

Extraordinary



National Assembly Journal

No. 43

Abuja - 11th October, 2021

Vol. 18

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Printed and Published by the National Assembly Press, Abuja, Nigeria

NASSP 43/1110/2021/900

Subscribers who wish to obtain the Journal after 1st January should apply to the Clerk, National Assembly, Abuja for amended Subscriptions.

FEDERAL COLLEGE OF HORTICULTURE, OKIGWE
(ESTABLISHMENT) BILL, 2021
ARRANGEMENT OF CLAUSES

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PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE
FEDERAL COLLEGE OF HORTICULTURE, OKIGWE, IMO STATE

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FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE
OF HORTICULTURE, OKIGWE, IMO STATE AND FOR RELATED MATTERS

Sponsored by Hon. Princess Miriam Onuoha

[] Commencement

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

- 1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS FEDERAL
2 COLLEGE OF HORTICULTURE, OKIGWE, IMO STATE
3 1.-(1) There is hereby established the Federal College of
4 Horticulture, Okigwe, Imo State.
5 (2) The College shall be a body corporate with perpetual
6 succession and a common seal and may sue or be sued in its corporate name.
7 (3) The College shall be a Horticultural training institution for the
8 development of teacher Education in the country.
9 (4) The College shall be supervised by the Federal Ministry of
10 Education through the National Commission for Colleges of Education
11 (NCCE) who shall be responsible for approving and regulating all academic
12 programmes run in the College, to ensure quality compliance and provide
13 funds for academic and research programmes, infrastructures and
14 remunerations of employees.
15 (5) The objects of the College shall be-
16 (a) to encourage the advancement of learning and to hold out to all
17 persons without distinction of race, creed; sex or political conviction;
18 (b) to develop and offer academic and professional programmes
19 leading to the award of certificates, first degrees, post-graduate Horticulture
20 research, diploma and higher degrees with emphasis on Horticulture,
21 planning, developmental and adaptive skills in Education, technology,

Establishment
of the Federal
College of
Horticulture,
Okigwe, Imo
State

1 horticulture, agriculture, professional disciplines;

2 (c) to produce socially mature Educational men and women with
3 capabilities not to only understand Educational need of Nigeria as a nation, but
4 also to exploit existing Educational horticultural infrastructure and improve on
5 it to develop new ones;

6 (d) to act as agents and catalysts for effective Educational system,
7 through post graduate training, horticultural research and innovation, for
8 effective economic utilization and conservation of the country human
9 resources;

10 (e) to bring quality change in Education by focusing on teacher
11 Education through teaching and learning innovations;

12 (f) to collaborate with other national and international institutions
13 involved in training, research and development of Education with a view to
14 promoting governance, leadership and management skills among Educational
15 managers;

16 (g) to identify Educational needs of the society with a view to finding
17 solutions to them within the context of overall national development;

18 (h) to provide and promote sound basic horticultural Education
19 training as a foundation for the development of Nigeria, taking into account
20 indigenous culture and the need to enhance national unity;

21 (i) to provide higher Education and foster a systematic advancement
22 of horticulture and act of teacher Education;

23 (j) to provide for instruction in such branches of teacher Education as
24 it may deem necessary to make provision for horticultural research
25 advancement and dissemination of knowledge in such manner as it may
26 determine;

27 (k) to provide teachers with operational competence for teaching in
28 pre-tertiary institutions, basic, senior secondary schools and non-
29 formal Education institutions;

30 (m) to undertake any other activities that is appropriate for a College

1 of horticulture of the highest standard.

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

Constitution and
Principal Officers
of the College

3 (a) a Provost;

4 (b) Deputy provost;

5 (c) a Provost and a Senate;

6 (d) a body to be called Congregation;

7 (e) a body to be called Convocation;

8 (f) the campuses and colleges of the College;

9 (g) the colleges, institutes and other teaching and horticultural

10 research units of the College;

11 (h) the persons holding the offices constituted by the First Schedule
12 to this Bill other than those mentioned in paragraphs (a) to (c) of this
13 subsection;

14 (i) all graduates and undergraduates of the College; and

15 (j) al] other persons who are members of the College in accordance
16 with provisions made by statute in that behalf.

17 (2) The First Schedule to this Bill shall have effect with respect to
18 the principal officers of the College.

19 (3) Subject to section 5 of this Bill provision shall be made by
20 statute with respect to the constitution of the Council, the Senate,
21 Congregation and Convocation.

22 **3.-(1)** For the carrying out of its objects as specified in section of
23 this Bill, Federal; College of Horticulture, Okigwe, Imo State shall have
24 power:

Powers of the
College and their
exercise

25 (a) to offer courses of instruction, training and horticultural and
26 agricultural research in Education and allied areas for the production of
27 quality and skilled teachers required to teach at lower, middle and higher
28 levels of technical and specialized Education in Nigeria in particular, and the
29 world at large;

30 (b) to establish such colleges, campuses, institutes, schools,

1 departments and other teaching and horticultural and agricultural research
2 units within the College as may from time to time be deemed necessary or
3 desirable subject to the approval of National Universities Commission,

4 (c) to institute professorships, readerships or associate
5 professorships, lectureships, and other posts and offices and to make
6 appointments thereto;

7 (d) to institute and award fellowships, scholarships, exhibitions,
8 bursaries, medals, prizes and other titles, distinctions, awards and forms of
9 assistance:

10 (e) to provide for the discipline and welfare of members of the
11 College;

12 (f) to hold examinations and grant degrees, diplomas, certificates and
13 other distinctions to persons who have pursued a course of study approved by
14 the College and have satisfied each other requirements as the College may lay
15 down;

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

17 (h) to demand and receive from any student or any other person
18 attending the College for the purposes of instruction, such fees as the College
19 may from time to time determine subject to the overall directives of the
20 'Minister:

21 (i) subject to section 20 of this Bill, to acquire, hold, grant, charge or
22 otherwise deal with or dispose of movable and immovable property wherever it
23 is situate;

24 (j) to accept gifts, legacies and donations, but without obligation to
25 accept the same for a particular purpose unless it approves the terms and
26 conditions attached thereto;

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

29 (l) to erect, provide, equip and maintain libraries, laboratories,
30 workshops, lecture halls, halls of residence, refectories, Sports grounds,

1 playing fields and other buildings or things necessary, suitable or convenient
2 for any of the objects of the College:

3 (m) to hold public lectures and to undertake printing, publishing
4 and book selling;

5 (n) subject to any limitations or conditions imposed by statute, to
6 invest any moneys appertaining to the College by way of endowment it, not
7 being immediately required for current expenditure in any investments or
8 securities or in the purchase or improvement of land, with power from time
9 to time, to vary any such investments to deposit any moneys for the lime
10 being not invested with any bank on deposit or current account;

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

16 (p) to make gifts for any charitable purpose:

17 (q) to do anything which it is authorized or required by this Bill or
18 by statute to do; and

19 (r) to do all such acts or things, whether or not incidental to the
20 foregoing powers, as may advance the objects of the College.

21 (2) Subject to the provisions of this Bill and of the statutes and
22 without prejudice to section 7(2) of this Bill, the powers conferred on the
23 College by subsection (l) of this section shall be exercisable on behalf of the
24 College by the Council or by the Senate or in many other manners which
25 may be authorized by the statute.

26 (3) The power of the College to establish further campuses and
27 colleges within the College shall be exercisable by statute and not
28 otherwise.

29 4.-(1) The Council of the College shall consist of:

30 (a) the Provost;

Composition,
tenure and powers
of the Council of
the College

- 1 (b) the Deputy Provost(s);
- 2 (c) one person from the Ministry responsible for Education;
- 3 (d) four persons representing a variety of interests and broadly
- 4 representative of the whole Federation to be appointed from:
- 5 (i) the Teacher's Registration Council;
- 6 (ii) Tertiary Education Trust Fund; and
- 7 (iii) two other persons, one of whom shall be a representative of the
- 8 College host community.
- 9 (f) four persons appointed by the Senate from among its members;
- 10 (g) two persons appointed by Congregation from among its members;
- 11 (h) one person appointed by Convocation from among its members.
- 12 (i) two persons representing the community appointed by the
- 13 President.
- 14 (2) Persons to be appointed to the Council shall be of proven integrity,
- 15 knowledgeable and familiar with the affairs and tradition of the College.
- 16 (3) The Council so constituted shall have a tenure of four years from
- 17 the date of its inauguration provided that where a Council is found to be
- 18 incompetent and corrupt, it shall be dissolved by the Visitor and a new Council
- 19 shall be immediately constituted for the effective functioning of the College,
- 20 (4) The powers of the Council shall be exercised, as in this Bill and to
- 21 that extent establishment circulars that are inconsistent with this Bill shall not
- 22 apply to the College.
- 23 (5) The Council shall be free in the discharge of its functions and
- 24 exercise of its responsibilities for the good management, growth and
- 25 development of the College.
- 26 (6) The Council in the discharge of its functions shall ensure that
- 27 disbursement of funds of the College complies with the approved budgetary
- 28 ratio for-
- 29 (a) personnel cost',
- 30 (b) overhead cost:

- 1 (c) research and development:
2 (d) library developments; and
3 e) the balance in expenditure between academic vis-à-vis non
4 academic activities.

5 **5.-(1)** Subject to the provision of this Bill relating to the Visitor
6 council shall be the governing body of the College and shall be charged with
7 the general control and superintendence of the policy, finances and property
8 of the College.

