

Extraordinary



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FEDERAL UNIVERSITY OF TECHNOLOGY, ILARO
(ESTABLISHMENT) BILL, 2020
ARRANGEMENT OF CLAUSES

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FEDERAL UNIVERSITY OF TECHNOLOGY, ILARO

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FIRST SCHEDULE

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THIRD SCHEDULE

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL UNIVERSITY OF TECHNOLOGY, ILARO; AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Senator Solomon Adeola

[] Commencement

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

PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE FEDERAL UNIVERSITY OF TECHNOLOGY, ILARO

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18 | <p>1.-(1) There is hereby Federal Polytechnic, Ilaro upgraded and established as the Federal University of Technology, Ilaro.</p> <p>(2)The University shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.</p> <p>(3)The University shall be a training institution for the development of Technologists in the country.</p> <p>(4) The University shall be supervised by the Federal Ministry of Education through the National Universities Commission (NUC) who shall be responsible for approving and regulating all academic programmes run in the University, to ensure quality compliance and provide funds for academic and research programmes, infrastructures and remunerations of employees.</p> <p>(5)The objects of the University shall be:</p> <p>(a) to encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction;</p> <p>(b) to develop and offer academic and professional programmes leading to the award of certificates, first degrees, post-graduate research, diploma and higher degrees with emphasis on planning, developmental and adaptive skills in technology, applied science, social science, management</p> | <p>Establishment and objectives of the Federal University of Technology, Ilaro</p> |
|---|---|--|

- 1 and allied professional disciplines;
- 2 (c) to produce socially mature technologists with capabilities not to
- 3 only understand the technology need of Nigeria as a nation, but also to exploit
- 4 existing technological infrastructure and improve on it to develop new ones;
- 5 (d) to act as agents and catalysts for effective technology system,
- 6 through post graduate training, research and innovation, for effective
- 7 economic utilization and conservation of the country's human resources;
- 8 (e) to bring quality change in Technology Education by focusing on
- 9 practical teaching and learning innovations;
- 10 (f) to collaborate with other national and international institutions
- 11 involved in training, research and development of Technology with a view to
- 12 promoting governance, leadership and management skills among
- 13 Technologists;
- 14 (g) to identify Technology needs of the society with a view to finding
- 15 solutions to them within the context of overall national development;
- 16 (h) to provide and promote sound basic technology training as a
- 17 foundation for the development of Nigeria, taking into account indigenous
- 18 culture and the need to enhance national unity;
- 19 (i) to provide higher Education and foster a systematic advancement
- 20 of the science and Technology Education;
- 21 (j) to provide for instruction in such branches of Technological
- 22 education as it may deem necessary to make provision for research
- 23 advancement and dissemination of knowledge in such manner as it may
- 24 determine;
- 25 (k) to provide students with operational competence for applying
- 26 knowledge in the society as well as making technological changes in the
- 27 society;
- 28 (m) to undertake any other activities that is appropriate for a
- 29 University of Technology of the highest standard.

1	2.-(1) The University shall consist of:	Constitution and Principal Officers of the University
2	(a) a Chancellor;	
3	(b) a Pro-Chancellor and a Council;	
4	(c) a Vice-Chancellor and a Senate;	
5	(d) a body to be called Congregation;	
6	(e) a body to be called Convocation;	
7	(f) the campuses and colleges of the University;	
8	(g) the colleges, institutes and other teaching and research units of	
9	the University;	
10	(h) the persons holding the offices constituted by the First Schedule	
11	to this Bill other than those mentioned in paragraphs (a) to (c) of this	
12	subsection;	
13	(i) all graduates and undergraduates of the University; and	
14	(j) all other persons who are members of the University in	
15	accordance with provisions made by statute in that behalf.	
16	(2) The First Schedule to this Bill shall have effect with respect to	
17	the principal officers of the University.	
18	(3) Subject to section 5 of this Bill provision shall be made by	
19	statute with respect to the constitution of the Council, the Senate,	
20	Congregation and Convocation.	
21	3.-(1) For the carrying out of its objects as specified in section 1 of	Power of Federal University of Technology, Ilaro and its exercise
22	this Bill, Federal; University of Technology, Ilaro shall have power:	
23	(a) to offer courses of instruction, training and research in	
24	Technology and allied areas for the production of quality and skilled	
25	technologists required at lower, middle and higher levels of manpower in	
26	Nigeria in particular and the world at large;	
27	(b) to establish such colleges, campuses, institutes, schools,	
28	departments and other teaching and research units within the University as	
29	may from time to time be deemed necessary or desirable subject to the	
30	approval of National Universities Commission;	

1 (c) to institute professorships, readerships or associate
2 professorships, lectureships, and other posts and offices and to make
3 appointments thereto;

4 (d) to institute and award fellowships, scholarships, exhibitions,
5 bursaries, medals, prizes and other titles, distinctions, awards and forms of
6 assistance;

7 (e) to provide for the discipline and welfare of members of the
8 University;

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

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

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

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

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

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

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

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

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

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

14 (p) to make gifts for any charitable purpose;

15 (q) to do anything which it is authorized or required by this Bill or
16 by statute to do; and (r) to do all such acts or things, whether or not incidental
17 to the foregoing powers, as may advance the objects of the University.

18 (2) Subject to the provisions of this Bill and of the statutes and
19 without prejudice to section 7(2) of this Bill, the powers conferred on the
20 University by subsection (1) of this section shall be exercisable on behalf of
21 the University by the Council or by the Senate or in many other manner
22 which may be authorized by the statute.

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

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

Functions of the
Chancellor and
Pro-Chancellor

30 (2)The Pro-Chancellor shall, in relation to the University, take

Composition,
Tenure and Powers
of the Council
of the University

1 precedence before all other members of the University, except the Chancellor
2 and except the Vice-Chancellor when acting as chairman of Congregation or
3 Convocation and the Pro-Chancellor shall, when he is present, be the chairman
4 at all meetings of the Council.

5 **5.-(1)** The Council of the University shall consist of:

6 (a) the Pro-Chancellor who shall be appointed by the President on the
7 recommendation of the Honourable Minister of Education;

8 (b) the Vice-Chancellor;

9 (c) the Deputy Vice-Chancellor(s);

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

11 (e) four persons representing a variety of interests and broadly
12 representative of the whole Federation to be appointed from:

13 (i) the Teacher's Registration Council;

14 (ii) Tertiary Education Trust Fund; and

15 (iii) two other persons, one of whom shall be a representative of the
16 University host community.

17 (f) four persons appointed by the Senate from among its members;

18 (g) two persons appointed by Congregation from among its members;

19 (h) one person appointed by Convocation from among its members.

20 (i) two persons representing the community appointed by the
21 President.

22 (2) Persons to be appointed to the Council shall be of proven
23 integrity, knowledgeable and familiar with the affairs and tradition of the
24 University.

25 (3) The Council so constituted shall have a tenure of four years from
26 the date of its inauguration provided that where a Council is found to be
27 incompetent and corrupt, it shall be dissolved by the Visitor and a new Council
28 shall be immediately constituted for the effective functioning of the University.

29 (4) The powers of the Council shall be exercised, as in this Bill and to
30 that extent establishment circulars that are inconsistent with this Bill shall not

1 apply to the University.

2 (5) The Council shall be free in the discharge of its functions and
3 exercise of its responsibilities for the good management, growth and
4 development of the University.

5 (6) The Council in the discharge of its functions shall ensure that
6 disbursement of funds of the University complies with the approved
7 budgetary ratio for:

8 (a) personnel cost;

9 (b) overhead cost;

10 (c) research and development;

11 (d) library developments; and

12 (e) the balance in expenditure between academic vis-a-vis non-
13 academic activities.

14 6.-(1) Subject to the provisions of this Bill relating to the Visitor, the
15 Council shall be the governing body of the University and shall be charged
16 with the general control and superintendence of the policy, finances and
17 property of the University.

Functions of the
Council and its
Finance and
General Purpose
Committee

18 (2) There shall be a committee of the Council, to be known as the
19 Finance, and General Purposes Committee, which shall, subject to the
20 directions of the Council, exercise control over the property and expenditure
21 of the University and perform such other functions of the Council as the
22 Council may from time to time delegate to it.

23 (3) Provision shall be made by statute with respect to the
24 constitution of the Finance and General Purposes Committee.

