereafter draw up a shortlist of suitable candidates for the post for
	13	consideration.
	14	(3) The President shall appoint as Provost one of the candidates
	15	recommended by the Minister.
	16	(4) Subject to the general control of the Council, the Provost shall be
	17	the chief executive of the College and shall be charged with general
	18	responsibility for matters relating to the day-to-day management and
	19	operations of the College.
	20	(5) The Provost shall hold office for a single term of four years only
	21	beginning from the effective date of his appointment and on such terms and
	22	conditions as may be specified in his letter of appointment and no more.
Deputy Provost	23	11. -(1) There shall be for the College two Deputy Provosts namely:
	24	Deputy Provost (Academic) and the Deputy Provost (Administration).
	25	(2) The Council shall appoint the Deputy Provosts from among the
	26	chief lecturers in the College in any of the following ways, that is:
	27	(a) from a list of five candidates in order of preference, submitted by
	28	the Provost;
	29	(b) on the recommendation of a selection Board constituted for their
	30	purpose; or

1 (c) on the nomination of the Provost.

2 (3) The selection Board referred to in subsection 2 (b) of this
3 section shall consist of:

4 (i) the Chairman of the Council;

5 (ii) the Provost of the College;

6 (iii) two members of the Academic board; and

7 (iv) two members of the Council not being members of the
8 Academic Board.

9 (4) (a) The Deputy Provost (Academic) shall:

10 (i) assist the Provost in the performance of his function in
11 Academic matters of the College;

12 (ii) act as the Provost when the post of the Provost is vacant or if the
13 Provost is, for any reason, absent or unable to perform his function as
14 Provost.

15 (b) The Deputy Provost (Administration) shall:

16 (i) assist the Provost in administrative matters. of the College; and

17 (ii) perform such other functions as the Provost or the Council may
18 from time to time assign to him.

19 (5) Each of the deputy Provosts shall hold office for a period of two
20 years and no more.

21 **12.-(1)** There shall be a Registrar for the College to be appointed by The Registrar
22 the Council.

23 (2) The Registrar shall keep the records and 'conduct the
24 correspondence of the Council;

25 (3) The Registrar shall be the secretary to:

26 (a) the Council;

27 (b) the Academic Board; and

28 (c) any Committee of the Council.

29 (4) The Registrar may perform any duty as may be assigned to him
30 by the Council or the Provost.

	1	(5) The Registrar shall hold office for a period of four years only
	2	beginning from the effective date of his appointment and on such terms and
	3	conditions as may be specified in his letter of appointment and no more.
Other principal officers of the College	4	13. -(1) There shall be for the College in addition to the Registrar:
	5	(a) the Bursar; and
	6	(b) the College Librarian.
	7	(2) The Bursar and the College Librarian shall be appointed by the
	8	Council on the recommendation of the Selection Board constituted under this
	9	Act.
	10	(3) The Bursar shall be the chief financial officer of the College and be
	11	responsible to the Provost for the day to day administration and control of the
	12	financial affairs of the College.
	13	(4) The College Librarian shall be responsible to the Provost for the
	14	administration of the College library 'and the coordination of the library
	15	services in the teaching units of the College.
	16	(5) The scope of the responsibilities of the officers referred to in sub-
	17	section (5) of this Section shall be determined by the Provost.
	18	(6) The Bursar and the College librarian shall each hold office for a
	19	period of four years and no mare.
Other employees of the College	20	14. -(1) The Council may employ such other persons as employees of
	21	the College, as may be required to assist the Provost and the Principal Officers
	22	of the College in the performance of their functions and responsibilities under
	23	this Act.
	24	(2) Subject to the provisions of this Bill, the remuneration, tenure of
	25	office and condition of service of the employee of the College shall be
	26	determined by the Council in consultation with the Federal Civil Service
	27	Commission.
Pensions	28	15. -(1) Service in the employment of the College shall be as approved
	29	service under the Pensions Reform Act, 2004 and accordingly, employees of
	30	the College shall, in respect of their services in the College, be entitled to

1 pension, gratuities and other retirement benefits as are prescribed in the Act.

