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FEDERAL UNIVERSITY OF ENVIRONMENTAL TECHNOLOGY SAAKPENWA,
OGONI (ESTABLISHMENT BILL, 2020
ARRANGEMENT OF CLAUSES

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FEDERAL UNIVERSITY OF ENVIRONMENTAL TECHNOLOGY,
SAAKPENWA, OGONI

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FIRST SCHEDULE

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THIRD SCHEDULE

A BILL

FOR

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

Sponsored by Senator Mpigi Barinada

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE
2 FEDERAL UNIVERSITY OF ENVIRONMENTAL TECHNOLOGY,
3 SAAKPENWA, OGONI

4 1.-(1)There is hereby Federal University of Environmental
5 Technology, Saakpenwa, Ogoni.

6 (2)The University shall be a body corporate with perpetual
7 succession and a common seal and may sue or be sued in its corporate name.

8 (3)The University shall be a training institution for the
9 development of Environmental Scientists and Technologists in the country.

10 (4) The University shall be supervised by the Federal Ministry of
11 Education through the National Universities Commission (NUC) who shall
12 be responsible for approving and regulating all academic programmes run in
13 the University, to ensure quality compliance and provide funds for academic
14 and research programmes, infrastructures and remunerations of employees.

15 (5) The objects of the University shall be-

16 (a) to encourage the advancement of learning in environment
17 technology, environmental chemistry and of all related disciplines as
18 ecology, hy hydrochemistry, waste water treatment, atmospheric chemistry
19 and environmental microbiology., and to hold out to all persons without
20 discrimination on race, creed, sex or political conviction;

Establishment
and Objectives
of the Federal
University of
Environmental
Technology,
Saakpenwa,
Ogoni

1 (b) to develop and offer academic and professional programmes
2 leading to the award of certificates, first degrees, post-graduate research,
3 diploma and higher degrees with emphasis on planning, developmental and
4 adaptive skills in environmental technology, applied sciences on climate
5 change and allied environmental and ecological related professional
6 disciplines;

7 (c) to produce environmentally and ecologically mature technologists
8 with capabilities not to only understand the environmental and ecology needs
9 of Nigeria as a nation, but to also exploit existing technological infrastructure
10 and improve on it to develop new ones to provide required solutions;

11 (d) to act as agents and catalysts for effective environmental and
12 ecological technology system, through post graduate training, research and
13 innovation, for effective economic utilization and for conservation of its
14 immediate environment and the country's entire natural And human resources;

15 (e) to bring quality transformation in Environmental Science and
16 Technology Education by focusing on practical teaching, research and learning
17 innovations that add value;

18 (f) to collaborate with other national and international institutions
19 involved in training, research and development of ecological and
20 environmental technology solutions, with a view to promoting quality good
21 governance, leadership and management skills among Environmental
22 Scientists and Technologists;

23 (g) to identify and promote the principles of sustainable development
24 to represents an important part of the study curriculum with a special emphasis
25 on its biological, chemical and technological aspectsof environmental and
26 ecological needs of the society, with a view to finding solutions to them within
27 the context of overall national development needs;

28 (h) to provide and promote sound basic environmental and ecological
29 technology training as a foundation for the development for development of
30 Nigeria, taking into account indigenous environmental challenges, culture and

- 1 the needs to enhance national response to ecological disasters;
- 2 (i) to provide higher Education and foster a systematic
- 3 advancement of knowledge that is oriented towards industrial toxicology,
- 4 ecotoxicology, environmental analysis, decontamination technologies and
- 5 assessment of environmental impacts;
- 6 (j) to provide for instructions in such branches of Environmental
- 7 Technology Education as it may deem necessary to provide for research, and
- 8 for the dissemination of environmental knowledge as it may determine;
- 9 (k) to prepare global experts that have excellent theoretical
- 10 knowledge, practical skills and experience in basic natural scientific
- 11 disciplines and related field of engineering with operational competence
- 12 and knowledge in environmental protection, managing ecological and
- 13 climate change problems;
- 14 (l) to undertake any other activities that is appropriate for a
- 15 University of Environmental Technology of the highest standard.
- 16 2.-(1)The University shall consist of-
- 17 (a) a Chancellor;
- 18 (b) a Pro-Chancellor and a Council;
- 19 (c) a Vice-Chancellor and a Senate;
- 20 (d) a body to be called Congregation;
- 21 (e) a body to be called Convocation;
- 22 (f) the campuses and colleges of the University;
- 23 (g) the colleges, institutes and other teaching and research units of
- 24 the University;
- 25 (h) the persons holding the offices constituted by the First Schedule
- 26 to this Bill other than those mentioned in paragraphs (a) to (c) of this
- 27 subsection;
- 28 (i) all graduates and undergraduates of the University; and
- 29 (j) all other persons who are members of the University in
- 30 accordance with provisions made by statute in that behalf.

