

Extraordinary



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NATIONAL YOUTHS WELFARE SCHEME FUND
(ESTABLISHMENT) BILL, 2019
ARRANGEMENT OF CLAUSES

Clause

PART I - ESTABLISHMENT OF THE FUND

1. Establishment of the Fund

PART II - ESTABLISHMENT AND COMPOSITION OF THE BOARD

2. Establishment of the Board
3. Tenure
4. Cessation or Removal from Membership of the Board

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A BILL

FOR

AN ACT TO ESTABLISH NATIONAL YOUTHS WELFARE SCHEME FUND TO
MANAGE AND CO-ORDINATE YOUTHS WELFARE SERVICES TO REDUCE
CHALLENGES IN GOVERNANCE AND SECURITY IN THE COUNTRY AND FOR
RELATED MATTERS, 2019

Sponsored by Hon. Abbas Tajudeen

[] Commencement

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

PART I - ESTABLISHMENT OF THE FUND

- 1 1.-(1) There is established a fund to be known as the National Establishment
2 Youth Welfare Scheme Fund (in this bill referred to as "the Fund"). of the Fund
- 3 (2) The Fund:
- 4 (a) shall be a body corporate with perpetual succession and an
- 5 official seal;
- 6 (b) may sue and be sued in its corporate name; and
- 7 (c) may hold and dispose property whether movable or immovable

PART II - ESTABLISHMENT AND COMPOSITION OF THE BOARD

- 9 2.-(1) There is hereby established for the Fund a governing Board Establishment of
10 (in this bill referred to as "the Board"). the Board
- 11 (2) The Board shall consists of:
- 12 (a) an Executive Chairman;
- 13 (b) a representative of the Secretary to the Government of the
- 14 Federation;
- 15 (c) six members each representing each of the six geo-political
- 16 zones of the country;
- 17 (d) the Permanent Secretary, Ministry of youths Development;
- 18 (e) the Permanent Secretary, Ministry of Labour and Productivity;

	1	(f) the Permanent Secretary Federal Ministry of Justices;
	2	(g) the Permanent Secretary, Federal Ministry of Finance;
	3	(f) the Director-General, National Youth Service Commission
	4	(3) The President, of the Federal Republic of Nigeria, may on the
	5	recommendation of the Minister, appoint the Executive Chairman and the
	6	members representing the six geo-political zones of the country.
Schedule	7	(4) The supplementary provision set out in the schedule to this Bill
	8	shall have effect with respect to the proceedings of the Board.
Tenure	9	3. -(1) The Executive Chairman and the members representing the six
	10	geo-political zones of the country may hold office for a term of 4 years and may
	11	be eligible for, subject to satisfactory performance, re-appointed for further
	12	term of four years and no more.
	13	(2) The members of the Board shall be paid such remunerations and
	14	allowances as the president may from time to time determine in line with the
	15	provision of National Salaries and Wages Commission Act.
Registration, Cessation or Removal from Membership of the Board	16	4. -(1) A member of the Board mentioned under clause 3(2)
	17	paragraphs (a) ,and (c) may resign his appointment by notice in writing
	18	addressed to the President.
	19	(2) A member of the Board may cease membership if the member:
	20	(a) lacks physical or mental capacity to perform his functions;
	21	(b) becomes of unsound mind;
	22	(c) becomes bankrupt;
	23	(d) is convicted of a felony or of any offence involving dishonesty;
	24	and
	25	(e) is guilty of serious misconduct in relation to the office.
	26	(3) A member of the Board may be removed, at any time, from office
	27	by the President on the recommendation of the Board, if the President is
	28	satisfied that it is not in the interest of the Fund or the public that the member
	29	should continue to hold office.
	30	(4) Where vacancy exists in the membership of the Board, the

1 vacancy shall be filled by appointing a person representing the area where
 2 the vacancy exists, to complete the remainder of the term of office of the
 3 predecessor.

4 PART III - STRUCTURE OF THE FUND

5 5.-(1) The Fund shall be structured into departments, divisions and
 6 units, the departments shall be headed by a Director in the service of the
 7 Fund.

Structure of the
Fund

8 6.-(1) There is established for the Fund, a Management Committee
 9 comprising all the Directors and the Executive Chairman of the Agency.

Establishment of
Management
Committee

10 (2) The Executive-Chairman of the Fund shall be the chairperson
 11 of the Committee and Director in charge of human capital shall be the
 12 Secretary of the Committee.

13 (3) The Management Committee shall be responsible for the
 14 general administration of the Fund, particularly, in recruitment, promotion,
 15 and discipline of members of staff of the Fund.

16 PART IV - FUNCTIONS OF THE FUND

17 7.-(1) The Fund shall be responsible for:

Functions of the
Board

18 (a) implementation of the provision of this Bill;

19 (b) providing general guidelines and over all policy matters III
 20 relation to the Fund;

21 (c) working out the possible required monetary details that will
 22 enhance the welfare of the youths;

23 (d) monitoring the operation and evaluate the progress of the
 24 scheme;

25 (e) liaising with the relevant stakeholders in determining the
 26 projects and programmes of the Fund;

27 (f) working out the modalities needed to identify the youths that
 28 will benefit from the funds of the Fund; and

29 (g) carrying out other activities that are incidental to the attainment
 30 of its objectives under this Bill.

	1	(2) Subject to the provisions of this Bill the Board shall:
	2	(a) create departments for the Fund; and
	3	(b) do anything which in its opinion is calculated to facilitate the
	4	carrying out the objectives of the Fund.
	5	(3) The Board shall not accept any gift, if the conditions attached by
	6	the person or organization making the gift are inconsistent with the objectives
	7	of the Fund under this Bill.
Eligibility	8	8. -(1) For a person to be eligible to benefit from the Fund, the person
	9	shall:
	10	(a) be a youth of between the ages of 18 and 35;
	11	(b) provide a verifiable residential address;
	12	(c) demonstrate the need to be assisted from the Fund;
	13	(d) present a letter of attestation from his village or community leader
	14	identifying the person as an indigene of the village; and
	15	(e) provide any other thing that the fund may from time to time
	16	request.
	17	PART V - STAFF OF THE FUND
Appointment of Secretary of the Fund	18	9. -(1) There shall be appointed for the Fund, by the Board, from
	19	within the service of the Fund, a Secretary for the Fund who shall qualify as a
	20	legal practitioner and was so qualified for a period of not less than 15 years.
	21	(2) The Secretary shall be:
	22	(a) the legal adviser of the Fund and Secretary of all the Committees to
	23	be established by the Management Committee; and
	24	(b) answerable to the Executive Chairman of the Fund.
Other Staff of the Fund	25	10. -(1) Other staff of the Fund shall be appointed by the Board
	26	according to the procedure of appointment as stipulated by the Board.
No. 2 of 2004	27	(2) The staff of the Fund shall be entitled to benefits under the pension
	28	reform Act.
	29	(3) Nothing in sub-clause (1) and (2) of this Bill shall prevent the
	30	employment of a person to any office on temporary or permanent basis which

1 precludes the grant of pension.

2 **11.-(1)** The Board may subject to the provision of this Bill, make Staff Regulation
3 staff regulation relating generally to the condition of service, such
4 regulation may provide for the appointment, promotion, discipline and
5 appeals of the staff of the Agency.

6 PART VI - FINANCIAL PROVISIONS

7	12.-(1) The Fund shall establish and maintain funds which shall	Establishment of
8	consists of:	Funds for the Fund

9 (a) all subventions and budgetary allocation from the federal
10 government;

(b) all funds, assets, resources, undertakings and such rights and interests as the Fund may from time to time acquire;

13 (c) all sums accruing to the Fund, from time to time;

(d) gifts, donations and contributions from national and
internationals Institutions and philanthropists; and

16 (e) fees, if any, charged by the Fund for services rendered;

(f) A contribution of 0.05 of net earnings by both public and private organisation.

19 13.-(1) The Fund shall manage and apply its funds in accordance Application and
with the general guidelines made by the Board, particularly on: Management of
20

21 (a) youth welfare;

(b) cost of administration and payment of allowances to the staff of
the Fund;

24 (c) payment of salaries and other allowances for the staff of the
25 Fund;

26 (d) maintenance of any property vested in the Fund; and

(e) payment of the service fees payable for procurement and consultancy services made for the benefits of the service of the Fund.

29 **14.** The Fund shall not later than 30th September each year or other Annual budget
30 date stipulated by law or policy, submit to the National Assembly an of the Fund

	1	estimate of expenditure or income of the Fund as approved by the Board for the
	2	next fiscal year for incorporation into the National Budget.
Power to borrow money	3	15. The Fund may, with the written approval of the Board and subject
	4	to the guidelines and policy of the Federal Government, borrow such money
	5	needed for the exercise of its function, provided that such borrowing shall be
	6	made on the terms and condition that do not compromise the competence of the
	7	Fund.
	8	PART VII - MISCELLANEOUS PROVISIONS
Accounts and Audit	9	16. The Board shall cause to be kept proper accounts of its Funds
	10	audited by an External Auditors appointed by the Board from the list of
	11	registered auditors in Nigeria, in accordance with the guidelines provided by
	12	Auditor-General of the Federation.
Reports	13	17.-(1) The Management Committee shall submit to the Board
	14	quarterly and annual reports of the activities of the Fund and the Board shall
	15	submit to the President annual report of the activities of the Fund.
Procedure and limitation of suit against the Board	16	18.-(1) An Individual or corporate person who has a cause of action
	17	against the Agency must:
	18	(a) give the Fund three months notice of intention to commence an
	19	action in writing disclosing the cause of action and relief sought and be served
	20	at the principal office of the Fund; and
	21	(b) any cause of action against the Fund for any claim must
	22	commence within four years from the date the cause of action arose.
Service of process	23	19. Any document, summons, notices, process or any other thing
	24	required or authorized to be served on the Fund shall be served by delivering
	25	same at the office of the Executive Chairman of the Fund.
Indemnity of Members	26	20. Every member of the Board, agents or employees of the Fund
	27	shall be indemnified from the Funds of the Fund against any liability incurred
	28	in defending any proceeding brought against the persons under this Clause, in
	29	the person's capacity as member, agent or employee of the Fund.

1 **21.** The Board shall have power to make general regulations to give Regulations
2 full effect to the provisions of this Bill.

3 **22.** In this Bill: Interpretation

4 "Beneficiary" means a person entitled to benefit under this bill;

5 "Minister" Means the minister charged with the responsibility for youth
6 affairs;

7 "Youths" Means a young person not bellow the age of 17 years and not above
8 30 years of age who is unemployed.

9 **23.** This Bill may be cited as the National Youths Welfare Scheme Short Title
10 Fund (Establishment) Bill, 2019.

11 SCHEDULE

12 *Clause 2(4)*

13 SUPPLEMENTARY PROVISIONS RELATING TO THE FUND

14 *Proceedings of the Board*

15 **1.-(1)** Subject to the provisions of this Bill and other applicable
16 laws, the Board may make standing orders regulating its proceedings.

(2) The Board shall meet whenever summoned by the Chairman, or if required to do so, by at least 8 members of the Board and shall meet for a minimum of 4 times in a year.

(3) The Chairman shall preside over the meetings of the Board and in his absence, the Members of the Board shall nominate one person amongst themselves to act as the Chairmen for that meeting.

23 Committees

24 **2.-(1)** The Management Committee may appoint sub-committees
25 to carry out, on its behalf, such functions that the Committee shall
26 legitimately carryout.

(2) The decision of the sub-committee appointed under paragraph 2(1) shall have no effect until it is approved by the Management Committee.

29 *Miscellaneous*

30 3.-(1) The Secretary of the Board shall be the custodian of the seal

1 of the Board.

2 (2) Fixing of the common seal of the Board shall be authenticated by
3 the signature of the Chairman of the Board or some other persons authorized to
4 do so.

5 (3) Any contract or instrument, which if made or executed by a person
6 not being a body corporate, shall not be required to be made under seal, shall be
7 executed on behalf of the Board by the Commandant-General or any other
8 person authorized to do so.

9 (4) Where the Board desires to obtain an expert opinion from a person
10 not being a member of the Board, the Board may co-opt such person for such
11 period the Board may determine, but the co-opted person shall not have the
12 right to vote or to count in forming a quorum.

13 (5) The validity of any proceeding of the Board or of a committee
14 shall not be adversely affected by any vacancy in the membership of the Board
15 or Committee or by any defect in the appointment of a member of the Board.

EXPLANATORY MEMORANDUM

This Bill seeks to establish National Youths Welfare Scheme Fund to manage and co-ordinate the welfare of unemployed youths to reduce the challenges of governance and security in Nigeria.

NIGERIAN NATIONAL HONOURS AND MERIT AWARD COMMISSION

BILL, 2019

ARRANGEMENT OF CLAUSES

Clauses:

1. Establishment of the Commission
2. Establishment of the Governing Board and its Composition.
3. Tenure of Office
4. Resignation, cessation or removal from members Board
5. Functions of the Commission
6. Powers of the Commission
7. Nomination and disqualification for award
8. Duties of the Secretary
9. Staff of the Commission
10. Staff Regulation
11. Fund of the Commission
12. Application of the Fund
13. Establishment of Merit Award Endowment Fund
14. Investment of moneys in the fund
15. Annual Estimates
16. Accounts and Audit
17. Powers to give directives.
18. Institution of suit against employee
19. Remuneration and Allowances
20. Service of documents and payment of judgment debt
21. Indemnity of Staff
22. Repeal
23. Savings and transitional
24. Offences and penalty
25. Interpretation
26. Citation

FOR

AN ACT TO REPEAL THE NATIONAL HONOURS ACT, CAP N 43 AND NIGERIAN NATIONAL MERIT AWARD ACT CAP. N122 LAWS OF THE FEDERATION OF NIGERIA 2004, TO ENACT THE NIGERIAN NATIONAL HONOURS AND MERIT AWARD COMMISSION TO AMONG OTHER THINGS PROVIDE FOR THE ESTABLISHMENT OF A COMMISSION THAT WILL REGULATE MATTERS RELATED TO NATIONAL HONOURS AND MERIT AWARD IN NIGERIA; AND FOR RELATED MATTERS, 2019.

Sponsored by Hon. Abbas Tajudeen

[] Commencement

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

1	1.-(1) There is established a Commission to be known as the	Establishment of
2	Nigerian National Honours and Merit Award Commission (in this Bill	the Commission
3	referred to as "the Commission").	

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

6 (3) The supplementary provisions set out in the Schedule to this Schedule
7 Bill shall have effect with respect to the proceedings of the Commission and
8 the other matters contained therein.

9 (4) The Commission Headquarter shall be in the Federal Capital
10 Territory, Abuja.

11	2.-(1) There is established for the Commission, a body to be known	Establishment of
12	as the Governing Board (in this Bill referred to as "the Board").	the Governing Board and its Composition

13 (2) The Board shall consist of:

14 (a) Chairman;

15 (b) 12 persons, two each representing geo-political zone;

16 (c) a representative of the Secretary to the Government of the

	1	Federation; and
	2	(d) a Secretary, who shall be a legal practitioner of not less than ten
	3	years post call experience.
	4	(3) The Chairman shall be the Chief Executive of the Commission.
	5	(4) The Chairman and other members of the Board shall be:
	6	(a) persons of proven integrity and suitably qualified by reason of
	7	their professional, academic or by their attainments in any field of human
	8	endeavour; and
	9	(b) appointed by the President, subject to the confirmation of the
	10	Senate.
Tenure of Office	11	3. A member of the Board, other than an ex-officio member, shall
	12	hold office for a term of 4 years at the first instance and may be re-appointed for
	13	a further term of 4 years and no more
Regulation, cessation or removal from membership of the Board	14	4.-(1) The member of the Board may resign the appointment by notice
	15	in writing addressed to the President.
	16	(2) A member of the Board may cease membership if the member:
	17	(a) becomes of unsound mind;
	18	(b) becomes bankrupt;
	19	(c) is convicted of a felony or of any offence involving dishonesty;
	20	and
	21	(d) is guilty of serious misconduct in relation to the office.
	22	(3) A member of the Board other than ex-officio member may resign
	23	his or her appointment by notice, in writing to the President which resignation
	24	shall take effect upon receipt and approval by the President.
	25	(4) Where vacancy exists in the membership of the Board, the
	26	vacancy shall be filled by appointment of a person representing the area where
	27	the vacancy exists, to complete the remainder of the term of office of the
	28	predecessor.
Functions of the Commission	29	5. The Commission shall:
	30	(1) Formulate policies and guidelines for the award:

1 (a) in respect of Merit award, to deserving citizens of Nigeria for
2 intellectual and academic attainments that contribute to national endeavours
3 in:

- 4 (i) science and technology;
5 (ii) medicine and humanities;
6 (iii) arts and culture; and
7 (iv) any other field of human endeavour whatsoever.

8 (b) In respect of National Honour award, to any person who has
9 excelled in a particular field of endeavour and has been so certified by the
10 relevant professional body and contributed positively to the development of
11 the country.

12 (2) Establish the honours which may be awarded and specify
13 different ranks within each honour.

14 (3) Provide for the precedence to be accorded to different honours
15 and ranks.

16 (4) Prescribe the insignia by which honour or rank is to be
17 distinguished.

18 (5) Stipulate:

- 19 (a) conditions for the award;
20 (b) closing date for the submission of the nomination; and
21 (c) such other documents or particulars as may be determined from
22 time to time.

23 (6) Request for nomination from the public.

24 (7) Receive nomination and determine the qualification or
25 otherwise.

26 (8) Cause to be published in at least five Nigeria Newspapers the
27 names short listed for nomination and call for objection or otherwise.

28 (9) Ensure that the award is to:

- 29 (a) be an order of dignity;
30 (b) entitle a recipient to:

- 1 (i) use the designation applicable after his or her name;
 2 (ii) in respect of Merit award, receive a cash prize, a certificate and a
 3 medal;
 4 (iii) in respect of National Honour, receive a certificate and a medal;
 5 and
 6 (iv) such other privileges as are enjoyed by recipients of high levels
 7 award all over the world.

8 (10) Forward the Commission recommendations to the President for
 9 the award.

10 (11) The President upon receipt of recommendation for the award of
 11 the National Honour from the Commission, shall:

- 12 (a) vet and examine the suitability of those recommended; and
 13 (b) forward the list of those nominees approved to the Senate for
 14 confirmation.

Powers of the
Commission

15 **6.-(1)** The Commission shall have power to:
 16 (a) acquire and hold property of any description;
 17 (b) appoint one or more committees to carry out on behalf of the
 18 Commission such functions as the Board may determine.

19 (2) The Committee appointed pursuant to the sub- clause (1), shall:

20 (a) consist of seven persons of whom one third shall not be members
 21 of the Commission; and

22 (b) hold office in accordance with the terms of appointment.

23 (3) The decision of the committee shall not be binding on the
 24 Commission until it is confirmed by the Board.

Nomination and
disqualification
for award

25 **7.-(1)** The nomination for consideration of a person for an award may
 26 be made by any person, the nominee or indigenous organization.

27 (2) A person shall not be qualified for the award of National Honour
 28 under this Bill where he:

29 (i) Is of unsound mind and has been so found by a court in Nigeria or
 30 elsewhere;

1 (ii) Has within the preceding 4 years being indicted by a panel for
2 act relating to misconduct, fraud or dishonesty and been tried and found
3 guilty;

4 (iii) Has within the preceding 4 years being charged and convicted
5 of criminal offence;

6 (iv) Is certified undischarged bankrupt;

7 (v) Is found to have given false declaration as to certificate age or
8 any undertaking upon which the award was based;

9 (vi) Has reneged his or her allegiance to the Federal Republic of
10 Nigeria if prior to the confirmation of the award is a Nigeria.

11 (3) A person who has been awarded a National Honour shall loose
12 and be divested of the benefit of the award if at any time he fall within those
13 disqualified under this Bill.

14 (4) The divestment of National Honour shall be by the President
15 upon a notice to National Assembly to that effect or a pronouncement of a
16 Court of record.

17 (5) The National Honour award shall be conferred to those
18 qualified persons at an interval period of 5 years from the date of the last
19 award.

20 **8.** The Secretary to the Commission shall:

Duties of the
Secretary

21 (a) keep the records and correspondence of the Commission; and

22 (b) perform such other duties as the Commission or the Chairman
23 may from time to time assign or direct.

24 **9.** The Commission shall subject to the provisions of this Bill have
25 powers to:

Staff of the
Commission

26 (a) appoint such staff of the Commission who are professionally
27 and technically qualified for the purpose of their employment;

28 (b) pay such remuneration and allowances as payable in the Civil
29 Service of the Federation;

30 (c) determine the conditions of service of the employees; and

Pension Reform Act, No.2 of 2004	1	(d) Service in the Commission shall be approved service for the
	2	purposes of the Pensions Reform Act.
Staff Regulation	3	10. The Commission may subject to the provision of this Bill, make
	4	staff regulation relating generally to the condition of service of the employees,
	5	such regulation may provide for the appointment, promotion, discipline and
	6	appeals of the staff.
Fund of the Commission	7	11. -(1) The Commission shall establish and maintain a fund which
	8	shall be applied towards implementing its functions under this Bill.
	9	(2) There shall be paid and credited to the Fund established under this
	10	Bill:
	11	(a) annual subvention received from the Federal Government;
	12	(b) gifts, donations and contributions from national and internationals
	13	Institutions and philanthropist; and
	14	(c) all other assets which may accrue to the Commission from time to
	15	time.
Application of the Fund	16	12. The Commission shall apply the proceeds of the fund established
	17	pursuant to Clause 11 of this Bill to:
	18	(a) the cost of administration of the Commission;
	19	(b) the payment of salaries, fees, remuneration, allowances, pensions
	20	and gratuities payable to the members of the Board and the employees of the
	21	Commission;
	22	(c) the payment for all purchases; and
	23	(d) undertaking such other activities as are connected with other
	24	functions of the Commission under this Bill.
Establishment of Merit Award Endowment Fund	25	13. -(1) There is established a Merit Award Endowment Fund (in this
	26	Bill referred to as "the Fund") for the purpose of the award annually- of prize
	27	known as the Nigerian National Awards to citizens of Nigeria.
	28	(2) The Merit Award Endowment Fund shall be:
	29	(a) moneys granted to the Commission by Federal, States or Local
	30	Government in Nigeria;

1 (b) moneys granted to the Commission by any Statutory Body,
2 Agency or Corporation; and

3 (c) interest accrued from the investments made with the fund by the
4 Commission.

5 (3) The Commission may accept gifts of property including
6 interests in land, money or and other assets for the purpose of giving award
7 upon such trusts and condition if any, as may be specified by the person or
8 organization making the gift.

9 (4) The Commission shall not accept any gift where the condition
10 attached are inconsistent with the objectives of this Bill.

11 **14.** Moneys in surplus to the current need of Commission shall be
12 invested in securities as may from time to time be approved by the Board.

Investment of
moneys in the
fund

13 **15.** The Commission shall submit to the President not later than 30
14 June in each year or any other date as may be directed, an annual estimate of
15 expenditure and income of the Commission for the next fiscal year for
16 incorporation into the National budget.

Annual Estimates

17 **16.** The Commission shall:

Accounts and
audit

18 (a) keep proper accounts of the fund and proper record;

19 (b) prepare in respect of each year a statement of accounts in such
20 form as may be directed;

21 (c) cause its accounts to be audited within six months after the end
22 of each year by external auditors appointed from the list of auditors and in
23 accordance with guidelines supplied by the Auditor-General for the
24 Federation.

25 **17.** Subject to the provision of this Bill, the President may give to
26 the Commission directives of a general nature in relation to its functions
27 under this Bill.

Powers to give
directives

28 **18.-(1)** Subject to the provisions of this Bill, the provisions of the
29 Public Officers Protection Act shall apply in relation to any suit instituted
30 against any officer or employee of the Commission.

Institution of
suit against
employee

Public Officer
Protection Act,
Cap. P41 LFN.
2004

1 (2) A suit shall not be instituted against any member of the Board, the
2 Chairman, officer or employee of the Commission before the expiration of a
3 period of one month after written notice of intention to commence the suit shall
4 have been served-upon the Commission by the intending plaintiff or his agent.

5 (3) The notice referred to in sub-clause (2) of this clause, shall state
6 the cause of action, the particulars of claim, the name and place of abode of the
7 intending plaintiff and the relief sought by him.

Remuneration
and Allowances

8 **19.**-(1) There shall be paid to a member of the Board not being ex-
9 officio such remunerations, allowances and expenses as may be determined by
10 the Salary and Wages Commission.

11 (2) A member of the Committee appointed in Clause 6(1) (b) shall be
12 entitled to such allowances and other entitlement as may be determined by the
13 Board of the Commission.

Service of
documents and
payment of
judgement debt

14 **20.**-(1) A notice, summons or other documents required or authorized
15 to be served upon the Commission under the provisions of this Bill, or any
16 other enactment may be served by delivering it to the Chairman at the
17 Headquarter of the Commission.

18 (2) In any action or suit, no execution or attachment of process shall
19 be issued against the Commission without the consent of the Attorney General
20 of the Federation.