Functions of the
Council and its
Finance and General
Purposes Committee

9 (2) There shall be a committee of the Council, to be known as the
10 Finance, and General Purposes Committee, which shall, subject to the
11 directions of the Council, exercise control over the property and expenditure
12 of the College and perform such other functions of the Council as the
13 Council may from time to time delegate to it.

14 (3) Provision shall be made by statute with respect to the
15 constitution of the Finance and General Purposes Committee,

16 (4) The Council shall ensure that proper accounts of the College are
17 kept and that the accounts of the College are audited annually by an
18 independent firm of auditors approved by the Council and that an annual
19 report is published by the College together with certified copies of the said
20 accounts as audited.

21 (5) subject to this Bill and the statutes, the Council and Finance and
22 General Purposes Committee may each make rules for the purpose of
23 exercising any of their respective functions or of regulating their own
24 procedure.

25 (6) Rules made under sub-section (5) of this section by the Finance
26 and General Purposes Committee shall not come into Force unless approved
27 by the Council; and in so far and to the extent that any rules so made by that
28 Committee conflict with any direction given by the Council, whether before
29 or after the coming into force of the rules in question, the directions of the
30 Council shall prevail.

Functions of
the Senate of
the College

1 (7) There shall be paid to the members respectively of the Council, the
2 Finance and General Purposes Committee and of any other committee set up
3 by the Council, allowances in respect of travelling and other reasonable
4 expenses, at such rates as from time to time be fixed by the Minister.

5 (8) The Council shall meet as and when necessary for the
6 performance of its functions under this Bill and shall meet at least three times in
7 every year.

8 (9) if requested in writing by any five members of the Council, the
9 chairman shall within 28 days after the receipt of such request call a meeting of
10 the Council.

11 (10) Any request made under sub-section (9) of this section shall
12 specify business to be considered at the meeting and no business not so
13 specified shall be transacted at that meeting.

14 6.-(1) Subject to section 5 of this Bill and subsections (3) and (4) of
15 this section and the provisions of this Bill relating to the Visitor, it shall be the
16 general function of the Senate to organize and control the teaching by the
17 College, the admission of student where no other enactment provides to the
18 contrary and the discipline of student to promote horticultural and agricultural
19 research at College.

20 (2) Without prejudice to the generality of subsection (1) of this section
21 and subject as therein mentioned, it shall in particular be the function of the
22 Senate to make provision for-

23 (a) the establishment, organization and control of campuses,
24 Colleges, schools, institutes and other teaching and horticultural and
25 agricultural research units of the College and the allocation of responsibility
26 for different branches of learning;

27 (b) the organization and control of horticultural and agricultural
28 courses of study at the College and of the examinations held in conjunction
29 with those courses, including the appointment of examiners, internal and
30 external:

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

3 (d) the making of recommendations 10 [he council with respect to
4 the award to any person of an honorary fellowship or honorary degree or the
5 title of professor emeritus;

6 (e) the establishment, organization and control of halls of residence
7 and similar institutions at the College,

8 (f) the supervision of the welfare of students at the College and the
9 regulation of their conduct;

10 (g) the granting of fellowships, scholarships, prizes and similar
11 awards in so far as the awards are within the control of the College; and

12 (h) determining what descriptions of dress shall be academic dress
13 for the purposes of the College, and regulating the use of academic dress.

14 (3) The Senate shall not establish any new campus, college, school,
15 department, institute or other teaching and research units of the College, or
16 any hall of residence or similar institution at the College without the
17 approval of the Council.

18 (4) Subject to this Bill and the statutes, the Senate make regulations
19 for the purpose of exercising any function conferred on it either by the
20 foregoing provisions of this section or otherwise or for the purpose of
21 making provision for any matter for which provision by regulations is
22 authorized or required by this Bill or by statute.

23 (5) Regulations shall provide that at least one of the persons
24 appointed as the examiner at each final or professional examination held in
25 on junction with any course of study at the College is not a teacher at the
26 College but is a teacher of the branch of learning to which the course relates
27 at some other College of high repute or a person engaged in practicing the
28 Profession in a reputable organization or institution.

29 (6) Subject to right of appeal to the Council from a decision of the
30 Senate under this sub-section, the Senate may deprive any person of any

1 degree, diploma or other award of the College which has been conferred upon
 2 him if after due enquiry he is found to have been guilty of dishonorable or
 3 scandalous conduct in gaining admission into the College or obtaining that
 4 award.

Functions of
the Provost 5 7.-(1) The Provost shall, in relation to the College, take precedence
 6 before all other members of the College except the Chancellor and subject to
 7 section 4 of this Bill except the Pro-Chancellor and any other person for the
 8 time being acting as Chairman or the Council,

9 (2) Subject to sections 6, 7 and 14 of this Bill, the Provost shall have
 10 the general function, in addition to any other functions conferred on him by this
 11 Bill or otherwise of directing the activities of the College and shall be the Chief
 12 Executive and Accounting Officer of the College and ex-officio Chairman of
 13 the Senate.

14 (3) The Provost shall be the Chairman of the College Tenders' Board,
 15 which is saddled with the responsibility of approving the conduct of public
 16 procurement of goods, works and services within the approved threshold from
 17 time to time.

18 (4) It shall be the responsibility of the Provost to establish and appoint
 19 members of the Tenders' Board in line with the extant Public Procurement
 20 Rules and Regulations

21 PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC, TO THE COLLEGE
 22 AND CONDITION OF SERVICE OF EMPLOYEES

General Fund
of the College 23 8.-(1) There shall be a general fund of the College which shall consist
 24 of the following:

- 25 (a) grants-in-aid;
- 26 (b) fees;
- 27 (c) income derived from investments;
- 28 (d) gifts, legacies, endowments and donations -not accepted for a
 29 particular purpose;
- 30 (e) income derived from the exercise of any functions conferred or

1 imposed on the College by this Bill;

2 (f) any other amounts, charges or dues recoverable by the College;

3 (g) revenue, from time to time, accruing to the College by way of
4 subvention;

5 (h) interests on investments;

6 (i) donations and legacies accruing to the College from any source
7 for the general or special purposes of the College; and

8 (j) Regular TETFUND interventions.

9 (2) The general fund shall be applied for the purposes of the
10 College.

11 **9.-(1)** College shall, by virtue of this sub-section and without Transfer of
12 further assurance, vest in the College and be held by it for the purpose of the Property, etc.
13 College.

14 (2) The provisions of the Second Schedule to this Bill shall have Second Schedule
15 effect with respect to, and to matters arising from, the transfer of property by
16 this section and with respect to the other matters mentioned in that
17 Schedule,

18 PART III - STATUTES OF THE COLLEGE

19 **10.-(1)** Subject to this Bill, the College may make statutes for any Power of the
20 of the following purposes, that is to say: College to make
Statutes

21 (a) Making provision with respect to the composition and
22 constitution of any authority of the College:

23 (b) Specifying and regulating the powers and duties of any
24 authority of the College, and regulating any other matter connected with the
25 College or any of its authorities;

26 (c) Regulating the admission of students (where no other
27 enactment provides to the contrary), and their discipline and welfare: (d)

28 Determining whether any particular matter is to be treated as an academic or
29 non-academic matter for the purposes of this Bill and of any statute,
30 regulation or other instrument made thereunder; or

1 (e) Making provision for any other matter for which provision by
2 statute is authorized or required by this Bill.

3 (2) Subject to section 25(6) of this Bill, the Interpretation Act shall
4 apply in relation to any statute made under this section as it applies to a
5 subsidiary instrument within the meaning of section 28(I) of that Act.

Third Schedule

6 (3) The statute contained in the Third Schedule to this Bill shall be
7 deemed to have come into force on the commencement of this Bill and shall be
8 deemed to have been made under this section by the College of Horticulture.

9 (4) The power to make statutes conferred by this section shall not be
10 prejudiced or limited in any way by reason of the inclusion or omission of any
11 matter in or from the statute contained in the Third Schedule to this Bill or any
12 subsequent statute.

Mode of exercising
power to make
Statutes

13 **11.-(1)** The power of the College to make statutes shall be exercised in
14 accordance with the provisions of this section and not otherwise.

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

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

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

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

24 (4) A statute which:

25 (a) makes provision for or alters the composition or constitution of
26 (the Council, the Senate or any other authority or the College: or

27 (b) provides for the establishment of a new campus or college or for
28 the amendment or revocation of any statute.

29 (5) For the purpose of section 2(2) of the Interpretation Act, a statute
30 shall be treated as being made on the date on which it is duly approved by the

Council after having been duly approved by the Senate, or on the date on which it is duly approved by the Senate after having been duly approved by the Council, as the case may be or, in the case of a statute falling within subsection (4) of this section, on the date on which it is approved by the President,

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

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

(b) as to whether any matter is for the purposes of this Bill an academic or non-academic matter as they relate to such doubt. or dispute, the matter may be referred to the Visitor. who shall take such advice and make such decision thereon as he shall think fit.

(7) The decision of the Visitor on any matter referred to him under sub-section (6) of this section shall be binding upon the authorities, staff and students of the College and where any question as to the meaning of any provision of a statute has been decided by the Visitor under that sub-section, no question as to the meaning of that provision shall be entertained by any court of law in Nigeria.

