

Extraordinary



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A BILL

FOR

AN ACT TO AMEND THE NATIONAL CENTRE FOR AGRICULTURAL MECHANIZATION ACT CAP N13 LFN, 2004 TO PROVIDE FOR PRIVATE SECTOR PARTICIPATION, PROMOTION OF COMMERCIAL AGRICULTURE AND FOR RELATED MATTERS, 2019

Sponsored by Hon. Simon D. Mwadkwon

[] Commencement

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

- 1 **1.** The National Centre for Agricultural Mechanization Act
2 (hereinafter referred to as "the Principal Act") is amended as set out in this
3 Bill. Amendment of
the National Centre
for Agricultural
Mechanization
- 4 **2.** Section 2 of the Principal Act is amended by: Amendment of
Section 2
- 5 (a) to promote the carrying out of applied research designed to
6 facilitate the designing, adaptation and development of machinery and
7 equipment suitable for the use in agricultural and rural development;
- 8 (b) to develop and manufacture approved prototype, components
9 and cultural techniques and technologies, and evaluate their suitability for
10 adaptation and alternative use in rural agricultural production;
- 11 (c) to develop and adopt local design or foreign designs of
12 agricultural machinery and equipment to suit local conditions of
13 manufacture and maintenance for use in rural agriculture;
- 14 (d) to develop and manufacture approved prototypes, components
15 and spare-parts of agricultural machinery and equipment which are not
16 available in large quantities in the Federal Republic of Nigeria;
- 17 (e) to perform tests on all types of machinery and equipment
18 intended for use in agricultural and rural development in the Federal
19 Republic of Nigeria, and to publish the results of each such test;

1 (f) to formulate and conduct short courses designed to provide
2 practical training and further knowledge to rural settlements and other artisans
3 in the use and maintenance of agricultural machinery and other appropriate
4 technology machinery and equipment;

5 (g) to advise and provide support services to organizations and
6 persons undertaking the extension and implementation of programmes and
7 projects resulting from the work of the Center;

8 (h) to offer consultancy services on the designing, testing and other
9 technical aspects of agricultural and other machinery and equipment for use in
10 rural development;

11 (i) to offer consultancy services relating to the marketing, financial
12 and other managerial aspects of agricultural and rural development through the
13 adaptation and use of appropriate technology;

14 (j) to provide relevant information and advice to the agricultural
15 sector relating to the design, production, marketing, supply, use and
16 maintenance of agricultural and other appropriate technology machinery and
17 equipment;

18 (k) to formulate and execute projects and programmes designed to
19 encourage or facilitate the establishment and development of rural settlements
20 workshops and other rural production and maintenance facilities;

21 (l) to act as the national link with other national and international
22 institutions engaged in activities related or similar to the functions of the
23 center;

24 (m) to create an enabling environment for individuals, firms, private
25 sector participation in all programmes of the Center for the promotion of
26 agricultural mechanization for national development.

Insertion of a
new Section 8

27 **3.** The Principal Act is amended by:

28 (a) inserting a section 8; and

29 (b) re-numbering subsequent sections accordingly.

1 8.-(1) There shall be established for the center a department of Establishment
2 Research and Development which shall be responsible for the study of all of the Department
3 proposals for research and development in all aspect of agricultural of Research and
4 mechanization. Development

5 (2) The department shall take all such measures as are necessary to
6 facilitate the carrying out of the research or development project or, as the
7 case may be, to obtain the decision of the board on the proposals in question.

8 (3) In determining whether or not any proposal for a research or
9 development project be carried out by the Center the Board shall take into
10 account:

11 (a) the necessity or desirability and propriety of the research or
12 development project proposed to be carried out by the Center;

13 (b) the cost of the proposed research or development;

14 (c) the possible beneficial consequences of the proposed research
15 or development project on the programs of the Center for the promotion of
16 rural technology and mechanization of agriculture;

17 (d) a financial ability of the Center to meet the anticipated cost of
18 the proposed research or development project;

19 (e) the ability of the Center to carry out the proposed research or
20 development project having regard to other projects being carried out by the
21 Center.

22 (4) The Board may, after considering the factors specified in
23 subsection (3) in respect of any proposed research or development project
24 referred to it, approve or withhold its approval, and, in the later case, may
25 require that further information or particulars in connection with the
26 proposed particulars be provided to the Board by the Directors.