21 (3) Any sum of money which may by the judgment of any court
22 awarded against the Commission shall, subject to any direction given by court
23 where notice of appeal of the said judgment has been given, be paid from the
24 fund of the Commission.

Indemnity of
Staff

25 **21.** The Chairman, member of the Board or employee of the
26 Commission shall be indemnified out of the assets of the Commission against
27 any proceeding, whether civil or criminal, in which judgment is given in his
28 favour or in which he is acquitted, if any such proceeding is brought against
29 him in his capacity as a Chairman, member of the Board or employee of the
30 Commission.

1	22. The National Honours Act, Cap N 43 and Nigerian National	Repeal
2	Merit Award Act Cap. N122 Laws of the Federation of Nigeria 2004 are	
3	repealed.	
4	23. The repeal of the enactments specified in Clause 24 of this Bill	Savings and
5	shall not affect anything done or purported to have been done under the	transitional
6	repealed enactments.	
7	24. Where any person:	Offences and
8	(a) uses a designation or abbreviation specified by the Commission	penalty
9	as a rank or honour or a description so nearly resembling such ranks or	
10	honour as to be likely to deceive;	
11	(b) wears or otherwise uses any insignia so specified or an emblem	
12	so nearly resembling any such insignia as to be likely to deceive; or	
13	(c) by any other means represents himself or herself to be person	
14	who is or was entitled to the honour or rank, shall be guilty of an offence and	
15	liable on conviction to imprisonment for a term not exceeding five years or a	
16	fine-of N500,000 or both.	
17	25. In this Bill:	Interpretation
18	"Award" means a cash prize, a certificate and a medal as designated by the	
19	Commission;	
20	"Board" means the Governing Board of the Nigerian National Honours and	
21	Merit Award Commission established in Clause 2. "Commission" means the	
22	Nigerian National Honours and Merit Award Commission established in	
23	Clause 1 of this Bill;	
24	"Fund" means fund established in Clause 11 (1) of this Bill;	
25	"Merit Award Endowment Fund" means the Merit Award Endowment Fund	
26	established in Clause 13(1) of this Bill.	
27	26. This Bill may be cited as Nigerian National Honours and Merit	Short Title
28	Award Commission Bill, 2019.	

1 SCHEDULES

2 *Clause 1 (3)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

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

7 (2) The quorum of the Board shall be the Chairman or person
8 presiding at the meeting, Managing Director, Chairman or Executive Director
9 and one third of other members of the Board. The quorum of any Committee of
10 the Commission shall be as determined by the Board.

11 2.-(1) The Board shall meet whenever it is summoned by the
12 Chairman and if the Chairman is required to do so by notice given to him by not
13 less than 4 other members, he shall summon a meeting of the Board to be held
14 within 14 days from the date on which the Notice is given.

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

18 3.-(1) The Board may appoint one or more committees to carry out, on
19 behalf of the Board such functions as the Board may determination.

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

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

25 4.-(1) The fixing of the seal of the Commission shall be authenticated
26 by the signatures of the Chairman or any other member of the Board generally
27 or specifically authorized by the Board to act for that purpose.

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

- 1 5. The validity of any proceedings of the Board or of a committee
2 shall not be adversely affected by:
3 (a) a vacancy in the membership of the Board or committee;
4 (b) a defect in the appointment of a member of the Board or
5 committee;
6 (c) reason that a person not entitled to do so took part in the
7 proceedings of the Board or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the National Honours Act, Cap N 43 and Nigerian National Merit Award Act Cap. N122 Laws of the Federation of Nigeria 2004, to enact the Nigerian National Honours and Merit Award Commission to among other things provide for the establishment of a Commission that will regulate matters related to national honours and merit award in Nigeria.

A BILL

FOR

AN ACT TO AMEND THE NATIONAL UNIVERSITIES COMMISSION ACT CAP N81, TO EXPRESSLY GIVE THE COMMISSION POWER TO REGULATE THE CONDITION OF SERVICE AND PROCEDURE FOR THE ENGAGEMENT OF ACADEMIC STAFF (OTHER THAN NON-ACADEMIC STAFF MEMBER) ON PART TIME BASIS OR VISITING LECTURESHIP AND FOR RELATED MATTERS

Sponsored by Hon. Abbas Tajudeen

[] Commencement

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

- 1 **1.** Section 4 Subsection (1) of the National Universities
2 Commission Act CAP N81 Laws of the Federation of Nigeria 2004 is
3 amended by; inserting, after the existing paragraph (i), the following new
4 paragraph:
5 “(ii) Provide guidelines for the condition of service (including
6 maximum workload per semester per lecturer) and the procedure for the
7 engagement of academic staff on part or visiting basis”.
- 8 **2.** This Bill may be cited as the National Universities Commission
9 Act (Amendment) Bill, 2019.

Amendment of
Section 4(17) of
Act Cap. N81,
LFN 2004

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Universities Commission Act CAP N81, to expressly give the Commission Power to regulate the condition of service and procedure for the engagement of academic staff (other than non-academic staff member) on part time basis or visiting lectureship.

A BILL

FOR

AN ACT TO AMEND THE TERTIARY EDUCATION TRUST FUND (ESTABLISHMENT, ETC.) ACT (NO. 16) 2011 TO PROVIDE FOR ADDITIONAL CONDITIONS FOR ASSESSING OF FUND FOR CAPITAL PROJECTS BY BENEFICIARY INSTITUTIONS

Sponsored by Hon. Abbas Toiudeen

[] Commencement

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

1 1. Section 7 of the Tertiary Education Trust Fund (Establishment,
2 etc.) Act No. 16, 2011 is amended by inserting, after existing subsection (5),
3 two new subsections as follows:

Amendment of
Section 7 of the
Tertiary Education
Trust Fund
(Establishment,
etc.) Act No. 16,
2011

4 “(5) In the case of regular intervention, the board of Trustee shall
5 not disburse any amount for any capital project unless:

6 (a) In the 3 years preceding the year of application, the beneficiary
7 Institution has executed capital project worth at least 500,000,000 naira;

8 (b) the type, quantity, quality and standard of the capital project
9 executed, meets the type, quantity, quality or standard prescribed by the Act
10 or its Regulation;

11 (c) the beneficiary institution shows verifiable evidence of the
12 existence of the capital project in the Institution; and

13 (d) the total cost (including variation) of the capital project is
14 verified and certified by Auditor General of the Federation in case of Federal
15 Government own Institution or the Auditor General of a state in the case of a
16 State Government own Institution.

17 (6) Any Institution which fails to meet the conditions prescribed in
18 Subsection (5) of this section, shall forfeit any amount proposed for the
19 defaulting Institution, after the end of the following financial year, however,

1 the amount forfeited shall be disbursed as first option, as additional allocation,
2 to any Institution within the same state or within the same geo-political Zone as
3 the defaulting institution, which meets the conditions prescribed.

Citation 4 **2.** This Bill may be cited as the Tertiary Education Trust Fund
5 (Establishment, etc.) Act (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

The Bill seeks to amend the Tertiary Education Trust Fund (Establishment, etc.) Act (No. 16) 2011 to Provide for Additional Conditions for Assessing of Fund for Capital Projects by Beneficiary Institutions in order to Encourage Beneficiary Institutions to embark on their own Capital Projects Instead of relying Solely on The Fund for Capital Development.

FEDERAL UNIVERSITY OF TECHNOLOGY, KADUNA BILL, 2019

ARRANGEMENT OF SECTIONS

Sections

PART I - PRELIMINARY

1. The Objects

PART II - ESTABLISHMENT, STRUCTURE, POWER AND FUNCTIONS

OF FEDERAL UNIVERSITY OF TECHNOLOGY

2. Establishment of the Federal University of Technology, Kaduna
3. Structure of the University
4. Governing Council of the University
5. Membership of the Council for the University
6. Tenure of office of members of the Council
7. Removal of any members of the Council
8. Powers of the University
9. Composition of the Senate of the University
10. Functions of the Senate
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PART III - PRINCIPAL OFFICERS, OTHER PRINCIPAL OFFICER AND

STAFF OF THE UNIVERSITY

15. The Chancellor
16. The Pro-Chancellor
17. The Vice-Chancellor
18. Deputy Vice-Chancellors
19. Appointment of the Registrar
20. Appointment of other Principal Officers of the University
21. Selection Board for other Principal Officers
22. Other employees of the University
23. Removal and discipline of staff of the University
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25. Application of the Pensions Reform Act.

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- 23. Establishment of Fund for the University
- 24. Annual estimates, accounts and audit
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- 26. Power to accept gifts
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PART V - MISCELLANEOUS PROVISIONS

- 28. Transitional and savings provisions
- 29. Discipline of students
- 30. The seal of the University
- 31. Limitation of suit against the University
- 32. Power to make Regulations
- 33. Transfer of property
- 34. Restriction on disposal of land belonging to the University
- 35. Exclusion of discrimination on account of race, religion, etc.
- 36. Interpretation
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SCHEDULE

First Schedule

Second Schedule

Third Schedule

Fourth Schedule

A BILL

FOR

AN ACT TO REPEAL THE FEDERAL POLYTECHNIC, KADUNA AND ESTABLISH FEDERAL UNIVERSITY OF TECHNOLOGY, KADUNA, TO PROVIDE TRAINING AND TEACHING INSTRUCTION IN EVERY ASPECT OF EDUCATION AND SUCH OTHER FIELDS OF APPLIED LEARNING RELEVANT TO THE NEEDS OF THE DEVELOPMENT OF EDUCATION IN NIGERIA, MATTERS OF ADMINISTRATION AND DISCIPLINE OF STUDENTS AND FOR RELATED MATTERS, 2019

Sponsored by Hon. Abbas Tajudeen

[] Commencement

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

1 PART 1- PRELIMINARY

2 1. The objects of the University of Technology, Kaduna shall be to: The Objects

3 (a) Encourage the advancement of learning to all persons without
4 distinction of race, religion, sex or political conviction, by availing to all
5 qualified persons the opportunity of acquiring higher education in Nigeria;

6 (b) Develop, offer academic and professional programmes leading
7 to the award of certificates, first degrees, post-graduate diploma and other
8 higher degrees, which emphasises planning, adaptive, developmental and
9 productive skills in education, technology, applied science, agriculture,
10 commerce, art, social science, humanities, management and allied
11 professional disciplines;

12 (c) Produce socially mature educational men and women with
13 capability not to only understand need of Nigeria as a nation, but also to
14 exploit existing educational infrastructures and improve on it to develop
15 new ones;

16 (d) Act as agents and catalysts for effective educational system,

1 through post-graduate training, research and innovation, for effective
2 economic utilisation and conservation of the country's human resources;

3 (e) Bring quality change in education, focusing on teacher education
4 through teaching and learning innovations;

5 (f) Collaborate with other national and international institutions
6 involved in training, research and development of education with a view to
7 promoting governance, leadership and management skills among educational
8 managers;

9 (g) Identify the educational needs of the society with a view to finding
10 solutions to them within the context of overall national development;

11 (h) Provide and promote sound basic education training as a
12 foundation for the development of Nigeria, taking into account indigenous
13 culture and the need to enhance national unity; and

14 (i) Undertake any other activities that are appropriate for a University
15 of Technology of the highest standard.

16 PART II - ESTABLISHMENT, STRUCTURE, POWER AND FUNCTIONS OF
17 FEDERAL UNIVERSITY OF TECHNOLOGY, KADUNA

Establishment
of the Federal
University of
Technology

18 2.-(1) There are established the Federal University of Technology
19 specified in the First Schedule to this Act (in this Act referred to as "the
20 University").

21 (2) The University referred to in sub-section (1) of this Section, shall
22 be a body corporate with perpetual succession and a common seal, which may
23 sue or be sued in its corporate name.

24 (3) May acquire, hold or dispose of any property, movable or
25 immovable for the purposes of carrying out any of its objects under this Act.

Structure of
the University

26 3.-(1) The University shall consist of:

27 (a) A Chancellor;

28 (b) A Pro-Chancellor;

29 (c) A Vice-Chancellor;

30 (d) A Council;

- 1 (e) A Senate;
- 2 (f) A body to be known as the Congregation;
- 3 (g) The campuses and colleges of the University
- 4 (h) The schools, institutes and other teaching and research units of
- 5 the University;
- 6 (i) Undergraduate and postgraduate students of the University and
- 7 (j) All other persons who are members of the university in
- 8 accordance with provisions of this Act.

9 **4.-(1)** The governance of the University and the direction of its Governing

10 affairs shall vest in the Governing Council of the University (in this Act Council of the

11 referred to as "the Council"). University

12 (2) Without prejudice to the generality of sub-section (1) of this

13 Section, it shall be the responsibility of the Council to consider and approve

14 the:

- 15 (a) Plan of activities of the University;
- 16 (b) Programme of studies, courses, and research to be undertaken
- 17 by the University;
- 18 (c) Annual estimates of the University; and
- 19 (d) Investment plans of the University.

20 **5.** The Council of the University shall consist of a chairman and Membership of

21 other members to be appointed by the President: the Council of

the University

- 22 (a) The Pro-Chancellor;
- 23 (b) The Vice-Chancellor;
- 24 (c) Deputy Vice-Chancellor;
- 25 (d) One person from the Ministry responsible for education;
- 26 (e) Nine persons representing a variety of interests and broadly
- 27 representative of the whole Federation to be appointed by the President;
- 28 (f) Four persons appointed by the Senate from among its members;
- 29 (g) Two persons appointed by the Congregation of the University
- 30 from among its members;

	1	(h) Two representatives of the academic board of the University;
	2	(i) One representatives of the National University Commission; and
	3	(j) One person appointed by the Convocation of the University from
	4	among its members.
Tenure of office of members of the Council	5	6.-(1) A member of the Council, other than an ex-officio member,
	6	shall hold office for a term of four years and may be eligible for re-appointment
	7	for another four years and no more.
	8	(2) A member of the Council shall cease to be a member under this
	9	Act, where:
	10	(a) Such member resigns his office by notice in writing under his
	11	hand, addressed to the President through the Minister; or
	12	(b) The President is satisfied that it is not in the best interest of the
	13	University or of the public for such member to continue in office and notifies
	14	such member in writing to that effect.
Removal of any member of the Council	15	7.-(1) Where it appears to the Council that any member of the
	16	Council, other than the Pro- Chancellor and the Vice-Chancellor, should be
	17	removed from office on the ground of misconduct or inability to perform the
	18	functions of his office, the Council shall make recommendation through the
	19	Minister to the President.
	20	(2) Where the president, after making such enquiries as he considers
	21	appropriate and approves the recommendation made by the Council, he may
	22	direct the removal of such members of Council from office.
	23	(3) The Minister shall communicate to the affected person, a copy of
	24	the instrument embodying a direction under sub-section (2) of this Section, to
	25	be served on the person to whom it relates.
Powers of the University	26	8.-(1) The University shall have power to:
	27	(a) Establish such campus, college, institute, schools, extra-moral
	28	department and other teaching and research units within the University, as may
	29	be necessary or desirable, subject to the approval of the National Universities
	30	Commission;

1 (b) Institute professorships, readerships or associate
2 professorships, lecture-ships, other posts and offices and make
3 appointments thereto;

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

7 (d) Provide for the welfare and discipline of members of the
8 University;

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

13 (f) Grant honorary degrees, fellowships or academic titles;

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

18 (h) Acquire, hold, grant, charge or otherwise deal with or disposal
19 of movable and immovable property wherever it is situate for the purposes
20 of carrying out the Objects of this Act;

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

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

26 (k) Build, provide, equip and maintain libraries, laboratories,
27 lecture halls, halls of residence, refectories, sports grounds, playing fields
28 buildings or other facilities deemed necessary for the achievement of the
29 objects of this Act;

30 (l) Hold public lectures and to undertake printing, publishing and

- 1 book selling;
- 2 (m) Invest any surplus funds of the University in profit-yielding
- 3 ventures;
- 4 (n) Borrow money, where it is expedient to borrow and guarantee
- 5 such loan, advances or credit facilities, upon any of the property, movable or
- 6 immovable, of the University, subject to the University Council's approval;
- 7 (o) Conduct examinations in technology for qualified teachers;
- 8 (p) Donate gifts for any charitable purposes;
- 9 (q) Recruit staff of the right calibre and determine the career structure
- 10 of such staff;
- 11 (r) Provide amenities for student's welfare and make such other
- 12 provision for the welfare of the staff of the University;
- 13 (s) Organise and mount exhibitions to foster an appreciation of trends
- 14 in technology and the scope requirements of education; and
- 15 (t) Exercise any other powers as are necessary or expedient for the
- 16 achievement of the objects of this Act.
- 17 (2) The power of the University to establish further campuses and
- 18 colleges under the University shall be exercisable by statute and not otherwise.
- 19 **9.-(1)** The Senate of the University shall consist of:
- 20 (a) The Vice-Chancellor;
- 21 (b) The Deputy Vice-Chancellor;
- 22 (c) The Deans of various schools in the University;
- 23 (d) The Directors of various institutes in the University;
- 24 (e) The Professors in the University;
- 25 (f) The University Librarian;
- 26 (g) Persons holding such appointment on the staff payroll of the
- 27 University as may be specified by the Vice-Chancellor;
- 28 (h) Such lecturers, not being more than one third of the total number
- 29 of non-elected members, elected by the Congregation of the University of
- 30 which at least one of whom shall come from each of the schools in the

Composition of
the Senate of
the University

1 University; and

2 (i) Two persons representing a variety of interests of professional
3 bodies outside the University, appointed by the Senate on the
4 recommendation of the Vice-Chancellor.

5 **10.-(1)** The Senate of the University shall perform the following Functions of the
Senate
6 functions:

7 (a) Determine, organise and regulate teaching in the University;

8 (b) Admit and discipline students, where no other enactment
9 provides to the contrary the procedure for admitting and discipline of
10 students in the University;

11 (c) Promote research activities in the University;

12 (d) Establish, organise and control of campus activities of the
13 University, colleges, schools, institutes and other teaching and research
14 units of the University;

15 (e) Allocate responsibilities to various branches of learning of the
16 University;

17 (f) Organise and control courses of study in the University and
18 conduct examinations based on courses taught;

19 (g) Appoint both internal and external examiners;

20 (h) Consider and approve award of degrees, certificates, diploma
21 and such other qualifications as may be prescribe, in connection with
22 examinations conducted by the University;

23 (i) Make recommendations to the Council with respect to honorary
24 fellowship or honorary degree or the title of professor emeritus, to be
25 conferred on any qualified person by the University;

26 (j) Establish, organise and control of halls of residence under the
27 University;

28 (k) Ensure the welfare of students in the University and regulate
29 their conduct;

30 (l) Recommend to the Council the grant of fellowships, on

1 scholarships, prizes and similar awards within the control of the University on
2 any person approved for such awards; and

3 (m) Determine the colour and design of what shall be the academic
4 dress of the University and regulate its usage.

5 (2) The Senate shall not establish any new campus, college, school,
6 department, institute or other teaching and research units, hall of residence or
7 similar institution of the University without the approval of the Council.

8 (3) Subjects to a right of appeal to the Council from a decision of the
9 Senate under this Act, the Senate may deprive any person of any degree,
10 diploma or other award of the University, which has been conferred upon him,
11 but after due enquiry he is shown to have been guilty of discreditable conduct in
12 gaining admission into the University or obtaining that award.

13 (4) The Senate shall ensure that not less than one person out the
14 persons appointed as examiners at each final or professional examination held
15 in conjunction with any course of study at the University is not a Lecturer at the
16 University but is a Lecturer at any other branch of learning to which the course
17 relates in other University of high repute or a person engaged in practising the
18 profession in a reputable organisation or institution.

The Visitor

19 11.-(1) The President of the Federal Republic of Nigeria shall be the
20 Visitor of the University.

21 (2) The Visitor shall, not less than once in every five years, conduct a
22 visitation to the University or appoint a visitation panel consisting of not less
23 than five experts to carryout visitation for the purposes of evaluating the
24 academic and administrative performance of the University or for such other
25 purposes in respect of any affairs of the University, which the Visitor may
26 consider necessary.

27 PART III - PRINCIPAL OFFICERS, OTHER PRINCIPAL OFFICER

28 AND STAFF OF THE UNIVERSITY

The Chancellor

29 12.-(1) The Chancellor of the University shall be appointed and hold
30 office at the pleasure of the President.

1 (2) The Chancellor shall subject to the provisions of this Act, hold
2 office for a period of five years from the date of his appointment and no
3 more.

4 (3) Notwithstanding the provision of sub-section (2) of this
5 Section, the President may remove any Chancellor from office, where it is in
6 the interest of the University or of the public to do so.

7 **13.**-(1) The Pro-Chancellor of the University shall be appointed by The Pro-Chancellor
8 the President.

9 (2) The Pro-Chancellor shall subject to the provisions of this Act,
10 hold office for a period of five years from the date of his appointment.

11 (3) Notwithstanding the provision of sub-section (2) of this
12 Section, the President may remove any Pro-Chancellor from office, where it
13 is in the interest of the University or of the public to do so.

14 **14.**-(1) There shall be a Vice-Chancellor of the University, who The Vice-
15 shall be appointed by the President in accordance with the provisions of this
16 Section. Chancellor

17 (2) The Vice-Chancellor shall be the chief executive and academic
18 officer of the University, exercise general function in addition to any other
19 functions conferred on him by this Act or otherwise, which includes
20 directing activities in the University and serves as ex-officio and chairman
21 of the Senate.

22 (3) The Vice-Chancellor shall, in relation to the University, take
23 precedence before all other members of the University except the
24 Chancellor and the Pro-Chancellor and any other person for the time being
25 acting as chairman of the Council.

26 (4) Where a vacancy occurs in the post of a Vice-Chancellor, the
27 Council shall:

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

30 (i) the qualities and qualifications of the persons who may apply for

- 1 the post; and
- 2 (ii) the terms and conditions of service applicable to the post, and
- 3 thereafter draw up a short list of suitable candidates for the post for
- 4 consideration;
- 5 (b) Constitute a Search Team consisting of:
- 6 (i) a member of the Council, who is not a member of the Senate, as
- 7 chairman;
- 8 (ii) Two members of the Senate who are not members of the Council,
- 9 one of whom shall be a professor;
- 10 (iii) Two member of the Congregation who are not members of the
- 11 Council, one of whom shall be a professor, to identify and nominate for
- 12 consideration, suitable persons who are not likely to apply for the post on their
- 13 own volition but that of the national interest.
- 14 (5) A joint Council of Senate Selection Board shall consist of:
- 15 (a) The pro-Chancellor, as chairman;
- 16 (b) Two members of the Council, not being members of the Senate;
- 17 and
- 18 (c) Two members of the Senate not below the rank of professors, who
- 19 were not members of the Search Team, shall consider the candidates and
- 20 persons shortlisted under sub-section (2) of this Section through evaluation of
- 21 their curriculum vitae and interaction, shall recommend to the Council,
- 22 suitable candidates from the list for further consideration.
- 23 (6) The Council shall select three candidates from among the
- 24 candidates recommended in sub-section (5) of this Section and may indicate its
- 25 order of preference stating the reasons, if any, forward the names to the
- 26 President for consideration and approval.
- 27 (7) The President may appoint as Vice-Chancellor one of the
- 28 candidates recommended to him accordance with the provisions of sub-section
- 29 (6) of this Section.
- 30 (8) The Vice-Chancellor shall hold office for a single term of five ay

1 years only on such terms and conditions as may be specified in his letter of
2 appointment and no more.

3 (9) The Vice-Chancellor may be removed from office by the
4 President after due consultation with the Council and the Senate, acting
5 through the Minister responsible for education.

6 **15.**-(1) There shall be for the University such number of Deputy Deputy Vice-
7 Vice-Chancellors as the Council may, from time to time, deem necessary for Chancellors
8 the proper management and administration of the University.

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

12 (3) The Senate shall select for any vacant post one candidate from
13 the list forwarded to it under sub-section (2) of this Section and forward his
14 name to the Council for confirmation.

15 (4) A Deputy Vice-Chancellor shall:

16 (a) Assist the Vice-Chancellor in the performance of his functions;

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

20 (c) Perform such other functions as the Vice-Chancellor or the
21 Council may, from time to time, assign to him;

22 (d) Hold office for a period of two years from the date of his
23 appointment on such terms and conditions as may be specified in his letter of
24 appointment; and

25 (e) May be re-appointed for another period of two years and no
26 more.

27 **16.**-(1) There shall be for the University, a Registrar, who shall be Appointment of
28 the chief administrative officer of the University and shall be responsible to the Registrar
29 the Vice-Chancellor for the day-to-day administrative work of the
30 University except as regards matters for which the Bursar is responsible in

1 accordance with sub-section (3) of Section 17 of this Act.

2 (2) The Person holding the office of the Registrar shall by virtue of
3 that office be the secretary to the Council, the Senate, the Congregation and the
4 Convocation of the University.

5 (3) The Registrar shall hold office for a period of five years from the
6 date of his appointment on such terms and conditions as may be specified in his
7 letter of appointment.

