

*Extraordinary*



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# A BILL

## FOR

AN ACT TO PROVIDE FOR HEALTH EQUIPMENT CREDIT GUARANTEE FUND  
AND FOR OTHER MATTERS CONNECTED THEREWITH, 2020

*Sponsored by Senator Stella Adaeze Oduah*

[ ] Commencement

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

1 PART I - ESTABLISHMENT AND GOVERNANCE OF THE FUND

2 1.-(1) There is hereby established a fund to be known as the Health  
3 Equipment Credit Guarantee Fund (in this Bill referred to as "the Fund") for  
4 the procurement of Health Equipment by health providers in accordance  
5 with the provisions of this Bill.

Establishment  
of the fund and  
the objectives

6 (2) The Fund is established for the following objectives:

7 (a) To provide credit guarantee cover for fast-tracking the  
8 development and transformation of our secondary and tertiary healthcare  
9 delivery system;

10 (b) To motivate the private sector in participating and even driving  
11 the transformation of our healthcare system;

12 (c) To accelerate the achievement of the Sustainable Development  
13 Goals (SDG) targets on healthcare delivery in Nigeria;

14 (d) To reverse the brain-drain phenomenon in the health and allied  
15 industries and spur massive inflow of foreign exchange from other  
16 countries.

17 (3) The reference in this Section to Health Equipment shall refer to  
18 all the equipment set out in the Schedule to this Act.

19 (4) The Minister may by an order published in the Federal Gazette  
20 add to, delete from, or otherwise vary the provisions of the Schedule to this  
21 Bill.

Establishment  
of the board

1 (5) Health Equipment Credit in respect of this Bill shall be in form of  
2 loans from approved deposit banks.

3 (6) The guarantees relating to subsection (1) of this Section shall be  
4 guarantees in relation to the payment of the interest and principal of the loan.

5 2.-(1) The Fund shall be governed by a body to be known as the Health  
6 Equipment Credit Guarantee Board (in this Bill referred to as "the Board")  
7 which shall be a body corporate.

8 (2) The Board shall comprise:

9 (a) Three persons to be appointed by the Minister, one of whom shall  
10 be designated the Chairman;

11 (b) One representative of the Federal Ministry of Health who shall not  
12 be below the rank of a Director;

13 (c) One representative of the Nigeria Medical and Dental Council;

14 (d) One representative of the Nigeria Union of Allied Health  
15 Professionals;

16 (e) One representative of the Bankers Committee; and

17 (f) Two representative of the Central Bank, one of whom shall be  
18 designated the Secretary.

19 (3) The Board shall meet not less than four times every year, and on  
20 such other additional occasions as the Board shall consider necessary, from  
21 time to time.

22 (4) The quorum for meetings shall be six of whom at least one  
23 member shall be a representative of the Central Bank.

24 (5) Subject to Section 27 of the Interpretation Act (which provides for  
25 a decision of a statutory body to be taken by a majority of its members and for  
26 the person presiding to have a casting vote) the Board may make standing  
27 orders regulating its proceedings or the proceedings of any committees thereof.

28 (6) Where the Board desires to obtain the advice of any person on a  
29 particular matter, the Board may co-opt such a person for such a period as it  
30 thinks necessary; but the person shall not be entitled to vote at any of their

1 meetings and shall not count towards a quorum.

2 (7) The Secretariat of the Board shall be located in the Central  
3 Bank while its administrative expenses shall be borne by the Federal  
4 Government.

5 3.-(1) Notwithstanding any other provisions of this Bill, the Board  
6 shall: Functions of the board

7 (a) Monitor the operation and disbursement of the Fund, and also  
8 evaluate the progress of the Fund;

9 (b) Receive and consider the report of the Managing Agent, and  
10 advise the Minister thereon;

11 (c) Determine the remuneration of the External Auditors and  
12 Solicitors;

13 (d) Publish the names of defaulters of loans granted under this Bill  
14 in the national newspapers;

15 (e) Approve the operational budget of the Fund;

16 (f) Solicit the assistance of government machineries in the  
17 recovery of loans granted under this Bill;

18 (g) Specify the interest rate at which banks lend to borrowers under  
19 provisions of this Bill; and

20 (h) Perform such other duties relating to the Fund as may be  
21 referred to it by the Minister.

22 (2) The Minister may give the Board directions of a general  
23 character or relating generally to particular matters with regard to the  
24 exercise by the Board of its functions under this Bill and it shall be the duty  
25 of the Board to comply with such directions.

26 4.-(1) The Minister may appoint any persons or corporations or  
27 institutions (whether established by the Corporate Affairs Commission as a  
28 corporate body or set up as a special committee thereof) as the Managing  
29 Agent for the administration of the Fund for such a period as the Minister  
30 deems fit, and any such persons so appointed shall act with any general or Appointment of Managing Agent

1 special directions as may, from time to time, be given by the Board.

2 (2) The Central Bank shall be deemed to have been appointed as the  
3 Managing Agent for the purposes of subsection (1) of this section and the  
4 appointment shall have effect for such period as the Minister may direct.

5 (3) Notwithstanding any other provisions of this Bill, the Managing  
6 Agent shall:

7 (a) Comply with any general or special directions as may, from time to  
8 time be given by the Board;

9 (b) Verify, monitor and ensure that banks comply fully with the  
10 provisions of this Bill, and periodically report to the Board;

11 (c) Release funds to the banks after confirmation of intent and  
12 readiness of banks to disburse funds;

13 (d) Receive and process the monthly returns made by banks in  
14 relation to loans under the Fund;

15 (e) Conduct spot audit on the banks as well as monitor and evaluate  
16 performance of borrowers;

17 (f) Retrieve funds from banks at the expiration of the loan tenor; and

18 (g) Make provision for repayment of the Bond raised under section  
19 5(1) of this Bill.

20 (4) The Managing Agent pursuant to this section shall be remunerated  
21 from moneys provided for that purpose by the Federal Government upon such  
22 terms as the Board may, with the approval of the Minister, determine.

23 PART II - FINANCIAL PROVISIONS

Funding

24 **5.-(1)** The Fund shall be financed by a Two Hundred Billion Naira  
25 Bond to be raised through the Debt Management Office (DMO).

26 (2) The Federal Ministry of Finance/DMO shall:

27 (a) Issue the Two Hundred Billion Naira Bond on behalf of the  
28 Federal Government of Nigeria (FGN); and

29 (b) Raise the money from market.

- 1                   **6.-(1)** The Central Bank shall approve the participation of lending      Eligibility for  
2                   banks who are required to sponsor borrowers for procurement of health      participation  
3                   equipment as indicated or set out in the Schedule of this Act.
- 4                   (2) The Participating Banks shall:
- 5                   (a) Ensure that due diligence is followed in the administration of  
6                   the credit facilities;
- 7                   (b) Guarantee safety and purposeful application of funds for on-  
8                   lending;
- 9                   (c) Bear the 100% credit risks;
- 10                  (d) Lend funds under this Scheme at the specified rate;
- 11                  (e) Submit the following to the Managing Agent:
- 12                  (i) Letter of Offer by the bank and evidence of acceptance of the  
13                  Offer by the Borrower, ISPO (where applicable);
- 14                  (ii) Disbursement Schedule;
- 15                  (iii) Repayment Schedule;
- 16                  (iv) Credit Risk Management System (CRMS); and
- 17                  (v) Report of the Borrowers;
- 18                  (f) Render monthly returns of the loans to the Managing Agent.
- 19                  (3) Borrowers eligible for participation are:
- 20                  (a) Health providers and establishments who shall:
- 21                  (i) Be a limited liability company with asset base of not less than  
22                  fifty million naira and having the prospect of growing the net asset to 150%  
23                  within three years, and complies with the provisions of Companies and  
24                  Allied Matters Act, 1990;
- 25                  (ii) Have a clear business plan;
- 26                  (iii) Provide up-to-date record on the business operations; and
- 27                  (iv) Satisfy all the requirements specified by the lending bank.
- 28                  (b) State Governments/Federal Capital Territory (FCT) who shall:
- 29                  (i) Submit an Expression of Interest;
- 30                  (ii) Present an Irrevocable Standing Payment Order (ISPO) in

	1	favour of the Participating Bank, duly signed by the State Governor/Minister
	2	of FCT, Commissioner for Finance and the Accountant General;
	3	(iii) Adhere to the payment agreement or schedule reached with the
	4	bank, and upon contravention the Managing Agent shall assist the bank to
	5	invoke the ISPO;
	6	(iv) Have appropriate and functional structures on ground or set up
	7	structures for deployment of funds, which must be at least six months old, and
	8	with proven records of repayment;
	9	(v) Deploy loans under this guarantee in line with the provisions of
	10	this Bill; and
	11	(vi) Satisfy all the requirements of the lending bank.
Limits of liability	12	<b>7.-(1)</b> The maximum liability of the fund in respect of any guarantee
of the fund in	13	given in pursuant to this Bill shall not exceed 75% of the specific loan being:
respect of the	14	(a) In the case of a loan granted to a private health
guarantee	15	provider/establishment, any sum up to but not exceeding two billion naira; and
	16	(b) In the case of a loan granted to a State government or the FCT, any
	17	sum up to, but not exceeding one billion naira.
	18	(2) For purposes of this section, loan means the principal and the
	19	interest thereon.
Application for	20	<b>8.-(1)</b> All applications for loans under this Bill shall be made to a
loans and for	21	Participating Bank.
guarantees	22	(2) All applications under this Bill shall be treated by the banks with
	23	due diligence.
	24	(3) Where for any reason the request for loan under this Bill is rejected
	25	by a Participating Bank, the bank shall give reasons to the applicant making the
	26	request and shall specify what steps should be taken by the applicant to comply
	27	with the bank's requirements.
	28	(4) Applications for guarantees under this Bill shall be made to the
	29	Managing Agent by the bank concerned following a request for a loan made to

1 that bank and such application shall be in such form as may be prescribed by  
2 the Board.

3 **9.** Every agreement for a loan in respect of which a guarantee is to Form and terms  
4 be given under this Bill shall be in such form and upon such terms and of loan agreement  
5 conditions as the Board may approve.

6 **10.** The rate of interest payable on a loan granted under this Bill Interests on loans  
7 shall be as may be directed by the Board, but shall not exceed 9% inclusive  
8 of all charges, while the interest subsidy shall be borne by the Federal  
9 Government.

10 **11.**-(1) The maximum tenor of any loan granted under this Bill is Tenor of loan  
11 seven years.

12 (2) The Board shall allow a moratorium in the repayment schedule  
13 for loans under this Bill.

14 **12.** The security which may be offered to a Participating Bank for Acceptable  
15 the purpose of any loan under this Bill may be one or more of the following: collateral

16 (1) A charge on land in which the borrower holds a legal  
17 right/interest;

18 (2) A movable property of the borrower;

19 (3) A life assurance policy, a promissory note or other negotiable  
20 security;

21 (4) Stocks and shares; and

22 (5) Any other security to the bank.

23 **13.**-(1) No loan granted pursuant to this Bill shall be applied to any Safeguard of the  
24 purpose other than that for which the loan was granted. loans

25 (2) Loans granted under this Bill shall not apply to any equipment  
26 procured or owned before the said loan is granted.

27 (3) Loans granted under this Bill shall not be paid directly to the  
28 borrower but shall instead be paid by the bank directly to the supplier who  
29 shall furnish the bank with a copy of the delivery note or other document in  
30 evidence of the delivery of equipment to the borrower.



Infractions and  
sanctions

1                   **14.**-(1) Any person or persons who apply for the loan granted under  
2 this Bill in contravention of section 13 shall be guilty of an offence, and shall be  
3 liable on conviction to a fine of an amount not less than the amount of the loan  
4 in respect of what the offence was committed or to imprisonment for not less  
5 than twelve years or to both fine and imprisonment.

6                   (2) Where an offence under this section, committed by any person or  
7 persons, is proved to have been committed with the consent or connivance of,  
8 or to be attributable to any neglect on the part of any other officer of the  
9 company (or any person purporting to act in any such capacity) he as well as the  
10 body corporate shall be deemed to be guilty of the offence and shall be  
11 proceeded against and punished accordingly.

12                  (3) Diversion of funds by any Participating Bank shall attract a  
13 penalty at the bank's average lending rate at the time of infraction, and the bank  
14 be barred from further participation in the fund.

15                  (4) Non rendition or false returns by banks shall attract the penalty  
16 stipulated by BOFIA section 60.

17                  (5) Any bank charging interest higher than the prescribed rate shall  
18 attract the penalty specified by BOFIA section 60.

19                  (6) Any bank that fails to disburse the funds within 14 days of receipt  
20 to borrower's supplier or suppliers shall be charged a penalty at the Minimum  
21 Prime Rate for the period the fund was not disbursed.

22                  (7) Notwithstanding the agreement between the bank and the  
23 borrower, the Managing Agent has the right to reject a request from any bank  
24 that contravenes any section of the guidelines.

25                  (8) Diversion of funds granted under this Bill by a State government  
26 or the FCT shall attract a penalty at the bank's lending rate at the time of the  
27 infraction, forfeiture of the ISPO and barred from further participation in the  
28 fund.

Repayment or  
discontinuation  
of loan

29                   **15.** Participating Banks shall advise the Managing Agent  
30 immediately a loan is repaid or discontinued.

1	<b>16.</b> -(1) Where there has been a default in the repayment of the	Recovery of outstanding loan
2	interest and/or principal of any loan guaranteed under this Bill, the bank	
3	concerned shall in the first instance endeavor to recover the amount	
4	outstanding from the borrower or his sureties, if any, and may for that	
5	purpose dispose of the security obtained in respect of the loan.	
6	(2) Where any part of the interest or the principal remains outstanding	Account and audit
7	after the steps specified in subsection (1) of this section, the bank may	
8	apply to the Managing Agent for payment and who shall in accordance	
9	with the terms of the guarantee, settle the claim.	
10	<b>PART III - MISCELLANEOUS AND SUPPLEMENTARY</b>	
11	<b>17.</b> -(1) The Managing Agent shall keep separate accounts in	Annual reports
12	respect of monies forming part of the Fund and proper records in relation	
13	thereto and shall prepare annually a statement of account in such form as the	
14	Minister may direct.	
15	(2) For the purposes of subsection (1) of this section, the financial	
16	year of the Fund shall be from January 1st to 31st December of every year or	
17	such other period as may be determined by the Board with the approval of	
18	the Minister.	
19	(3) The accounts of the Fund shall be audited annually by external	
20	auditors appointed by the Board from the list and in accordance with	
21	guidelines supplied by the Auditor General of the Federation.	
22	<b>18.</b> -(1) It shall be the duty of the Managing Agent to prepare and	Annual reports
23	submit through the Board to the Minister, not later than three months after	
24	the end of each financial year, a report which shall be in such form as the	
25	Minister may direct.	
26	(2) The report shall include the audited accounts of the Fund in	
27	respect of the period in question together with the auditor's report on the	
28	accounts and shall be presented by the Minister to the President so soon after	
29	receipt thereof as may be convenient.	

Regulations	1	<b>19.</b> The Board may, with the approval of the Minister, make
	2	regulations generally for carrying into effect the provisions of this Bill and in
	3	particular to vary:
	4	(a) The penalties which the Board may impose for failure to submit a
	5	return under section 6(2) of this Bill;
	6	(b) List of Health Equipment as set out in the Schedule to this Act; and
	7	(c) The maximum liability of the Fund in respect of guarantees.
Interpretation	8	<b>20.</b> In this Bill, unless the context otherwise requires:
	9	"bank" has the same meaning as in the Bank and Other Financial Institutions
	10	Act;
	11	"Board" means the Health Equipment Credit Guarantee Fund as established by
	12	section 2 of this Bill;
	13	"Central Bank" means the Central Bank of Nigeria established by the Central
	14	Bank of Nigeria Act;
	15	"Fund" means the Health Equipment Credit Guarantee Fund established by
	16	section 1 of this Bill;
	17	"loan" includes advances, overdrafts and any credit facility;
	18	"participating bank" means a bank concerned with the granting of loans under
	19	this Bill;
	20	"Minister" means the Minister charged with responsibility for Finance.
Short title	21	<b>21.</b> This Bill may be cited as the Health Equipment Credit Guarantee
	22	Fund Bill, 2020.
	23	SCHEDULE
	24	[Section 1(3)]
	25	<i>List of Health Equipment</i>
	26	1. Brand new state-of-the art health equipment to be covered by the
	27	Fund shall include:
	28	(a) Diagnostic Equipment: MRI (Magnetic Resonance Imaging) and
	29	ultrasound machines, PET (Positron Emission Tomography) and CT
	30	(Computerised Tomography) scanners, and x-ray machines;

- 1 (b) Therapeutic Equipment: infusion pumps, medical lasers, and  
2 LASIK (Laser In Situ Keratomileusis) surgical machines;  
3 (c) Life Support Equipment: medical ventilators, anaesthetic  
4 machines, heart-lung machines, ECMO (Extracorporeal Membrane  
5 Oxygenation), and dialysis machines;  
6 (d) Medical Monitors for ECG (Electrocardiograph), EEG  
7 (Electroencephalography), blood pressures, and dissolved gases in the  
8 blood; and  
9 (e) Medical Laboratory Equipment for automation/analysis of  
10 blood, urines and genes.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide for Health Equipment Credit Guarantee Fund and to accelerate the achievement of the Sustainable Development Goals (SDG) targets on healthcare delivery in Nigeria.