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

12. A statute may be proved in any court by the production copy thereof bearing or having affixed to it a certificate purporting to be signed by the Provost or the Secretary to the Council to the effect that the copy is a true copy of a statute of the College. Proof of Statutes

PART IV - SUPERVISION AND DISCIPLINE

13.-(1) The President shall be the Visitor of the College. The Visitor

(2) The Visitor shall cause a visitation to the College when necessary, at least every five years, or direct that such a visitation be conducted by such person or persons as the Visitor may deem fit and in

1 respect of any of the affairs of the College.

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

6 (4) The Visitor shall make the report of such visitations and white
7 paper thereon available to the Council which shall implement same.

Removal of certain
members of the
Council

8 **14.**-(1) If it appears to the Council that a member of the Council (other
9 than the Pro-Chancellor or the Provost) should be removed from office on the
10 ground of misconduct or inability to perform the functions of his office or
11 employment, the Council shall make a recommendation to that effect through
12 the Minister to the President, and the President, after making such enquiries (if
13 any) as he may consider appropriate approves the recommendation, he may
14 direct the removal of the person in question from office.

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

Removal and
discipline of
academic,
administrative
and professional
staff

19 **15.**-(1) If it appears to the Council that there are reasons for believing
20 that any person employed as a member of the academic, administrative or
21 professional staff of the College, other than the Provost, should be removed
22 from his office or employment on the ground of misconduct or of professional
23 inability to perform the functions of his office or employment. the council-

24 (a) give notice of those reasons to the person in question:

25 (b) afford him an opportunity of making representations in person on
26 the matter by the Council; and

27 (c) for the person in question to be afforded an opportunity of
28 appearing before and being heard by the investigating committee with respect
29 to the matter, and if the Council, after considering the report of the
30 investigation- committee. is satisfied that the person in question should be

1 removed as aforesaid, the Council may so remove him by an instrument in
2 writing signed on the directions of the council.

3 (2) the provost may, in case of misconduct a member of the staff
4 which in the opinion of the Provost is prejudicial to the interest of the
5 College, suspend such member and any such suspension shall forthwith be
6 reported to the Council.

7 (3) For good cause, any member of the staff may be suspended
8 from his duties or his appointment may be terminated by the Council', and
9 for the purposes of this subsection "good cause" means:

10 (a) conviction for any offence which the Council 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 Council, 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 Council considers to be such as to render the person concerned unfit to
18 continue to his office:

19 (d) conduct which the Council considers to be such as to constitute
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; or

22 (e) conduct which the Council considers to be generally of such
23 nature as to render the continued appointment or service of the person
24 concerned prejudicial or detrimental to the interest of the College.

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

29 (a) whether to continue such person's suspension and if so on what
30 terms (including the proportion of his enrolments to be paid to him;

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

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

6 (d) whether to take such lesser disciplinary action against such person
7 (including the restoration of such proportion of his emoluments that might
8 have been withheld) as the Council may determine.

9 (5) In any case where the Council, pursuant to this section, decides to
10 continue a person's suspension or decides to take further disciplinary action
11 against a person, the Council Shall before the expiration of a period of three
12 months from such decision come to a final determination in respect of the case
13 concerning any such person.

14 (6) It shall be the duty of the person by whom an instrument of
15 removal is signed in pursuance of subsection (1) of this section to use his best
16 endeavors to cause a copy of the instrument to be served as soon as reasonably
17 practicable on the person to whom it relates,

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

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

21 (b) prevent the Council from making regulations for the discipline of
22 other categories of workers of the College as may be prescribed.

Removal of
examiners

23 **16.-(1)** If, on the recommendation of the Senate, it appears to the
24 examiners Provost that a person appointed as an examiner for any examination
25 of the College ought to be removed from his office or appointment. then, except
26 in such cases as may be prescribed by the Provost may, after affording the
27 examiner an opportunity of making representations in person on the matter to
28 the Provost, remove the examiner from the appointment by an instrument in
29 writing signed by the Provost.

30 (2) Subject to the provisions of regulations made in pursuance of

1 section 7(5) of this Bill, the Provost may, on the recommendation of the
2 Senate, appoint an appropriate person as examiner in the place of the
3 examiner removed in pursuance of subsection (1) of this section,

4 (3) It shall be the duty of the Provost on signing an instrument of
5 removal pursuant to this section, to use his best endeavors to cause a copy
6 of the instrument to be served as soon as reasonably practicable on the
7 person to whom it is related.

8 17-(1) The Students shall be:

Participation
and Discipline
of Students

9 (a) represented in the College's Students Welfare Board and other
10 committees that deal with the affairs of students:

11 (b) Participate in various aspects of curriculum development;

12 (c) Participate in the process of assessing academic staff in respect
13 of teaching; and

14 (d) Be encouraged to be more self-assured as part of the national
15 development process.

16 (2) Subject to the provisions of this section, where it appears to the
17 Provost that any student of the College has been guilty of misconduct, the
18 Provost may, without prejudice to any other disciplinary powers conferred
19 on him by statute or regulations, direct:

20 (a) that the student shall not, during such period as may be specified
21 in the directions, participate in such activities of the College, or make use of
22 such facilities of the College, as may be so specified;

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

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

28 (d) that the student be expelled from the College.

29 (3) Where a direction is given under subsection (1)(c) or (d) of this
30 section in respect of any student, that student may, within the prescribed

1 period and in the prescribed manner, appeal to the Council; and where such an
2 appeal is brought, the Council shall, after causing such inquiry to be made with
3 section 1 of this Bill; or

4 (b) enabling the Senate to empower any other body to make
5 regulations of the award degrees or other qualifications.

6 (4) The Pro-Chancellor and the Provost shall be members of every
7 committee of which the members are wholly or partly appointed by the Council
8 (other than a committee appointed to inquire into the conduct of the officer in
9 question); and the Provost shall be a member of every committee of which the
10 members are wholly or partly appointed by the Senate.

Retiring age of
academic staff

11 **18.**-(1) Notwithstanding anything to the contrary in the Pension Act,
12 the compulsory retiring age of the following categories of staff shall be as
13 follows:

14 (a) Academic staff of the College in the non-Professorial cadre shall
15 be 65 years;

16 (b) Academic staff of the College in the Professorial Cadre shall be 70
17 years;

18 (c) Non-academic staff of the College shall be 65 years.

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

Special provisions
relating to pensions
of Professors

21 **19.** An academic staff of the College who retires as a Professor in the
22 College shall be entitled to pension at a rate equivalent to his annual salary
23 provided that the Professor has served continuously in the College up to the
24 retirement age.

Seal of the
College

25 **20.**-(1) The seal of the College shall be such as may be determined by
26 the Council and approved by the Chancellor, and the affixing of the seal shall
27 be authenticated by any member of the Council and by the Provost, Secretary to
28 the Council or any other person authorized by statute.

29 (2) Any document purporting to be a document executed under the
30 seal of the College shall be received in evidence and shall, unless the contrary is

1 proved, be presumed to be so executed.

2 (3) Any contract or instrument which if made or executed by a
3 person not being a body corporate would not be required to be under seal,
4 may be made or executed on behalf of the College by any person generally or
5 specially authorized to do so by the Council.

6 (4) The validity of any proceedings of anybody established in
7 pursuance of this Bill shall not be affected by any vacancy in the
8 membership of the body, or by any defect in the appointment of a member of
9 the body or by reason that any person not entitled to do so took part in the
10 preceding.

11 (5) Any member of any such body who has a personal interest in
12 any matter proposed to be considered by that body shall forthwith disclose
13 his interest to the body and shall vote on any question relating to that matter.

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

18 (7) The power conferred by this Bill on anybody to make statutes or
19 regulations shall include power to revoke or vary any statute (including the
20 statute contained in the Third Schedule of this Bill) or any regulation by a
21 subsequent statute or as the case may be, by a subsequent regulation and
22 statutes and regulations may make different provisions in relation to
23 different circumstances,

24 (8) No stamp or other duty shall be payable in respect of any
25 transfer of property to the College by virtue of section 8 or section 18 of this
26 Bill or the Second Schedule to this Bill.

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

Notice of action	1 21.-(1) Pre-Action Notice:
	2 (a) No legal proceeding shall be instituted and/or commenced against 3 the College or any of its agents in the course of their official duties unless a 3 4 months' Pre-Action Notice of such intention is served on the College by an 5 aggrieved party;
	6 (b) The Notice shall state the reason and the cause of action intended 7 to be taken against the College, the particulars of the claim, the name and place 8 of abode of the intending plaintiff and the relief which he claims;
	9 (c) For the avoidance of doubt, it is hereby declared that no suit shall 10 be commenced against an officer or servant of the College in any case where 11 the College is vicariously liable for any alleged act, neglect or default of the 12 officer or servant in the performance or intended performances of his duties 13 unless three months at least has elapsed after written notice of intention to 14 commence the same shall have been served on the College by the intending 15 plaintiff or his agent;
	16 (d) In any suit against this College, no execution or attachment or 17 process in the nature thereof shall be issued against the College, but any sums 18 of money which may be judgment of the court be awarded against the College 19 shall, subject to any direction given by the court where notice of appeal has 20 been given by the College in respect of the said judgment, be paid by the 21 College from its general fund.
	22 (2) Service of Notices: 23 Service upon the College of any notice, order or other document may be 24 effected by delivering the same or by sending it by registered post addressed to 25 the Registrar and Secretary of the Council.
Interpretation	26 22.-(1) this Bill unless the context otherwise requires- 27 'Campus' means any campus which may be established by the College; 28 "College" means the College established pursuant to section 2 (1) (b) of this Bill 29 for the College; 30 "Council" means the Governing Council of the College established by section

1 5 of this Bill;

2 "Functions" includes powers and duties.