2 (2) Notwithstanding the provisions of sub-section (1) of this
3 Section, nothing in this Bill shall prevent the appointment of a person to any
4 office on terms which precludes the grant of a pension and gratuity in respect
5 of that office.

6 (3) For the purpose of the application of the Pensions Reform Act,
7 2004 and any power exercisable thereunder by the President or authority
8 other than the Federal Government, shall be vested in and exercisable by the
9 College.

10 (4) Subject to sub-section (2) of this Section, the Pensions Reform
11 Act, 2004 shall in its application by virtue of sub-section (3) of this Section,
12 have effect as if the office were in the public service of the federation within
13 the meaning of the Constitution of the Federal Republic of Nigeria, 1999 (as
14 amended).

15 **16.-(1)** There shall be a selection Board for the College which shall
16 consist of:

Selection Board
for other Principal
Officers

17 (a) the Chairman of the Council;

18 (b) the Provost;

19 (c) four members of the Council not being members of the
20 Academics Board; and

21 (d) two members of the Academic Board.

22 (2) The functions, procedure and other matters relating to the
23 selection Board constituted under subsection (1) of this section shall be
24 determined from time to time by the Council.

25 PART II - FINANCIAL PROVISIONS

26 **17.-(1)** The Council shall establish and maintain a fund which shall
27 be applied towards the promotion of the aims and objectives specified in this
28 Bill.

Establishment of
Fund for the
College

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

- 1 (a) such sums as may from time to time be granted by the Federal
2 Government through the National Board for Technical Education (NBTE);
- 3 (b) all monies raised by the Council by way of gifts, grants, aids,
4 testamentary dispositions, endowments or contributions from philanthropic or
5 organizations; and
- 6 (c) all subscription fees and charges for services rendered by the
7 College and all other sums that may accrue to the Council from any source.
- Annual Estimates,
Accounts and
Audit 8 **18.-(1)** The College shall, not later than 30th September of each
9 financial year, submit to the Council for approval its estimates of income and
10 expenditure for the next financial year.
- 11 (2) The College shall:
- 12 (a) Keep proper records of all accounts of its income and expenditure;
13 and
- 14 (b) Prepare a statement of account in respect of each financial year.
- 15 (3) The College shall not later than 30th June of each financial year,
16 submit its accounts to auditors appointed from a list of qualified auditors in
17 accordance with guidelines laid down by the Auditor-General of the Federation
18 and the auditor's fees and expenses shall be paid from the Funds of the College.
- Annual Reports 19 **19.-(1)** The College shall not later than 30th June of each financial
20 year, submit to the Council, in respect of the preceding financial year, an annual
21 report on the activities of the College in such form as the Council may direct.
- 22 (2) The report referred to in sub-section (1) of this Section shall
23 include:
- 24 (a) Information the activities of the College in that year;
- 25 (b) A copy of the audited accounts of the College for that year together
26 with the Auditor General's report on the accounts of the College; and
- 27 (c) Such other information as the Council may request
- 28 (3) The Provost shall provide such information on the affairs of the
29 College as the Council may from time to time request.

1 **20.**-(1) The College may accept gifts of land, money or other Power to accept
2 property upon such terms and conditions, if any, as may be specified by the gifts
3 person or organization donating the gift.

4 (2) The College shall not accept any gift where the conditions
5 attached by the person or organization donating the gift to the gifts are
6 inconsistent with the functions and objects of the College.

7 PART III - MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

8 **21.**-(1) The Council may make rules providing for the Discipline of Discipline of
9 students Provost to conduct enquiries into any alleged breach of discipline in students
10 the College, which include lack of due diligence exhibited by any students,
11 and may make different provisions for different circumstances.

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

14 (3) Subject to the provisions of sub-section (1) of this Section,
15 where it is proved during enquiry that any 'student of the College has been
16 found guilty of any misconduct, the Provost may, without prejudice to any
17 other disciplinary powers conferred on him by this Bill or any regulations
18 made" pursuant to this Act, direct that the:

19 (a) Student shall not, during such period as may be specified in the
20 direction, participate in such activities of the College, or make use of such
21 facilities of the College, as may be specified; or

22 (b) Activities of such student shall during such period as may be
23 specified in the directions, be restricted in such manner as may be so
24 specified; or

25 (c) The student may be suspended for such period as may be
26 specified in the direction; or

27 (d) Student should be expelled from the College.

