

Extraordinary



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FEDERAL UNIVERSITY OF TECHNOLOGY, AUCHI, BILL, 2019

ARRANGEMENT OF CLAUSES

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FEDERAL UNIVERSITY OF TECHNOLOGY, AUCHI

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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL
UNIVERSITY OF TECHNOLOGY, AUCHI, EDO STATE AND FOR RELATED
MATTERS, 2019

Sponsored by Hon. Johnson E. Oghuma

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE
2 FEDERAL UNIVERSITY OF TECHNOLOGY, AUCHI

3 -(1) There is hereby Federal Polytechnic, Auchi upgraded and
4 established as the Federal University of Technology, Auchi, Edo State.

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

7 (3) The University shall be a training institution for the
8 development of Technologists in the country.

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

14 (5) The objects of the University shall be:

15 (a) to encourage the advancement of learning and to hold out to all
16 persons without distinction of race, creed, sex or political conviction;

17 (b) to develop and offer academic and professional programmes
18 leading to the award of certificates, first degrees, post-graduate research,
19 diploma and higher degrees with emphasis on planning, developmental and
20 adaptive skills in technology, applied science, social science, management

Establishment
and Objectives
of the Federal
University of
Technology, Auchi,
Edo State

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

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

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

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

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

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

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

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

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

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

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

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

30 (m) to hold public lectures and to undertake printing, publishing and

1 book selling;

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

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

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

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

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

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

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

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

Functions of the
Chancellor and
Pro-Chancellor

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

Composition,
tenure and powers
of the council
of the University

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

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

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

8 (b) the Vice-Chancellor;

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

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

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

13 (i) the Teacher's Registration Council;

14 (ii) Tertiary Education Trust Fund; and

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

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

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

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

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

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

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

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

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

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

7 (a) personnel cost;

8 (b) overhead cost;

9 (c) research and development;

10 (d) library developments; and

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

13 6.-(1) Subject to the provisions of this Bill relating to the Visitor,
14 the Council shall be the governing body of the University and shall be
15 charged with the general control and superintendence of the policy, finances
16 and property of the University.

Functions of the
council and its
finance and general
purposes committee

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

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

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

29 (5) Subject to this Bill and the statutes, the Council and the Finance
30 and General Purposes Committee may each make rules for the purpose of

1 exercising any of their respective functions or of regulating their own
2 procedure.

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

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

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

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

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

Functions of
the Senate of
the University

21 7.-(1) Subject to section 6 of this Bill and subsections (3) and (4) of
22 this section and the provisions of this Bill relating to the Visitor, it shall be the
23 general function of the Senate to organize and control the teaching by the
24 University, the admission of student where no other enactment provides to the
25 contrary and the discipline of students; and to promote research at the
26 University.

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

30 (a) the establishment, organization and control of campuses, colleges,

1 schools, institutes and other teaching and research units of the University
2 and the allocation of responsibility for different branches of learning;

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

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

8 (d) the making of recommendations to the Council with respect to
9 the award to any person of an honorary fellowship or honorary degree or the
10 title of professor emeritus;

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

13 (f) the supervision of the welfare of students at the University and
14 the regulation of their conduct;

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

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

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

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

28 (5) Regulations shall provide that at least one of the persons
29 appointed as the examiners at each final or professional examination held in
30 conjunction with any course of study at the University is not a teacher at the

1 University but is a teacher of the branch of learning to which the course relates
 2 at some other University of high repute or a person engaged in practicing the
 3 profession in a reputable organization or institution.

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

Functions of
the Vice-Chancellor

10 8.-(1) The Vice-Chancellor shall, in relation to the University, take
 11 precedence before all other members of the University except the Chancellor
 12 and subject to section 4 of this Bill except the Pro-Chancellor and any other
 13 person for the time being acting as Chairman of the Council.

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

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

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

26 PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC. TO THE
 27 UNIVERSITY AND CONDITION OF SERVICE OF EMPLOYEES

General Fund
of the University

28 9.-(1) There shall be a general fund of the University which shall
 29 consist of the following:

30 (a) grants-in-aid;

- 1 (b) fees;
- 2 (c) income derived from investments;
- 3 (d) gifts, legacies, endowments and donations not accepted for a
- 4 particular purpose;
- 5 (e) income derived from the exercise of any functions conferred or
- 6 imposed on the University by this Bill;
- 7 (f) any other amounts, charges or dues recoverable by the
- 8 University;
- 9 (g) revenue, from time to time, accruing to the University by way
- 10 of subvention;
- 11 (h) interests on investments;
- 12 (i) donations and legacies accruing to the University from any
- 13 source for the general or special purposes of the University; and
- 14 (j) regular TETFUND interventions.

15 (2) The general fund shall be applied for the purposes of the

16 University.

17 **10.-(1)** All property held by or on behalf of the Provisional Council

18 of the University shall, by virtue of this sub-section and without further

19 assurance, vest in the University and be held by it for the purpose of the

20 University.

Transfer of
property, etc.

21 (2) The provisions of the Second Schedule to this Bill shall have

22 effect with respect to, and to matters arising from, the transfer of property by

23 this section and with respect to the other matters mentioned in that Schedule.

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

25 **11.-(1)** Subject to this Bill, the University may make statutes for

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

Power of the
University to make
statutes

27 (a) making provision with respect to the composition and

28 constitution of any authority of the University;

29 (b) specifying and regulating the powers and duties of any

30 authority of the University, and regulating any other matter connected with

1 the University or any of its authorities;

2 (c) regulating the admission of students (where no other enactment
3 provides to the contrary), and their discipline and welfare;

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

7 (e) making provision for any other matter for which provision by
8 statute is authorized or required by this Bill.

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

Third Schedule

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

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

Mode of
exercising power
to make statutes

19 **12.-(1)** The power of the University to make statutes shall be
20 exercised in accordance with the provisions of this section and not otherwise.

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

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

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

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

30 (4) A statute which:

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

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

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

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

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

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

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

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

28 **13.** A statute may be proved in any court by the production of a Proof of statutes
29 copy thereof bearing or having affixed to it a certificate purporting to be
30 signed by the Vice-Chancellor or the Secretary to the Council to the effect

1 that the copy is a true copy of a statute of the University.

2 PART IV - SUPERVISION AND DISCIPLINE

The Visitor

3 **14.**-(1) The President shall be the Visitor of the University.

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

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

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

Removal of
certain members
of the Council

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

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

Removal and
discipline of
academic,
administrative
and professional
staff

26 **16.**-(1) If it appears to the Council that there are reasons for believing
27 that any person employed as a member of the academic, administrative or
28 professional staff of the University, other than the Vice-Chancellor, should be
29 removed from his office or employment on the ground of misconduct or of
30 professional inability to perform the functions of his office or employment, the

1 Council shall:

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

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

5 (c) for the person in question to be afforded an opportunity of
6 appearing before and being heard by the investigating committee with
7 respect to the matter, and if the Council, after considering the report of the
8 investigating committee, is satisfied that the person in question should be
9 removed as aforesaid, the Council may so remove him by an instrument in
10 writing signed on the directions of the Council.

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

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

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

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

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

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

30 (e) conduct which the Council considers to be generally of such

1 nature as to render the continued appointment or service of the person
2 concerned prejudicial or detrimental to the interest of the University.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **18.-(1)** The Students shall be: Participation and
18 (a) represented in the University's Students Welfare Board and discipline of
students

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

20 (b) participate in various aspects of curriculum development;

(c) participate in the process of assessing academic staff in respect
of teaching; and

23 (d) be encouraged to be more self-assured as part of the national
24 development process.

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

29 (a) that the student shall not, during such period as may be specified
30 in the directions, participate in such activities of the University, or make use

1 of such facilities of the University, as may be so specified;

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

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

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

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

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

16 (a) the Vice-Chancellor may delegate his powers under this section to
17 a disciplinary board consisting of such members of the University as he may
18 nominate;

19 (b) nothing in this section shall be construed as preventing the
20 restriction or termination of students' activities at the University otherwise than
21 on the ground of misconduct; and

22 (c) a direction under subsection (2) (a) of this section may be
23 combined with a direction under subsection (2) (b) of this section.

24 PART V - MISCELLANEOUS AND GENERAL

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

25 **19.-(1)** No person shall be required to satisfy requirements as to any of
26 the following matters, that is to say, race (including ethnic grouping), sex,
27 account of race, place of birth or of family origin, or religious or political
28 persuasion, as a condition of becoming or continuing to be a student at the
29 University, the holder of any degree of the University or of any appointment or
30 employment at the University, or a member of anybody established by virtue of

1 this Bill; and no person shall be subject to any disadvantage or accorded any
2 advantage relation to the University, by reference to any of those matters.

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

11 **20.** Without prejudice to the provisions of the Land Use Act, the
12 University shall not dispose of or charge any land or an interest in any land
13 (including any land transferred to the University by this Bill) except with the
14 prior written consent, either general or special, by of the Governor:

Restriction on
disposal of land
by University

15 Provided that such consent shall not be required in the case of any
16 lease or tenancy at a rack-rent for a term not exceeding 21 years or any lease
17 or tenancy to a member of the University for residential purpose.

18 **21.** Except as may be otherwise provided by statute or by
19 regulations, the quorum and procedure of anybody of persons established by
20 this Bill shall be as determined by that body.

Quorum and
procedure of
bodies established
by this Bill

21 **22.-(1)** Anybody of persons established by this Bill shall, without
22 prejudice to the Appointment of generality of the powers of that body, have
23 power to appoint committees, which need not committees, etc. consist
24 exclusively of members of that body, and to authorize a committee
25 established by it:

Appointment of
committees, etc.

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

28 (b) to co-opt members; and

29 (2) Any two or more such bodies may arrange for the holding of
30 joint meetings of those bodies, or for the appointment of committees

1 consisting of members of those bodies, for the purpose of considering any
 2 matter within the competence of those bodies or any of them, and either of
 3 dealing with it or of reporting on it to those bodies or any of them.

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

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

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

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

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

Retiring age of
academic staff

19 **23.**-(1) Notwithstanding anything to the contrary in the Pension Act,
 20 the compulsory retiring age of the following categories of staff shall be as
 21 follows:

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

24 (b) Academic staff of the University in the Professorial Cadre shall be
 25 70 years;

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

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

Special provisions
relating to pensions
of professors

29 **24.** An academic staff of the University who retires as a Professor in
 30 the University shall be entitled to pension at a rate equivalent to his annual

1 salary provided that the Professor has served continuously in the University
2 up to the retirement age.

3 **25.**-(1) The seal of the University shall be such as may be
4 determined by the Council and approved by the Chancellor, and the affixing
5 of the seal shall be authenticated by any member of the Council and by the
6 Vice-Chancellor, Secretary to the Council or any other person authorized by
7 statute.

Miscellaneous
administrative
provisions

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

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

15 (4) The validity of any proceedings of any body established in
16 pursuance of this Bill shall not be affected by any vacancy in the
17 membership of the body, or by any defect in the appointment of a member of
18 the body or by reason that any person not entitled to do so took part in the
19 preceding.

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

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

27 (7) The power conferred by this Bill on any body to make statutes or
28 regulations shall include power to revoke or vary any statute (including the
29 statute contained in the Third Schedule of this Bill) or any regulation by a
30 subsequent statute or as the case may be, by a subsequent regulation and

1 statutes and regulations may make different provisions in relation to different
2 circumstances.

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

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

Restriction of
suits and execution

8 *Pre-Action Notice*

9 **26.-(1)** (a) No legal proceeding shall be instituted and/or commenced
10 against the University or any of its agents in the course of their official duties
11 unless a 3 months' Pre-Action Notice of such intention is served on the
12 University by an aggrieved party;

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

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

23 (d) In any suit against this University, no execution or attachment or
24 process in the nature thereof shall be issued against the University, but any
25 sums of money which may be judgment of the court be awarded against the
26 University shall, subject to any direction given by the court where notice of
27 appeal has been given by the University in respect of the said judgment, be paid
28 by the University from its general fund.

Service of Notices

29 (2) Service upon the University of any notice, order or other
30 document may be effected by delivering the same or by sending it by registered

1 post addressed to the Registrar and Secretary of the Council.

2 **27.-(1)** In this Bill, unless the context otherwise requires:

Interpretation

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

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

6 "Council" means the Governing Council of the University established by
7 section 5 of this Bill;

8 "Functions" includes powers and duties;

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

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

14 "Notice" means notice in writing;

15 "Officer" does not include the Visitor;

16 "Prescribed" means prescribed by statute or regulations;

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

19 "Property" includes rights, liabilities and obligations;

20 "Provisional Council" means the provisional council appointed for the
21 University;

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

23 "Senate" means the Senate of the University established pursuant to section
24 2 (1) (e) of this Bill;

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

26 "Statute" means a statute made by each University under section 10 of this
27 Bill and in accordance with the provisions of section 11 of this Bill;

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

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

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

5 "University" means Federal University of Technology, Auchi established and
6 incorporated by section 1 of this Bill;

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

Citation

14 **28.** This Bill may be cited as the Federal University of Technology,
15 Auchi, Bill, 2019.

16 SCHEDULES

17 FIRST SCHEDULE

18 [Section 2 (2)]

19 PRINCIPAL OFFICERS OF THE UNIVERSITY

20 *The Chancellor*

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

23 *The Pro-Chancellor*

24 2.-(1) The Pro-Chancellor who shall be the Chairman of Council shall
25 be appointed or removed from office by Mr. President upon recommendation
26 by the Minister of Education.

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

29 *The Vice-Chancellor*

30 3.-(1) There shall be a Vice-Chancellor of the University who shall be

1 appointed by the Council in accordance with the provisions of this
2 paragraph.

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

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

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

8 (ii) the terms of conditions of service applicable to the post, and
9 thereafter draw up a short list of suitable candidates for the post for
10 consideration.