27 4. The Principal Act is amended by:

28 (a) inserting a new section 9; and

29 (b) re-arranging subsequent sections accordingly:

Insertion of
new Section 9

Testing and
Manufacturing

1 9.-(1) Subject to the provision of subsection (2) of this section, the
2 Centre shall be responsible for testing of such machinery and equipment
3 intended for use in agriculture in the Federal Republic of Nigeria as the
4 Minister may, by regulation published in the Gazette.

5 (2) The Board shall establish a system of cooperation with the
6 Standard Organization of Nigeria with a view to establishing factors to be taken
7 into account in the testing of various machinery and equipment for use in
8 agriculture in the Federal Republic of Nigeria.

9 (3) The Minister may, upon the advice of the Board, by regulations
10 published in the Gazette, make provision for regulating the exercise, the
11 manner and the procedure for testing machinery and equipment, and may, in
12 those regulations provide for the compulsory testing of certain or all
13 agricultural machinery or equipment prior to its importation or use in the
14 Federal Republic of Nigeria.

15 (4) The Center may undertake the manufacture, distribution or sale of
16 any agricultural machinery and equipment designed by it and, for that purpose,
17 the Center shall manufacture agricultural and other appropriate technology and
18 equipment designed by it with a view to meeting the demand for them and
19 securing revenue for the Center, disseminating to interested persons or bodies
20 of persons, and the exchange between them and the Center, of information
21 relating to agricultural mechanization and rural technology.

22 (5) The Center may collect, publish and disseminate literature and
23 other materials on agricultural mechanization and other related subjects, and
24 may provide facilities for the members of the public to have access to those
25 materials.

Insertion of a
new Section 10

26 **5.** The Principal Act is amended by:

27 (a) inserting a new section 10; and

28 (b) re-arranging the preceding sections accordingly.

Discovery farm
machine and
equipment

29 10.-(1) The Centre shall invent farm machines and equipment or other
30 discoveries which shall become the property of the Centre.

1 (2) For the purpose of the commercial agriculture, any invention or
2 discovery which the Center considers appropriate for, or incidental to, the
3 effective and efficient performance of its functions, the Center shall arrange
4 with any person or body or persons to buy, sell, take, or grant patent right in
5 the Invention or discovery, subject to terms approved by the Board.

6 (3) The Center may, with the prior approval of the Minister enter
7 into any arrangement under subsection (2) one of the terms of which
8 requires the Center to provide financial assistance in the form loan or grant
9 to the person or body of persons with whom the arrangement is entered.

10 (4) Except with the consent of the Minister the Centre shall not, in
11 pursuance of any of the provisions under this section undertake to incur any
12 expenditure which exceeds one percent of the approved recurrent
13 expenditure budget of the Centre for anyone financial year.

14 (5) Every invention or discovery made as a result of research
15 carried out under this Bill shall be registered by the Centre in such form and
16 upon such condition as the Board may, by regulation made under this Bill,
17 prescribe.

18 (6) The Board shall grant to any person who makes an invention or
19 discovery, or who materially assists or contributes to the making of that
20 invention or discovery, such reward as may be approved by it.

21 **6.** Section 15 of the Principal Act is amended by deleting in its
22 entirety, the existing provisions and inserting to replace therein the
23 following new provisions:

Amendment of
Section 15

24 15.-(1) There shall be established a special fund which shall be
25 responsible for the research, inventions, discovery of farm machines and
26 other equipment for the promotion of commercial agriculture.

Fund of the
Centre

27 (2) The Fund shall be made up of I % of the sum approved for the
28 annual budget of the Federal Ministry of Agriculture for agricultural
29 mechanization and research.

30 (3) There shall be paid and credited to the fund established in

- 1 pursuance of subsection (1) of this section:
- 2 (a) all monies raised for the general purposes of the Centre;
- 3 (b) all money accrues to the Board on behalf of the Centre by any
- 4 means, including grants-in- aid, endowment and donations;
- 5 (c) all charges, dues, fees or amount recovered by the Board;
- 6 (d) all interest on monies invested by the Board; and
- 7 (e) such other sum as may, from time to time, accrue to the Centre or
- 8 the Board.
- 9 (4) For the purpose of defraying expenditure of the Centre there shall
- 10 be paid and credited to the fund all revenue and budgetary allocation to the
- 11 Centre."
- 12 (5) All sums of money received on account of the Centre by the Board
- 13 accruing to the fund shall be paid into the Central Bank of Nigeria for the credit
- 14 of the Centre.
- 15 7. This Bill may be cited as the National Centre for Agricultural
- 16 Mechanization Act (Amendment) Bill, 2019.