25 (4) The Council shall ensure that proper accounts of the University
26 are kept and that the accounts of the University are audited annually by an
27 independent firm of auditors approved by the Council and that an annual
28 report is published by the University together with certified copies of the
29 said accounts as audited.

30 (5) Subject to this Bill and the statutes, the Council and the Finance

1 and General Purposes Committee may each make rules for the purpose of
2 exercising any of their respective functions or of regulating their own
3 procedure.

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

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

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

17 (9) If requested in writing by any five members of the Council, the
18 chairman shall within 28 days after the receipt of such request call a meeting of
19 the Council.

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

Functions of the
Senate of the
University

23 7.-(1) Subject to section 6 of this Bill and subsections (3) and (4) of
24 this section and the provisions of this Bill relating to the Visitor, it shall be the
25 general function of the Senate to organize and control the teaching by the
26 University, the admission of student where no other enactment provides to the
27 contrary and the discipline of students; and to promote research at the
28 University.

29 (2) Without prejudice to the generality of subsection (1) of this section
30 and subject as therein mentioned, it shall in particular be the function of the

1 Senate to make provision for:

2 (a) the establishment, organization and control of campuses,
3 colleges, schools, institutes and other teaching and research units of the
4 University and the allocation of responsibility for different branches of
5 learning;

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

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

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

14 (e) the establishment, organization and control of halls of residence
15 and similar institutions at the University;

16 (f) the supervision of the welfare of students at the University and
17 the regulation of their conduct;

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

20 (h) determining what descriptions of dress shall be academic dress
21 for the purposes of the University, and regulating the use of academic dress.

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

26 (4) Subject to this Bill and the statutes, the Senate may make
27 regulations for the purpose of exercising any function conferred on it either
28 by the foregoing provisions of this section or otherwise or for the purpose of
29 making provision for any matter for which provision by regulations is
30 authorized or required by this Bill or by statute.

1 (5) Regulations shall provide that at least one of the persons appointed
2 as the examiners at each final or professional examination held in conjunction
3 with any course of study at the University is not a teacher at the University but
4 is a teacher of the branch of learning to which the course relates at some other
5 University of high repute or a person engaged in practicing the profession in a
6 reputable organization or institution.

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

Functions of the
Vice-Chancellor

13 8.-(1) The Vice-Chancellor shall, in relation to the University, take
14 precedence before all other members of the University except the Chancellor
15 and subject to section 4 of this Bill except the Pro-Chancellor and any other
16 person for the time being acting as Chairman of the Council.

17 (2) Subject to sections 6, 7 and 14 of this Bill, the Vice-Chancellor
18 shall have the general function, in addition to any other functions conferred on
19 him by this Bill or otherwise of directing the activities of the University and
20 shall be the Chief Executive and Accounting Officer of the University and ex-
21 officio Chairman of the Senate.

22 (3) The Vice Chancellor shall be the Chairman of the University
23 Tenders' Board, which is saddled with the responsibility of approving the
24 conduct of public procurement of goods, works and services within the
25 approved threshold from time to time.

26 (4) It shall be the responsibility of the Vice Chancellor to establish and
27 appoint members of the Tenders' Board in line with the extant Public
28 Procurement Rules and Regulations.

1 PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC, TO THE

2 UNIVERSITY AND CONDITION OF SERVICE OF EMPLOYEES

3 **9.-(1)**There shall be a general fund of the University which shall General fund of
4 consist of the following: the University

5 (a) grants-in-aid;

6 (b) fees;

7 (c) income derived from investments;

8 (d) gifts, legacies, endowments and donations not accepted for a
9 particular purpose;

10 (e) income derived from the exercise of any functions conferred or
11 imposed on the University by this Bill;

12 (f) any other amounts, charges or dues recoverable by the
13 University;

14 (g) revenue, from time to time, accruing to the University by way
15 of subvention;

16 (h) interests on investments;

17 (i) donations and legacies accruing to the University from any
18 source for the general or special purposes of the University; and

19 (j) Regular TETFUND interventions;

20 (2) The general fund shall be applied for the purposes of the
21 University.

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

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

29 PART III- STATUTES OF THE UNIVERSITY

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

1 any of the following purposes, that is to say:

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

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

7 (c) Regulating the admission of students (where no other enactment
8 provides to the contrary), and their discipline and welfare;

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

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

14 (2) Subject to section 25(6) of this Bill, the Interpretation Act shall
15 apply in relation to any statute made under this section as it applies to a
16 subsidiary instrument within the meaning of section 28(1) of that Act.

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

Third Schedule

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

Mode of exercising
power to make
statutes

24 **12.-(1)** The power of the University to make statutes shall be
25 exercised in accordance with the provisions of this section and not otherwise.

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

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

30 (b) at a meeting of the Council, by the votes of not less than two thirds

1 of the members present and voting.

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

5 (4) A statute which:

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

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

10 (5) For the purpose of section 2(2) of the Interpretation Act, a
11 statute shall be treated as being made on the date on which it is duly
12 approved by the Council after having been duly approved by the Senate, or
13 on the date on which it is duly approved by the Senate after having been duly
14 approved by the Council, as the case may be or, in the case of a statute falling
15 within subsection (4) of this section, on the date on which it is approved by
16 the President.

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

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

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

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

29 (8) Nothing in sub-section (7) of this section shall affect any power
30 of a court of competent jurisdiction to determine whether any provision of a

	1	statute is wholly or partly void as being ultra vires or as being inconsistent with
	2	the Constitution of the Federal Republic of Nigeria, 1999.
Proof of Statute	3	13. A statute may be proved in any court by the production of a copy
	4	thereof bearing or having affixed to it a certificate purporting to be signed by
	5	the Vice-Chancellor or the Secretary to the Council to the effect that the copy is
	6	a true copy of a statute of the University.
	7	PART IV - SUPERVISION AND DISCIPLINE
The Visitor	8	14. -(1) The President shall be the Visitor of the University.
	9	(2) The Visitor shall cause a visitation to the University when
	10	necessary, at least every five years, or direct that such a visitation be conducted
	11	by such person or persons as the Visitor may deem fit and in respect of any of
	12	the affairs of the University.
	13	(3) It shall be the duty of the bodies and persons comprising the
	14	University to make available to the Visitor and to any other person conducting a
	15	visitation in pursuance of this section, such facilities and assistance as he or
	16	they may reasonably require for the purposes of a visitation.
	17	(4) The Visitor shall make the report of such visitations and white
	18	paper thereon available to the Council which shall implement same.
Removal of certain Members of Council	19	15. -(1) If it appears to the Council that a member of the Council (other
	20	than the Pro- Chancellor or the Vice-Chancellor) should be removed from
	21	office on the ground of misconduct or inability to perform the functions of his
	22	office or employment, the Council shall make a recommendation to that effect
	23	through the Minister to the President, and the President, after making such
	24	enquiries (if any) as he may consider appropriate approves the
	25	recommendation, he may direct the removal of the person in question from
	26	office.
	27	(2) It shall be the duty of the Minister to use his best endeavours to
	28	cause a copy of the instrument embodying a direction under subsection (1) of
	29	this section to be served as soon as reasonably practicable on the person to
	30	whom it relates.

- 1 16.-(1) If it appears to the Council that there are reasons for
2 believing that any person employed as a member of the academic,
3 administrative or professional staff of the University, other than the Vice-
4 Chancellor, should be removed from his office or employment on the
5 ground of misconduct or of professional inability to perform the functions of
6 his office or employment, the Council shall:
- 7 (a) give notice of those reasons to the person in question;
8 (b) afford him an opportunity of making representations in person
9 on the matter by the Council; and
- 10 (c) for the person in question to be afforded an opportunity of
11 appearing before and being heard by the investigating committee with
12 respect to the matter, and if the Council, after considering the report of the
13 investigating committee, is satisfied that the person in question should be
14 removed as aforesaid, the Council may so remove him by an instrument in
15 writing signed on the directions of the Council.
- 16 (2) The Vice-Chancellor may, in a case of misconduct by a member
17 of the staff which in the opinion of the Vice-Chancellor is prejudicial to the
18 interest of the University, suspend such member and any such suspension
19 shall forthwith be reported to the Council.
- 20 (3) For good cause, any member of the staff may be suspended
21 from his duties or his appointment may be terminated by the Council; and
22 for the purposes of this subsection "good cause" means:
- 23 (a) conviction for any offence which the Council considers to be
24 such as to render the person concerned unfit for the discharge of the
25 functions of his office;
- 26 (b) any physical or mental incapacity which the Council, after
27 obtaining medical advice, considers to be such as to render the person
28 concerned unfit to continue to hold his office;
- 29 (c) conduct of a scandalous or other disgraceful nature which the
30 Council considers to be such as to render the person concerned unfit to

Removal and
discipline of
academic,
administrative
and professional
staff

1 continue to hold his office;

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

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

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

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

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

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

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

22 (5) In any case where the Council, pursuant to this section, decides to
23 continue a person's suspension or decides to take further disciplinary action
24 against a person, the Council shall before the expiration of a period of three
25 months from such decision come to a final determination in respect of the case
26 concerning any such person.