Constitution
and Principal
Officers of the
University

Powers of Federal
University of
Environmental
Technology,
Saakpenwa, Ogoni,
and its exercise

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

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

6 **3.-(1)**For the carrying out of its objects as specified in section 1 of this
7 Bill, Federal; University of Environmental Technology, Saakpenwa, Ogoni
8 shall have power:

9 (a) to offer courses of instruction, training and research in
10 Environmental Technology and allied areas for the production of quality and
11 skilled technologists required at lower, middle and higher levels of manpower
12 in Nigeria in particular and the world at large;

13 (b) to establish such colleges, campuses, institutes, schools,
14 departments and other teaching and research units within the University as may
15 from time to time be deemed necessary or desirable subject to the approval of
16 National Universities Commission;

17 (c) to institute professorships, readerships or associate
18 professorships, lectureships, and other posts and offices and to make
19 appointments thereto;

20 (d) to institute and award fellowships, scholarships, exhibitions,
21 bursaries, medals, prizes and other titles, distinctions, awards and forms of
22 assistance;

23 (e) to provide for the discipline and welfare of members of the
24 University;

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

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

30 (h) to demand and receive from any student or any other person

1 attending the University for the purposes of instruction, such fees as the
2 University may from time to time determine subject to the overall directives
3 of the Minister;

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

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

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

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

16 (m) to hold public lectures and to undertake printing, publishing
17 and book selling;

18 (n) subject to any limitations or conditions imposed by statute, to
19 invest any moneys appertaining to the University by way of endowment it,
20 not being immediately required for current expenditure in any investments
21 or securities or in the purchase or improvement of land, with power from
22 time to time, to vary any such investments to deposit any moneys for the
23 time being not invested with any bank on deposit or current account;

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

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

30 (q) to do anything which it is authorized or required by this Bill or

1 by statute to do; and

2 (r) to do all such acts or things, whether or not incidental to the
3 foregoing powers, as may advance the objects of the University.

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

9 (3) The power of the University to establish further campuses and
10 colleges within the University shall be exercisable by statute and not
11 otherwise.

Functions of
the Chancellor
and Pro-Chancellor

12 **4.**-(1)The Chancellor shall, in relation to the University, take
13 precedence before all other members of the University, and when he is present,
14 shall preside at all meetings of Convocation held for conferring degrees.

15 (2)The Pro-Chancellor shall, in relation to the University, take
16 precedence before all other members of the University, except the Chancellor
17 and except the Vice-Chancellor when acting as chairman of Congregation or
18 Convocation and the Pro-Chancellor shall, when he is present, be the chairman
19 at all meetings of the Council.

Composition,
Tenure and Powers
of the Council
of the University

20 **5.**-(1)The Council of the University shall consist of-

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

23 (b) the Vice-Chancellor;

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

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

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

28 (i) the Teacher's Registration Council;

29 (ii) Tertiary Education Trust Fund; and

30 (iii) two other persons, one of whom shall be a representative of the

- 1 University host community;
- 2 (f) four persons appointed by the Senate from among its members;
- 3 (g) two persons appointed by Congregation from among its
- 4 members;
- 5 (h) one person appointed by Convocation from among its
- 6 members.
- 7 (i) two persons representing the community appointed by the
- 8 President.
- 9 (2) Persons to be appointed to the Council shall be of proven
- 10 integrity, knowledgeable and familiar with the affairs and tradition of the
- 11 University.
- 12 (3) The Council so constituted shall have a tenure of four years
- 13 from the date of its inauguration provided that where a Council is found to be
- 14 incompetent and corrupt, it shall be dissolved by the Visitor and a new
- 15 Council shall be immediately constituted for the effective functioning of the
- 16 University.
- 17 (4) The powers of the Council shall be exercised, as in this Bill and
- 18 to that extent establishment circulars that are inconsistent with this Bill shall
- 19 not apply to the University.
- 20 (5) The Council shall be free in the discharge of its functions and
- 21 exercise of its responsibilities for the good management, growth and
- 22 development of the University.
- 23 (6) The Council in the discharge of its functions shall ensure that
- 24 disbursement of funds of the University complies with the approved
- 25 budgetary ratio for-
- 26 (a) personnel cost;
- 27 (b) overhead cost;
- 28 (c) research and development;
- 29 (d) library developments; and
- 30 (e) the balance in expenditure between academic vis-à-vis non-

	1	academic activities.
Functions of the Council and its Finance and General Purpose Committee	2	6.-(1) Subject to the provisions of this Bill relating to the Visitor, the
	3	Council shall be the governing body of the University and shall be charged with
	4	the general control and superintendence of the policy, finances and property of
	5	the University.
	6	(2) There shall be a committee of the Council, to be known as the
	7	Finance, and General Purposes Committee, which shall, subject to the
	8	directions of the Council, exercise control over the property and expenditure of
	9	the University and perform such other functions of the Council as the Council
	10	may from time to time delegate to it.
	11	(3) Provision shall be made by statute with respect to the constitution
	12	of the Finance and General Purposes Committee.
	13	(4) The Council shall ensure that proper accounts of the University
	14	are kept and that the accounts of the University are audited annually by an
	15	independent firm of auditors approved by the Council and that an annual report
	16	is published by the University together with certified copies of the said
	17	accounts as audited.
	18	(5) Subject to this Bill and the statutes, the Council and the Finance
	19	and General Purposes Committee may each make rules for the purpose of
	20	exercising any of their respective functions or of regulating their own
	21	procedure.
	22	(6) Rules made under sub-section (5) of this section by the Finance
	23	and General Purposes Committee shall not come into force unless approved by
	24	the Council; and in so far and to the extent that any rules so made by that
	25	Committee conflict with any direction given by the Council, whether before or
	26	after the coming into force of the rules in question, the directions of the Council
	27	shall prevail.
	28	(7) There shall be paid to the members respectively of the Council, the
	29	Finance and General Purposes Committee and of any other committee set up
	30	by the Council, allowances in respect of travelling and other reasonable

1 expenses, at such rates as may from time to time be fixed by the Minister.