Appointment of
other Principal
Officers of the
University

8 **17.-(1)** There shall be for the University the following principal
9 officers in addition to the Registrar:

10 (a) The Bursar; and

11 (b) The University Librarian.

12 (2) The Bursar and the University Librarian shall be appointed by the
13 Council on the recommendation of the Selection Board constituted under this
14 Act.

15 (3) The Bursar shall be the chief financial officer of each University
16 and be responsible to the Vice-Chancellor for the day-to-day administration
17 and control of the financial affairs of the University.

18 (4) The University Librarian shall be responsible to the Vice-
19 Chancellor for the administration of the university library and the co-
20 ordination of the library services in the University and any of its campuses,
21 colleges, faculties, schools, departments, institutes and other teaching or
22 research units of the University.

23 (5) The Registrar, Bursar and Librarian shall hold office for such
24 period and on such terms as to the emoluments of their offices and otherwise as
25 may be specified in their letters of appointment.

26 (6) The scope of the responsibilities of the officers referred to in sub-
27 section (5) of this Section shall be determined by the Vice-Chancellor.

Selection Board
for other Principal
Officers

28 **18.-(1)** There shall be for the University, a Selection Board for the
29 appointment of other principal officers, other than the Vice-Chancellor or
30 Deputy Vice-Chancellor, which shall consist of:

- 1 (a) The Pro-Chancellor, as chairman;
2 (b) The Vice-Chancellor;
3 (c) Four members of the Council not being members of the Senate
4 and
5 (d) Two members of the Senate.

6 (2) Functions, procedure and other matters relating to the Selection
7 Board constituted under sub-section (1) of this Section, shall be determined
8 by the Council from time to time.

9 **19.** The Council may employ such other persons as employees of Other employees
10 the University, as may be required to assist the Vice-Chancellor and the of the University
11 principal officers of the University in the performance of their functions and
12 responsibilities under this Act.

13 **20.-(1)** Where it appears to the Council that there are reasons to Removal and
14 believe that any staff employed by the University other than the Vice- Discipline of
15 Chancellor and other principal staff, should be removed from office or Staff of the
16 employment of the University on the ground of misconduct or inability to University
17 perform the functions of his office, the Council shall:

18 (a) Give notice to the staff, stating the reasons for either his
19 removal or discipline;

20 (b) Afford him an opportunity to make representation in person on
21 the matter to the Council; and

22 (c) Where he made representation to the Council not less than
23 three members of the Council as may be requested within the period of one
24 month from the date of the notice, an arrangement:

25 (i) For a joint committee of the Council and the Senate to
26 investigate the matter may be constituted and submit report to the Council
27 on the matter;

28 (ii) The staff shall be afforded an opportunity of appearing before
29 the investigating Committee with respect to the matter, and if the Council
30 after considering the report of the investigating committee; and

1 (iii) Is satisfied that the staff in question is guilty of the offence
2 alleged, the Council may so direct his removal or being disciplined through an
3 instrument in writing signed on the directions of the Council.

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

8 (3) The Council may for good cause, suspend or terminate the
9 appointment of any member of staff from duty.

10 (4) For the purposes of this section, "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 performance of the functions of
13 his office;

14 (b) Any physical or mental incapacity, which in the opinion of the
15 Council and 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 perform 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 as prejudicial or detrimental to the interest of the University.

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

30 (a) Whether to continue such person on the suspension and is so, on

1 what 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 such person, which in
6 the circumstance shall not be entitled to the proportion of his emoluments
7 withheld during the period of suspension; or

8 (d) Whether to take such lesser disciplinary action against the
9 person, which include the restoration of such proportion of his emoluments
10 withheld during suspension or as the Council may determine.

11 (6) Where the Council, pursuant to this Section, decides to
12 continue the person's suspension or take further disciplinary action against
13 the person, the Council shall before the expiration of three months of such
14 decision, come to a final determination of the case against the person.

15 (7) It shall be the duty of the person by whom an instrument of
16 removal is signed pursuant to this Section, to make effort to cause a copy of
17 the instrument to be served as soon as reasonably practicable on the person
18 to whom it relates.

19 (8) Notwithstanding the provisions of this section, nothing in the
20 foregoing provisions shall:

21 (a) Apply to any directive given by the Visitor in consequence of
22 any visitation report; 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 **21.**-(1) Notwithstanding anything to the contrary in the Pensions
26 Act, the compulsory retiring age of an academic staff of the University shall
27 be 70 years.

Retiring Age of
Academic and
Non-academic
Staff of the
University

28 (2) A law or rule requiring a person to retire from the public service
29 after serving for 35 years shall not apply to both academic and non-academic
30 staff of the University.

Application of
the Pension
Reform Act

1 **22.**-(1) Service in the employment of the University shall be as
2 approved service under the Pensions Reform Act, 2004 and accordingly,
3 employees of the University shall, in respect of their services be entitled to
4 pension, gratuity and other retirement benefits as are prescribed in the Act.

5 (2) Notwithstanding the provisions of sub-section (1) of this Section,
6 nothing in this Act shall prevent the appointment of a person to any office on
7 terms, which preclude the grant of a pension and gratuity in respect of that
8 office.

9 (3) For the purpose of the application of the Pensions Reform Act,
10 2004 and any power exercisable thereunder by the President or authority other
11 than the Federal Government (not being the power to make Regulations under
12 Section 32 of this Act), shall be vested in and exercisable by the University.

13 (4) Subject to sub-section (2) of this Section, the Pensions Reform
14 Act, 2004 shall in its application by virtue of sub-section (3) of this Section,
15 have effect as if the office were in the public service of the federation within the
16 meaning of the Constitution of the Federal Republic of Nigeria, 1999 (as
17 altered).

18 PART IV - FINANCIAL PROVISION

Establishment
of Fund for the
University

19 **23.**-(1) The University shall establish and maintain a Fund, which
20 shall be applied towards the achievement of the aims and objectives of this Act.

21 (2) There shall be paid and credited to the Fund established pursuant
22 to sub-section (1) of this Section:

23 (a) Such sums as may be provided by the Government of the
24 Federation or of a State for payment into the Fund;

25 (b) Fees charged for services rendered by the University; and

26 (c) All sums accruing to the University by way of gifts, testamentary
27 dispositions, endowments or contributions from philanthropic or
28 organizations.

Annual Estimates,
Accounts and
Audit

29 **24.**-(1) The University shall not later than so" September of each year,
30 submit to the Council for approval its estimates of income and expenditure for

1 the next financial year.

2 (2) The University shall:

3 (a) Keep proper records of all accounts of its income and
4 expenditure; and

5 (b) Prepare a statement of account in respect of each financial year.

6 (3) The University shall not later than 30th June of each financial
7 year, submit its accounts to auditors appointed from a list of qualified
8 auditors in accordance with guidelines laid down by the Auditor-General of
9 the Federation and the auditor's fees and expenses shall be paid from the
10 Funds of the University.

11 **25.**-(1) The University shall not later than 30th June of each Annual Report
12 financial year, submit to the Council, in respect of the preceding financial
13 year, an annual report on the activities of the University in such form as the
14 Council may direct.

15 (2) The report referred to in sub-section (1) of this Section shall
16 include:

17 (a) Information the activities of the University in that year;

18 (b) A copy of the audited accounts of the University for that year
19 together with the Auditor-General's report on the accounts of the University;
20 and

21 (c) Such other information as the Council may request.

22 (3) The Vice-Chancellor shall provide such information on the
23 affairs of the University as the Council may from time to time request.

24 **26.**-(1) The University may accept any gift of land, money or other Power to accept
gifts
25 property upon such terms and conditions, if any, as may be specified by the
26 person or organization donating the gift.

27 (2) The University shall not accept any gift where the conditions
28 attached by the person or organization donating the gifts are inconsistent
29 with the functions and objects of the University.

12 PART V - MISCELLANEOUS PROVISIONS

(4) Every asset, funds, resources and other movable or immovable property which before the commencement of this Act was vested in the Polytechnic, shall by virtue of this Act and without further assurance is vested e

1 in the Federal University of Technology, Kaduna established by this Act.

2 (5) Any person who at the coming into force of this Act was the
3 holder of any office in the Polytechnic, shall on the commencement of this
4 Act continue in that office and be deemed to have been appointed to the
5 office by the Federal University of Technology established by this Act.

6 (6) Every regulation, order, requirement, certificate, notice,
7 direction, decision, authorization, consent, application, request or thing
8 made, issued, given or done under the Federal Polytechnic Act, (Cap. F8
9 L.F.N. 2004) shall cease to be in force at the commencement of this Act,
10 against the Polytechnic referred to in this Section.

11 29.-(1) The Council may make rules providing for the Vice- Discipline of
12 Chancellor to conduct enquiries into any alleged breach of discipline in the students
13 University, which include lack of due diligence exhibited by any students.

14 (2) The rules shall provide for the procedure and rules of evidence
15 to be followed at enquiries under this section.

16 (3) Subject to the provisions of sub-section (1) of this Section,
17 where it is proved during enquiry that any student of the University has been
18 found guilty of any misconduct, the Vice-Chancellor may, without prejudice
19 to any other disciplinary powers conferred on him by this Act or any
20 regulations made pursuant to this Act, direct that the:

21 (a) Student shall not, during such period as may be specified in the
22 direction, participate in such activities of the University, or make use of such
23 facilities of the University, as may be specified;

24 (b) Activities of such student shall during such period as may be
25 specified in the directions, be restricted in such manner as may be so
26 specified;

27 (c) The student may be suspended for such period as may be
28 specified in the direction; or

29 (d) Student should be expelled from the University.

30 (4) Where there is no Vice-Chancellor or where the Vice-ions

1 Chancellor refuses to apply any disciplinary measures, the Council may, either
2 directly or through some other staff of the University, apply such disciplinary
3 actions specified in sub-section (3) of this Section to any student of the
4 University that is found guilty of any misconduct.

5 (5) Where a direction is given under sub-section (3), paragraphs (c) or
6 (d) of this Section in respect of any student, the student may, within 21 days
7 from the date of the letter communicating the decision to him, appeal against
8 the direction to the Council, and where such an appeal is brought, the Council
9 after making inquiry in relation to the matter, may either modify, confirm or set
10 aside the direction in such manner as the Council may deem necessary.

11 (6) The fact that an appeal from a direction is brought pursuant to sub-
12 section (5) of this Section, shall not affect the operation of the direction while
13 the appeal is pending.

14 (7) The Vice-Chancellor may delegate his powers under this Section
15 to a disciplinary committee consisting of such members of the University as he
16 may nominate.

17 (8) Nothing in this Section shall be construed as preventing the
18 restriction or termination of a student's activities in the University otherwise
19 than on the ground of misconduct.

20 (9) The direction under sub-section (3) paragraph (a) of this Section
21 may be combined with a direction under sub-section (3) paragraph (b) of this
22 Section.

23 (10) In all cases of indiscipline and misconduct under this Section, the
24 decision of the Council shall be final unless it is reversed by the Minister on
25 appeal by the student.

The seal of the
University

26 **30.-(1)** The seal of the University shall be such as may be determined
27 by the Council and the affixing of the seal shall be signed by the Chairman of
28 the Council and the Vice-Chancellor of the University.

29 (2) Certificates issued by the University shall have the seal of the

1 University affixed and signed by the Vice-Chancellor and the Registrar of
2 the University.

3 (3) 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, shall be presumed to be so executed.

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

10 **31.-(1)** Subject to the provisions of this Act, the provisions of the
11 Public Officers Protection Act shall apply to any suit instituted against the
12 University, an officer or employee of the University.

Limitation of
suit against the
University

13 (2) No suit shall lie or be instituted in any court against the
14 University, a member of the Governing Board or any principal officer or
15 employee of the University for an action carried out in pursuance to the
16 execution of this Act or any enactment, or of any public duty in respect of
17 any alleged neglect or default in the execution of this Act or any other
18 enactment or law, duty or authority, unless it is commenced:

19 (a) Within three months of such act, neglect or default complained
20 thereof; or

21 (b) In the case of a continuation of damages or injury, within six
22 months after the ceasing of the act, neglect or default.

23 (3) No suit shall be commenced against the University, a member
24 of the Council or any principal officer or employee of the University before
25 the expiration of a period of one month after written notice of the intention to
26 commence such suit has been served on the University by the intending
27 plaintiff or his agent.

28 (4) The notice referred to in sub-section (3) of this Section shall
29 clearly state the cause of action, particulars of the claim, the name and place
30 of abode of the intending plaintiff and the relief sought.

Power to make
Regulations

- 1 **32.**-(1) The Council may make Regulations:
2 (a) To regulate the activities and programmes of the University, or any
3 matter connected with the University; or
4 (b) For the effective implementation of any of the provisions of this
5 Act.
6 (2) The Council shall have power to amend Regulations made under
7 this Act provided that the proposal for amendment shall be passed by two-
8 thirds majority of the Council members.
9 (3) All Regulations made by the Council subject to the provisions of
10 this Act, may be published in the Official Gazette of the Government of
11 Nigeria.

Transfer of
Property

- 12 **33.**-(1) All property held by or on behalf of the Colleges shall vest in
13 the University and be held by it for the purposes of the University.
14 (2) The provisions of paragraph the Second Schedule to this Act shall
15 have effect with respect to matters arising from the transfer of property by this
16 section and with respect to the other matters mentioned in that Schedule.

Restriction on
disposal of Land
belonging to
the University

- 17 **34.**-(1) Without prejudice to the provisions of the Land Use Act, a
18 University shall not dispose of or charge any land or an interest in any land,
19 including any land transferred to the University by this Act, except with the
20 prior written consent of the President.
21 (2) Provided that such consent shall not be required in the case of any
22 lease or tenancy at a rent for a term not exceeding 21 years or any lease or
23 tenancy to a member of the University for residential purpose.

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

- 24 **35.**-(1) No person shall be required to satisfy any requirements as to
25 race, ethnicity, sex, place of birth or of family origin, or religion or political
26 affiliation, as a condition of becoming or continuing to be a student at the
27 University created by this Act.
28 (2) No person shall be subjected to any disadvantage or accorded any
29 advantage in relation to the University, by reference to any of the holder of any
30 degree of the University or of appointment or employment at the University, or

1 a member of any, of the bodies established by virtue of this Act.

2 (3) Nothing in sub-section (1) of this Section shall prevent the
3 University from imposing any disability or restriction on any of the persons
4 mentioned in that sub-section, where such person wilfully refuses or fails on
5 grounds of religious belief to undertake any duty generally and uniformly
6 imposed on all such persons or any group of them, which in the opinion of
7 the University is reasonably justifiable in the national interest.

8 36.-(1) In this Act, unless the context otherwise requires:

Interpretation

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

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

11 "Council" means the Council established pursuant to sub-section (1) of
12 Section 4 of this Act of the University;

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

15 "Minister" means the Minister charged with responsibility for matters
16 relating to education;

17 "Notice" means notice in writing;

18 "Officer" does not include the Visitor;

19 "Prescribed" means prescribed by statute or regulation;

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

22 "Regulations" means regulations and other statutory instruments made by
23 the Council under this Act;

24 "Senate" means the Senate of the University established pursuant to
25 paragraph (e) of Section 3 of this Act;

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

27 "Undergraduate" means a person in status pupillary at each University other
28 than:

29 (a) A graduate; and

30 (b) A person of such description as may be prescribed for the

1 purpose of the definition;
2 "University" means the Federal University of Technology, Kaduna established
3 under section 1 of this Act.
Short title 4 **37.** This Bill may be cited as the University of Technology, Kaduna
5 Bill, 2019.

6 SCHEDULE

7 FIRST SCHEDULE

8 (a) Federal Polytechnic, Kaduna.

9 SECOND SCHEDULE

10 *Proceedings of the Council and Senate's Meetings*

11 1. Subject to this Act and section 27 of the Interpretation Act (CAP I
12 23) LFN, 2004,:

13 (a) The Council and Senate may make Standing Orders to regulate its
14 proceedings or those of any of its Committees; and

15 2. The Council or the Senate shall meet whenever it is summoned by
16 the chairman and if, the chairman is required to do so by notice given to him by
17 not less than 3 other members, he shall summon a meeting of the Council or of
18 the Senate, to be held within fourteen days from the date on which the notice is
19 given.

20 3. At any meeting of the Council and Senate, the Chairman shall
21 preside but where he is absent, the members present at the meeting shall
22 appoint one of their members to preside over the meeting.

23 4. Where the Council or the Senate, desires to obtain the advice of any
24 person on a particular matter, they may co-opt such person to be members for
25 such period as it deem fit, but the person who is in attendance by virtue of this
26 paragraph shall not be entitled to vote at any meeting and shall not count
27 towards constitution of required quorum as contemplated by paragraph 2.

28 5. Notwithstanding anything in the foregoing provisions of these
29 paragraphs, the first meeting of the Council and Senate shall be summoned by
30 the President,

1 6. The Council shall meet as and when necessary for the
2 performance of its functions under this Act, but shall meet not less than three
3 times in every year.

4 7. Where not less than five members of the Council requested in
5 writing that a meeting should hold, the chairman shall within 28 days after
6 the receipt of such request, call a meeting of the Council.

7 8. Any request made under sub-section (10) of this Section, the
8 agenda of the meeting shall disclose the business to be considered at the
9 meeting and no business not so specified shall be transacted at such meeting.

10 *Constitution of Committees*

11 9. The Council or the Senate may appoint one or more Committees
12 to carry out, on its behalf, such functions as it may consider necessary.

13 10. A Committee appointed under this paragraph shall consist of
14 such number of persons as may be determined by the body constituting the
15 committee and the persons shall hold office on the Committee in accordance
16 with the terms of their appointment.

17 11. A decision of a Committee of the Council and Senate shall be
18 of no effect until it is confirmed by the constituting body.

19 *Miscellaneous*

20 12. The validity of any proceedings of either the Council or the
21 Senate or of a Committee shall not be adversely affected by:

22 (a) a vacancy in the membership of such body or the Committee;

23 (b) a defect in the appointment of a member of such body or the
24 Committee; or

25 (c) reason being that a person not entitled to so took part in the
26 proceedings of such body or the Committee.

27 13. Any member of the Council or the Senate or any person
28 holding office in any Committee, who has personal interest in any contract
29 or arrangement entered into or proposed to be considered by either the
30 Council or the Senate or a Committee thereof, shall disclose his interest to the

1 body concerned and shall not vote on any question relating to the contract or
2 arrangement.

3 14. A person shall not by reason of his membership of either the
4 Council or the Senate or of any committee be treated as holding an office of
5 emolument under the University.

6 *Functions of Finance and General Purposes Committee*

7 15. Subject to the provision of this Act relating to the Visitor, the
8 Council shall be the governing body of each University, charged with the
9 general control and superintendence of the policy, finances and property of the
10 University.

11 16. There shall be a committee of the Council to be known as the
12 Finance and General Purposes Committee, which shall subject to the directions
13 of the Council, exercise control over the property and expenditure of the
14 University and perform such other functions as may be delegated to it by the
15 Council.

16 17. Constitution of the Finance and General Purposes Committee
17 shall be carried out in compliance with the statute made by each of the
18 universities.

19 18. The Council shall ensure that proper accounts of the University
20 are kept and audited annually by an independent firm of auditors approved by
21 the Council and ensure that an annual report is published by the University
22 together with certified copies of the audited account.

23 19. Notwithstanding anything to the contrary contained in this Act or
24 any statutes made subject to this Act, the Council and the Finance and General
25 Purposes Committee may make rules for the purpose of exercising any of their
26 respective functions under this Act.

27 20. Rules made under sub paragraph (16) of this Paragraph by the
28 Finance and General Purposes Committee shall not come into force unless it is
29 approved by the Council.

30 21. Where any of the rules made by the Committee is in conflict with

1 any directions given by the Council, before or after the coming into force of
2 such rules, the directions of the Council shall prevail.

3 22. There shall be paid to the members of the Council, the Finance
4 and General Purposes Committee and any other committee set up by the
5 Council, such allowances in respect of travelling and other reasonable
6 expenses incurred, at such rates as may from time to time be fixed by the
7 Government.

8 *Statutory instruments made by the University*

9 23. Subject to this Act, the Federal University of Technology,
10 Kaduna may make rules and regulations to:

11 (a) Provide with respect to the composition and constitution of any
12 authority in the University.

13 (b) Specify the powers of any authority in the University and any
14 other matter connected with the exercise of such powers confer on such
15 authority;

16 (c) Regulate the duties of any authority of the University and any
17 other matter connected with the University;

18 (d) Regulate admission, welfare, and discipline of students, where
19 no other enactment provides to the contrary;

20 (e) Determine whether any particular matter is to be treated as an
21 academic or a non- academic matter for the purposes of this Act or
22 Regulations or other instrument made under this Act.

23 24. Subject to section 24 (6) of this Act, the interpretation Act shall
24 apply in relation to any statutory instruments made under this section as it
25 applies to a subsidiary instrument within the meaning of Section 29 (1) of
26 that, Act.

27 *(CAP. 123)*

28 *Mode of exercising power to make statutory instruments*

29 25. the power of the University to make stator instruments shall be

1 exercised in accordance with the provisions of Section 32 of this Act and not
2 otherwise.

3 26. Such statutory instruments shall not become law unless it has
4 been approved at a meeting of the:

5 (a) Senate by not less than two thirds votes of the members present at
6 the meeting; and

7 (b) Council by not less than two thirds votes of the members present at
8 the meeting.

9 27. Statutory instruments may originate either from the Senate or
10 from the Council and shall be approved as required by sub paragraphs (a) and
11 (b) of Paragraph (26) by either one of those bodies before the other.

12 28. Any statutory instrument which:

13 (a) makes provision for the alteration of the composition or
14 constitution of the Council and the Senate or any other authority of the
15 University; or

16 (b) provides for the establishment of a new campus or college or for
17 the amendment or revocation of any statutory instrument whereby a campus or
18 college is established, shall not come into operation unless it has been approved
19 by the President.

20 29. For the purposes of Section 2, sub-section (2) of the interpretation
21 Act, such a statutory instruments shall be treated as being made on the date on
22 which it is duly approved by the Council after having been duly approved by
23 the Senate, or on the date on which it is duly approved by the Senate after
24 having been duly approved by the Council, as the case may be or, in the case of
25 a statute falling within sub-section (4) of this section, on the date on which it is
26 approved by the President.

27 30. The decision of the Visitor on any matter referred to him under
28 this Act, shall be binding upon such authorities, staff and students of the
29 University.

30 31. Where any question as to the meaning of any provision of any ny

1 statutory instrument made subject to this Act has been decided by the
2 Visitor, no question as to the meaning of that provision shall be entertained
3 by any court of law in Nigeria.

4 32. Nothing in this Act shall affect any power of a court of
5 competent jurisdiction to determine whether any provision of statutory
6 instrument is wholly or partly void as being ultra vires or inconsistent with
7 the Constitution of the Federal Republic of Nigeria 1999 (as Altered).

8 *Proof of statutory instruments*

9 33. Any statutory instrument made by the University, may be
10 proved in any court by the production of a copy thereof bearing or having
11 affixed to it a certificate purporting to be signed by the Vice-Chancellor or
12 the Secretary to the Council to the effect that the copy is a true copy of such
13 statutory instrument of the University.

14 *Removal of examiners*

15 34. If, on the recommendation of the Senate, it appears to the Vice-
16 Chancellor that a person appointed as an examiner for any examination of
17 the University ought to be removed from his office or appointment, except in
18 such cases as may be prescribed, the Vice-Chancellor may, after affording
19 the examiner an opportunity of making representations in person on the
20 matter, may disengage such examiner from the University by an
21 instrument in writing signed by the Vice-Chancellor.

22 35. Subject to the provisions of statutory instrument made in
23 pursuant to Paragraph 34 of the Second Scheduled to this Act, the Vice-
24 Chancellor may, on the recommendation of the Senate, appoint an
25 appropriate person as examiner in the place of the examiner removed under
26 sub-section (1) of this Section.

27 36. It shall be the duty of the Vice-Chancellor, on signing an
28 instrument of removal in accordance to Paragraph 34, shall cause a copy of
29 the instrument to be served as soon as reasonably practicable on the person
30 to whom it relates.

THIRD SCHEDULE

Composition of the Finance and General Purposes Committee

1. The Finance and General Purposes Committee of the Council shall consist of:

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

(b) The Vice-Chancellor and Deputy Vice-Chancellor;

(c) Six representatives of the Council, two of whom shall be selected from among the Council's members, two members appointed by the Senate and one member appointed by the Congregation;

(d) The Permanent Secretary, Federal Ministry of Education or such member of his Ministry as may be delegated by him to represent him; and

(e) The Permanent Secretary, Federal Ministry of Science and Technology or such member of his Ministry as may be delegated by him to represent him.

2. The quorum of the Committee shall be five.

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

Composition of the Congregation of the University

4. The Congregation of the University shall consist of:

(a) The vice-Chancellor and the Deputy Vice-Chancellor;

(b) Full-time members of the academic staff;

(c) The Registrar;

(d) The Bursar;

(e) The Librarian;

(f) The Director of Works;

(g) The Director of Health Services; and

(h) Every administrative staffs of the University, who holds a degree, other than an honorary degree, of any University recognised for the purposes of this Act by the Vice-Chancellor.