Short title

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Centre for Agricultural Mechanization Act Cap N13 LFN, 2004 to provide for private sector participation, promotion of commercial agriculture.

FOR

Sponsored by Hon. Simon D. Mwadkwon

[] Commencement

1 Nigeria:

5 **2.** Section 1 of the Principal Act is amended by: Amendment of
6 (a) substituting for subsection (1), a new subsection "(1)": Section 1

9 (b) inserting a new subsection "(3)":

10 "(3) The Centre shall have:

11 (a) its Headquarters in Abuja;

12 (b) Zonal Offices in the six geo-political zones; and

13 (c) functions assigned to them by this Act".

14 **3.** Section 6 of the Principal Act is amended by substituting for
15 paragraph (a), a new paragraph "(a)":

Amendment of
Section 6

16 "(a) award:

17 (i) Certificates,

18 (ii) Diplomas,

Substitution for
Section 7

- 1 (iii) Distinctions in Mathematical Sciences and other related fields,
2 and
3 (iv) Honorary Fellowships to deserving persons.
- 4 **4. Substitute for section 7 of the Principal Act, a new section "7":**
5 **7.-(1)** There shall be for the Centre a Director-General who shall be a
6 renowned Professor of Mathematics and be appointed by the Governing
7 Council.
- 8 (2) The Director-General shall hold office for a term of five years only
9 on such terms and conditions as may be specified in the letter of appointment.
- 10 (3) The Director-General shall be the chief executive and academic
11 officer of the Centre and shall be charged with general responsibility with
12 matters relating to the day-to-day management and operations of the Centre.
- 13 (4) There shall be for the Centre, a Deputy Director-General, who
14 shall:
- 15 (a) be a renowned Professor of mathematics and be appointed by the
16 Governing Council on the recommendation of the Academic Board for the
17 proper administration of the Centre;
- 18 (b) act in place of the Director-General when the office of the
19 Director-General is vacant or the Director-General is for any reason (including
20 absence from the precincts of the Centre) unable to perform his functions as the
21 Director-General or as the Council may, from time to time, assign to him; and
- 22 (c) hold office for a term of five years only, beginning from the
23 effective date of his appointment as such, as may be specified in the letter of
24 appointment.
- 25 (5) There shall be for the Centre a Librarian who shall:
- 26 (a) be appointed by the Council;
- 27 (b) be responsible to the Director-General for the development and
28 administration of the library services for the Centre; and
- 29 (c) hold office for a term of 5 years.
- 30 (6) There shall be for the Centre, a Registrar who shall be:

- 1 (a) appointed by the Council;
- 2 (b) the Chief Administrative Officer of the Centre;
- 3 (c) responsible to the Director-General for the day-to-day
- 4 administrative work of the Centre;
- 5 (d) Secretary to the Council, Management and the Academic
- 6 Board;
- 7 (e) the custodian of records and seal of the Centre; and
- 8 (f) appointed for a term of five years.
- 9 (7) There shall be for the Centre, a Bursar who shall be:
- 10 (a) appointed by the Council on such terms and conditions as may
- 11 be specified in the letter of appointment;
- 12 (b) the Chief Financial Officer of the Centre;
- 13 (c) responsible to the Director-General for the day-to-day
- 14 administration and control of financial affairs of the Centre; and
- 15 (d) appointed for a term of 5 years.
- 16 **5.** This Bill may be cited as the National Mathematical Centre Citation
- 17 (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Mathematical Centre Act, Cap. N58 Laws of the Federation, 2004 to provide for additional appointments and other conditions of service and establish zonal offices in the six geo-political zones.