3 **23.** This Bill may be cited as the Federal College of Horticulture, Short title

4 Okigwe (Establishment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Federal College of
Horticulture, Okigwe, Imo State.

A BILL

FOR

AN ACT TO UPGRADE THE GENERAL HOSPITAL OKIGWE TO FEDERAL
MEDICAL CENTRE OKIGWE, AND FOR RELATED MATTERS

Sponsored by Hon. Princess Miriam Onuoha

[] Commencement

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

- | | | |
|----|---|--|
| 1 | 1.-(1) There is hereby General Hospital Okigwe, upgraded and | Establishment
of Federal Medical
Centre Okigwe |
| 2 | established as the Federal Medical Centre Okigwe ("in this Act referred to as | |
| 3 | "the Federal Medical Centre") and the Medical Centre subject to the | |
| 4 | provision of this Act. | |
| 5 | (2) The Federal Medical Centre | |
| 6 | (a) shall be a body corporate; | |
| 7 | (b) May sue and be sued in its corporate name; | |
| 8 | (c) Shall have perpetual succession and a common seal. | |
| 9 | 2. There is hereby established for the management of the Medical | Establishment
of the Board
of Management
of the Medical
Centre |
| 10 | Centre a Board of Management (in this Act referred to as "Board") which | |
| 11 | shall be constituted and have the functions and powers set out in this Act. | |
| 12 | 3.-(1) The Board shall consist of: | Membership of
the Board |
| 13 | (a) a chairman; | |
| 14 | (b) the Chief Medical Director of the Medical Centre; | |
| 15 | (c) the Director of Clinical Services; | |
| 16 | (d) the Director of Administration; | |
| 17 | (e) the Director of Finance; | |
| 18 | (f) the Director of Maintenance; | |
| 19 | (g) a representative of the president | |
| 20 | (h) the Federal Ministry of Health; | |
| 21 | (I) the National Planning Commission | |

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

1 respect of that member; or

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

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

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

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

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

14 7.-(1) The Board shall:

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

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

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

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

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

Powers of the
Board

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

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

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

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

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

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

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

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

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

Medical Director
of the Medical
Centre

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

23 (2) The Chief Medical Director shall:

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

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

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

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

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

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

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

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

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

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

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

15 (b) a Director of Clinical Services;

16 (c) a Director of Finance;

17 (d) a Director of Maintenance.

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

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

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

Appointment of
Directors and
other staff of the
Medical Centre

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

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

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

Service in the
Medical Centre
to be pensionable

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

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

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

Establishment
of the Medical
Advisory
Committee, etc.

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

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

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

25 (c) be appointed by the Board.

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

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

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

4 PART IV - FINANCIAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exemption from
tax

Exemption from
custom duties, etc.

Discipline of
students

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

Removal and
discipline of
clinical,
administrative
and technical
staff

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

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

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

9 **22.**-(1) If it appears to the Board that there are reasons for believing
10 that any person employed as a member of the clinical, administrative or
11 technical staff of the Medical Centre, other than the Chief Medical Director,
12 should be removed from his office or employment, the Board shall require the
13 Director of Administration to:

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

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

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

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

21 (ii) the person in question to be afforded an opportunity of appearing
22 before and being heard by an investigating committee set up with respect to the
23 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 (2) The Chief Medical Director may, in a case of misconduct by a
28 member of the staff which in the opinion of the Chief Medical Director is
29 prejudicial to the interest of the Medical Centre, suspend any such member and
30 any such suspension shall forthwith be reported to the Board.

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

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

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

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

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

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

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

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

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

27 (d) whether to take such lesser disciplinary action against the
28 person (including the restoration of his emoluments that might have been
29 withheld), as the Board may determine, and in any case where the Board,
30 pursuant to this section, decides to continue a person's suspension or decides

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

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

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

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

Discipline of
junior staff

16 **23.**-(1) If any junior staff is accused of misconduct or inefficiency, the
17 Chief Medical Director may suspend him for not more than a period of 3
18 months and shall direct a committee to:

19 (a) consider the case; and

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

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

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

28 (4) Any person aggrieved by a decision of the Chief Medical Director
29 made under subsection (3) of this section may, within a period of 21 days from
30 the date of the letter communicating the decision to him, address a petition to

1 the Board to reconsider his case.

2 PART VI - MISCELLANEOUS

3 **24.**-(1) The Board may, with the approval of the President, make Regulations
4 regulations-

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

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

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

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

19 **26.**-(1) On the commencement of this Act, any person employed by Transition and
20 or serving in, the Medical Centre shall be deemed to have been employed or savings Provision
21 serving in the Medical Centre established under this Act.

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

24 **27.** In this Act, unless the context otherwise requires- Interpretation

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

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

28 "chairman" means the chairman of the Board;

29 "functions" include powers and duties;

30 "Federal Medical Centre "means the Medical Centre Okigwe;

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

3 "medical student" means a student whose course of instruction is

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

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

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

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

Short title

11 **28.** This Bill may be cited as the Federal Medical Centre Okigwe
12 (Establishment) Bill, 2021.

SCHEDULE

[Section 3 (3).]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

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

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

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

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

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

Committees

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

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

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

3 *Miscellaneous*

4 4.-(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; or

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

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

EXPLANATORY NOTE

This Bill seeks to provide for the Legal Framework to upgrade General Hospital Okigwe to Federal Medical Centre Okigwe.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE
OF NURSING, MIDWIFERY AND HEALTH SCIENCES AT ISIALA-MBANO IN
IMO STATE AND FOR RELATED MATTERS

Sponsored by Hon. Miriam Onuoha

[] Commencement

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

PART I - ESTABLISHMENT

1.-(1) There is hereby established a Federal College of Nursing,
Midwifery and Health Sciences at Isiala-Mbano in Imo State.

Establishment
of the Federal
College of Nursing,
Midwifery and
Health Sciences

(2) The College shall:

(a) have the status of a tertiary institution with rights and privileges
of such institutions; and

(b) be a body corporate with perpetual succession and a common
seal with powers to sue and be sued in its corporate name.

2. The objects of the College shall be:

Objects of the
College

(a) To provide training and research in Nursing, Midwifery, Health
Sciences and other specialities of Nursing leading to the award of
Professional Certificate, Diplomas and other post Basic Certificates;

(b) To provide avenues for continuing education in Nursing,
Midwifery, Health Sciences and other related specialities of Nursing; and

(c) To provide such services that are necessary and incidental to the
objects of the College.

3.-(1) The College shall be a teaching and examining body and
shall, subject to the provisions of the Act and the regulations of the College
have powers to:

Functions and
powers of the
College

(a) Provide rules and conditions under which persons may be

1 admitted as students for any particular course of study provided by the College;

2 (b) Make provisions for research and the dissemination of
3 knowledge;

4 (c) Establish Departments and such other units of learning and
5 research as the purpose of the College may require;

6 (d) Create such offices and posts as the purpose of the College may
7 require and to appoint persons to and remove persons from such offices or posts
8 and prescribe their conditions of service;

9 (e) Maintain libraries, laboratories, workshops, lecture halls, hostels,
10 dining halls, sports field and other buildings of facilities of the College;

11 (f) Provide for residence, recreation and welfare of member of staff
12 and students of the College as may be deemed necessary;

13 (g) Demand and receive students and other persons attending the
14 College for the purpose of instruction such fees as the College may from time to
15 time determine;

16 (h) Prescribe rules for the discipline of students of the College;

17 (i) Conduct examinations and arrange for award of certificates and
18 distinctions to persons who pursue courses of studies approved by the College
19 and who satisfy such other requirements as may from time to time be
20 prescribed;

21 (j) Subject to specific limitations or conditions that may be imposed
22 by extant Government regulations, or circulars, invest any fund apportioned to
23 the College by way of endowment, whether for general or special purpose, and
24 such other monies as may not immediately be required for current expenditure
25 in any investment or securities;

26 (k) Print or publish works or undertake services as may be deemed
27 consistent with the objects of the College;

28 (I) Do such other acts and things necessary under this Act for the
29 attainment of the objects of the College or incidental to the powers of the
30 College; and

1 (m) Carry out any special or general directive consistent with
2 Government policy as the Secretary of Health may give in writing.

3 (2). Without prejudice to the generally of the provision of section 2
4 of this Act and subsection (1) of this section, the College may special
5 arrangement with the Nursing and Midwifery Council of Nigeria or other
6 examination bodies prepare its students for award of Certificates or other
7 distinctions.

8 (3). Subject to provisions of this Act and of any other statute, the
9 powers conferred on the College by subsection (1) of this section shall be
10 exercised on behalf of the College by the Council and the Committees
11 established for the College or by such officers and other staff of the College
12 as may be authorised in that behalf and may also be exercised through
13 Schools established under this Act.

14 4.-(1) The provost shall have custody of the common seal of the Common seal
of the College
15 College and shall be responsible for affixing

16 (2). The common seal of the College shall not be used save upon the
17 direction of the Council and shall be authenticated by the signature of the
18 Provost.

19 **PART II - GOVERNING COUNCIL OF THE COLLEGE**

20 5.-(1) There shall be established for the College a Governing Governing
Council
21 Council to be known as the Governing Council of the College of Nursing,
22 Mid- Wifery, Health Sciences and other related specialities of Nursing
23 Isiala-Mbano.