28 (4) Where there is no Provost or where the Provost refuses to apply
29 any disciplinary measures, the Council may, either directly or through some
30 other staff of the College, apply such disciplinary actions specified in sub-

1 section (3) of this Section to any student of the College that is found guilty of
2 any misconduct.

3 (5) Where a direction is given under sub-section (3), paragraphs (c) or
4 (d) of this Section in respect of any student, the student may, within 21 days
5 from the date of the letter communicating the decision to him, appeal against
6 the direction to the Council, and where such an appeal is brought, the Council
7 after making inquiry in relation to the matter, may either modify, confirm or set
8 aside the direction in such manner as the Council may deem necessary.

9 (6) The fact that an appeal from a direction is brought pursuant to sub-
10 section (5) of this Section shall not affect the operation of the direction while
11 the appeal is pending.

12 (7) The Provost may delegate his powers under this Section to a
13 disciplinary committee consisting of such members of the College as he may
14 nominate.

15 (8) Nothing in this Section shall be construed as preventing the
16 restriction or termination of a student's activities in the College otherwise than
17 on the ground of misconduct.

18 (9) The direction under subsection (3) (a) of this Section may be
19 combined with a direction under subsection (3) (b) of this Section.

20 (10) In all cases of indiscipline and misconduct under this Section, the decision
21 of the Council shall be final unless it is reversed by the Minister on
22 appeal by the student.

Interpretation

23 **22.** In this Bill, unless the context otherwise requires:

24 "Chairman" means the Chairman of the Council;

25 "College" means the Federal College of Agriculture, Geidam, Yobe State
26 established under section (1) of this Bill;

27 "Council" means the Governing Council of the College established under
28 section 2 of this Bill;

29 "Function" includes power and duties;

1 "Minister" means the Minister charged with responsibility for matters
2 relating to education;
3 "Member" means a member of the Council including the Chairman;
4 "Provost" means the Provost of the College established under section 10 of
5 this Bill.

6 **23.** This Bill may be cited as the Federal College of Agriculture, Citation
7 Geidam (Establishment) Bill, 2021.

8 SCHEDULE

9 [Section 2(3)]

10 SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC.

11 *Terms of service*

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

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

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

22 *Proceedings*

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

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

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

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

5 (5) The Quorum of the Council shall be one half of the total members
6 of the Council, at least one of whom shall be a member appointed by the
7 President.

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

10 *Miscellaneous*

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

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal 'College of Agriculture, Geidam, Yobe State to provide full-time courses, teaching instructions and training in Agriculture and carry out its due administration and management.

FEDERAL INSTITUTE OF FISHERIES RESEARCH
(ESTABLISHMENT) BILL, 2021
ARRANGEMENT OF CLAUSES

Clause:

PART 1 - ESTABLISHMENT OF THE FEDERAL INSTITUTE OF FISHERIES
RESEARCH, OGIDIGBEN, WARRI SOUTH-WEST LOCAL GOVERNMENT

AREA OF DELTA STATE

1. Establishment of the Federal Institute of Fisheries Research
2. Functions of the Institute
3. Powers of the Institute
4. Governing Board of the Institute
5. Powers of the Governing Board
6. The Director-General of the Institute
7. The Provost

PART II - PROFESSIONAL DISCIPLINE

8. Professional discipline
9. Penalties for unprofessional conduct

PART III - MISCELLANEOUS AND GENERAL PROVISIONS

10. Provision of library
 11. Rules and regulations
 12. Offences
 13. Funds of the Institute
 14. Bank accounts of the Institute
 15. Power to accept gift
 16. Power to borrow
 17. Annual estimate accounts and audit
 18. Annual report
 19. Indemnity of members
 20. Legal proceedings and service of summons
 21. Seal of the Institute
 22. Interpretation
 23. Citation
- Schedule

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL INSTITUTE OF FISHERIES RESEARCH,
OGIDIGBEN, DELTA STATE, FOR FISHERY RESEARCH, EDUCATION AND
COOPERATIVE TRAINING IN NIGERIA AND TO MAKE COMPREHENSIVE
PROVISIONS FOR DUE MANAGEMENT AND ADMINISTRATION; AND FOR
RELATED MATTERS