11 (b) constitute a Search Team consisting of:

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

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

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

20 (4) A Joint Council and Senate Selection Board consisting of:

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

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

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

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

1 (6) The Vice-Chancellor shall hold office for a single term of five
2 years only on such terms and conditions as may be specified in his letter of
3 appointment.

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

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

11 (i) three members of the Council, one. of whom shall be the Chairman
12 of the committee; and

13 (ii) two members of the Senate:

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

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

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

22 (11) There shall be no sole administrator in the University.

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

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

28 Deputy Vice-Chancellor

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

1 administration of the University.

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

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

8 (4) A Deputy Vice-Chancellor shall:

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

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

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

15 (5) A Deputy Vice-Chancellor:

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

19 (b) may be reappointed for one further period of two years and no
20 more; and

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

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

26 *Office of the Registrar*

27 5.-(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

1 accordance with paragraph 6(2) of this Schedule.

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

5 *Other Principal Officers of the University*

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

8 (a) the Bursar; and

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

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

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

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

21 *Selection Board for other Principal Officers*

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

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

26 (b) the Vice-Chancellor;

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

28 (d) two members of the Senate.

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

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

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

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

11 *Resignation and Re-appointment*

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

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

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

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

21 **SECOND SCHEDULE**

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

23 *Transfer of Property to University*

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

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

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

1 THIRD SCHEDULE

2 [Section 9 (3)]

3 FEDERAL UNIVERSITY OF TECHNOLOGY, AUCHI STATUTE NO.1

4 ARRANGEMENT OF ARTICLES

5 *Articles:*

6 1. The Council.

7 2. The Finance and General Purposes Committee

8 3. The Senate

9 4. The Congregation

10 5. Convocation

11 6. Division of Colleges

12 7. College/School Boards

13 8. Dean of the College

14 9. Selection of certain Principal Officers

15 10. Creation of academic posts

16 11. Appointment of academic staff

17 12. Appointment of administrative and professional staff

18 13. Interpretation.

19 14. Short Title

20 *The Council*21 1.-(1) The composition of the Council shall be as provided in section 5
22 of this Bill.23 (2) Any member of the Council holding office otherwise than in
24 pursuance of section 5 (a), (b), (c), or (d) of this Bill may, by notice to the
25 Council, resign his office.26 (3) A member of the Council holding office otherwise than in
27 pursuance of section 5 (a), (b), (c), or (d) of this Bill shall, unless he previously
28 vacates it, vacate that office on the expiration of the period of four years
29 beginning with effect from 1 August in the year which he was appointed.

30 (4) Where a member of the Council holding office otherwise than in

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

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

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

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

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

19 *The Finance and General Purposes Committee*

20 2.-(1) The Finance and General Purposes Committee of the
21 Council shall consist of:

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

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

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

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

1 represent him; and

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

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

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

8 *Annual budget and estimates, etc.*

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

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

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

17 *Gifts, donations, etc.*

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

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

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

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

Payment into bank

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

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

Audit

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

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

The Senate

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

- (i) the Vice-Chancellor;
- (ii) Deputy Vice-Chancellors;
- (iii) the Deans of respective Colleges;
- (iv) the Professors in the University;
- (v) Heads of Academic Departments and Units;
- (vi) the University Librarian;
- (vii) one elected representative of each College;
- (viii) two members of Academic Staff elected by the Congregation;
- (ix) one elected representative of each department;
- (x) two members representing a variety of interests of the professional bodies outside the University appointed by the Senate on the recommendation of the Vice-Chancellor;

1 (xi) Registrar-Secretary.

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

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

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

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

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

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

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

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

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

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

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

12 *Congregation*

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

14 (i) Vice-Chancellor;

15 (ii) the Deputy Vice-Chancellors;

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

17 (iv) the Registrar;

18 (v) the Librarian; and

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

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

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

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

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

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

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

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

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

14 *Convocation*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 *Division of Colleges*

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

27 *College Boards*

28 7.-(1) There shall be established in respect of each College, a Board
29 of Studies which, subject to the provisions of this Statute, and subject to the
30 directions of the Vice- Chancellor, shall:

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

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

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

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

8 (a) the Vice-Chancellor;

9 (b) the Dean;

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

11 (d) the College Examination Officer;

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

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

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

20 *Deans of the Colleges*

21 8.-(1) The Board of each College shall, at a meeting in the last term of
22 any academic year which the term of office of the Dean expires, nominate one
23 of its members, being one of the Professors assigned to that teaching unit, for
24 appointment by the Senate as Dean of the College.

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

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

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

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

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

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

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

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

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

20 *Departmental Board of Studies*

21 9.-(1) There shall be a Departmental Board of Studies whose
22 membership shall be made of all academic staff of the Department.

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

26 (3) For a Professor the term is for 3 years while 1 year is for acting
27 capacity. The Board shall superintend over all teachings and examinations
28 in the Department.

29 (4) The Board shall handle all disciplinary matters in the
30 Department and make recommendations to the College where necessary.

1 (6) Allocation of courses in the department shall be done by the
2 Departmental Board on recommendation of the Head of Department.
3 Selection of Directors of Physical Planning and Development, Works and
4 Services and Health

5 10.-(1) When a vacancy occurs in the office of the Directors of
6 Physical Planning and Development, Works and Services and Health, a
7 Selection Board shall be constituted by the Council which shall consist of:

8 (a) the Pro-Chancellor;

9 (b) the Vice-Chancellor;

10 (c) two members appointed by the Council, not being members of the
11 Senate;

12 (d) two members appointed by the Senate.

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

17 *Tenure of Directors*

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

20 *Creation of Academic Posts*

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

24 *Appointment of Administrative and Professional Staff*

25 13.-(1) The administrative and professional staff of the University
26 other than principal officers shall be appointed by the Council on its behalf
27 by the Vice-Chancellor in accordance with delegation of powers made by the
28 Council on its behalf.

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

30 (i) Vice Chancellor;

1 (ii) Deputy Vice Chancellor;
2 (iii) Registrar;
3 (iv) Bursar;
4 (v) University Librarian;
5 (vi) the Head of Department concerned; and
6 (vii) Establishment and Human Resources Officer who shall serve
7 as Secretary Quorum shall be three (3) including the Chairman.

8 *Interpretation*

9 14. In this Statute, the expression "the Act" means the Federal
10 University of Technology, Auchi Act and any word or expression defined in
11 the Act has the same meaning in this Statute.

EXPLANATORY MEMORANDUM

This Bill seeks to upgrade the Federal Polytechnic Auchi to the Federal University of Technology, Auchi, Edo State.

NATIONAL METALLURGICAL TRAINING INSTITUTE, SAGAMU,
OGUN STATE BILL, 2019
ARRANGEMENT OF SECTIONS

Section:

PART I - ESTABLISHMENT OF NATIONAL METALLURGICAL
TRAINING INSTITUTE

1. Establishment of the National Metallurgical Training Institute
2. Objective of the Institute
3. Governing Council of the Institute
4. Tenure of office of member of the Board
5. Remuneration of the member of the Board
6. Removal from office of member of the Board

PART II - FUNCTION AND POWER OF THE INSTITUTE

7. Function of the Institute
8. Function of the Board
9. Power of the Institute
10. Power of the Board
11. Power of the Minister to give directives

PART III - STAFF OF THE INSTITUTE

12. Appointment of Principal Officers of the Institute
13. Appointment of Rector of the Institute
14. Appointment of Director of Studies of the Institute
15. Appointment of Registrar of the Institute
16. Appointment of Bursar of the Institute
17. Appointment of Librarian of the Institute
18. Appointment of other employees of the Institute
19. Conditions of service of the employees of the Institute
20. Removal from the Office of the Rector
21. Removal and discipline of Senior Staff
22. Discipline of Junior Staff

23. Service in the Institute to be Pensionable

PART IV - ACADEMIC BOARD OF THE INSTITUTE

24. Establishment of Academic Board of the Institute
25. Function of the Academic Board
26. Departmental Boards
27. Candidate for Examinations
28. Award of Diplomas and Certificates
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PART V - FINANCIAL PROVISIONS

30. Funds of the Institute
31. Expenditure of the Institute
32. Powers to accept gifts
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34. Annual Estimates, accounts and audit
35. Annual report

PART VI

36. Discoveries Inventions and Improvements by employees of the Institute

PART VII - MISCELLANEOUS AND SUPPLEMENTARY

37. Office and Premises
38. Provision of library service
39. Procedure in respect of suit against the Institute
40. Service of documents
41. Indemnity of member of the Board and employees of the Institute
42. Power to make regulations
43. National Metallurgical Training Institute, Sagamu, Ogun State
44. Interpretation
45. Short title
Schedule

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL METALLURGICAL TRAINING INSTITUTE, SAGAMU, OGUN STATE TO PROVIDE TRAINING, INFORMATION, SUPERVISION, GUIDANCE AND ADVICE TO STUDENTS, RESEARCHERS AND PERSONNEL IN IRON AND STEEL, AND OIL AND GAS INDUSTRIES FOR NATIONAL DEVELOPMENT AND FOR RELATED MATTERS

Sponsored by Hon. Adewunmi Oriyomi Onanuga

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL METALLURGICAL 2 TRAINING INSTITUTE, SAGAMU, OGUN STATE

3 1.-(1) There is hereby established the National Metallurgical
4 Training Institute, Sagamu, Ogun State (in this Act refereed to as "the
5 Institute") which shall have the functions assigned to it in this Act

Establishment
of the National
Metallurgical
Training Institute,
Sagamu, Ogun
State

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

9 2. The objectives of the Institute shall be to:

Objectives of
the Institute

10 (a) Establish, organize and run training courses for low and middle
11 level manpower for the iron, gas, oil, steel and related industries in the area
12 of welding technique;

13 (b) Minimize the need to send Nigerians overseas for professional
14 training in metallurgy;

15 3.-(1) The Institute shall gave a Governing Board (in this Act
16 referred to as "the Board") Which shall consist of:

Governing Board
of the Institute

17 (a) a chairman to be appointed by the President on the
18 recommendation of the Minister;

	1	(b) One representatives of the Federal Ministry of Mines and Steel
	2	development;
	3	(c) One representatives of the Nigerian Metallurgical Society;
	4	(d) One representatives of the Federal Ministry of Education;
	5	(e) The Rector of the Institute;
	6	(f) One representatives of National Board for Technical Education;
	7	(g) One representative of the Manufacturer's Association of Nigeria
	8	(Steel Group);
	9	(h) Two other persons to be appointed by the Minister who by reason
	10	of their ability, experience and specialised knowledge of the Metallurgical and
	11	allied industries are capable of making useful contribution to the work of the
	12	Institute;
	13	(i) The Registrar of the Institute who shall also be the secretary to the
	14	Board.
	15	(2) The Chairman and members of the Board, who are not ex-officio
	16	members, shall be appointed by the president on the recommendation of the
	17	Minister.
Schedule	18	(3) The supplementary provisions set out in the schedule to this act
	19	shall have effect with Respect to the proceedings of the board and the other
	20	matters contained therein.
Tenure of office of the members of the Board	21	4.-(1) The Chairman shall hold office for a period of four years and
	22	may be re-appointed by the president for a final term of four years.
	23	(2) A member of the Board, other than an ex-officio member. shall
	24	hold office for four years and may be re-appointed for a final term of four years.
Remuneration of the members of the Board	25	5.-(1) The Chairman and members of the Board shall be paid such
	26	emoluments as may be Specified in their letters of appointment.
	27	(2) The allowances payable to members of the Board shall be in
	28	accordance with such rates as may be specified and approved by the Federal
	29	Government from time to time.

1 **6.-(1)** If it appears to the Minister that the Chairman or any other Removal from
2 member of the Board Should be removed from office on the ground of office of a member
3 misconduct or inability to perform the functions of his office, the Minister of the Board
4 shall make a recommendations to the President.

5 (2) If the President, after making such inquiries as he considers
6 necessary approved the recommendation, he shall remove such member
7 from office.

8 (3) A member of the Board may resign his appointment by a letter
9 to the President through the Minister.

10 **PART II - FUNCTION AND POWERS OF THE INSTITUTE**

11 **7.** The functions of the Institute shall be to: Functions of the
12 (a) Engage in the training of low and middle level manpower in Institute

13 metallurgy and related Fields in the use of iron, gas, oil and steel industries
14 for national development;

15 (b) Conduct courses in metallurgy and related subjects for students
16 and provide them with practical exercise;

17 (c) Provide relevant information, supervision guidance and advice
18 to personnel in iron, gas oil and industries;

19 (d) Carry out other activities as are necessary and expedient for the
20 full discharge of any of its functions under this Act.

21 **8.** The Board: Functions of the
22 (a) Subject to the provision of this Act, be the government body of Board

23 the Institute and shall be charged with the general control and supervision of
24 the policy, staff, finances and property of the Institute;

25 (b) Ensure that the Institute is staffed by persons with competences
26 in relevant Fields;

27 (c) Ensure that proper accounts of the Institute are kept and that
28 those accounts are audited annually as specified in this Act; and

29 (d) Control courses of study of the Institute and examinations held
30 in those courses.