A BILL

FOR

AN ACT TO AMEND THE ESTATE SURVEYORS AND VALUERS
(REGISTRATION, ETC.) ACT, CAP E13, LAWS OF THE FEDERATION, 2004
AND FOR RELATED MATTERS, 2019

Sponsored by Hon. Francis Charles Uduyok

[] Commencement

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

- | | | |
|----|--|---------------|
| 1 | 1. The Estate Surveyors and Valuers (Registration, etc.) Act, Cap | Cap. E13 LFN, |
| 2 | E13, LFN, 2004 (hereinafter referred to as the "Principal Act") is amended | 2004 |
| 3 | as set out hereunder: | |
| 4 | 2. Section 16(4) (a) is amended by deleting the sum of N100.00 | Amendment of |
| 5 | (One hundred naira) and substituting it with the sum of N100,000.00 (One | Section 16 |
| 6 | hundred thousand naira) and substituting the sum of N20.00 (Twenty naira) | |
| 7 | with the sum of N50,000 (Fifty thousand naira). | |
| 8 | 3. Section 16(4)(b) is amended by deleting the sum of N1,000.00 (| Amendment of |
| 9 | One thousand naira) and substituting it with the sum of N200,000.00 (Two | Section 16 |
| 10 | thousand naira) and substituting the sum of N50.00 (Fifty naira) with the | |
| 11 | sum of N50,000.00 (Fifty thousand naira). | |
| 12 | 4. This Bill may be cited as Estate Surveyors and Valuers | Short title |
| 13 | (Registration, Etc.) (Amendment) Bill, 2019. | |

EXPLANATORY NOTE

This Bill Seeks to amend the Estate Surveyors and Valuers (Registration,
Etc.) Act to provide for stiffer penalties to meet contemporary realities.

A BILL

FOR

AN ACT TO PROHIBIT PUBLIC/CIVIL SERVANTS, THEIR CHILDREN AND
WARDS FROM STUDYING ABROAD OTHER THAN FOR POST GRADUATE
STUDIES AND FOR RELATED MATTERS

Sponsored by: Hon. Francis Charles Uduyok

[] Commencement

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

1 **1.** -(i) From the commencement of this Act, a Nigerian Public/Civil
2 Servant or his or her child or ward shall not apply to a foreign primary,
3 secondary or tertiary institution for studies:

4 (a) Has obtained a first degree in Nigeria in any subject;

5 (b) The course applied for is not offered by any University in
6 Nigeria.

7 (ii) a Nigerian public/civil servant or his or her child or ward may
8 apply to a foreign university for a first degree only if he:

9 (a) Has obtained a first degree in Nigeria in any subject;

10 (b) The course applied for is not offered by any University in
11 Nigeria.

12 **2.** Notwithstanding the provisions of section (1) above, anyone
13 Exemption applying to a university abroad must have undergone the
14 compulsory one year National Youth Service Corp (NYSC), except.

15 (a) At the time of graduation, the applicant had passed the required
16 age for the NYSC.

17 **3.** Subject to the provisions of Section 1 above, the persons
18 considered in the section shall not be affected if before the commencement
19 of this act, the person his or her child or children were already admitted to
20 any primary, secondary or tertiary institution abroad.

Offence	1	4. It shall be an offence punishable by this Act whenever there is a
	2	breach of Punishment for Breach the provisions of this Bill:
	3	(a) Subject to this section, a breach of the provisions of this act shall
	4	be punishable by 3 to 5 years imprisonment or an option of fine of the sum of
	5	N5,000,000.00 or both;
	6	(b) Notwithstanding the provisions of Sub-Section I above, a person
	7	convicted of a breach of the provisions of this shall:
	8	(i) Be summarily dismissed from service without gratuity;
	9	(ii) Shall not be eligible for any employment, election or appointment
	10	whatsoever unless after 10 years of dismissal.
	11	5. Any person who after the commencement this Act sends his or her
	12	child or children or ward to any educational institution to abroad shall not be
	13	eligible for employment, election or appointment into any public office in
	14	Nigeria:
Interpretation	15	(a) Any person who while having a child, children or ward in any
	16	educational institution abroad is elected or accepts any appointment or
	17	employment as a public/civil servant in Nigeria is guilty of an offence
	18	punishable by the provisions of section 4 of this Bill;
	19	(b) Any person who while having a child, children in university or
	20	universities abroad gets appointed into the public service, such person shall
	21	before accepting the offer of appointment, withdraw the child or children from
	22	the university or universities abroad.
	23	6. In this Bill:
	24	"Abroad" means, any country outside Nigeria;
	25	"Child or Children" means, a biological child or children; or a ward or relative
	26	sponsored by the Public/ Civil servant;
	27	"First Degree" means, a degree or qualification equivalent to a first degree;
	28	"Gratuity" means, any benefit due to the public servant;
	29	"Public Servant" means, any person serving in government whether elected or
	30	appointed and their spouses;

1 "University" means, an institution that offers a certificate which is an
2 equivalent of a degree;

3 "Civil Servant" means any person serving in any Government Ministry,
4 Departments, Agencies or Parastatals and their spouses;

5 "Educational Institution" means and includes Creche, Primary, Secondary,
6 Colleges and Universities. Interpretation.