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

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

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

11 7.-(1) Subject to section 6 of this Bill and subsections (3) and (4) of
12 this section and the provisions of this Bill relating to the Visitor, it shall be
13 the general function of the Senate to organize and control the teaching by the
14 University, the admission of student where no other enactment provides to
15 the contrary and the discipline of students; and to promote research at the
16 University.

Functions of the
Senate of the
University

17 (2) Without prejudice to the generality of subsection (1) of this
18 section and subject as therein mentioned, it shall in particular be the function
19 of the Senate to make provision for:

20 (a) the establishment, organization and control of campuses,
21 colleges, schools, institutes and other teaching and research units of the
22 University and the allocation of responsibility for different branches of
23 learning;

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

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

29 (d) the making of recommendations to the Council with respect to
30 the award to any person of an honorary fellowship or honorary degree or the

1 title of professor emeritus;

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

4 (f) the supervision of the welfare of students at the University and the
5 regulation of their conduct;

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

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

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

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

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

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

- 1 **8.-(1)** The Vice-Chancellor shall, in relation to the University, take Functions of the
2 precedence before all other members of the University except the Vice Chancellor
3 Chancellor and subject to section 4 of this Bill except the Pro-Chancellor
4 and any other person for the time being acting as Chairman of the Council.
5 (2) Subject to sections 6, 7 and 14 of this Bill, the Vice-Chancellor shall have
6 the general function, in addition to any other functions conferred on him by
7 this Bill or otherwise of directing the activities of the University and shall be
8 the Chief Executive and Accounting Officer of the University and ex-officio
9 Chairman of the Senate.
10 (3) The Vice Chancellor shall be the Chairman of the University
11 Tenders' Board, which is saddled with the responsibility of approving the
12 conduct of public procurement of goods, works and services within the
13 approved threshold from time to time.
14 (4) It shall be the responsibility of the Vice Chancellor to establish
15 and appoint members of the Tenders' Board in line with the extant Public
16 Procurement Rules and Regulations.
17 PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC, TO THE
18 UNIVERSITY AND CONDITION OF SERVICE OF EMPLOYEES
19 **9.-(1)** There shall be a general fund of the University which shall General fund
20 consist of the following: of the University
21 (a) grants-in-aid;
22 (b) fees;
23 (c) income derived from investments;
24 (d) gifts, legacies, endowments and donations not accepted for a
25 particular purpose;
26 (e) income derived from the exercise of any functions conferred or
27 imposed on the University by this Bill;
28 (f) any other amounts, charges or dues recoverable by the
29 University;
30 (g) revenue, from time to time, accruing to the University by way

1 of subvention;
 2 (h) interests on investments;
 3 (i) donations and legacies accruing to the University from any source
 4 for the general or special purposes of the University; and
 5 (j) Regular TETFUND interventions;

6 (2) The general fund shall be applied for the purposes of the
 7 University.

Transfer of
Property

8 **10.**-(1) All property held by or on behalf of the Provisional Council of
 9 the University shall, by virtue of this sub-section and without further
 10 assurance, vest in the University and be held by it for the purpose of the
 11 University.

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

15 PART III - STATUTES OF THE UNIVERSITY

Power of the
University to
make Statutes

16 **11.**-(1) Subject to this Bill, the University may make statutes for any
 17 of the following purposes, that is to say:

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

20 (b) Specifying and regulating the powers and duties of any authority
 21 of the University, and regulating any other matter connected with the
 22 University or any of its authorities;

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

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

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

30 (2) Subject to section 25(6) of this Bill, the Interpretation Act shall

1 apply in relation to any statute made under this section as it applies to a
2 subsidiary instrument within the meaning of section 28(1) of that Act.

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

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

10 12.-(1) The power of the University to make statutes shall be Mode of
11 exercised in accordance with the provisions of this section and not exercising power
12 otherwise. to make statutes

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

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

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

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

22 (4) A statute which:

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

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

27 (5) For the purpose of section 2(2) of the Interpretation Act, a
28 statute shall be treated as being made on the date on which it is duly
29 approved by the Council after having been duly approved by the Senate, or
30 on the date on which it is duly approved by the Senate after having been duly

1 approved by the Council, as the case may be or, in the case of a statute falling
2 within subsection (4) of this section, on the date on which it is approved by the
3 President.