24 (2). The Council shall consist of:

25 (a) chairman, who shall be appointed on part time basis by the
26 Minister on the recommendation of the Secretary by Health;

27 (b) a representative of the Secretary of Health; (c) the provost of the
28 College;

29 (d) a representative of the Imo chapter of the National Association
30 of Nigerian Nurses and Midwives;

	1	(e) two members to represent the interest of the Public to be appointed
	2	by the Minister on the recommendation of the Secretary of Health;
	3	(f) a representative of the Imo State Treasury;
	4	(g) a representative from the Imo State Ministry of Justice;
	5	(h) a representative of Imo State Ministry of Education;
	6	(i) a director of nursing in Imo State Hospitals Management Board;
	7	and
	8	(j) the Director, Nursing Services of the Secretariat who shall also
	9	serve as the Secretary;
Tenure of office	10	6.-(1) Members of the Council other than ex-officio members shall
	11	hold office for a period of four years from the date of their appointment and
	12	shall be eligible to re-appointment for one further term of four years and no
	13	more.
	14	(2) Any member of the Council other than an ex-officio member may
	15	notice to the Council resign his appointment.
	16	(3) Any vacancy occurring in the membership of the Council shall be
	17	filled by the appointment of a successor who shall represent the same interest as
	18	his predecessor for the remainder of the term of the predecessor.
Functions of the Council	19	7.-(1) Subject to the provision of this Act, the Council Shall:
	20	(a) be the governing authority of the College;
	21	(b) be charged with the general control and superintendence of the
	22	policies, finances and properties of the College;
	23	(c) make regulations for the day to day management of the College;
	24	and
	25	(d) do any other thing necessary or incidental to attachment of objects
	26	of the College;
	27	(2) Without prejudice to the provisions of subsection (1) of this
	28	section, the Council shall:
	29	(a) ensure that the courses and instructions provided by the College
	30	conform to the required standard laid down from time to time by the Nursing

1 and Midwifery Council of Nigeria;

2 (b) regulate the teaching of courses offered by the College, and also
3 regulate the conduct of examinations with respect to the College;

4 (c) approve contracts for the procurement of equipments, furniture
5 and other properties required for the purpose of the College;

6 (d) approve the contracts for maintenance of the premises and other
7 properties of the College;

8 (e) formulate policies and initiate programmes for all fields of
9 learning conducted by the college;

10 (f) assess from time to time the courses offered by the College; and

11 (g) perform such other functions as may be necessary;

12 (3) The Nursing Council any of its functions, other than the power
13 to make regulations, to the Chairman or any other person Committee it
14 deems fit in that behalf, but no decision of such person or Committee shall
15 take effect unless ratified by the Council.

16 **8.** The Director, Nursing Services of the Secretariat shall be the Secretary of the
17 Secretary to the Council, and for any particular meeting. That he may be Council
18 absent, he shall send a representative to act in that behalf.

19 **9.-(1)** The Secretary of Health may give to the Council directions Power of Secretary
20 as to the discharge of its functions in relation to matters appearing to of Health to give
21 Secretary of Health to affect Public interest and the Council shall give effect directives
22 to such directive.

23 (2)The Council shall afford the Secretary of Health facilities for
24 obtaining information with respect to the Property of the College and the
25 functions of the Council and shall be furnished with returns, accounts and
26 afford to him facilities for verification of the information furnished in such
27 manner and at such times as he may require.

28 **PART III - SCHOOLS, DEPARTMENTS AND UNITS WITHIN THE COLLEGE**

29 **10.-(1)** There shall be within the College a School of Nursing and Schools
30 the a School of Midwifery and such other Schools as the Secretariat may

	1	with the approval of the Nursing and Midwifery Council of Nigeria establish.
	2	(2). Each school shall provide instruction for courses, conduct
	3	research and carry out such other functions as may be prescribed by the Council
	4	with the approval of the Secretary of Health.
	5	(3). The constitution of and other matters relating to each school may
	6	be prescribed by the Council with the approval of the Secretary of Health.
Departments	7	11. In furtherance of the provisions of Section 3(1)(c) of this Act, the
	8	Council shall with the approval of the Secretary of Health establish for each
	9	school such Departments as the Nursing and Midwifery Council of Nigeria
	10	may from time to time prescribe.
Other Units	11	12. Subject to the provision of this Act, the Council may with the
	12	approval of the Secretary of Health establish units for special purposes within
	13	the College; and the name, constitution and functions of any units may be
	14	prescribed by direction of the Council.
	15	PART IV - PRINCIPAL OFFICERS AND STAFF OF THE COLLEGE
Provost of the College	16	13. There shall be for the College a Provost and other principal
	17	officers, the designations, qualifications, functions and appointments of whom
	18	shall be as spelt out in sections 19 to 25 of this Act.
Principal Officers of the College	19	14.-(1) The Principal Officers of the College shall include:
	20	(a) The Provost of the College;
	21	(b) The Deputy Deans (Academic and Administration) of the school in
	22	the College;
	23	(c) The Registrar;
	24	(d) The College Librarian; and
	25	(e) The Bursar.
	26	(2). The Principal Officers of the College other than Deans and Deputy
	27	Deans of Schools in the College shall be appointed by the Council subject to the
	28	approval of the Minister through the Secretary of Health.
	29	(3) The Deans and Deputy Deans of Schools in the College shall be
	30	appointed by the Council.

1	15. -(1) The Provost shall be appointed from amongst the academic	Appointment of the Provost
2	staff of the College and shall be the Chief Executive and	
3	Administrator of the College and also be responsible to the Council for	
4	maintaining and promoting efficiency and discipline in the College.	
5	(2) The Provost shall hold degree in Nursing and shall be a	
6	registered Educator in Nursing, Midwifery or other specialty areas of	
7	Nursing with not less than fifteen years of teaching experience	
8	16. -(1) The Deans of Schools in the College shall be responsible to	Deans
9	the Provost for the Administration of the Schools.	
10	(2) The Deans of Schools in the College shall hold degree in	
11	Nursing and shall be registered Educators in the Nursing specialty related to	
12	their respective School and with not less than ten years of teaching	
13	experience.	
14	17. -(1) The Deputy Deans of Schools in the College shall be the	Deputy Deans
15	Chief Assistants to the Deans of their respective Schools and shall perform	
16	such duties as may be assigned to them by the Deans.	
17	18. -(1) The Registrar of the College shall be the head of	Register
18	administrator of the School and shall be responsible to the Provost.	
19	(2) The Registrar shall be an experienced graduate of humanities	
20	with not less than fifteen years experience in Public Administration	
21	(3) The person holding the office of the Registrar of the College	
22	shall by virtue of that office be the Secretary of Academic Board and the	
23	Finance and General Purpose Committee.	
24	19. -(1) The Bursar shall be the Chief Financial officer of the	Bursar
25	College and shall be responsible to the Provost for the day to day	
26	administrator of the financial affairs of the College.	
27	(2) The Bursar shall be a qualified Accountant with not less than	
28	ten years post qualification experience	
29	20. -(1) The Librarian shall be responsible to the Provost for the co-	Librarian
30	ordination of Library services in the College.	

	1	(2) The Librarian shall have a degree in Library Sciences with not less
	2	than ten years post qualification experience as a Librarian.
Other Staff	3	21. The Council may appoint such other persons to be staff of the
	4	College as it may deem fit on such terms and conditions as may be specified in
	5	their instruments of appointment.
Removal from office	6	22.-(1) The Principal Officers and other senior staff of the College
	7	may be removed from office by the Minister for misconduct, incompetence or
	8	any other justifiable reason on the recommendation of the Council (2) The
	9	Council shall power to remove any junior staff of the College for justifiable
	10	reasons.
	11	PART IV - ESTABLISHMENT AND FUNCTIONS OF COMMITTEE
Finance and General Purpose Committee	12	23. There shall be a Committee of the Council to be known as the
	13	Finance and General Purpose Committee
Composition of Finance and General Purpose Committee	14	24.-(1) The Finance and General Purpose Committee shall consist of:
	15	(a) the chairman of the Governing Council who shall be the
	16	Chairman;
	17	(b) the representative of the Secretary of Health;
	18	(c) the Provost of the College;
	19	(d) the Director of Finance and Administration in the Secretariat
	20	(e) the Director of Nursing Services in the Secretariat;
	21	(f) one member of the Academic Committee to be appointed by the
	22	Council; and
	23	(2) the Registrar shall be the Secretary of the Committee.
Functions of the Finance and General Purpose Committee	24	25. The Finance and general Purpose Committee shall:
	25	(a) exercise control over property, revenue and expenditure of the
	26	College;
	27	(b) award contracts for the execution of projects of the College; and
	28	(c) Perform such other functions as the Council may Delegate to it.
Other Committees	29	26.-(1) Further to the provisions of Section 11 of this Act, anybody of
	30	persons established by this Act shall, without prejudice to the generality of the

1 powers of that body, have power to constitute Committees, which need not
2 consist exclusively of members of that body, and to authorize a Committee
3 established by it:

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

6 (b) To co-opt members, and may direct whether or not co-opted
7 Members, if any, shall be entitled to vote in that Committee

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

(3). The quorum and procedure of a Committee established or meeting held In pursuance of this section shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.