NIGERIAN BUILDING AND ROAD RESEARCH INSTITUTE BILL, 2020

ARRANGEMENT OF SECTIONS

*Section:*

PART 1- ESTABLISHMENT OF THE NIGERIAN BUILDING AND ROAD

RESEARCH INSTITUTE AND ITS GOVERNING BOARD

1. Establishment of the Nigerian Building and Road Research Institute (NBRRRI)
2. Establishment and Composition of the Governing Board of the Institute
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9. Powers of the Institute
10. Functions of the Institute

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MATERIALS TRAINING CENTRES

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## SCHEDULE

# A BILL

## FOR

AN ACT TO ESTABLISH THE NIGERIAN BUILDING AND ROAD RESEARCH INSTITUTE (NBRRI) TO BUILD CAPACITY, CONDUCT INTEGRATED APPLIED RESEARCH AND DEVELOPMENT IN ROADS, BUILDINGS, AND ENGINEERING MATERIALS SECTORS AND FOR RELATED MATTERS

*Sponsored by Senator Uche Ekwunife*

[ ] Commencement

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

### 1 PART I - ESTABLISHMENT OF THE NIGERIAN BUILDING AND ROAD

#### 2 RESEARCH INSTITUTE AND ITS GOVERNING BOARD

3 1.-(1) There is established an Institute to be known as Nigerian Establishment  
4 Building and Road Research Institute (in this Act referred to as "the of the Nigerian  
5 Institute"). Research Institute Building and Road  
(NBRRI)

6 (2) The Institute:

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

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

10 (c) may acquire, hold and dispose of any movable or immovable  
11 property and enter into a contract or any other transaction for the purpose of  
12 its functions under this Act.

13 2.-(1) There is established for the Institute a Governing Board (in Establishment  
14 this Act referred to as "the Board"). and Composition  
of the Governing  
Board of the  
Institute

15 (2) The Board shall consist of:

16 (a) The Chairman who shall be person with requisite knowledge  
17 and experience in matters relating to the road sector and built environment'  
18 to be appointed by the President;

19 (b) a representative, who shall not be below the Directorate Cadre,



1 of the following Federal Ministries responsible for:

2 (i) Science and Technology,

3 (ii) Power, Works and Housing; and

4 (iii) Industry, Trade and Investment.

5 (c) President of the Council for the Regulation of Engineering in  
6 Nigeria (COREN);

7 (d) President or Chairman of one of the following professional  
8 bodies, who shall serve for two years only, on rotational basis:

9 (i) Council of Registered Builders of Nigeria (CORBON),

10 (ii) Architect Registration Council of Nigeria (ARCON),

11 (iii) Quantity Surveyors Registration Council of Nigeria,

12 (iv) Town Planners Registration Council (TOPREC),

13 (v) Land Surveyors Registration Council of Nigeria, or

14 (vi) Estate Surveyors Registration Council of Nigeria;

15 (e) Two persons to be appointed by the President; and

16 (f) The Director-General of the Institute who shall be Secretary to the  
17 Board.

18 (3) The supplementary provision set out in the Schedule to this Act  
19 shall apply with respect to the proceedings of the Board and other matters  
20 contained therein.

Tenure of office

21 **3.-(1) Members of the Board:**

22 (a) other than the Director General/CEO shall hold office on part-time  
23 basis; and

24 (b) who are not ex-officio members shall hold office for a term of  
25 three years and may be eligible for re-appointment on satisfactory performance  
26 for another term of three years and no more.

27 (2) Subject to any other provisions of this Act, a member of the Board  
28 shall hold office on the terms and conditions specified in his letter of  
29 appointment.

1	<b>4.</b> The Chairman and members of the Board shall be paid such	Emolument,
2	emoluments, allowances and benefits as the Federal Government may from	allowances and
3	time to time approve.	benefits
4	<b>5.</b> A person shall cease to hold office as a member of the Board	Cessation of
5	where:	membership
6	(a) his term of office expires;	
7	(b) he resigns from office by a notice in writing under his hand	
8	addressed to the President;	
9	(c) in case of an ex officio member, he ceases to hold the office on	
10	the basis of which became a member;	
11	(d) he is removed from office; or	
12	(e) he dies.	
13	<b>6.</b> A person shall be removed as a member of the Board where:	Removal from
14	(a) he becomes bankrupt,	the Board
15	(b) he is convicted of a felony or any offence involving dishonesty	
16	or fraud;	
17	(c) he becomes of unsound mind or his incapable of carrying out	
18	his duties;	
19	(d) he is guilty of a serious misconduct in relation to his duties;	
20	(e) he possesses professional qualification and he is disqualified or	
21	suspended from practicing his profession in Nigeria by an order of a	
22	competent authority; or	
23	(f) the President is satisfied that it is not in the interest of the	
24	Institute or of the public for the person appointed to continue in office.	
25	<b>7.-(1)</b> Where a vacancy occurs in the Board pursuant to the	Filling of
26	provision of section 5 or 6 or any other provision of this Act, the President	Vacancies
27	shall appoint a person to fill the vacancy.	
28	(2) A person appointed pursuant to subsection (1) of this section to	
29	replace a member who is not an ex-officio member, shall hold office for the	

Powers and  
Functions of the  
Board

1 remainder of the term of office of his predecessor whose exit created the  
2 vacancy.

3 (3) Notwithstanding the provisions of subsection (2) of this section, a  
4 member filling a vacancy created by the exit of a member of a professional  
5 body shall:

6 (a) hold office for the unexpired term of office of his predecessor in  
7 office;

8 (b) be nominated by the same professional body as his predecessor  
9 where his predecessor has not completed his term of office; and

10 (c) shall represent the same interest in the Board as that of his  
11 predecessor.

12 **8.-(1)** The Board shall have power to:

13 (a) approve rules and regulations relating to the appointment,  
14 promotion and disciplinary measures of staff of the Institute;

15 (b) fix the remuneration, allowances and benefits of staff of the  
16 Institute, subject to the approval of the National Salaries, Incomes and Wages  
17 Commission; and

18 (d) regulate its proceedings and make standing orders with respect to  
19 its meetings, notices to be given, the keeping of minutes of its proceedings and  
20 such other matters as the Board may, from time to time determine.

21 (2) The Board shall:

22 (a) formulate and provide policy guidelines for discharging the  
23 functions of the Institute;

24 (b) review and approve the strategic plan of the Institute in the areas  
25 of:

26 (i) capacity building, research and development, in the areas  
27 connected with building, road, engineering materials and allied construction,

28 (ii) methods of construction, and

29 (iii) environmental factors that affect road and building performances  
30 in the Nigeria;

1 (c) ensure the implementation of policies and programs of the  
2 Institute; and

3 (d) carry out such other functions that are necessary and expedient  
4 for the efficient performance of the functions of the Institute under this Act.

5 **9.** The Institute shall have power to:

6 (a) formulate the guidelines for the implementation of the  
7 Provisions of this Act;

Powers of the  
Institute

8 (b) collaborate with relevant project implementing agencies to  
9 monitor and assess the effective utilization of the construction and  
10 engineering materials researched and developed by the Institute for the  
11 construction sector;

12 (c) develop code of practice for locally produced and emerging  
13 materials for the construction sector and to determine the most effective and  
14 economic methods of their utilization;

15 (d) enter any construction site with the approval of the project  
16 implementing agency for the purpose of carrying out its functions under this  
17 Act;

18 (e) liaise, with relevant establishments within and outside Nigeria  
19 in pursuance of its functions under this Act;

20 (f) invest surplus funds of the Institute in profit-yielding ventures;

21 (g) collaborate with relevant regulatory agencies in the  
22 development of codes design criteria and specifications for conventional  
23 engineering materials, roads and safety measures and;

24 (h) carry out such other activities as are necessary and expedient  
25 for the performance of its functions under this Act.

26 **10.-(1)** The Institute shall build capacity and conduct applied  
27 integrated research and development on building, road and engineering  
28 construction materials and methods, and socio-economic aspects and  
29 impacts of construction and environmental factors that affect building and

Functions of the  
Institute

1 road performances in the country; and in these regards, it shall carry out  
2 research on:

3 (a) the suitability or otherwise of building, road, and construction  
4 materials,

5 (b) architectural design of buildings to suit Nigerian climatic  
6 conditions with respect to lighting ventilation, thermal comfort and humidity,

7 (c) the design and performance of functional units in building  
8 including electrical installations, plumbing, painting, drainage, ventilation and  
9 air-conditioning systems;

10 (d) local construction and building operations and methods to  
11 increase their effectiveness;

12 (e) structural design of buildings and bridges and the development of  
13 the design criteria, specifications and codes of practice;

14 (f) transportation schemes including occurrence of accidents and  
15 safety measures;

16 (g) geotechnical issues including soil conditions and recommending  
17 appropriate solutions; and

18 (h) the system and processes for the conversion of raw or semi-  
19 finished materials into engineering materials of various shape, gauges, forms  
20 and performance.

21 (2) The Institute shall:

22 (a) publish the results of its research on building, road and  
23 engineering materials in the construction sector;

24 (b) encourage and promote the commercialization of research and  
25 development innovation in the construction sector;

26 (c) promote the practice of research and development and accordingly  
27 it shall:

28 (i) consider applications for research and development grants made  
29 by institution, corporate bodies and individuals for building, road and

1 engineering materials on the basis of criteria to be determined by the  
2 Institute, and

3 (ii) develop facilities and capabilities through its Centres for  
4 research and development in building, road and engineering materials,  
5 chemical materials, scientific equipment, engineering manpower training.

6 (d) collaborate with higher educational institutions and other  
7 relevant Government Institutions, organizations, agencies, councils and  
8 commercial industries in the research and development of building  
9 materials and in scientific and engineering manpower training.

10 (3) The Institute shall:

11 (a) develop, run and manage modern laboratories in Nigeria for  
12 research and development in the construction sector;

13 (b) provide consultancy and scientific services, in areas relating to  
14 building, road and engineering materials in construction sector;

15 (c) establish an academy and in collaboration with other relevant  
16 bodies, develop curricula for manpower development for the construction  
17 sector;

18 (e) proffer advise to professional and regulatory bodies towards the  
19 development of curriculum for training of artisans, craftsmen, workmen in  
20 related disciplines for the construction sector; and

21 (f) Undertake such other activities which are necessary for the  
22 performance of its functions under this Act.

## 23 PART II - STRUCTURE OF THE INSTITUTE

24 **11.-(1)** The Institute shall have:

Structure of the  
Institute

25 (a) the following special Research Directorates-

26 (i) Engineering Materials Research Directorate,

27 (ii) Building Research Directorate,

28 (iii) Road Research Directorate,

29 (iv) Applied Mathematics, Computer and Pure Science Research  
30 and Development Support Services Directorate,

1 (iv) Cement, Cement Substitutes and Alternative Construction  
2 Materials Directorate; and

3 (vi) such other Research Directorates as it may consider necessary for  
4 the efficient performance of its functions under this Act;

5 (b) Such Training Centres as may be established pursuant to section  
6 13 of this Act;

7 (c) Zonal Offices and Laboratories to be established in such places in  
8 Nigeria as may be considered appropriate by the Institute with the approval of  
9 the Board;

10 (d) the following Departments, to be headed by Directors, which shall  
11 be responsible for:

12 (i) Human Resources Management,

13 (ii) Finance and Accounts,

14 (iii) Planning and Information Technology,

15 (iv) Consultancy and Extension Services,

16 (v) Procurement, Development and Maintenance, and

17 (vi) Legal Services; and

18 (e) power to set up such Units, Technical Committees and Working  
19 Groups as the Institute may require to assist it in the performance of its duties  
20 and functions.

21 (2) There shall be appointed for each of the Units, Technical  
22 Committees and Working Groups set up pursuant to subsection (1)(e) of this  
23 section, an Officer-In- Charge who shall be known by such designation as the  
24 Institute may determine.

25 (3) The Institute may, with the approval of the Board, make changes to  
26 its structure.

Technical  
Advisory  
Committee

27 **12.-(1)** The Institute may establish a Technical Advisory Committee  
28 in areas of Building, Road and Engineering Material Research for the effective  
29 performance of its functions.

30 (2) Members of a Technical Advisory Committee appointed by the

1 Institute shall be persons with requisite expertise and experience in the  
2 relevant areas of Building, Road and Engineering sectors.

3 PART III - ESTABLISHMENT OF BUILDING, ROAD AND ENGINEERING

4 MATERIALS TRAINING CENTRES

5 13.-(1) The Institute may, from time to time, on the Establishment  
6 recommendation of the Director-General/CEO with the approval of the of Training Centres  
7 Governing Board, established a Building, Road and Engineering Materials  
8 Training Centre (in this Act referred to as "Training Centre") which shall be  
9 located in such geo-political zones in Nigeria as may be specified in the  
10 Order.

11 (2) An Order establishing a Training Centre pursuant to the  
12 provisions of this Act may contain supplementary or incidental provisions  
13 relating to the Training Centre, including provisions for:

14 (a) the designation of the Centre;

15 (b) the area of specialization covered by the training at the Training  
16 Centre;

17 (c) transfer of any existing facility belonging to Federal, State or  
18 Local Government to the Training Centre by mutual agreement;

19 (d) the establishment and constitution of senior research officers to  
20 manage the affairs of the Centre;

21 (e) the Training Centre to be fully equipped to carryout training on  
22 Building, Road, and Engineering Materials;

23 (f) association and collaboration of the Training Centre with  
24 universities, other institutions of higher learning and commercial industries;  
25 and

26 (g) The Training Centre shall report for its day-to-day operations to  
27 the Director-General/CEO.

28 PART IV - APPOINTMENT OF DIRECTOR-GENERAL/CEO AND OTHER

29 STAFF OF THE INSTITUTE

30 14.-(1) There shall be appointed by the President on the

Appointment,  
functions and  
tenure of the  
Director-General/  
Chief Executive  
Officer



1 recommendation of the Minister, a Director-General/CEO for the Institute,  
2 who shall have not less than 15 years post qualification experience in the  
3 built environment and particularly in building, road, geotechnical  
4 engineering and construction sector.

5 (2) The Director-General/CEO shall be:

6 (a) the Chief Executive and Accounting Officer; and

7 (b) responsible for the day-to-day administration and execution  
8 of the policy of the Institute.

9 (3) The Director-General/CEO shall, as Secretary to the Board:

10 (a) prepare minutes of the meetings of the Board;

11 (b) keep and secure the corporate record of the Board and the  
12 Institute;

13 (c) issue notices of the meetings of the Board as may be directed  
14 by the Board;

15 (d) be in custody of the seal of the Institute; and

16 (e) perform such other duties as the Board may, from time to time  
17 assign.

18 (4) The Director-General/CEO shall hold office for a term of four  
19 years and may upon satisfactory performance of his duties, be re-appointed  
20 for another term of four years and no more.

Appointment  
and tenure of  
Principal Officers  
of the Institute

21 **15.-(1)** The Institute shall have the following Principal Officers:

22 (a) a Head of Department who shall be of the rank of a Director of  
23 Research in the Institute for each of the Research Directorates provided  
24 under section 11 of this Act and in the absence of a person of the rank of a  
25 Director, the most Senior Research Officer in the Directorate who shall not  
26 be below the rank of a Principal Research Officer shall be appointed on  
27 acting capacity;

28 (b) A Director to head each of the Non-Research Directorates as  
29 may be established by the Institute; and

30 (c) a Coordinating Director for each Laboratory and Training

1 Centre established by the Institute under this Act.

2 (2) The appointment of the Principal Officers under this section  
3 shall be made by the Board on the recommendation of the Director-General.

4 (3) A Principal Officer appointed under subsections (1) (a) or (c)  
5 shall hold office for a term of two years and may be eligible for re-  
6 appointment upon satisfactory performance of his duties, for another term of  
7 two years after which he may be retained as an officer in the Institute where  
8 he has not attain the retirement age of 65 years.

9 **16.** The Principal Officers appointed in this Act shall:

Functions of the  
Principal Officers

10 (a) be answerable to the Director-General for the day to day  
11 administration of their respective Directorates, Laboratories, Training  
12 Centres or offices;

13 (b) implement the policies of the Institute as they apply to the  
14 Directorate, Centre or office which he heads or coordinates; and

15 (c) perform such other functions as may be assigned by the  
16 Director-General from time to time.