Sponsored by Hon. Thomas Ereyitomi

[] Commencement

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

- 1 PART 1 - ESTABLISHMENT OF THE FEDERAL INSTITUTE OF FISHERIES
2 RESEARCH, OGIDIGBEN, DELTA STATE
3 1.-(1) There is established the Federal Institute of Fisheries
4 Research, Ogidigben, Delta State (in this Act to as "the Institute").
5 (2) The Institute:
6 (a) shall be a body corporate with perpetual succession and a
7 common seal which shall be kept in such custody as the Institute may
8 authorize;
9 (b) may sue and be sued in its corporate name; and
10 (c) may hold, acquire and dispose of any property, moveable or
11 immovable, in carrying out its mandate.
12 (3) The Headquarters of the Institute shall be domiciled in
13 Ogidigben, Warri South-West Local Government Area of Delta State.
14 2.-(1) The broad functions of the Institute shall be:
15 (a) research, experimentation, sample application and patenting;
16 (b) education and training by the Colleges;
17 (c) innovation and technology dissemination through farming
18 systems and extension services;

Establishment of
the Federal Institute
of Fisheries Research ,
Ogidigben, Delta
State

Functions of the
Institute

- 1 (d) the improvement of the genetic resources of fishery and the
2 ecosystem for economic development;
- 3 (e) the improvement of aquatic practices relating to new species of
4 fishes of economic importance;
- 5 (f) the mechanization and improvement of the methods of cultivating,
6 harvesting, processing, domestication and biotechnological mass production
7 of fishes and seafood stocks of economic importance;
- 8 (g) research into the utilization strategies of fish products,
9 improvement of same, inclusive of fish and processed products;
- 10 (h) studying the ecology of pests and diseases of fishes and their
11 control;
- 12 (i) research into the development of agro-fishery systems for the
13 integration of fishes of economic importance into farming systems in different
14 ecological zones and its socio-economic effects on the rural populations;
- 15 (j) fishery education and training to facilitate entrepreneurial skills
16 and capacity building for persons in the business of fishing;
- 17 (k) fishery extension and dissemination;
- 18 (l) research into the:
- 19 (i) bio diversity of Nigerian fishes in relation to its flora and fauna,
20 (ii) different suitable bio diversity and appropriate methods of control
21 of ecological and environmental problems of the country with respect to oil
22 pollution, soil erosion, including the conservation, protection and management
23 of the coastal mangrove, watershed and sand-dunes, and
- 24 (iii) appropriate application of remote sensing and geographical
25 information systems (GIS) for climate change monitoring and adaptation, as
26 well as aqua-cultural studies;
- 27 (m) making suitable arrangements for the application of the results of
28 the research work under paragraph (l) (i) by the Federal and State Ministries,
29 Agencies and the private sector for the economic development of Nigeria;
- 30 (n) co-operating with relevant Nigerian and international

1 Universities, Research Institutes and other institutions in the mobilization of
2 the country's research potential on Fishery for the task of national
3 development and dissemination of research findings on the issues relating to
4 Fishery for the use of policy makers at all levels;

5 (o) providing training in the use of modern fishing craft, nets gear
6 and other equipment intended for use in fishing;

7 (p) providing training on the dangers of using explosive
8 substances, noxious or poisonous matter or the use of electricity in fishing;

9 (q) providing cooperative training for persons engaged in the
10 business of fishing on developing fishing clusters;

11 (r) training manpower for fish industry in Nigeria on methods of
12 fish production, cultivation, processing and preservation.

13 (s) entering into all professional transaction that will enhance
14 proper performance of its functions.

15 3.-(1) The Institute may, with the approval of its supervising
16 Ministry or Board, enter into association or agreement with the competent
17 authorities of any University or other institution of higher learning or
18 recognized international institutions for the purpose of promoting or
19 furthering mutual co-operation in the field of scientific research in respect of
20 which the Board has responsibility under this Bill.