17 PART VI - ACADEMIC BOARD

18 **27.** There shall be for each school of the College an Academic Establishment
19 Board which shall be responsible for the academic work of the school. of Academic

20	28. The Academic Board of each School of the College shall be	Composition
21	composed:	of the Academic Board

22 (a) The Provost of the College, as chairman;

23 (b) The Dean of the School, as Deputy Chairman;

24 (c) The Deputy of Deans of the School;

25 (d) All Heads of Departments of the School;

(e) One Academic staff not below the rank of Senior Lecturer to be selected from each of the Departments of the School;

28 (f) A representative of the Director, Nursing Services in the
29 Secretariat;

30 (g) The School Librarian; and

	1	(h) The Registrar who shall be Secretary of the Board
Functions of the Academic Board	2	29. Subject to the overall control and direction of the Council, the
	3	Academic Board of each School of the College shall perform the following
	4	functions:
	5	(1) Regulating and organising the process of admissions, conduct of
	6	examinations, award of certificates and all formalities relating to the
	7	registration and licensing of graduates.
	8	(2) Making recommendations to the Council on appointment of
	9	academic staff of the School and on the organization of Departments, Libraries
	10	and other units of learning and research in the school.
	11	(3) Making guidelines for the purpose of exercising any of the
	12	functions conferred on it under the provisions of this Section.
	13	(4) Preparing curriculum for the School in line with guidelines from
	14	the Nursing and Midwifery Council of Nigeria and or other regulatory bodies.
	15	(5) Performing such other functions that may be assigned to it by the
	16	Council.
	17	PART VII - SUPPLEMENTARY PROVISIONS
Schedule	18	30. The supplementary provisions contained in the Schedule shall
	19	have effect in relation to the proceedings of the various bodies appointed under
	20	the provisions of this Act.
Transition	21	31. In the absence of the Council and until it is constituted for the
	22	College the functions and powers of the Council under this Act may be
	23	exercised by the Secretary of Health in consultation with the Director of
	24	Nursing Services in the Secretariat.
	25	PART VIII - PROPERTY AND FINANCE
Property of the College	26	32. The Governor of Imo State, may, by order transfer any property
	27	whether movable or immovable to the college and from the date of such order,
	28	any property so transferred shall vest in the College and shall be used for the
	29	purpose of the College.

1	33. The Council may, subject to the provisions of this Act:	Power of the Council to hold property
2	(a) acquire and hold such movable or immovable property as may	
3	be necessary or expedient for carrying into effect the provisions of this Act;	
4	(b) invest the funds of the College in such manner and such extent	
5	as it may deem necessary or expedient; and	
6	(c) enter into contractual agreements on behalf of College;	
7	34. -(1) The Council shall have power to approve expenditure of	Expenditure of the College
8	over N 100,000.00 but not exceeding the N 1,000,000.00 per unit	
9	transaction for the procurement of goods, works and services and shall refer	
10	procurements exceeding the amount to the Secretary of Health.	
11	(2) The Provost shall approve procurement of works, goods and	
12	services not exceeding N100,000.00.	
13	(3) The thresholds mentioned in this Section may be adjusted, in	
14	the case of:	
15	(a) Subsection (1) by the Secretary of Health; and	
16	(b) Subsection (2) by the Council	
17	35. The revenue of the College shall include;	Revenue of the College
18	(a) Revenue from time to time accruing to the College by way of	
19	Government grant, subvention or endowment or other forms of grant-in-aid;	
20	(b) Fees charged by and payable in respect of students;	
21	(c) Any other amounts, charges or dues recoverable by the College;	
22	(d) Receipts for publications or services;	
23	(e) Interest on investments;	
24	(f) Donations and Legacies.	
25	36. Before the end of each financial year, or at such other time as	Annual Estimate
26	may be required by the Council, the Director, Finance and Administration or	
27	the Provost shall present for Council estimates of revenue and expenditure	
28	for the ensuring financial year and the accepted estimates shall be presented	
29	to the Secretary of Health who shall cause same to be placed before the	
30	Minister for approval.	

1 **37.-(1)** The College shall prepare in respect of each financial year a
2 statement of account in such form as may be approved by the secretary of
3 Health and the said annual statement of accounts shall be a fair and accurate
4 statement of the financial positions of the College for the financial year to
5 which it relates.

6 (2) The said Annual Statement of Accounts shall be Audited by the
7 Auditor- General of the Federation or by Such competent auditors appointed
8 by him.

9 (3) The said audited statement of accounts, after verification by the
10 Council shall together with the auditor's report be forwarded to the secretary of
11 Health who shall cause the same to be placed before the Minister.

Interpretation

12 **38.** In this Act unless the context otherwise requires:

13 "Academic Board", means the Academic Board established under this Act.

14 "Chairman" means the Chairman of the Governing Council of the College or
15 where the context requires a chairman of the respective committees established
16 under this Act;

17 "College" means College of Nursing, Midwifery and Health Sciences Isiala-
18 Mbano;

19 "Council" means the Governing Council established under section 4 (1) of this
20 Act for the College;

21 "Executive Committee" means the Federal Executive Committee;

22 "Junior Staff" is a reference to staff on CONHESS 01-05 or salary Grade Levels
23 01-06;

24 "Members" means members of the Council and include the Chairman of the
25 Council;

26 "Minister" Minister of Education;

27 "Provost" means the Provost of the College;

28 "Regulations" means any regulation formulated for the College by the Council;

29 "Secretariat" means Federal Ministry of Health

30 "Secretary" means the Secretary to the Council of the College and other-wise

1 means the Secretary of any Committee established under this Act:

2 "Secretary of Health" means the Permanent Secretary of the Federal
3 Ministry of Health;

4 "Senior Staff" is reference to staff on CONHESS 06-16 or Salary Grade
5 Level 07-17;

6 **39.** This Bill may be cited as Federal College of Nursing, Short title
7 Midwifery and Health Sciences Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Federal College of
Nursing, Midwifery and Health Sciences at Isiala-Mbano in Imo State.

CONSTRUCTION MATERIALS STANDARDIZATION AGENCY
(ESTABLISHMENT) BILL, 2021
ARRANGEMENT OF CLAUSES

Clause:

PART I - ESTABLISHMENT OF THE CONSTRUCTION MATERIAL
STANDARDIZATION AGENCY

1. Establishment of the Construction Material Standardization Agency
2. Establishment of Governing Board
3. Power of the Board
4. Tenure of Office
5. Removal from Office
6. Emoluments
7. Functions of the Agency
8. Appointment of Directors-General and other Staff
9. Number of Department and their duties
10. Staff regulations
11. Pensions
12. Exemption from Liability

PART II - FINANCIAL PROVISIONS

13. Fund of the Agency
14. Expenditure of the Agency
15. Exemption from Income Tax
16. Annual Estimates
17. Accounts and audits
18. Annual report
19. Power to borrow
20. Power to accept gifts

PART III - FUNCTIONS AND POWERS OF THE AGENCY

21. Procedure for quality control

- 22. Application for certification
- 23. Powers of the Directors-General in relation to substandard materials
- 24. Offences and penalties
- 25. Power to enter premises

PART IV - MISCELLANEOUS PROVISIONS

- 26. Commencement of Legal proceedings
- 27. Jurisdiction and prosecution of offences
- 28. Application of fines
- 29. Indemnity of members and employees of the Agency.
- 30. Power to make test purchases
- 31. Recall of substandard materials
- 32. Power to make rules
- 33. Interpretation
- 34. Citation

Schedule

A BILL

FOR

AN ACT TO ESTABLISH THE CONSTRUCTION MATERIALS
STANDARDIZATION AGENCY TO STANDARDIZE AND CONTROL THE USE OF
MATERIALS FOR THE CONSTRUCTION INDUSTRY IN NIGERIA AND FOR
RELATED MATTERS

Sponsored by Hon. Gideon Gwani

[] Commencement

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

- | | | |
|----|---|--|
| 1 | PART I - ESTABLISHMENT STANDARDIZATION AGENCY | Establishment
of the Construction
Materials
Standardization
Agency |
| 2 | 1.-(1) There is established the Construction Materials | |
| 3 | Standardization Agency (in this Bill referred to as "the Agency"). | |
| 4 | (2) The Agency: | |
| 5 | (a) Shall be a body corporate with perpetual succession and a | |
| 6 | common seal; | |
| 7 | (b) May sue and be sued in its corporate name; and | |
| 8 | (c) May acquire, hold or dispose of property, whether movable or | |
| 9 | immovable. | |
| 10 | 2.-(1) There is established for the Agency a Governing Board (in | Establishment
of Governing
Board |
| 11 | this Bill referred to as "the Board"). | |
| 12 | (2) The Board shall consist of: | |
| 13 | (a) A Chairman who shall be appointed by the President on the | |
| 14 | recommendation of the Minister; | |
| 15 | (b) A representative of the Federal Ministry of Works and Housing; | |
| 16 | (c) A representative of the council for the registration of Engineers | |
| 17 | in Nigeria; | |
| 18 | (d) A representative of the standard organization of Nigeria; | |
| 19 | (e) A representative of the Manufacturers Association of Nigeria; | |