Powers of the
Institute

- 1 **9.** For carrying out its objectives and function under Act, the Institute
2 shall have power to:
- 3 (a) Establish such unit and or departments within the Institute as may,
4 from time to time, be deemed necessary;
- 5 (b) Institute and award fellowship, scholarships, bursaries, medal,
6 prize and other awards; (c) Provide for the discipline and welfare or the staff of
7 the Institute;
- 8 (d) Hold examinations and grant, diplomas, certificates and other
9 distinctions to persons approved by the Institute as having satisfied the
10 requirements of the Institute;
- 11 (e) Determine and demand from any student or any other person
12 attending the Institute For the purpose of instruction and training, such fees as
13 the Institute may from time to time fix;
- 14 (f) Acquire, hold, grant, charge or otherwise deal with or dispose of
15 moveable and Immovable property;
- 16 (g) Accept gifts, legacies and donations for particular purposed
17 provided the terms and Conditions attached thereto are not detrimental to the
18 objectives of the Institute;
- 19 (h) Enter into contracts, establish trusts, act as trustees solely or
20 jointly with any other Person and employ and act though agents;
- 21 (i) Erect provide, equip and maintain libraries, lecture halls or
22 residence, sport grounds, dining halls and other buildings suitable for the
23 objectives of the Institute;
- 24 (j) Undertake publishing and book sales and liaise with other
25 professional bodies and Institutions in respect of book publishing for activities
26 suitable for the objectives of the Institute;
- 27 (k) Subject to any limitations or conditions imposed by this Act,
28 invest any money accruing to the Institute by way of endowment, whether for
29 general or special purposes and such other money as may no be immediately
30 required for current expenditure in investments, securities or in the purchase or

1 improvement of land, with power from time to time to vary such investment;

2 (l) Make gifts for any charitable purposes and donations to
3 professional bodies; and

4 (m) Do all such other things which are incidental to the foregoing.

5 **10.-(1)** Subject to the provision of this Act, the Board shall:

Powers of the
Board

6 (a) Exercise on behalf of the Institute, the powers conferred on its
7 under this act; and

8 (b) Do such other things as are necessary for the successful
9 performance of its Function and those of the Institute.

10 (2) The Board may subject to its standing orders, appoint such
11 standing and ad hoc Committees as the Board may think fit to consider and
12 report on any matter with the Institute is concerned.

13 (3) Subject to the provisions of subsection (2) of this section, a
14 committee appointed by virtue of that subsection shall be presided over by a
15 member of persons, not necessarily member of the Board as the Board may
16 determine.

17 **11.** The Minister may give to the Institute or Board, directives of a
18 general nature or relating generally to matters of policy with regard to the
19 performance by the Institute or the Board and it shall be the duty of the
20 Institute or the Board to comply with those directives.

Powers of the
Minister to give
directives

21 **PART III - STAFF OF THE INSTITUTE**

22 **12.-(1)** The Principal Officers of the Institute shall consist of:

Appointment of
Principal Officers
of the Institute

23 (a) the Rector;

24 (b) the Director of Studies;

25 (c) the Registrar;

26 (d) the Bursar;

27 (e) the Librarian; and

28 (f) such other officers as may from time to time appointed;

29 (2) The principal officers of the institute other than the Rector shall
30 be appointed by the Board.

Appointment of Rector of the Institute	1	13.-(1) There shall be appointed for the Institute by the President, on
	2	the recommendation of the Minister, a Rector who shall be a graduate of a
	3	recognized university and has since his qualification been actively employed
	4	or engaged in the metallurgical or allied industry in managerial capacity for a
	5	continuous period of not less than ten years.
	6	(2) The Rector shall be the Chief Academic and Chief Executive
	7	Officer of the Institute and shall be responsible for the day to day
	8	administration of the Institute.
	9	(3) The Rector shall hold office for a period of four years and shall be
	10	eligible for re-appointment for final term of four years.
	11	(4) Subject to the provision of this section, the Rector shall hold office
	12	on such terms As maybe specified in his letter of appointment.
Director of Studies	13	14.-(1) There shall be a Director of Studies who shall be responsible
	14	to and assist the Rector of the Institute in the execution of his duties.
	15	(2) Subject to the Provision of subsection (1) of this section, the
	16	Director shall be in charge of co-ordinating the activities of the Heads of
	17	Department in training, collation and publication of courses materials and
	18	maintenance of infrastructure of the Institute.
	19	(3) The Director of Studies shall be appointed by the Board on the
	20	recommendation of the Rector and shall hold office on such terms as may be
	21	specified in his letter of appointment.
	22	
Appointment of Registrar of the Institute	23	15. There shall be for Institute a Registrar who shall be the Head of
	24	Administration of the Institute and shall be responsible to the Rector for the
Appointment of Bursar of the Institute	25	16. The Bursar shall be the Chief Finance officer of the Institute and
	26	shall be responsible to the Rector for the day-to-day administration and control
	27	of the financial affairs of the Institute
	28	
Appointment of Librarian	29	17. The Librarian shall be responsible to re Rector for the
		administration of the Institute's Libraries.

1 **18.**-(1) The Board may, from time to time appoint for the Institute, Appointment of
2 such other staff as it may deem necessary, to assist the Rector in the other employees
3 performance of his functions under this Act. of the Institute

(2) Without prejudice to the generality of subsection (1) of this section, the Board may appoint persons or employees of the Institute, either by way of transfer or secondment from any of the public service in the federation.

8	19. The remuneration, tenure and conditions of service of	Conditions of service of employees of the Institute
9	employees of the Institute shall be as those applications to similar tertiary	
10	institutions in Nigeria.	

11 **20.-(1)** If it appears to the Board that the Rector should be removed Removal from
12 from office, the Board Shall make a recommendations to the Minister, who office of the
13 after making such inquires as he deem fit, approve the recommendation. Rector

14 (2) The Minister shall, with the written approval of the president
15 declare the office of the Rector Vacant.

21.-(1) If it appears to the Board that there are reasons for believing that a person employed as a member of the senior staff of the Institute, other than the Rector, should be removed from office on grounds of misconduct or inability to discharge the function of his office, the Board through its appropriate committee shall:

21 (a) Give notice of those reasons to the person concerned;

(b) Afford him an opportunity of making representation on the matter to the board in person;

(c) If the person concerned or any other member of the Board so requests, within the period of one month beginning with the date of the notice, make arrangement:

(i) For the Appointments and Promotion Committee of the Board
or an ad hoc committee of Board to investigate the matter and report to
Board; and

30 (ii) For the person in question to be afforded an opportunity of

1 appearing before and being heard by the investigating committee.

2 (2) If the Board, after considering the report of the investigating
3 committee, is satisfied that the person in question should be removed as
4 aforesaid, the Board may remove the person concerned by an instrument in
5 writing signed by the Chairman of the Board

6 (3) For a good cause, an employee may be suspended from office or
7 his appointment may be terminated by the Board.

8 (4) For the purpose of sub-section (3) of this section, "good cause"
9 means:

10 (a) Physical or mental incapacity, which the Board after obtaining
11 medical advice considers to be such as to render the person concerned unable to
12 discharge the function of his office;

13 (b) Conduct of a scandalous or other disgraceful nature which the
14 Board considers to be such as to render the person unfit to continue to hold his
15 office; or

16 (c) Conduct which the Board considers to be such as to constitute a
17 failure or inability of the person concerned to discharge the functions of his
18 office or to comply with the terms and conditions of his service.

19 (5) A person suspended pursuant to sub-section (3) of this section
20 shall be placed on half pay and Board shall within six month of the suspension
21 come to a decision as to:

22 (a) Whether to continue that person's suspension;

23 (b) Whether to reinstate that person to his office, in which case the
24 Board shall restore his full emoluments to him with effect from the date of the
25 suspension;

26 (c) Whether to terminate that person's appointment, in which case the
27 person shall not be entitled to the proportion of his emoluments which might
28 have been withheld during the period of suspension; or

29 (d) Where to take such lesser disciplinary action against that person
30 (including the restoration of the proportion of his emoluments which might

1 have been withheld).

2 (6) Where the Board, pursuant to this section, decides to suspend
3 and officer, the Board shall, within six months come to a final determination
4 of the officer's case.

5 (7) It shall be duty of the person who signed the instrument of
6 removal by virtue of sub- section (2) of this section to serve or cause to
7 served on the person concerned, a copy of the instrument.

8 (8) Nothing in this section shall prevent the Board from making
9 such regulations for the discipline of other categories of employees and
10 workers of the Institute as it may fit.

11 **22.**-(1) Where a junior member of staff is accused of misconduct or Discipline of
12 inefficiency, the Rector may suspend him for the junior staff Disciplinary
13 Committee to make recommendations as to the appropriate action to be
14 taken by the Rector.

15 (2) In all cases under this section, the junior member of staff shall
16 be informed in writing of the charge him and be given reasonable
17 opportunity to defend himself

18 (3) The Rector may, after considering the recommendation made
19 pursuant to subsection (1) of this section, downgrade, retire or dismiss the
20 junior officer or terminate the appointment.

21 (4) A person aggrieved by a decision of the Rector under sub-
22 section (3) of this Section may, within a period of 21 days from the date of the
23 receipt of the letter Communicating the decision to him, address a petition to
24 the Board to reconsider his case and the board's decision thereon shall be
25 final.

26 **23.**-(1) It is hereby declared that service in the Institute shall be Services in the
27 approved service for the purpose of Pension Reform Act, and accordingly, Institute to be
28 officers and other persons employed in the Institute shall in respect of their pensionable
29 service in the Institute, be entitled to pension, and other retirement benefit so
30 however that nothing in this Act shall prevent the appointment of a person to

1 any office on terms which Preclude the grant of a pension in respect of the
2 office.

3 (2) For the purpose of the application of the provisions of the pension
4 Reform Act any power exercisable thereunder by a Minister or other authority
5 of the Government of the Federation, other than the power to make regulations
6 under Section 23 thereof is hereby vested in and shall be exercisable by the
7 Board and not by any other authority.

8 PART IV - ACADEMIC BOARD OF THE INSTITUTE

Establishment
of the Academic
Board of the
Institute

9 **24.**-(1) There is hereby established for the Institute an Academic
10 Board which shall consist of:

- 11 (a) The Rector of the Institute as Chairman;
- 12 (b) The Director of Studies;
- 13 (c) All Heads of Department;
- 14 (d) Two members elected by the Congregation;
- 15 (e) The Librarian;
- 16 (f) The Registrar of the Institute who shall be the Secretary to the
17 Academic Board.

18 (2) The Rector shall preside at the meeting of the Academic Board and
19 in his Absence the Director of studies shall preside but in their absence the
20 members present shall elect one of their numbers to preside at the meeting.

21 (3) The Academic Board shall meet at least once in a semester.

22 (4) Subject to sub section (2) and (3) of this section; the Academic
23 Board shall regulate its own procedure.

Function of the
Academic Board

24 **25.** Subject to sub-section (2) of this section the Academic Board shall
25 formulate, Regulate and continuously evaluate the academic programmes of
26 the Institute Including:

- 27 (a) The organization and control of courses of study and the
28 examination held in Connection with those courses;
- 29 (b) The award of diplomas, certificates and such other qualifications
30 as may be prescribed in connection with examination held as aforesaid;

1 (c) Such other functions as the board may from time to time assign
2 to it.

3 **26.**-(1) The Institute shall create such departments as may be Creation of
4 necessary from time to time. Departments

5 (2) Each academic department shall have a Departmental Board.

6 (3) Each academic department shall elect from among its
7 members, five members to serve on its Departmental Board two of such
8 persons being elected as Chairman and Secretary respectively and all
9 members so elected to the Departmental Board shall each hold office for a
10 period of two academic sessions.

11 (4) Subject to such standing orders that may be made by the
12 Academic Board for that purpose, each Department Board may carry out its
13 duties as it deems fit.

14 (5) Each academic Department shall appoint a board of examiners
15 and that Board shall be charged with the conduct of examination under this
16 Section and thereafter make its recommendation to the Academic Board.

17 (6) Member of the Department Board and board of examiners shall
18 not be entitled to any emoluments other than expenses reasonably incurred
19 in the course of the business of the Board of the board, respectively.

20 **27.** Any candidate for any examination shall satisfy the Candidates for
21 appropriate Departmental Board: Examination

22 (a) That he is a registered student of the Institute;

23 (b) That he is in possession of and is therein named as the holder of
24 a Certificate that qualified him for admission to the Institute.

25 **28.** Diplomas and certificates shall be awarded to students of the Award of diplomas
26 institute who are of good character and learning and who have passed the and Certificates
27 examinations prescribed by the Academic Board for the award of same.

28 **29.**-(1) There shall be for the Institute a body known as Congregation
29 congregation which shall consist of:

30 (a) the Rector;

1 (b) the Director of Studies;
2 (c) members of the Academic Boards;
3 (d) the Registrar;
4 (e) the Bursar;
5 (f) the Librarian; and
6 (g) Every member of staff who holds a minimum of Higher National
7 Diploma or its equivalent from a recognized institution.

8 (2) The Director of Studies shall be the Chairman at all meetings of
9 congregation when he is present, and in his absence such other member of
10 congregation present at the meeting as congregation may appoint for that
11 meeting, shall be the Chairman at the meeting.

12 (3) The quorum of congregation shall be one third (or the number
13 nearest to one third) of the total number of members of congregation whichever
14 is less.

15 (4) Subject to the foregoing provision of this act congregation may
16 regulate its own Procedure.

17 (5) Congregation shall be entitled to express by resolution or
18 otherwise its opinion on all matter affecting the interest and welfare of the
19 Institute and shall have such other function in addition to function of electing a
20 member of the Academic Board.

21 **PART V - FINANCIAL PROVISIONS**

Fund of the
Institute

22 **30.-(1)** The Institute shall establish and maintain a fund.

23 (2) There shall be paid and credited to the fund established pursuant to
24 sub-Section (1) of this section:

25 (a) Such monies as may, from time to time, be granted to the Institute
26 by the Government of the Federation or of state or any of their agencies;

27 (b) All monies raised for the purposes of the Institute by way of gifts,
28 grant-in-aid, testamentary disposition or otherwise; and

29 (c) all subscriptions or fees, and charges for services rendered by the
30 Institute.

1 (3) The fund shall be managed in accordance with guidelines given
 2 by the Minister and without prejudice to the generality of the power to give
 3 guidelines under this subsection, the guidelines shall in particular contain
 4 such provision specifying the manner in which the assets of the Institute are
 5 to be held, and regulating the making of payments into and out of the fund.