Powers of the
Institute

21 (2) The Institute may, at the written request of any government
22 agency, local government authority or private organization, train laboratory,
23 field ecology extension and other categories or descriptions of workers
24 relative to their specified fields of research.

25 (3) Without prejudice to its research functions, the Institute may
26 produce improved seedlings and other planting materials as part of its
27 research and experimental programs for use of farmers in different
28 ecological zones of the Federation.

29 (4) The Institute shall, when so requested by the Federal
30 Government, government agencies or any of the State or Local Government

	1	authorities or any authorized body, provide information or give advice relating
	2	to their specified fields of research.
Governing Board of the Institute	3	4.-(1) There shall be for the Institute, a governing body (in this Bill
	4	referred to as "the Board") charged with the administration of government
	5	policies.
	6	(2) The Board shall be established by the President of the Federal
	7	Republic of Nigeria on the recommendation of the supervising Minister and
	8	shall be evenly distributed among the six geo-political zones of the Federation.
	9	(3) The Board shall consist of:
	10	(a) a Chairman, knowledgeable in Fishery or related discipline;
	11	(b) a representative of the Ecological Funds office;
	12	(c) a representative of the supervising Ministry charged with the
	13	supervision of fishery matters;
	14	(d) two other members nominated by the President; and
	15	(e) the Director-General of the Institute, who shall be the Secretary to
	16	the Board.
	17	(4) with the exception of the Director-General, membership of the
	18	Board shall be on part-time basis.
	19	(5) a member of the Board may resign his appointment by a letter
	20	addressed to the President, through the Minister, and, if accepted, the
	21	resignation shall take effect from the date the President receives the letter of
	22	resignation.
	23	(6) members of the Board shall, unless otherwise provided, hold
	24	office for a term of four (4) years and may be eligible for another term of four
	25	(4) years and no more.
Powers of the Board	26	5.-(1) the Board shall have the powers to:
	27	(a) perform all functions conferred on the Institute by this Bill;
	28	(b) formulate policies for the Institute;
	29	(c) make rules to govern the procedures of its meetings; and
	30	(d) make recommendations to the Minister on the establishment of

1 specialized colleges in other parts of the country as the need arises.

2 (2) the provision of the Schedule to this Bill shall apply with
3 respect to the proceedings Schedule of the Board.

4 6.-(1) The President shall, on the recommendation of the Minister, The Director-
5 appoint the Director-General of the Institute. General of the
Institute

6 (2) The Director-General shall be-

7 (a) a Research Professor with vast experience in Fishery or related
8 discipline;

9 (b) charged with the day-to-day management of the affairs of the
10 Institute in accordance with such instructions as may be given to him by the
11 Minister, through the Board of the Institute;

12 (c) the Accounting Officer of the Institute.

13 (3) the Director-General of the Institute shall hold office for a term
14 of four (4) years and may be eligible for re-appointment for another term of
15 four (4) years and no more.

16 (4) The Board may appoint such other persons as employees of the
17 Institute either by way of transfer or secondment from any of the public
18 service or any University in the Federation or otherwise as it considers
19 necessary.

20 (5) The Institute shall operate research professorial cadre system
21 for researchers or lecturers and directorate equivalent system for support
22 services staff such as:

23 (a) the Institute's Secretary for Administrative Cadre System;

24 (b) the Institute's Librarians for Library Cadre System;

25 (c) the Institute's Accountant for the Account and Finance Cadre
26 System;

27 (d) the Institute's Auditor for the Audit Cadre System; and

28 (e) the Head of Procurement for the Procurement Cadre System.

29 (6) The remuneration, conditions of service and tenure of office of
30 the employees of the Institute shall be determined by the National Income,