	1	(f) A representative of the Federal Ministry of Science and
	2	Technology;
	3	(g) The Director-General of the Agency; and
	4	(h) Six other Persons with graduate qualifications and practice in the
	5	construction industry in Nigeria representing each of the six geo-political
	6	zones of Nigeria.
	7	(3) The representatives from the bodies and Agencies mentioned in
	8	this clause shall not be below the rank of the Directors.
Power of the Board	9	3.-(1) The Board shall:
	10	(a) Provide the general policies and guidelines relating to the
	11	programs of the Agency;
	12	(b) Manage and superintend the affairs of the Agency;
	13	(c) Subject to the provisions of this Bill, make, alter or revoke rules
	14	and regulations for carrying on the functions of the Agency;
	15	(d) Fix terms and conditions of service, including remuneration of the
	16	employees of the Agency; and
	17	(e) Do other which in the opinion of the board are necessary to ensure
	18	the efficient performance of the functions of the Agency.
	19	(2) The supplementary provisions set out in the Schedule to this Bill
	20	shall have effect with respect to the proceedings of the Board and other matters
	21	contained in it.
Tenure of Office	22	4. The Chairman and other members of the Board shall hold the
	23	office:
	24	(a) For a term of four years and may be re-appointed for a further term
	25	of four years and no more;
	26	(b) On terms and conditions as may be specified in their letters of
	27	appointments.
Removal from Office	28	5.-(1) A member of the board may be removed from office by the
	29	President where:
	30	(a) He becomes bankrupt;

- 1 (b) He is convicted of any offence involving dishonesty or fraud;
 2 (c) He becomes of unsound mind or is incapable of carrying out his
 3 duties;
 4 (d) He is found guilty of a serious misconduct in relation to his
 5 duties; or
 6 (e) In the case of a person possessed of professional qualification,
 7 he is disqualified or suspended, other than at his own request from practicing
 8 his profession in any part of the world by an order of a competent authority
 9 made in respect of that member.
- 10 (2) A member of the Board may resign his appointment by a notice
 11 in writing under his hand, addressed to the president and that member shall,
 12 on the date of the receipt of the notice by the President cease to be a member
 13 of the Board.
- 14 (3) Where a member of the Board ceases to hold office for any
 15 reason before the expiration of the term for which he is appointed, another
 16 person representing the same interest as that member shall be appointed to
 17 the Board for the unexpired term.
- 18 (4) A member of the board may be removed by the President if he is
 19 satisfied that it is not in the interest of the Agency or the interest of the public
 20 that the member continues in office.
- 21 **6.** Members of the Board shall be paid emoluments, allowances
 22 and other benefits as the President may, from time to time, approve.
- 23 **7.** The Agency shall:
- 24 (a) Enforce compliance with laws, guidelines, policies and
 25 standards on construction materials matters;
 26 (b) Coordinate and liaise with stakeholders in Nigeria on matters of
 27 construction materials standards, regulation and enforcement;
 28 (c) Enforce compliance with all legislation or regulations on the
 29 importation, production, distribution, storage, sale, use of substandard or
 30 hazardous construction materials;

Emoluments

Functions of the
Agency

	1	(d) Enforce through compliance monitoring of construction projects
	2	to adhere to regulations and standards set by the Agency and other relevant
	3	authorities;
	4	(e) Conduct construction material audit and establish data bank for
	5	the enhancement of enforcement mechanisms;
	6	(f) Create public awareness and provide education on sustainable
	7	construction industry management, promote public and private sector
	8	compliance and publish scientific data resulting from the performance of its
	9	functions.
Appointment of Director- General and other Staff	10	8.-(1) The Director-General of the Agency shall be appointed by the
	11	President, on the recommendation of the Minister.
	12	(2) The Director-General shall:
	13	(a) Be the Chief Executive and Accounting Officer of the Agency;
	14	(b) Be responsible for the day-to-day administration of the Agency;
	15	(c) Be a person with good working knowledge of the construction
	16	industry with qualification in Architecture or civil engineering and a minimum
	17	of 15 years postgraduate experience in the relevant discipline.
	18	(3) The Agency shall appoint other staff of the Agency as it may deem
	19	necessary, to assist it in the performance of its functions.
Number of Department and their duties	20	9.-(1) The Agency shall have:
	21	(a) Department of Architecture, Building and Civil Works;
	22	(b) Department of Planning and Policy Analysis;
	23	(c) Department of Inspection and Enforcement;
	24	(d) Department of Quality Control and Monitoring; and
	25	(e) Department of Legal Services.
	26	(2) Each department shall be headed by a Director.
	27	(3) The Director of the Legal Service Department shall also function
	28	as the Legal Adviser to the Agency.
	29	(4) The Agency may create additional departments, units or offices in

1 any part of the Federation as may be required for the performance of its
2 functions.

3 **10.**-(1) The Agency shall prescribe staff regulations relating Staff regulations
4 generally to the conditions of service of management and other staff of the
5 Agency which may provide for:

6 (a) The appointment, promotion and disciplinary control of all
7 Staffs of the Agency; and

8 (b) Appeals by members of Staff against dismissal or other
9 disciplinary measures.

10 (2) Regulations made under sub clause (1) shall be notified to all
11 affected persons in the prescribed manner.

12 **11.**-(1) Service in the Agency shall be approved service for the Pensions
13 purposes of the pensions reform Act and persons employed by the Agency
14 shall be entitled to pensions and other retirement benefits as prescribed in
15 that Act.

16 (2) Notwithstanding the provisions of sub clause (1), the Agency
17 may appoint a person to any office on terms which preclude the grant of a
18 pension or other retirement benefits in respect of that office.

19 (3) For the purpose of the pension reform Act, any power
20 exercisable by a Minister or other authority of the Government of the
21 Federation, other than the Power to make regulations under section (11) of
22 this Bill, is vested in and shall be exercised by the Agency and not by any
23 other person or authority.

24 **12.** A Staff of the Agency shall not be personally liable for any act Exemption from
25 or omission done or made by him in accordance with the terms of his Liability
26 engagement.

27 **PART II - FINANCIAL PROVISIONS**

28 **13.**-(1) The Agency shall establish a fund from which shall be Fund of the
29 defrayed all expenditure incurred by the Agency for the purposes of this Bill. Agency

30 (2) There shall be paid and credited to the fund of the Agency:

- 1 (a) Adequate take off grant from the Federal Government;
- 2 (b) Annual subvention and budgetary allocation from the Federal
- 3 Government;
- 4 (c) Loans and grants in aid from national, bilateral and multilateral
- 5 agencies;
- 6 (d) Counterpart funding as may be provided from time to time;
- 7 (e) All sums accruing to the Agency by way of rents, fees and other
- 8 internally generated revenues from services rendered by the Agency; and
- 9 (f) All sums accruing to the Agency by way of gifts, endowments,
- 10 bequeaths or other voluntary contributions by persons and organizations.
- 11 **14.** The Agency shall apply the funds at its disposal to:
- 12 (a) The cost of establishing and maintaining the Head Office of the
- 13 Agency at the Federal Capital Territory, Abuja and its offices located in other
- 14 States in Nigeria.
- 15 (b) Pay allowances and other benefits of members of the Board and of
- 16 its Committees;
- 17 (c) The cost of Compliance monitoring and enforcement activities;
- 18 (d) Pay the Salaries and entitlements of the Director-General, other
- 19 staff of the Agency;
- 20 (e) Pay the personnel, overhead, allowances, pensions, gratuities,
- 21 benefits and other administrative costs of the Agency;
- 22 (f) Pay for attendance at local and international conferences related to
- 23 its functions;
- 24 (g) Built capacity of staff of the Agency;
- 25 (h) Publicize and promote the activities of the Agency;
- 26 (i) Attend national and international scientific and professional
- 27 seminars on construction materials matters;
- 28 (j) Develop and maintain any property vested in or owned by the
- 29 Agency;
- 30 (k) Pay for services and contracts entered into by the Agency; and
- expenditure of
the Agency

1	(I) Undertake any other activity in connection with all or any of the	
2	function of the Agency.	
3	15. All income derived by the Agency from the sources specified	Exemption from
4	in this clause of this Bill and all contributions to the fund shall be exempted	Income Tax
5	from income tax.	
6	16. The Agency shall submit to the President through the Minister	Annual Estimates
7	not later than 30th September each year, its program of work and estimates	
8	of its income and expenditure for the following year.	
9	17.-(1) The Board shall keep proper accounts of the Agency and	Accounts and
10	proper record in relation to those accounts.	audits
11	(2) The account of the Agency shall be audited, not later than six	
12	months after the end of the year to which it relates, by auditors appointed by	
13	the Agency from the list and in accordance with the guidelines supplied by	
14	the Auditor-General for the Federation.	
15	18. The Agency shall prepare and submit to the Federal Executive	Annual report
16	Council, through the Minister, not later than 30th June in each year, a report	
17	on the activities of the Agency during the immediate preceding year and	
18	shall include in that report, a copy of the audited accounts of the Agency for	
19	that year and the Auditor's report.	
20	19. The Agency may borrow sums as it may require for the	Power to borrow
21	performance of its functions under this Bill.	
22	20. The Agency may accept any gift of land, money or other	Power to accept
23	property in such terms and condition, if any, as may be specified by the	gifts
24	person or organization making the gift provided that the Agency shall not	
25	accept any gift if the conditions attached are inconsistent with the functions	
26	of the Agency and the provisions of other existing laws.	
27	PART III - FUNCTIONS AND POWERS OF THE AGENCY	
28	21. The Agency shall ensure that all construction materials used in	Procedure for
29	the construction industry must comply with the Nigeria Industrial	quality control
30	Standards.	