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

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

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

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

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

Proof of Statute 20 **13.** A statute may be proved in any court by the production of a copy
21 thereof bearing or having affixed to it a certificate purporting to be signed by
22 the Vice-Chancellor or the Secretary to the Council to the effect that the copy is
23 a true copy of a statute of the University.

24 **PART IV - SUPERVISION AND DISCIPLINE**

The Visitor 25 **14.-(1)** The President shall be the Visitor of the University.

26 (2) The Visitor shall cause a visitation to the University when
27 necessary, at least every five years, or direct that such a visitation be conducted
28 by such person or persons as the Visitor may deem fit and in respect of any of
29 the affairs of the University.

30 (3) It shall be the duty of the bodies and persons comprising the

1 University to make available to the Visitor and to any other person
2 conducting a visitation in pursuance of this section, such facilities and
3 assistance as he or they may reasonably require for the purposes of a
4 visitation.

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

7 **15.**-(1) If it appears to the Council that a member of the Council
8 (other than the Pro-Chancellor or the Vice-Chancellor) should be removed
9 from office on the ground of misconduct or inability to perform the
10 functions of his office or employment, the Council shall make a
11 recommendation to that effect through the Minister to the President, and the
12 President, after making such enquiries (if any) as he may consider
13 appropriate approves the recommendation, he may direct the removal of the
14 person in question from office.

Removal of
certain Members
of Council

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

19 **16.**-(1) If it appears to the Council that there are reasons for
20 believing that any person employed as a member of the academic,
21 administrative or professional staff of the University, other than the Vice-
22 Chancellor, should be removed from his office or employment on the
23 ground of misconduct or of professional inability to perform the functions of
24 his office or employment, the Council shall:

Removal and
discipline of
academic,
administrative
and professional
staff

25 (a) give notice of those reasons to the person in question;
26 (b) afford him an opportunity of making representations in person
27 on the matter by the Council; and

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

1 investigating committee, is satisfied that the person in question should be
2 removed as aforesaid, the Council may so remove him by an instrument in
3 writing signed on the directions of the Council.

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

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

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

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

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

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

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

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

30 (a) whether to continue such person's suspension and if so on what

1 terms (including the proportion of his emoluments to be paid to him);

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

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

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

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

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

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

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

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

25 **17.-(1)** If, on the recommendation of the Senate, it appears to the
26 Vice-Chancellor that a person appointed as an examiner for any
27 examination of the University ought to be removed from his office or
28 appointment, then, except in such cases as may be prescribed by the Vice-
29 Chancellor may, after affording the examiner an opportunity of making
30 representations in person on the matter to the Vice-Chancellor, remove the

Removal of
examiners

1 examiner from the appointment by an instrument in writing signed by the Vice-
2 Chancellor.

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

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

Participation
and Discipline
of Students

11 **18.-(1)** The Students shall be:

12 (a) represented in the University's Students Welfare Board and other
13 committees that deal with the affairs of students;

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

15 (c) Participate in the process of assessing academic staff in respect of
16 teaching; and

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

19 (2) Subject to the provisions of this section, where it appears to the
20 Vice-Chancellor that any student of the University has been guilty of
21 misconduct, the Vice-Chancellor may, without prejudice to any other
22 disciplinary powers conferred on him by statute or regulations, direct:

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

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

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

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

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

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

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

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

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

18 **PART V - MISCELLANEOUS AND GENERAL**

19 **19.-(1)** No person shall be required to satisfy requirements as to
 20 any of the following matters, that is to say, race (including ethnic grouping),
 21 sex, account of race, place of birth or of family origin, or religious or
 22 political persuasion, as a condition of becoming or continuing to be a student
 23 at the University, the holder of any degree of the University or of any
 24 appointment or employment at the University, or a member of anybody
 25 established by virtue of this Bill; and no person shall be subject to any
 26 disadvantage or accorded any advantage relation to the University, by
 27 reference to any of those matters.

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

28 (2) Nothing in subsection (1) of this section shall be construed as
 29 preventing the University from imposing any disability or restriction on any
 30 of the persons mentioned in that subsection where such person wilfully

	1	refuses or fails on grounds of religious belief to undertake any duty generally
	2	and uniformly imposed on all such person or any group of them which duty,
	3	having regard to its nature and the special circumstances pertaining thereto, is
	4	in the opinion of the University reasonably justifiable in the national interest.
Restriction on disposal of land by University	5	20. Without prejudice to the provisions of the Land Use Act, the
	6	University shall not dispose of or charge any land or an interest in any land
	7	(including any land transferred to the University by this Bill) except with the
	8	prior written consent, either general or special, of the Governor:
	9	Provided that such consent shall not be required in the case of any lease or
	10	tenancy at a rack-rent for a term not exceeding 21 years or any lease or tenancy
	11	to a member of the University for residential purpose.
Quorum and procedure of bodies established by this Bill	12	21. Except as may be otherwise provided by statute or by regulations,
	13	the quorum and procedure of any body of persons established by this Bill shall
	14	be as determined by that body.
Appointment of committee, etc.	15	22. -(1) Anybody of persons established by this Bill shall, without
	16	prejudice to the generality of the powers of that body, have power to appoint
	17	committees, which need not consist exclusively of members of that body, and
	18	to authorize a committee established by it:
	19	(a) to exercise, on its behalf, such of its functions as it may determine;
	20	(b) to co-opt members, and
	21	(2) Any two or more such bodies may arrange for the holding of joint
	22	meetings of those bodies, or for the appointment of committees consisting of
	23	members of those bodies, for the purpose of considering any matter within the
	24	competence of those bodies or any of them, and either of dealing with it or of
	25	reporting on it to those bodies or any of them.
	26	(3) Except as may be otherwise provided by statute or by regulations,
	27	the quorum and procedure of a committee established or meeting held in
	28	pursuance of this section, shall be such as may be determined by the body or
	29	bodies which have decided to establish the committee or hold the meeting.
	30	(4) Nothing in the provisions of subsection (1), (2) and (3) of this