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

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

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

4 (b) prevent the Council from making regulations for the discipline
5 of other categories of workers of the University as may be prescribed.

6 **17.-(1)** If, on the recommendation of the Senate, it appears to the Removal of
examiners
7 Vice-Chancellor that a person appointed as an examiner for any
8 examination of the University ought to be removed from his office or
9 appointment, then, except in such cases as may be prescribed by the Vice-
10 Chancellor may, after affording the examiner an opportunity of making
11 representations in person on the matter to the Vice-Chancellor, remove the
12 examiner from the appointment by an instrument in writing signed by the
13 Vice-Chancellor.

14 (2) Subject to the provisions of regulations made in pursuance of
15 section 7(5) of this Bill, the Vice-Chancellor may, on the recommendation of
16 the Senate, appoint an appropriate person as examiner in the place of the
17 examiner removed in pursuance of subsection (1) of this section.

18 (3) It shall be the duty of the Vice-Chancellor on signing an
19 instrument of removal pursuant to this section, to use his best endeavours
20 to cause a copy of the instrument to be served as soon as reasonably
21 practicable on the person to whom it is related.

22 **18.-(1)** The Students shall be:

23 (a) represented in the University's Students Welfare Board and Participation and
Discipline of
Students
24 other committees that deal with the affairs of students;

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

26 (c) Participate in the process of assessing academic staff in respect
27 of teaching; and

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

30 (2) Subject to the provisions of this section, where it appears to the

1 Vice-Chancellor that any student of the University has been guilty of
2 misconduct, the Vice-Chancellor may, without prejudice to any other
3 disciplinary powers conferred on him by statute or regulations, direct:

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

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

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

11 (d) that the student be expelled from the University.

12 (3) Where a direction is given under subsection (1)(c) or (d) of this
13 section in respect of any student, that student may, within the prescribed period
14 and in the prescribed manner, appeal to the Council; and where such an appeal
15 is brought, the Council shall, after causing such inquiry to be made in the matter
16 as the Council considers just either confirm or set aside the direction or modify
17 it in such manner as the Council thinks fit.

18 (4) The fact that an appeal from a direction is brought in pursuance to
19 subsection (2) of this section shall not affect the operation of the direction while
20 the appeal is pending:

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

24 (b) Nothing in this section shall be construed as preventing the
25 restriction or termination of students' activities at the University otherwise than
26 on the ground of misconduct;

27 (c) A direction under subsection (2)(a) of this section may be
28 combined with a direction under subsection (2)(b) of this section.

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

29 PART V - MISCELLANEOUS AND GENERAL

30 **19.-(1)** No person shall be required to satisfy requirements as to any of

1 the following matters, that is to say, race (including ethnic grouping), sex,
2 account of race, place of birth or of family origin, or religious or political
3 persuasion, as a condition of becoming or continuing to be a student at the
4 University, the holder of any degree of the University or of any appointment
5 or employment at the University, or a member of anybody established by
6 virtue of this Bill; and no person shall be subject to any disadvantage or
7 accorded any advantage relation to the University, by reference to any of
8 those matters.

9 (2) Nothing in subsection (1) of this section shall be construed as
10 preventing the University from imposing any disability or restriction on any
11 of the persons mentioned in that subsection where such person willfully
12 refuses or fails on grounds of religious belief to undertake any duty
13 generally and uniformly imposed on all such person or any group of them
14 which duty, having regard to its nature and the special circumstances
15 pertaining thereto, is in the opinion of the University reasonably justifiable
16 in the national interest.

17 **20.** Without prejudice to the provisions of the Land Use Act, the
18 University shall not dispose of or charge any land or an interest in any land
19 (including any land transferred to the University by this Bill) except with the
20 prior written consent, either general or special, of the Governor:
21 Provided that such consent shall not be required in the case of any lease or
22 tenancy at a rack-rent for a term not exceeding 21 years or any lease or
23 tenancy to a member of the University for residential purpose.

Restriction on
disposal of land
by University

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

Quorum and
procedure of
bodies established
by this Bill

27 **22.-(1)** Anybody of persons established by this Bill shall, without
28 prejudice to the generality of the powers of that body, have power to appoint
29 committees, which need not consist exclusively of members of that body,
30 and to authorize a committee established by it:

Appointment of
committee, etc.

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

2 (b) to co-opt members, and

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

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

12 (4) Nothing in the provisions of subsection (1), (2) and (3) of this
13 section shall be construed as:

14 (a) enabling the statutes to be made otherwise than in accordance with
15 section 1 of this Bill; or

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

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

Retiring age of
academic staff

23 **23.-(1)** Notwithstanding anything to the contrary in the Pension Act,
24 the compulsory retiring age of the following categories of staff shall be as
25 follows:

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

28 (b) Academic staff of the University in the Professorial Cadre shall be
29 70 years;

30 (c) Non-academic staff of the University shall be 65 years.

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

4 **24.** An academic staff of the University who retires as a Professor
5 in the University shall be entitled to pension at a rate equivalent to his annual
6 salary provided that the Professor has served continuously in the University
7 up to the retirement age.

Special Provisions
relating to Pension
of Professors

8 **25.**-(1)The seal of the University shall be such as may be
9 determined by the Council and approved by the Chancellor, and the affixing
10 of the seal shall be authenticated by any member of the Council and by the
11 Vice-Chancellor, Secretary to the Council or any other person authorized by
12 statute.

Miscellaneous
Administrative
Provisions

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

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

20 (4) The validity of any proceedings of any body established in
21 pursuance of this Bill shall not be affected by any vacancy in the
22 membership of the body, or by any defect in the appointment of a member of
23 the body or by reason that any person not entitled to do so took part in the
24 preceding.

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

28 (6) Nothing in section 12 of the Interpretation Act (which provides
29 for the application in relation to subordinate legislation of certain incidental

1 provisions) shall apply to statutes or regulations made in pursuance to this Bill.

2 (7) The power conferred by this Bill on anybody to make statutes or
3 regulations shall include power to revoke or vary any statute (including the
4 statute contained in the Third Schedule of this Bill) or any regulation by a
5 subsequent statute or as the case may be, by a subsequent regulation and
6 statutes and regulations may make different provisions in relation to different
7 circumstances.

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

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

Restriction of
suits and
execution

13 **26.-(1) Pre-Action Notice:**

14 (a) No legal proceeding shall be instituted and/or commenced against
15 the University or any of its agents in the course of their official duties unless a 3
16 months' Pre-Action Notice of such intention is served on the University by an
17 aggrieved party;

18 (b) The Notice shall state the reason and the cause of action intended
19 to be taken against the University, the particulars of the claim, the name and
20 place of abode of the intending plaintiff and the relief which he claims;

21 (c) For the avoidance of doubt, it is hereby declared that no suit shall
22 be commenced against an officer or servant of the University, in any case
23 where the University is vicariously liable for any alleged act, neglect or default
24 of the officer or servant in the performance or intended performances of his
25 duties, unless three months at least has elapsed after written notice of intention
26 to commence the same shall have been served on the University by the
27 intending plaintiff or his agent.

28 (d) In any suit against this University, no execution or attachment or
29 process in the nature thereof shall be issued against the University, but any
30 sums of money which may be judgment of the court be awarded against the

1 University shall, subject to any direction given by the court where notice of
2 appeal has been given by the University in respect of the said judgment, be
3 paid by the University from its general fund.

4 (2) Service of Notices:

5 Service upon the University of any notice, order or other document may be
6 effected by delivering the same or by sending it by registered post addressed
7 to the Registrar and Secretary of the Council.