	1	Salaries and Wages Commission and the Federal Civil Service Commission.
The Provost	2	7.-(1) the Minister shall, on the recommendation of the Board,
	3	appoint a Provost for each of the Colleges of the Institute.
	4	(2) The Provost shall:
	5	(a) be a Ph.D. holder and shall possess a minimum experience as a
	6	Senior Lecturer in the field of Fishery or related disciplines;
	7	(b) be charged with the day-to-day management of the College in
	8	accordance with such instructions as may be given to him by the Board or
	9	Director-General of the Institute;
	10	(c) design research programs, the formulation and implementation of
	11	research proposals relevant to the institute;
	12	(d) coordinate the training programs or research and provisions of
	13	intellectual leadership;
	14	(e) be responsible for the collation and interpretation of research data
	15	and the preparation of scientific reports;
	16	(f) prepare annual and quarterly reports in respect of his College;
	17	(g) be responsible for College development programs and planning;
	18	and
	19	(h) hold office for a non-renewable term of five years.
	20	(3) The Board shall recommend the removal of the Provost to the
	21	Minister if he is found incompetent or incapacitated.
	22	PART II - PROFESSIONAL DISCIPLINE
Professional discipline	23	8. Every staff shall be well acquainted with the disciplinary procedure
	24	entrenched in the Public Service Rules, and any other regulations as may be
	25	made by the Board.
Penalties for unprofessional conduct	26	9. Where a staff-
	27	(a) is judged to be guilty of infamous conduct in any professional
	28	respect,
	29	(b) is found to have contravened the provisions of the Public Service
	30	Rules, or

1 (c) contravenes directives issued as government circulars from the
2 supervising Ministry, Federal Civil Service Commission, Office of the
3 Secretary to the Government of the Federation, Office of the Head of
4 Service and other Federal Government offices with authority to issue
5 circulars and directives, the staff shall be subjected to disciplinary measures
6 in accordance with the regulations contained in the Public Service Rules.

7 PART III - MISCELLANEOUS AND GENERAL PROVISIONS

8 **10.** The Institute shall-

Provision Library

9 (a) provide and maintain a Library comprising of books and
10 publications for the advancement of the knowledge of Fishery and such
11 other books and publications the Board may deem necessary for that
12 purpose; and

13 (b) encourage research into Fishery and allied subjects to the extent
14 that the Board may consider necessary.

15 **11.**-(1) the Minister shall have powers to make rules and
16 regulations under this Bill.

Rules and
Regulations

17 (2) The regulation made under this Bill shall be published in the
18 Federal Government Gazette as soon as they are made.

19 (3) The rules made for the purpose of this Bill (other than rules
20 made by the Minister) shall:

21 (a) be subject to confirmation by the Institute at its next annual
22 meeting or at any special meeting of the Institute convened for the purpose;
23 and

24 (b) if not confirmed, cease to have effect on the day after the date of
25 the confirmation but without prejudice to anything done in pursuance or
26 intended pursuance of such rules.

27 **12.** -(1) If a staff, for the purpose of procuring the registration of
28 any name, qualification or other matter:

Offences

29 (a) makes a statement which he believes to be false in a particular
30 matter, or

1 (b) recklessly makes a statement which is false in a particular matter,
2 the staff commits an offence.

3 (2) If a member or any other person employed by or on behalf of the
4 Institute willfully makes any falsification on any matter, the member or person
5 commits an offence.

6 (3) Any staff who commits an offence under this section shall, after
7 being found guilty by a properly constituted Disciplinary Committee, be
8 subjected to relevant punishment stipulated under the Public Service Rule.

9 PART IV - FINANCIAL PROVISIONS

Funds of the
Institute

10 13.-(1) the Institute shall establish and maintain a fund into which
11 shall be paid:

12 (a) Annual subvention from the Federal Government;

13 (b) Monetary gifts, research grants or aids and contribution from
14 national and international organisations;

15 (c) Internally generated revenue from research breakthroughs, and
16 products and services provided by the Institute;

17 (d) The internally generated revenue which shall be shared at the ratio
18 of 75% - 25% for the Federal Government and the Institute, respectively;

19 (e) The 25% revenue for the Institute which shall be expended on
20 areas that will promote the Institutes mandate;

21 (f) Loans and other solicited funds received by the Institute; and

22 (g) All other sums accruing to the Institute from time to time.

23 (2) The Institute shall prepare a detailed annual budget of its
24 programmes and activities for the approval of the Board and the Minister.