6 **31.** The Institute may, from time to time, apply its fund:

Expenditure of
the Institute

7 (a) To the cost of administration of the Institute and of any research
 8 under The Institute's administration;

9 (b) For reimbursing a member of any Committee set up by the
 10 Institute for Expenses expressly authorised by the Institute;

11 (c) For the provision of scholarships and other awards for the
 12 training of Staff of the Institute;

13 (d) For payment of salaries, fees or other remunerations,
 14 allowances, Pensions or superannuation payable to the employees of the
 15 Institute;

16 (e) For the maintenance of any property vested in the Institute.

17 **32.**-(1) The Institute may accept gift of land or other, money or
 18 other property, on such terms and Conditions If any, as may be specified by
 19 the person or Organisation making the gift.

Power to accept
gifts

20 2) the Institute shall not accept a gift if the conditions attached by
 21 the person or Organisation making the gift are inconsistent with the
 22 objective and function of the Institute

23 **33.**-(1) The Institute may, with the consent of the Minister or in
 24 accordance with the General authority given by Federal Government,
 25 borrow by way of loan or overdraft, from any source any monies required by
 26 the Institute for meeting its obligation and discharging its functions under
 27 this Act, so however that where the sum or the aggregate of the sums
 28 involved at any one time lines not exceed the limit set by Minister, no such
 29 consent or authority shall be required.

Power to borrow

30 (2) Notwithstanding, subsection (1) of this section, where the sum

1 to be borrowed is in foreign currency, the Institute shall not borrow the sum
2 without the prior approval of the Minister.

Annual Estimate
Accounts and
Audit

3 **34.**-(1) The Board shall cause to be prepare not later than 30th
4 September in each year, an estimate of the expenditure and income of the
5 Institute during the next succeeding year, and when prepared, they shall be
6 submitted to the Minister through the Board.

7 (2) The Board shall cause to be kept proper accounts of the Institute
8 and proper records in relation thereto and when certified by the Board the
9 accounts shall be audited as provided in subsection (3) of this section.

10 (3) The accounts of the Institute shall be audited within six months
11 after the end of each year by auditors appointed by the Board from list and in
12 accordance with the guidelines supplied by the Auditor General for the
13 Federation and the fees of the auditors and expenses of the auditors generally
14 shall be paid from the funds of the Institute.

Annual Report

15 **35.** The Board shall, not later than 31 July in each, submit to the
16 President report, in such Form as the President may, from time to time, direct
17 on the activities of the Institute During the preceding year, and shall include in
18 the report the audited account of the Institute.

19 PART VI - DISCOVERIES INVENTIONS AND IMPROVEMENTS BY
20 EMPLOYEES OF THE INSTITUTE

Discoveries
inventions and
improvements
by employees
of the Institute

21 **36.**-(1) subject to the provisions of the Act, the results in all
22 researched discoveries, Inventions and in all improvements in respect of
23 processes, apparatus and machine made by:

24 (a) Employees of the Institute;

25 (b) Persons assisting the Institute with any investigation or research,
26 shall vest in the Institute.

27 (2) where the rights in any discoveries, inventions or improvements
28 are vested in the Institute by virtue of subsection (1) of this section, the Board
29 may award to the person responsible for the discoveries, inventions or
30 improvements such bonus as it deems fit and make provisions for financial

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Provisions of Library Service

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Procedure in
respect of suit
against the
Institute etc.

1 the execution of such law or duties shall lie or be instituted in any court unless it
2 is commenced within twelve months next after the act, neglect or default
3 complained of or, in the case of a continuance of damage or injury, within
4 twelve month next after the ceasing thereof.

5 (3) No suit be commenced against the institute before the expiration
6 of a period of one month after written notice of intention to commence the suit
7 shall have been served upon the Institute by the intending plaintiff or his agent,
8 and the notice shall clearly and explicitly state:

9 (a) The cause of action;

10 (b) The particulars of claim;

11 (c) The name and place of above of the intending plaintiff, and

12 (d) The relief which he claim;

Service of
documents

13 **40.** The notice referred to in subsection (2) of section 39 of this Act
14 and any summons, notice or other document required or authorized to be
15 served upon the Institute under the provisions of this Act or any other law may
16 be served by delivering the same to the Chairman or the Rector at the principal
17 office of Institute.

Indemnity of
members of the
Board and
employees of
the Institute

18 **41.** Every member of the Board agent, auditor or employee for the
19 time being of the Institute shall be indemnified out of the assets of the Institute
20 against any liability incurred by him in defending any proceeding whether civil
21 or criminal, if any such proceeding is brought against him his capacity as such
22 member, agent, auditor or employee and aforesaid

Power to make
Regulations

23 **42.-(1)** The Board may, with the approval of the Minister, make
24 regulations for giving Effect to the provision of this Act and without prejudice
25 to the foregoing the regulations shall provide for matters including:

26 (a) The entry into and the type of courses and programmes approved
27 by the Institute;

28 (b) The duration of the courses and programmes, and

29 (c) The diplomas, and certificates if any to be awarded by the Institute.

30 (2) Any regulations made pursuant to subsection (1) of this section

4 **43.**-(1) The Institute is hereby Established as the National
5 Metallurgical Training Institute, Sagamu, Ogun State in accordance with the
6 provision of this Act.

(3) All assets, right, liabilities and obligations which immediately before the commencement of this Act were assets, right, liabilities and obligations of the institute shall by virtue of this Act and without further assurance vest in or be taken over by the Institute.

(4) Anything made or done or having effect as if made before the commencement of this Act by the institute and having any resulting or continuing effect shall be treated as from the commencement of this act as if it were made or done by the Institute.

20 **44.-(1)** In this Act, unless the context otherwise requires:

21 "Rector" means the Rector of the Institute appointed under the Act;

22 "Chairman means the Chairman of Board of the Institute;

23 "Board" means the Board of the Institute;

24 "Institute' means the National Metallurgical Training Institute, Sagamu,

25 Ogun State establish by section 1 of the Act;

26 "Member" means a member of Board and includes the Chairman;

27 "Minister" means the Minister charge with responsibility for steel

28 Development;

29 "President" means the President of the Federal Republic of Nigeria;

30 "principal Officer" means the Principal Officers of the Institute appointed

Interpretation

1 under Act Section 12 of this Act;

2 "Academic Board" means the Academic Board established pursuant to Section
3 24 of this Act.

Short title

4 **45.** This Bill may be cited as the National Metallurgical Training
5 Institute, Sagamu Ogun State Bill, 2019.

6 **SCHEDULE**

7 **SUPPLEMENTARY PROVISION RELATION TO THE BOARD ETC**

8 1. Subject to the provisions of this Act and section 27 of the
9 Interpretation Act, the Board shall have power to regulate its proceedings and
10 may make standing orders with respect to the holding of its meetings and those
11 of any of its committees, the notice to be given, the proceedings thereat, the
12 keeping of minutes of those proceedings and the custody and production for
13 inspection of the minutes.

14 2. The quorum of the Board shall be five and the quorum of a
15 committee of the Board shall be determined by the Board.

16 3.-(1) Subject to the provision of any application standing orders, the
17 Board shall meet whenever it is summoned by the Chairman and if the
18 Chairman is required so to do by notice given to him by not less than six other
19 member he shall summon a meeting of the Board to be held within twenty one
20 days from the date on which the notice is given.

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

24 (3) where the Board wishes to obtain the advice of any person on a
25 particular matter, the Board may co-opt him as a member for such period as it
26 thinks fit but a person who is a member by virtue of this sub-paragraph shall not
27 be entitled to vote at any meeting of the Board and shall not count towards a
28 quorum.

29 *Committees*

30 4. The Board may appoint one or more Committees to carry out on

1 behalf of the Board, such of its function as the Board may determine.

2 5. The Committee appointed under this schedule shall consist of
3 such number of person (not necessarily members of the Board) as may be
4 determine by the Board, and a person other than a member of the Board shall
5 hold office on the Committee in accordance with the terms of his
6 appointments.

7 6. A decision of a committee of the Board shall be of no effect
8 until it is confirmed by the Board miscellaneous

9 7.-(1) The fixing of the seal of the Institute shall be authenticated
10 by the signature of the Chairman and Rector.

11 (2) Any document purposing to be a document duly executed under
12 the seal of the Institute, shall be received in evidence and shall unless the
13 contrary is proved be presumed to be so executed.

14 8. The validity of the proceeding of the Board or any of its
15 committees shall not be affected by:

16 (a) A vacancy in the meeting of the Board or of the committee;

17 (b) Reason that a person not entitled to do so took part in the
18 proceedings; or

19 (c) A defect in the appointment of a member.

20 9. A member of the Board and a person holding office on a
21 committee of the Board, who has a personal interest in any contract or
22 arrangement entered into or proposed to be considered by the Board or
23 Committee:

24 (a) Shall forthwith disclose his interest to the Board or Committee
25 as the case may be; and

26 (b) Shall not vote on any question relating to the contract or
27 arrangement.

EXPLANATORY MEMORANDUM

*(This memorandum does not form part of the Bill but is intended
to explain its purport)*

This Bill seeks to establish the National Metallurgical Training Institute, Sagamu, Ogun State, to provide training, information, supervision, guidance and advice to students, researchers and personnel in iron and steel, and Oil and gas industries for national development.

Membership of
Council/Tenure
of Members of
the Council

1 (3) The provisions of the Schedule to this Act shall have effect with
2 respect to the Council as specified therein.

3 **3.-(1)** The Council of the College shall consist of a chairman
4 appointed by the President and the following other members:

5 (a) a representative of the Federal Ministry responsible for education;

6 (b) a representative of the University to which the College is affiliated
7 for the purpose of moderation;

8 (c) two representatives of the Academic Board of the College;

9 (e) a representative of the National Commission for Colleges of
10 Education; and

11 (f) the Provost of the College.

12 (2) A member of the Council (other than the ex-official members)
13 shall hold office for a term of four years and subject to the provision of
14 subsection (3) of this section shall be eligible for re-appointment for a further
15 period of four years and no more.

16 (3) The office of a member appointed under section 3 of this Bill shall
17 become vacant if:

18 (a) The member resigns in office by notice of writing under his hand
19 addressed to the Minister; or

20 (b) The Minister is satisfied that it is not in the interest of the College
21 for the person appointed to continue in office and notifies the member in
22 writing to that effect.

Functions of
the College

23 **4.** The functions of the College shall be:

24 (a) To provide full-time courses in teaching instruction and training:

25 (i) In technology, applied sciences, arts, social science, humanities
26 and management; and

27 (ii) In such other fields of applied learning relevant to the needs of
28 development of Nigeria.

29 (b) To conduct courses in Education for qualified teachers;

30 (c) To arrange conference, seminars and workshops relative to the

1 functions of the College; and

2 (d) To perform such other functions as in the opinion of the Council
3 may serve to promote the objective of the College.

4 **5.** The Council of the College shall have power to:

Power of the
Council

5 (a) Hold examinations and grant NCE, Diplomas, Professional
6 Certificates and other distinctions to persons, who have pursued of study
7 approved and accredited by the National Commission for Colleges of
8 Education;

9 (b) Hold examinations in Education for qualified teachers;

10 (c) Recruit staff and determine structure of such staff;

11 (d) Demand and receive from any student or any other person
12 attending the College for the purpose of construction such fees as the
13 Council may with the prior approval of the Minister, from time to time
14 determine;

15 (e) Hold public lectures and undertake printing, publishing and
16 bookselling;

17 (f) Award fellowship, medals, prizes and other titles;

18 (g) Establish and maintain such schools and other teaching units
19 with the College or extra moral departments as the Council may from time to
20 time determine;

21 (h) Erect provide equip and maintain such educational recreational
22 and residential facilities as the College may require;

23 (i) Create lectureships and other academic post and offices and to
24 make appointment thereof; (j) Receive and make gifts;

25 (k) Enter into such contracts as may be necessary or expedients for
26 carrying into effects the objections of the College;

27 (l) Provide amenities for and make such other provision for the
28 welfare of the staff and students of the College;

29 (m) Encourage and make provision for research in the College;

30 (n) Do such acts and things whether or not incidental to the

	1	foregoing power as may advance the objects of the College:
Visitor	2	6. -(1) The minister responsible for education shall be the visitor of the
	3	College.
	4	(2) The visitor shall, not less than once in every five years, conduct a
	5	visitation to the College or appoint a visitation panels consists of not less than
	6	five experts to conduct the visitation:
	7	(a) For the purpose of evaluating the academic and administrative
	8	performance of the College; or
	9	(b) For such other purpose as the visitor may deem fit.
The Academic Board and its functions	10	7. -(1) There shall be established for the College a board to be known
	11	as the Academic Board which shall consist of the following members:
	12	(a) The Provost of the College as the chairman;
	13	(b) All heads of departments;
	14	(c) The College bursar;
	15	(d) The College Librarian; and
	16	(e) Not more than three members of the Academic staff other than the
	17	heads of departments to be appointed by the Council. (2) The Academic Board
	18	shall be responsible for:
	19	(a) The direction and management of academic matters of the College
	20	including the regulation of admission of students, the award of certificates,
	21	scholarships, prizes and other academic distinction; and
	22	(b) Discharging any other functions which the Council may from time
	23	to time delegate to it.
Powers of the Minister	24	8. The minister may give to the Council directions of the general
	25	character or relating generally to matter with regard to the exercise by the
	26	Council of it functions and it shall be the duty of the Council to comply with
	27	such directions.
The Provost of the College	28	9. -(1) There shall be a Provost for the College (herein after referred to
	29	as "the Provost") who shall be appointed by the president on the
	30	recommendation of the minister.

1 (2) Where a vacancy occurs in the post of the provost, the Council
2 shall:

3 (a) Advertise the vacancy in reputable widely read newspaper in
4 Nigeria specifying:

5 (i) The qualities of the person who may apply for the post;

6 (ii) The terms and conditions of service applicable to the post and
7 thereafter draw up a short list of suitable candidates for consideration of the
8 minister.