17 **17.-(1)** The Board may appoint for the Institute, directly or request  
18 for the deployment from the Public Service of the Federation, such number  
19 of staff as may be necessary for the proper and efficient performance of its  
20 functions under this Act.

Other Staff of  
the Institute

21 (2) The terms and conditions of service, including remuneration,  
22 allowances and benefits of staff of the Institute shall be as determined by the  
23 Board in consultation with the National Salaries, Income and Wages  
24 Commission, subject to relevant extant laws.

25 (3) The employment, discipline and removal of staff of the Institute  
26 shall be subject to such terms and conditions as may, from time to time, be  
27 stipulated by the Board and contained in the letters of appointment of the  
28 staff of the Institute.

29 **18.-(1)** Service in the Institute shall be Public Service of the

Service in the  
Institute

1 Federation within the meaning of the Constitution of the Federal Republic of  
2 Nigeria.

3 (2) Staff of the Institute shall, in respect of their services in the  
4 Institute, be entitled to such pension and other retirement benefits as are  
5 prescribed for persons holding equivalent grades in the Civil Service of the  
6 Federation under the Pension Reform Act, so however that nothing in this Act  
7 shall prevent the appointment of a person to an office on terms which preclude  
8 the grant of pension and other retirement benefit in respect of that office.

9 PART V - FINANCIAL PROVISION

Fund of the  
Institute

10 **19.**-(1) The Institute shall establish and maintain a fund (hereinafter  
11 referred to as 'the Fund') for its day-to-day administration, into which shall be  
12 paid:

- 13 (a) such money as may be appropriate to it by the National Assembly;  
14 (b) fees charged for any consultancy service rendered by the Institute  
15 and trainings at the Training Centres;  
16 (c) contributions from the organized private sector;  
17 (d) foreign aid and assistance from bilateral and multilateral agencies;  
18 (e) fees charge in respect of commercialization of products by the  
19 Institute;  
20 (f) all sums accruing to it by way of gifts, endowments or  
21 testamentary disposition;  
22 (g) profits from investment entered into by the Institute; and  
23 (h) such other funds as may from time to time accrue to the Institute.

24 (2) Every applicant for registration in the Journal of the Institute shall  
25 pay a fee which shall be credited and maintained in a separate account by the  
26 Institute and part of the fees shall be used for the publication of the Journal.

27 (3) The fees referred to in subsection (2) of this section shall be as  
28 determined from time to time by the Board.

Budget of the  
Institute

29 **20.**-(1) The Institute shall not later than 31st October in each financial  
30 year or any such time as may be required under the Financial Regulations of

1 Nigeria, prepare and submit to the National Assembly, through the Minister  
2 an estimate of its income and expenditure for the next financial year.

3 (2) Notwithstanding the provisions of subsection (1) of this  
4 section, the Institute may also, in any financial year, submit supplementary  
5 or adjusted statements of estimated income and expenditure through the  
6 Minister to the National Assembly.

7 **21.** Subject to the provisions of section 20 of this Act the Institute  
8 shall from time to time apply the proceeds of the Funds established under  
9 section 19 of this Act to:

Expenditure of  
the Institute

10 (a) meet the administrative and operating costs of the Institute;

11 (b) pay salaries, wages, fees, allowances, retirement benefits  
12 including pensions and any other remuneration payable to the members of  
13 the Board and staff of the Institute;

14 (c) publicize and promote the activities of the Institute;

15 (d) purchase or acquire property and make other approved capital  
16 expenditure and to maintain any property acquired or purchased;

17 (e) meet the investment need of the Institute and the profit  
18 generated shall be paid into the Fund of the Institute; and

19 (f) undertake any other activity in connection with all or any of the  
20 functions of the Institute.

21 **22.-(1)** The Institute may, subject to the approval of the Ministry of  
22 Finance Incorporated (MOFI) and the Financial Regulations of Nigeria,  
23 invest any surplus funds in profit-yielding ventures

Disposal of  
Surplus Funds

24 (2) The Board may subject to subsection (1) of this section, issue to  
25 the Institute, directives as may be deemed necessary as to the disposal of any  
26 such funds.

27 **23.** Incomes derived by the Institute from the sources specified  
28 under section 19 of this Act shall be exempted from income tax.

Exemption from  
Income Tax

29 **24.** The Institute shall:

Accounts and  
Audit

30 (a) keep proper accounts and records of its receipts, payments,

	1	assets and liabilities and prepare in respect of each financial year a statement of
	2	accounts in such forms as may be directed by the Auditor-General for the
	3	Federation; and
	4	(b) cause its accounts to be audited within six months from the end of
	5	each financial year by auditors whose appointment shall be approved by the
	6	Board provided that such auditors are on the list of auditors approved from time
	7	to time by the Auditor-General for the Federation.
Annual Report	8	<b>25.</b> -(1) The Institute shall, not later than six months after the
	9	expiration of each financial year, prepare and submit to the Minister through
	10	the Board an annual report on its activities and operations during the previous
	11	year and shall include in such report, a copy of its audited accounts and the
	12	auditor's report for the year.
	13	(2) The Institute shall not later than 30th September in each year,
	14	submit to the Board the annual report of each of its Training Centre for the
	15	preceding year.
	16	(3) The Board shall submit the annual report referred to in subsection
	17	(2.) of this section to the Minister within two months after its receipt of the
	18	report.
Power to accept gifts	19	<b>26.</b> The Institute may accept gifts of land, money or other property
	20	upon such terms and conditions, if any, as may be specified by the donor of the
	21	gift, provided that the terms and conditions are not contrary to the objectives
	22	and functions of the Institute.
Utilization of Gifts	23	<b>27.</b> A gift intended by the donor of the gift to the Institute, Training
	24	Centre or project shall be made directly to the Institute which shall utilize the
	25	gift for its objects under this Act subject to any expressed wishes of the donor.
Financial year	26	<b>28.</b> The financial year of the Institute shall commence from 1st
	27	January of each year and end on 31st December of the same year.
	28	PART VI - LEGAL ACTIONS AGAINST THE INSTITUTE
Limitation of suit against the Institute	29	<b>29.</b> -(1) Subject to the provisions of this Act, the provisions of the
	30	Public Officers Protection Act shall apply in relation to any suit instituted

1 against any officer or employee of the Institute.

2 (2) Notwithstanding anything contained in any other enactment or  
3 law, no suit shall lie or be instituted in any court against any member of the  
4 Board, the Director-General, the Secretary or any other Officer or employee  
5 of the Institute for any act done in pursuance or execution of this Act or any  
6 enactment or law, public duty or authority in respect of any alleged neglect,  
7 duty or authority or be instituted in any court unless it is commenced:

8 (a) within three months next after the act, neglect or default  
9 complained of; or

10 (b) in the case of continuation of damage or injury, within six  
11 months next after the cessation thereof.

12 (3) No suit shall be commenced against any member of the Board,  
13 the Director-General secretary, any officer or employee of the Institute  
14 before the expiration of a period of one month after written notice of the  
15 intention to commence the suit shall have been served on the Institute by the  
16 intending plaintiff or his agent.

17 (4) The notice referred to in subsection (3) of this section shall  
18 clearly and explicitly state the:

19 (a) cause of action;

20 (b) particulars of the claim;

21 (c) name and place of abode of the intending plaintiff; and

22 (d) relief sought.

23 **30.** A notice, summons or other documents required or authorized  
24 to be served on the Institute under the provisions of this Act or any other law  
25 or enactment, may be served by delivering it to the Institute by registered  
26 post addressed to the Director-General of the Institute at the principal office  
27 of the Institute.

Service of Court  
Process

28 **31.** In any action against the Institute, no execution or attachment  
29 of any nature thereof shall be issued against the Institute without the consent  
30 of the Honourable Attorney General of the Federation and Minister of

Restriction on  
execution against  
property of the  
Institute

	1	Justice unless at least three months' notice of the intention to execute or
	2	attach has been given to the Institute.
Indemnity of the Officials of the Institute	3	<b>32.</b> A member of the Board, the Director-General, Secretary,
	4	Officer or employee of the Institute shall be indemnified out of the assets of
	5	the Institute against any liability incurred by him in defending any
	6	proceedings, whether civil or criminal, where the proceedings is brought
	7	against him in his capacity as member of the Board, the Director- General,
	8	Secretary, Officer or employee of the Institute.
	9	PART VII - MISCELLANEOUS
Power to give directives	10	<b>33.</b> -(1) The Minister may from time to time, give general policy
	11	guidelines to the Institute.
	12	(2) Notwithstanding the provisions of subsection (1) of this
	13	section, the Minister may give to the Institute directives of a general or
	14	specific nature relating generally to a particular matter or case, as the case
	15	may be.
	16	(3) The Institute shall comply with any policy guidelines or
	17	directive given to it by the Minister pursuant to subsection (1) or (2) of this
	18	section or cause them to be complied with.
Power to make Regulations	19	<b>34.</b> -(1) The Institute may, with the approval of the Minister make
	20	Regulations as it deems expedient for the purpose of giving full effect to the
	21	provisions of this Act.
	22	(2) The contravention of any regulation issued pursuant to any of
	23	the provisions of this Act shall constitute an offence and shall be punishable
	24	as prescribed in the particular regulation.
Amendments of the Research Institutes (Establishment, etc.) Order LN S4 of 1977	25	<b>35.</b> -(1) The Research Institutes (Establishment, etc.) Order LN 54
	26	of 1977 (in this Act referred to as "the Order") made pursuant to the National
	27	Agency for Science and Engineering Infrastructure Act, Cap. N3 LFN 2004,
	28	is amended by deleting sections 1 (1)(e) and 6 of the Order.
	29	(2) Section 9 of the Order shall not apply to the Institute established
	30	under this Act; and

1 (3) Any other reference to the Institute established under the Order  
2 is consequently deleted.

3 **36.**-(1) Without prejudice to the provisions of the interpretation Act Savings provision  
4 nothing in this Act shall invalidate or otherwise prejudicially after anything  
5 done or purported to be done under the amended sections of the Order.

6 (2) As from the commencement of this Act all assets, rights,  
7 liabilities and obligations of the Institute established under the Order shall  
8 vest in the Institute established under this Act.

9 (3) Notwithstanding the provisions of this Act and subject to such  
10 directions as may be issued by the Institute, any person who was an  
11 employee of the Institute established under the Order shall be deemed to be  
12 an employee of the Institute established under this Act.

13 **37.** In this Act: Interpretation  
14 "Board" means the Governing Board of the Institute;  
15 "Chairman" means the Chairman of the Board of the Institute;  
16 "Fund" means the fund of the Institute established under Section 19 of this  
17 Act;  
18 "Institute" means Nigerian Building, Road and Road Research Institute  
19 established under this Act;  
20 "Minister" means the Minister charged with the responsibility for Science  
21 and Technology; and  
22 "President" means the President of the Federal Republic of Nigeria.

23 **39.** This Bill may be cited as the Nigerian Building and Road Short Title  
24 Research Institute Bill, 2020.



## 1 SCHEDULE

2 *Section 2*

## 3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

4 *Proceedings of the Board*

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

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

11 (3) The Board shall meet not less than four times in each year and  
12 subject thereto, the Board shall meet whenever it is summoned by the  
13 Chairman or where the Chairman is required to do so by notice given to him by  
14 not less four other members, he shall summon a meeting of the Board to be held  
15 within twenty-eight days from the date the notice was given.

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

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

24 *Committees*

25 2.-(1) The Board may appoint one or more committee to carry out, on  
26 behalf of the Board, such functions as the Board may determine.

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

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

3 (4) The validity of any proceedings of the Board or of a committee  
4 thereof shall not be affected by any vacancy in the membership of the Board  
5 or of a committee.

6 (5) Any member of the Board or any person holding office on a  
7 committee of the Board, who has personal interest in any contract or  
8 arrangement shall disclose his interest to the Board and shall not vote on any  
9 matter relating to the contract or arrangement.

10 *Miscellaneous*

11 3.-(1) The fixing of the seal of the Board shall be authenticated by  
12 the signature of the Director-General or any person or specifically  
13 authorized by the Board to act for that purpose.

14 (2) Any contract or instrument which, if made or executed by a  
15 person not being a body corporate, would not be required to be under seal,  
16 may be made or executed on behalf of the Board by the Director-General or  
17 any person generally or specifically authorized by the Board to act for that  
18 purpose.

19 (3) Any document purporting to be a document duly executed  
20 under the seal of the Board shall be received in evidence and shall unless and  
21 until the contrary is proved, be presumed to be so executed.

22 (4) The validity of any proceedings of the Board of a committee  
23 shall not be affected by:

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

25 (b) a defect in the appointment of a member of the Board or  
26 committee; or

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

## EXPLANATORY MEMORANDUM

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

The Bill seeks to amend the Nigerian Building and Road Research Institute for the purpose of building capacity and carrying on integrated applied research and development into building and road construction; and to amend the Research Institute (Establishment) Order 1977 made under the National Agency for Science and Engineering Infrastructure Act, Cap. N3 LFN, 2004.

# A BILL

## FOR

AN ACT TO ESTABLISH THE FAMILIES OF FALLEN SERVICEMEN SUPPORT  
FUND, 2020 AND FOR RELATED MATTERS

*Sponsored by Senator Abba Moro*

[ ] Commencement

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

1 PART 1- ESTABLISHMENT AND COMPOSITION, ETC., OF THE  
2 FAMILIES OF FALLEN SERVICEMEN SUPPORT FUND  
3 AND MANAGEMENT BOARD, ETC.

4 1.-(1) There is hereby established a fund to be known as the  
5 Families of Fallen Servicemen Support Fund (in this Act referred to as "the  
6 Fund") into which shall be paid all monies prescribed under this act, and  
7 monies received as donations, bequeaths, trusts and contributions for the  
8 welfare of Families of members of the armed forces and operatives of other  
9 security agencies who die in the line of duty, including combat and non-  
10 combat deaths, which Fund shall be operated and managed as provided in  
11 this Bill.

Establishment  
of the Families  
of Fallen Servicemen  
Support Fund

12 (2) The Fund shall be a body corporate with perpetual succession  
13 and common seal; and may sue or be sued in its corporate name.

14 (3) The Fund shall be located in the Federal Ministry of  
15 Humanitarian Affairs and shall not be subject to the direction, control or  
16 supervision of any other authority or person in the performance of its  
17 function under this Act other than the President of the Federal Republic of  
18 Nigeria or such other person or persons as the President may from time to  
19 time prescribe.

20 2.-(1) There is hereby established for the management of the Fund,  
21 a body to be known as the Families of Fallen Servicemen Support Fund

Establishment of  
the Families of  
Fallen Servicemen  
Support Fund  
Management Board

1 Management Board (in this Bill referred to as "the Board") which shall, subject  
2 to this Bill, have general control of the Fund.

3 (2) The Board shall consist of the following members, that is:

4 (a) A chairman; who shall be appointed by the president, provided that  
5 only retired members of the armed forces not below the rank of a Brigadier  
6 General or its equivalent in the other security services shall be eligible for  
7 appointment as chairman;

8 (b) Two serving representatives who shall not be above the rank of a  
9 Brigadier General or below the rank of a colonel or their equivalents from each  
10 of the security agencies named under this Bill, provided that no person may be  
11 nominated more than once by the security agency he represents;

12 (c) The director of the Veterans Affairs Division in Defence  
13 Headquarters;

14 (d) A representative each of (i) the Federal Ministry of Humanitarian  
15 Affairs and (ii) the Federal Ministry of Finance;

16 (e) Two representatives of civil society organizations registered to  
17 promote the welfare of members of the families of military men who die in the  
18 line of duty;

19 (f) Such other persons as the President may appoint along with the  
20 Chairman as Board members.

21 (3) The chairman and members of the Board shall be persons of  
22 proven integrity, medically fit and hard working.

Tenure of office

23 3.-(1) The chairman and members of the Board and other members  
24 nominated from each of their respective agencies or ministries shall hold office  
25 for a period of two years, after which their tenure shall expire and stand  
26 dissolved.

27 (2) A member of the Board may resign his nomination by a notice in  
28 writing requesting his agency or service to replace him, provided that such  
29 resignation shall take effect only upon acknowledgement of same by the  
30 highest ranking officer of his agency who shall promptly forward to the

1 Minister a replacement of the resigning member.

2 4.-(1) A member of the Board shall cease to hold office if:

Cessation of  
membership

3 (a). he becomes sick and unable to perform assigned duties;

4 (b). he becomes of unsound mind;

5 (c). he becomes bankrupt or makes a compromise with his  
6 creditors;

7 (d). he is convicted of a felony or of any offence involving  
8 dishonesty;

9 (e). he is guilty of serious misconduct in relation to his duties; or

10 (f). he ceases to be in the service of the agency that nominated him  
11 as a member of the Board.