25 (3) The Institute shall apply the funds at its disposal:

26 (a) To meet the cost of administration of the Institute and its Colleges;

27 (b) For the payment of fees, allowances and benefits of members of
28 the Board;

29 (c) For the payment of functions of the Institute under this Bill or any
30 matter connected to its function;

1 (d) To meet any capital expenditure of the Institute;

2 (e) To pay salaries, allowances and benefits of officers and other
3 employees of the Institute;

4 (f) To such reasonable travelling and subsistence allowances of the
5 Board, Director-General and other members of staff in respect of time spent
6 on the duties of the Institute as may be determined by the Board and other
7 guidelines of the Institute;

8 (g) To maintain any property acquired by or vested in the Institute;
9 and

10 (h) To implement all or any of the expenditure of the Institute

11 **14.**-(1) the Institute shall maintain a bank account in its name in Bank accounts
of the the Institute
12 banks approved by the Board.

13 (2) any fund of the Institute in excess of an imprest to be
14 determined by the Board shall be lodged into the Institute's account.

15 **15.**-(1) the Institute may accept gifts of land, money or other Power to accept
gift
16 testamentary dispositions, endowments and contributions on such terms and
17 conditions, if any, as may be specified by the donor.

18 (2) the Institute shall not accept any gift if the conditions attached
19 by the donor are inconsistent with the objectives and functions of the
20 Institute under this Bill.

21 **16.**-(1) the Institute may, with the consent of the Minister and on Power to borrow
22 the recommendation of the Board, borrow by way of loan, a specified
23 amount as it may require for meeting its obligations and performing its
24 functions under this Bill.

25 (2) no consent or authority shall be required under subsection (1), if
26 the sum or the aggregate of the sums involved at any time does not exceed
27 such amount as may be, for the time being, specified in relation to the
28 Institute by the Federal Government.

29 **17.**-(1) The Institute shall prepare, not later than September, an Annual estimates,
accounts and audit
30 estimate of the expenditure and income of the Institute during the next

	1	succeeding year and, when prepared, they shall be submitted to the Minister for
	2	approval prior to the final submission at the National Assembly.
	3	(2) The Institute shall keep proper books of records and accounts
	4	which shall be audited by auditors approved by the Board from the list of
	5	auditors in accordance with the guidelines supplied by the Auditor-General of
	6	the Federation.
Annual report	7	18. -(1) The Institute shall, not later than six months after the end of
	8	each year, submit to the National Assembly, through the Minister, a report on
	9	the activities and the administration of the Institute and its colleges during the
	10	immediately preceding year and shall include in the report, the audited
	11	accounts of the Institute and its Colleges and the report of the Auditor on the
	12	accounts.
Indemnity of members	13	19. No suit, prosecution or legal proceedings shall lie against any
	14	officer, member or employee of the Institute for anything which is done in good
	15	faith or is intended to be done under this Act, rules or regulations made under
	16	this Act.
Legal proceedings and services of summons	17	20. -(1) a suit shall not be commenced against the Institute before the
	18	expiration of a period of one month, after written notice of intention to
	19	commence the suit shall have been served on the Institute by the intending
	20	plaintiff or claimant or his counsel, and the notice shall clearly state the:
	21	(a) cause of action;
	22	(b) particulars of the claim;
	23	(c) name and place of abode of the intending plaintiff or claimant; and
	24	(d) relief which he claims.
	25	(2) the notice referred to in subsection (1) of this section and any
	26	summons, notice or other document required or authorized to be served on the
	27	Institute under the provisions of this Act or any other enactment or law may be
	28	served by-
	29	(a) delivering the documents to the office of the Director-General; or
	30	(b) sending it by registered post addressed to the Director-General at

1 the Headquarters of the Institute.

2 **21.** The seal of the Institute shall not be affixed on any instrument Seal of the
3 except with the authorization of the Director-General. Institute

4 **22.** In this Bill: Interpretation

5 "Board" means the Board established as the governing body of the Institute
6 under section 4(2) of this Bill;

7 "Director-General" means the Director-General appointed under section
8 6(1) of this Bill;

9 "Institute" means the Federal Institute of Fisheries Research established
10 under section 1(1) of this Bill;

11 "Colleges" means the Colleges of the Institute established under this Bill;

12 "Member" means member of the Institute;

13 "Minister" means the Minister charged with the responsibility for matters
14 relating to Fishery Research;

15 "Supervising Ministry" means the Ministry charged with the responsibility
16 for matters relating to Fishery Research.