5. Subject to sub-paragraph 4 of this Paragraph, the Vice-Chancellor shall be the chairman at all meetings of Congregation when he is present and in his absence, any of the Deputy Vice-Chancellors present at the meeting of the Congregation or may appoint for that meeting a chairman where the Vice-Chancellors and Deputy Vice-Chancellors is absent.

6 6. The quorum at any meeting of the Congregation shall be one
7 third of the whole number of the total number of members or fifty members
8 in attendance.

9 7. A certificate signed by the Vice-Chancellor specifying the:

10 (a) Total number of members of the Congregation for the purpose
11 of any particular meeting or meetings of the Congregation; or

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

15 8. Subject to the foregoing provisions of Paragraphs (6) and (7),
16 the Congregation may regulate its own proceeding of meeting.

17 9. Congregation shall be entitled to express by resolutions or
18 otherwise its opinion on all matters affecting the interest and welfare of the
19 University and members, shall have power to elect members of the Council
20 in addition to other functions as may be provided by this Act or Statutory
21 instruments made subject thereto.

22 *Convocation*

23 10. Convocation shall consist of:

24 (a) The officers of the University mentioned in the First Schedule
25 to this Act;

26 (b) All teachers within the meaning of this Act;

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

29 11. A person shall be entitled to have his name registered as a
30 member of Convocation if:

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

3 (b) He applies for the registration of his name in the prescribed
4 manner and pays the prescribed fees.

5 12. Regulations shall provide for the establishment and maintenance
6 of a register for the purpose of Paragraph 4, may provide for the payment, from
7 time to time, of fees by persons whose names are on the register and for the
8 removal from the register of the name of any person who fails to pay those fees.

9 13. The person responsible for maintaining the register shall, without
10 the payment of any fees, ensure that the names of all persons who are for the
11 time being members of the Convocation by virtue of sub-paragraphs (a) or (b)
12 of this Paragraph are entered and retained on the register.

13 14. A person who reasonably claims that he is entitled to have his
14 name on the register shall be entitled on demand to inspect the register or a copy
15 of the register at the principal offices of the University at all reasonable times.

16 15. The register shall, unless the contrary is proved, be sufficient
17 evidence that any person named therein is, and that any person not named
18 therein is not, a member of Convocation, but for the purpose of ascertaining
19 whether a particular person was such a member on a particular date, any entries
20 in and deletions from the register made on or after that date shall be
21 disregarded.

22 16. The quorum of Convocation shall be fifty or one third or the
23 whole number nearest to one third or the whole number of members of
24 Convocation whichever is less.

25 17. Subject to section 4 of the Act, the Chancellor shall be chairman
26 at all meetings of Convocation when he is present, and in his absence the Vice-
27 Chancellor shall be the chairman at the meeting.

28 18. Convocation shall have such functions, in addition to the function
29 of appointing a member of the Council, as may be provided by any statutory
30 instrument of each University.

1 *Division of Schools*

2 19. Each school shall be divided into such number of branches as
3 may be prescribed.

4 *School Boards*

5 20.-(1) There shall be established in respect of each school a board
6 of studies which, subject to the provisions of this Statute, and subject to the
7 directions of the Vice- Chancellor, shall:

8 (a) Regulate the teaching and study of, and the conduct of
9 examinations connected with, the subjects assigned to the school;

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

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

14 (2) Each school board of studies shall consist of:

15 (a) The Vice-Chancellor;

16 (b) The Dean;

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

18 (d) Such of the teachers assigned to the school and having the
19 prescribed qualifications as the board may determine; and

20 (e) Such persons, whether or not members of the University, as the
21 Board may determine with the approval of the Senate.

22 (3) The quorum of any board meeting shall be eight members or
23 one quarter, whichever is greater, of the members for the time being of the
24 board; and subject to the provisions of this Statute and to any provision made
25 by regulations in that behalf, the board may regulate its own procedure.

26 *Dean of the School*

27 21.-(1) the board of each school shall, at a meeting in the last term
28 of any academic year in which the term of office of the Dean expires,
29 nominate one of its members, being one of the professors assigned to that
30 teaching unit, for appointment by the Senate as Dean of the school.

(2) The person appointed under sub-paragraph (1) of Paragraph 8, shall act as Dean of the school and chairman at all meetings of the school board when he is present and shall be a member of all committees and other boards appointed by the school.

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

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

(5) It shall be the function of the Dean to present to Convocation for the conferment of degrees on persons who are qualified for the degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that school.

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

(7) The Dean of school may be removed from office for good cause by the school 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, provided that at the next school board meeting, an election shall be held for a new Dean.

(8) In this Schedule "good cause" has the same meaning as in sub-section (3) of Section 20 of the Act.

25 *Selection of Director of Works*

26 22.-(1) Where a vacancy occurs in the office of the Director of Works,
27 a selection board shall be constituted by the Council which shall consist of:

28 (a) The Pro-Chancellor;

29 (b) The Vice-Chancellor;

1 (c) Two members appointed by the Council, not being members of
2 the Senate; and

3 (d) The selection board, after making such inquiries as it thinks fit,
4 shall recommend a candidate to the Council for appointment to the vacant
5 office; and after considering the recommendation of the board the Council
6 may make an appointment to that office.

7 *Creation of academic posts*

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

11 *Appointment of academic staff*

12 24.-(1) Subject to the Act and statutes, the filling of vacancies in
13 academic posts (including newly created ones) shall be the responsibility of
14 the Senate.

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

18 (3) For appointments to professorships, associate professorship or
19 readerships or equivalent posts, a board of selection, with power to appoint,
20 shall consist of:

21 (a) The Vice-Chancellor;

22 (b) Two members appointed by the Council;

23 (c) Four members appointed by the Senate, at least two of whom
24 shall be members of the Senate, while the other two members shall be
25 professional peers in the professional area in which an appointment is to be
26 considered;

27 (d) Where the post is tenable at the University, the Vice-Chancellor
28 of the University;

29 (e) Where the post is within a school, institute or other teaching unit
30 of the University, the Dean of the school or the teaching unit, or the director

1 of the institute, as the case may be; and

2 (f) Such other persons, not exceeding two in number, deemed capable
3 of helping the board in assessing both the professional and academic suitability
4 of a candidate under consideration, as the Senate may from time to time
5 appoint.

6 (4) For other academic posts, a selection board, with power to
7 appoint, shall consist of:

8 (a) The Vice-Chancellor;

9 (b) Four members appointed by the Senate, at least two of whom shall
10 be members of the Senate, while the other two members shall be professional
11 peers in the professional area in which an appointment is to be considered;

12 (c) Where the office is justifiable at the University, the Vice-
13 Chancellor of the University;

14 (d) Where the post is within a school, institute or other teaching unit of
15 the University, the Dean of the school or the teaching unit or the director of the
16 institute, as the case may be; and

17 (e) Such other persons, not exceeding two in number, deemed capable
18 of helping the board in assessing both the professional and academic suitability
19 of a candidate under consideration, as the Senate may from time to time
20 appoint.

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

25 (6) Boards of selection may interview candidates directly or consider
26 the reports of interviewing panels and shall in addition, in the case of
27 professorships, associate professorships, readerships or equivalent post,
28 consider the reports of external assessors relevant to the area in which the
29 appointment is being considered.

Appointment of administrative and professional staff

25.-(1) The Administrative and professional staff of the University other than principal officers, shall be appointed by the Council on its behalf by the Vice-Chancellor or the Registrar in accordance with delegation of any powers made by the Council in that behalf.

(2) In the case of administrative or professional staffs that have close and important contacts with the academic staff, the Senate or its representative shall participate in the selection process.

FOURTH SCHEDULE

Transitional provisions as to property within the contemplation of this Act

1. Agreements, contracts, deeds and other instruments to which the Polytechnic were party to, shall subject to any necessary modification, have effect as if the University had been a party thereto in place of the Polytechnic.

2. Documents not falling within sub-paragraph (1) of this Paragraph, including enactments, which refer, whether specifically or generally, to the provisional council, shall be construed in accordance with that sub-paragraph so far as applicable.

3. Any legal proceedings or application relating to any authority pending or against the Polytechnic, may be continued by or against the University.

Registration of transfers

4. Where there is a law in force at the place where any property transferred by this Act is situated, which 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 shall apply to the modifications required under this paragraph.

5. It shall be the duty of the body to which any property is rity and

1 transferred by this Act to make available to the transferee, necessary particulars
2 of such transfer to the proper officer of the registration authority and of that
3 officer to register the transfer accordingly.

4 *Transfer of functions*

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

7 7. Persons who were members of the Polytechnic Council shall be
8 deemed to constitute the Council of the University until the date when a new
9 Council will be constituted by the University.

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

13 9. Any person, who is a member of the Council of the Polytechnic
14 before the coming into force of this Act, shall be deemed to constitute the
15 Senate of the University until the date when the Senate as provided for Section
16 9 of this Act have been duly constituted.

17 10. Subject to any statutory instruments made by the Senate pursuant
18 to this Act, the schools, school boards and students of the University before the
19 coming into force of this Act, shall on that day become schools, school boards
20 and students of the University as may be constituted by this Act.

21 11. Persons who were Deans or associate Dean of schools or
22 members of any school boards shall continue to be Deans or associate Deans or
23 become members of the corresponding school boards, until new appointments
24 are made in pursuance of the statutes.

25 12. Any person who was a member of staff of the Polytechnic as
26 established or was otherwise employed by the Council of the Polytechnic, shall
27 become the holder of an appointment at the University with the status,
28 designation and functions which correspond with his status as a staff of the
29 University.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Federal Polytechnic, Kaduna and establish Federal University of Technology, Kaduna, to provide training and teaching instruction in every aspect of education and such other fields of applied learning relevant to the needs of the development of education in Nigeria, matters of administration and discipline of students.

FEDERAL UNIVERSITY OF TECHNOLOGY, LAGOS BILL, 2019

ARRANGEMENT OF SECTIONS

Sections

PART I - PRELIMINARY

1. The Objects

PART II - ESTABLISHMENT, STRUCTURE, POWER AND FUNCTIONS
OF FEDERAL UNIVERSITY OF TECHNOLOGY, LAGOS

2. Establishment of the Federal University of Technology, Lagos
3. Structure of the University
4. Governing Council of the University
5. Membership of the Council for the University
6. Tenure of office of members of the Council
7. Removal of any members of the Council
8. Powers of the University
9. Composition of the Senate of the University
10. Functions of the Senate
11. The Visitor

PART III - PRINCIPAL OFFICERS, OTHER PRINCIPAL OFFICER AND
STAFF OF THE UNIVERSITY

15. The Chancellor
16. The Pro-Chancellor
17. The Vice-Chancellor
18. Deputy Vice-Chancellors
19. Appointment of the Registrar
20. Appointment of other Principal Officers of the University
21. Selection Board for other Principal Officers
22. Other employees of the University
23. Removal and discipline of staff of the University
24. Retiring age of academic and non-academic staff of the University
25. Application of the Pensions Reform Act.

PART IV - FINANCIAL PROVISION

- 23. Establishment of Fund for the University
- 24. Annual estimates, accounts and audit
- 25. Annual report
- 26. Power to accept gifts
- 27. Borrowing and investment power of the University

PART V - MISCELLANEOUS PROVISIONS

- 28. Transitional and savings provisions
- 29. Discipline of students
- 30. The seal of the University
- 31. Limitation of suit against the University
- 32. Power to make Regulations
- 33. Transfer of property
- 34. Restriction on disposal of land belonging to the University
- 35. Exclusion of discrimination on account of race, religion, etc.
- 36. Interpretation
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SCHEDULE

First Schedule

Second Schedule

Third Schedule

Fourth Schedule

A BILL

FOR

AN ACT TO REPEAL THE YABA COLLEGE OF TECHNOLOGY, LAGOS AND ESTABLISH FEDERAL UNIVERSITY OF TECHNOLOGY, LAGOS, TO PROVIDE TRAINING AND TEACHING INSTRUCTION IN EVERY ASPECT OF EDUCATION AND SUCH OTHER FIELDS OF APPLIED LEARNING RELEVANT TO THE NEEDS OF THE DEVELOPMENT OF EDUCATION IN NIGERIA, MATTERS OF ADMINISTRATION AND DISCIPLINE OF STUDENTS AND FOR RELATED MATTERS

Sponsored by Hon. Abbas Tajudeen

[] Commencement

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

PART 1- PRELIMINARY

1. The objects of the University of Technology, Lagos shall be to: The Objects

(a) Encourage the advancement of learning to all persons without distinction of race, religion, sex or political conviction, by availing to all qualified persons the opportunity of acquiring higher education in Nigeria;

(b) Develop, offer academic and professional programmes leading to the award of certificates, first degrees, post-graduate diploma and other higher degrees, which emphasises planning, adaptive, developmental and productive skills in education, technology, applied science, agriculture, commerce, art, social science, humanities, management and allied professional disciplines;

(c) Produce socially mature educational men and women with capability not to only understand need of Nigeria as a nation, but also to exploit existing educational infrastructures and improve on it to develop new ones;

(d) Act as agents and catalysts for effective educational system,

1 through post-graduate training, research and innovation, for effective
2 economic utilisation and conservation of the country's human resources;

3 (e) Bring quality change in education, focusing on teacher education
4 through teaching and learning innovations;

5 (f) Collaborate with other national and international institutions
6 involved in training, research and development of education with a view to
7 promoting governance, leadership and management skills among educational
8 managers;

9 (g) Identify the educational needs of the society with a view to finding
10 solutions to them within the context of overall national development;

11 (h) Provide and promote sound basic education training as a
12 foundation for the development of Nigeria, taking into account indigenous
13 culture and the need to enhance national unity; and

14 (i) Undertake any other activities that are appropriate for a University
15 of Technology of the highest standard.

16 PART II - ESTABLISHMENT, STRUCTURE, POWER AND FUNCTIONS OF
17 FEDERAL UNIVERSITY OF TECHNOLOGY, LAGOS

Establishment
of the Federal
University of
Technology,
Lagos

18 2.-(1) There are established the Federal University of Technology
19 specified in the First Schedule to this Act (in this Act referred to as "the
20 University").

21 (2) The University referred to in sub-section (1) of this Section, shall
22 be a body corporate with perpetual succession and a common seal, which may
23 sue or be sued in its corporate name.

24 (3) May acquire, hold or dispose of any property, movable or
25 immovable for the purposes of carrying out any of its objects under this Act.

Structure of
the University

26 3.-(1) The University shall consist of:

27 (a) A Chancellor;

28 (b) A Pro-Chancellor;

29 (c) A Vice-Chancellor;

30 (d) A Council;

- 1 (e) A Senate;
- 2 (f) A body to be known as the Congregation;
- 3 (g) The campuses and colleges of the University
- 4 (h) The schools, institutes and other teaching and research units of
- 5 the University;
- 6 (i) Undergraduate and postgraduate students of the University and
- 7 (j) All other persons who are members of the university in
- 8 accordance with provisions of this Act.

9 **4.-(1)** The governance of the University and the direction of its Governing

10 affairs shall vest in the Governing Council of the University (in this Act Council of the

11 referred to as "the Council"). University

12 (2) Without prejudice to the generality of sub-section (1) of this

13 Section, it shall be the responsibility of the Council to consider and approve

14 the:

- 15 (a) Plan of activities of the University;
- 16 (b) Programme of studies, courses, and research to be undertaken
- 17 by the University;
- 18 (c) Annual estimates of the University; and
- 19 (d) Investment plans of the University.

20 **5.** The Council of the University shall consist of a chairman and Membership of

21 other members to be appointed by the President: the Council of

the University

- 22 (a) The Pro-Chancellor;
- 23 (b) The Vice-Chancellor;
- 24 (c) Deputy Vice-Chancellor;
- 25 (d) One person from the Ministry responsible for education;
- 26 (e) Nine persons representing a variety of interests and broadly
- 27 representative of the whole Federation to be appointed by the President;
- 28 (f) Four persons appointed by the Senate from among its members;
- 29 (g) Two persons appointed by the Congregation of the University
- 30 from among its members;

	1	(h) Two representatives of the academic board of the University;
	2	(i) One representatives of the National University Commission; and
	3	(j) One person appointed by the Convocation of the University from
	4	among its members.
Tenure of office of members of the Council	5	6.-(1) A member of the Council, other than an ex-officio member,
	6	shall hold office for a term of four years and may be eligible for re-appointment
	7	for another four years and no more.
	8	(2) A member of the Council shall cease to be a member under this
	9	Act, where:
	10	(a) Such member resigns his office by notice in writing under his
	11	hand, addressed to the President through the Minister; or
	12	(b) The President is satisfied that it is not in the best interest of the
	13	University or of the public for such member to continue in office and notifies
	14	such member in writing to that effect.
Removal of any member of the Council	15	7.-(1) Where it appears to the Council that any member of the
	16	Council, other than the Pro- Chancellor and the Vice-Chancellor, should be
	17	removed from office on the ground of misconduct or inability to perform the
	18	functions of his office, the Council shall make recommendation through the
	19	Minister to the President.
	20	(2) Where the president, after making such enquiries as he considers
	21	appropriate and approves the recommendation made by the Council, he may
	22	direct the removal of such members of Council from office.
	23	(3) The Minister shall communicate to the affected person, a copy of
	24	the instrument embodying a direction under sub-section (2) of this Section, to
	25	be served on the person to whom it relates.
Powers of the University	26	8.-(1) The University shall have power to:
	27	(a) Establish such campus, college, institute, schools, extra-moral
	28	department and other teaching and research units within the University, as may
	29	be necessary or desirable, subject to the approval of the National Universities
	30	Commission;

1 (b) Institute professorships, readerships or associate
2 professorships, lecture-ships, other posts and offices and make
3 appointments thereto;

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

7 (d) Provide for the welfare and discipline of members of the
8 University;

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

13 (f) Grant honorary degrees, fellowships or academic titles;

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

18 (h) Acquire, hold, grant, charge or otherwise deal with or disposal
19 of movable and immovable property wherever it is situate for the purposes
20 of carrying out the Objects of this Act;

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

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

26 (k) Build, provide, equip and maintain libraries, laboratories,
27 lecture halls, halls of residence, refectories, sports grounds, playing fields
28 buildings or other facilities deemed necessary for the achievement of the
29 objects of this Act;

30 (l) Hold public lectures and to undertake printing, publishing and

- 1 book selling;
- 2 (m) Invest any surplus funds of the University in profit-yielding
- 3 ventures;
- 4 (n) Borrow money, where it is expedient to borrow and guarantee
- 5 such loan, advances or credit facilities, upon any of the property, movable or
- 6 immovable, of the University, subject to the University Council's approval;
- 7 (o) Conduct examinations in technology for qualified teachers;
- 8 (p) Donate gifts for any charitable purposes;
- 9 (q) Recruit staff of the right calibre and determine the career structure
- 10 of such staff;
- 11 (r) Provide amenities for student's welfare and make such other
- 12 provision for the welfare of the staff of the University;
- 13 (s) Organise and mount exhibitions to foster an appreciation of trends
- 14 in technology and the scope requirements of education; and
- 15 (t) Exercise any other powers as are necessary or expedient for the
- 16 achievement of the objects of this Act.
- 17 (2) The power of the University to establish further campuses and
- 18 colleges under the University shall be exercisable by statute and not otherwise.
- 19 **9.-(1)** The Senate of the University shall consist of:
- 20 (a) The Vice-Chancellor;
- 21 (b) The Deputy Vice-Chancellor;
- 22 (c) The Deans of various schools in the University;
- 23 (d) The Directors of various institutes in the University;
- 24 (e) The Professors in the University;
- 25 (f) The University Librarian;
- 26 (g) Persons holding such appointment on the staff payroll of the
- 27 University as may be specified by the Vice-Chancellor;
- 28 (h) Such lecturers, not being more than one third of the total number
- 29 of non-elected members, elected by the Congregation of the University of
- 30 which at least one of whom shall come from each of the schools in the

Composition of
the Senate of
the University

1 University; and

2 (i) Two persons representing a variety of interests of professional
3 bodies outside the University, appointed by the Senate on the
4 recommendation of the Vice-Chancellor.

5 **10.-(1)** The Senate of the University shall perform the following Functions of the
Senate
6 functions:

7 (a) Determine, organise and regulate teaching in the University;

8 (b) Admit and discipline students, where no other enactment
9 provides to the contrary the procedure for admitting and discipline of
10 students in the University;

11 (c) Promote research activities in the University;

12 (d) Establish, organise and control of campus activities of the
13 University, colleges, schools, institutes and other teaching and research
14 units of the University;

15 (e) Allocate responsibilities to various branches of learning of the
16 University;

17 (f) Organise and control courses of study in the University and
18 conduct examinations based on courses taught;

19 (g) Appoint both internal and external examiners;

20 (h) Consider and approve award of degrees, certificates, diploma
21 and such other qualifications as may be prescribe, in connection with
22 examinations conducted by the University;

23 (i) Make recommendations to the Council with respect to honorary
24 fellowship or honorary degree or the title of professor emeritus, to be
25 conferred on any qualified person by the University;

26 (j) Establish, organise and control of halls of residence under the
27 University;

28 (k) Ensure the welfare of students in the University and regulate
29 their conduct;

30 (l) Recommend to the Council the grant of fellowships, on

1 scholarships, prizes and similar awards within the control of the University on
2 any person approved for such awards; and

3 (m) Determine the colour and design of what shall be the academic
4 dress of the University and regulate its usage.

5 (2) The Senate shall not establish any new campus, college, school,
6 department, institute or other teaching and research units, hall of residence or
7 similar institution of the University without the approval of the Council.

8 (3) Subjects to a right of appeal to the Council from a decision of the
9 Senate under this Act, the Senate may deprive any person of any degree,
10 diploma or other award of the University, which has been conferred upon him,
11 but after due enquiry he is shown to have been guilty of discreditable conduct in
12 gaining admission into the University or obtaining that award.

13 (4) The Senate shall ensure that not less than one person out the
14 persons appointed as examiners at each final or professional examination held
15 in conjunction with any course of study at the University is not a Lecturer at the
16 University but is a Lecturer at any other branch of learning to which the course
17 relates in other University of high repute or a person engaged in practising the
18 profession in a reputable organisation or institution.

The Visitor

19 11.-(1) The President of the Federal Republic of Nigeria shall be the
20 Visitor of the University.

21 (2) The Visitor shall, not less than once in every five years, conduct a
22 visitation to the University or appoint a visitation panel consisting of not less
23 than five experts to carryout visitation for the purposes of evaluating the
24 academic and administrative performance of the University or for such other
25 purposes in respect of any affairs of the University, which the Visitor may
26 consider necessary.

27 PART III - PRINCIPAL OFFICERS, OTHER PRINCIPAL OFFICER

28 AND STAFF OF THE UNIVERSITY

The Chancellor

29 12.-(1) The Chancellor of the University shall be appointed and hold
30 office at the pleasure of the President.

1 (2) The Chancellor shall subject to the provisions of this Act, hold
2 office for a period of five years from the date of his appointment and no
3 more.

4 (3) Notwithstanding the provision of sub-section (2) of this
5 Section, the President may remove any Chancellor from office, where it is in
6 the interest of the University or of the public to do so.

7 **13.**-(1) The Pro-Chancellor of the University shall be appointed by The Pro-Chancellor
8 the President.

9 (2) The Pro-Chancellor shall subject to the provisions of this Act,
10 hold office for a period of five years from the date of his appointment.

11 (3) Notwithstanding the provision of sub-section (2) of this
12 Section, the President may remove any Pro-Chancellor from office, where it
13 is in the interest of the University or of the public to do so.

14 **14.**-(1) There shall be a Vice-Chancellor of the University, who The Vice-
15 shall be appointed by the President in accordance with the provisions of this Chancellor
16 Section.

17 (2) The Vice-Chancellor shall be the chief executive and academic
18 officer of the University, exercise general function in addition to any other
19 functions conferred on him by this Act or otherwise, which includes
20 directing activities in the University and serves as ex-officio and chairman
21 of the Senate.

22 (3) The Vice-Chancellor shall, in relation to the University, take
23 precedence before all other members of the University except the
24 Chancellor and the Pro-Chancellor and any other person for the time being
25 acting as chairman of the Council.