8 27.-(1) In this Bill, unless the context otherwise requires:

Interpretation

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

10 "College" means the College established pursuant to section 2 (1) (b) of this
11 Bill for the University;

12 "Council" means the Governing Council of the University established by
13 section 5 of this Bill.

14 "Functions" includes powers and duties

15 "Graduate" means a person on whom a degree, other than an honorary
16 degree, has been conferred by the University and any other person as may be
17 designated as a graduate by the Council, acting in accordance with the
18 recommendation of the Senate;

19 (Erroneously omitted)

20 "Minister" means the Hon. Minister of Education;

21 "Notice" means notice in writing;

22 "Officer" does not include the Visitor;

23 "Prescribed" means prescribed by statute or regulations;

24 "Professor" means a person designated as a Professor of the University in
25 accordance with provisions made in that behalf by statute or by regulations;

26 "Property" includes rights, liabilities and obligations;

27 "Provisional Council" means the provisional council appointed for the
28 University.

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

30 "Senate" means the Senate of the University established pursuant to section

1 2(1)(e) of this Bill;
2 "School" means a unit of closely related academic programmes;
3 "Statute" means a statute made by each University under section 10 of this Bill
4 and in accordance with the provisions of section 11 of this Bill, and
5 "the statutes" means all such statutes as are in force from time to time;
6 "Teacher" means a person holding a full-time appointment as a member of the
7 teaching or research staff of the University;
8 "Undergraduate" means a person registered as a student undergoing a course of
9 study for a first degree of the University or such other course in the University
10 as may be approved by the Senate as qualifying a student undergoing it for the
11 status of an under-graduate;
12 "University" means Federal University of Technology, Ilaro established and
13 incorporated by section I of this Bill.

14 (2) It is hereby declared that where in any provision of this Bill it is
15 laid down that the proposals are to be submitted or a recommendation is to be
16 made by one authority or another through one or more intermediate authorities,
17 it shall be the duty of every such intermediate authority to forward any
18 proposals of that or recommendations received by it in pursuance of that
19 provision to the appropriate authority; but any such intermediate authority
20 may, if it thinks fit, forward therewith its own comments thereon.

Short title

21 **28.** This Bill may be cited as the Federal University of Technology,
22 Ilaro, Bill, 2020.

23 SCHEDULES

24 FIRST SCHEDULE

25 [Section 2(2)]

26 PRINCIPAL OFFICERS OF THE UNIVERSITY

27 *The Chancellor*

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

1 *The Pro-Chancellor*

2 2.-(1) The Pro-Chancellor who shall be the Chairman of Council
3 shall be appointed or removed from office by Mr. President upon
4 recommendation by the Minister of Education.

5 (2) Subject to the provisions of this Bill, the Pro-Chancellor shall
6 hold office for a period of four years beginning with the date of his
7 appointment.

8 *The Vice-Chancellor*

9 3.-(1) There shall be a Vice-Chancellor of the University who shall
10 be appointed by the Council in accordance with the provisions of this
11 paragraph.

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

14 (a) advertise the vacancy in a reputable journal or a widely read
15 newspaper in Nigeria, specifying:

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

17 (ii) the terms of conditions of service applicable to the post, and
18 thereafter draw up a short list of suitable candidates for the post for
19 consideration:

20 (b) constitute a Search Team consisting of:

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

23 (ii) two members of the Senate who are not members of the
24 Council, one of whom shall be a Professor;

25 (iii) two members of Congregation who are not members of the
26 Council, one of whom shall be a Professor, to identify and nominate for
27 consideration, suitable persons who are not likely to apply for the post on
28 their own volition because they felt that it is not proper to do so.

29 (3) A Joint Council and Senate Selection Board consisting of:

30 (a) the Pro-Chancellor, as chairman:

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

2 (c) two members of the Senate who are Professors, but who were not
3 members of the Search Team, shall consider the candidates and persons in the
4 shortlist drawn up under subsection (2) of this paragraph through an
5 examination of their curriculum vitae and interaction with them, and
6 recommend to the Council three candidates for further consideration.

7 (4) The Council shall select and appoint as the Vice-Chancellor one
8 candidate from among the three candidates recommended to it under
9 subsection (3) of this section and thereafter inform the Visitor.

10 (5) The Vice-Chancellor shall hold office for a single term of five
11 years only on such terms and conditions as may be specified in his letter of
12 appointment.

13 (6) The Vice Chancellor may be removed from office by the Council
14 on grounds of gross misconduct or inability to discharge the functions of his
15 office as a result of infirmity of the body or mind, at the initiative of the
16 Council, Senate or the Congregation after due process.

17 (7) When the proposal for the removal of the Vice-Chancellor is
18 made, the Council shall constitute a Joint Committee of Council and Senate
19 consisting of:

20 (i) three members of the Council, one of whom shall be the Chairman
21 of the committee; and

22 (ii) two members of the Senate,

23 Provided that where the ground for removal is infirmity of the body or mind,
24 the Council shall seek appropriate medical opinion.

25 (8) The committee shall conduct investigation into the allegations
26 made against the Vice-Chancellor and shall report its findings to the Council.

27 (9) The Council may where the allegations are proved remove the
28 Vice-Chancellor or apply any other disciplinary action it may deem fit and
29 notify the Visitor accordingly provided that a Vice-Chancellor who is removed
30 shall have right of appeal to the Visitor.

1 (10) There shall be no sole administrator in the University.

2 (11) In any case of a vacancy in the office of the Vice-Chancellor,
3 the Council shall appoint an acting Vice-Chancellor on recommendation of
4 the Senate.

5 (12) An acting Vice Chancellor in all circumstances shall not be in
6 office for more than 6 months.

7 *Deputy Vice-Chancellor*

8 4.-(1) There shall be for the University such number of Deputy
9 Vice-Chancellors as Council may from time to time deem necessary for the
10 proper administration of the University.

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

14 (3) The Senate shall select for each vacant post one candidate from
15 each list forwarded to it under subsection (2) of this paragraph and forward
16 his name to the Council for confirmation.

17 (4) A Deputy Vice-Chancellor shall:

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

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

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

24 (5) A Deputy Vice-Chancellor:

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

28 (b) may be reappointed for one further period of two years and no
29 more.

30 (c) may be removed from office for good cause by the Council

1 acting on the recommendations of the Vice-Chancellor and Senate.

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

5 *Office of the Registrar*

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

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

14 *Other Principal Officers of the University*

15 6.-(1) There shall be for the University the following principal
16 officers, in addition to the Registrar, that is:

17 (a) the Bursar; and

18 (b) the University Librarian, who shall be appointed by the Council
19 on the recommendation of the Selection Board constituted under paragraph 7
20 of this Schedule.

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

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

28 (4) Any question as to the scope of the responsibilities of the aforesaid
29 officers shall be determined by the Vice-Chancellor

Selection Board for other Principal Officers

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

- (a) the Pro-Chancellor, as chairman;
 - (b) the Vice-Chancellor;
 - (c) four members of the Council not being members of the Senate;
- and
- (d) two members of the Senate.

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

(3) The Registrar, Bursar and Librarian shall hold office for a single term of five years only beginning from the effective date of their appointments and on such terms and conditions as may be specified in their letters of appointment.

(4) Notwithstanding subsection (3) of this section, the Council may, upon satisfactory performance, extend the tenure of the Registrar, Bursar or Librarian for a further period of one year only and thereafter such principal officer shall relinquish his post and be assigned to other duties in the University.

Resignation and Re-appointment

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

- (a) in the case of the Chancellor or Pro-Chancellor, by notice to the Visitor;
- (b) in any other case, by notice to the Council and the Council shall, in the case of the Vice-Chancellor, immediately notify the Visitor.

(2) Without prejudice to paragraph 4 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for

1 misconduct shall be eligible for re-appointment to that office.

2 SECOND SCHEDULE

3 TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

4 *Transfer of Property to University*

5 1. Without prejudice to the generality of section 9 (1) of this Bill:

6 (a) the reference in that subsection to property held by the Provisional
7 Council shall include a reference to the right to receive and give a good
8 discharge for any grants or contributions which may have been voted or
9 promised to the Provisional Council;

10 (b) all debts and liabilities of the Provisional Council outstanding
11 shall become debts or liabilities of the University.