9 (3) The President shall appoint as provost one of the candidates
10 recommended by the minister.

11 (4) Subject to the general control of the Council the provost shall be
12 the chief executive of the College and shall be charged with general
13 responsibility for matters relating to the day-to-day management and
14 operations of the College.

15 (5) The Provost shall hold office for a period of five years only and
16 on such terms and conditions as may be specified in his letter of
17 appointment.

18 **10.-(1)** There shall be for the College two deputy provosts namely: Deputy Provost

19 (1) Deputy Provost (Academic) and the Deputy Provost
20 (Administration).

21 (2) The Council shall the deputy provosts from among the chief
22 lecturers in the College in any of the following ways, that is:

23 (a) From a list of five candidates in order of preference, submitted
24 by the provost;

25 (b) On the recommendation of a selection Board constituted for
26 their purpose; or (c) On the nomination of the provost.

27 (3) The selection Board referred to under subsection (2) (b) of this
28 section shall Consist of:

29 (a) The Chairman of the Council;

30 (b) The Provost of the College;

1 (c) Two members of the Academic board; and
2 (d) Two members of the Council not being members of the Academic
3 Board.

4 (4) (a) The Deputy Provost (Academic) shall:

5 (i) assist the provost in the performance of his function in Academic
6 matters of the college;

7 (ii) act as the provost when the post of the provost is vacant or if the
8 provost is for any reason, absent or unable to perform his function.

9 (b) The Deputy Provost (Administration) shall:

10 (i) assist the provost in administrative matters of the college; and

11 (ii) perform such other functions as the provost or the council may
12 from time to time assign to him.

13 (5) Each of the deputy provosts shall hold office for a period of two
14 years and no more.

The Registrar
and other staff
of the College

15 **11.**-(1) There shall be a Registrar for the College to be appointed by
16 the Council.

17 (2) The Registrar shall keep the records and conduct the
18 correspondence of the Council;

19 (3) The registrar shall be the secretary to:

20 (a) The Council;

21 (b) The Academic Board; and

22 (c) Any Committee of the Council.

23 (4) The registrar may perform any duty as may be assigned to him by
24 the Council or the Provost.

25 (5) The Registrar shall hold office for a period of five years and no
26 more.

Other Principal
Officers of the
College

27 **12.**-(1) There shall be for the College in addition to the Registrar:

28 (a) The Bursar; and

29 (b) The College Librarian who shall be appointed by the Council.

30 (2) The Bursar shall be the chief financial officer of the College and be

1 responsible to the Provost for the day -to- day administration and control of
2 the financial affairs of the College.

3 (3) The College Librarian shall be responsible to the provost for the
4 administration of the College library and the coordination of the library
5 services in the teaching units of the College.

6 (4) The Bursar and the College librarian shall each hold office for a
7 period of five years and no mare.

8 **13.** A principal officer of the College may resign his appointment:

Resignation of
appointment of
Principal Officer

9 (a) In case of the Provost by notice to the visitor; and

10 (b) In any other case by notice to the Council.

11 **14.**-(1) The Council may appoint other persons to be employees of
12 the College as the Council may deem to assist the Provost and the Principal
13 Officers in the performance of their functions.

Other employees
of the College

14 (2) The remuneration, tenure of office and condition of service of
15 the employees of the College shall be determined by the Council, in
16 consultation with the Federal Civil Service Commission.

17 **15.** Service in the College shall be approved service for the
18 purpose of pensions under any law regulating pensions and accordingly,
19 officers and other persons employed in the College shall be entitled to
20 pensions, gratuities and other retirement benefits as may be prescribed in
21 their respective letters of appointment.

Pensions

22 **16.**-(1) These shall be a selection Board for The College which
23 shall consist of:

Selection Board
for other Principal
Officers

24 (a) The Chairman of the Council;

25 (b) The Provost;

26 (c) Four members of the Council not being members of the
27 Academics Board; and

28 (d) Two members of the Academic Board.

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

	1	determined from time to time by the Council.
Fund of the College	2	17. -(1) The College shall establish and maintain a fund, which shall
	3	be applied towards the promotion of the objection of this Bill.
	4	(2) There shall be paid and credited to the fund established under
	5	subsection (1) of this section:
	6	(a) Such sums as may from time to time be granted by the Federal
	7	Government through the National Commission for Colleges of Education;
	8	(b) All monies raised by the Council by way of gifts, grants in aid or
	9	test monetary disposition; and
	10	(c) All subscription fees and charges for services rendered by the
	11	Council and all other sums that may accrue to the Council from any source.
	12	(3) The Council shall submit to the minister, through the National
	13	Commission for Colleges of Education not later than three months before the
	14	end of each financial year or at such other time as he may direct an estimate of
	15	its revenue and expenditure for the next succeeding financial year.
Power to accept gift	16	18. -(1) The College may accept gifts of loan, money or of other
	17	property upon such terms and conditions, of any as may be specified by the
	18	person making the gifts.
	19	(2) The College shall not any gift of the conditions attached to the gifts
	20	are inconsistent with the functions of the College.
Account and Audit	21	19. The College shall keep proper accounts of its receipt, payments,
	22	assets and liabilities and shall in respect of each year cause the account to be
	23	audited.
Annual Report	24	20. The Council shall as soon as may be after the expiration of each
	25	financial year, prepare and submit to the Minister a report of its activities
	26	during the immediately preceding financial year and shall include in the report
	27	a copy of the audited accounts of the College for that year and of the auditor's
	28	report on the accounts.
Discipline of students	29	21. -(1) The Council may make rules providing for the Provost to
	30	conduct enquiries into alleged breaches of discipline (including lack of

1 diligence) by students and such rules may make different provisions for
2 different circumstances.

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

5 (3) Subject to the provisions of subsection (1) of this section, where
6 it is proved during the enquiry that any student of the College has been guilty
7 of misconduct, the Provost may, without prejudice to any other disciplinary
8 powers conferred on him by this Act or any regulations made thereunder,
9 direct:

10 (a) that the student shall not, during such period as may be specified
11 in the direction, participate in such activities of the College, or make use of
12 such facilities of the College, as he may specify;

13 (b) that the activities of the student shall during such period as may
14 be specified in the directions, be restricted in such manner as may be so
15 specified;

16 (c) that the student may be suspended for such period as may be
17 specified in the direction; or

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

19 (4) Where there is temporarily no Provost or where the Provost
20 refuses to apply any disciplinary measures, the Council may, either directly
21 or through some other staff, apply such disciplinary actions as are specified
22 in subsection (3) of this section to any student of the College who is guilty of
23 misconduct.

24 (5) Where a direction is given under subsection (3) (c) or (d) of this
25 section in respect of any student, the student may, within 21 days from the
26 date of the letter communicating the decision to him, appeal from the
27 direction to the Council, and where such an appeal is brought, the Council
28 shall, after causing such inquiry to be made in the matter as the Council
29 considers just, either confirm or set aside the direction or modify it in such
30 manner as the Council may think fit.

	1	(6) The fact that an appeal from a direction is brought in pursuance of
	2	subsection (5) of this section shall not affect the operation of the direction while
	3	the appeal is pending.
	4	(7) The Provost may delegate his powers under this section to a
	5	disciplinary committee consisting of such members of the College as he may
	6	nominate.
	7	(8) Nothing in this section shall be construed as preventing the
	8	restriction or termination of a student's activities at the College otherwise than
	9	on the ground of misconduct.
	10	(9) In all cases under this section, the decision of the Council shall be
	11	final unless reversed by the Minister on appeal by the student.
Transitional and Savings Provision	12	22. -(1) On the commencement of this Act, any person employed by or
	13	serving in Kwara State College of Education Ilorin, shall be deemed to have
	14	been employed or serving in the College established under this Act.
	15	(2) All Assets or liabilities belonging to Kwara State College of
	16	Education Ilorin shall be deemed to belong to the College established under
	17	this Act.
Interpretation	18	23. In this Bill: "Chairman" means the chairman of the Council;
	19	"College" means the Federal College of Education Ilorin established under
	20	section (1) of this Bill;
	21	"Council" means the Governing Council of the College established under
	22	section 2 of this Bill;
	23	"Function" includes power and duties;
	24	"Minister" means the minister charged with responsibility of education;
	25	"Member" means a member of the Council including the chairman;
	26	"Provost" means the provost of the College established under section 10 of this
	27	Bill.
Short title	28	24. This Bill may be cited as the Federal College of Education Ilorin,
	29	Kwara State (Est.) Bill, 2019.

1 SCHEDULE

2 [Section 2 (3).]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

4 *Terms of service*

5 1. There may be paid to the members of the Councilor any
6 committee, other than ex officio members, such remuneration and
7 allowances as may from time to time be determined by the President.

8 2. Where a vacancy occurs in respect of the membership specified
9 in section 3, it shall be filled by the appointment of a successor to hold office
10 for the remainder of the term of office of his predecessor in office and such
11 successor shall represent the same interest as his predecessor.

12 3. The Council may act notwithstanding any vacancy in its
13 membership or any defect in the appointment of a member or the absence of
14 a member.

15 *Proceedings*

16 4.-(1) The Council shall meet for the conduct of business at such
17 times, places and on such days as the chairman may appoint but shall meet
18 not less than once every four months.

19 (2) The chairman may at any time and shall, at the request in
20 writing of not less than six members, convene a meeting of the Council.

21 (3) Where the Council desires to obtain the advice of any person on
22 any particular matter, the Council may co-opt persons who are not members
23 of the Council but persons co-opted shall not be entitled to vote at a meeting
24 of the Council.

25 (4) The Quorum of the Council shall be one half of the total
26 members of the Council, at least one of whom shall be a member appointed
27 by the President.

28 (5) Decisions of the Council shall be made on approval by a simple
29 majority of members.

1

Miscellaneous

2

3 5.-(1) The fixing of the seal of the College shall be authenticated by
4 the signature of the chairman, Provost and of some other members of the
5 Council authorized generally or specially by the Council to act for that purpose.

6

7 (2) Any contract or instrument which, if made or executed by a person
8 other than a body corporate would not be required to be under seal may be made
9 executed on behalf of the college by any person generally or specially
10 authorized to act for that purpose by the Council.

11

12 (3) Any document purporting to be duly executed under the seal of the
13 College shall be received in evidence and shall, unless the contrary is proved,
14 be presumed to be so executed.

15

EXPLANATORY MEMORANDUM

16

17 This Bill seeks to establish the Federal College of Education, Ilorin, Kwara
18 State to take over the assets and liabilities, including staff of Kwara State
19 College of Education, Ilorin, to offer fulltime courses leading to the awards of
20 National Certificates of Education, Diplomas etc.

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A BILL

FOR

AN ACT TO PROVIDE THE LEGAL FRAMEWORK TO ESTABLISH THE
FEDERAL MEDICAL CENTRE FUFU, KWARA STATE, TO PROVIDE FOR THE
MANNER OF RUNNING THE HOSPITAL, INCLUDING ESTABLISHMENT
BOARD OF MANAGEMENT, CHIEF MEDICAL DIRECTOR AND OTHER STAFF,
AND TO PROVIDE FOR DISCIPLINE OF STAFF AND FOR RELATED MATTERS

Sponsored by Hon. Abdulganiyu Cook Olododo

[] Commencement

Sponsored by Hon. Abdulganiyu Cook Olododo

ENACTED by the National Assembly of the Federal Republic of

Nigeria:

1 **1.-(1)** There is hereby established the Federal Medical Centre Fufu,
2 Kwara State (in this Act referred to as "the Federal Medical Centre") and the
3 Medical Centre shall serve as the Medical Centre subject to the provision of
4 this Act.

Establishment
of Federal Medical
Centre, Fufu,
Kwara State

5 (2) The hospital:

6 (a) shall be a body corporate;

7 (b) May sue and be sued in its corporate name;

8 © Shall have perpetual succession and a common seal.

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

Establishment
of the Board of
Management of
the Medical Centre

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

Membership of the Board

13 (a) a chairman;

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

15 (c) the Director of Clinical Services;

16 (d) the Director of Administration;

17 (e) the Director of Finance;

	1	(f) the Director of Maintenance;
	2	(g) a representative of the president;
	3	(h) the Federal Ministry of Health;
	4	(i) the National Planning Commission;
	5	(j) the society of Gynaecology and Obstetrics of Nigeria;
	6	(k) the Pharmaceutical Society of Nigeria;
	7	(l) the Paediatric Association of Nigeria;
	8	(m) the National Association of Nigerian Nurses and Midwives; and
	9	(n) one person to represent public interest.
	10	(2) The chairman and members of the Board, other than ex-officio
	11	members, shall be:
	12	(a) appointed by the President; and
	13	(b) persons of proven integrity and ability.
Schedule	14	(3) The supplementary provisions set out in the Schedule to this Act
	15	shall have effect with respect to the proceedings of the Board and the other
	16	matters contained therein.
Tenure of office	17	4. Subject to the provisions of section 5 of this Act, a member of the
	18	Board, other than ex-officio members, shall each hold office:
	19	(a) for a term of three years in the first instance and may be
	20	reappointed for a further term of three years and no more; and
	21	(b) on such terms and conditions as may be specified in his letter of
	22	appointment.
Cessation of Membership	23	5.-(1) Notwithstanding the provisions of section 4 of this Act a person
	24	shall cease to hold office as a member of the Board if:
	25	(a) he becomes bankrupt, suspends payment principal loan with his
	26	creditors;
	27	(b) he is convicted of a felony or any offence involving dishonesty or
	28	fraud;
	29	(c) he becomes of unsound mind or is incapable of carrying out his
	30	duties;

1 (d) he is guilty of a serious misconduct in relation to his duties;
2 (e) in the case of a person possessed of professional qualifications,
3 he is disqualified or suspended, other than at his own request, from
4 practising his profession in any part of the world by an order of a competent
5 authority made in respect of that member; or

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

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

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

14 6. There shall be paid to every member of the Board such Allowances of
15 allowances and expenses as the Revenue Mobilization Allocation and Fiscal Members
16 Commission may, from time to time, direct.