7 7. This Bill may be cited as the Public Servants Foreign Education Citation
8 Prohibition Bill, 2019.

EXPLANATION MEMORANDUM

This Bill seeks to Prohibit Public Officers and their Children and Wards
from studying abroad.

This is also to Promote Patriotism to the country and patronage of Nigerian
Educational Institutions.

TRADE MALPRACTICES (AMENDMENT) BILL, 2019

ARRANGEMENT OF SECTIONS

Sections

1. Amendment of the Principal Act
2. Amendment of Section 1
3. Deletion of sections 2, 3 and 4
4. Renumbering subsequent sections of Principal Act
5. Amendment of Section 5
6. Citation

A BILL

FOR

AN ACT TO AMEND THE TRADE MALPRACTICES (AMENDMENT) ACT AND
FOR RELATED MATTERS

Sponsored by Hon. Simon D. Mwadkwon

[] Commencement

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

- | | |
|---|---|
| <p>1 1. The Trade Malpractices Act Cap. T12 laws of the Federation of</p> <p>2 Nigeria, 2004 (in this Bill referred to the "Principal Act") is amended as</p> <p>3 follows:</p> | <p>Amendment of
the Principal Act</p> |
| <p>4 2. Section 1(1) of the Principal Act is amended by:</p> <p>5 (i) Inserting the word "knowingly" after the word "who"; and</p> <p>6 (ii) Substituting the figure N500, with the figure N50,000.00.</p> | <p>Amendment of
Section 1</p> |
| <p>7 3. The Principal Act is amended by deleting sections 2, 3 and 4.</p> | <p>Deletion of
sections 2, 3
and 4</p> |
| <p>8 4. Renumber subsequent sections of the principal Act accordingly.</p> | <p>Renumbering
subsequent sections
of Principal Act</p> |
| <p>9 5. Section 5 of the Principal Act is deleted and replaced with a new</p> <p>10 section as follows:</p> <p>11 Where an offence under this Act is proved to have been committed by:</p> <p>12 (i) a corporate body with the consent or connivance of;</p> <p>13 (ii) Or attributable to any neglect on the part of any director,</p> <p>14 manager, secretary or other similar officers of the corporate body;</p> <p>15 (iii) Or any officer who was purporting to act in any such capacity.</p> <p>16 Any such director or other person mentioned in this section commits an</p> <p>17 offence, and shall be liable under section 1(1) of this Act.</p> | <p>Amendment of
Section 5</p> |
| <p>18 6. This Bill may be cited as the Trade Malpractices (Amendment)</p> <p>19 Bill, 2019.</p> | <p>Citation</p> |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Trade Malpractices Act Cap T12 laws of the Federation of Nigeria 2004 by providing a mental element for trade malpractices and prescribing stiffer penalties in consideration with the gravity of the offence and current economic realities.

A BILL

FOR

AN ACT TO PROVIDE FOR THE MANNER IN WHICH INDIVIDUALS MAY IN THE PUBLIC INTEREST DISCLOSE INFORMATION THAT RELATE TO UNLAWFUL OR OTHER ILLEGAL CONDUCT OR CORRUPT PRACTICES OF OTHERS; TO PROVIDE FOR THE PROTECTION AGAINST VICTIMIZATION OF PERSONS WHO MAKE THESE DISCLOSURES AND TO REWARD INDIVIDUALS WHO MAKE THE DISCLOSURES, AND FOR RELATED MATTERS

Sponsored by Hon. Mohammed Tahir Monguno

[] Commencement

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

1 PART I - PRELIMINARY

2 **1.** The purpose of this Bill is to- Purpose

3 (a) encourage and facilitate disclosures of improper conduct by
4 any person, public officers and corporate bodies both private and public;

5 (b) provide protection for-

6 (i) persons who make such disclosures; and

7 (ii) persons who may suffer reprisals in relation to such
8 disclosures.

9 (c) provide for the matters disclosed to be properly investigated
10 and dealt with.