1 section shall be construed as:

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

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

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

12 **23.-(1)** Notwithstanding anything to the contrary in the Pension
13 Act, the compulsory retiring age of the following categories of staff shall be
14 as follows:

Retiring age of
academic staff

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

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

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

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

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

Special Provision
relating to Pension
of Professors

27 **25.-(1)** The seal of the University shall be such as may be
28 determined by the Council and approved by the Chancellor, and the affixing
29 of the seal shall be authenticated by any member of the Council and by the

Miscellaneous
Administrative
Provisions

1 Vice-Chancellor, Secretary to the Council or any other person authorized by
2 statute.

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

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

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

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

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

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

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

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

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

Restriction of
suits and execution

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

6 (b) The Notice shall state the reason and the cause of action
7 intended to be taken against the University, the particulars of the claim, the
8 name and place of abode of the intending plaintiff and the relief which he
9 claims.

10 (b) For the avoidance of doubt, it is hereby declared that no suit
11 shall be commenced against an officer or servant of the University, in any
12 case where the University is vicariously liable for any alleged act, neglect or
13 default of the officer or servant in the performance or intended performances
14 of his duties, unless three months at least has elapsed after written notice of
15 intention to commence the same shall have been served on the University by
16 the intending plaintiff or his agent;

17 (c) In any suit against this University, no execution or attachment
18 or process in the nature thereof shall be issued against the University, but any
19 sums of money which may be judgment of the court be awarded against the
20 University shall, subject to any direction given by the court where notice of
21 appeal has been given by the University in respect of the said judgment, be
22 paid by the University from its general fund.

23 **(2) Service of Notices:**

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

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

Interpretation

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

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

1 "Council" means the Governing Council of the University established by
2 section 5 of this Bill;

3 "Functions" includes powers and duties;

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

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

9 "Notice" means notice in writing;

10 "Officer" does not include the Visitor;

11 "Prescribed" means prescribed by statute or regulations;

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

14 "Property" includes rights, liabilities and obligations;

15 "Provisional Council" means the provisional council appointed for the
16 University.

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

18 "Senate" means the Senate of the University established pursuant to section
19 2(1)(e) of this Bill;

20 "School" means a unit of closely related academic programmes;

21 "Statute" means a statute made by each University under section 10 of this Bill
22 and in accordance with the provisions of section 11 of this Bill, and

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

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

26 "Undergraduate" means a person registered as a student undergoing a course of
27 study for a first degree of the University or such other course in the University
28 as may be approved by the Senate as qualifying a student undergoing it for the
29 status of an under-graduate;

30 "University" means Federal University of Environmental Technology,

1 Saakpenwa, Ogoni, established and incorporated by section I of this Bill.

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

10 **28.** This Bill may be cited as the Federal University of Short title
11 Environmental Technology, Saakpenwa, Ogoni, Bill, 2020.

12 SCHEDULES

13 FIRST SCHEDULE

14 *[Section 2(2)]*

15 PRINCIPAL OFFICERS OF THE UNIVERSITY

16 *The Chancellor*

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

19 *The Pro-Chancellor*

20 2.-(1) The Pro-Chancellor who shall be the Chairman of Council
21 shall be appointed or removed from office by Mr President upon
22 recommendation by the Minister of Education.

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

26 *The Vice-Chancellor*

27 3.-(1) There shall be a Vice-Chancellor of the University who shall
28 be appointed by the Council in accordance with the provisions of this
29 paragraph.

30 (2) Where a vacancy occurs in the post of a Vice-Chancellor, the

1 Council shall:

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

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

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

8 (b) constitute a Search Team consisting of-

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

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

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

17 (3) A Joint Council and Senate Selection Board consisting of-

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

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

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

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

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

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

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

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

10 (ii) two members of the Senate,

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

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

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

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

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

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

26 Deputy Vice-Chancellor

27 4.-(1)There shall be for the University such number of Deputy
28 Vice-Chancellors as Council may from time to time deem necessary for the
29 proper administration of the University.

30 (2) Where a vacancy occurs in the post of Deputy Vice-Chancellor,

1 the Vice-Chancellor shall forward to the Senate a list of two candidates for each
2 post of Deputy Vice-Chancellor that is vacant.