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

18 7.-(1) The Board shall:

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

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

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

30 (2) The Board shall ensure that the standards of teaching provided

Powers of the
Board

1 at all establishments under its control and the standards of treatment and care
2 provided for patients at those establishments do not fall below those usually
3 provided by similar establishments of international repute.

4 (3) Subject to this Act, the Board shall perform such other functions
5 which in its opinion are calculated to facilitate the carrying out of its functions
6 under this Act.

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

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

10 (b) provide facilities for the training of medical students of associate
11 universities;

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

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

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

18 (f) do such other things which in the opinion of the Board are
19 necessary to ensure the efficient performance of the functions of the Medical
20 Centre.

21 PART III - STAFF OF THE MEDICAL CENTRE

Chief Medical
Director of the
Medical Centre

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

27 (2) The Chief Medical Director shall:

28 (a) be the chief executive and accounting officer of the Medical
29 Centre;

30 (b) be responsible to the Board for the day-to-day administration of

1 the Medical Centre;

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

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

7 (e) have considerable administrative experience in matters of
8 health;

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

11 **10.-(1)** The Board shall appoint for the Medical Centre:

Appointment of
Directors and
other staff of the
Medical Centre

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

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

15 (ii) conduct the correspondence of the Board and keep the records
16 of the Medical Centre; and

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

19 (b) a Director of Clinical Services;

20 (c) a Director of Finance;

21 (d) a Director of Maintenance.

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

27 (3) The Board shall appoint for the Medical Centre such number of
28 employees as may in the opinion of the Board be expedient and necessary
29 for the proper and efficient performance of the functions of the Medical
30 Centre.

1 (4) Notwithstanding the provisions of subsections (1) and (2) of this
2 section the Board shall have power to appoint for the Medical Centre either
3 directly or on secondment from any public service in the Federation, such
4 number of employees as may, in the opinion of the Board, be required to assist
5 the Medical Centre in the discharge of any of its functions under this Act.

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

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

Service in the
Medical Centre
to be pensionable

13 11.-(1) Service in the Medical Centre shall be approved service for the
14 purposes of the Pensions Reforms Act.

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

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

Establishment
of the Medical
Advisory
Committee, etc.

22 12.-(1) There shall be for the Medical Centre a Medical Advisory
23 Committee which shall:

24 12. (a) consist of a chairman who shall be the Director, Clinical
25 Services and such number of other members as may be determined from time to
26 time;

27 (b) be responsible to the Chief Medical Director for all the clinical and
28 training activities of the Medical Centre; and (c) be appointed by the Board.

29 (2) Subject to this Act, the Board shall have power to appoint either
30 directly or on secondment and discipline consultants holding or acting in any

1 office in the hospital; and any such appointment shall be made having due
2 regard to the approved personnel establishment of the Medical Centre.

3 (3) Notwithstanding anything to the contrary, the Board may, from
4 time to time, appoint consultants outside the hospital to perform such
5 medical duties as the Board or the Chief Medical Director may assign to
6 such consultants.

7 PART IV - FINANCIAL PROVISIONS

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

10 13. (a) all subventions and budgetary allocation from the
11 Government of the Federation;

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

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

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

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

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

22 (a) the cost of administration and maintenance of the Medical
23 Centre;

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

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

27 (d) pay the salaries, allowances and benefits of employees of the
28 Medical Centre;

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

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

1 without the prior approval of the President.

2 **19.-(1)** The Medical Centre shall not pay income tax on any income Exemption from
3 derived by the Federal Medical Centre under this Act or accruing to it from tax
4 any of its investments.

(2) Accordingly, the provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Board of the Federal Medical Centre.

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

12 PART V - GENERAL

13 **21.-(1)** Notwithstanding anything to the contrary contained in any Discipline of
14 other enactment, where it appears to the Board that any student of the students
15 Medical Centre has been guilty of misconduct, the Board may, without
16 prejudice to any other disciplinary powers conferred on it by regulations,
17 direct:

(a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the Medical Centre, or make use of such facilities of the Medical Centre as may be so specified;

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

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

26 (d) that the student be expelled from the Medical Centre.

(2) The fact that an appeal from a direction is brought in pursuance of subsection (1) of this section shall not affect the operation of the direction while the appeal is pending.

30 (3) The Board may delegate its powers under this section to a

Removal and
discipline of
clinical,
administrative
and technical
staff

1 disciplinary committee consisting of such members of the Medical Centre as
2 the Board may nominate.

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

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

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

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

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

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

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

21 (i) a committee to investigate the matter and report on it to the Board;
22 and

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

29 (2) The Chief Medical Director may, in a case of misconduct by a
30 member of the staff which in the opinion of the Chief Medical Director is

1 prejudicial to the interest of the Medical Centre, suspend any such member
2 and any such suspension shall forthwith be reported to the Board.

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

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

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

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

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

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

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

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

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

29 (d) whether to take such lesser disciplinary action against the
30 person (including the restoration of his emoluments that might have been

1 withheld), as the Board may determine, and in any case where the Board,
2 pursuant to this section, decides to continue a person's suspension or decides to
3 take further disciplinary action against a person, the Board shall before the
4 expiration of a period of three months from such decision come to a final
5 determination in respect of the case concerning any such person.

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

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

14 (7) Regulations made under subsection (6) of this section need not be
15 published in the Gazette but the Board shall cause them to be brought to the
16 notice of all affected persons in such manner as it may, from time to time,
17 determine 23. (1) If any junior staff is accused of misconduct or inefficiency,
18 the Chief Medical Discipline of junior staff Director may suspend him for not
19 more than a period of 3 months and shall direct a committee to:

20 (a) consider the case; and

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

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

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

29 (4) Any person aggrieved by a decision of the Chief Medical Director
30 made under subsection (3) of this section may, within a period of 21 days from

1 the date of the letter communicating the decision to him, address a petition to
2 the Board to reconsider his case.

3 PART VI - MISCELLANEOUS

4 **23.**-(1) The Board may, with the approval of the President, make Regulations
5 regulations:

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

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

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

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

20 **25.**-(1) On the commencement of this Act, any person employed by Transition and
21 or serving in, the Medical Centre shall be deemed to have been employed or savings provision
22 serving in the Medical Centre established under this Act.

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

25 **26.** In this Act, unless the context otherwise requires: Interpretation

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

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

29 "chairman" means the chairman of the Board;

30 "functions" include powers and duties;

1 "Federal Medical Centre" means the Medical Centre Fufu, Kwara State;

2 27. This Bill may be cited as the Federal Medical Centre Fufu
3 (Establishment) Bill, 2019.

4 SCHEDULE

5 [Section 3 (3).]

6 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

7 *Proceedings of the Board*

8 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the
9 Board may make standing orders regulating its proceedings or those of any of
10 its committees.

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

15 2.-(1) The Board shall meet whenever it is summoned by the
16 chairman and if the chairman is required to do so by notice given to him by not
17 less than 8 other members, he shall summon a meeting of the Board to be held
18 within 14 days from the date on which the notice is given.

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

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

27 *Committees*

28 3.-(1) The Board may appoint one or more committees to carry out, on
29 behalf of the Board, such functions as the Board may determine.

30 (2) A committee appointed under this paragraph shall consist of such

1 number of persons as may be determined by the Board and a person shall
2 hold office on the committee in accordance with the terms of his
3 appointment.

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

6 *Miscellaneous*

7 4.-(1) The fixing of the seal of the Medical Centre shall be
8 authenticated by the signatures of the Chairman, the Chief Medical Director
9 or any person generally or specifically authorized by the Board to act for that
10 purpose.

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

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

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

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

22 (b) a defect in the appointment of a member of the Board or
23 committee; or

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

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the Legal Framework to Establish the Federal Medical Centre to provide for its management, operations, remuneration and discipline of staff, in addition to other matters provided for smooth running of the hospital.

MARITIME DEVELOPMENT BANK OF NIGERIA
(ESTABLISHMENT) BILL, 2019
ARRANGEMENT OF SECTIONS

Section:

1. Establishment of the Maritime Development Bank of Nigeria
 2. Establishment of the Board of Directors
 3. Tenure of Office
 4. Removal from office of members of the Board
 5. Functions of the Maritime Bank
 6. Functions of the Maritime Bank
 7. Functions of the Board
 8. Powers of the Board
 9. Managing Director and Executive Directors
 10. Secretary and other staff
 11. Capital
 12. General reserve fund
 13. Borrowing powers
 14. Funds of the Maritime Bank
 15. Expenditure of the Maritime Bank
 16. Annual accounts
 17. Annual report
 18. Offices and branches
 19. Exemptions
 20. Regulations
 21. Eligibility for funding
 22. Interpretation
 23. Short title
- Schedule

A BILL

FOR

AN ACT TO ESTABLISH MARITIME DEVELOPMENT BANK OF NIGERIA, TO
ENHANCE AND PROMOTE INDIGENOUS PARTICIPATION IN THE NIGERIAN
MARITIME SECTOR, TO ACCELERATE CAPACITY BUILDING IN THE
MARITIME SECTOR AND FOR RELATED MATTERS

Sponsored by Hon. Mansur Manu Soro

[] Commencement

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

- | | | |
|----|--|--|
| 1 | 1.-(1) There is hereby established the Maritime Development Bank | Establishment
of the Maritime
Development
Bank of Nigeria |
| 2 | on Nigeria (in this Bill referred to as "the Maritime Bank"). | |
| 3 | (2) The Maritime Bank: | |
| 4 | (a) shall be a body corporate with perpetual succession and | |
| 5 | common seal; | |
| 6 | (b) may sue and be sued in its corporate name; and | |
| 7 | (c) may, for the purpose of its functions, acquire, hold, or dispose of | |
| 8 | property, whether movable and immovable. | |
| 9 | 2.-(1) There is hereby established for the Maritime Bank a board of | Establishment
of the Board of
Directors |
| 10 | directors (in this Bill referred to as "the Board") which shall comprise of: | |
| 11 | (a) a Chairman who shall be appointed by the President; | |
| 12 | (b) one person to represent the Federal Ministry of Transportation; | |
| 13 | (c) one person to represent the Federal Ministry of Finance; | |
| 14 | (d) one person to represent the Central Bank of Nigeria; | |
| 15 | (e) one person to represent the Indigenous Ship owners | |
| 16 | Association of Nigeria; | |
| 17 | (f) the Managing Director of the Maritime Bank; and | |
| 18 | (g) the two Executive Directors of the Maritime Bank. | |
| 19 | (2) The members of the Board, other than the Chairman and the | |

	1	executive team, shall be appointed by the President on the recommendation of
	2	the body they represent.
	3	(3) The members of the Board shall be paid such allowances as the
	4	Maritime Bank in a general meeting may, from time to time, approve.
	5	(4) The provisions of the Schedule to this Bill shall have effect with
	6	respect to the proceedings of the Board and the other matters mentioned
	7	therein.
Tenure of Office	8	3.-(1) A member of the Board appointed, otherwise than by office,
	9	shall hold office for a term of four years, and subject to the provisions of
	10	subsection (2) of this section, shall be eligible for reappointment for only one
	11	further term of four years.
	12	(2) The office of a member of the Board shall become vacant if:
	13	(a) he resigns as a member by notice in writing under his hand
	14	addressed to the Minister;
	15	(b) he becomes bankrupt, suspends payment of his debts or
	16	compounds with his creditors;
	17	(c) he is convicted of an offence involving dishonesty or fraud;
	18	(d) he becomes of unsound mind;
	19	(e) he becomes a director or an officer of a maritime institution; or
	20	(f) the Minister is satisfied that it is not in the interest of the Maritime
	21	Bank for the member to continue in office and notifies the member in writing to
	22	that effect.
Removal from office of members of the Board	23	4.-(1) If it appears to the Board that a member of the Board should be
	24	removed from office on the grounds of misconduct or inability to perform the
	25	functions of his office, the Board shall make a recommendation through the
	26	Minister to the President.
	27	(2) If the President, after making such inquiries as he considers
	28	necessary, approves the recommendation, the Minister shall, in writing,
	29	declare the office of the member vacant.
	30	(3) Notwithstanding the provisions of subsection (1) of this section,

1 the President may remove a member of the Board from office if he is
2 satisfied that it is in the public interest so to do.

3 **5.** The functions of the Maritime Bank shall be to:

Functions of the
Maritime Bank

4 (a) provide long-term credit facilities to indigenous maritime
5 enterprise or project in Nigeria at such terms as may be determined by the
6 Board in accordance with the policy directed by the Federal Government,
7 being rates and terms designed to accelerate operational efficiency of the
8 enterprise or project;

9 (b) provide such loans either in Naira or other foreign currencies or
10 both for the requirements of the eligible enterprise or project;

11 (c) administer the Cabotage Vessel Financing Fund established
12 under section 42 of the Coastal and Inland Shipping (Cabotage) Act, 2003;

13 (d) subject to the approval of the Minister, raise loans from the
14 local and international capital markets from bilateral or multilateral sources
15 as the market situation permits;

16 (e) encourage and promote the development of indigenous
17 maritime enterprises and projects in Nigeria;

18 (f) supervise and control the activities of maritime institutions in
19 Nigeria; and

20 (g) do anything and enter into any transaction which in the opinion
21 of the Board is necessary to ensure the proper performance of its functions
22 under this Bill.

23 **6.-(1)** Without prejudice to the generality of section 5 of this Bill,
24 the Maritime Bank shall have power to:

Functions of the
Maritime Bank

25 (a) accept deposits and savings from maritime enterprises and
26 project and other institutional depositors;

27 (b) issue its own securities, including debentures and bonds under
28 Federal Government guarantees and issue promissory notes and other bills
29 of exchange for the purpose of raising funds from financial institutions;

30 (c) establish a sinking fund for the redemption of securities by the

1 Maritime Bank and provide for contributions by it to the sinking fund;
2 (d) carry out research on maritime finance activities and cabotage
3 industry in Nigeria;
4 (f) organise and operate, in collaboration with reputable insurance
5 companies, a Maritime protection system designed to guarantee liquidity to
6 Maritime institutions as well as afford them the opportunity of having liberal
7 premium terms; and
8 (g) do anything and enter into any transaction which in its opinion is
9 necessary to ensure the proper performance of its functions under this Bill.