12 (2) Where a vacancy occurs in the membership of the Board by  
13 'virtue of the foregoing paragraphs, the Chairman of the Board or anyone  
14 acting on his behalf shall promptly request the agency concerned, Ministry  
15 or member of a civil society organization to nominate a replacement to  
16 complete the tenure of the person replaced.

17 PART II - FUNCTIONS OF THE BOARD

18 5.-(1) The Board shall be responsible for:

Functions of the  
Board

19 (a) receiving into a designated account and managing the monies  
20 accruing to the Fund;

21 (b). assisting families of fallen servicemen identify economically  
22 viable enterprises for income generation and provide technical and financial  
23 support for their implementation;

24 (c) enhancing the capacity of widows of fallen servicemen to act as  
25 role models to their children through guidance and counseling and public  
26 enlightenment programmes;

27 (d) creating, arousing and sustaining the interests of the Federal,  
28 State and local governments, the Nigerian public, the cooperate world and  
29 the international community on the need to support families of security  
30 operatives who die in the line of duty;

1 (e) exercising control over the management of the Fund with a view to  
2 ensuring accountability and proper utilisation of the Fund for the purposes set  
3 out in this Bill;

4 (f) liaising with Security Agencies, Ministries, Extra-Ministerial  
5 Departments, the State and local governments for necessary collaborations  
6 towards effective discharge of their duties and for the purpose of achieving the  
7 objectives set out in this subsection;

8 (g) entering into contractual agreements for the purpose of building  
9 housing and educational facilities in each state of the Federation for the welfare  
10 of the widows and kids of fallen servicemen, and such other contractual  
11 agreements as may be necessary for the purpose of achieving the objectives set  
12 out in this subsection; provided that every such agreement shall contain a  
13 clause that it is subject to approval by the joint session of the Economic and  
14 Financial Crimes Commission, the Independent Corrupt Practices  
15 Commission and the Bureau of Public Procurement;

16 (h) allocating such houses and educational facilities built in the states  
17 to families of fallen servicemen, for their welfare and for the advancement of  
18 their education free of charge;

19 (i) paying unannounced annual inspection visits to the housing and  
20 educational facilities built in each state of the Federation, to keep the facilities  
21 in good state of repair for the welfare of the widows and kids of fallen  
22 servicemen;

23 (j) carrying out such other activities as are necessary and expedient  
24 for the purpose of achieving the objectives set out in this section of this Act;  
25 provided that every contractual agreement entered into under this Act shall be  
26 submitted to the Economic and Financial Crimes Commission, the  
27 Independent Corrupt Practices Commission and the Bureau of Public  
28 Procurement for joint review and approval.

29 (2) In every case whenever a contractual agreement is submitted to  
30 the Economic and Financial Crimes Commission, the Independent Corrupt

1 Practices Commission and the Bureau of Public Procurement for joint  
2 review and approval, the named agencies shall within one month from the  
3 date of submission of such agreement forward a Notice of Approval or a  
4 Notice of Disapproval to the Board and the Minister.

5 (3) The agencies named in subsection (2) above shall not  
6 disapprove any agreement entered by the Board under this Act, unless the  
7 cost is found to be unduly inflated, excessive or manifestly fraudulent from  
8 all intent and purposes.

9 (4) Where any agreement is disapproved on the grounds stated in  
10 subsection (3) of this section, the agencies named in subsection (2) above  
11 shall advertise the concerned project in at least one national daily to invite  
12 tenders from suitably qualified companies, review the tenders and  
13 recommend the most qualified company to the Board, provided the entire  
14 shall not exceed 3 months.

15 (5) Where any qualified company is recommended to the Board for  
16 the execution of any contractual agreement as prescribed in subsection (4)  
17 above, the Board shall within one month of receiving such recommendation  
18 sign an agreement with the said company and mobilize it for the execution of  
19 the project involved.

20 PART III - APPOINTMENT OF SUPPORT STAFF OF THE FUND

21 6. The Chairman shall have power:

Power of the  
Chairman

22 (1) to appoint a member of the Board as secretary, and the secretary  
23 so appointed shall perform the functions of keeping the records of  
24 proceedings and decisions of the Board and such other functions as the  
25 Board may, from time to time, direct.

26 (2) to appoint on secondment from any public service in the  
27 Federation, not more than 15 employees as may, in the opinion of the Board,  
28 be required to assist the Fund in the discharge of any of its functions under  
29 this Bill.

30 (3) to pay members of the committee, and such persons as may be



1 appointed in subsection (2) above, monthly allowances not more than 25% of  
2 the net amount that the member or person receives as monthly salaries through  
3 his or her employer, provided that no civil society organization in the  
4 committee shall at any time be paid any amount above the allowance payable to  
5 the chairman under this section.

6 PART IV - FINANCIAL PROVISIONS

Sources of Fund

7 7.-(1) There shall be paid and credited to the Fund established by this  
8 Bill:

9 (a) all monies accruing to the Fund by virtue of subsection (1) of  
10 section 1 of this Bill;

11 (b) aggregates of 1% of the total annual revenue realized by the  
12 Nigeria National Petroleum Commission on or before the so" day of January of  
13 the following year;

14 (c) aggregates of 1% of the total annual revenue realized by the  
15 Federal Inland Revenue Service on or before the so" day of January of the  
16 following year;

17 (d) annual subventions as may be received from the Federal  
18 Government;

19 (e) such money as may, from time to time, be lent, deposited with or  
20 granted to the Fund by the Government of the Federation, of a State or local  
21 government;

22 (f) all other assets which may, from time to time, accrue to the Fund.

23 (2) The Fund shall not be managed in any other way apart from the  
24 ways prescribed under this Bill.

25 (3) The Board may, from time to time, apply the proceeds of the Fund  
26 for the following purposes:

27 (a) the annual administrative cost of running the Board as approved  
28 by the Minister; provided that members of the Board (including the Chairman)  
29 shall not be paid anything out of the Fund, apart from their Duty Tour  
30 Allowances as prescribed by the Financial Regulations, provided also that the

1 Board shall maintain its office within the Office Complex of the Ministry of  
2 Humanitarian Affairs and shall not procure more than two buses every four  
3 years for their movements within the Federal Capital Territory; the payment  
4 of Duty Tour Allowances and such other allowances as may be prescribed  
5 under section 7(3) of this Bill.

6 **8.-(1)** The Board may accept gifts of land, money or other Power to accept  
gifts  
7 properties upon such terms and conditions, if any, as may be specified by the  
8 person or organisation making the gift.

9 (2) The Board shall not accept any gift if the condition attached by  
10 the person or organisation making the gift are inconsistent with the  
11 objectives of the Fund under this Bill.

12 **9.-(1)** The Board shall be exempted from the payment of income Exemption from  
tax  
13 tax on any income accruing to the Fund from the sources prescribed under  
14 this Bill.

15 (2) The provisions of any enactment relating to the taxation of  
16 companies, trust funds or support funds shall not apply to the Board or the  
17 Fund.

18 **10.** The Board shall not later than 31 October submit to the Budget  
19 Minister for approval an estimate of its expenditure and income during the  
20 next succeeding year.

21 **11.-(1)** When any member of the security agencies named in the Empowerment  
Benefits  
22 interpretation section of this Bill dies a combat death, the Board shall pay the  
23 spouse the sum of N5,000,000.00 (Five Million Naira only) and shall  
24 counsel her on such entrepreneurship programmes that will enable her to  
25 invest the sum profitably for the welfare of the children left behind by the  
26 deceased.

27 (2) When any member of the security agencies named in the  
28 interpretation section of this Bill dies a non-combat death, the Board shall  
29 pay the spouse the sum of N2,000,000.00 (Two Million Naira only) and shall  
30 counsel her on such entrepreneurship programmes that will enable her to

	1	invest the sum profitably for the welfare of the children left behind by the
	2	deceased.
Housing Benefits	3	<b>12.</b> -(1) When any member of the security agencies named in the
	4	interpretation section of this Bill dies, whether in combat situation or not, the
	5	spouse and surviving children registered under the National Health Insurance
	6	Scheme Policy (NHIS) shall be allocated apartments in the Housing Estates
	7	built in their respective states until the youngest child attains the age limit
	8	prescribed under the NHIS scheme.
	9	(2) Where any spouse or children of a deceased serviceman refuse to
	10	vacate the allocated apartment upon the youngest attaining the age limit
	11	prescribed under the NHIS Scheme as required in subparagraph (1) above, the
	12	educational benefits of the surviving children shall be cancelled forthwith, and
	13	the Board shall have the power to cancel the allocation and eject the occupiers
	14	as soon as the apartment is allocated to other beneficiaries.
Health Benefits	15	<b>13.</b> -(1) When any member of the security agencies named in the
	16	interpretation section of this Bill dies, whether in combat situation or not, his or
	17	her National Health Insurance Scheme Account shall be transferred from the
	18	security agency concerned to the Fund, and shall be payable by the Board until
	19	all the registered beneficiaries reach the statutory age limit where they may no
	20	longer be able to enjoy the health insurance package.
	21	(2) As soon as all the beneficiaries of the health insurance under the
	22	foregoing subsection attains the age limit prescribed by the Health Insurance
	23	Bill, the Board shall terminate the payment of all charges due on the account of
	24	the deceased principal, and the surviving beneficiaries shall no longer be able
	25	to access services under the scheme unless on personal subscription.
Educational Benefits	26	<b>14.</b> -(1) When any member of the security agencies named in the
	27	interpretation section of this Bill dies, whether in combat situation or not, the
	28	surviving children registered under the National Health Insurance Scheme
	29	who shall enjoy free education from primary to tertiary institution on the bills
	30	of the Fund or on such tuition free education policy as may be declared by the

1 Federal and State Governments for families of fallen servicemen.

2 (2) For the purpose of subsection (1) of this section, the Board shall  
3 verify and maintain an updated database of the surviving children registered  
4 under the National Health Insurance Scheme as forwarded from time to time  
5 by the security agencies named in this Bill, and whenever any such child  
6 gains admission into any State University, Federal University or any other  
7 tertiary institution of learning in the country, the institution concerned shall  
8 grant free accommodation and free tuition education status to the child upon  
9 the tendering of a Letter of Introduction from the Board. The Board shall  
10 also pay a designated allowance to the child for every academic year until he  
11 or she graduates.

12 (3) As soon as any beneficiary of the free education policies under  
13 subsection (1) above completes his or her compulsory National Youth  
14 Service with nothing less than Second Class Lower Division or Upper  
15 Credit for Higher National Diploma graduates shall be given special  
16 consideration above other applicants in any employment or recruitment  
17 exercise they may apply.

18 **15.-(1)** The Board shall cause to be prepared not later than so"  
19 September in each year an estimate of the expenditure and income of the  
20 Fund during the next succeeding year and when prepared, they shall be  
21 submitted to the Minister for approval.

Annual Estimates,  
Accounts and  
Audits

22 (2) The Board shall cause to be kept proper accounts of the Fund  
23 and proper records in relation thereto, and such accounts shall on yearly  
24 basis be audited by auditors appointed by the Auditor-General of the  
25 Federation and the audit report shall be forwarded to the Economic and  
26 Financial Crimes Commission, the Independent Corrupt Practices  
27 Commission and the Bureau of Public Procurement within one month of the  
28 audit.

29 **16.** The Board shall, notwithstanding the provision of section 17 of  
30 this Act and at the end of every three months, submit to the Minister a report

Quarterly Report

	1	on its activities and administration of the Board in relation to the Fund.
Annual Report	2	<b>17.</b> The Board shall not later than three months before the end of each
	3	year, submit to the Minister a report on the activities and the administration of
	4	the Board in relation to the Fund during the immediately preceding year and
	5	shall include in such reports the auditor's report thereon.
	6	<b>PART V - OFFENCES AND PUNISHMENTS</b>
Offences and Punishments	7	<b>18.-(1)</b> The Chairman or any member of the Board who violates the
	8	provision of section 5(1)(g)-(j) or section 19(10) of this Bill, commits an
	9	offence, and shall upon conviction be liable to life imprisonment.
	10	(2) The Chairman or any member of the Committee who violates the
	11	provisions of section 6(3) or section 7(2) and (3) of this Bill, commits an
	12	offence, and shall upon conviction be liable to life imprisonment.
	13	(3) The Chairman or any member of the Board who conspires with
	14	any authority or person to contravene any provisions of this Bill or any other
	15	law in relation to the Fund, commits an offence, and both the Chairman or
	16	Board member shall along with that other authority or person be liable upon
	17	conviction to life imprisonment.
	18	(4) Any Chairman of NNPC or Director of Federal Inland Revenue
	19	Service who fails to remit the statutory sum prescribed in section 7(1)(b) and
	20	(c) of this Act respectively on or before the due date, commits an offence, and
	21	shall upon conviction be liable to 7 years imprisonment without an option of
	22	fine. In addition, whether or not a charge is filed against the offender, it shall be
	23	illegal for him to continue in that office beyond the due date, and any member
	24	of the public or civil society organization may approach the Court to declare his
	25	office vacant and order the Federal Government to replace him.
	26	(5) Where members of the joint committee of agencies named under
	27	section 5(1)(g) - (j) of this Act fail to adhere strictly to the provisions of sections
	28	5(2), (3) and (4) without any tenable excuse or due to certain personal or
	29	fraudulent gains, they shall all be guilty of an offence and liable upon
	30	conviction to 7 years imprisonment each without an option of fine.

1 (6) Where any member of the armed forces or other security  
2 operatives defects or abandons his duty post to fake his capture or death in a  
3 bid to enable his family obtain the benefits provided under this Bill, he  
4 commits an offence, and is liable upon conviction:

5 (i) to life imprisonment if no fatalities were recorded in the  
6 operation or combat that led to his defection, provided he was not found to  
7 be in contact with any member of his family is before he was found;

8 (ii) to death, if fatalities were recorded in the operation that led to  
9 his defection, or if he was subsequently found to be in contact with any  
10 member of his family after his defection.

11 (7) The provisions of section 416(2)(e) of the Administration of  
12 Criminal Justice Act shall not apply to absolve any offender under this Bill  
13 from maximum punishment, whether or not he is a first time offender.

14 PART VI - MISCELLANEOUS

15 **19.-(1)** Subject to this Act and section 27 of the Interpretation Act,  
16 the Board may make standing orders regulating its proceedings or those of  
17 any of its ad-hoc Boards.

Proceedings of  
the Board

18 (2) The quorum of the Board shall be the chairman and at least six  
19 other members, and the quorum of any ad-hoc Board shall be determined by  
20 at the meeting where the ad-hoc Committee is set up.

21 (3) The Board shall meet not less than two times in a month, and at  
22 such other time as may be determined the Chairman.

23 (4) The Chairman shall preside at all the meetings of the Board. But  
24 if he is absent, the members present at the meeting shall appoint one of the  
25 members present to preside at that meeting.

26 (5) Where the Board desires to obtain the advice of any person on a  
27 particular matter, the Board may co-opt him to the Board for such period as it  
28 thinks fit; but a person who is in attendance by virtue of this subparagraph  
29 shall not be entitled to vote at any meeting of the Board and shall not count  
30 towards a quorum.

1 (6) The Board may set up one or more committee to carry out, on  
2 behalf of Board, such of its functions as the Board may determine.

3 (7) A committee appointed under this section shall consist of such  
4 number of persons as may be determined by the Board, and no decision of a  
5 committee shall be of any effect until it is confirmed by the Board.

6 (8) The validity of any proceeding of the Board or of a committee  
7 thereof shall not be adversely affected by any vacancy in the membership of the  
8 Board or committee, or by any defect in the appointment of a member of the  
9 Board or of a Board, or by reason that a person not entitled to do so took part in  
10 the proceedings of the Board or committee.

11 (9) The fixing of the seal of the Fund shall be authenticated by the  
12 signature of the chairman or of any other person authorized generally or  
13 specially to act for that purpose by the Board.

14 (10) No contract shall be entered into or executed by the Chairman or  
15 any member of the Board on behalf of the Fund, and no money shall be  
16 disbursed for the execution of any such contracts unless the approval of the  
17 joint Committee of the agencies named in section 5(l)(g) and (j) of this Act is  
18 first had and obtained by the Board.

19 (11) Any document purporting to be a document duly executed under  
20 the seal of the Fund shall be received in evidence and shall, unless and until the  
21 contrary is proved, be presumed to be so executed.

Power of the  
President to give  
directives

22 **20.** Subject to the provisions of this Bill, the President may give to the  
23 Board such directives of a general nature with regard to the exercise by the  
24 Board of its functions under this Bill and it shall be the duty of the Board to  
25 comply with the directives.