26 (4) Where a vacancy occurs in the post of a Vice-Chancellor, the
27 Council shall:

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

30 (i) the qualities and qualifications of the persons who may apply for

- 1 the post; and
- 2 (ii) the terms and conditions of service applicable to the post, and
- 3 thereafter draw up a short list of suitable candidates for the post for
- 4 consideration;
- 5 (b) Constitute a Search Team consisting of:
- 6 (i) a member of the Council, who is not a member of the Senate, as
- 7 chairman;
- 8 (ii) Two members of the Senate who are not members of the Council,
- 9 one of whom shall be a professor;
- 10 (iii) Two member of the Congregation who are not members of the
- 11 Council, one of whom shall be a professor, to identify and nominate for
- 12 consideration, suitable persons who are not likely to apply for the post on their
- 13 own volition but that of the national interest.
- 14 (5) A joint Council of Senate Selection Board shall consist of:
- 15 (a) The pro-Chancellor, as chairman;
- 16 (b) Two members of the Council, not being members of the Senate;
- 17 and
- 18 (c) Two members of the Senate not below the rank of professors, who
- 19 were not members of the Search Team, shall consider the candidates and
- 20 persons shortlisted under sub-section (2) of this Section through evaluation of
- 21 their curriculum vitae and interaction, shall recommend to the Council,
- 22 suitable candidates from the list for further consideration.
- 23 (6) The Council shall select three candidates from among the
- 24 candidates recommended in sub-section (5) of this Section and may indicate its
- 25 order of preference stating the reasons, if any, forward the names to the
- 26 President for consideration and approval.
- 27 (7) The President may appoint as Vice-Chancellor one of the
- 28 candidates recommended to him accordance with the provisions of sub-section
- 29 (6) of this Section.
- 30 (8) The Vice-Chancellor shall hold office for a single term of five ay

1 years only on such terms and conditions as may be specified in his letter of
2 appointment and no more.

3 (9) The Vice-Chancellor may be removed from office by the
4 President after due consultation with the Council and the Senate, acting
5 through the Minister responsible for education.

6 **15.**-(1) There shall be for the University such number of Deputy
7 Vice-Chancellors as the Council may, from time to time, deem necessary for
8 the proper management and administration of the University. Deputy Vice-
Chancellors

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

12 (3) The Senate shall select for any vacant post one candidate from
13 the list forwarded to it under sub-section (2) of this Section and forward his
14 name to the Council for confirmation.

15 (4) A Deputy Vice-Chancellor shall:

16 (a) Assist the Vice-Chancellor in the performance of his functions;

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

20 (c) Perform such other functions as the Vice-Chancellor or the
21 Council may, from time to time, assign to him;

22 (d) Hold office for a period of two years from the date of his
23 appointment on such terms and conditions as may be specified in his letter of
24 appointment; and

25 (e) May be re-appointed for another period of two years and no
26 more.

27 **16.**-(1) There shall be for the University, a Registrar, who shall be
28 the chief administrative officer of the University and shall be responsible to
29 the Vice-Chancellor for the day-to-day administrative work of the
30 University except as regards matters for which the Bursar is responsible in Appointment of
the Registrar

1 accordance with sub-section (3) of Section 17 of this Act.

2 (2) The Person holding the office of the Registrar shall by virtue of
3 that office be the secretary to the Council, the Senate, the Congregation and the
4 Convocation of the University.

5 (3) The Registrar shall hold office for a period of five years from the
6 date of his appointment on such terms and conditions as may be specified in his
7 letter of appointment.

Appointment of
other Principal
Officers of the
University

8 **17.-(1)** There shall be for the University the following principal
9 officers in addition to the Registrar:

10 (a) The Bursar; and

11 (b) The University Librarian.

12 (2) The Bursar and the University Librarian shall be appointed by the
13 Council on the recommendation of the Selection Board constituted under this
14 Act.

15 (3) The Bursar shall be the chief financial officer of each University
16 and be responsible to the Vice-Chancellor for the day-to-day administration
17 and control of the financial affairs of the University.

18 (4) The University Librarian shall be responsible to the Vice-
19 Chancellor for the administration of the university library and the co-
20 ordination of the library services in the University and any of its campuses,
21 colleges, faculties, schools, departments, institutes and other teaching or
22 research units of the University.

23 (5) The Registrar, Bursar and Librarian shall hold office for such
24 period and on such terms as to the emoluments of their offices and otherwise as
25 may be specified in their letters of appointment.

26 (6) The scope of the responsibilities of the officers referred to in sub-
27 section (5) of this Section shall be determined by the Vice-Chancellor.

Selection Board
for other Principal
Officers

28 **18.-(1)** There shall be for the University, a Selection Board for the
29 appointment of other principal officers, other than the Vice-Chancellor or
30 Deputy Vice-Chancellor, which shall consist of:

- 1 (a) The Pro-Chancellor, as chairman;
2 (b) The Vice-Chancellor;
3 (c) Four members of the Council not being members of the Senate
4 and
5 (d) Two members of the Senate.

6 (2) Functions, procedure and other matters relating to the Selection
7 Board constituted under sub-section (1) of this Section, shall be determined
8 by the Council from time to time.

9 **19.** The Council may employ such other persons as employees of
10 the University, as may be required to assist the Vice-Chancellor and the
11 principal officers of the University in the performance of their functions and
12 responsibilities under this Act.

Other employees
of the University

13 **20.-(1)** Where it appears to the Council that there are reasons to
14 believe that any staff employed by the University other than the Vice-
15 Chancellor and other principal staff, should be removed from office or
16 employment of the University on the ground of misconduct or inability to
17 perform the functions of his office, the Council shall:

Removal and
Discipline of
Staff of the
University

18 (a) Give notice to the staff, stating the reasons for either his
19 removal or discipline;

20 (b) Afford him an opportunity to make representation in person on
21 the matter to the Council; and

22 (c) Where he made representation to the Council not less than
23 three members of the Council as may be requested within the period of one
24 month from the date of the notice, an arrangement:

25 (i) For a joint committee of the Council and the Senate to
26 investigate the matter may be constituted and submit report to the Council
27 on the matter;

28 (ii) The staff shall be afforded an opportunity of appearing before
29 the investigating Committee with respect to the matter, and if the Council
30 after considering the report of the investigating committee; and

1 (iii) Is satisfied that the staff in question is guilty of the offence
2 alleged, the Council may so direct his removal or being disciplined through an
3 instrument in writing signed on the directions of the Council.

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

8 (3) The Council may for good cause, suspend or terminate the
9 appointment of any member of staff from duty.

10 (4) For the purposes of this section, "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 performance of the functions of
13 his office;

14 (b) Any physical or mental incapacity, which in the opinion of the
15 Council and 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 perform 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 as prejudicial or detrimental to the interest of the University.

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

30 (a) Whether to continue such person on the suspension and is so, on

1 what 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 such person, which in
6 the circumstance shall not be entitled to the proportion of his emoluments
7 withheld during the period of suspension; or

8 (d) Whether to take such lesser disciplinary action against the
9 person, which include the restoration of such proportion of his emoluments
10 withheld during suspension or as the Council may determine.

11 (6) Where the Council, pursuant to this Section, decides to
12 continue the person's suspension or take further disciplinary action against
13 the person, the Council shall before the expiration of three months of such
14 decision, come to a final determination of the case against the person.

15 (7) It shall be the duty of the person by whom an instrument of
16 removal is signed pursuant to this Section, to make effort to cause a copy of
17 the instrument to be served as soon as reasonably practicable on the person
18 to whom it relates.

19 (8) Notwithstanding the provisions of this section, nothing in the
20 foregoing provisions shall:

21 (a) Apply to any directive given by the Visitor in consequence of
22 any visitation report; 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 **21.-(1)** Notwithstanding anything to the contrary in the Pensions
26 Act, the compulsory retiring age of an academic staff of the University shall
27 be 70 years.

Retiring Age of
Academic and
Non-academic
Staff of the
University

28 (2) A law or rule requiring a person to retire from the public service
29 after serving for 35 years shall not apply to both academic and non-academic
30 staff of the University.

Application of
the Pension
Reform Act

1 **22.**-(1) Service in the employment of the University shall be as
2 approved service under the Pensions Reform Act, 2004 and accordingly,
3 employees of the University shall, in respect of their services be entitled to
4 pension, gratuity and other retirement benefits as are prescribed in the Act.

5 (2) Notwithstanding the provisions of sub-section (1) of this Section,
6 nothing in this Act shall prevent the appointment of a person to any office on
7 terms, which preclude the grant of a pension and gratuity in respect of that
8 office.

9 (3) For the purpose of the application of the Pensions Reform Act,
10 2004 and any power exercisable thereunder by the President or authority other
11 than the Federal Government (not being the power to make Regulations under
12 Section 32 of this Act), shall be vested in and exercisable by the University.

13 (4) Subject to sub-section (2) of this Section, the Pensions Reform
14 Act, 2004 shall in its application by virtue of sub-section (3) of this Section,
15 have effect as if the office were in the public service of the federation within the
16 meaning of the Constitution of the Federal Republic of Nigeria, 1999 (as
17 altered).

18 PART IV - FINANCIAL PROVISION

Establishment
of Fund for the
University

19 **23.**-(1) The University shall establish and maintain a Fund, which
20 shall be applied towards the achievement of the aims and objectives of this Act.

21 (2) There shall be paid and credited to the Fund established pursuant
22 to sub-section (1) of this Section:

23 (a) Such sums as may be provided by the Government of the
24 Federation or of a State for payment into the Fund;

25 (b) Fees charged for services rendered by the University; and

26 (c) All sums accruing to the University by way of gifts, testamentary
27 dispositions, endowments or contributions from philanthropic or
28 organizations.

Annual Estimates,
Accounts and
Audit

29 **24.**-(1) The University shall not later than so" September of each year,
30 submit to the Council for approval its estimates of income and expenditure for

1 the next financial year.

2 (2) The University shall:

3 (a) Keep proper records of all accounts of its income and
4 expenditure; and

5 (b) Prepare a statement of account in respect of each financial year.

6 (3) The University shall not later than 30th June of each financial
7 year, submit its accounts to auditors appointed from a list of qualified
8 auditors in accordance with guidelines laid down by the Auditor-General of
9 the Federation and the auditor's fees and expenses shall be paid from the
10 Funds of the University.

11 **25.**-(1) The University shall not later than 30th June of each Annual Report
12 financial year, submit to the Council, in respect of the preceding financial
13 year, an annual report on the activities of the University in such form as the
14 Council may direct.

15 (2) The report referred to in sub-section (1) of this Section shall
16 include:

17 (a) Information the activities of the University in that year;

18 (b) A copy of the audited accounts of the University for that year
19 together with the Auditor-General's report on the accounts of the University;
20 and

21 (c) Such other information as the Council may request.

22 (3) The Vice-Chancellor shall provide such information on the
23 affairs of the University as the Council may from time to time request.

24 **26.**-(1) The University may accept any gift of land, money or other Power to accept
gifts
25 property upon such terms and conditions, if any, as may be specified by the
26 person or organization donating the gift.

27 (2) The University shall not accept any gift where the conditions
28 attached by the person or organization donating the gifts are inconsistent
29 with the functions and objects of the University.

Borrowing and
Investment
power of the
University

1 **27.**-(1) The University may with the consent or in accordance with
2 any general authority given by the Council or appropriate authority; borrow by
3 way of loan or overdraft from any source, any specified amount of money
4 required by the University for its Obligations and functions under this Act.

5 (2) The University may, subject to the provisions of this Act and the
6 conditions of any trust created in respect of any property, invest any of its funds
7 with the consent or general authority of the Council.

8 (3) The University may invest any of its surplus funds in such
9 securities as the Council may from time to time approve.

10 (4) For the purposes of this section, "appropriate authority" means
11 Ministry charged with the responsibility of education.

12 PART V - MISCELLANEOUS PROVISIONS

Transitional and
savings provisions

13 **28.**-(1) Notwithstanding anything to the contrary in the provisions of
14 the Federal Polytechnic, Kaduna Act (Cap. F8 L.F.N. 2004) and all other
15 subsidiary instruments made thereunder, from the commencement of this Act,
16 it shall not apply to the Federal Polytechnic now upgraded to Federal
17 University of Technology, Kaduna.

18 (2) From the commencement of this Act, all rights, functions,
19 interests, obligations and liabilities of the Colleges, existing before the
20 commencement of this Act under any contract or instrument of Law or in equity
21 shall by virtue of this Act be deemed to have been assigned to and vested in the
22 Federal University of Technology, Kaduna established by this Act.

23 (3) Any proceeding or cause of action pending or existing
24 immediately before the commencement of this Act by or against the
25 Polytechnic in respect of any rights, interest or obligation may be continued or
26 discontinued by or against each Federal University of Technology, Kaduna
27 established by this Act in any court of Law or Tribunal.

28 (4) Every asset, funds, resources and other movable or immovable
29 property which before the commencement of this Act was vested in the
30 Polytechnic, shall by virtue of this Act and without further assurance is vested e

1 in the Federal University of Technology, Kaduna established by this Act.

2 (5) Any person who at the coming into force of this Act was the
3 holder of any office in the Polytechnic, shall on the commencement of this
4 Act continue in that office and be deemed to have been appointed to the
5 office by the Federal University of Technology established by this Act.

6 (6) Every regulation, order, requirement, certificate, notice,
7 direction, decision, authorization, consent, application, request or thing
8 made, issued, given or done under the Federal Polytechnic Act, (Cap. F8
9 L.F.N. 2004) shall cease to be in force at the commencement of this Act,
10 against the Polytechnic referred to in this Section.

11 **29.-(1)** The Council may make rules providing for the Vice-
12 Chancellor to conduct enquiries into any alleged breach of discipline in the
13 University, which include lack of due diligence exhibited by any students.

Discipline of
students

14 (2) The rules shall provide for the procedure and rules of evidence
15 to be followed at enquiries under this section.

16 (3) Subject to the provisions of sub-section (1) of this Section,
17 where it is proved during enquiry that any student of the University has been
18 found guilty of any misconduct, the Vice-Chancellor may, without prejudice
19 to any other disciplinary powers conferred on him by this Act or any
20 regulations made pursuant to this Act, direct that the:

21 (a) Student shall not, during such period as may be specified in the
22 direction, participate in such activities of the University, or make use of such
23 facilities of the University, as may be specified;

24 (b) Activities of such student shall during such period as may be
25 specified in the directions, be restricted in such manner as may be so
26 specified;

27 (c) The student may be suspended for such period as may be
28 specified in the direction; or

29 (d) Student should be expelled from the University.

30 (4) Where there is no Vice-Chancellor or where the Vice-ions

1 Chancellor refuses to apply any disciplinary measures, the Council may, either
2 directly or through some other staff of the University, apply such disciplinary
3 actions specified in sub-section (3) of this Section to any student of the
4 University that is found guilty of any misconduct.

5 (5) Where a direction is given under sub-section (3), paragraphs (c) or
6 (d) of this Section in respect of any student, the student may, within 21 days
7 from the date of the letter communicating the decision to him, appeal against
8 the direction to the Council, and where such an appeal is brought, the Council
9 after making inquiry in relation to the matter, may either modify, confirm or set
10 aside the direction in such manner as the Council may deem necessary.

11 (6) The fact that an appeal from a direction is brought pursuant to sub-
12 section (5) of this Section, shall not affect the operation of the direction while
13 the appeal is pending.

14 (7) The Vice-Chancellor may delegate his powers under this Section
15 to a disciplinary committee consisting of such members of the University as he
16 may nominate.

17 (8) Nothing in this Section shall be construed as preventing the
18 restriction or termination of a student's activities in the University otherwise
19 than on the ground of misconduct.

20 (9) The direction under sub-section (3) paragraph (a) of this Section
21 may be combined with a direction under sub-section (3) paragraph (b) of this
22 Section.

23 (10) In all cases of indiscipline and misconduct under this Section, the
24 decision of the Council shall be final unless it is reversed by the Minister on
25 appeal by the student.

The seal of the
University

26 **30.-(1)** The seal of the University shall be such as may be determined
27 by the Council and the affixing of the seal shall be signed by the Chairman of
28 the Council and the Vice-Chancellor of the University.

29 (2) Certificates issued by the University shall have the seal of the

1 University affixed and signed by the Vice-Chancellor and the Registrar of
2 the University.

3 (3) 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, shall be presumed to be so executed.

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

10 **31.-(1)** Subject to the provisions of this Act, the provisions of the
11 Public Officers Protection Act shall apply to any suit instituted against the
12 University, an officer or employee of the University.

Limitation of
suit against the
University

13 (2) No suit shall lie or be instituted in any court against the
14 University, a member of the Governing Board or any principal officer or
15 employee of the University for an action carried out in pursuance to the
16 execution of this Act or any enactment, or of any public duty in respect of
17 any alleged neglect or default in the execution of this Act or any other
18 enactment or law, duty or authority, unless it is commenced:

19 (a) Within three months of such act, neglect or default complained
20 thereof; or

21 (b) In the case of a continuation of damages or injury, within six
22 months after the ceasing of the act, neglect or default.

23 (3) No suit shall be commenced against the University, a member
24 of the Council or any principal officer or employee of the University before
25 the expiration of a period of one month after written notice of the intention to
26 commence such suit has been served on the University by the intending
27 plaintiff or his agent.

28 (4) The notice referred to in sub-section (3) of this Section shall
29 clearly state the cause of action, particulars of the claim, the name and place
30 of abode of the intending plaintiff and the relief sought.

Power to make
Regulations

- 1 **32.**-(1) The Council may make Regulations:
2 (a) To regulate the activities and programmes of the University, or any
3 matter connected with the University; or
4 (b) For the effective implementation of any of the provisions of this
5 Act.
6 (2) The Council shall have power to amend Regulations made under
7 this Act provided that the proposal for amendment shall be passed by two-
8 thirds majority of the Council members.
9 (3) All Regulations made by the Council subject to the provisions of
10 this Act, may be published in the Official Gazette of the Government of
11 Nigeria.

Transfer of
Property

- 12 **33.**-(1) All property held by or on behalf of the Colleges shall vest in
13 the University and be held by it for the purposes of the University.
14 (2) The provisions of paragraph the Second Schedule to this Act shall
15 have effect with respect to matters arising from the transfer of property by this
16 section and with respect to the other matters mentioned in that Schedule.

Restriction on
disposal of Land
belonging to
the University

- 17 **34.**-(1) Without prejudice to the provisions of the Land Use Act, a
18 University shall not dispose of or charge any land or an interest in any land,
19 including any land transferred to the University by this Act, except with the
20 prior written consent of the President.
21 (2) Provided that such consent shall not be required in the case of any
22 lease or tenancy at a rent for a term not exceeding 21 years or any lease or
23 tenancy to a member of the University for residential purpose.

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

- 24 **35.**-(1) No person shall be required to satisfy any requirements as to
25 race, ethnicity, sex, place of birth or of family origin, or religion or political
26 affiliation, as a condition of becoming or continuing to be a student at the
27 University created by this Act.
28 (2) No person shall be subjected to any disadvantage or accorded any
29 advantage in relation to the University, by reference to any of the holder of any
30 degree of the University or of appointment or employment at the University, or

1 a member of any, of the bodies established by virtue of this Act.

2 (3) Nothing in sub-section (1) of this Section shall prevent the
3 University from imposing any disability or restriction on any of the persons
4 mentioned in that sub-section, where such person wilfully refuses or fails on
5 grounds of religious belief to undertake any duty generally and uniformly
6 imposed on all such persons or any group of them, which in the opinion of
7 the University is reasonably justifiable in the national interest.

8 36.-(1) In this Act, unless the context otherwise requires:

Interpretation

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

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

11 "Council" means the Council established pursuant to sub-section (1) of
12 Section 4 of this Act of the University;

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

15 "Minister" means the Minister charged with responsibility for matters
16 relating to education;

17 "Notice" means notice in writing;

18 "Officer" does not include the Visitor;

19 "Prescribed" means prescribed by statute or regulation;

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

22 "Regulations" means regulations and other statutory instruments made by
23 the Council under this Act;

24 "Senate" means the Senate of the University established pursuant to
25 paragraph (e) of Section 3 of this Act;

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

27 "Undergraduate" means a person in status pupillary at each University other
28 than:

29 (a) A graduate; and

30 (b) A person of such description as may be prescribed for the

1 purpose of the definition;
2 "University" means the Federal University of Technology, Lagos established
3 under section 1 of this Act.
Short title 4 **37.** This Bill may be cited as the University of Technology, Lagos Bill,
5 2019.

6 SCHEDULE

7 FIRST SCHEDULE

8 (a) Yaba College of Technology, Lagos.

9 SECOND SCHEDULE

10 *Proceedings of the Council and Senate's Meetings*

11 1. Subject to this Act and section 27 of the Interpretation Act (CAP I
12 23) LFN, 2004,:

13 (a) The Council and Senate may make Standing Orders to regulate its
14 proceedings or those of any of its Committees; and

15 2. The Council or the Senate shall meet whenever it is summoned by
16 the chairman and if, the chairman is required to do so by notice given to him by
17 not less than 3 other members, he shall summon a meeting of the Council or of
18 the Senate, to be held within fourteen days from the date on which the notice is
19 given.

20 3. At any meeting of the Council and Senate, the Chairman shall
21 preside but where he is absent, the members present at the meeting shall
22 appoint one of their members to preside over the meeting.

23 4. Where the Council or the Senate, desires to obtain the advice of any
24 person on a particular matter, they may co-opt such person to be members for
25 such period as it deem fit, but the person who is in attendance by virtue of this
26 paragraph shall not be entitled to vote at any meeting and shall not count
27 towards constitution of required quorum as contemplated by paragraph 2.

28 5. Notwithstanding anything in the foregoing provisions of these
29 paragraphs, the first meeting of the Council and Senate shall be summoned by
30 the President.

1 6. The Council shall meet as and when necessary for the
2 performance of its functions under this Act, but shall meet not less than three
3 times in every year.

4 7. Where not less than five members of the Council requested in
5 writing that a meeting should hold, the chairman shall within 28 days after
6 the receipt of such request, call a meeting of the Council.

7 8. Any request made under sub-section (10) of this Section, the
8 agenda of the meeting shall disclose the business to be considered at the
9 meeting and no business not so specified shall be transacted at such meeting.

10 *Constitution of Committees*

11 9. The Council or the Senate may appoint one or more Committees
12 to carry out, on its behalf, such functions as it may consider necessary.

13 10. A Committee appointed under this paragraph shall consist of
14 such number of persons as may be determined by the body constituting the
15 committee and the persons shall hold office on the Committee in accordance
16 with the terms of their appointment.

17 11. A decision of a Committee of the Council and Senate shall be
18 of no effect until it is confirmed by the constituting body.

19 *Miscellaneous*

20 12. The validity of any proceedings of either the Council or the
21 Senate or of a Committee shall not be adversely affected by:

22 (a) a vacancy in the membership of such body or the Committee;

23 (b) a defect in the appointment of a member of such body or the
24 Committee; or

25 (c) reason being that a person not entitled to so took part in the
26 proceedings of such body or the Committee.

27 13. Any member of the Council or the Senate or any person
28 holding office in any Committee, who has personal interest in any contract
29 or arrangement entered into or proposed to be considered by either the
30 Council or the Senate or a Committee thereof, shall disclose his interest to the

1 body concerned and shall not vote on any question relating to the contract or
2 arrangement.

3 14. A person shall not by reason of his membership of either the
4 Council or the Senate or of any committee be treated as holding an office of
5 emolument under the University.

6 *Functions of Finance and General Purposes Committee*

7 15. Subject to the provision of this Act relating to the Visitor, the
8 Council shall be the governing body of each University, charged with the
9 general control and superintendence of the policy, finances and property of the
10 University.

11 16. There shall be a committee of the Council to be known as the
12 Finance and General Purposes Committee, which shall subject to the directions
13 of the Council, exercise control over the property and expenditure of the
14 University and perform such other functions as may be delegated to it by the
15 Council.

16 17. Constitution of the Finance and General Purposes Committee
17 shall be carried out in compliance with the statute made by each of the
18 universities.

19 18. The Council shall ensure that proper accounts of the University
20 are kept and audited annually by an independent firm of auditors approved by
21 the Council and ensure that an annual report is published by the University
22 together with certified copies of the audited account.

23 19. Notwithstanding anything to the contrary contained in this Act or
24 any statutes made subject to this Act, the Council and the Finance and General
25 Purposes Committee may make rules for the purpose of exercising any of their
26 respective functions under this Act.

27 20. Rules made under sub paragraph (16) of this Paragraph by the
28 Finance and General Purposes Committee shall not come into force unless it is
29 approved by the Council.

30 21. Where any of the rules made by the Committee is in conflict with

1 any directions given by the Council, before or after the coming into force of
2 such rules, the directions of the Council shall prevail.

3 22. There shall be paid to the members of the Council, the Finance
4 and General Purposes Committee and any other committee set up by the
5 Council, such allowances in respect of travelling and other reasonable
6 expenses incurred, at such rates as may from time to time be fixed by the
7 Government.

8 *Statutory instruments made by the University*

9 23. Subject to this Act, the Federal University of Technology,
10 Lagos may make rules and regulations to:

11 (a) Provide with respect to the composition and constitution of any
12 authority in the University.

13 (b) Specify the powers of any authority in the University and any
14 other matter connected with the exercise of such powers confer on such
15 authority;

16 (c) Regulate the duties of any authority of the University and any
17 other matter connected with the University;

18 (d) Regulate admission, welfare, and discipline of students, where
19 no other enactment provides to the contrary;

20 (e) Determine whether any particular matter is to be treated as an
21 academic or a non- academic matter for the purposes of this Act or
22 Regulations or other instrument made under this Act.