10 (2) The liability of the Maritime Bank, which may be incurred in
11 connection with the exercise of the Maritime Bank's powers under subsection
12 (1) of this section, shall be re-discountable with the Central Bank of Nigeria.

Functions of
the Board

13 7. The Board shall be responsible for:
14 (a) managing and superintending the affairs of the Maritime Bank;
15 (b) the overall policy and general management of the Maritime Bank;
16 (c) formulating policies and guidelines for operating the loans from
17 the Maritime Bank and ensuring their implementation;
18 (d) working closely with the management of the Maritime Bank to
19 ensure smooth operation of the affairs of the Maritime Bank;
20 (e) deciding on and approving the borrowing power and credit limits
21 of the Maritime Bank;
22 (f) approving annual reports and statement of accounts of the
23 Maritime Bank;
24 (g) appointing and approving fees for external auditors; and
25 (h) carrying out such other activities connected with or incidental to
26 the other functions of the Board.

Powers of the
Board

27 8. There Board shall have power to:
28 (a) to acquire offices and other premises for the use of the Maritime
29 Bank;
30 (b) to fix terms and conditions of service including remuneration of

1 the employees of the Maritime Bank;

2 (c) establish such zonal and other branches of the Maritime Bank as
3 it may deem necessary for the proper performance of its functions; and

4 (d) to do such other things as are necessary for the successful
5 performance of its functions under this Bill.

6 **9.-(1)** There shall be appointed for the Maritime Bank, by the Managing Director
7 President, the following officers, that is: and Executive
Directors

8 (a) a Managing Director, who shall be the Chief Executive of the
9 Maritime Bank and be responsible for the day-to-day management of the
10 affairs of the Maritime Bank; and

11 (b) such number of Executive Directors, not exceeding two, as he
12 may determine who shall perform such duties as may be assigned to them,
13 from time to time, by the Board or the Managing Director.

14 (2) A person appointed as the Managing Director or an Executive
15 Director shall not, while holding that office, qualify to hold any office as a
16 Director in any other bank, corporation, company or any other
17 establishment without the approval of the Board.

18 (3) The Managing Director and Executive Directors appointed
19 pursuant to the provisions of subsection (1) of this section shall hold office
20 for a period of five years and may be re-appointed for a further period of five
21 years.

22 (4) Subject to subsection (3) of this section, the Managing Director
23 and Executive Directors shall each hold office on such terms and conditions
24 as may be specified in their letters of appointment.

25 **10.-(1)** The Board shall appoint a Secretary to the Maritime Bank Secretary and
26 who shall: other staff

27 (a) be responsible to the Managing Director;

28 (b) keep the records and conduct the correspondence of the Board;

29 and

30 (c) perform such other duties as the Board or the Managing

1 Director may, from time to time, determine.

2 (2) The Board shall appoint such number of officers and other persons
3 as employees of the Maritime Bank as may appear expedient and necessary to
4 the Board for the proper and efficient conduct of the business and functions of
5 the Maritime Bank.

6 (3) The terms and conditions of service (including remuneration,
7 allowances and pension benefits) of the Secretary to the Maritime Bank and
8 other employees of the Maritime Bank shall be as may be determined by the
9 Board.

Capital

10 11.-(1) The capital of the Maritime Bank shall consist of equity and
11 loan capital.

12 (2) The authorised capital of the Maritime Bank shall be ten billion
13 million naira which shall be divided into N10,000,000 shares of N1,000.00
14 each and be subscribed and paid up at par by the Federal Government.

15 (3) The loan capital of the Maritime Bank shall be provided by the
16 Federal Government in such amount and on such terms as may be determined
17 by the Minister.

General reserve
fund

18 12.-(1) The Maritime Bank shall establish a general reserve fund to
19 which shall be allocated from the net profits of the Maritime Bank at the end of
20 each financial year of the Maritime Bank:

21 (a) 50% of the net profits of the Maritime Bank for the year, when at
22 the end of the year the fund is less than the authorised capital of the Maritime
23 Bank;

24 (b) 25% of the profits of the Maritime Bank for the year, when the
25 fund is equal to or exceeds the authorised capital of the Maritime Bank.

26 (2) After any allocation has been made in respect of subsection (1) of
27 this section, the balance of the net profits shall be applied to the retirement of
28 any loan granted to the Maritime Bank by the Federal Government or any other
29 body.

30 (3) The remainder of the net profits, if any, shall be paid to the

1 shareholders of the Maritime Bank.

2 **13.**-(1) Without prejudice to section 6 of this Bill, the Maritime Borrowing powers
3 Bank shall not, except with the approval of the Minister, borrow from any
4 source any money exceeding its share capital.

5 (2) The Maritime Bank shall have power to secure the repayment
6 of any money borrowed by the Maritime Bank in such manner as the
7 Maritime Bank may think fit and, in particular, by the issue of debentures
8 charged on all or any of the Maritime Bank's properties, and shall also have
9 power to purchase, redeem and pay up any of those securities.

10 (3) The Maritime Bank shall have power to receive grants, loans
11 and advances and other moneys on deposit from the Federal Government,
12 the Central Bank of Nigeria and any licensed bank and also the public in
13 general under such conditions as may be approved by the Board.

14 (4) The Federal Government may guarantee foreign loans in such
15 manner and on such terms as it may deem fit and ensure the redemption and
16 the repayment by the Maritime Bank.

17 **14.** Without prejudice to section 13 of this Bill, the Maritime Bank Funds of the
18 shall maintain a fund which shall consist of: Maritime Bank

19 (a) such sums as may, from time to time, be provided by the Federal
20 Government for the purpose of this section by way of grant or loan or
21 otherwise;

22 (b) such sums as may be paid to the Maritime Bank in the course of
23 its operations;

24 (c) all interests received in respect of moneys invested by the
25 Maritime Bank;

26 (d) all moneys raised for the purposes of the Maritime Bank by way
27 of gifts, loans, grants- in-aid, testamentary dispositions or otherwise;

28 (e) monies borrowed from any source approved by the Board; and

29 (f) such other monies as may, from time to time, accrue to the
30 Maritime Bank.

Expenditure of the Maritime Bank	<p>1 15. The Maritime Bank may, from time to time, apply the proceeds of</p> <p>2 the fund established in pursuance of section 14 (1) of this Bill:</p> <p>3 (a) to the cost of administration of the Maritime Bank;</p> <p>4 (b) to paying or reimbursing members of the Board or of any</p> <p>5 committee setup by the Board for expenses as may be expressly authorised by</p> <p>6 the Board;</p> <p>7 (c) to the payment of the salaries, fees or other remuneration,</p> <p>8 allowances, pensions and gratuities payable to the officers and other</p> <p>9 employees of the Maritime Bank;</p> <p>10 (d) for the maintenance of any property vested in the Maritime Bank;</p> <p>11 (e) to the payment of all expenses incurred on behalf of the Maritime</p> <p>12 Bank; and</p> <p>13 (f) to and in connection with performing all or any of the functions of</p> <p>14 the Maritime Bank and the Board.</p>
Annual accounts	<p>15 16.-(1) The Board shall, in respect of each year, keep proper accounts</p> <p>16 of the revenue and expenditure of the Maritime Bank and of all deposits</p> <p>17 received and repaid and interests credited to depositors during the year, from 1</p> <p>18 January to the 31 December of the same year, together with a statement of the</p> <p>19 assets and liabilities of the Maritime Bank.</p> <p>20 (2) The accounts of the Maritime Bank kept under subsection (1) of</p> <p>21 this section shall, after being audited and certified by an auditor appointed from</p> <p>22 the list and in accordance with guidelines supplied by the Auditor-General for</p> <p>23 the Federation, be submitted to the Minister and shall thereafter be published</p> <p>24 by the Maritime Bank in selected national newspapers for general information.</p>
Annual report	<p>25 17. The Maritime Bank shall prepare and submit to the President</p> <p>26 through the Minister, in such form as the Minister may direct and not later than</p> <p>27 30 June in each year, a report on the activities of the Maritime Bank during the</p> <p>28 immediately preceding year and shall include in the report a copy of the audited</p> <p>29 accounts of the Maritime Bank for that year and the Auditor-General's report</p> <p>30 thereon.</p>

1	18. The Maritime Bank may, subject to the approval of the Board,	Offices and branches
2	open offices and branches in such parts of Nigeria as the Board may decide	
3	and appoint agents and correspondents in accordance with the decision of	
4	the Board.	
5	19. -(1) The Maritime Bank shall be exempt from the payment of	Exemptions
6	income tax, and the provisions of any enactment relating to taxation of	
7	companies shall not apply to the Maritime Bank.	
8	(2) The provisions of the Banks and Other Financial Institutions	
9	Act shall not apply to the Maritime Bank.	
10	20. The Board may make regulations with respect to any of the	Regulations
11	following matters, to wit:	
12	(a) the granting of loans, advances and the making of deposits;	
13	(b) the terms, conditions, rates of interest, fees or administrative	
14	charges in respect of advances, credits, guarantees and any other transaction	
15	which the Maritime Bank may undertake from time to time;	
16	(c) the form of application, agreements and other materials	
17	necessary for the control of the grant of advances, credits, guarantees and	
18	other transactions which the Maritime Bank may undertake from time to	
19	time;	
20	(d) the securities that may be required for loans to be granted by the	
21	Maritime Bank; and	
22	(e) any other matter that may be incidental or supplemental to the	
23	functions of the Maritime Bank under this Bill.	
24	21. An enterprise or a project shall not eligible to access funds at	Eligibility for funding
25	the Maritime Bank unless the enterprise or project:	
26	(a) possesses a record of at least 10 years active participation in the	
27	Nigerian maritime sector prior to its application to access funds; and	
28	(b) is wholly-owned by Nigerians.	
29	22. In this Bill:	Interpretation
30	"Board" means the Board of Directors of the Maritime Bank constituted	

1 under section 2 of this Bill;
2 "Central Bank" means the Central Bank of Nigeria established under the
3 Central Bank of Nigeria Act;
4 "Chairman" means the Chairman of the Board;
5 "financial institutions" and "licensed bank" have the meaning assigned to them
6 under the Banks and Other Financial Institutions Act;
7 "enterprise" means a duly registered company wholly-owned by Nigerians and
8 whose principal business is activities in the maritime sector;
9 "Managing Director" means the employee of the Bank appointed as such under
10 section 9 of this Bill;
11 "Minister" means the Minister charged with responsibility for matters relating
12 to finance;
13 "Maritime Bank" means the Maritime Development Bank of Nigeria
14 established under section 1 of this Bill;
15 "President" means the President of the Federal Republic of Nigeria.

Short title

16 **23.** This Bill may be cited as the Maritime Development Bank of
17 Nigeria (Establishment) Bill, 2019.

18 SCHEDULE

19 [Section 2 (4).]

20 *Proceedings of the Board*

21 1. Subject to this Bill and section 27 of the Interpretation Act the
22 Board may make standing orders regulating the proceedings of the Board and
23 of any committee of the Board, and in particular, as respects:

- 24 (a) the holding of meetings;
25 (b) notices to be given of those meetings and the proceedings thereat;
26 (c) the keeping of minutes, and the custody, production and inspection
27 of those minutes; and
28 (d) the opening, keeping, closing and auditing of accounts.

29 2. A meeting of the Board shall be presided over by the chairman or, if
30 the chairman is unable to attend any particular meeting, by another member

1 appointed by the members present at the meeting to act as chairman for that
2 particular meeting.

3 3. The quorum at a meeting of the Board shall be the chairman (or,
4 in an appropriate case, the person appointed to act as chairman under
5 paragraph 2 of this Schedule) and three members.

6 4. Where standing orders made under paragraph 1 of this Schedule
7 provide for the Board, to co-opt persons who are not members of the Board,
8 those persons may advise the Board on any matter referred to them by the
9 Board, but shall not be entitled to vote at a meeting of the Board or count
10 towards a quorum.

11 *Committees*

12 5.-(1) The Board may appoint one or more committees to carry out,
13 on behalf of the Board, such of its functions as the Board may determine.

14 (2) A committee appointed under this paragraph shall consist of
15 such number of persons as may be determined by the Board, and not more
16 than one third of those persons may be persons who are not members of the
17 Board; and a person other than a member of the Board shall hold office on
18 the committee in accordance with the terms of the letter by which he is
19 appointed.

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

22 *Miscellaneous*

23 6. The Board shall provide for the safe custody of the seal of the
24 Maritime Bank which shall only be used by the authority of the Board or of a
25 committee of the Board authorised by the Board in that behalf, and every
26 instrument to which the seal is affixed shall be signed by a member of the
27 Board and counter-signed by the secretary to the Board or by another
28 member or some other person appointed by the Board for that purpose.

29 7. A document purporting to be an instrument issued by the
30 Maritime Bank and to be sealed with the seal of the Maritime Bank

1 authenticated in the manner provided by this paragraph, or to be signed by the
2 managing director, shall be received in evidence and be deemed to be the
3 instrument without further proof, unless the contrary is shown.

4 8. A contract or an instrument which, if made or executed by a person
5 not being a body corporate would not be required to be under seal, may be made
6 or executed on behalf of the Maritime Bank by a person authorised either
7 generally or especially by the Maritime Bank to act for that purpose.

8 9. The validity of a proceeding of the Board shall not be affected:

9 (a) by a vacancy in the membership of the Board;

10 (b) by a defect in the appointment of a member of the Board; or

11 (c) by reason that a person not entitled to do so took part in the
12 proceedings.