Interpretation

26 **21.** In this Bill, unless the context otherwise requires:  
27 "Minister" means the Minister of Humanitarian Affairs;  
28 "Ministry" means the Ministry of Humanitarian Affairs  
29 "Fund" means the Families of Fallen Servicemen Support Fund established by  
30 section 1 of this Bill;

1 "Board" means the Families of Fallen Servicemen Support Fund Board  
2 established by section 2 of this Bill;

3 "Chairman" means the chairman appointed under section 2 (3) of this Bill;

4 "Secretary" means the secretary to the Board appointed under section 7 of  
5 this Bill;

6 "Security agencies" means the Army, Navy, Air Force, Police, Civil  
7 Defence Corps, Customs, Immigration, the Drug Law Enforcement  
8 Agency, and the Correctional Service;

9 "Families of Fallen Servicemen" means families of any member of the  
10 security agencies named under this Bill;

11 "Combat death" means death in the course of an official assignment or  
12 deployment, whether through fire power or not, provided that a soldier or  
13 other security operative whose body is not found after a combat operation or  
14 an attack on his contingent in which heavy fatalities were recorded would  
15 for the purposes of this Bill be presumed dead if his whereabouts remains  
16 unknown for more than three months after he went missing;

17 "Non-combat death" means death as a result of natural illness motor  
18 accidents, poisoning or such other deaths that are not directly related to the  
19 line of duty.

20 **22.** This Bill may be cited as the Families of fallen Servicemen Citation  
21 Support Fund Bill, 2020.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the Families of Fallen Servicemen Support Fund and to enhancing the capacity of widows of fallen servicemen to act as role models to their children through guidance and counseling and public enlightenment programmes.





VETERANS WELFARE FUND (ESTABLISHMENT) BILL, 2020

ARRANGEMENT OF SECTIONS

*Section:*

PART I - ESTABLISHMENT AND COMPOSITION, ETC., OF THE VETERANS

WELFARE FUND AND MANAGEMENT BOARD, ETC.

1. Establishment of the Veterans Welfare Fund
2. Establishment of the Veterans Welfare Fund Management Board
3. Tenure of office
4. Cessation of membership

PART II - FUNCTIONS OF THE BOARD

5. Functions of the Board

PART III - APPOINTMENT OF SUPPORT STAFF OF THE FUND

6. Powers of the Chairman

PART IV - FINANCIAL PROVISIONS

7. Sources of Income
8. Power to accept Gifts
9. Exemption from Tax
10. Budget
11. Housing Benefits
12. Health Benefits
13. Economic Benefits
14. Preferential Benefits and Public Respect
15. Annual Estimates, Account and Audit
16. Quarterly Report
17. Annual Report

PART V - OFFENCES AND PUNISHMENTS

18. Offences and Punishments

PART VI - MISCELLANEOUS

19. Proceedings of the Board
20. Power of President to give directives
21. Interpretation
22. Short Title



# A BILL

## FOR

AN ACT TO ESTABLISH THE VETERANS WELFARE FUND (ESTABLISHMENT AND MANAGEMENT) AND FOR OTHER MATTERS CONNECTED THEREWITH, 2020

*Sponsored by Senator Abba Moro*

[ ] Commencement

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

1 PART 1 - ESTABLISHMENT AND COMPOSITION, ETC., OF THE VETERANS  
2 WELFARE FUND AND MANAGEMENT BOARD, ETC.

3 1.-(1) There is hereby established a Fund to be known as the Establishment  
4 Veterans Welfare Fund (in this Bill referred to as "the Fund") into which of the Veterans  
5 shall be paid all monies prescribed under this Bill, and monies received as Welfare Fund  
6 donations, bequeaths, trusts and contributions for the welfare of retired and  
7 serving members of the armed forces of Nigeria.

8 (2) The Fund shall be a body corporate with perpetual succession  
9 and common seal; and may sue or be sued in its corporate name.

10 (3) The Fund shall be located in the Ministry of Defence and shall  
11 not be subject to the direction, control or supervision of any other authority  
12 or person in the performance of its function under this Bill other than the  
13 President of the Federal Republic of Nigeria or such other person or persons  
14 as the President may from time to time prescribe.

15 2.-(1) There is hereby established for the management of the Fund, Establishment  
16 a body to be known as the Veterans Welfare Fund Management Board (in of the Veterans  
17 this Bill referred to as "the Board") which shall, subject to this Bill, have Welfare Fund  
18 general control of the Fund. Management Board

19 (2) The Board shall consist of the following members, that is:

20 (a) A chairman; who shall be appointed by the president, provided

1 that only retired members of the armed forces not below the rank of a Brigadier  
2 General shall be eligible for appointment as chairman;

3 (b) Two serving representatives who shall not be above the rank of a  
4 Brigadier General or its equivalent from the Army, Navy and Air Force  
5 respectively, provided that no person may be nominated more than once by the  
6 Force he represents;

7 (c) The director of the Veterans Affairs Division in Defence  
8 Headquarters;

9 (d) A representative each of (i) the Federal Ministry of Humanitarian  
10 Affairs and (ii) the Federal Ministry of Finance;

11 (e) A representative of the Nigerian Legion;

12 (f) Two representatives of civil society organizations registered to  
13 promote the welfare of Veterans or members of the families of military men  
14 who die in the line of duty;

15 (g) Such other persons as the President may appoint along with the  
16 Chairman as Board members.

17 (3) The chairman and members of the Board shall be persons of  
18 proven integrity, medically fit and hardworking;

Tenure of office

19 3.-(1) The chairman and members of the Board and other members  
20 nominated from each of their respective agencies or ministries shall hold office  
21 for a period of four years, after which their tenure shall expire and stand  
22 dissolved.

23 (2) At ninety days (90) before the tenure of every board expires, the  
24 Chief of Defence Staff shall forward to the Minister of Defence the name of the  
25 Director of Veterans Affairs Division along with the names of the  
26 representatives of members of the Armed Forces named in section 2(2)(b) of  
27 this Bill as shall be made available to him by the Chief of Army Staff, the Chief  
28 of Naval Staff and the Chief of Air force for inauguration as soon as a new  
29 Board Chairman is appointed by the President.

30 (3) As soon as the Minister of Defence receives the nominations from

1 the Chief of Defence Staff, he shall promptly require the Ministry of Finance  
2 and Ministry of Humanitarian Affairs to forward their nominations within  
3 14 days and thereafter forward the list to the President with request to  
4 appoint a Chairman under section 2(2)(a) of this Bill and inaugurate a new  
5 Board.

6 (4) The appointment of the Chairman and inauguration of Board  
7 members under this Bill shall be done by the President only on the occasion  
8 of Armed Forces Remembrance Day.

9 (5) A member of the Board may resign his nomination by a notice  
10 in writing requesting his agency or service to replace him, provided that  
11 such resignation shall take effect only upon acknowledgement of same by  
12 the highest ranking officer of his agency who shall promptly convey same to  
13 the Chairman of the Board with a replacement.

14 4.-(1) A member of the Board shall cease to hold office if:

Cessation of  
membership

15 (a) he becomes sick and unable to perform duties assigned to him  
16 by the chairman;

17 (b) he becomes of unsound mind;

18 (c) he becomes bankrupt or makes a compromise with his  
19 creditors;

20 (d) he is convicted of a felony or of any offence involving  
21 dishonesty;

22 (e) he is guilty of serious misconduct in relation to his duties; or

23 (f) he ceases to be in the service of the Armed Forces or the  
24 Ministry that nominated him as a member of the Board.

25 (2) Where a vacancy occurs in the membership of the Board by  
26 virtue of the foregoing provisions, the Chairman of the Board or anyone  
27 acting on his behalf shall promptly request the agency or the Chief of  
28 Defence Staff to nominate a replacement to complete the tenure of the  
29 person replaced.

Functions of  
the Board

1 PART II - FUNCTIONS OF THE BOARD

2 5.-(1) The Board shall be responsible for:

3 (a) receiving into a designated account and managing the monies  
4 accruing to the Fund for the execution of projects and other schemes prescribed  
5 under this Bill;

6 (b) exercising control over the management of the Fund with a view to  
7 ensuring accountability and proper utilization of the Fund for the purposes set  
8 out in this Bill;

9 (c) Providing fund for the treatment of members of the armed forces  
10 taken down with ailments or combat injuries not covered by National Health  
11 Insurance Scheme (NHIS);

12 (d) Subscribing the NHIS for retired veterans with Federal  
13 Government funding based on statistics to be submitted on annual basis for  
14 inclusion in Federal budget;

15 (e) requesting state governments to provide lands in suitable locations  
16 for building of residential estates for retiring members of the Armed Forces in  
17 such states;

18 (f) build retirement residential apartments for members of the armed  
19 forces according to their ranks in their choice states of the Federation;

20 (g) creating and maintaining a 50% Discounted Debit Card Scheme  
21 (DDCS) for members of the armed forces to access designated services or basic  
22 purchases registered under the scheme, provided that the Cards shall be funded  
23 by the cardholders only to the limit of their individual monthly salaries for  
24 discounted purchases;

25 (h) paying the service providers or merchants registered under the  
26 DDCS such discounted sums accruing from purchases from time to time;

27 (i) liaising with Defence Headquarters Security, Ministries, Extra-  
28 Ministerial Departments, the State and local governments for necessary  
29 collaborations towards effective discharge of their duties and for the purpose of  
30 achieving the objectives set out in this subsection;

1 (j) entering into contractual agreements as may be necessary for the  
2 purpose of achieving the objectives set out in this Act, provided that every  
3 such agreement shall contain a clause that it is subject to approval by the  
4 joint session of the Economic and Financial Crimes Commission, the  
5 Independent Corrupt Practices Commission and the Bureau of Public  
6 Procurement;

7 (k) carrying out such other activities as are necessary and expedient  
8 for the purpose of achieving the objectives set out in this section of this Bill;  
9 provided that every contractual agreement entered into under this Bill shall  
10 be submitted to the Economic and Financial Crimes Commission, the  
11 Independent Corrupt Practices Commission and the Bureau of Public  
12 Procurement for joint review and approval.

13 (2) In every case whenever a contractual agreement is submitted to  
14 the Economic and Financial Crimes Commission, the Independent Corrupt  
15 Practices Commission and the Bureau of Public Procurement for joint  
16 review and approval, the named agencies shall within one month from the  
17 date of submission of such agreement forward a Notice of Approval or a  
18 Notice of Disapproval to the Board and the Minister.

19 (3) The agencies named in subsection (2) above shall not  
20 disapprove any agreement entered by the Board under this Bill, unless the  
21 cost is found to be unduly inflated, excessive or manifestly fraudulent from  
22 all intent and purposes.

23 (4) Where any agreement is disapproved on the grounds stated in  
24 subsection (3) of this section, the agencies named in subsection (2) above  
25 shall advertise the concerned project in at least one national daily to invite  
26 tenders from suitably qualified companies, review the tenders and  
27 recommend the most qualified company to the Board, provided the entire  
28 shall not exceed 3 months.

29 (5) Where any qualified company is recommended to the Board for  
30 the execution of any contractual agreement as prescribed in subsection (4)



	1	above, the Board shall within one month of receiving such recommendation
	2	sign an agreement with the said company and mobilize it for the execution of
	3	the project involved.
	4	PART III - APPOINTMENT OF SUPPORT STAFF OF THE FUND
Power of the Chairman	5	6. The Chairman shall have power:
	6	(1) to appoint a member of the Board as secretary, and the secretary so
	7	appointed shall perform the functions of keeping the records of proceedings
	8	and decisions of the Board and such other functions as the Board may, from
	9	time to time, direct.
	10	(2) to appoint on secondment from any public service in the
	11	Federation, not more than 15 employees as may, in the opinion of the Board, be
	12	required to assist the Fund in the discharge of any of its functions under this
	13	Bill.
	14	(3) to pay members of the committee, and such persons as may be
	15	appointed in subsection (2) above, monthly allowances not more than 25% of
	16	the net amount that the member or person receives as monthly salaries through
	17	his or her employer, provided that no civil society organization in the
	18	committee shall at any time be paid any amount above the allowance payable to
	19	the chairman under this section.
	20	PART IV - FINANCIAL PROVISIONS
Sources of Fund	21	7.-(1) There shall be paid and credited to the Fund established by this
	22	Bill:
	23	(a) all monies accruing to the Fund by virtue of section 1 (1) of this
	24	Bill;
	25	(b) all deductions from monthly emoluments of members of the
	26	armed Forces by the Federal Mortgage Bank or such other agencies
	27	responsible for mortgage deductions, which agency shall from the
	28	commencement of this Bill desist henceforth from dealing with deductions
	29	from the armed forces otherwise than as prescribed under this Bill.
	30	(c) aggregates of 1% of the total annual profit before tax by Banks and

1 other Companies in Nigeria with share capitals of N10,000,000.00 (Ten  
2 Million Naira) and above through the Federal Inland Revenue Service on or  
3 before the so" day of January of the following year;

4 (d) aggregates of 1% of the total annual revenue realized by the  
5 Nigeria Customs Service, Nigeria Immigration Service and Nigerian Ports  
6 Authority on or before the so" day of January of the following year;

7 (e) annual subventions, grants or donations as may be received  
8 from the Federal, States and Local Government;

9 (f) such money as may, from time to time, be donated to it by corporate  
10 bodies, distinguished statesmen, philanthropists, relevant local and  
11 international humanitarian organizations as may be allowed by the Federal  
12 Government.

13 (g) all other assets which may, from time to time, accrue to the  
14 Fund.

15 (2) The Fund shall not be managed in any other way apart from the  
16 ways prescribed under this Bill.

17 (3) The Board may, from time to time, apply the proceeds of the  
18 Fund for the following purposes:

19 (a) the annual administrative cost of running the Board as approved  
20 by the Minister; provided that members of the Board (including the  
21 Chairman) shall not be paid anything out of the Fund, apart from their Duty  
22 Tour Allowances as prescribed by the Financial Regulations, provided also  
23 that the Board shall maintain its office within the Office within Office  
24 Complex of the Ministry of Defence and shall not procure more than two  
25 buses every four years for their movements within the Federal Capital  
26 Territory;

27 (b) the payment of Duty Tour Allowances and such other  
28 allowances as may be prescribed under section 7(3) of this Bill.

29 **8.-(1)** The Board may accept gifts of land, money or other property  
30 upon such terms and conditions, if any, as may be specified by the person or

Power to accept  
gifts

	1	organization making the gift, provided that the condition(s) attached are not
	2	inconsistent with the objectives of the Fund under this Bill.
Exemption from tax	3	<b>9.</b> -(1) The Board shall be exempted from the payment of income tax
	4	on any income accruing to the Fund from the sources prescribed under this Bill.
	5	(2) The provisions of any enactment relating to the taxation of
	6	companies, trust funds or support funds shall not apply to the Board or the
	7	Fund.
Budget	8	<b>10.</b> The Board shall not later than 31 October submit to the Minister
	9	for approval an estimate of its expenditure and income during the next
	10	succeeding year.
Housing Benefits	11	<b>11.</b> -(1) Relying on regular adequate retirement data update from the
	12	Army, Naval and Air Force Headquarters, the Board shall build a befitting
	13	residential apartment for every retiring member of the Armed Forces according
	14	to ranks categorisation, and have same allocated within five (5) years before
	15	the retirement of the said member at no cost or charges beyond the monthly
	16	deductions made from his salaries by Federal Mortgage Bank over the years in
	17	service and remitted to the Fund. Provided that this benefit shall not apply to
	18	any member voluntarily retiring before his or her due dates, with the exception
	19	of retirement occasioned by permanent incapacitation due to injury or on
	20	serious health grounds.
	21	(2) Whenever a member of the Armed Forces dies in active service,
	22	the total deductions made from his salaries and remitted to this Fund by the
	23	Federal Mortgage Bank shall be calculated and paid to the surviving spouse
	24	registered as a beneficiary under the National Health Insurance Scheme
	25	(NHIS) for the purpose of supporting the children or aged parents left behind,
	26	provided the payment of such a benefit shall not disqualified the said spouse
	27	and kids from enjoying other free temporary housing programmes that may be
	28	available to them as families of fallen servicemen.
Health Benefits	29	<b>12.</b> -(1) Every member of the armed forces who retires from service
	30	shall along with his spouse continue to enjoy free health care services under the

1 NHIS, and the usual monthly deductions from his salary for the NHIS shall  
2 be paid by the Board for the rest of their lives.

3 (2) When any member of the armed forces sustain any grievous  
4 harm in the line of duty or is taken down with ailments not covered by the  
5 NHIS, the Board shall provide fund for his treatment.

6 **13.** The Board shall create and maintain a 50% Discounted Debit  
7 Card Scheme (DOCS) for members of the armed forces to access designated  
8 services or basic purchases registered under the scheme, provided that the  
9 Cards shall be funded by the cardholders to the limit of their individual  
10 monthly salaries only for discounted purchases.

Economic  
Benefits

11 **14.-(1)** From the commencement of this Bill, all banks, companies  
12 and other corporate bodies rendering public and private services shall treat  
13 veterans and members of the armed forces with attention, respect and  
14 gratitude for the enormous sacrifices they are making to keep the country  
15 safe.