11 PART II - DISCLOSURE AND PROCEDURES FOR DISCLOSURE OF

12 IMPROPER CONDUCT AND RELATED ACTION

13 **2.-(1)** A person may make a disclosure of information in the public Disclosure of
14 interest where that person has reasonable cause to believe that the improper conduct
15 information tends to show-

16 (a) an economic and financial crime has been committed or is about
17 to be committed;

1 (b) violation or contravention of any law relating to terrorism,
 2 kidnapping, illegal possession of fire arms and electoral materials or any
 3 existing law;

4 (c) in a public institution there has been misappropriation or
 5 mismanagement of public resources;

6 (d) the environment has been degraded, is being degraded; or

7 (e) the property, health or safety of an individual, a community or the
 8 public is endangered, has been endangered.

9 (2) Any conduct which falls within any of the matters specified in
 10 subsection (1) of this Bill is referred to as "improper conduct".

11 (3) Notwithstanding any other law to the contrary, a person is
 12 protected if-

13 (a) the person making a disclosure has reasonable cause to believe
 14 that the information disclosed, is to the best of his knowledge true; and

15 (b) the disclosure is made to one or more of the persons or institutions
 16 specified in section 4 of this Bill.

17 (4) Disclosure may be made on any act of corruption, abuse of power
 18 or discretion, or criminal offence by any person, except the following-

19 (a) the sovereignty, strategic, scientific or economic interest of
 20 Nigeria, or the incitement of an offence;

21 (b) records of deliberations of the Federal Executive Council;

22 (c) that which is forbidden to be published by a court or if it may result
 23 in contempt of court;

24 (d) a breach of privilege of legislatures; and

25 (e) that relayed in a fiduciary capacity.

26 (5) Disclosures cannot be made under this Bill, if it violates national
 27 security and other offences, prohibited under the Official Secrets Act.

Person who
 qualified to make
 disclosure of
 improper conduct

28 **3.** Disclosure of improper conduct may be made by-

29 (a) an employee in respect of an employer,

30 (b) an employee in respect of another employee, or

- 1 (c) a person in respect of another person, or an institution.
- 2 4.-(1) Subject to the provisions of this Bill, disclosure of improper Persons to whom
3 conduct may be made to any of the following- or institutions to
4 (a) the Head of a Labour Union at all levels or any professional which disclosure
5 body established by Law in Nigeria to which the person is a member; of improper conduct
6 (b) a police officer; may be made
- 7 (c) the Attorney-General of the Federation or of a State;
- 8 (d) the Auditor-General of the Federation or of a State;
- 9 (e) the Accountant-General of the Federation or of a State;
- 10 (f) a staff of any Intelligence Agency established by law;
- 11 (g) a member of the National Assembly;
- 12 (h) Economic and Financial Crimes Commission, Independent
- 13 Corrupt Practices Commission and other anti-fraud enforcement agencies;
- 14 (i) the National Human Rights Commission;
- 15 (j) the Public Complaints Commission;
- 16 (k) the Nigerian Broadcasting Commission;
- 17 (l) the National Drug Law Enforcement Agency;
- 18 (m) a member of the State House of Assembly;
- 19 (n) the head of the community to which the person belongs;
- 20 (o) a head of a recognized religious body to which the person
- 21 belongs;
- 22 (p) a Federal Minister or Commissioner of a State;
- 23 (q) the President of the Federal Republic;
- 24 (r) the Federal Inland Revenue Services;
- 25 (s) a State Governor;
- 26 (t) the Director-General Legal Aid Council of Nigeria;
- 27 (u) a Chairman of a Local Government Area;
- 28 (v) an elected Councilor representing a ward.
- 29 (2) A person who makes a disclosure may take into account the
- 30 following factors in determining to whom disclosures may be made-

Procedures for
making a
disclosure

1 (a) a reasonable belief or fear that the person may be subjected to
2 dismissal, suspension, harassment, discrimination or intimidation;

3 (b) a reasonable belief or fear that evidence relevant to the improper
4 conduct may be concealed or destroyed;

5 (c) that the person to whom the disclosure is made will not frustrate
6 the objective of the disclosure;

7 (d) that the improper conduct is of an exceptionally serious nature and
8 that expeditious action must be taken to deal with it; and

9 (e) the place where and the prevailing circumstances under which the
10 person lives.

11 **5.-(1)** A disclosure may be made in writing or orally.