12 2.-(1) All agreements, contracts, deeds and other instruments to
13 which the Provisional Council was a party shall, so far as possible and subject
14 to any necessary modifications, have effect as if the University had been a party
15 thereto in place of the Provisional Council.

16 (2) Documents not falling within subsection (1) of this paragraph,
17 including enactment which refer, whether specially or generally, to the
18 Provisional Council, shall be construed in accordance with that sub-section so
19 far as applicable.

20 (3) Any legal proceedings or application to any authority pending by
21 or against the Provisional Council may be continued by or against the
22 University.

23 *Registration of transfers*

24 3.-(1) If the law in force at the place where any property transferred by
25 this Bill is situate provides for the registration of transfers of property of the
26 kind in question (whether by reference to an instrument of transfer or
27 otherwise), the law Shall, so far as it provides for alterations of a register (but
28 not for avoidance of transfers, the payment of fees or any other matter) apply,
29 with necessary modifications, to the property aforesaid.

30 (2) It shall be the duty of the body to which any property is transferred

1 by this Bill to furnish the necessary particulars of the transfer to the proper
2 officer of the registration authority, and of that officer to register the transfer
3 accordingly.

4 *Transfer of Functions, etc.*

5 4.-(1)The first meeting of the Council shall be convened by the
6 Pro-Chancellor on such date and in such manner as he may determine.

7 (2) The persons who were members of the Provisional Council
8 shall be deemed to constitute the Council until the date when the Council as
9 set up under the Third Schedule to this Bill shall have been duly constituted.

10 (3) The first meeting of the Senate as constituted by this Bill shall
11 be convened by the Vice-Chancellor on such date and in such manner as he
12 may determine.

13 (4) The persons who were members of the Academic Board
14 immediately before the coming into force of this Bill shall be deemed to
15 constitute the Senate of the University until the date when the Senate as set
16 up under the Third Schedule to this Bill shall have been duly constituted.

17 (5) Subject to any regulations which may be made by the Senate
18 after the date on which this Bill is made, the schools, school boards and
19 students of the University immediately before the coming into force of this
20 Bill shall on that day become schools, school boards and students of the
21 University as constituted by this Bill.

22 (6) Persons who were Deans of schools and Heads of Academic
23 Departments shall continue to be Deans or HODs of the corresponding
24 School/Department, until new appointments are made in pursuance of the
25 statutes.

26 (7) Any person who was a member of the staff of the University as
27 established or was otherwise employed by the Provisional Council shall
28 become the holder of an appointment at the University with the status,
29 designation and functions which correspond as nearly as may be to those
30 which appertained to him as member of that staff or as such an employee.

THIRD SCHEDULE

[Section 9 (3)]

FEDERAL UNIVERSITY OF TECHNOLOGY, ILARO.

Statute NO.1

ARRANGEMENT OF ARTICLES

ARTICLES

1. The Council.

2. The Finance and General Purposes Committee

3. The Senate

4. The Congregation

5. Convocation

6. Division of Colleges

7. College/School Boards

8. Dean of the College

9. Selection of certain Principal Officers

10. Creation of academic posts

11. Appointment of academic staff

12. Appointment of administrative and professional staff

13. Interpretation.

14. Short Title

The Council

1.-(1) The composition of the Council shall be as provided in section 5 of this Bill.

(2) Any member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c), or (d) of this Bill may, by notice to the Council, resign his office.

(3) A member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c), or (d) of this Bill shall, unless he previously vacates it, vacate that office on the expiration of the period of four years beginning with effect from 1 August in the year which he was appointed.

1 (4) Where a member of the Council holding office otherwise than
2 in pursuance of section 5 (a), (b), (g), or (h) of this Bill vacates office before
3 the expiration of the period aforesaid, the body or person by whom he was
4 appointed may appoint a successor to hold office for the residue of the term
5 of his predecessor.

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

9 (6) The quorum of the Council shall be five, at least one of whom
10 shall be a member appointed pursuant to section 5 (d) or (e) of this Bill.

11 (7) If the Pro-Chancellor is not present at a meeting of the Council,
12 such other member of the Council present at the meeting as the Council may
13 appoint as respects that meeting shall be the chairman at that meeting, and
14 subject to section 4 of this Bill and the foregoing provisions of this
15 paragraph, the Council may regulate its own procedure.

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

20 *The Finance and General Purposes Committee*

21 2.-(1) The Finance and General Purposes Committee of the
22 Council shall consist of:

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

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

26 (c) six other members of the Council appointed by the Council, two
27 of whom shall be selected from among the four members of the Council
28 appointed by the Senate and one member appointed to the Council by
29 Congregation;

30 (d) the Permanent Secretary of the Federal Ministry of Education,

1 or in his absence, such member of his Ministry as he may designate to represent
2 him; and

3 (e) the Executive Secretary of the Petroleum Technology
4 Development Fund, or in his absence, such member of the Fund as he may
5 designate to represent him.

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

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

9 *Annual budget and estimates, etc.*

10 (4) (i) The estimates of income and expenditure for a financial year
11 shall be presented by the Vice-Chancellor to the Council and may be approved
12 by the Council before the beginning of that financial year;

13 Provided that the Vice-Chancellor may during any financial year present and
14 the Council may approve supplementary estimates of income or expenditure.

15 (ii) The annual and supplementary estimates shall be prepared in such
16 form and shall contain such information as the Council may direct.

17 *Gifts, donations, etc.*

18 (5) (i) The Council may on behalf of the University accept by way of
19 grants, gift, testamentary disposition or otherwise, property and money in aid
20 of the finances of the University on such conditions as it may approve.

21 (ii) Registers shall be kept of all donations to the University including
22 the names of donors and any special conditions under which any donation may
23 have been given;

24 Provided that the University shall not be obliged to accept a donation for a
25 particular purpose unless it approves of the terms and conditions attaching to
26 such donation.

27 (iii) All property, money or funds donated for any specific purposes
28 shall be applied and administered in accordance with the purposes for which
29 they are donated and shall be accounted for separately.

Payment into bank

(6) All sums of money received on account of the University shall be paid into such bank as may be approved by the Council for the credit of the University's general, current or deposit account:

Provided that the Council may invest, as it deems fit, any money not required for immediate use other than donations of money referred to in subsection (1) of this section.

Audit

3.-(1) The Council shall cause the accounts of the University to be audited by auditors appointed by the Council as soon as may be after the end of each financial year or for any such other period as the Council may require.

(2) The appointment and other matters relative to the auditors, their continuance in office and their functions, as the case may be, shall, subject to the provisions of this section, be prescribed by statute.

The Senate

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

(i) the Vice-Chancellor;

(ii) Deputy Vice-Chancellors;

(iii) the Deans of respective Colleges;

(iv) the Professors in the University;

(v) Heads of Academic Departments and Units;

(vi) the University Librarian;

(vii) One elected representative of each College;

(viii) Two members of Academic Staff elected by the Congregation;

(ix) One elected representative of each department;

(x) Two members representing a variety of interests of the professional bodies outside the University appointed by the Senate on the recommendation of the Vice-Chancellor;

1 (xi) Registrar - Secretary.

2 (2) The procedure for election of members of Senate to the Council
3 shall be prescribed by Regulations.

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

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

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

12 (6) Subject to paragraph (8) of this article, there shall be elections for
13 the selection of elected members which shall be held in the prescribed manner
14 on such day in the month of May or June in each year as the Vice-Chancellor
15 may from time to time determine.

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

23 (8) No election shall be held in pursuance of this article in any year if
24 the number specified in the certificate given in pursuance to paragraph (11) of
25 this article does not exceed by more than one the figure which is thrice the
26 number of those elected members holding office on the date of the certificate
27 who do not vacate office during that year in pursuance of paragraph (7) of this
28 article.

29 (9) For the avoidance of doubt it is hereby declared that no person
30 shall be precluded from continuing in or taking office as an elected member by

1 reason only of reduction in the after 30 April in any year in which he is to
2 continue in or take office as all elected member.

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

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

12 *Congregation*

13 5. -(1) Congregation shall consist of:

14 (i) Vice-Chancellor;

15 (ii) the Deputy Vice-Chancellors;

16 (iii) the full-time members of the academic staff;

17 (iv) The Registrar;

18 (v) The Librarian;

19 (vi) Every member of the administrative staff who holds a degree,
20 other than honorary degree, of any University recognized for the purposes of
21 this statute by the Vice-Chancellor.