Preferential  
Benefits and  
Public Respect

16 (2) Pursuant to section 14(1) above, all banks, companies and other  
17 corporate bodies rendering public and private services shall designate a  
18 special desk or section in their company to promptly attend to veterans and  
19 members of the armed forces accessing their services, or attend to them out  
20 of turn upon showing their identification where no special desks are  
21 designated by the company.

22 **15.-(1)** The Board shall cause to be prepared not later than so"  
23 September in each year an estimate of the expenditure and income of the  
24 Fund during the next succeeding year and submit same to the Minister for  
25 approval.

Annual Estimates,  
Accounts and  
Audits

26 (2) The Board shall cause to be kept proper accounts of the Fund  
27 and proper records in relation thereto, and such accounts shall on yearly  
28 basis be audited by auditors appointed by the Auditor-General of the  
29 Federation and the audit report shall be forwarded to the Economic and  
30 Financial Crimes Commission, the Independent Corrupt Practices

	1	Commission and the Bureau of Public Procurement within one month of the
	2	audit.
Quarterly Report	3	<b>16.</b> The Board shall, notwithstanding the provision of section 17 of
	4	this Bill and at the end of every three months, submit to the Minister a report on
	5	its activities and administration of the Board in relation to the Fund.
Annual Report	6	<b>17.</b> The Board shall not later than three months before the end of each
	7	year, submit to the Minister a report on the activities and the administration of
	8	the Board in relation to the Fund during the immediately preceding year and
	9	shall include in such reports the auditor's report thereon.
	10	PART V - OFFENCES AND PUNISHMENTS
Offences and Punishments	11	<b>18.-(1)</b> The Chairman or any member of the Board who violates the
	12	provision of section 5(l)(j)-(k) or section 19(10) of this Bill commits an
	13	offence, and shall upon conviction be liable to life imprisonment.
	14	(2) The Chairman or any member of the Committee who violates the
	15	provisions of section 6(3) or section 7(2) and (3) of this Bill, commits an
	16	offence, and shall upon conviction be liable to life imprisonment.
	17	(3) The Chairman or any member of the Board who conspires with
	18	any authority or person to contravene any provisions of this Act or any other
	19	law in relation to the Fund, commits an offence, and both the Chairman or
	20	Board member shall along with that other authority or person be liable upon
	21	conviction to life imprisonment.
	22	(4) Any Chairman and/or the managing director of any company,
	23	Federal Mortgage Bank or the head of any agency who fails to remit the
	24	statutory sum prescribed under section 7 of this Act on or before the due date,
	25	commit an offence, and shall upon conviction be liable to 7 years imprisonment
	26	without an option of fine. In addition, whether or not a charge is filed against
	27	the offender, it shall be illegal for the head of any agency of government
	28	involved in such default to continue to hold his office beyond the due date, and
	29	any member of the public or civil society organization may approach the Court
	30	to declare his office vacant and order the Federal Government to replace him.

1 (5) Where members of the joint committee of agencies named  
2 under section 5(1)(j) - (k) of this Act fail to adhere strictly to the provisions  
3 of sections 5(2), (3) and (4) without any tenable excuse or due to certain  
4 personal or fraudulent gains, they shall all be guilty of an offence and liable  
5 upon conviction to 7 years imprisonment each without an option of fine.

6 (6) Where any member of the armed forces or other security  
7 operatives defects or abandons his duty post to fake his capture or death in a  
8 bid to enable his family obtain the benefits provided under this or any other  
9 Act, he commits an offence, and is liable upon conviction:

10 (i) to life imprisonment if no fatalities were recorded in the  
11 operation or combat that led to his defection, provided he was not found to  
12 be in contact with any member of his family is before he was found;

13 (ii) to death, if fatalities were recorded in the operation that led to  
14 his defection, or if he was subsequently found to be in contact with any  
15 member of his family after his defection;

16 (7) Any head of a company, staff or member of the general public  
17 who violates the provisions under section 14 of this Bill is guilty of an  
18 offence, and shall upon conviction be liable to imprisonment for seven (7)  
19 years.

20 (8) The provisions of section 416(2)(e) of the Administration of  
21 Criminal Justice Act shall not apply to absolve any offender under this Act  
22 from maximum punishment, whether or not he is a first time offender.

23 PART VI - MISCELLANEOUS

24 **19.-(1)** Subject to this Act and section 27 of the Interpretation Act,  
25 the Board may make standing orders regulating its proceedings or those of  
26 any of its ad-hoc Boards.

Proceedings of  
the Board

27 (2) The quorum of the Board shall be the chairman and at least six  
28 other members, and the quorum of any ad-hoc Board shall be determined by  
29 at the meeting where the ad-hoc Board is set up.

30 (3) The Board shall meet not less than two times in a month, and at

1 such other time as may be determined the Chairman.

2 (4) The Chairman shall preside at all the meetings of the Board. But if  
3 he is absent, the members present at the meeting shall appoint one of the  
4 members present to preside at that meeting.

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

10 (6) The Board may set up one or more committee to carry out, on  
11 behalf of Board, such of its functions as the Board may determine.

12 (7) A committee appointed under this paragraph shall consist of such  
13 number of persons as may be determined by the Board, and no decision of a  
14 committee shall be of any effect until it is confirmed by the Board.

15 (8) The validity of any proceeding of the Board or of a committee  
16 thereof shall not be adversely affected by any vacancy in the membership of the  
17 Board or committee, or by any defect in the appointment of a member of the  
18 Board or of a committee, or by reason that a person not entitled to do so took  
19 part in the proceedings of the Board or committee.

20 (9) The fixing of the seal of the Fund shall be authenticated by the  
21 signature of the chairman or of any other person authorized generally or  
22 specially to act for that purpose by the Board.

23 (10) No contract shall be entered into or executed by the Chairman or  
24 any member of the Board on behalf of the Fund, and no money shall be  
25 disbursed for the execution of any such contracts unless the approval of the  
26 joint Committee of the agencies named in section 5(1)(j) and (k) of this Act is  
27 first had and obtained by the Board.

28 (11) Any document purporting to be a document duly executed under  
29 the seal of the Fund shall be received in evidence and shall, unless and until the  
30 contrary is proved, be presumed to be so executed.

1	<b>20.</b> Subject to the provisions of this Bill, the President may give to	Power of the President to give directives
2	the Board such directives of a general nature with regard to the exercise by	
3	the Board of its functions under this Bill and it shall be the duty of the Board	
4	to comply with the directives.	
5	<b>21.</b> In this Bill, unless the context otherwise requires:	Interpretation
6	"Minister" means the Minister of Defence;	
7	"Ministry" means the Ministry of Defence;	
8	"Fund" means the Veterans Affairs Fund established by section 1 of this Bill;	
9	"Board" means the Veterans Affairs Fund Management Board established	
10	by section 2 of this Bill;	
11	"Chairman" means the chairman appointed under section 2 (3) of this Bill;	
12	"Secretary" means the secretary to the Board appointed under section 7 of	
13	this Bill.	
14	<b>21.</b> This Bill may be cited as the Veterans Welfare Fund	Short title
15	(Establishment) Bill, 2020.	

## EXPLANATORY MEMORANDUM

This Bill seeks to establish the Veterans Welfare Fund to among other things:

1. Enhance the welfare of serving or retired members of the armed forces in compensation of the enormous sacrifices they are making for the nation.
2. To boost patriotism, gallantry and morale in the men at the frontline.





MEDICAL REHABILITATION THERAPISTS (REGISTRATION ETC) ACT  
(AMENDMENT) BILL, 2020

ARRANGEMENT OF CLAUSES

*Clause:*

1. Amendment of the Medical Rehabilitation Therapists  
(Registration etc) Act Cap M9 Laws of the Federation of Nigeria  
2004
2. Amendment of section 1 of the Principal Act
3. Amendment of section 2 of the Principal Act
4. Amendment of the Principal Act
5. Amendment of section 16 of the Principal Act
6. Amendment of section 18 of the Principal Act
7. Amendment of third schedule to the Principal Act
8. Citation



# A BILL

## FOR

AN ACT TO AMEND MEDICAL REHABILITATION THERAPISTS (REGISTRATION ETC) ACT CAP M9 LAWS OF THE FEDERATION OF NIGERIA 2004, TO INCLUDE AUDIOLOGISTS, PROSTHETISTS AND ORTHOTISTS UNDER THE REGULATION OF THE BOARD, CREATE SPECIFIC FUNCTIONS FOR THE MEMBERS OF THE GOVERNING BOARD, REVIEW THE QUALIFICATIONS OF MEMBERS OF THE PROFESSIONS REGULATED BY THE BOARD AND TO REVIEW PENALTY PROVISIONS AND FOR RELATED MATTERS

*Sponsored by Senator Adeola Solomon Olamilekan*

[ ] Commencement

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

- |  |  |
|--|--|
| <p>1               <b>1.</b> The Medical Rehabilitation Therapists (Registration etc) Act</p> <p>2               Cap M9 Laws of the Federation of Nigeria 2004 (in this Bill referred to as</p> <p>3               "the Principal Act") is amended as set out in this Bill.</p>  | <p>Amendment of<br/>the Medical<br/>Rehabilitation<br/>Therapists<br/>(Registration etc)<br/>Act Cap. M9<br/>LFN, 2004</p> |
| <p>4               <b>2.</b> Section 1 of the Principal Act is amended by inserting, after the</p> <p>5               words "speech therapists" the words "Audiologists, and Prosthetists and</p> <p>6               Orthotists".</p>  | <p>Amendment of<br/>section 1 of the<br/>Principal Act</p>   |
| <p>7               <b>3.</b> Section 2 of the Principal Act is amended:</p> <p>8               (a) in paragraph (b), by inserting the words, after the words "speech</p> <p>9               therapists" the words "one Audiologists, and one Prosthetists and</p> <p>10              Orthotists"; and</p> <p>11              (b) by deleting paragraph "(d)".</p>              | <p>Amendment of<br/>section 2 of the<br/>Principal Act</p>   |
| <p>12              <b>4.</b> The Principal Act is amended by inserting, after the existing</p> <p>13              Section "2" a new section "2A":</p> <p>14              "2A The Board established under section 2 of this Act, shall be</p> <p>15              responsible for:</p> <p>16              (a) determining the general policy and administration of the Board</p> | <p>Amendment of<br/>the Principal Act</p>  |

	1	established under section 1 of this Act;
	2	(b) preparation of annual and long term strategic development plan of
	3	the Board;
	4	(c) approving the training that will lead to certification of the
	5	registration of the members;
	6	(d) regulating the conduct of its members;
	7	(e) approving projects and programmes of the Board; and
	8	(f) carrying out such other activities that are incidental to the
	9	attainment of its objectives under this Bill."
Amendment of section 16 of the Principal Act	10	<b>5.</b> Section 16 of the Principal Act is amended by inserting, after the
	11	word "hundred" the word "thousand" in line 4 and inserting, after the word
	12	"hundred" the word "thousand" in line 5.
Amendment of section 18 of the Principal Act	13	<b>6.</b> Section 18(3) of the Principal Act is amended by inserting, after the
	14	word "one" the word "hundred".
Amendment of Third Schedule of the Principal Act	15	<b>7.</b> The third schedule to the Principal Act is amended by deleting the
	16	word "diploma" after the word "degree".
Citation	17	<b>8.</b> This Bill is cited as Medical Rehabilitation Therapists
	18	(Registration etc) Act (Amendment) Bill, 2020.

#### EXPLANATORY MEMORANDUM

This Bill seeks to amend Medical Rehabilitation Therapists (Registration etc) Act Cap M9 Laws of the Federation of Nigeria 2004, to include Audiologists, Prosthetists and Orthotists under the regulation of the Board, create specific functions for the members of the governing Board, review the qualifications of members of the professions regulated by the Board and to review penalty provisions.

# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF AGRICULTURE AND MARITIME STUDIES, MOKWA, NIGER STATE TO MAKE COMPREHENSIVE PROVISIONS FOR ITS DUE MANAGEMENT AND ADMINISTRATION AND FOR RELATED MATTERS, 2020

*Sponsored by Senator Muhammad Bima Enagi*

[ ] Commencement

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

1 PART I – ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF  
2 FEDERAL UNIVERSITY OF AGRICULTURE AND MARITIME  
3 STUDIES, MOKWA, NIGER STATE

4 1.-(1) There is establish the Federal University of Agriculture and  
5 Maritime Studies, Mokwa, Niger State (in this Bill referred to as "the  
6 University").

Establishment  
of the Federal  
University of  
Agriculture and  
Maritime Studies,  
Mokwa, Niger  
State

7 (2) The University:

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

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

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

Objects of the  
University

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

16 (b) to develop and offer academic and professional programmes  
17 leading to the award of diplomas, first degrees, post-graduate research and  
18 higher degrees with emphasis on Agricultural research, Maritime Studies,  
19 planning, adaptive, technical, maintenance, developmental and productive

1 skills in the engineering, scientific, and allied professional disciplines with the  
2 aim of producing socially mature men and women with capability not only to  
3 understand, use and adapt existing technologies in the Agriculture and  
4 Maritime Resources, but also to improve on them and develop new ones;

5 (c) to act as agents and catalysts, through post-graduate training,  
6 research and innovation for the effective and economic utilization, exploitation  
7 and conservation of the country's Agriculture and Maritime resources;

8 (d) to offer to the general population particularly in the area  
9 Agriculture and Maritime as a Federal University of Agriculture and Maritime  
10 Studies Mokwa, Niger State Page 1 of form of public service, the results of  
11 training and research and to foster the practical applications of these results;

12 (e) to establish appropriate relationships with other national  
13 institutions involved in training, research and development of technologies in  
14 the Agriculture and Maritime sectors;

15 (f) to identify the problems and needs of the Agriculture and Maritime  
16 sectors in Nigeria and to find solutions to them within the context of overall  
17 national development;

18 (g) to provide and promote sound basic scientific training as a  
19 foundation for the development of Agriculture and Maritime in Nigeria, taking  
20 into account indigenous cultures and the need to enhance national unity;

21 (h) to encourage and promote scholarship and conduct research in  
22 restricted fields of learning and human endeavor;

23 (i) to relate its activities to the technological, social, cultural and  
24 economic needs of the people of Nigeria; and

25 (j) to undertake any other activities appropriate for an Agriculture and  
26 Maritime University of the highest standard.

Constitution  
and Principal  
Officers of the  
University

27 **3.-(1)** The University shall consist of:

28 (a) a Chancellor;

29 (b) a Pro-Chancellor and a Council;

30 (c) a Vice Chancellor and a Senate;

- 1 (d) a Deputy Vice-Chancellor;
- 2 (e) a body to be called Congregation;
- 3 (f) a body to be called Convocation;
- 4 (g) the Campuses and Colleges of the University;
- 5 (h) the Faculties, Schools, Institutes and other teaching and
- 6 research units of the University;
- 7 (i) the persons holding the offices constituted by the First Schedule
- 8 to this Bill other than those mentioned in paragraphs (a) to (c) of this
- 9 subsection;
- 10 (j) all graduates and undergraduates; and
- 11 (k) all other persons who are members of the University in
- 12 accordance with provisions made by Statute in that behalf.
- 13 (2) The First Schedule to this Bill shall have effect with respect to
- 14 the Principal Officers of the University mentioned therein.
- 15 (3) Provision shall be made by Statute with respect to the
- 16 constitution of the following bodies, namely:
- 17 (a) the Council;
- 18 (b) the Senate;
- 19 (c) the Congregation; and
- 20 (d) the Convocation.
- 21 **4.-(1)** For the carrying out of its objects as specified in Section 2 of
- 22 this Bill, the University shall have power to:
- 23 (a) establish such Campuses, Colleges, Faculties, Institutes,
- 24 Schools, Extra-mural Departments and other teaching and research units
- 25 within the University as may from time to time seem necessary or desirable,
- 26 subject to the approval of the National Universities Commission;
- 27 (b) institute professorships, readerships and associate
- 28 professorships, lectureships and other posts and offices and to make
- 29 appointments thereto;
- 30 (c) institute and award fellowships, scholarships, exhibitions,

Powers of the  
University



1       bursaries, medals, prizes and other titles, distinctions, awards and forms of  
2       assistance;

3               (d) provide for the residence, discipline and welfare of members of  
4       the University;

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

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

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

14              (h) subject to section 22 of this Bill, to acquire, hold, grant, charge or  
15       otherwise deal with or dispose of movable and immovable property wherever  
16       situate;

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

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

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

26              (l) hold public lectures and undertake printing, publishing and book  
27       selling;

28              (m) subject to any limitations or conditions imposed by Statute, to  
29       invest any moneys appertaining to the University by law of endorsement,  
30       whether for general or special purposes, and such other moneys as may not be

1 immediately required for current expenditure, in any investments or  
2 securities or in the purchase or improvement of land, with power from time  
3 to time to vary any such investments and to deposit any moneys for the time  
4 being un-invested with any bank on deposit or current account;

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

10 (o) make gifts for any charitable purpose;

11 (p) do anything which it is authorized or required by this Bill or by  
12 any of the Statute to do; and

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

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

20 5.-(1) The Chancellor shall in relation to the University, take  
21 precedence before all other members of the University, and when he is  
22 present shall preside at all meetings of convocation held for conferring  
23 degrees.