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

6 (4) A Deputy Vice-Chancellor shall:

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

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

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

13 (5) A Deputy Vice-Chancellor:

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

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

19 (c) may be removed from office for good cause by the Council acting
20 on the recommendations of the Vice-Chancellor and Senate.

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

24 *Office of the Registrar*

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

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

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

3 *Other Principal Officers of the University*

4 6.-(1) There shall be for the University the following principal
5 officers, in addition to the Registrar, that is:

6 (a) the Bursar; and

7 (b) the University Librarian,

8 who shall be appointed by the Council on the recommendation of the
9 Selection Board constituted under paragraph 7 of this Schedule.

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

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

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

20 *Selection Board for other Principal Officers*

21 7.-(1) There shall be, for the University, a Selection Board for the
22 appointment of principal officers, other than the Vice-Chancellor or Deputy
23 Vice-Chancellor, which shall consist of-

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

25 (b) the Vice-Chancellor;

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

27 and

28 (d) two members of the Senate.

29 (2) The functions, procedure and other matters relating to the
30 Selection Board constituted under subsection (1) of this paragraph shall be

1 as the Council may, from time to time, determine.

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

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

11 *Resignation and Re-appointment*

12 8.-(1) Any officer mentioned in the foregoing provisions of this
13 Schedule may resign his office:

14 (a) in the case of the Chancellor or Pro-Chancellor, by notice to the
15 Visitor;

16 (b) in any other case, by notice to the Council and the Council shall, in
17 the case of the Vice-Chancellor, immediately notify the Visitor.

18 (2) Without prejudice to paragraph 4 of this Schedule, a person who
19 has ceased to hold an office so mentioned otherwise than by removal for
20 misconduct shall be eligible for re-appointment to that office.

21 **SECOND SCHEDULE**

22 **TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.**

23 *Transfer of Property to University*

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

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

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

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

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

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

Registration of transfers

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

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

Transfer of Functions, etc.

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

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

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

1 may determine.

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

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

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

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

20 THIRD SCHEDULE

21 [Section 9 (3)]

22 FEDERAL UNIVERSITY OF ENVIRONMENTAL TECHNOLOGY,

23 SAAKPENWA, OGONI

24 STATUTE NO. 1

25 ARRANGEMENT OF ARTICLES

26

27 ARTICLES

28 1. The Council.

29 2. The Finance and General Purposes Committee

30 3. The Senate

- 1 4. The Congregation
- 2 5. Convocation
- 3 6. Division of Colleges
- 4 7. College/School Boards
- 5 8. Dean of the College
- 6 9. Selection of certain Principal Officers
- 7 10. Creation of academic posts
- 8 11. Appointment of academic staff
- 9 12. Appointment of administrative and professional staff
- 10 13. Interpretation.
- 11 14. Short Title

12 *The Council*

13 1.-(1) The composition of the Council shall be as provided in
14 section 5 of this Bill.

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

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

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

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

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

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

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

12 *The Finance and General Purposes Committee*

13 2. -(1) The Finance and General Purposes Committee of the Council
14 shall consist of-

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

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

18 (c) six other members of the Council appointed by the Council, two of
19 whom shall be selected from among the four members of the Council
20 appointed by the Senate and one member appointed to the Council by
21 Congregation;

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

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

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

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

1 *Annual budget and estimates, etc.*

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

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

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

10 *Gifts, donations, etc.*

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

14 (ii) Registers shall be kept of all donations to the University
15 including the names of donors and any special conditions under which any
16 donation may have been given:

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

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

23 *Payment into bank:*

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

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

1 *Audit*

2 3.-(1) The Council shall cause the accounts of the University to be
3 audited by auditors appointed by the Council as soon as may be after the end of
4 each financial year or for any such other period as the Council may require.

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

8 *The Senate*

9 4.-(1) The Senate shall consist of:

10 (i) the Vice-Chancellor

11 (ii) Deputy Vice-Chancellors;

12 (iii) the Deans of respective Colleges;

13 (iv) the Professors in the University;

14 (v) Heads of Academic Departments and Units;

15 (vi) the University Librarian;

16 (vii) One elected representative of each College;

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

18 (ix) One elected representative of each department;

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

22 (xi) Registrar - Secretary.

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

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

29 (4) The quorum of the Senate shall be one quarter or the nearest whole
30 number less than one quarter; and subject to paragraph (3) of this Article, the

1 Senate may regulate its own procedure.

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

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

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

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

21 (9) For the avoidance of doubt it is hereby declared that no person
22 shall be precluded from continuing in or taking office as an elected member
23 by reason only of reduction in the after 30 April in any year in which he is to
24 continue in or take office as all elected member.

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

30 (11) In this article "total of non-elected members" means as respect

1 any year, such number as may be certified by the Vice-chancellor on 30 April of
2 that year to be the number of persons holding office as members of the Senate
3 on that day otherwise than as elected members.

4 *Congregation*

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

6 (i) Vice-Chancellor;

7 (ii) the Deputy Vice-Chancellors;

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

9 (iv) The Registrar;

10 (v) The Librarian;

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

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

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

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

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

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

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

30 (6) Subject to the foregoing provisions of this article, Congregation

1 may regulate its own procedure.