22 (2) Subject to section 4 of this Bill, the Vice-Chancellor shall be the
23 chairman at all meetings of Congregation when he is present; and in his
24 absence any of the Deputy Vice Chancellors present at the meeting as
25 Congregation may appoint for that meeting, shall be the chairman at the
26 meeting.

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

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

1 (a) the total number of members of Congregation for the purpose of
2 any particular meeting or meetings of Congregation; or

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

6 (5) The procedure for election of members of Congregation to the
7 Council and the Senate shall be prescribed by Regulations.

8 (6) Subject to the foregoing provisions of this article, Congregation
9 may regulate its own procedure.

10 (7) Congregation shall be entitled to express by resolutions or
11 otherwise its opinion on all matters affecting the interest and welfare of the
12 University and shall have such other functions, in addition to the function of
13 electing a member of the Council, as may be provided by statute or regulations.

14 *Convocation*

15 6.-(1) Convocation shall consist of:

16 (i) the officers of the University mentioned in the First Schedule to
17 this Bill;

18 (ii) All teachers within the meaning of this Bill;

19 (iii) All other persons whose names are registered in accordance with
20 paragraph (2) of this article.

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

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

25 (b) he applies for the registration of his name in the prescribed manner
26 and pay the prescribed fees.

27 (3) Regulations shall provide for the establishment and maintenance
28 of a register for the purpose of this paragraph and subject to paragraph (4) of
29 this article may provide for the payment, from time to time, of further fees by
30 persons whose names are on the register and for the removal from the register

1 of the name of any person who fails to pay those fees.

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

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

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

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

18 (8) Subject to section 4 of the Act, the Chancellor shall be chairman
19 at all meetings of Convocation when he is present, and in his absence the
20 Vice-chancellor shall be the chairman at the meeting.

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

24 *Division of Colleges*

25 Each College shall be divided into such number of branches as may be
26 prescribed.

27 *College Boards*

28 8.-(1) There shall be established in respect of each College, a Board
29 of Studies which, subject to the provisions of this Statute, and subject to the
30 directions of the Vice-Chancellor, shall:

1 (a) Regulate the teaching and study of, and the conduct of
2 examinations connected with, the subjects assigned to the college;

3 (b) Deal with any other matter assigned to it by statute or by the Vice-
4 Chancellor or by the Senate; and

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

7 (2) Each College Board of Studies shall consist of:

8 (a) the Vice-Chancellor;

9 (b) the Dean;

10 (c) the persons severally in charge of the branches of the school;

11 (d) the College Examination Officer;

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

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

16 (3) The quorum of the Board shall be eight members or one quarter,
17 whichever is greater, of the members for the time being of the board; and
18 subject to the provisions of this statute and to any provision made by
19 regulations in that behalf, the Board may regulate its own procedure.

20 *Deans of the Colleges*

21 9.-(1) The Board of each College shall, at a meeting in the last term of
22 any academic year which the term of office of the Dean expires, nominate one
23 of its members, being one of the Professors assigned to that teaching unit, for
24 appointment by the Senate as Dean of the College

25 (2) The person appointed under paragraph 1 of this Article shall act as
26 Dean of the College and chairman of all meetings of the College Board when he
27 is present and shall be a member of all committees and other boards appointed
28 by the College.

29 (3) The Dean shall hold office for two years and shall be eligible for
30 re-appointment one further period of two years. Thereafter he shall not be

1 eligible for re-appointment until two years have elapsed.

2 (4) The Dean of a College shall exercise general superintendence
3 over the academic and administrative affairs of the College.

4 (5) It shall be the function of the Dean to present to Convocation for
5 the conferment of degrees to persons who have qualified for the degrees of
6 the University at examination held in the branches of learning for which
7 responsibility is allocated to that College.

8 (6) There shall be a committee to be known as the Committee of
9 Deans consisting of all the Deans of the several Colleges and that
10 Committee shall advise the Vice-Chancellor on all academic matters and on
11 particular matters referred to the University by the Senate.

12 (7) The Dean of a College may be removed from office for good
13 cause by the College Board after a vote would have been taken at a meeting
14 of the Board, and in the event of a vacancy occurring following the removal
15 of a Dean, an acting Dean may be appointed by the Vice-Chancellor:

16 Provided that at the next College Board meeting an election shall
17 be held for a new Dean.

18 (8) In this article "good cause" has the same meaning as in section
19 15(3) of the Act.

20 *Departmental Board of Studies*

21 10.-(1) There shall be a Departmental Board of Studies whose
22 membership shall be made of all academic staff of the Department;

23 (2) It shall be headed by a Professor who shall be appointed by the
24 Vice Chancellor and in the absence of a Professor, a senior academic staff
25 shall be appointed in acting capacity;

26 (3) For a Professor the term is for 3 years while 1 year is for acting
27 capacity.

28 (4) The Board shall superintend over all teachings and
29 examinations in the Department;

30 (5) The Board shall handle all disciplinary matters in the

1 Department and make recommendations to the College where necessary;
2 (6) Allocation of courses in the department shall be done by the
3 Departmental Board on recommendation of the Head of Department.

4 *Selection of Directors of Physical Planning and Development, Works*
5 *and Services and Health*

6 11.-(1) When a vacancy occurs in the office of the Directors of
7 Physical Planning and Development, Works and Services and Health, a
8 Selection Board shall be constituted by the Council which shall consist of:

- 9 (a) the Pro-Chancellor;
10 (b) the Vice-Chancellor;
11 (c) two members appointed by the Council, not being members of the
12 Senate;
13 (d) Two members appointed by the Senate.

14 (2) The Selection Board after making such inquiries as it thinks fit,
15 shall recommend a candidate to the Council for appointment to the vacant
16 office; and after considering the recommendation of the board the Council may
17 make an appointment to that office.

18 *Tenure of Directors*

19 12. A Director shall hold office on such terms and conditions as may
20 be specified in his letter of appointment subject to the extant Regulations.

21 *Creation of Academic Posts*

22 13. Recommendations for the creation of academic posts other than
23 principal officers shall be made by the Senate to the Council through the
24 Finance and General Purposes Committee.

25 *Appointment of Academic Staff*

26 14.-(1) Subject to the Act and statutes, the filling of vacancies in
27 academic posts (including newly created ones) shall be the responsibility of the
28 Council through the Departments and Colleges.

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

1 (3) For appointment to Professorships, Associate Professorship or
2 Readerships or equivalent posts, a Board of Selection, with power to
3 appoint, shall consist of:

- 4 (a) the Vice-Chancellor - Chairman;
5 (b) Deputy Vice-Chancellor - Member;
6 (c) The Dean of the College - Member;
7 (d) Head of Department - Member;
8 (e) such other person(s), not exceeding two in number, deemed
9 capable of helping the Board in assessing both the professional and
10 academic suitability of a candidate under consideration, as the Senate may
11 from time to time appoint;
12 (f) Registrar - Secretary.

13 (4) For other academic posts, a Selection Board, with power to
14 appoint, shall consist of:

- 15 (a) the Vice-Chancellor or his representative- Chairman:
16 (b) The Dean of the College - Member
17 (c) Head of the Department concerned - Member;
18 (d) An internal member of Council (not below the Rank of Senior
19 Lecturer from the sister college in the Candidate's subject-area) - Member;
20 (e) Registrar or his representative - Secretary.

21 (5) All appointments to senior library posts shall be made in the
22 same way as equivalent appointments in the academic cadre; and for all such
23 posts other than that of the Librarian, the Librarian shall be a member of the
24 Selection Board.

25 (6) Boards of Selection may interview candidates directly or
26 consider the reports of specialist interviewing panels and shall in addition, in
27 the case of Professorships, Associate Professorship, Readerships or
28 equivalent Posts, consider the reports of External Assessors relevant to the
29 area in which the appointment is being considered. Quorum shall be three
30 (3) including the Chairman.

Appointment of Administrative and Professional Staff

15.-(1)The administrative and professional staff of the University other than principal officers shall be appointed by the Council on its behalf by the Vice-Chancellor in accordance with delegation of powers made by the Council on its behalf.