17 **23.** This Bill may be cited as the Federal Institute of Fisheries Citation
18 Research (Establishment) Bill, 2021.

1 SCHEDULE

2 *Sections 5 (2)*3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD AND THE
4 INSTITUTE5 *Qualifications and Tenure of Office of members*6 1.-(1) Subject to the provisions of this paragraph, a member of the
7 Board shall hold office from the effective date of the instrument of his
8 appointment.9 (2) A member of the Institute who ceases to be a member shall, if he is
10 also a member of the Board, cease to hold office on the Board.11 *Powers of the Board*12 2. The Board shall have powers to do anything which, in its opinion, is
13 calculated to facilitate the carrying-on of the activities of the Institute under
14 this Bill.15 *Proceedings of the Board*16 3.-(1) Subject to the provisions of this Bill, the Board may, in the
17 name of the Institute, make standing orders regulating the proceedings of the
18 Institute or Board and, in the exercise of its powers under this Bill, may set up
19 committees in the general interest of the Institute and make standing orders for
20 the committees.21 (2) Standing orders shall provide that decisions shall be taken by a
22 majority of the members, and, in the event of equality of votes, the Chairman
23 has a second or casting vote.24 (3) Standing orders made for a committee shall provide that the
25 committee is to report back to the Board on any matter not within its
26 competence to decide.27 4. The quorum of the Board shall be four and the quorum of a
28 committee of the Board shall be fixed by the Board.29 *Committees*

30 5. The Board shall convene the annual farming systems meeting of

1 the Institute every year.

2 (1) The Institute may set up one or more standing or ad-hoc
3 committees to carry out, on its behalf, such of its functions as it may
4 determine.

5 (2) A Committee set up under this paragraph shall consist of such
6 number of Persons as may be determined by the Institute and a person, other
7 than a member of the Institute, shall hold office in the Committee in
8 accordance with terms of his appointment.

9 (3) A decision of a Committee of the Institute shall be of no effect
10 until it is confirmed by the Institute.

11 *Meetings of the Board*

12 6.-(1) The Board shall meet at least twice in any financial year, and subject to
13 the provisions of any standing order of the Board, the Board shall
14 meet at other times as it is summoned by the Chairman, and if the Chairman
15 is required to do so by notice in writing given to him by at least four other
16 members, he shall summon a meeting of the Board to be held within seven
17 (7) days from the date on which notice is given.

18 (2) At any meeting of the Board, the Chairman shall preside. In his
19 absence, the members present at the meeting shall appoint one of them to
20 preside at that meeting.

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

26 (4) Notwithstanding anything in the provisions of this paragraph,
27 the first meeting of the Board shall be convened by the Minister who may
28 give such directions as he deems fit as to the procedure which shall be
29 followed by the Board.

1 *Miscellaneous*

2 7.-(1) The fixing of the seal of the Institute shall be authenticated by
3 the Director-General of the Institute or an officer authorized by the Institute to
4 act in his place for this purpose.

5 (2) A contract or instrument, which if made or executed by a person
6 not being a body corporate would not be required to be under seal, may be made
7 or executed on behalf of the Institute or Board, as the case may require, by any
8 person generally or specially authorized to act for that purpose by the Board.

9 (3) A document purporting to be a document duly executed under the
10 seal of the Institute shall be received in evidence and shall, unless the contrary
11 is proved, be deemed to be so executed.

12 8. The validity of any proceeding of the Institute, Board or Committee
13 of the Board shall not be affected by-

14 (a) any vacancy in the membership;

15 (b) any defect in the appointment of a member of the Institute or
16 Board; or

17 (c) reason that a person not so entitled to do so took part in the
18 proceedings.

19 9. A member of the Institute or Board and any person holding office
20 on a Committee of the Board who has a personal interest in any contract or
21 arrangement being entered into or proposed to be considered by the Board or
22 any Committee, shall declare and disclose his interest in such contract or
23 arrangement to the Board and shall be disqualified to vote on any question
24 relating to such contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Institute of Fisheries Research for
Fishery research, education and cooperative training in Nigeria and to make
comprehensive provisions for due management and administration.