23 24. Subject to section 24 (6) of this Act, the interpretation Act shall
24 apply in relation to any statutory instruments made under this section as it
25 applies to a subsidiary instrument within the meaning of Section 29 (1) of
26 that, Act.

27 *(CAP. 123)*

28 *Mode of exercising power to make statutory instruments*

29 25. the power of the University to make stator instruments shall be

1 exercised in accordance with the provisions of Section 32 of this Act and not
2 otherwise.

3 26. Such statutory instruments shall not become law unless it has
4 been approved at a meeting of the:

5 (a) Senate by not less than two thirds votes of the members present at
6 the meeting; and

7 (b) Council by not less than two thirds votes of the members present at
8 the meeting.

9 27. Statutory instruments may originate either from the Senate or
10 from the Council and shall be approved as required by sub paragraphs (a) and
11 (b) of Paragraph (26) by either one of those bodies before the other.

12 28. Any statutory instrument which:

13 (a) makes provision for the alteration of the composition or
14 constitution of the Council and the Senate or any other authority of the
15 University; or

16 (b) provides for the establishment of a new campus or college or for
17 the amendment or revocation of any statutory instrument whereby a campus or
18 college is established, shall not come into operation unless it has been approved
19 by the President.

20 29. For the purposes of Section 2, sub-section (2) of the interpretation
21 Act, such a statutory instruments shall be treated as being made on the date on
22 which it is duly approved by the Council after having been duly approved by
23 the Senate, or on the date on which it is duly approved by the Senate after
24 having been duly approved by the Council, as the case may be or, in the case of
25 a statute falling within sub-section (4) of this section, on the date on which it is
26 approved by the President.

27 30. The decision of the Visitor on any matter referred to him under
28 this Act, shall be binding upon such authorities, staff and students of the
29 University.

30 31. Where any question as to the meaning of any provision of any ny

1 statutory instrument made subject to this Act has been decided by the
2 Visitor, no question as to the meaning of that provision shall be entertained
3 by any court of law in Nigeria.

4 32. Nothing in this Act shall affect any power of a court of
5 competent jurisdiction to determine whether any provision of statutory
6 instrument is wholly or partly void as being ultra vires or inconsistent with
7 the Constitution of the Federal Republic of Nigeria 1999 (as Altered).

8 *Proof of statutory instruments*

9 33. Any statutory instrument made by the University, may be
10 proved in any court by the production of a copy thereof bearing or having
11 affixed to it a certificate purporting to be signed by the Vice-Chancellor or
12 the Secretary to the Council to the effect that the copy is a true copy of such
13 statutory instrument of the University.

14 *Removal of examiners*

15 34. If, on the recommendation of the Senate, it appears to the Vice-
16 Chancellor that a person appointed as an examiner for any examination of
17 the University ought to be removed from his office or appointment, except in
18 such cases as may be prescribed, the Vice-Chancellor may, after affording
19 the examiner an opportunity of making representations in person on the
20 matter, may disengage such examiner from the University by an
21 instrument in writing signed by the Vice-Chancellor.

22 35. Subject to the provisions of statutory instrument made in
23 pursuant to Paragraph 34 of the Second Scheduled to this Act, the Vice-
24 Chancellor may, on the recommendation of the Senate, appoint an
25 appropriate person as examiner in the place of the examiner removed under
26 sub-section (1) of this Section.

27 36. It shall be the duty of the Vice-Chancellor, on signing an
28 instrument of removal in accordance to Paragraph 34, shall cause a copy of
29 the instrument to be served as soon as reasonably practicable on the person
30 to whom it relates.

THIRD SCHEDULE

Composition of the Finance and General Purposes Committee

1. The Finance and General Purposes Committee of the Council shall consist of:

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

(b) The Vice-Chancellor and Deputy Vice-Chancellor;

(c) Six representatives of the Council, two of whom shall be selected from among the Council's members, two members appointed by the Senate and one member appointed by the Congregation;

(d) The Permanent Secretary, Federal Ministry of Education or such member of his Ministry as may be delegated by him to represent him; and

(e) The Permanent Secretary, Federal Ministry of Science and Technology or such member of his Ministry as may be delegated by him to represent him.

2. The quorum of the Committee shall be five.

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

Composition of the Congregation of the University

4. The Congregation of the University shall consist of:

(a) The vice-Chancellor and the Deputy Vice-Chancellor;

(b) Full-time members of the academic staff;

(c) The Registrar;

(d) The Bursar;

(e) The Librarian;

(f) The Director of Works;

(g) The Director of Health Services; and

(h) Every administrative staffs of the University, who holds a degree, other than an honorary degree, of any University recognised for the purposes of this Act by the Vice-Chancellor.

5. Subject to sub-paragraph 4 of this Paragraph, the Vice-Chancellor shall be the chairman at all meetings of Congregation when he is present and in his absence, any of the Deputy Vice-Chancellors present at the meeting of the Congregation or may appoint for that meeting a chairman where the Vice-Chancellors and Deputy Vice-Chancellors is absent.

6 6. The quorum at any meeting of the Congregation shall be one
7 third of the whole number of the total number of members or fifty members
8 in attendance.

9 7. A certificate signed by the Vice-Chancellor specifying the:

10 (a) Total number of members of the Congregation for the purpose
11 of any particular meeting or meetings of the Congregation; or

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

15 8. Subject to the foregoing provisions of Paragraphs (6) and (7),
16 the Congregation may regulate its own proceeding of meeting.

17 9. Congregation shall be entitled to express by resolutions or
18 otherwise its opinion on all matters affecting the interest and welfare of the
19 University and members, shall have power to elect members of the Council
20 in addition to other functions as may be provided by this Act or Statutory
21 instruments made subject thereto.

22 *Convocation*

23 10. Convocation shall consist of:

24 (a) The officers of the University mentioned in the First Schedule
25 to this Act;

26 (b) All teachers within the meaning of this Act;

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

29 11. A person shall be entitled to have his name registered as a
30 member of Convocation if:

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

3 (b) He applies for the registration of his name in the prescribed
4 manner and pays the prescribed fees.

5 12. Regulations shall provide for the establishment and maintenance
6 of a register for the purpose of Paragraph 4, may provide for the payment, from
7 time to time, of fees by persons whose names are on the register and for the
8 removal from the register of the name of any person who fails to pay those fees.

9 13. The person responsible for maintaining the register shall, without
10 the payment of any fees, ensure that the names of all persons who are for the
11 time being members of the Convocation by virtue of sub-paragraphs (a) or (b)
12 of this Paragraph are entered and retained on the register.

13 14. A person who reasonably claims that he is entitled to have his
14 name on the register shall be entitled on demand to inspect the register or a copy
15 of the register at the principal offices of the University at all reasonable times.

16 15. The register shall, unless the contrary is proved, be sufficient
17 evidence that any person named therein is, and that any person not named
18 therein is not, a member of Convocation, but for the purpose of ascertaining
19 whether a particular person was such a member on a particular date, any entries
20 in and deletions from the register made on or after that date shall be
21 disregarded.

22 16. The quorum of Convocation shall be fifty or one third or the
23 whole number nearest to one third or the whole number of members of
24 Convocation whichever is less.

25 17. Subject to section 4 of the Act, the Chancellor shall be chairman
26 at all meetings of Convocation when he is present, and in his absence the Vice-
27 Chancellor shall be the chairman at the meeting.

28 18. Convocation shall have such functions, in addition to the function
29 of appointing a member of the Council, as may be provided by any statutory
30 instrument of each University.

1 *Division of Schools*

2 19. Each school shall be divided into such number of branches as
3 may be prescribed.

4 *School Boards*

5 20.-(1) There shall be established in respect of each school a board
6 of studies which, subject to the provisions of this Statute, and subject to the
7 directions of the Vice- Chancellor, shall:

8 (a) Regulate the teaching and study of, and the conduct of
9 examinations connected with, the subjects assigned to the school;

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

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

14 (2) Each school board of studies shall consist of:

15 (a) The Vice-Chancellor;

16 (b) The Dean;

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

18 (d) Such of the teachers assigned to the school and having the
19 prescribed qualifications as the board may determine; and

20 (e) Such persons, whether or not members of the University, as the
21 Board may determine with the approval of the Senate.

22 (3) The quorum of any board meeting shall be eight members or
23 one quarter, whichever is greater, of the members for the time being of the
24 board; and subject to the provisions of this Statute and to any provision made
25 by regulations in that behalf, the board may regulate its own procedure.

26 *Dean of the School*

27 21.-(1) the board of each school shall, at a meeting in the last term
28 of any academic year in which the term of office of the Dean expires,
29 nominate one of its members, being one of the professors assigned to that
30 teaching unit, for appointment by the Senate as Dean of the school.

30

1 (c) Two members appointed by the Council, not being members of
2 the Senate; and

3 (d) The selection board, after making such inquiries as it thinks fit,
4 shall recommend a candidate to the Council for appointment to the vacant
5 office; and after considering the recommendation of the board the Council
6 may make an appointment to that office.

7 *Creation of academic posts*

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

11 *Appointment of academic staff*

12 24.-(1) Subject to the Act and statutes, the filling of vacancies in
13 academic posts (including newly created ones) shall be the responsibility of
14 the Senate.

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

18 (3) For appointments to professorships, associate professorship or
19 readerships or equivalent posts, a board of selection, with power to appoint,
20 shall consist of:

21 (a) The Vice-Chancellor;

22 (b) Two members appointed by the Council;

23 (c) Four members appointed by the Senate, at least two of whom
24 shall be members of the Senate, while the other two members shall be
25 professional peers in the professional area in which an appointment is to be
26 considered;

27 (d) Where the post is tenable at the University, the Vice-Chancellor
28 of the University;

29 (e) Where the post is within a school, institute or other teaching unit
30 of the University, the Dean of the school or the teaching unit, or the director

1 of the institute, as the case may be; and

2 (f) Such other persons, not exceeding two in number, deemed capable
3 of helping the board in assessing both the professional and academic suitability
4 of a candidate under consideration, as the Senate may from time to time
5 appoint.

6 (4) For other academic posts, a selection board, with power to
7 appoint, shall consist of:

8 (a) The Vice-Chancellor;

9 (b) Four members appointed by the Senate, at least two of whom shall
10 be members of the Senate, while the other two members shall be professional
11 peers in the professional area in which an appointment is to be considered;

12 (c) Where the office is justifiable at the University, the Vice-
13 Chancellor of the University;

14 (d) Where the post is within a school, institute or other teaching unit of
15 the University, the Dean of the school or the teaching unit or the director of the
16 institute, as the case may be; and

17 (e) Such other persons, not exceeding two in number, deemed capable
18 of helping the board in assessing both the professional and academic suitability
19 of a candidate under consideration, as the Senate may from time to time
20 appoint.

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

25 (6) Boards of selection may interview candidates directly or consider
26 the reports of interviewing panels and shall in addition, in the case of
27 professorships, associate professorships, readerships or equivalent post,
28 consider the reports of external assessors relevant to the area in which the
29 appointment is being considered.

30

Appointment of administrative and professional staff

25.-(1) The Administrative and professional staff of the University other than principal officers, shall be appointed by the Council on its behalf by the Vice-Chancellor or the Registrar in accordance with delegation of any powers made by the Council in that behalf.

(2) In the case of administrative or professional staffs that have close and important contacts with the academic staff, the Senate or its representative shall participate in the selection process.

FOURTH SCHEDULE

Transitional provisions as to property within the contemplation of this Act

1. Agreements, contracts, deeds and other instruments to which the Polytechnic were party to, shall subject to any necessary modification, have effect as if the University had been a party thereto in place of the Polytechnic.

2. Documents not falling within sub-paragraph (1) of this Paragraph, including enactments, which refer, whether specifically or generally, to the provisional council, shall be construed in accordance with that sub-paragraph so far as applicable.

3. Any legal proceedings or application relating to any authority pending or against the Polytechnic, may be continued by or against the University.

Registration of transfers

4. Where there is a law in force at the place where any property transferred by this Act is situated, which 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 shall apply to the modifications required under this paragraph.

5. It shall be the duty of the body to which any property is rity and

transferred by this Act to make available to the transferee, necessary particulars of such transfer to the proper officer of the registration authority and of that officer to register the transfer accordingly.

Transfer of functions

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

7. Persons who were members of the Polytechnic Council shall be deemed to constitute the Council of the University until the date when a new Council will be constituted by the University.

8. The first meeting of the Senate as constituted by this Act shall be convened by the Vice-Chancellor on such date and in such manner as he may determine.

9. Any person, who is a member of the Council of the Polytechnic before the coming into force of this Act, shall be deemed to constitute the Senate of the University until the date when the Senate as provided for Section 9 of this Act have been duly constituted.

10. Subject to any statutory instruments made by the Senate pursuant to this Act, the schools, school boards and students of the University before the coming into force of this Act, shall on that day become schools, school boards and students of the University as may be constituted by this Act.

11. Persons who were Deans or associate Dean of schools or members of any school boards shall continue to be Deans or associate Deans or become members of the corresponding school boards, until new appointments are made in pursuance of the statutes.

12. Any person who was a member of staff of the Polytechnic as established or was otherwise employed by the Council of the Polytechnic, shall become the holder of an appointment at the University with the status, designation and functions which correspond with his status as a staff of the University.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Yaba College of Technology, Lagos and establish Federal University of Technology, Lagos, to provide training and teaching instruction in every aspect of education and such other fields of applied learning relevant to the needs of the development of education in Nigeria, matters of administration and discipline of students.

A BILL

FOR

AN ACT TO AMEND THE COUNCIL OF MINISTERS (EVIDENCE) ACT CAP. C32
LAWS OF THE FEDERATION OF NIGERIA, 2004 TO MAKE THE PROVISIONS OF
THE ACT APPLY TO FEDERAL EXECUTIVE COUNCIL; AND FOR RELATED
MATTERS

Sponsored by Hon. Gideon Gwani

[] Commencement

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

- 1 **1.** The Council of Ministers (Evidence) Act Cap. C32 Laws of the Amendment of
2 Federation of Nigeria, 2004 (in this Bill referred to as the "Principal Act") is Cap. C32 LFN,
3 amended as set out in this Bill. 2004
- 4 **2.** Section 1 of the Principal Act is amended- Amendment of
5 (a) by substituting for the words, "Council of Ministers" in sections Section 1
6 1 (1) (a) and (b), (3) - (4), long title and the short title of the Principal Act and
7 wherever it appears in the Act, the words, "Federal Executive Council"; and
8 (b) by substituting for the words "Secretary and Deputy Secretary
9 of Government" in subsection (1) (b) line 5, (2) line 2 and wherever it
10 appears in the Act, the word "Secretary to the Government of the Federation.
11 **3.** This Bill may be cited as Council of Ministers (Evidence) Citation
12 (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Council of Ministers (Evidence) Act Cap. C32
Laws of the Federation of Nigeria, 2004 to make the provisions of the Act
apply to Federal Executive Council.

A BILL

FOR

AN ACT TO REPEAL THE POLICE ACT CAP P19 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NIGERIA POLICE SERVICE ACT, 2016 TO PROVIDE FOR THE COOPERATION AND PARTNERSHIP BETWEEN THE POLICE AND HOST COMMUNITIES IN MAINTAINING PEACE AND COMBATING CRIME; AND FOR RELATED MATTERS

Sponsored by Hon. Gideon Gwani

[] Commencement

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

1 PART I - PRELIMINARY

2 1. This Bill is based on the principles of: Guiding Principle

3 (1) efficiency and effectiveness;

4 (2) public accountability, political accountability and
5 transparency;

6 (3) protection of human rights and fundamental freedoms; and

7 (4) partnership with other security institutions.

8 2. The specific objectives of this Bill are to:

Specific
Objectives

9 (1) establish a Police Service that is seen as a friend rather than an
10 enemy of the people;

11 (2) embody in the operations of the Police the values of fairness,
12 justice and equity;

13 (3) make the police responsive to the calls of the citizens and needs
14 of the community and respect the dignity of all persons;

15 (4) efficiently and effectively prevent crimes without unduly
16 threatening the values of liberty and privacy of the citizens;

17 (5) ensure the safety and security of all persons and property in the
18 country;

19 (6) uphold and safeguard the fundamental rights of every person as

Establishment
and Composition
of the Nigerian
Police Service

- 1 guaranteed under the constitution;
- 2 (7) ensure the cooperation and partnership between the Service and
- 3 the communities it serves in the combating of crime; and
- 4 (8) reflect the respect for victims of crime and an understanding of their needs.

5 PART II - ESTABLISHMENT AND DUTIES OF THE POLICE

6 **3.-(1)** There is hereby established for Nigeria a police organization to
7 be known as the Nigerian Police Service, which shall replace the former
8 Nigeria Police Force and assume its rights, powers, privileges, liabilities,
9 structures and organs.

10 (2) The Police consists of:

11 (a) all persons who immediately before the commencement of this
12 Bill were members:

13 (i) of a force established by section 214 of the Constitution of the
14 Federal Republic of Nigeria, 1999 which is deemed to be part of the service;

15 (ii) appointed by the Police Service Commission under the
16 Constitution;

17 (iii) appointed as Special Constables under section 49 of the Police
18 Act Cap. 359 Laws of Federation 1990; and

19 (b) Such other persons that may be appointed under this Bill.

General duties
of the Police

20 **4.-(1)** The Police shall be employed to perform the following duties:

21 (a) protect the rights and freedom of every person in Nigeria as
22 provided in the Constitution, the African Charter on Human and Peoples'
23 Right, and any other law;

24 (b) protect the lives and property of citizens;

25 (c) preserve law and order;

26 (d) enforce all laws and regulations with which they are directly
27 charged;

28 (e) perform such military duties within and outside Nigeria as may be
29 required by them under the authority of this Bill or any other Law;

30 (f) provide humanitarian assistance for citizen(s) in distress, such as

1 victims of road accident, fire disaster, earthquake, flood, etc., and where
2 necessary activate other agencies for humanitarian assistance;

3 (g) facilitate the free passage and movement on highways, roads,
4 streets, and avenues open to public without subjecting citizenry to inhuman
5 treatment or any form of extortion;

6 (h) adopt community partnership in the performance of the duties
7 provided under this section;

8 (l) promote and protect the fundamental rights of all persons as
9 guaranteed by Chapter 4 of the constitutions and the African Charter on
10 Human and Peoples' Rights; and

11 (j) prevent and detect crimes without threatening the liberty and
12 privacy of the citizens.

13 **5.-(1)** There is established a body to be known as the Nigerian Establishment of
14 Police Council (in this Bill referred to as "the Council") which shall consist the Nigerian
15 of: Police Council

- 16 (a) The President, who shall be the Chairperson;
17 (b) Governors of the 36 States of the Federation;
18 (c) The Minister responsible for the oversight of the Police;
19 (d) The Attorney General of the Federation;
20 (e) The Chairman of the Police Service Commission; and
21 (f) The Inspector-General of Police.

22 **PART III**

23 **6.** Pursuant to Section 215 (1) of the Constitution, the hierarchy of Hierarchy of the
24 the Police shall consist of the following: Police

- 25 (i) The Inspector-General of Police;
26 (ii) One Deputy Inspector- General of Police;
27 (iii) Assistant Inspectors-General of Police;
28 (iv) Commissioners of Police;
29 (v) Deputy Commissioner of Police;
30 (vi) Assistant Commissioner of Police;

- 1 (vii) Chief Superintendent of Police;
- 2 (viii) Superintendent of Police;
- 3 (ix) Deputy Superintendent of Police;
- 4 (x) Assistant Superintendent of Police;
- 5 (xi) Inspectorate Cadre;
- 6 (xii) Sergeant;
- 7 (xiii) Corporal;
- 8 (xiv) Constable; and
- 9 (xv) Such other officers as the Nigeria Police Council may, from time

10 to time, consider necessary for effective discharge of the functions of the
11 service.

Appointment
of Inspector
General of Police

12 7.-(1) The Inspector General of Police shall be the head of the Police
13 and exercise full operational control over it and all its departments/units.

14 (2) The person to be appointed as Inspector General of Police shall be
15 a Senior Police Officer not below the rank of an Assistant Inspector General of
16 Police with the requisite academic qualifications of not less than a first degree
17 or its equivalent. in addition to professional and management experience.

18 (3) The person for the office of the Inspector General of Police shall
19 be appointed as follows:

20 (i) interested persons shall make an open and formal application to the
21 Police Council;

22 (ii) the Nigerian Police Council shall nominate three applicants from
23 among the pool of applicants using the stipulated criteria for competences and
24 qualification; and

25 (iii) the President shall appoint the Inspector General of Police from
26 the recommended applicants subject to the confirmation of the senate.

27 (4) The Inspector-General of Police shall not be removed from office
28 except for gross misconduct, gross violation of the constitution or
29 demonstrated incapacity to effectively discharge the duties of the office.

1 (5) The Inspector General of Police shall not be removed from
2 office except:

3 (i) a report or complaint of gross misconduct or incapacity to
4 perform has been made against him by any person, including the President;

5 (ii) the Nigerian Police Council considers the allegations against
6 him serious and sets up a committee of the Council to investigate the matter.

7 (iii) the Committee investigates the allegation, and after fair
8 hearing, recommends that the person be removed from office; and

9 (iv) the Senate confirms the removal of the person by a two-third
10 majority votes of its members.

11 (6) The person appointed to the office of the Inspector General of
12 Police shall hold office for a single term of 5 years subject to the statutory
13 retirement requirement in the public service.

14 **8.-(1)** The Deputy Inspector General and Assistant Inspectors
15 General shall be appointed by the Police Service Commission

Appointment of
Deputy Inspector
General of Police,
etc.

16 (2) A Person appointed under subsection (1) of this section shall
17 hold office until retirement or removal by the Police Service Commission on
18 account of gross misconduct or incapacity according to due process based
19 on recommendation by the Inspector General of Police.

20 **9.** A Commissioner of Police for each state of the federation shall
21 be appointed by the Police Service Commission on recommendation by the
22 Inspector General of Police.

23 *Powers, Duties and Functions*

24 **10.-(1)** The Inspector General of police may exercise the powers
25 and shall perform the duties and functions necessary to give effect to section
26 7 of this Bill.

Powers and
Duties of the
Inspector General
of Police

27 (2) Subject to subsection (1) of this section, the Inspector General's
28 powers, duties and functions shall include the powers, duty and function to:

29 (a) develop a plan before the end of each financial year, setting out
30 the priorities and objectives of policing for the following financial year;

1 (b) determine the distribution of the numerical strength of the
2 Nigerian Police after due consultation with the Police Service Commission;

3 (c) organize or reorganize the Police at national level into various
4 components, units or groups;

5 (d) establish and maintain training institutions or centers for the
6 training of officials and other members; and

7 (e) perform any legal act or act in any legal capacity on behalf of the
8 Police Service.

9 (3) At the end of every five years, the IGP shall develop a plan setting
10 out the priorities and objectives of policing for the next five years.

Duties of the
Deputy Inspector-
General of Police

11 **11.-(1)** The Deputy Inspector-General designated as second in
12 command shall act in the absence of the Inspector-General of Police.

13 (2) When acting for the Inspector-General, the Deputy Inspector-
14 General shall be guided by the following:

15 (a) all matters involving any change in Police policy shall be held in
16 abeyance until the Inspector-General returns or, if the matter is urgent, referred
17 directly to the Inspector-General for his instructions, provided such matters do
18 not contradict the general policy directive of the Police Council; and

19 (b) all matters of importance dealt with by the Deputy Inspector-
20 General during the absence of the Inspector-General shall be referred to the
21 Inspector-General on his return.

Powers, Duties
and Functions
of Commissioner
of Police

22 **12.-(1)** Subject to this Bill, a State Commissioner of the Police shall
23 have command and control over the police command in the each state of the
24 federation and may exercise the powers and shall perform the duties and
25 functions necessary to give effect section 6 of this Bill.

26 (2) A State Commissioner of police shall perform any duties
27 delegated to him by Inspector General subject to section 9 (2) of this Bill.

28 (3) A State Commissioner shall subject to the directions of the State
29 Executive Council, be responsible for establishing community police forums
30 and community police boards in the state under his command.