12 (2) The disclosure shall contain-

13 (a) the full name, address, passport photograph, signature, and
14 occupation of the person who makes a disclosure;

15 (b) the nature of the improper conduct in respect of which the
16 disclosure is made;

17 (c) the person or institution alleged to have committed, who is
18 committing or is about to commit the improper conduct;

19 (d) the time and place where the alleged improper conduct is taking
20 place, took place or is likely to take place;

21 (e) the full name, address and description of a person who witnessed
22 the commission of the improper conduct if there is such a person;

23 (f) whether the person who makes a disclosure has made a disclosure
24 of the same or of some other improper conduct on a previous occasion and if so,
25 about whom and to whom the disclosure was made;

26 (g) if the person who makes a disclosure is an employee making a
27 disclosure about an employer or a fellow employee, whether or not the person
28 remains in the same employment; and

29 (h) personal declaration by the complainant that the matter
30 complained of, is substantially true.

1 6.-(1) Where a person makes a disclosure orally, the person to
2 whom the disclosure is made shall cause the disclosure to be reduced into
3 writing containing the same particulars as are specified in subsection (2) of
4 section 5 of this Bill.

Reduction of
disclosure into
writing

5 (2) Where the person who makes a disclosure is illiterate, the
6 writing required to be made under subsection (1) shall be read over,
7 interpreted and explained to the person in a language the person understands
8 and the person shall approve of it before making a mark to it and an
9 attestation to this effect shall be reflected on the document.

10 (3) In the case of a person who is blind or with other physical
11 disabilities, but literate, an attestation as required in subsection (2) shall be
12 made with necessary modification.

13 (4) Where a person to whom this disclosure is made, is an illiterate,
14 blind or with other form of disabilities, the written document made under
15 subsection (1) of this section shall be read and interpreted to him.

16 7.-(1) When a disclosure of improper conduct is made to a person
17 specified in section 4, the person shall-

Action by person
who receives
disclosure of
improper conduct

18 (a) make a record of the time and place where the disclosure is
19 made,

20 (b) give to the person who makes a disclosure an
21 acknowledgement in writing of receipt of the disclosure, and

22 (c) keep the documents in which the disclosure is made and the
23 facts therein confidential and in safe custody respectively, pending
24 investigation.

25 (2) Where disclosure is made to the head of a community to which
26 the person who makes a disclosure belongs or head of a recognised religious
27 body, the person may instead of recording the disclosure as required under
28 subsection (1), assist the person to make the disclosure to the police or to
29 some other authority specified in section 4.

Submission of
a copy of written
disclosure to the
Attorney-General

1 **8.**-(1) Where a disclosure is made to a person specified under section
2 4, other than the Attorney-General of the Federation or of a State, the person
3 shall submit a copy of the written disclosure to the Attorney-General of the
4 Federation or of a State within seven working days after receipt of the
5 disclosure.

6 (2) The Attorney General of the Federation or of a State upon the
7 receipt of the written disclosure, shall cause an investigation to be conducted
8 by relevant investigative authorities and report back to him within ninety (90)
9 days.

Investigation

10 **9.**-(1) Where a disclosure is made to a person specified under section
11 4, the person shall refer the disclosure either to the Police, or the Economic and
12 Financial Crimes Commission, or the Independent Corrupt Practices
13 Commission or any such investigative authorities for appropriate
14 investigation.

15 (2) Investigation undertaken in respect of improper conduct shall be
16 carried out as expeditiously as possible and shall in any event be completed
17 within ninety days from the date of receipt of the disclosure or directives to
18 undertake the investigation.

19 (3) A person who undertakes an investigation in respect of an
20 improper conduct and in the course of that investigation conceals, suppresses
21 or compromises evidence whatsoever, commits an offence and is liable on
22 summary conviction to a term of imprisonment of not less than two years.

Application to
court for assistance

23 **10.** Where in the course of an investigation under section 8, it appears
24 to the investigator-

25 (a) that evidence or documents relevant to the investigation are likely
26 to be destroyed, concealed and tampered with or;

27 (b) that a person willing to provide information relevant to the
28 investigation is being subjected to pressure, inducement or intimidation to
29 withhold the information, the investigator may apply to the court for an order to
30 preserve the evidence or documents or to restrain the intimidation of the person

1 willing to provide the information.

2 **11.**-(1) A report on investigation conducted under section 9 of this
3 Bill shall be submitted to the Attorney-General of the Federation or of a
4 State for directives immediately the investigation is completed.