(2) A Selection Board, with power to appoint, shall consist of:

(i) Vice Chancellor;

(ii) Deputy Vice Chancellor;

(iii) Registrar;

(iv) Bursar;

(v) University Librarian;

(vi) The Head of Department concerned;

(vii) Establishment and Human Resources Officer who shall serve as Secretary Quorum shall be three (3) including the Chairman.

Interpretation

16. In this Statute, the expression "the Act" means the Federal University of Technology, Ilaro Act and any word or expression defined in the Act has the same meaning in this Statute.

Short Title

17. This Statute may be cited as the Federal University of Technology, Ilaro, Statute No.

EXPLANATORY MEMORANDUM

This Bill seeks to upgrade the Federal Polytechnic Ilaro to Federal University of Technology, Ilaro.

NURSING AND MIDWIFERY (REGISTRATION ETC.) ACT (AMENDMENT)
BILL, 2020

ARRANGEMENT OF CLAUSES

Clause:

1. Amendment of Nursing and Midwifery (Registration etc.) Act Cap N143 Laws of the Federation of Nigeria 2004
 2. Substitution of Section 2 of the Principal Act
 3. Amendment of section 5 of the Principal Act
 4. Amendment of section 6(6) of the Principal Act
 5. Amendment of section 8 of the Principal Act
 6. Amendment of section 9 of the Principal Act
 7. Amendment of section 10 of the Principal Act
 8. Amendment of section 11 of the Principal Act
 9. Amendment of section 12 of the Principal Act
 10. Amendment of section 13 of the Principal Act
 11. Amendment of section 14 of the Principal Act
 12. Amendment of section 16 of the Principal Act
 13. Amendment of section 17 of the Principal Act
 14. Amendment of section 20 of the Principal Act
 15. Amendment of section 21 of the Principal Act
 16. Amendment of section 23 of the Principal Act
 17. Amendment of section 24 of the Principal Act
 18. Amendment of section 26 of the Principal Act
 19. Amendment of first schedule to the Principal Act
 20. Amendment of second schedule to the Principal Act
 21. Amendment of third schedule to the Principal Act
 22. Citation
- Schedule

A BILL

FOR

AN ACT TO AMEND NURSING AND MIDWIFERY (REGISTRATION ETC.) ACT CAP N143 LAWS OF THE FEDERATION OF NIGERIA 2004, TO REVIEW THE COMPOSITION OF THE COUNCIL, QUALIFICATION AND TENURE OF OFFICE OF THE MEMBERS OF THE COUNCIL, REVIEW PENALTY PROVISIONS AND THE COMPOSITION OF THE TRIBUNAL, INCLUDE BACHELOR OF NURSING SCIENCE AND COMMUNITY MIDWIVES IN THE REGISTRABLE QUALIFICATIONS OF THE COUNCIL, GIVE THE COUNCIL TIMELINE WITHIN WHICH TO COMPLETE INDEXING OF STUDENTS, REGISTER PROSPECTIVE MEMBERS AND ISSUE THEM LICENSE AND COMMUNICATE THE DECISION OF THE COUNCIL TO INSTITUTIONS THAT APPLY FOR APPROVAL AND FOR RELATED MATTERS

Sponsored by Senator Mohammed Hassan Gusau

[] Commencement

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

- | | |
|--|--|
| <p>1 1. The Nursing and Midwifery (Registration etc.) Act Cap N143</p> <p>2 Laws of the Federation of Nigeria 2004 (in this bill referred to as "the</p> <p>3 Principal Act") is amended as set out in this Bill.</p> | <p>Amendment of
Nursing and
Midwifery
Registration etc.)
Act Cap. N143
LFN, 2004</p> |
| <p>4 2. Section 2 of the Principal Act is amended by substituting the</p> <p>5 existing Section 2 for new Section "2"-</p> <p>6 "2(1)The Council shall consist of-</p> <p>7 (a) a Chairman, who shall be a registered Nurse or Midwife, who</p> <p>8 practiced the profession for a period of not less than 15 years;</p> <p>9 (b) Director responsible for Nursing and Midwifery Services of</p> <p>10 Federal Ministry of Health;</p> <p>11 (c) six Directors responsible for Nursing and Midwifery Services</p> <p>12 of States Ministry of Health, representing six geopolitical zones, on</p> | <p>Substitution of
Section 2 of the
Principal Act</p> |

- 1 rotational basis;
- 2 (d) one person, from Department responsible for Nursing and
- 3 Midwifery, representing Nigerian Universities offering Degree in Nursing and
- 4 Midwifery, on rotational basis;
- 5 (e) one Head of Nursing and Midwifery, representing University
- 6 Teaching Hospitals, on rotational basis;
- 7 (f) two persons who shall be one Nurse and one Midwifery educator
- 8 in accredited Nursing and Midwifery training schools, on rotational basis;
- 9 (g) one Nurse educator representing post basic Nursing programmes,
- 10 on rotational basis;
- 11 (h) National President of National Association of Nigerian Nurses
- 12 and Midwives (NANNM);
- 13 (i) one person representing public interest, who shall not be a health
- 14 worker; and
- 15 (j) the Registrar of the Council, who shall be member with no voting
- 16 power and Secretary to the Council.
- 17 2(2) The Chairman shall be appointed by the President on
- 18 recommendation of the Minister, and shall hold office for a period of four years
- 19 renewable, subject to satisfactory performance, for further term of four years
- 20 and no more.
- 21 2(3) Members of the Council mentioned under sub-clause
- 22 (1)©,(d),(e),(f),(g), and (i) shall be appointed by the Minister and shall hold
- 23 office for a period of three years renewable, subject to satisfactory
- 24 performance, for further term of three years and no more.
- 25 2(4) The members of the Council shall be paid such remunerations
- 26 and allowances as the Minister may from time to time determine in line with the
- 27 provision of National Salaries and Wages Commission Act.
- 28 2(5) a member of the Council, may resign the appointment by notice
- 29 in writing addressed to the Minister.
- 30 2(6) A member of the Council, may cease membership if the member-

- 1 (a) dies or becomes of unsound mind;
- 2 (b) becomes bankrupt;
- 3 (c) is convicted of a felony or of any offence involving dishonesty;
- 4 (d) is guilty of serious misconduct in relation to the office; or
- 5 (e) when recalled by the recommending authority, or when he is no
- 6 longer staff of the Institution he is representing.

7 2(7) A member of the Council may be removed, at any time, from
8 office by the Minister, if the Minister is satisfied that it is not in the interest of
9 the Council or the public that the member should continue to hold office."

10 3. Section 5 of the Principal Act is amended-

Amendment of
section 5 of the
Principal Act

11 (a) in subsection (1), (2), and (3) by substituting the word
12 "Secretary-General", for the word "Registrar"; and

13 (b) by inserting new sub section "(6)"-

14 "(6) Where all the members of the Council are dissolved, the
15 Registrar of the Council and the Management Staff shall function as the
16 Council."

17 4. Section 6(6) of the Principal Act is amended-

Amendment of
section 6(6) of
the Principal Act

18 (a) in paragraph (a), by substituting the word "six" for the word
19 "one"; and

20 (b) in paragraph (b), by substituting the word "three" for the word
21 "one".

22 5. Section 8 of the Principal Act is amended-

Amendment of
section 8 of the
Principal Act

23 (a) by inserting after subsection "(3)" new subsection "(4)" and
24 "(5)"-

25 "(4) Where the applicant is dissatisfied with the decision of the
26 Council, may apply to the Tribunal for review."