Functions of the  
Chancellor and  
Pro-Chancellor

24 (2) The Pro-Chancellor shall, in relation to the University, take  
25 precedence before all other members of the University except the  
26 Chancellor, and except for the Vice Chancellor Federal University of  
27 Agriculture and Maritime Studies Mokwa, Niger State when acting as  
28 Chairman of Congregation or Convocation, and the Pro- Chancellor shall  
29 when he is present, be the Chairman at all meetings of the Council.

Establishment  
and Composition  
of Council

- 1 **6.-(1)** There shall be a Council for the University consisting of:
- 2 (a) the Pro-Chancellor;
- 3 (b) the Vice-Chancellor;
- 4 (c) the Deputy Vice-Chancellor;
- 5 (d) one person from the Ministry responsible for Education;
- 6 (e) one person from the Ministry responsible for Transportation;
- 7 (f) four persons representing a variety of interest and broadly
- 8 representative of the whole Federation;
- 9 (g) four persons appointed by the Senate from among its members;
- 10 (h) two persons appointed by the congregation from among its
- 11 members; and
- 12 (i) one persons appointed by Convocation from among its members.
- 13 (2) Persons to be appointed to the Council shall be persons of proven
- 14 integrity, knowledgeable and familiar with the affairs and tradition of the
- 15 University.

Functions of the  
Council and its  
Finance and  
General Purpose  
Committee

- 16 **7.-(1)** Subject to the provisions of this Bill relating to the Visitor, the
- 17 Council shall be the Governing Body of the University and shall be charged
- 18 with the general control and superintendence of the policy, finances and
- 19 property of the University, including its public relations.
- 20 (2) There shall be a committee of the Council to be known as the
- 21 Finance and General Purposes Committee, which shall, subject to the
- 22 directions of the Council, exercise control over the property and expenditure of
- 23 the Council as the Council may from time to time delegate to it.
- 24 (3) Provision shall be made by Statute with respect to the constitution
- 25 of the Finance and General Purposes Committee.
- 26 (4) The Council shall ensure proper accounts of the University are
- 27 kept and that the accounts of the University are audited annually by auditors
- 28 appointed by the Council from the list and in accordance with guidelines
- 29 supplied by the Auditor-General of the Federation, and that an annual report is
- 30 published by the University together with certified Federal University of

1 Agriculture and Maritime Studies Mokwa, Niger State copies of the said  
2 accounts as audited.

3 (5) Subject to this Bill and the Statutes, the Council and the Finance  
4 and General Purposes Committee may each make rules for the purpose of  
5 exercising any of their respective functions or of regulating their own  
6 procedure.

7 (6) Rules made under subsection (5) of this section by the Finance  
8 and General Purposes Committee shall not come into force unless approved  
9 by the Council, and where any rule so made by the Committee conflict with  
10 any directions given by the Council (whether before or after the coming into  
11 force of the rules in question), the direction of the Council shall prevail.

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

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

20 (9) If required in writing by any five members of the Council the  
21 Chairman shall within 28 days after the receipt of such request call a meeting  
22 of the Council:

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

29 **8.-(1)** Subject to section 5 of this Bill and subsections (3) and (4) of  
30 this section and to the provisions of this Bill relating to the Visitor, it shall be

Functions of the  
Senate

1 the general function of the Senate to organize and control teaching in the  
2 University, admission to Postgraduate courses and other admission of students,  
3 the discipline of students and to promote research in the University.

4 (2) Without prejudice to the generality of the provisions of subsection  
5 (I) of this section, it shall in particular be the function of the Senate to make  
6 provision for the:

7 (a) establishment, organization and control of campuses, colleges,  
8 faculties, departments, schools, institutes and other teaching and research units  
9 of the University, and the allocation of responsibility for different branches of  
10 learning;

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

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

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

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

21 (f) supervision of the welfare of students in the University and the  
22 regulation of the conduct;

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

25 (h) determination of what description of dress shall be academic dress  
26 for the purpose of the University, and regulating the use of academic dress.

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

(b) The Senate shall, by regulation, provide that at least one of the persons appointed as examiners at each final or professional examination held in conjunction with any course of study in the University is not a teacher at the University but is a teacher at the branch of learning to which the course relates in some other university of high repute.

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

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

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

### Transfer of Property to the University

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

4 **PART III - STATUTES OF THE UNIVERSITY**

Power of the  
University to make  
Statutes

5 **11.-(1)** Subject to this Bill, the University may make Statutes for any  
6 of the following purposes:

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

9 (b) specifying and regulating the powers and duties of any authority  
10 of the University, and regulating any other matter connected with the  
11 University or any of its authorities;

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

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

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

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

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

25 (4) The power to make Statute conferred by this section shall not be  
26 prejudiced or limited in any way by reason of the inclusion or omission of any  
27 matter in or from the Statute contained in the Third Schedule to this Bill or any  
28 subsequent Statute.

Mode of exercising  
the power to make  
Statutes

29 **12.-(1)** The power of the University to make Statutes shall be  
30 exercised in accordance with the provisions of this section.

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

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

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

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

10 (4) A Statute which:

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

13 (b) provides for the establishment of a new campus or college or for  
14 the amendment or revocation of any Statute whereby a campus or college is  
15 established; shall not come into operation unless it has been approved by the  
16 Visitor.

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

22 **13.** A Statute may be proved in any Court by the production of a Proof of Statute  
23 copy thereof bearing or having affixed to it a certificate signed by the Vice-  
24 Chancellor or the Registrar to the effect that the copy is a true copy of a  
25 Statute of that University.

26 **14.-(1)** In the event of any doubt or dispute arising at any time as to Power to decide  
the meaning of  
Statute  
27 the meaning of any provision of a Statute, the matter may be referred to the  
28 Visitor, who shall take such advice and make such decision thereon as he  
29 deems fit.

30 (2) The decision of the Visitor on any matter referred to him under



1 this section shall be binding upon the authorities, staff and students of that  
2 University and where any question as to the meaning of any provision of a  
3 statute has been decided by the Visitor under this section, no question as to the  
4 meaning of that provision shall be entertained by any other authority in  
5 Nigeria:

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

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

17           PART IV - SUPERVISION AND DISCIPLINE

The Visitor

18           **15.**-(1) The President shall be the Visitor of the University.

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

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

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

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

- 1                   **16.**-(1) If it appears to the Council that a member (other than the  
2                   Pro-Chancellor or the Vice-Chancellor) should be removed from office on  
3                   grounds of misconduct or inability to perform the functions of his office, the  
4                   Council shall make a recommendation to that effect through the Minister to  
5                   the Federal Executive Council and if the Federal Executive Council after  
6                   making such enquiries (if any) as may be considered necessary, approves the  
7                   recommendation it may direct the removal of the member from office.
- 8                   (2) It shall be the duty of the Minister to use his best endeavors to  
9                   cause a copy of the instrument embodying a direction under subsection (1)  
10                  of this section to be served as soon as reasonably practicable on the person to  
11                  whom it relates.
- 12                  **17.**-(1) If it appears to the Council that there are reasons for  
13                  believing that any person employed as a member of the academic,  
14                  administrative or professional staff of the University, other than the Vice-  
15                  Chancellor, should be removed from office or on grounds of misconduct or  
16                  inability to perform the functions of his office Council shall:
- 17                  (a) give notice of those reasons to the person in question;  
18                  (b) afford such person an opportunity of making representation in  
19                  person on the matter to the Council; and  
20                  (c) take a decision to terminate or not to terminate the appointment.
- 21                  (2) If the affected staff or any three members of the Council so  
22                  request within a period of one month from the date of receipt of the notice of  
23                  the Council's decision, the Council shall make arrangements for:
- 24                  (a) a Joint Committee of the Council and the Senate to review the  
25                  matter and to report on it to the Council;  
26                  (b) the person in question to be afforded an opportunity to appear  
27                  before and be heard by an investigating Committee with respect to the  
28                  matter; and  
29                  (c) if the Council after considering the report of the investigating  
30                  Committee, is satisfied that the person in question should be removed, the

Removal of certain  
Members of the  
Council

Removal of  
Discipline of  
Academic,  
Administrative  
and Professional  
Staff

1 Council may so remove him by an instrument in writing signed on the  
2 directions of the Council.

3 (3) The Vice-Chancellor may, in a case of gross misconduct by a  
4 member of staff which in the opinion of the Vice-Chancellor is prejudicial to  
5 the interest of the University, suspend such member and any such suspension  
6 shall immediately be reported to the Council.

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

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

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

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

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

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

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

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

30 (c) terminate the appointment of the person concerned in which case

1       such a person will not be entitled to the proportion of his emoluments  
2       withheld during the period of suspension; or

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

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

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

15              (8) Nothing in the foregoing provisions of this section shall prevent  
16      the Council from making regulations for the discipline of staff and workers  
17      of the University as may be appropriate.

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

Removal of  
Examiners

25              (2) Subject to the provisions of any regulation made pursuant to  
26      section 8 (4) of this Bill, the Vice-Chancellor may, on the recommendation  
27      of Senate, appoint an appropriate person as examiner in the place of the  
28      examiner removed.

29              (3) It shall be the duty of the Registrar on signing an instrument of  
30      removal pursuant to this section, to use his best endeavours to cause a copy

Discipline of  
students

1 of the instrument to be served as soon as reasonably practicable on the person to  
2 whom it relates.

3 **19.-(1)** Subject to the provisions of this section, where after due  
4 process it appears to the Vice- Chancellor that any student is guilty of  
5 misconduct, the Vice-Chancellor may, without prejudice to any other  
6 disciplinary powers conferred on him by Statute or regulations, direct that the:

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

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

12 (c) student be rusticated for such period as may be specified in the  
13 direction.

14 (2) 'Where a direction is given under subsection (1) paragraphs (a) to  
15 (d) of this section in respect of any student, the student may, within the  
16 prescribed period and in the prescribed manner, appeal against the direction to  
17 the Senate.

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

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

25 (5) The Vice-Chancellor may delegate his powers under this section  
26 to a disciplinary Board consisting of such members of the University as he may  
27 nominate.

28 (6) Nothing in this section shall be construed as preventing the  
29 restriction or termination of a student's activities at the University for conduct  
30 which in the opinion of Senate is prejudicial to the interest of the University or

1 to its corporate objective or image.

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

4 **PART V - MISCELLANEOUS AND GENERAL PROVISIONS**

5 **20.**-(1) No person shall be required to satisfy requirements as to  
6 any of the following matters, that is to say, race (including ethnic grouping)  
7 sex, place of birth, family origin, religious or political persuasion, as a  
8 condition for becoming or continuing to be a:

Exclusion or  
Discrimination  
on account of race,  
religion, etc.

9 (a) student in the University;

10 (b) holder of any degree, appointment or employment in the  
11 University; or

12 (c) member of anybody established by virtue of this Bill.

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

16 **21.**-(1) For the purpose of the Land Use Act (which provides for the  
17 compulsory acquisition of land for public purposes) any purpose of the  
18 University shall be the same as that of the Federation.

Transfer of Land  
to the University

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

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

Restriction on  
disposal of Land  
by University

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

Quorum and  
procedure of  
bodies established  
by this Bill

1                   **23.** Except as may be otherwise provided by Statute or by Regulation,  
2                   the quorum and procedure of anybody of persons established by this Bill shall  
3                   be such as may be determined by that body.

Appointment of  
Committees, etc.

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

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

10                  (b) co-opt members and direct whether or not co-opted members shall  
11                  be entitled to vote in that Committee.

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

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

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

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

28                  (a) statutes to be made otherwise than in accordance with section 11 of  
29                  this Bill; or

30                  (b) the Senate to empower any other body to make Regulations or to

1       award degrees or other qualifications.

2               **25.**-(1) The seal of the University shall be such as may be       Miscellaneous  
3       determined by the Council and approved by the Chancellor and the affixing       Administrative  
4       of the seal shall:       Provisions

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

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

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

13              (3) Any contract or instrument which, if made or executed by a  
14       person not being a body corporate, would not be required to be under seal,  
15       may be made or executed on behalf of the University by any person  
16       generally or specially authorized to do so by the Council without seal.

17              (4) The validity of the proceedings of anybody established  
18       pursuant to this Bill shall not be affected by;

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

22              (6) Nothing in section 12 of the Interpretation Act (which provides  
23       for the application, in relation to subordinate legislation, of certain  
24       incidental provisions) shall apply to Statutes or Regulations made pursuant  
25       to this Bill.

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

28              (a) statute (including the Statute contained in the Third Schedule to  
29       this Bill; or



1 (b) regulation by a subsequent Statute or Regulation as the case may  
2 be:

3 PROVIDED that the Statutes and Regulations may have different  
4 provisions in relation to different circumstances.

5 (8) No stamp or other duty shall be payable in respect of any transfer  
6 of property to the University by virtue of sections 10, 21 and the Second  
7 Schedule to this Bill.

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

Interpretation

10 **26.-(1)** In this Bill:

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

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

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

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

17 "gross misconduct" means any act of misconduct and improper behavior that  
18 may be designated as gross misconduct by any Statute or Regulation made,  
19 pursuant to this Bill;

20 "Minister" means the Minister charged with responsibility for Education;

21 "misconduct" means any conduct which is prejudicial to the good name of the  
22 University and or discipline and the proper administration of the business of  
23 the University;

24 "notice" means notice in writing;

25 "officer" does not include the Visitor;

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

27 "professor" means a person designated as a professor of the University in  
28 accordance with provisions made in that behalf by Statute or by Regulations;

29 "property" includes rights, liabilities and obligations;

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

- 1 "Senate" means the Senate of the University established by the Act;
- 2 "Statute" means a Statute made by the University under section 11 of this
- 3 Bill and in accordance with the provisions of section 12 of this Bill;
- 4 "the Statutes" means all such Statutes as are in force from time to time;
- 5 "teacher" means a person holding a full time appointment as a member of the
- 6 teaching or research staff of the University;
- 7 "President" means the President of the Federal Republic of Nigeria;
- 8 "Constitution" means the Constitution of the Federal Republic of Nigeria;
- 9 "undergraduate" means a person in statu pupillari the University, other than:
- 10 (a) a graduate; and
- 11 (b) a person of such description as may be prescribed for the
- 12 purposes of this definition;
- 13 "the University" the Federal University of Agriculture and Maritime Studies
- 14 Mokwa, Niger State incorporated and constituted by this Bill;
- 15 "the Act" means the Federal University of Agriculture and Maritime Studies
- 16 Mokwa, Niger State Act;
- 17 (2) Where in any provision of this Bill, it is laid down that
- 18 proposals are to be submitted or a recommendation is to be made by one
- 19 authority to another through one or more intermediate authorities, it shall be
- 20 the duty of every such intermediate authority to forward any proposals or
- 21 recommendations received by it pursuant to that provision to the appropriate
- 22 authority; but any such intermediate authority may, if it thinks fit, forward
- 23 therewith its own comments thereon.
- 24 **27.** This Bill may be cited as the Federal University of Agriculture and Maritime Studies, Mokwa, Niger State (Establishment, etc.) Bill, 2020.
- 25

Citation

1 SCHEDULES

2 FIRST SCHEDULE

3 *Section 3 (2)*

4 PRINCIPAL OFFICERS OF THE UNIVERSITY

5 *The Chancellor*

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

8 *The Pro-Chancellor*

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

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

13 *The Vice-Chancellor*

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

17 *Deputy Vice-Chancellor*

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

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

24 (3) A Deputy Vice-Chancellor shall:

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

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

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

*Office a/the Registrar, Bursar and University Librarian*

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

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

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

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

(a) the Bursar; and

(b) the University Librarian.

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

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

(4) The Bursar and the University Librarian:

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

*Other Officers a/the University*

7. There shall be for the University, a Director of Works, who shall

1 be responsible to the Vice Chancellor for the administration of the Works  
2 Department. He shall be responsible for all works, services and maintenance of  
3 University facilities.

4 8. There shall be for the University, a Director of Health Services,  
5 who shall be responsible to the Vice Chancellor for the administration of the  
6 Health Centre. He shall be the Chief Medical Officer of the University and  
7 shall coordinate all matters relating to the health of all staff and students.

8 *Resignation and re-appointment*

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

11 (a) the case of the Chancellor or Pro-Chancellor, by notice to the  
12 Visitor;

13 (b) the case of the Vice-Chancellor by notice to the Council which  
14 shall immediately notify the Minister; and

15 (2) A person who has ceased to hold an office so mentioned otherwise  
16 than by removal for misconduct shall be eligible for re-appointment to that  
17 office.