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

7 Convocation

8 6.-(1)Convocation shall consist of-

9 (i) the officers of the University mentioned in the First Schedule to
10 this Bill;

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

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

14 (2) A person shall be entitled to have his name registered as a
15 member of convocation if-

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

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

(3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and subject to paragraph (4) of this article may provide for the payment, from time to time, of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.

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

30 (5) A person who reasonably claims that he is entitled to have his

1 name on the register shall be entitled on demand to inspect the register or a copy
2 of the register at the principal times of the University at all reasonable times.

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

8 (7) The quorum of Convocation shall be fifty or one third or the whole
9 number nearest to one third or the whole number of members of Convocation
10 whichever is less.

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

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

17 *Division of Colleges*

18 7. Each College shall be divided into such number of branches as
19 may be prescribed.

20 *College Boards*

21 8.-(1) There shall be established in respect of each College, a Board of
22 Studies which, subject to the provisions of this Statute, and subject to the
23 directions of the Vice-Chancellor, shall:

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

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

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

30 (2) Each College Board of Studies shall consist of-

- 1 (a) the Vice-Chancellor;
- 2 (b) the Dean;
- 3 (c) the persons severally in charge of the branches of the school;
- 4 (d) the College Examination Officer;
- 5 (e) such of the teachers assigned to the college and having the
- 6 prescribed qualifications as the Board may determine; and
- 7 (f) such persons, whether or not members of the University, as the
- 8 Board may determine with the general or special approval of the Senate.
- 9 (3) The quorum of the Board shall be eight members or one quarter,
- 10 whichever is greater, of the members for the time being of the board; and
- 11 subject to the provisions of this statute and to any provision made by
- 12 regulations in that behalf, the Board may regulate its own procedure.

13 *Deans of the Colleges*

14 9.-(1) The Board of each College shall, at a meeting in the last term

15 of any academic year which the term of office of the Dean expires, nominate

16 one of its members, being one of the Professors assigned to that teaching

17 unit, for appointment by the Senate as Dean of the College.

18 (2) The person appointed under paragraph 1 of this Article shall act

19 as Dean of the College and chairman of all meetings of the College Board

20 when he is present and shall be a member of all committees and other boards

21 appointed by the College.

22 (3) The Dean shall hold office for two years and shall be eligible for

23 re-appointment one further period of two years. Thereafter he shall not be

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

25 (4) The Dean of a College shall exercise general superintendence

26 over the academic and administrative affairs of the College.

27 (5) It shall be the function of the Dean to present to Convocation for

28 the conferment of degrees to persons who have qualified for the degrees of

29 the University at examination held in the branches of learning for which

30 responsibility is allocated to that College.

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

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

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

11 (8) In this article "good cause" has the same meaning as in section
12 15(3) of the Act.

13 *Departmental Board of Studies*

14 10.-(1) There shall be a Departmental Board of Studies whose
15 membership shall be made of all academic staff of the Department;

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

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

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

23 (5) The Board shall handle all disciplinary matters in the Department
24 and make recommendations to the College where necessary;

25 (6) Allocation of courses in the department shall be done by the
26 Departmental Board on recommendation of the Head of Department.

27 *Selection of Directors of Physical Planning and Development, Works and*
28 *Services and Health*

11.-(1) When a vacancy occurs in the office of the Directors of
Physical Planning and Development, Works and Services and Health, a

1 Selection Board shall be constituted by the Council which shall consist of-

2 (a) the Pro-Chancellor;

3 (b) the Vice-Chancellor;

4 (c) two members appointed by the Council, not being members of
5 the Senate;

6 (d) Two members appointed by the Senate.

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

11 *Tenure of Directors*

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

15 *Creation of Academic Posts*

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

19 *Appointment of Academic Staff*

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

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

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

29 (a) the Vice-Chancellor - Chairman;

30 (b) Deputy Vice-Chancellor - Member;

- 1 (c) The Dean of the College - Member;
- 2 (d) Head of Department - Member;
- 3 (e) such other person(s), not exceeding two in number, deemed
- 4 capable of helping the Board in assessing both the professional and academic
- 5 suitability of a candidate under consideration, as the Senate may from time to
- 6 time appoint;
- 7 (f) Registrar - Secretary.
- 8 (4) For other academic posts, a Selection Board, with power to
- 9 appoint, shall consist of:
- 10 (a) the Vice-Chancellor or his representative- Chairman;
- 11 (b) The Dean of the College - Member;
- 12 (c) Head of the Department concerned - Member;
- 13 (d) An internal member of Council (not below the Rank of Senior
- 14 Lecturer from the sister college in the Candidate's subject-area) - Member;
- 15 (e) Registrar or his representative - Secretary.
- 16 (5) All appointments to senior library posts shall be made in the same
- 17 way as equivalent appointments in the academic cadre; and for all such posts
- 18 other than that of the Librarian, the Librarian shall be a member of the Selection
- 19 Board.
- 20 (6) Boards of Selection may interview candidates directly or consider
- 21 the reports of specialist interviewing panels and shall in addition, in the case of
- 22 Professorships, Associate Professorship, Readerships or equivalent Posts,
- 23 consider the reports of External Assessors relevant to the area in which the
- 24 appointment is being considered. Quorum shall be three (3) including the
- 25 Chairman.
- 26 *Appointment of Administrative and Professional Staff*
- 27 15.-(1)The administrative and professional staff of the University
- 28 other than principal officers shall be appointed by the Council or on its behalf
- 29 by the Vice-Chancellor in accordance with delegation of powers made by the
- 30 Council on its behalf.