1	13.-(1) The Inspector-General may delegate any of his powers	Delegation by
2	under this Bill to any police officer so that the delegated powers may be	Inspector-General
3	exercised by the delegate with respect to the matters or class of matters	of Police
4	specified or defined in the instrument of delegation.	
5	(2) Guided by the principle of efficiency and effectiveness, and for	
6	ease of delegation of powers, the Inspector-General shall devolve powers to	
7	Zonal, State, Area and Divisional Commands to ensure quick response to	
8	priority safety and security needs.	
9	PART IV - GENERAL ADMINISTRATION	
10	<i>Oaths for Officers</i>	
11	14. On appointment of any person as a member of the Nigerian	Oath to taken by
12	Police, such person shall forthwith take and subscribe to the official oath, the	officers on
13	police oath and the oath of allegiance.	appointment
14	15.-(1) A Constable shall on appointment be enlisted to serve in the	Enlistment and
15	Police for five years, or for such other period as may be fixed by the Police	service
16	Service Commission, which shall take effect from the day he has been	
17	approved for service and within the period of enlistment, every police	
18	officer is mandated to undergo specialized training in any professional field	
19	relevant to policing and law enforcement.	
20	(2) Professionals from the relevant fields of criminology,	
21	psychology, sociology, Law, medicine, pathology etc. shall be enlisted into	
22	the service, and such professionals shall practice their professions and use	
23	their expertise in the advancement of the police.	
24	(3) All Police officers intending to be enlisted/ recruited into the	
25	service shall undergo a psychological evaluation as part of the enlistment	
26	recruitment process to ascertain their moral uprightness and suitability for	
27	the job.	
28	16.-(1) Subject to section 18 of this Bill, the Police Service	Extension of term
29	Commission may extend the service of constable whose service is needed	of enlistment in
30	beyond general duties for a period of six years.	special duties

	1	(2) Subject to subsection (1) of this section, a Constable that serves an
	2	extension may be considered for a re-engagement into the Police Force
	3	provided he applies for it.
Declarations	4	17. A Non-Commissioned Officer, Constable or Recruit Constable
	5	on fresh enlistment, or the one re-engaged for a further period of service, shall
	6	make and subscribe to the Police declaration prescribed by the Oaths Act.
Re-engagement	7	18. -(1) Upon approval by appropriate authority, a Non-
	8	Commissioned Officer or Constable of good character may be re-engaged to
	9	serve for a second period of six years as well as third period of six years or until
	10	the officer reaches 35 years of service or age of 60 years, whichever is earlier.
	11	(2) Upon completion of such third period of six years, or if the officer
	12	has re-engaged until reaching the age of 60 years, the Non-Commissioned
	13	Officer or Constable may be discharged or may claim a discharge provided a
	14	six months' notice is given to him or by him.
	15	(3) The prescribed approval referred to in subsections (1) and (2) of
	16	this section shall be that of the Chairman of the Police Service Commission or
	17	as delegated to the Inspector General of Police by the Commission.
	18	(4) Where a Non-Commissioned Officer or Constable offers to re-
	19	engage within six months after having received his discharge, he shall on re-
	20	engagement if his offer of service is accepted, be entitled to the rank which he
	21	was holding at the time of his discharge provided there is a vacancy in the
	22	establishment of that rank at the time he re-engages.
	23	(5) The service of a Non-Commissioned Officer or Constable who"
	24	has re-engaged under this section shall be deemed to be continuous for the
	25	purposes of the pension or annual allowance or gratuities, as the case may be,
	26	the Non-Commissioned Officer or Constable being regarded as being on leave
	27	without pay during the period between discharge and re-engagement.
	28	(6) A Non-Commissioned Officer or Constable may not be re-
	29	engaged after a period of six months has elapsed since his discharge, except his
	30	offer of service is accepted.

1 (7) The question of reinstatement of a re-enlisted Non-
2 Commissioned Officer or Constable to the rank he held prior to his
3 discharge shall be decided by a superior Police Officer. .

4 (8) A Non-Commissioned Officer or Constable whose period of
5 service expires during a state of war, insurrection or hostilities, may be
6 compulsorily retained and his service prolonged for such period, not
7 exceeding twelve months, as the Police Service Commission may direct.

8 (9) Subject to the provisions of section 7 (1) of the Pensions Act
9 and to the provisions of subsection (2) of this section, no Police Officer other
10 than a superior police officer shall be at liberty to resign or withdraw himself
11 from his duties without the approval of the Police Service Commission or
12 .any Police Officer authorized in writing by the Police Service Commission.

13 **19.-(1)** All police officers irrespective of gender shall undergo
14 periodic training and retraining in basic policing and law enforcement
15 courses as well as specialized courses relevant to law enforcement;

Training and
Retraining of
Police Personnel

16 (2) The Inspector - General of Police. in consultation with the
17 Police Service Commission shall be responsible for the revision of the
18 training, duration as well as content of police training at least once in every
19 five years,

20 **PART V - POWERS OF THE POLICE OFFICER**

21 **20.-(a)** Subject to the provisions of sections 174 and 211 of the
22 Constitution of the Federal Republic of Nigeria and section 106 of the
23 Administration of the Criminal Justice Act which relate to the power of the
24 Attorney-General of Federation and of a State to institute and undertake,
25 take over and continue or discontinue criminal proceedings against any
26 person before any court of law in Nigeria, a Police Officer may conduct in
27 person all prosecutions before any court whether or not the information or
28 complaint is laid in his name;

Conduct of
Prosecutions

29 (b) Where there are sufficient qualified Legal Practitioners, lay
30 prosecutors may not be allowed to undertake prosecution.

Decision to file
case

1 **21.**-(1) Where a crime is reported to the Police or a person is brought
2 to police station on the allegation of commission of criminal offence, it shall be
3 the duty of the Police to investigate such allegations according to its internal
4 processes and procedures and report their findings to the Prosecutor who shall
5 decide whether to file a charge or not.

Power to arrest
without warrant

6 **22.**-(1) In addition to the powers of arrest without warrant conferred
7 upon a Police Officer by section 18 of the Administration of Criminal Justice
8 Act, it shall be lawful for any Police Officer and any person whom he may call
9 to his assistance, to arrest without warrant:

10 (a) any person whom he finds committing a felony, misdemeanor or
11 simple offence, or whom he reasonably suspects of having committed or of
12 being about to commit a felony, misdemeanour or breach of the peace;

13 (b) any person whom any other person charges with having
14 committed a felony or misdemeanour;

15 (c) any person whom any other person:

16 (i) suspects of having committed a felony or misdemeanour, or

17 (ii) charges with having committed a simple offence, if such other
18 person is willing to accompany the Police Officer to the Police station and to
19 enter into a recognisance to prosecute such charge.

20 (2) The provisions of this section shall not apply to any offence with
21 respect to which it is provided that any offender may not be arrested without
22 warrant.

23 (3) For the purpose of this section, the expressions felony,
24 misdemeanour and simple offence shall have the same meanings as they have
25 in the Criminal Code and Penal Code.

Power to arrest
without having
warrant possession

26 **23.** Any warrant lawfully issued by a court for apprehending a person
27 charged with any offence may be executed by a Police Officer at any time
28 notwithstanding that the warrant is not in his possession at that time, but the
29 warrant shall, on the demand of the person apprehended, be shown to him as
30 soon as practicable after his arrest, and not later than 24 hours after arrest.

1	24. Any summons lawfully issued by a court may be served by any	Summons
2	police officer at any time during the hours of daylight, which is between	
3	6.am to 6.pm.	
4	25. When a person is arrested without a warrant, he shall be taken	Bail of person
5	before a court which has jurisdiction with respect to the offence with which	arrested without
6	he is charged or is empowered to deal with him under section 30 of the ACJA	warrant
7	as soon as practicable after he is taken into custody:	
8	Provided that any Police officer for the time being in charge of a Police	
9	station may inquire into the case and:	
10	(a) except when the case appears to such officer to be of a serious	
11	nature, he may release such person upon his entering into a recognizance,	
12	with or without sureties, for a reasonable amount to appear in court at the	
13	day, time, and place mentioned in the recognizance; or	
14	(b) if it appears to a police officer that an inquiry cannot be	
15	completed forthwith, he may release such person on his entering into a	
16	recognizance with or without sureties for a reasonable amount, to appear at	
17	such Police Station and at such times as are named in the recognizance,	
18	unless he previously receives notice in writing from the superior Police	
19	officer in charge of that Police station that his attendance is not required, and	
20	any such bond may be enforced as if it were a recognizance conditional for	
21	the appearance of the person before a court.	
22	26. In addition to the provisions of section 293 of the	Authorised
23	Administration of Criminal Justice Act, where a Senior Police Officer of the	detention
24	rank of superintendent or above who is in charge of the police station in	extension
25	question in which a person is detained has a reasonable ground to believe	
26	that:	
27	(a) it is imperative to secure the person arrested without charge in	
28	detention; or preserve evidence pertaining to an offence for which he is	
29	arrested; or obtain such evidence by interrogating him;	
30	(b) offence in which the person is arrested for is a serious	

	1	arrestable offence; and
	2	(c) for the investigation to be speedily completed the extension is
	3	necessary, then the person arrested shall be in police detention for a period not
	4	more than 36 hours this section is flagged for further discussion in comparism
	5	with the ACJA and Constitution
Warrant of further detention	6	27.-(1) Upon an application on oath made by a Police Officer and
	7	supported by relevant information, a Court may extend a warrant of further
	8	detention provided that:
	9	(a) the court in question found reasonable grounds to justify further
	10	detention;
	11	(b) the application for extension is filed before expiration of 48 hours
	12	of the arrest, and
	13	(c) the arrested person has been served with a copy of the information,
	14	brought before the court for hearing and is given opportunity to be legally
	15	represented.
	16	(2) In addition to the provision of section 296 of the Administration of
	17	Criminal Justice Act, where the conditions stated in Subsection 1 a, band c of
	18	this section are not met, the Magistrate shall dismiss the application.
Special Provision for Pre-Trial detention	19	28.-(1) In addition to the provision of section 294 of the
	20	Administration of Criminal Justice Act, where a person is detained in police
	21	custody and the prosecuting counsel decides he has a case to answer but has not
	22	concluded preparation to arraign him at the appropriate court, the prosecuting
	23	counsel may apply to a court for a warrant of detention pending conclusion of
	24	preparation for trial.
	25	(2) The court shall not grant such detention warrant except:
	26	(a) the offence for which the person is to be charged carries a sentence
	27	of 3 years imprisonment after conviction;
	28	(b) there is a verifiable evidence on oath that the person sought to be
	29	detained will materially interfere with investigation or escape from criminal
	30	trial if granted bail; and

1 (c) there is no other way of ensuring attendance of the person to
2 trial and non-interference with investigation except by remand in police
3 custody.

4 (3) Application for detention pending trial under this section shall
5 not be granted except there is an affidavit before the court verifying the facts
6 relied upon and the person sought to be detained file a counter affidavits and
7 is given opportunity to challenge the application.

8 **29.**-(1) In addition to the provision of section 12 of the Power to search
9 Administration of Criminal Justice Act, a Police Officer may seize and
10 retain anything for which a search has been authorized.

11 (2) In every case in which any property is seized in pursuance of
12 this section, the person on whose premises it was at the time of seizure or the
13 person from whom it was taken if other than the person on whose premises it
14 was, may be summoned or arrested and brought before a magistrate to
15 account for his possession of such property, and the magistrate shall make
16 such order respecting the disposal of such property and may award costs as
17 the justice of the case may require.

18 (3) Such authority under sub-section 2 of this section may only be
19 given when the premises to be searched are, or within the preceding twelve
20 months have been, in the occupation of any person who has been convicted
21 of receiving stolen property or of harboring thieves, or of any offence
22 involving fraud or dishonesty, and punishable by imprisonment.

23 (4) While searching the premises, a Police officer shall not violate
24 the human rights of person found in the premises that is being searched.

25 **30.**-(1) A search warrant is unlawful unless it complies with this Search warrant
26 section and section 35 of this Bill. safeguards

27 (2) Where a Police Officer applies for any such warrant, it shall be
28 his duty:

29 (a) to state:

30 (i) the ground on which he makes the application, and

- 1 (ii) the law under which the warrant would be issued;
- 2 (b) to specify the premises which it is desired to enter and search, and
- 3 (c) to identify practical as possible the article(s) or person (s) to be
- 4 sought.
- 5 (3) An application for a warrant shall be made formally and supported
- 6 by necessary information in writing.
- 7 (4) To be granted a warrant, a Police officer in question shall answer
- 8 on oath any question the court asks him.
- 9 (5) A warrant shall authorize an entry on one occasion only.
- 10 (6) (a) a warrant shall specify:
- 11 (i) the name of the person who applies for it;
- 12 (ii) the date on which it is issued;
- 13 (iii) the law under which it is issued; and
- 14 (iv) the premises to be searched.
- 15 (b) a warrant shall identify, as practicable as possible, the article(s) or
- 16 person(s) to be sought.
- 17 (7) Two copies of a warrant shall be made.
- 18 (8) The two copies shall be clearly certified as copies.
- 19 **31.-(1)** A warrant to enter and search premises may be executed by
- 20 any Police Officer.
- 21 (2) Such a warrant may authorize a person to accompany any Police
- 22 Officer who is executing it.
- 23 (3) A search warrant may be issued and executed at any time on any
- 24 day, including a Sunday or public holiday.
- 25 (4) Where the occupier of premises which are to be searched is present
- 26 at the time when a Police Officer seeks to execute a warrant to enter and search,
- 27 the officer shall:
- 28 (a) identify himself to the occupier and, if not in uniform, shall
- 29 produce to him documentary evidence that he is a Police officer;
- 30 (b) produce the warrant to him, and

1 (c) supply him with a copy.

2 (5) Where the occupier is not present, but some other person who
3 appears to the Police Officer to be in-charge of the premises is present,
4 subsection 4 of this section shall take effect as if the occupier is present.

5 (6) Upon the execution of a warrant, a Police Officer shall make an
6 endorsement on it stating:

7 (a) whether the articles or persons sought were found; and

8 (b) whether any other articles were seized, other than articles
9 which were sought.

10 (7) A search warrant may be endorsed by a superior Police Officer
11 in the absence of a Magistrate or Justice of the Peace.

12 **32.** A police officer may detain and search any person or attended
13 vehicle where:

Power to detain
and search
suspected person
or vehicle

14 (a) reasonable grounds for suspicion exist that the person being
15 suspected is having in his possession; or conveying in any manner anything
16 which he has reason to believe to have been stolen or otherwise unlawfully
17 obtained;

18 (b) reasonable grounds for suspicion exist that unlawful articles
19 obtained or possessed are being carried;

20 (c) reasonable grounds for suspicion that incidents involving
21 serious violence may take place within a locality;

22 (d) information has been received as a description of an article
23 being carried or of a suspected offender; and

24 (e) a person is carrying a certain type of article at an usual time or in
25 a place where a number of burglaries or thefts are known to have taken place
26 recently.

27 **33.** A reasonable suspicion can never be supported on the basis of:

Where reasonable
suspicion never
exist

28 (a) Personal factors including a person's color, age, hairstyle or
29 manner of dress;

30 (b) Previous conviction for possession of an unlawful article; or

Action before
a search takes
place

1 (c) Stereotyped images of certain persons or groups as more likely to
2 be committing offences.

3 **34.**-(1) Where an officer has the reasonable grounds for suspicion
4 necessary to exercise the power of stop and search, he may detain the person
5 concerned for that purpose and with a view to searching him.

6 (2) Before carrying out a search, the officer may question the person
7 about his behavior or his presence in circumstances which give rise to the
8 suspicion, if he has a satisfactory explanation which will make a search
9 unnecessary or other circumstances which has come to attention of the officer
10 that make a search unnecessary, no search may take place.

11 (3) Where the questioning reveal reasonable grounds to suspect the
12 possession of suspected article or different kind of unlawful article, a search
13 may take place.

14 (4) Before any search of a detained person or vehicle takes place, the
15 officer must take reasonable steps to give the person to be searched or in-charge
16 of the vehicle the following information:

17 (a) his name and the name of the Police station to which he is attached;

18 (b) the object of the search; and

19 (c) his grounds or authorization for undertaking it.

20 (5) For any police officer to exercise the power to stop and search, he
21 must be in uniform or in possession of a valid Police identity card.

22 (6) An officer shall take the record of the search in a duly authorized
23 format by the Nigeria Police Service and give a copy of the record of search to
24 the person, being duly signed by the officer and the person being searched
25 before leaving the searched place of the search.

26 (7) Subject to subsection (6) of this section:

27 (a) where it is impossible to give a copy of the search record to the
28 person being searched on the spot, the officer may advise the person of the
29 police station he should apply for it within a month;

30 (b) a searched person may refuse to collect a search record that his

1 signature is not appended on.

2 **35.**-(1) Every reasonable effort must be made to reduce to the Conduct of the
3 minimum the embarrassment that a person being searched may experience. search

4 (2) The co-operation of the person to be searched shall be sought in
5 every case, even if he initially objects to the search.

6 (3) A forcible search may be used as a last resort only if it has been
7 established that the person is unwilling to co-operate or resist.

8 (4) The length of time for which a person or vehicle may be
9 detained for a search will depend on the circumstances, but this must be
10 within a reasonable time.

11 (5) Searches in public must be restricted to superficial examination
12 of outer clothing.

13 (6) Where it is considered necessary to conduct a more thorough
14 search that requires a person to take off his cloth or headgear, it:

15 (a) shall be done out of public view and by officer of the same sex
16 with the person being searched, and

17 (b) may not be made in the presence of anyone of the opposite sex
18 unless the person being searched requests it.

19 **36.**-(1) An officer who has carried out a search must make a written Action after a
20 record unless it is not practicable to do so, on account of the numbers to be search is carried
21 searched or for some other operational reason, e.g. in situations involving out
22 public disorder.

23 (2) The records must be completed on the spot unless
24 circumstances make this impracticable (e.g. other immediate duties or very
25 bad weather) and a copy be given to the person being searched or the vehicle
26 driver if it is a vehicle.

27 (3) Subject to subsection (2) of this section, in case the search
28 record is available on the spot, the officer that carried out the search shall
29 advice the person searched or the driver of the vehicle searched, the police
30 station the person should apply to for collection.

1 (4) A form must be designed or made for this purpose, which shall be
2 known as National Search Record.

3 (5) The following information must always be included in the
4 National Search Record:

5 (i) the name of the person searched or if he withholds it, a description
6 of the person;

7 (ii) the date of birth of the person searched;

8 (iii) a note of the person's ethnic origin;

9 (iv) when a vehicle is searched, a description of the vehicle, including
10 the registration number;

11 (v) the object of the search;

12 (vi) the ground for making the search;

13 (vii) the date and time the search was made;

14 (viii) the place where the search was made;

15 (ix) the result of the search;

16 (x) a note of any injury or damage to property resulting from the
17 search; and

18 (xi) the identity of the officer making the search.

19 (6) Where the person to be searched is unwilling to declare the detail
20 information about him, the officer may not detain him; he should be allowed to
21 go unless unlawful items are found in his possession or in the vehicle searched.

Power to take
fingerprints

22 **37.-(1)** A police officer shall take and record for the purposes of
23 identification the measurements, photographs and fingerprint impressions of
24 all persons who may from time to time be in lawful custody.

25 (2) Where a person who has not previously been convicted of any
26 criminal offence is discharged or acquitted by a court, all records relating to
27 such measurements, photographs and fingerprint impressions including the
28 document of acquittal or discharge shall be stored in a retrievable form and
29 handed over to such person upon request.

30 (3) A police officer shall arraign before a Magistrate any person in

1 lawful custody, who refuses to submit to the taking and recording of his
2 measurements, photographs or fingerprint impressions.

3 (4) Subject to subsection (3) of this section, where a Magistrate is
4 satisfied that such person who refused to undergo finger print impression,
5 measurements, and photograph is in lawful custody, the Magistrate shall
6 authorize a Police Officer to take the measurements, photographs and
7 finger- print impressions of such person.

8 **38.-(1)** The Inspector-General shall be responsible for maintaining
9 and securing public safety and public order. In discharging this
10 responsibility, the Inspector-General shall not:

Public safety and
public order

11 (a) violate any provision of the Constitution;
12 (b) violate or fail to protect the fundamental rights of citizens; or
13 (c) refuse or fail to protect the right, property or legal interest of any
14 person because of their opinions, beliefs or religious, ethnic or political
15 affiliations.

16 (2) Subject to the provisions of subsection (1) of this section, the
17 Commissioner of a State shall be responsible for maintaining and securing
18 public safety and public order within the State.

19 (3) Notwithstanding the provisions of any law for the time being in
20 force, neither the Inspector General of Police nor the Commissioner of
21 Police or their lawful delegates shall unreasonably disallow members of the
22 public, the right to hold peaceful rallies and processions and assemblies.

23 (4) (a) Where a person or organisation notifies the Police of their
24 intension to hold a public meeting, rally or procession on a public highway,
25 or such meetings in a place where the public has access to, the appropriate
26 Police Officer responsible for providing security cover shall mobilize
27 personnel, except he reasonably believes that the proposed public meeting,
28 rally, procession or assembly will lead to riots, destruction of public
29 property or other violent conflicts;

30 (b) The Police Officer shall convey his rejection in writing reasons

1 for his refusal to provide cover for the public meeting, rally, procession or such
2 assembly.

3 (5) A person or organization aggrieved by a decision of a Police
4 Officer refusing to provide security after notification for the proposed public
5 meeting, rally, procession or assembly may apply to a High Court in the state
6 where the meeting, rally, procession or assembly is to take place to overrule the
7 Police and order it to provide security.

8 PART VI - PROPERTY UNCLAIMED, FOUND OR OTHERWISE

Property
unclaimed, found
or otherwise

9 **39.**-(1) Where a police officer or any other person finds a property, the
10 person who found it shall take it to the nearest Police station within 24 hours
11 after it is found.

12 (2) A police officer on duty shall collect the property found and make
13 a record of it.

14 (3) A register shall be designed and kept for lost but found property
15 which must contain the following information:

16 (a) the name of the property found;

17 (b) the description of the state or general particular of the property
18 found when it was brought to the police station and any other relevant
19 information relating to the property;

20 (c) the date and time it was found and brought;

21 (d) the name, address and telephone number, if any, of the person who
22 found and brought it to the station;

23 (e) the name and rank of the police officer who collected the found
24 property, and

25 (f) the signature for both the police officer and the person who found
26 and brought the property to the station.

27 (4) A Police Officer who collects the lost but found property shall
28 prepare two copies of the lost but found property form and a copy shall be given
29 to the person who found and brought the property to the Police Station.

30 (5) The Police Officer in-charge of the Police Station that is in d

1 possession of lost but found property shall make a public announcement at
2 least three consecutive times in public media - radio, television or print,
3 about the lost but found property for the rightful owner to recover it with
4 authentic evidence(s) that prove his ownership within a period of six (6)
5 months.

6 (6) (a) Where the property remains unclaimed after the expiration
7 of six (6) months, the Police officer in charge shall bring the property before
8 a magistrate court for auction;

9 (b) The police officer in-charge of the station in possession of the
10 property shall release the property upon satisfactory proof of ownership.

11 (7) Where a property in police custody is a perishable article or its
12 perishable custody involves unreasonable expense or inconvenience, it may
13 be sold at any time, but the proceeds of sale shall not be paid into the police
14 reward fund until they have remained in the possession of the Police for six
15 months, and in any other case, the property shall not be sold until it has
16 remained in the possession of the Police for six months.

17 **40.-(1)** Where a person appears in a Police Station in respect of a
18 crime or an allegation of commission of a crime either as an accused person
19 or a witness, or as a relation or friend of an accused person or a witness, the
20 duty officer or such other officer as may be authorized by the officer in
21 charge of the station shall record in the official record book:

Documentation
of arrest witnesses
and death in Police
Station

22 (a) the name of the person and his national identity number if any;
23 (b) the date of birth of the person;
24 (c) the reason for the person's visits;
25 (d) the name and address of the persons next of kin;
26 (e) the exact time the person came to the station and leaves each
27 day he visits; and

28 (f) any ailment or medical condition which the person has.

29 (2) The particulars mentioned in sub-section (1) of this section

1 shall be updated each day the person remains in custody in the Police Station.

2 (3) Where in exercise of police duty a person is shot, wounded or
3 killed, the officer commanding the operation shall record the number of those
4 wounded or killed, the names of such victims or their description as much as
5 possible and efforts taken to ensure hospitalization or proper preservation of
6 the dead person.

7 (4) Any Police Officer who fails to keep appropriate records
8 mentioned in subsections (1), (2) and (3) of this section shall be guilty of a
9 serious misconduct, which shall attract disciplinary measure.

10 (5) he Inspector General shall give a quarterly report to the Police
11 Services Commission itemizing the number and identity of persons who were
12 killed or wounded during police operations across the country (flagged the
13 provision on death in police custody)

Missing person

14 **41.-(1)** Any person who is aware that somebody under his
15 employment or control is missing shall within 24 hours report to the police the
16 identity of the missing person and the circumstances in which that person got
17 missing.

18 (2) When such report is lodged with the Police, the duty officer or
19 such other designated staff shall immediately record the names and addresses
20 of the missing person and the person who made the report.

21 PART VII - OTHER PROVISIONS

The Police
Reward Fund

22 **42.-(1)** There shall be established a fund to be called "the Police
23 Reward Fund" (in this section referred to as "the Fund") into which shall be
24 paid the following:

25 (a) all monies forfeited by order of a superior officer on members of
26 the Police for offences against discipline;

27 (b) all fines levied for assaults on members of the Police;

28 (c) one third of any fees paid by members of the public in respect of
29 extracts from reports of accidents made by the police;

30 (d) one third of any fees paid in accordance with standing orders for

1 the services of police officers who would otherwise be off duty; and

2 (e) all sums ordered to be paid into the Fund under section 42(7)(b)
3 of this Bill.