18 **SECOND SCHEDULE**

19 *Section 10 (2)*

20 **TRANSITIONAL PROVISIONS AS TO PROPERTY; FUNCTIONS, ETC.**

21 *Transfer of Property to the University*

22 1. Without prejudice to the generality of Section 10 (1) of this Bill:

23 (a) the reference in the subsection to property held by the provisional  
24 Council and the University shall include a reference to the right to receive and  
25 give a good discharge for any grants or contributions which may have been  
26 voted or promised to the provisional Council and the University; and

27 (b) all outstanding debts and liabilities of the provisional Council  
28 shall become debts and liabilities of the University established by this Bill.

29 2.-(1) All agreements, contracts, deeds and other instruments to  
30 which the provisional Council was a party shall, so far as possible and subject

1 to any necessary modifications, have effect as if the University established  
2 by this Bill had been a party to it in place of the provisional Council.

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

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

#### 10 *Registration of Transfers*

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

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

22 4.-(1) The first meeting of the Council shall be convened by the  
23 Pro-Chancellor on such date and in such manner as he may determine.

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

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

30 (4) The persons who were members of the Senate immediately

1 before the coming into force of this Bill shall be deemed to constitute the  
2 Senate of the University until the date when the Senate as set up under the Third  
3 Schedule of this Bill must have been duly constituted.

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

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

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

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

20 THIRD SCHEDULE

21 *Section 11 (3)*

22 FEDERAL UNIVERSITY OF AGRICULTURE AND MARITIME STUDIES,

23 MOKWA, NIGER STATE STATUTE NO.1

24 *Articles:*

- 25 1. The Council
- 26 2. Finance and General Purpose Committee
- 27 3. The Senate
- 28 4. The Congregation
- 29 5. Convocation
- 30 6. Organization of Faculties and the Branches thereof

- 1 7. Faculty Board
- 2 8. The Dean of the Faculty
- 3 9. Selection of Certain Principal and other key officers
- 4 10. Creation of Academic Post
- 5 11. Appointment of Academic Staff
- 6 12. Appointment of Administrative and Technical Staff.

7 *The Council*

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

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

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

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

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

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

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



(8) The Council constituted by this Bill shall have a four year tenure from the date of its inauguration, provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the visitor and a new Council shall be immediately constituted for the effective functioning of the University.

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

9 *The Finance and General Purpose Committee*

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

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

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

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

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

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

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

24 *The Senate*

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

26 (a) the Vice-Chancellor;

27 (b) the Deputy Vice-Chancellor;

28 (c) all Professors of the University;

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

1 (e) all Heads of Academic Departments, Units and Research  
 2 Institutes of the University;  
 3 (f) the University Librarian; and  
 4 (g) academic members of the congregation who are not Professors  
 5 as specified in the Laws of the University.

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

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

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

16 *Congregation*

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

18 (a) the Vice-Chancellor and the Deputy Vice-Chancellor;  
 19 (b) the full time members of the academic staff;  
 20 (c) the Registrar;  
 21 (d) the Bursar; and  
 22 (e) every member of the administrative and technical staff who  
 23 holds a degree of any University recognized for the purpose of this Statute  
 24 by the Vice-Chancellor, not being an honorary degree.

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

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

1 or fifty, whichever is less.

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

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

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

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

10 (6) Congregation shall be entitled to express by resolution 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  
14 Regulations.

15 *Convocation*

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

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

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

19 (c) all other persons whose names are registered in accordance with  
20 paragraph (2) below.

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

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

25 (b) applies for the registration of his name in the prescribed manner  
26 and pays the prescribed fee.

27 (3) Regulations shall provide for the establishment and maintenance  
28 of a register for the purpose of this paragraph and, subject to paragraph (3)  
29 below, 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. (4) The person  
2 responsible for maintaining the register shall, without the payment of any  
3 fees, ensure that the names of all persons who are for the time being  
4 members of convocation by virtue of paragraph (1) (a) or (b) of this  
5 paragraph 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 offices 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, and that any person not named  
12 therein is not, a member of convocation; but for the purpose of ascertaining  
13 whether a particular person was such a member on a particular date, any  
14 entries in and deletions from the register made on or after that date shall be  
15 disregarded.

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

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

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

25 *Organisation of Faculties and Branches thereof*

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

28 7.-(1) There shall Be established in respect of each Faculty, a  
29 Faculty Board, which, subject to the provisions of this Bill, 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 faculty;

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

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

7 (2) Each Faculty Board shall consists of:

8 (a) the Vice-Chancellor;

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

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

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

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

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

18 *The Dean of the Faculty*

19 8.-(1) The Dean of a faculty shall be a professor elected by the Faculty  
20 Board and such Dean shall hold office for a term of two years. He will be  
21 eligible for re-election for another term of two years after which he may not be  
22 elected again until two years have elapsed.

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

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

30 (4) The Dean of a faculty shall exercise general superintendence over

1 the academic and administrative affairs of the faculty and it shall be the  
2 function of the Dean to present to the convocation for the conferment of  
3 Degrees, persons who have qualified for the Degrees of the University at  
4 examinations held in the branches of learning for which responsibility is  
5 allocated to that faculty.

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

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

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

18 *Selection of Certain Principal and other key Officers*

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

- 22 (i) the Pro-Chancellor;  
23 (ii) the Vice-chancellor;  
24 (iii) two members appointed by the Council, not being members of  
25 Senate; and  
26 (iv) two members appointed by the Senate not being members of  
27 Council.

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

1       may make an appointment to that office.

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

5                               *Creation of Academic Post*

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

9                               *Appointment of Academic Staff*

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

13                              *Appointment of Administrative and Technical Staff*

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal University of Agriculture and Maritime  
Studies Mokwa, Niger State to make comprehensive provisions for its due  
Management and Administration.

# A BILL

## FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL  
REPUBLIC OF NIGERIA, 1999 TO SPECIFY THE MINIMUM NUMBER OF YOUTHS  
AND WOMEN APPOINTED AS MINISTERS, AMBASSADORS AND STATE  
COMMISSIONERS AND FOR RELATED MATTERS

*Sponsored by Senator Ovie Omo - Agege*

[ ] Commencement

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

- 1           **1.** The Constitution of the Federal Republic of Nigeria, 1999 (in      Alteration of the  
2      this Act referred to as "the Principal Act") is altered as set out in this Act.      Constitution 1999
- 3           **2.** Section 147 of the Principal Act is altered by substituting for the      Alteration of  
4      existing subsection (3) a new subsection (3)-      Section 147
- 5            "(3) any appointment under subsection (2) of this section by the  
6      President shall be in conformity with the provisions of section 14(3) of this  
7      Constitution:
- 8            Provided that in giving effect to the provisions aforesaid the  
9      President shall appoint at least one Minister from each State, who shall be an  
10     indigene of such State, and of which:
- 11           (a) At least five of which shall not be older than the age of forty  
12     years at the time of appointment; and
- 13           (b) At least five shall be women."
- 14           **3.** Section 171 of the Principal Act is altered in subsection (5) by      Alteration of  
15     inserting immediately after the word 'unity', the words,      Section 171
- 16           "Provided that in the appointment of Ambassador, High  
17     Commissioner or other Principal Representative of Nigeria abroad-
- 18           (a) At least five of which shall not be older than the age of forty  
19     years at the time of appointment; and



	1	(b) At least five shall be women."
Alteration of Section 192	2	<b>4.</b> Section 192 of the Principal Act is altered by Substituting for the
	3	existing subsection (1) a new subsection (1)-
	4	"(1) there shall be no such offices of Commissioners of the
	5	Government of the State as may be established by the Governor of the State, of
	6	which:
	7	(a) At least five Commissioners shall not be more than the age of forty
	8	years at the time of appointment; and
	9	(b) At least five shall be women."
Citation	10	<b>5.</b> This Bill may be cited as the Constitution of the Federal Republic
	11	of Nigeria, 1999 (Fifth Alteration, No. 29) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to provides for the minimum number of youths and women appointed as Ministers, Ambassadors and State Commissioners.

# A BILL

## FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL  
REPUBLIC OF NIGERIA, 1999 TO SPECIFY THE TIME FRAME FOR THE  
CONDUCT OF POPULATION CENSUS AND FOR RELATED MATTERS

*Sponsored by Senator Ovie Omo - Agege*

[       ] Commencement

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

- |    |   |                   |
|----|---|-------------------|
| 1  | <b>1.</b> The Constitution of the Federal Republic of Nigeria, 1999 (in         | Alteration of the |
| 2  | this Act referred to as "the Principal Act") is altered as set out in this Act. | Constitution 1999 |
| 3  | <b>2.</b> Alteration of section 213 Section 213 of the Principal Act is         | Alteration of     |
| 4  | altered by inserting after subsection (5), a new subsection "(6)"               | Section 213       |
| 5  | "(6) There shall be a population census every ten years after                   |                   |
| 6  | publication by the president of a population census report in the official      |                   |
| 7  | gazette of the government of the federation."                                   |                   |
| 8  | <b>3.</b> Alteration of paragraph 24 (a), Third Schedule, Part I, item J        |                   |
| 9  | The Third Schedule of the principal Act is altered in part I, item J, paragraph |                   |
| 10 | 24, by substituting the existing subparagraph "(a)"-                            |                   |
| 11 | "(a) undertake enumeration of the population every ten years                    |                   |
| 12 | through sample surveys, census or otherwise".                                   |                   |
| 13 | <b>4.</b> This Bill may be cited as the Constitution of the Federal             | Citation          |
| 14 | Republic of Nigeria, 1999 (Fifth Alteration, No. 29) Bill, 2020.                |                   |

### EXPLANATORY MEMORANDUM

This Bill seeks to provides for the time frame for the conduct of population  
census every ten years after publication by the President of a population  
census report by the National Population Commission.



# A BILL

## FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL  
REPUBLIC OF NIGERIA, 1999 TO CHANGE THE SELECTION PROCESS OF  
JUDGES SERVING AS MEMBERS OF AN ELECTION TRIBUNAL AND FOR  
RELATED MATTERS

*Sponsored by Senator Ovie Omo - Agege*

[ ] Commencement

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

- |   |  |
|---|--|
| <p>1               <b>1.</b> The Constitution of the Federal Republic of Nigeria, 1999 (in</p> <p>2 this Act referred to as "the Principal Act") is altered as set out in this Act.</p>   | <p>Alteration of<br/>the Constitution<br/>1999</p>       |
| <p>3               <b>2.</b> Section 1 of the Sixth Schedule of the Principal Act is altered by</p> <p>4 substituting Subsection (3), for a new Subsection "(3)"-</p> <p>5               "(3) The Chairman and members shall be appointed by a</p> <p>6 committee comprised of the Chief Justice of Nigeria, President of the Court</p> <p>7 of Appeal and Chief Judge of The Federal High Court in Consultation with</p> <p>8 the Chief Judge of the State, The Grand Kadi of Sharia Court of Appeal of</p> <p>9 the State or the President of the Customary Court of Appeal as the case may</p> <p>10 be."</p>        | <p>Alteration of<br/>Section 1 of<br/>Sixth Schedule</p> |
| <p>11               <b>3.</b> Section 2 of the Sixth Schedule of the Principal Act is altered by</p> <p>12 substituting for Subsection (3), a new Subsection "(3)"-</p> <p>13               "(3) The Chairman and members shall be appointed by a</p> <p>14 committee comprised of the Chief Justice of Nigeria, President of the Court</p> <p>15 of Appeal and Chief Judge of The Federal High Court in Consultation with</p> <p>16 the Chief Judge of the State, The Grand Kadi of Sharia Court of Appeal of</p> <p>17 the State or the President of the Customary Court of Appeal as the case may</p> <p>18 be."</p> | <p>Alteration of<br/>Section 2 of<br/>Sixth Schedule</p> |

Citation                    1                    **4.** This Bill may be cited as the Constitution of the Federal Republic  
2                    of Nigeria, 1999(Fifth) Alteration, No. 29) Bill,2020.

3                    EXPLANATORY MEMORANDUM

This Bill seeks to provide for a Committee comprised of the Chief Justice of Nigeria, President of the Court of Appeal and Chief Judge of the Federal High court to appoint Tribunal Judges for Presidential, Governorship and National Assembly Election Petition.

# A BILL

## FOR

AN ACT TO FURTHER ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED) TO PROVIDE FOR INDEPENDENT CANDIDATES IN ELECTIONS TO THE OFFICES OF PRESIDENT, GOVERNOR, SENATOR, MEMBER, HOUSE OF REPRESENTATIVES, MEMBER, HOUSE OF ASSEMBLY AND CHAIRMEN AND COUNCILLORS OF LOCAL GOVERNMENT AREAS/AREA COUNCILS OF THE FEDERAL CAPITAL TERRITORY IN THE FEDERAL REPUBLIC OF NIGERIA AND FOR OTHER MATTERS CONNECTED THEREWITH, 2020

*Sponsored by Senator Stella Oduah*

[ ] Commencement

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

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|--|---|
| <p>1           <b>1.</b> The Constitution of the Federal Republic of Nigeria 1999 as</p> <p>2 Amended (in this Bill referred to as the "Principal Act") is altered as set out</p> <p>3 in this Bill.</p>   | <p>Amendment of<br/>the Constitution<br/>of the Federal<br/>Republic of Nigeria<br/>1999 (as amended)</p> |
| <p>4           <b>2.</b> Section 7(4) is altered by inserting before the first word "the", "</p> <p>5 subject to the provisions of section 106 of this Constitution".</p>  | <p>Amendment of<br/>Section 7(4)</p>  |
| <p>6           <b>3.</b> Section 7 is altered by inserting immediately after sub section</p> <p>7 (4) a new sub section (5) while the existing sub section (5) becomes</p> <p>8 subsection (6), etc. to wit "in the case of an independent candidate, he has</p> <p>9 obtained the signatures of 50 registered voters from each of all electoral</p> <p>10 wards in the respective Local Government Area, for a Chairmanship</p> <p>11 candidate and signatures of 20 registered voters from each of all the polling</p> <p>12 units in the respective electoral wards, for a councillor."</p> | <p>New Section 7(5)</p>   |
| <p>13           <b>4.</b> Section 65(2)(b) is altered by inserting after the last word</p> <p>14 "party", "or he is an independent candidate".</p>   | <p>Amendment of<br/>Section 65(2)(b)</p>  |

New Section 65(2)(c)	1	<b>5.</b> Section 65(2) is altered by inserting immediately after sub clause
	2	(2) (b) a new sub clause (c) "in the case of an independent candidate, he has
	3	obtained the signatures of 100 registered voters from each of all the State
	4	House of Assembly constituencies in the respective Senatorial Zone, for a
	5	Senatorial candidate and the signatures of 50 registered voters from each of all
	6	electoral wards in the respective Federal Constituency, for a House of
	7	Representatives candidate."
Amendment of Section 106(d)	8	<b>6.</b> Section 106(d) is altered by inserting after the last word "party" I
	9	"or he is an independent candidate".
New Section 106(e)	10	<b>7.</b> Section 106 is altered by inserting immediately after sub clause (d)
	11	a new sub clause (e) "in the case of an independent candidate, he has obtained
	12	the signatures of 50 registered voters from each of all electoral wards in the
	13	respective State House Assembly Constituency.
Amendment of Section 131(c)	14	<b>8.</b> Section 131(c) is altered by inserting after the last word "party" I
	15	"or he is an independent candidate".
New Section 131(d)	16	<b>9.</b> Section 131 is altered by inserting immediately after sub clause (c)
	17	a new sub clause (d) "in the case of an independent candidate, he has obtained
	18	the signatures of 100 registered voters from each of all the federal
	19	constituencies in Nigeria.
Amendment of Section 171(c)	20	<b>10.</b> Section 177(c) is altered by inserting after the last word "party" I
	21	"or he is an independent candidate".
New Section 171(d)	22	<b>11.</b> Section 177 is altered by inserting immediately after sub clause
	23	(c) a new sub clause (d) while the existing sub section (d) becomes subsection
	24	(e), etc. to wit "in the case of an independent candidate, he has obtained the
	25	signatures of 50 registered voters from each of all electoral wards in the
	26	respective State.
New Section 171(e)	27	<b>12.</b> Section 228 is altered by inserting a new paragraph "(e)" "for
	28	procedures, guidelines and qualifications for access to the ballot by political
	29	parties and independent candidates".

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13. A new section 318 is created "subject to the provisions of this constitution, the Independent National Electoral Commission shall, by regulations, prescribe the payment of such administrative fees by independent candidates for respective elections, providing that the Commission shall make a waiver of 50% of the respective fees for all women candidates".

14. This Bill may be cited as the Constitution (Alteration) Bill, 2020.
- New Section 318

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to provide for independent candidates to various elective positions in the constitution of the Federal Republic of Nigeria 1999 as amended and other conditions that must be met by each person who seeks to contest as an independent candidate.