13 10. A member of the Board, and a person holding office on a
14 committee of the Board, who has a personal interest in a contract or an
15 arrangement entered into or proposed to be considered by the Board or the
16 committee shall forthwith disclose his interest to the Board or committee and
17 shall not vote on any question relating to that contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Maritime Development Bank of Nigeria with the aim of galvanising and promoting accelerated participation of indigenous entities in the Nigerian maritime sector through targeted industry-focused banking products that will enhance local capacity and contribute to the prosperity and development of the country.

FOR

Sponsored by Hon. Rasheed Afolabi Olalekan

[] Commencement

1 **1.-**(1) There is hereby established the Federal College of Education
2 (Technical) Ikirun, Osun State (Herein after referred to as "the College").
3 (2) The College shall be a body corporate with Education perpetual
4 succession and common seal and shall take power to acquire and dispose of
5 interest in movable and immovable properties.
6 (3) The College may sue and be used in its corporate name.
7 (4) Objectives of the college shall be:
8 (a) Encourage the advancement of learning and to hold out to all
9 Persons without distinction of race, creed, sex or political conviction of the
10 Opportunity of acquiring higher and liberal education;
11 (b) Provide technical courses of instruction and other facilities for
12 the pursuit of learning in all its branches, and to make those facilities
13 available on proper terms to such persons as are equipped to benefit from
14 them.
15 **2.-**(1) The governance and direction of the College affairs shall rest
16 in the governing council of the college (in the Bill referred to as "the
17 Council").

Establishment
of Federal College
of Education
(Technical) Ikirun,
Osun State

Governing
Council of the
College

	1	(2) The Council shall have the responsibility to consider and approve:
	2	(a) the programme of studies to be undertaken in the College;
	3	(b) the annual estimate of the College; and
	4	(c) the investment plan of the College.
	5	(3) the provision of the schedule of this bill shall have effect with
	6	respect to the Council as mentioned herewith
Membership of the Council in the College	7	3.-(1) The council of the College shall consist of:
	8	(a) a chairman and other members to be appointed by the President;
	9	(b) a representative of the Federal Ministry of Education;
	10	(c) A representative of the University of which the college is affiliated
	11	to for the purpose of moderation;
	12	(d) Two representatives of the academic board of the college;
	13	(e) A representative of the National Commission for the Colleges of
	14	Education: and
	15	(f) The provost of the college.
Tenure of Members of the College	16	4.-(1) A member of the council (other than the ex-official members)
	17	shall hold office for the term of four years and subject to the provision of sub-
	18	Section (2) of this section shall be eligible for re-appointment for a further
	19	period of four years and also move.
	20	(2) The office of a member appointed under section 3 of this bill shall
	21	become vacant if:
	22	(a) The member resigns in office by notice of writing under his hand
	23	addressed to the Minister; or
	24	(b) The minister is satisfied that it is not in the interest of the college
	25	for the person appointed to continue in office and notifies the member 20 in
	26	writing to that effect may serve to promote the objective of the College.
Powers of the Council	27	5. The council of the college shall have power to:
	28	(a) Hold examinations and grant Degree, NCE, Diploma,
	29	professional Certificates and other distinction to persons, who have pursued
	30	courses of study approved and accredited by the National Commission for

- 1 Colleges of Education (NCCE);
- 2 (b) hold examination in education for qualified teachers;
- 3 (c) Recruit staff and determine structure of such staff;
- 4 (d) Demand and receive from any student or any other person
- 5 attending the college for the purpose of construction such fees as the Council
- 6 may with the prior approval of the Minister, from time to time determine;
- 7 (e) Hold public lectures and undertake printing, publishing and
- 8 bookselling;
- 9 (f) Award fellowship, medals, prize, prizes and other titles;
- 10 (g) Establish and maintain such schools and other teaching units
- 11 with the college or extra moral department as the councils may time to time
- 12 determine;
- 13 (h) Erect, provide, equip, and maintain such educational
- 14 recreational and residential facilities as the College may require;
- 15 (i) Create lectureship and other academic post and offices and to
- 16 make appointment thereof;
- 17 (j) Receive grants and give gifts;
- 18 (k) Enter into such contracts as may be necessary or expedients for
- 19 carrying into effect the objectives of the college;
- 20 (l) Provide amenities for and make such other provision for the
- 21 welfare of the staff and students of the college;
- 22 (m) encourage and make provision for research in the college;
- 23 (n) Do such acts and things whether or not incident to the foregoing
- 24 powers as may advance the objects of the college.
- 25 **6.-(1)** the minster responsible for education shall be the visitor of The Visitor
- 26 the college the college:
- 27 (2) The visitor shall, not less than once in every five year conduct a
- 28 Visitation to the college or appoint a visitation panels consist of not less than
- 29 five experts to conduct the visitation;
- 30 (a) for the purpose of evaluating the academic and administrative

	1	performance of the college; or
	2	(b) for such other purpose as tile visitors may deem fit.
The Academic Board and its functions	3	7.-(1) There shall be established for the college a board to be known as
	4	the academic Board which shall consist of the following members:
	5	(a) The power of the college as the chairman;
	6	(b) all heads of departments;
	7	(c) the College librarian; and
	8	(d) not more than three members of the Academic . staff other than the
	9	heads of department to be appointed by the council.
	10	(2) The Academic Board shall be responsible for:
	11	(a) The Direction and management of academic and academic matters
	12	of the college including the regulation of admission of student, the award of
	13	certificate scholarship, prize and other academic distinction;
	14	(b) discharging other functions which the council may from time to
	15	time delegate to it.
Power of Minister	16	8. The Minster may give to the directions of the general character or
	17	relating generally to matters with regard to the exercise by the council of its
	18	functions and it shall be the duty of the council to comply with such directions
The Provost of the College	19	9.-(1) There shall be a provost for the college therein referred to as the
	20	provost') who shall be appointed by the president on the recommendation of the
	21	Ministers.
	22	(2) where a vacancy occurs in the post of the provost, the council
	23	shall:
	24	(a) Advertise the vacancy in reputable widely read newspaper in
	25	Nigeria specifying:
	26	(i) The qualities of the person who may apply for the post;
	27	(ii) The terms and conditions of the service applicable to the post and
	28	thereafter draw ups a short list of suitable candidates for examination of the
	29	Minister.
	30	(3) The President shall appoint a provost from one of the candidates

1 recommended by the minister.

2 (4) subject to the general control of the council if the provost shall
3 be The chief executive of the college and shall be charged with general
4 responsibility for matters relating to the day-to-day management and
5 operations of the college.

6 (5) The provost shall hold offices for a period of five (5) years only
7 and on such terms and conditions as may be specified in his letter of
8 Appointment.

9 **10.-(1)** There shall be for the college two Deputy Provosts namely: Deputy Provost

10 (a) Deputy Provost (Academic) and the Deputy provost
11 (administration).

12 (2) The council shall appoint the deputy provost from among the
13 chief Lecturers in the college in any of the following way, that is:

14 (a) from a list of five candidates in order of preference, submitted
15 by the provost;

16 (b) On the recommendation of selection Board constituted for their
17 purpose; or

18 (c) On the nomination of the provost.

19 (3) The selection Board referred to in sub section 2 (b) of this
20 section shall consist of:

21 (i) The Chairman of the council;

22 (ii) The Provost of the college;

23 (iii) Two members of the Academic board; and

24 (iv) Two members of the council not being members of the
25 academic board.

26 (4) (a) The Deputy Provost (Academic) shall:

27 (i) Assist the provost in the performance of his function in
28 academic matters of the college;

29 (ii) Acts as the provost when the post of the provost is vacant or if
30 the Provost is for reasons absent or unable to perform his function

	1	(b) The Deputy Provost (administration) shall:
	2	(i) Perform such others function as the provost or the council may
	3	from time to time assign to him.
	4	(5) each of the deputy provost shall hold offices for a period of two
	5	years no more.
The Registrar and other Staff of the College	6	11. -(1) there shall be a registrar for the college to be appointed by the
	7	council.
	8	(2) The registrar shall keep the records and conduct the
	9	correspondence of the council.
	10	(3) The registrar shall be the secretary to:
	11	(a) The council;
	12	(b) The Academic Board of the council;
	13	(c) Any committee of the council.
	14	(4) The registrar may perform any duty as may be assigned to him by
	15	the council or the provost.
	16	(5) The registrar shall hold office for a period of five years and no
	17	more.
Other Principal Officers of the College	18	12. There shall be for the college in addition to the registrar:
	19	(a) The Bursar; and
	20	(b) The college Librarian who shall be appointed by the council.
	21	(2) The Bursar shall be the chief financial officer of the college and be
	22	responsible to the provost for the day-to-day administration and control of the
	23	financial affairs of the college.
	24	(3) The college Librarians shall be responsible to the provost for the
	25	administration of the college library and the coordinator of the library services
	26	in the teaching units of the college.
	27	(4) The Bursar and the college librarian shall each hold office for a
	28	period of five years and no more.
Resignation of appointment of Principal Officer	29	13. A principal officer of the college may resign his appointment:
	30	(a) in case of the provost by notice to the visitor for; and

1 (b) in any other case by advise to the council.

2 **14.**-(1) the council may appoint other persons to be employees of Other employees
3 the college as the council may deem to assist the provost and the principal of the College
4 officers in the performance of their functions.

5 (2) The remuneration tenure of office and condition of services of
6 the employee of the college shall be determined by the council in
7 conjunction with the Federal Civil Services Commission.

8 **15.** Service in the college shall be approved services for the Pensions
9 purpose of the pension's reform and accordingly, officers and other persons
10 employed in the college shall be entitled to pension; gratuity and other
11 retirement benefits as may be prescribed in their respect we letters of
12 appointment.

13 **16.**-(1) These shall be selection Board for: Selection Board
14 The college which shall consist of: for other Principal
Officers

15 (a) The chairman of the council;

16 (b) The provost;

17 (c) Four members of the council not being members of the
18 academics Board; and

19 (d) Two members of the Academic Board.

20 (2) The functions, procedure and other matters relating to the
21 selection Board constituted under subsection (1) of this section shall be
22 determined from time to time by the council.

23 **17.**-(1) The College shall establish and maintain a fund which shall Fund of the
24 be applied towards the promotion of the objectives of this Bill. College

25 (2) There shall be paid and credited to the fund established under
26 subsection (1) of this section;

27 (a) Such sums as may from time to time be granted by the federal
28 Government through the National Commission for Colleges of Education;

29 (b) all monies raised by the council by the, way of gift, grants in aid
30 or test monetary disposition; and

	1	(c) all subscription fees and charges for services rendered by the
	2	council and all other sums that may accrue to the council from any sources.
	3	(3) The council shall submit to the minister, through the National
	4	Commission for Colleges of Education not later than three months before the
	5	end of each financial year or at such other time as he may direct an estimate of
	6	its revenue and expenditure for the next succeeding financial year.
Power in accept gifts	7	18. -(1) The college may accept gifts or loan, money or of other
	8	property upon such terms and condition, of any as may be specified by the
	9	person making the gifts.
	10	(2) the college shall not accept any gift of the conditioned attached to
	11	the gifts are inconsistent with the functions of the college.
Account and Audit	12	19. The College shall keep proper accounts of its achievements,
	13	payments assets and liabilities and shall in respect of each year cause the
	14	account to be audited.
Annual Reports	15	20. The council shall as soon as may be after the expiration of each
	16	Financials year, prepare and submit to the minister report of its activities during
	17	the immediate proceeding financial year and shall include in the report a copy
	18	of the audited accounts of the college for that year and of the auditor's report of
	19	the accounts.
Interpretation	20	21. In this Bill:
	21	"Chairman" means the chairman of the council;
	22	"College" means the Federal College of Education (Technical) Ikirun, Osun
	23	State are established under Section (1) of this Bill;
	24	"Council" means the governing Council of the college established under
	25	section 2 of this Bill;
	26	"Function" includes power and duties;
	27	"Minster" means the minster charged with responsibility of education;
	28	"Member" means a member of the council including the chairman;
	29	"Provost" means the provost of the college established under section 10 of this
	30	Bill.

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SCHEDULE

[Section 2(3)]

SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL. ETC

Terms of service

1. There may be prod to the members of the councilor any Committee, other than ex officio members, such remuneration and Allowance may from time to time be determine by the president

2. Where vacancy occurs in respect of the membership specified in section 3; it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor in office and such Successor shall represent the same interest as his predecessor.

3. The council may act notwithstanding any vacancy in its Membership or any defect in the appointment of a member of the absence of a member.

Proceedings

4.-(1) the council shall meet for the conduct of business at such times, places and on such days as the chairman may appoint but shall meet not less than once every four months.

(2) the chairman may at time and shall at the request in writing of not less than six members, convene a meeting of the council.

(3) where the council desires to obtain the advice of any person on any particular matter, the council may co-opt persons who are members of the council but persons co-opted shall not be entitled to vote at a meeting of the Council.

(4) The Quorum of the Council shall be one of the total members of the council, at least one of Whom shall be a member appointed by the President.

(5) decision of the council shall be made on approval by a simple

1 Majority of members.

2 *Miscellaneous*

3 5.-(1) The fixing of the seal of the college shall be authenticated by the
4 Signatures of the chairman, provost and of some other members of the council
5 Authorized generally or specially by the council to act for that purpose.

6 (2) any contract or instrument which, if made or executed by a person
7 other than a body corporate would not be required to be under seal may be made
8 executed on behalf of the college by any person generally or specially
9 authorized to act for that purpose by the council.

10 (3) any document purporting to be duly executed under the seal of the
11 College shall be received in evidence and shall unless the contrary is proved, be
12 presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Federal College of Education (Technical) Ikirun, Osun State, to provide Full-time Courses Teaching Instruction and Training in Technology, Applied Science, Arts, Social Sciences, Humanities and Management.