4 (2) Subject to the rules for the time being in force under section 23
5 of the Finance Control and Management) Act with respect to disbursements
6 from the Fund, the Fund shall be applied at the direction of the Inspector-
7 General, based on criteria laid by the Nigeria Police Council, for any of the
8 following purposes:

9 (a) to reward members of the Police for extra or special or
10 exemplary services;

11 (b) for procuring comforts, conveniences or advantages for
12 members of the Police which are not authorized to be paid for out of moneys
13 provided by the Federal Government;

14 (c) for payment of ex gratia compassionate gratuities to widows or
15 children of deceased members of the Force; and

16 (d) for making ex gratia payments towards the funeral expenses of
17 any member of the Police who dies in the service of the Police.

18 **43.** Police officers who have distinguished themselves with their
19 outstanding performance in the discharge of their duties shall be duly
20 honored and recognized for their gallant and exemplary service in the
21 following ways:

Recognition and
commendation
for gallant and
exemplary service

22 (a) by recommendation for national honors, with particular
23 attention being paid to deserving officers of lower rank;

24 (b) through public presentation of awards and certificates of
25 exemplary service from the communities and civil society; and

26 (c) the Police shall set aside a day or week in every year to celebrate
27 outstanding performance by its officers as well as to remember their fallen
28 heroes.

29 **44.-(1)** A Police Officer shall not get himself trapped in
30 indebtedness of any kind while still in service, and where he does, he shall be

Police Officer
and indebtedness

1 disciplined and the debt shall be recovered from his salary or remuneration
2 provided the creditor have evidence(s) to prove the indebtedness.

3 (2) Subject to subsection (1) of this section, for such debt or liability to
4 be settled the officer's remuneration may be withheld to an extent not
5 exceeding one-half of his monthly payment thereof.

6 (3) when an order for payment of such debt or satisfaction of such
7 liability is made, the court making the order shall give due notice to the senior
8 police officer in charge of the command to which the indebted officer belongs,
9 and the amount ordered shall be stopped out of the indebted officer's
10 remuneration until the amount of the debt is made good.

Debt Recovery:
Exception

11 **45.** The remuneration of a Police Officer shall not be withheld upon
12 any debt or liability, which he may have incurred within three years before
13 being appointed to the Police.

Private business
and conflict of
interest

14 **46.** While still in service, a Police Officer shall not directly be
15 involved in managing and running any private business or trade except
16 farming.

17 PART VIII - OFFENCES

Offences by
Police officer

18 **47.-(1)** A police officer who:
19 (a) begins, raises, abets, countenances, or excites mutiny;
20 (b) causes or joins in any sedition or disturbance whatsoever;
21 (c) being at any assemblage tending to riot, does not use his utmost
22 endeavor to suppress such assemblage;
23 (d) coming to the knowledge of any mutiny, or intended mutiny does
24 not without delay give information thereof to his superior officer;
25 (e) strikes or offers any violence to his superior officer, such officer
26 being in the execution of his duty;
27 (f) deserts or aids or abets the desertion of any officer from the
28 service;
29 (g) fails to come to the aid or to assist any person in need of assistance
30 at the time of distress; or

1 (h) on enlistment falsely states that he has not been convicted or
2 imprisoned for a criminal offence or that he was never employed by the
3 Government of the Federation or Government of any State;

4 (2) Shall undergo appropriate disciplinary proceedings in
5 accordance with the Police disciplinary mechanisms and if found guilty,
6 shall be recommended for dismissal and charged to court for prosecution in
7 accordance with the relevant laws in force.

8 (3) In discharging his duty, a police officer shall not discriminate
9 against any Nigerian based on the person's socio-economic status, gender,
10 ethnic or religious affiliation or any form of disability and shall not use racial
11 or chauvinist language.

12 (4) A police officer may be proceeded against for desertion without
13 reference to the time during which he may have been absent, and thereupon
14 may be found guilty, either of desertion or of absence without leave:

15 Provided that a Police Officer shall not be convicted as a deserter or of
16 attempting to desert unless the court shall be satisfied that there was an
17 intention on the part of such officer either not to return to the Force, or to
18 escape some particular important service.

19 **48.** Upon reasonable suspicion that any person is a deserter, a
20 Police Officer or any other person may apprehend him and forthwith bring
21 him before a court having jurisdiction in the place wherein he was found,
22 which may deal with the suspected deserter or remand him to a court having
23 jurisdiction in the place in which he has deserted flagged for redrafting

Apprehension of
deserters

24 **49.** Any person who assaults, obstructs or resists any Police
25 Officer in the execution of his duty, or aids or incites any other person to
26 assault, obstruct or resist any Police Officer or any person aiding or assisting
27 such Police Officer in the execution of his duty, shall be guilty of an offence
28 and, on summary conviction before a Magistrate, shall be liable to a penalty
29 of fifty thousand naira or to imprisonment for a term of six months.

Assault on Police
Officer

Refusing to aid
Police Officer
assaulted

1 **50.** Where any person is called upon to aid and assist a Police Officer
2 who is, while in the execution of his duty, assaulted or resisted or in danger of
3 being assaulted or resisted, and such person refuses or neglects to aid and assist
4 accordingly, he shall be guilty of an offence and, on summary conviction
5 thereof before a magistrate, shall be liable to a penalty of fifty thousand naira or
6 to imprisonment for a term of six months.

Drinking of
alcohol or use
of psychotropic
substances and
stimulants while
on duty

7 **51.**-(1) While on duty, a Police Officer shall not take any intoxication
8 liquor, psychotropic substances or stimulants, where he does, he shall be
9 punished in accordance with the Police disciplinary procedures.

10 (2) A person who:

11 (a) knowingly harbors or entertains, or, either directly or indirectly,
12 sells or gives any intoxicating liquor, psychotropic substances or stimulants to
13 any Police officer while on duty, or permits any such Police Officer to abide or
14 remain in his house unlawfully; except in cases of extreme urgency;

15 (b) by threats or by offer of money, gift, spirits, liquors, psychotropic
16 substances or stimulants induces or endeavors to induce any Police Officer to
17 commit a breach of his duty as a Police officer or to omit any part of such duty;

18 (c) Shall be guilty of an offence and liable on conviction to one month
19 in prison with or without an option of fine not less than ten thousand naira.

Impersonation
of Police Officer

20 **52.**-(1) A person not being a Police Officer who:

21 (a) puts on or assumes either in whole or in part, the dress, name,
22 designation, or description of any Police Officer or any dress, name or
23 designation, resembling and intended to resemble the dress, name or
24 designation of any Police Officer; or

25 (b) in any way pretends to be a Police Officer for the purpose of
26 obtaining admission into any house or other place, or of doing any act which
27 such person would not by law be entitled to do of his own authority;

28 (2) Shall be guilty of an offence; and on summary conviction before a
29 magistrate, shall be liable to a penalty of minimum of N50,000 and or to
30 imprisonment for a term of three year.

1	53.-(1) A person who:	Obtaining admission into the Police by fraud
2	(a) knowingly uses or attempts to pass off any forged or false	
3	certificate, character, letter, or any other document for the purpose of	
4	obtaining admission into the Police; or	
5	(b) on applying for enlistment, makes any false answer to any	
6	question put to him by any appropriate authority:	
7	(2) Shall be guilty of an offence and, on summary conviction	
8	before a Magistrate, shall be liable to imprisonment for a term of six months.	
9	(3) A police officer may arrest without warrant any person whom	
10	he reasonably believes to be guilty of an offence against this section.	
11	54. Nothing in this Bill shall be construed to exempt a Police	Ordinary course of Law not to be interfered with
12	Officer from being proceeded against by the ordinary course of law when	
13	accused of any offence punishable under any other Act or law.	
14	55.-(1) A person who has been acquitted by a Court of any crime or	Persons acquitted by the Court shall not be punished on the same charge under this Bill, nor if convicted, except reduction
15	offence shall not be tried on the same charge or suffer any punishment under	
16	this Bill.	
17	(2) Where a member of the Police has been convicted by a Court of	
18	any crime or offence, he shall not be liable to be punished for the same	
19	offence under this Bill, otherwise than by reduction in rank or grade or by	
20	dismissal from the Police.	
21	PART IX - REGULATIONS AND STANDING ORDERS	
22	56.-(1) The Minister supervising the Police may make regulations	Power to make Regulations
23	on the recommendation of:	
24	(a) the Nigeria Police Council with respect to the policy,	
25	organization and administration of the Police, including establishments and	
26	financial matters, other than pensions within the meaning of the Pensions	
27	Act; [<i>Cap. P4.</i>]	
28	(b) the Police Service Commission with respect to appointments,	
29	promotions and disciplinary control of Police Officers as stated in the	
30	Constitution.	

Standing Orders	1	57.-(1) The Police Service Commission may make Standing Orders
	2	for the appointment, promotion, and discipline of members of the Police.
	3	(2) The Inspector General of Police may make Standing Orders
	4	relating to operational control of the Police.
	5	(3) Such Standing Orders shall be binding upon all Police Officers
	6	and shall be published in the Federal Gazette and in one national daily.
	7	PART X - APPLICATION
Application of Act to persons already serving	8	58. All the provisions of this Bill shall extend to all persons who, at
	9	the commencement of this Bill are serving in the Nigeria Police Force
	10	established by the Constitution of the Federal of Nigeria as if such persons had
	11	been appointed under this Bill.
	12	PART XI - COMMUNITY POLICE FORUMS AND BOARDS
Establishment of Community Police Forums	13	59.-(1) For effective and efficient community policing, the
	14	Commissioner of Police in each state of the federation shall establish
	15	Community Police Forums and Boards that shall consist broadly,
	16	representatives of the local community in his state of jurisdiction.
	17	(2) A community police sub forum shall be established at all
	18	Divisional Police Headquarters.
	19	(3) Subject to section 64 (1) (b) of this Bill, the Commissioner of
	20	Police and the members designated by him from time to time for the purpose,
	21	shall be members of the community police forum and sub-forums established
	22	at various police formations.
Establishment of Divisional Community Police Boards	23	60.-(1) A State Commissioner of Police shall in collaboration with the
	24	relevant stakeholders in the community, establish Divisional Community
	25	Police Boards in all Police Divisions within the State.
	26	(2) A Divisional Community Police Board shall subject to subsection
	27	(3) of this section, consist of representatives of community police forums in the
	28	Division concerned designated for the purpose of such community police
	29	forums.
	30	(3) Subject to section 64 (1) (b) of this Bill, the Divisional Police

1 Officer and the members designated by him from time to time for that
2 purpose, shall be members of the Divisional Community Police Board
3 concerned.

4 **61.-(1)** A State Police Commissioner shall in collaboration with the
5 State Executive Council, establish a State Community Police Board.

Establishment of State Community Police Boards

(2) A State Community Police Board shall subject to subsection (3) of this section, consist of representatives of Divisional Community Police Boards designated for that purpose by the Divisional Community Police Boards in the state concerned.

(3) Subject to section 64 (1) (b) of this Bill, the State Commissioner of Police and the members designated by him from time to time for the purpose, shall be members of the State Community Police Board concerned.

13 **62.**-(1) For effective and efficient community policing, the
14 Commissioner of Police in each state of the federation shall establish
15 Community Police Forums and Boards in his state of jurisdiction with a
16 view to:

Objects of Community Police Forum and Boards

(a) establishing and maintaining a partnership between the
Community and the Police;

19 (b) promoting communication between Nigerian Police and the
20 Community;

(c) promoting co-operation between the police and the community in fulfilling the needs of the community regarding policing;

(d) improving the rendering of Police services to the community at the state and local levels;

25 (e) improving transparency in the Police and accountability of
26 service to the community; and

(f) Promoting joint problem identification and problem solving by the Police and the Community.

(2) This section shall not prevent Police liaison with the community by means other than Community Police Forums and Boards.

Functions of Community Police Forums and Boards	1	63. A State or Divisional Community Police Board or a Community
	2	Police Forum or Sub-Forum shall perform the functions it deems necessary and
	3	appropriate to achieve the objects stated in section 62 of this Bill.
Procedural matters	4	64. -(1) Every State or Divisional Community Police Board and
	5	Community Police Forum or Sub-Forum shall:
	6	(a) elect one of its members as Chairperson and another one as Vice-
	7	Chairperson and another a Police Officer as the secretary;
	8	(b) determine the number of members to be designated by the State
	9	Commissioner or Division Police Officer to serve as members of the Board,
	10	Forum or Sub-Forum concerned;
	11	(c) determine its own procedure and cause minutes to be kept of its
	12	proceedings; and
	13	(d) whenever it deems it necessary, co-opt other members or experts
	14	or community leaders to the Board or Forum in an advisory capacity.
	15	(2) Members of Community Police Forums or Boards shall render
	16	their services on a voluntary basis and shall have no claim to compensation
	17	solely for services rendered to such Forums and Boards.
	18	(3) The majority of the members of the Board, Forum or Sub-Forum
	19	concerned shall constitute a quorum at a meeting thereof.
	20	(4) In the absence of the Chairperson of a Board or Forum or Sub-
	21	Forum from meeting the Vice-Chairperson shall act as Chairperson, and if
	22	both the Chairperson and the Vice-Chairperson are so absent, the members
	23	present shall elect one of their members present at the meeting to preside at
	24	that meeting.
	25	PART XII - TRAFFIC WARDEN SERVICE
Establishment of the Traffic Warden Service	26	65. -(1) There is hereby established a Traffic Warden Service (in
	27	this Bill referred to as "the Warden Service").
	28	(2) The Warden Service shall consist of traffic wardens appointed
	29	from time to time under this Bill.
	30	(3) The Warden Service shall be a part of the Nigeria Police and

1 accordingly, references to the Police established under this Bill shall subject
2 to the provisions of this Bill include references to the Warden Service.

3 (4) Notwithstanding subsection (3) of this section, in so far as any
4 enactment whether passed or made before or after the commencement of
5 this Bill requires Police Officers to perform military duties, or confers any
6 power on any person whether expressly or in general terms to require Police
7 Officers to perform such duties, that enactment shall not in the absence of
8 express provision to the contrary extend to Traffic Wardens.

9 (5) Traffic Wardens shall be employed to discharge functions
10 normally undertaken by the Police in connection with the control and
11 regulation of, or the enforcement of the law relating to road traffic and shall
12 in that connection, act under the direction of the Police.

13 (6) Without prejudice to the generality of the foregoing subsection,
14 a Traffic Warden shall be required to deal majorly with-

15 (a) the general control and direction of motor traffic on the
16 highway;

17 (b) assisting pedestrians to cross the road; and

18 (c) controlling vehicles stopping or parking in unauthorized
19 places.

20 **66.**-(1) Notwithstanding anything to the contrary in any enactment,
21 the Inspector-General is vested with the power to appoint, confirm such
22 appointment, promote, transfer, dismiss or exercise any disciplinary control
23 over any Traffic Warden.

Appointment of
Traffic Wardens

24 (2) Subject to the provisions of this Bill, a person may be appointed
25 a Traffic Warden if he -

26 (a) is not less than nineteen nor more than 21 years of age;

27 (b) is in possession of a minimum educational qualification of
28 Senior Secondary School Certificate (SSCE);

29 (c) is not less than 167.64 centimeters and 162.56 centimeters tall
30 respectively for the men and the women;

1 (d) in the case of men, has not less than 86.36 centimeters chest
2 measurement when fully expanded;

3 (e) is of good character and is physically fit; and

4 (f) has signified his willingness to serve as a traffic warden.

5 (3) The supervising ministry shall from time to time by notice
6 published in the *Federal Gazette*, fix the maximum number of persons who
7 may at any given time hold appointments under this Bill; and a person shall not
8 be appointed as a traffic warden if his appointment would cause the number or
9 the time being so fixed to be exceeded.

10 (4) Before fixing any number under subsection (3) of this section, the
11 supervising ministry shall obtain from the Nigeria Police Council
12 recommendation in respect this.

13 (5) The Inspector-General may-

14 (a) from time to time with the approval of the Chairman Police
15 Service Commission, fix the maximum number of traffic wardens who may at
16 one time hold appointments in any State;

17 (b) at his own discretion fix the maximum number of Traffic Wardens
18 who may at any given time hold any particular rank in the warden service in any
19 State, and

20 (c) in either case fix different numbers with respect to different States.

21 (6) In relation to traffic wardens appointed under this Bill:

22 (a) section 18 of this Bill shall have effect as if for the reference to
23 enlistment or re-engagement, they were substituted respectively a reference to
24 appointment or re-appointment; and

25 (b) the form of the Police Declaration prescribed by the Oaths Act
26 shall be adapted by the substitution:

27 (i) for the words "Police Officer" where they occur in the fifth line, of
28 the words "a Traffic Warden"; and

29 (ii) for the words from "for the preservation of peace" to the end of the

1 declaration, of the words "to discharge all the duties of my office according
2 to law".

3 **67.**-(1) Every Traffic Warden appointed under this Bill shall be Period of Service
4 appointed to serve as a traffic warden for a period of one year, and only in the
5 Police Province, District or Division in which he resides.

6 (2) Such a Traffic Warden may subject to satisfactory conduct and
7 service, be re-appointed for further periods of three years each until the
8 expiration of the tenth year of his appointment in the warden service when
9 he may elect to determine his appointment or elect that his service be
10 allowed to continue until he is 55 years of age.

11 **68.** A Traffic Warden appointed under this Bill shall when on duty, Powers of a
Traffic Warden
12 be in uniform and within the Police Province, District or Division in which
13 he is appointed to serve, but not elsewhere, he shall have the powers,
14 privileges and immunities of a Police Officer under any law relating to the
15 regulation of road traffic.

16 **69.** Every Traffic Warden shall on first appointment, be issued with Certificate of
Appointment
and Discharge
17 a certificate of appointment in a form approved by the Inspector-General
18 and on the determination of that or any subsequent appointment whether by
19 effluxion of time or under section 12 of this Bill, shall in like manner be
20 issued with a certificate of discharge.

21 **70.**-(1) A Traffic Warden shall have such rank as may be assigned to Ranks of Traffic
Wardens
22 him by the Inspector- General within the following grades:

23 (a) Traffic Warden Grade III;

24 (b) Traffic Warden Grade II;

25 (c) Traffic Warden Grade I; and

26 (d) Senior Traffic Warden. S. 71 (2) On receipt by the superior
27 police officer of the notice referred to in subsection (1) of this section, the
28 superior police officer shall immediately refer such notice to I the
29 Commissioner having control over him and the traffic warden, and if the
30 Commissioner consents to the notice having effect, the appointment of the

	1	traffic warden shall determine accordingly. (the word determined is changed to
	2	terminated.
Resignation	3	71. -(1) A Traffic Warden appointed under this Bill may at any time
	4	give to any superior Police Officer under whom he is serving, notice in writing
	5	of his intention to resign his appointment on a date mentioned in the notice, not
	6	being less than 28 days later than the date on which the notice is given.
	7	(2) On receipt by the Superior Police Officer of the notice referred to
	8	in subsection (1) of this section, the Superior Police Officer shall immediately
	9	refer such notice to the Commissioner having control over him and the Traffic
	10	Warden, and where the Commissioner consents to the notice having effect, the
	11	appointment of the Traffic Warden shall terminate accordingly.
Discipline	12	72. -(1) In so far as the context so admits, but subject to the provisions
	13	of this Bill, a Traffic Warden shall be subject to the provisions of the Police
	14	Regulations for purposes of discipline.
	15	(2) In the application to Traffic Wardens of the Second Schedule to the
	16	Police Regulations, references to Constables, Corporals, Sergeants and
	17	Inspectors shall include respectively references to Traffic Wardens Grade III,
	18	Traffic Wardens Grade II, Traffic Wardens Grade I and Senior Traffic Wardens.
Provision of Equipment	19	73. -(1) The Inspector-General may provide for use by the Traffic
	20	Wardens such equipment as he considers necessary for the proper carrying out
	21	of the duties of Traffic Wardens under this Bill.
	22	(2) Any expenses incurred by the Inspector-General under this section
	23	shall be defrayed out of monies provided by the Federal Government.
Delegation of power by Inspector-General	24	74. The Inspector-General may delegate any of his powers under this
	25	Bill to the Commissioner of a State or the Commandant of a Police College, so
	26	that the delegated powers may be exercised by the delegate with respect to the
	27	matters class of matters specified or defined in the instrument of delegation.
Instruction of Traffic Warden, etc.	28	75. -(1) Every person appointed into the warden service shall be
	29	required to undergo course of training at the traffic training school of a Police
	30	College for a period twelve weeks or such other or further period as the

1 Inspector-General may determine.

2 (2) A Traffic Warden appointed under this Bill shall be allocated a
3 service number with the letters "TW" and the service numbers of all traffic
4 wardens employed in the Federation shall appear on the register kept for that
5 purpose by the Inspector General.

6 (3) A Traffic Warden to whom a service number has been allocated
7 under subsection (2) of this section shall wear his service number on the
8 shoulder flaps of the uniform whenever he is on duty.

9 PART XIII - POLICE PUBLIC COMPLAINTS AND DISCIPLINE

10 **76.** The Inspector-General of Police shall establish a Police
11 Complaints Response in this Act referred to as "the Unit" in each of the
12 Police Commands in all the State of Federation. Establishment of
the Police
Complaints
Response Unit

13 **77.-(1)** The Unit shall consist of representatives of the Federal or Unit Composition
14 State Intelligence Bureau, Police Provost Marshall and any other unit as the
15 Inspector General of Police may deem fit.

16 (2) The Unit shall be headed by an officer not below the rank of a
17 Chief Superintendent of Police.

18 **78.-(1)** The Unit shall receive: The functions
of the Unit

19 (a) complaint or information of Police officers misconduct from
20 the public; or

21 (b) complaint of Police officers misconduct from other police
22 member or authority.

23 (2) The Unit may receive:

24 (a) any complaint alleging that the conduct complained of resulted
25 in the death of or serious injury or other gross human rights violations;

26 (b) any complaint showing that a police officer may have
27 committed a criminal offence; or

28 (c) any complaints which shows that an officer is involved in an act
29 constituting professional misconduct

30 (3) The Unit shall monitor the investigations initiated by the Unit.

	1	(4) While conducting investigation into any complaint by any
	2	member of the public against a Police Officer, the Nigeria Police Service shall
	3	afford the person against whom the complaint has been made many
	4	opportunities to give a defense.
	5	(5) Upon the conclusion of an investigation, the appropriate
	6	investigative unit shall make available a copy of its findings or investigation
	7	report to the Unit within 21 days from the day the complaint was made.
Steps to be taken after investigation	8	79. After investigation, the head of the Unit with approval from the
	9	Inspector General of Police shall:
	10	(a) send a copy of the investigation report and recommendations to
	11	the Director of Public Prosecutions for prosecution if the investigation reveals
	12	that a criminal offence has been committed;
	13	(b) send a copy of the investigation report and recommendations to
	14	the appropriate Police or oversight authority for proper disciplinary action if
	15	the investigations reveal that the offence committed is against discipline as
	16	stated in the First Schedule Regulations 370 of the Police Act and Regulations;
	17	and
	18	(c) where it is discovered after investigations that the complainant
	19	knowingly gave false information against any Police Officer or should have
	20	reasonably knowledge that the information is false, such a person shall be tried
	21	according to relevant laws for the time being in force.
Repeal	22	80. The Police Act Cap P19, Laws of the Federation of Nigeria, 2004
	23	is repealed.
Savings	24	81. Anything done or purported to have been done under the Police
	25	Act, Cap P19, Laws of the Federation of Nigeria, 2004 remains valid, subject to
	26	the Provisions of this Act.
Interpretation	27	82. In this Act, except where the context otherwise requires:
	28	"Commissioner" means a Commissioner of Police, a Deputy Commissioner of
	29	Police or an Assistant Commissioner of Police;
	30	"Constable" means any Police Officer below the rank of Corporal;

- 1 "Court" means any court established by any law in force in Nigeria,
2 "Inspector" includes a Chief Inspector and an Inspector of Police;
3 "Inspector-General", "Deputy Inspector-General" and "Assistant Inspector-
4 General" means respectively the Inspector-General of Police, the Deputy
5 Inspector-General of Police and an Assistant Inspector-General of Police;
6 "Minister" means the Minister charged with responsibility over Police
7 matters and "Ministry" shall have a corresponding meaning;
8 "Non-Commissioned Officer" means a Police Sergeant-Major, a Police
9 Sergeant or a Police Corporal as the case may be;
10 "Police Officer" means any member of the Nigeria Police Service;
11 "Prosecuting Officer" means any person appointed by the Attorney General
12 of the Federation or of the States to prosecute crimes on their behalf and for
13 the Nigeria Police Service;
14 "Senior Police Officer" means any Police Officer above the rank of a Cadet
15 Assistant Superintendent of Police;
16 "Superintendent of Police" includes a Chief Superintendent of Police,
17 Superintendent of Police, a Deputy Superintendent of Police, and an
18 Assistant Superintendent of Police; and
19 "The Police" means the Nigeria Police Service established under this Bill.
20 **83.** This Bill may be cited as the Nigerian Police Service Bill, Citation
21 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Police Act Cap. P19 LFN, 2004 and enact the Nigeria Police Service Act, 2016, to provide for the cooperation and partnership between the Police and host communities in maintaining peace and combating crime.