27 "(5) The Council shall complete-

28 (a) indexing of students within 90 days from the date of
29 application; and

30 (b) the registration and issuance of license within 30 days from the

	1	date of submission of application for registration",
Amendment of section 9	2	6. Section 9 of the Principal Act is deleted.
Amendment of section 10	3	7. Section 10 of the Principal Act is deleted.
Amendment of section 11 of the Principal Act	4	8. The marginal note of section 11 of the Principal Act is amended by
	5	inserting after the word "nurses" the words "and Midwives."
Amendment of section 12 of the Principal Act	6	9. The marginal note of section 12 of the Principal Act is amended by
	7	substituting the words "co-operate on" for the words "regulate."
Amendment of section 13 of the Principal Act	8	10. Section 13(1) of the Principal Act is amended, by substituting the
	9	words "Chief Nursing Officer" for the words "Director Responsible for
	10	Nursing and Midwifery".
Amendment of section 14 of the Principal Act	11	11. Section 14 of the Principal Act is amended-
	12	(a) in subsection (1), by substituting the words, in lines 2 to 3,
	13	"organized by the Government of the federation or of a State or by voluntary
	14	agencies" for the words "wholly owned by Government or Private individuals
	15	or both"; and
	16	(b) by inserting after the existing subsection "(3)" new subsections
	17	"(4)" to "(5)"-
	18	"(4) in determining teacher student ration, the Council shall consider
	19	graduates nurses and teachers of basic medical sciences as part of the teaching
	20	staff of the Institution."
	21	"(5)after the recommendations under subsection (3) of this section,
	22	and inspection for approval by the Council, the Council shall communicate its
	23	decision to the affected Institution within one month."
Amendment of section 16 of the Principal Act	24	12. Section 16 of the Principal Act is amended by substituting-
	25	(a) in line 1, the words "Chief Nursing Officer" for the words
	26	"Director Responsible for Nursing and Midwifery"; and
	27	(b) in paragraph (b) the word "or" in line 3, for the word "and".
Amendment of section 17 of the Principal Act	28	13. Section 17 of the Principal Act is amended-
	29	(a) in the marginal note, by deleting the word "disciplinary";

1 (b) by substituting the existing subsection (1), with new sub-
2 clauses "(1) and (2)"-

3 "(1) There is established a body to be known as Nurses and
4 Midwives Tribunal (in this Bill referred to as 'the Tribunal).

5 "(2) The Tribunal shall be responsible for hearing and determining
6 matters-

7 (i) referred to it by the supervisory Authority established under this
8 Bill,

9 (ii) appeals and any other matter from the members of the
10 profession or the public, and

11 (iii) any other matter which the Tribunal considers to be within the
12 practice of the profession.;

13 (c) by substituting subsection (2) with new sub-clause "(3)"-

14 "(3) The Tribunal shall consist of-

15 (i) a Chairman who shall be a legal Practitioner, within the Legal
16 Practitioners Act who was so qualified for a period not less than 7 years, to
17 be appointed by the Chief Judge of the Federal High Court,

18 (ii) two members of the Council,

19 (iii) two representative of NANNM, and

20 (iv) a Nurse or Midwife with not less than 20 years post registration
21 experience, to be recommended by NANNM;

22 (d) by renumbering the existing subsections (3) and (4).

23 **14.** Section 20 of the Principal Act is amended-

24 (a) in subsection(6) (a), by substituting the figure "1000" for the
25 figure "100,000" and figure "50" for figure "5000";

26 (b) in subsection (6) (b), by substituting the figure "2000" for the
27 figure "200,000" and figure "50" for figure "5000";

28 (c) by substituting subsection (7) with new subsection "(7)"-

29 "Where the offence is committed by body corporate, with the
30 knowledge or negligence of the Director, Manager, Secretary, agent, or

Amendment of
section 20 of the
Principal Act

	1	employee of the body corporate or both, the body corporate shall be liable to
	2	pay a fine of not less than N1,000,000 while the Director, Manager, Secretary,
	3	agent, or employee of the body corporate or both shall be liable on conviction
	4	and punished under subsection (6) of this Act."; and
	5	(d) by inserting after the existing subsection (7) new subsection "(8)"-
	6	"The Council shall review the penalty provisions from time to time."
Amendment of section 21 of the Principal Act	7	15. Section 21 of the Principal Act is amended-
	8	(a) in line one, by substituting the word "Minister" for the word
	9	"Council" and by deleting after the word "Minister", the words "given on the
	10	recommendation of the Council";
	11	(b) in paragraphs (a) and (b), by substituting the figure "1000" for the
	12	figure "100,000" and figure "2000" for the figure "200,000".
Amendment of section 23 of the Principal Act	13	16. Section 23(2)(b) of the Principal Act is amended by inserting
	14	after the word "such" in line 2 for the words "nursing or".
Amendment of section 24 of the Principal Act	15	17. Section 24 of the Principal Act is amended by substituting the
	16	existing section 24 with new section "24"-
	17	"A person who has a cause of action against the Council shall-
	18	(1) give the Council three months' notice, in writing, of intention to
	19	commence an action, disclosing the cause of action and served the processes to
	20	the principal office of the Council; and
	21	(2) commence the legal action within two years from the date the
	22	cause of action arose."
Amendment of section 26 of the Principal Act	23	18. Section 26 of the principal Act is amended by inserting the
	24	interpretation of the word "post" immediately after the interpretation of the
	25	words "nurse" or "midwife"-
	26	"post include courier, and any other electronic means of
	27	posting".
Amendment of first schedule to the Principal Act	28	19. The first schedule to the Principal Act is amended by substituting
	29	the schedule with new schedule, attached.

1 *Schedule*

2 **20.-(1)** The second schedule part 'A' to the Principal Act is Amendment of
3 amended- second schedule
to the Principal
Act

4 (a) in section 1-

5 (I) by substituting paragraphs (a) to (d) for new paragraphs "(a) to
6 "(c)"-

7 "(a) a register for registration of community midwives on
8 completion of an 18 months training programme and successfully passing
9 the Nursing and Midwifery Council of Nigeria Qualifying examination for
10 the lower cadre midwives";

11 (b) a register for registration of the persons who passed 3 years
12 training programme from accredited Institutions of Nursing and Midwifery
13 on successful completion and passing of the Nursing and Midwifery
14 Council of Nigeria professional examinations for Nurses and Midwives
15 leading to the award of the Registered Nurse (RN) and Registered Midwives
16 (RM) certificates; and

17 (c) a register for graduate nurses on successful completion of the 5
18 years degree programmes that leads to the award of the Bachelor of Nursing
19 Science (BNSc) degree in addition to the final qualifying examination for
20 the award of the RN certificate. This category of nurses should in addition to
21 their initial registration as RNs be registered as Registered Graduate Nurses
22 (RGN) without additional examination,"

23 (b) by deleting section 2.

24 (2) In part 'B' by substituting section 1(a) to (d) with new section
25 "1"-

26 "Persons holding specialised post basic nursing qualifications
27 which includes-

28 (i) orthopaedics,

29 (ii) psychiatry,

30 (iii) ophthalmic nurses,

	1	(iv) perioperative nurses,
	2	(v) public health nurses."
Amendment of third schedule to the Principal Act	3	21. The third schedule to the Principal Act is amended-
	4	(a) by deleting after the word "the" the word "Disciplinary", in the
	5	cross heading;
	6	(b) in section 1, by substituting the word "five" for the word "three";
	7	(c) in section 2(1), by substituting the words "Chief Justice of
	8	Nigeria" for the word "Chief Judge of the Federal High Court".
Citation	9	22. This Bill may be cited as Nursing and Midwifery (Registration
	10	etc.) Act (Amendment) Bill, 2020.
	11	FIRST SCHEDULE
	12	<i>Clause 19</i>
	13	SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL
	14	PART 1 - PROCEEDINGS OF THE COUNCIL
	15	1.-(1) Subject to the provisions of this Bill and other applicable laws
	16	the Council may make standing orders regulating its proceedings.
	17	(2) The Council shall meet whenever summoned by the Chairman, or
	18	if required to do so by at least 4 members of the Council and shall meet for a
	19	minimum of 4 times in a year.
	20	(3) The Chairman shall preside over the meetings of the Council and
	21	in his absence, members of the Council shall appoint one person among
	22	themselves to act for that meeting as the Chairman.
	23	(4) The quorum of the Council shall be formed by the Chairman or a
	24	person sitting in his place and nine other members of the Council.
	25	PART II - COMMITTEES
	26	2.-(1) The Council may appoint Committees and sub-committees to
	27	carry out, on its behalf, such functions that Council shall do.
	28	(2) The decision of the sub-committee appointed under paragraph
	29	2(1) shall have no effect until it is approved by the Committee and the Council.

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EXPLANATORY MEMORANDUM

This Bill seeks to amend Nursing and Midwifery (Registration etc.) Act Cap N143 Laws of the Federation of Nigeria 2004, to review the composition of the Council, qualification and tenure of office of the members of the Council, review penalty provisions and the Composition of the Tribunal, include Bachelor of Nursing Science and community midwives in the registrable qualifications of the Council, give the Council timeline within which to complete indexing of students, register prospective members and issue them license and communicate the decision of the Council to Institutions that apply for approval.