- 1 (2) A Selection Board, with power to appoint, shall consist of:
2 (i) Vice Chancellor;
3 (ii) Deputy Vice Chancellor;
4 (iii) Registrar;
5 (iv) Bursar;
6 (v) University Librarian;
7 (vi) The Head of Department concerned;
8 (vii) Establishment and Human Resources Officer who shall serve
9 as Secretary. Quorum shall be three (3) including the Chairman.

10 *Interpretation*

- 11 16. In this Statute, the expression "the Act" means the Federal
12 University of Environmental Technology, Saakpenwa, Ogoni Act and any
13 word or expression defined in the Act has the same meaning in this Statute.

14 *Short Title*

- 15 17. This Statute may be cited as the Federal University of
16 Environmental Technology, Saakpenwa, Ogoni Statute No. I.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal University of Environmental
Technology, Saakpenwa, Ogoni

FOR

Sponsored by Senator Nnachi, Michael Ama

[] Commencement

1 **1.-(1)** There is hereby Upgraded the General Hospital Owutu Edda
2 to a Federal Medical Centre Owutu Edda in this Act referred to as “the
3 Federal Medical Centre”) and the Medical Centre shall serve as the Medical
4 Centre subject to the provision of this Act.

Establishment
of Federal Medical
Centre Owutu
Edda

6 (a) shall be a body corporate;

8 © Shall have perpetual succession and a common seal.

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

Establishment
of the Board of
Management of
the Medical Centre

12 **3.-(1)** The Board shall consist of:

Membership of the Board

13 (a) a chairman;

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

15 (c) the Director of Clinical Services;

16 (d) the Director of Administration;

17 (e) the Director of Finance;

18 (f) the Director of Maintenance;

19 (g) a representative of the president;

20 (h) the Federal Ministry of Health;

21 (i) the National Planning Commission;

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

1 respect of that member; or

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

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

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

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

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

14 **7.-(1)** The Board shall:

Functions of
the Board

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

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

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

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

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

Powers of the
Board

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

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

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

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

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

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

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

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

17 PART III - STAFF OF THE MEDICAL CENTRE

Medical Director
of the Medical
Centre

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

23 (2) The Chief Medical Director shall:

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

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

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

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

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

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

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

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

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

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

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

15 (b) a Director of Clinical Services;

16 (c) a Director of Finance;

17 (d) a Director of Maintenance.

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

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

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

Appointment of
Directors and
other staff of the
Medical Centre

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

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

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

Service in the
Medical Centre
to be pensionable

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

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

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

Establishment
of the Medical
Advisory
Committee, etc.

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

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

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

25 (c) be appointed by the Board.

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

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

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

4 PART IV - FINANCIAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **20.** The Medical Centre shall not pay customs duty on or be
8 restricted or prohibited from importing any equipment, material, supply and
9 any other thing required by the Medical Centre for the purposes of this Bill.

Exemption from
customs duties,
etc.

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

Removal and
discipline of
clinical,
administrative
and technical
staff

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

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

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

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

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

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

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

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

21 (ii) the person in question to be afforded an opportunity of appearing
22 before and being heard by an investigating committee set up with respect to the
23 matter, and if the Board, after considering the report of the investigating
24 committee, is satisfied that the person in question should be removed as
25 aforesaid, the Board may so remove him by a letter signed on the direction of
26 the Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Discipline of
junior staff

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

19 (a) consider the case; and

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

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

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

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

1 the Board to reconsider his case.

2 PART VI - MISCELLANEOUS

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

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

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

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

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

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

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

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

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

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

28 "chairman" means the chairman of the Board;

29 "functions" include powers and duties;

30 "Federal Medical Centre "means the Medical Centre Owutu Edda;

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

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

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

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

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

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

Short title

11 **28.** This Bill may be cited as the Federal Medical Centre Owutu Edda
12 (Establishment) Bill, 2020.

13 SCHEDULE

14 [Section 3 (3).]

15 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

16 *Proceedings of the Board*

17 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the
18 Board may make standing orders regulating its proceedings or those of any of
19 its committees.

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

24 2.-(1) The Board shall meet whenever it is summoned by the
25 chairman and if the chairman is required to do so by notice given to him by not
26 less than 8 other members, he shall summon a meeting of the Board to be held
27 within 14 days from the date on which the notice is given.

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

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

Committees

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

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

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

Miscellaneous

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

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

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

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

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

- 1 (b) a defect in the appointment of a member of the Board or
2 committee; or
3 (c) reason that a person not entitled to do so took part in the
4 proceedings of the Board or committee.

EXPLANATORY NOTE

This Bill seeks to Provide for the Legal Framework to Establish the Federal Medical Centre Owutu Edda.