Application for
certification

1 **22.-(1)** Every person who intends to use any material for the purpose
2 of construction shall apply for certification to the Agency in a prescribed
3 manner stating the name and particulars of the Engineer in charge of the
4 construction.

5 (2) The Agency may charge such fee as it thinks appropriate for any
6 certificate issued under this section.

Powers of the
Director-General
in relation to
substandard
materials

7 **23.-(1)** The Director-General may upon being satisfied that the
8 quality of any construction material is substandard and hazardous to life,
9 property and unfit for construction purposes, may:

10 (a) Seize and detain such materials for such a time as may be
11 reasonable, but not exceeding 90 days without a court order, for the satisfaction
12 of, and compliance with this Bill;

13 (b) Prohibit any person from selling or offering for sale the suspicious
14 materials;

15 (c) Apply to court for an order of forfeiture of such materials;

16 (d) Seal up the premises where such materials are to be used; or

17 (e) Direct the person to rectify the deficiency in the case of a
18 substandard misdescribed or hazardous materials subject to such conditions as
19 may be imposed.

20 (2) The court may order that any material seized which is hazardous or
21 injurious to life shall be destroyed or disposed of in such a manner as it thinks
22 fit;

23 (3) The agency may order the destruction of materials detained under
24 this clause if:

25 (a) Testing indicates that the material does not meet the relevant
26 Nigerian Industrial Standard;

27 (b) It is reasonably necessary to destroy the materials because they are
28 dangerous to human life and property;

29 (c) The owner of the materials pay the cost of the destruction of the

1 materials including the cost of transporting and storing the materials before
2 destruction; and

3 (d) At least 14 days notice of the order is given to the owner of the
4 materials by a written notice or by publishing a written notice in the Gazette.

5 **24.** A person who obstruct an officer of the Agency in the
6 performance of his duties commits an offence and is liable on conviction to a
7 fine of at least N200,000 for an individual or to imprisonment for a term of at
8 least one year or both and an additional fine of N20,000 for each day the
9 offence subsist and in the case of a body corporate, it shall be liable to a fine
10 of N2,000,000, on conviction and an additional fine of N200,000 for every
11 day the subsist.

Offences and
penalties

12 **25.-(1)** An officer of the Agency may, in the course of his duty, at
13 any reasonable time and on production of his certificate of designation if it
14 so required:

Power to enter
premises

15 (a) Enter and search with a warrant issued by a court, any premises
16 which he reasonably believes carries out activities or stores materials which
17 contravene the provisions of this Bill;

18 (b) Open and examine any container or package which he
19 reasonably believe may contain anything to which this Bill or its regulation
20 apply or which may help in his investigations;

21 (c) Seize and detain for such time as may be necessary for the
22 purpose of this Bill, any materials by means of or in relation to which he
23 reasonably believes any provision of this Bill or the regulation has been
24 contravened; and

25 (d) Obtain an order of the court to suspend activities, seal and close
26 down premises.

27 (2) A written receipt shall be given to any material seized under
28 subsection (1) and the reason for such seizure shall be stated on such receipt.

29 (3) A material seized under this Bill shall be kept or stored in such a
30 place as the officer of the Agency may direct and shall be returned to the

1 owner or the person from whom it was seized if the material upon analysis or
2 examination is found to conform to the requirements of this Bill or regulations
3 made under it.

4 PART IV- MISCELLANEOUS PROVISIONS

Commencement
of Legal proceedings

5 **26.-(1)** A suit shall not be commenced against the Agency before the
6 expiration of a period of one month, after writing notice of intention to
7 commence the suit shall have been served on the Agency by the intending
8 plaintiff or his agent and the notice shall clearly state the:

9 (a) Cause of action;

10 (b) Particulars of the claim;

11 (c) Name and place of abode of the intending plaintiff; and

12 (d) Relief which he claims.

13 (2) The notice or other documents required or authorized to be served
14 on the Agency under the provisions of this Bill or any other enactment or law
15 may be served by:

16 (a) Delivering it to the office of the Director-General; or

17 (b) Sending it by registered post addressed to the Director-General at
18 the head office of the Agency.

19 (3) Subject to the provision of section 174 of the constitution of the
20 Federal Republic of Nigeria 1999, (which relate to the power of the Attorney-
21 General of the Federation to institute, continue or discontinue criminal
22 proceeding against any person in a court of law) any officer of the Agency may,
23 with the consent of the Attorney-General of the Federation, conduct criminal
24 proceedings in respect of offences under this Bill or regulations made under it.

25 (4) In a judicial proceeding for an offence under this Bill or any
26 regulation made under it, the provisions of the Criminal Procedure Act or
27 depending on the venue, the Criminal Procedure Code shall, with such
28 modification as the circumstance may require apply in respect of such matter to
29 the same extent as they apply to the trial of offences generally.

1	27. The Federal High Court or the High Court of a State shall have	Jurisdiction and prosecution of offences
2	jurisdiction to try offences committed under this Bill.	
3	28. The court imposing a fine under this Bill may direct that the	Application of fines
4	whole or any part thereof be applied in or towards payment of the cost of the	
5	proceedings, or in or towards compensating the Agency and subject to any	
6	such direction, all fines under this Bill shall notwithstanding anything in any	
7	other enactment to be paid into the fund of the Agency.	
8	29. Every member, agent, auditor or employee for the time being of	Indemnity of members and employees of the Agency
9	the Agency shall be indemnified out of the fund or assets of the Agency	
10	against any liability incurred by him in defending any proceeding whether	
11	civil or criminal in which judgment is given against him in his capacity as a	
12	member, agent, auditor or employee.	
13	30. The Director-General or any other officer of the Agency	Power to make test purchases
14	designated in that behalf shall have power to make purchases of materials as	
15	may appear expedient for the purpose of determining whether or not the	
16	provision of this Bill are complied with.	
17	31. -(1) The Minister may upon the recommendation of the Agency,	Recall of substandard materials
18	require the supplier of any defective materials noticed by the Agency to:	
19	(a) Recall the materials and all other types that were supplied to	
20	him, in the manner and within the period specified in the order;	
21	(b) Disclose to the public or to the class of persons specified in the	
22	order, in the manner and within the period so specified;	
23	(c) The nature of any defect in any materials identified in that	
24	order;	
25	(d) The circumstances in which the use of the materials in	
26	dangerous;	
27	(e) Procedures for the disposal of the materials; or	
28	(f) Notify the public or class of persons specified in that order, that	
29	the supplier undertakes to:	
30	(i) Repair the defective materials,	

	1	(ii) Replace the defective materials, or
	2	(iii) Refund to a person to whom the material was supplied the price of
	3	the material (whether by the supplier or by another person), within the period
	4	specified in the order.
	5	(2) Where an order made under this clause is still in force, a supplier of
	6	a material to which the order relates, fails to comply with the requirements or
	7	direction in the order, he commits an offence.
Power to make rules	8	32. -(1) The Board may make rules consistent with this Bill, for the
	9	general and efficient performance of the functions of the Agency.
	10	(2) Rules shall not be made by the Board without the prior approval by
	11	the Minister and the rules shall be published in the Federal Government
	12	Gazette.
Interpretation	13	33. In this Bill:
	14	"Agency" means the Construction Materials Standardization Agency
	15	established in clause 1 of this Bill;
	16	"Board" means the Governing Board established for the Agency in clause 2 of
	17	this Bill;
	18	"Minister" means the Minister in charge of Industries;
	19	"President" means the President of the Federal Republic of Nigeria;
	20	"Court" means the Federal or State High Court;
	21	"Chairman" means the Chairman of the Board established in clause of this Bill;
	22	"Director-General" means the Director-General of the Construction Materials
	23	Standardization Agency;
	24	"Functions" includes powers;
Citation	25	34. This Bill may be cited as the Construction Materials
	26	Standardization Agency (Establishment) Bill, 2021.

1 SCHEDULE

2 *Clause 3{2}*3 *Proceedings of the Board*

4 1.-(1) Subject to the provision of this Bill and section 27 of the
5 interpretation Act, the Board may make standing orders regulating its
6 proceedings or those of any of its committees.

7 (2) The quorum of the Board shall be the Chairman or the person
8 presiding at the meeting and five other members of the Board including the
9 Director-General, and the quorum of any committee of the board shall be as
10 determined by the Board.

11 2.-(1) The board shall meet whenever it is summoned by the
12 Chairman and if the Chairman is required to do so by notice given to him by
13 not less than eight other members, he shall summon a meeting of the Board
14 to be held within 14 days from the date on which the notice is given.

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

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

23 3.-(1) The Board may establish one or more committees to carry
24 out, on behalf of the Board, such functions as the Board may determine.

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

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

1 4.-(1) The fixing of the Seal of the Agency shall be authenticated by
2 the signature of the Chairman, the Director-General or any person generally or
3 specifically authorized by the Board to act for that purpose.

4 (2) A contract or instrument which, if made or executed by a person
5 not being a body corporate, would not be required to be under seal may be made
6 or executed on behalf of the Agency by the Director-general or any person
7 generally or specifically authorized by the Board to act for that purpose.

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

11 (4) The validity of any proceedings of the Board or of a committee
12 shall not be adversely affected by:

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

14 (b) A defect in the appointment of a member of the Board or
15 Committee; or

16 (c) Reason that a person not entitled to do so took part in the
17 proceedings of the Board or Committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the construction materials standardization agency to standardize and control the use materials for construction industry in Nigeria.