Submission of
report of
investigation to
the Attorney-
General

5 (2) Where the completion of the investigation is delayed beyond
6 the ninety day period specified in subsection (2) of section 9 of this Bill, a
7 report shall be submitted to the Attorney-General of the Federation or of a
8 State stating-

9 (a) the reasons for the delay;

10 (b) measures that are proposed to expedite the investigation; and

11 (c) any further assistance required to complete the investigation.

12 (3) A report of an investigation which is submitted to the Attorney-
13 General of the Federation or of a State shall contain particulars of-

14 (a) the manner in which the investigation was conducted;

15 (b) the names and particulars of persons who provided information
16 in the course of the investigation;

17 (c) facts obtained which either confirm or dispute the truth or
18 accuracy of the information contained in the disclosure and the person who
19 provided the facts;

20 (d) an obstacle encountered in the course of the investigation and
21 the nature of the obstacle; and

22 (e) the recommendations of the investigator.

23 **12.** The Attorney-General of the Federation or of a State may on
24 receipt of a report under subsection (3) of section 11, take the following
25 steps-

Action by the
Attorney-General

26 (a) accept the recommendations contained in the report and act on
27 it;

28 (b) ask for further investigations by the same person or institution
29 that conducted the investigations or by some other person or institution; or

30 (c) reject the report and the recommendations for stated reasons

	1	which shall be communicated to the investigator.
Power to enter premises	2	13. For the purpose of conducting an investigation of a disclosed
	3	matter, the investigator or any officer subject to sections 14 and 15 of this Bill
	4	may at any reasonable time-
	5	(a) enter any premises occupied or used by a public officer or public
	6	body in their capacity as such; and
	7	(b) inspect those premises or anything for the time being in them or on
	8	them.
Powers with search warrant	9	14.-(1) The investigator shall apply to a magistrate for the issuance of
	10	a search warrant in relation to particular premises if the magistrate believes on
	11	reasonable grounds that entry to the premises is necessary for the purpose of an
	12	investigation.
	13	(2) If a magistrate is satisfied by evidence on oath, whether oral or by
	14	affidavit, that there are reasonable grounds to believe that entry is necessary in
	15	accordance with sub-section (1) of this section, the magistrate may issue a
	16	search warrant authorising any person named in the warrant to-
	17	(a) enter and search the premises named or described in the warrant
	18	and inspect the document or thing at those premises mentioned in the warrant in
	19	accordance with subsection (3) of this section;
	20	(b) make a copy of the document, relevant to the investigation; and
	21	(c) take possession of the document or thing that is relevant to the
	22	investigation.
	23	(3) A search warrant issued under this section must state-
	24	(a) the purpose for which the search is required;
	25	(b) any conditions to which the warrant is subject;
	26	(c) whether entry is authorised to be made at any time of the day or
	27	night or during stated hours of the day or night; and
	28	(d) a day, not later than 28 days after the issue of the warrant, on which
	29	the warrant ceases to have effect.
	30	(4) For the avoidance of doubt, this section applies to any premises,

1 whether or not occupied by a public officer or public body.

2 **15.**-(1) On executing a search warrant, the person executing the
3 warrant must announce that he or she is authorised by the warrant to enter
4 the premises;

Procedure for
executing warrants

5 (2) If the occupier is present at a premise where a search warrant is
6 being executed, the person executing the warrant must-

7 (a) identify himself or herself to the occupier; and

8 (b) give the occupier a copy of the warrant.

9 (3) If the occupier is not present at premises where a search warrant
10 is being executed, the person executing the warrant must-

11 (a) identify himself or herself to an adult who is resident or works
12 in the premises; and

13 (b) give that person a copy of the warrant.

14 (4) A person who in the course of executing search warrant, uses
15 excessive force that occasions destruction of properties, shall be liable to
16 pay compensation or damages in the event thereof.

17 **16.**-(1) Any person who-

Obstruction of
Investigation

18 (a) without lawful authority, wilfully obstructs, hinders or resists
19 the investigator in the exercise of his or her powers under this Bill;

20 (b) without lawful authority, refuses to or wilfully fails to comply
21 with any lawful requirement of the investigator under this Bill;

22 (c) makes a statement he or she knows to be false or misleading in
23 any material particular to the investigator in the course of an investigation
24 under this Bill; or

25 (d) knowingly misleads or attempts to mislead the investigator in
26 the course of an investigation under this Bill;

27 commits an offence under this section and is liable on conviction to a fine not
28 exceeding One Hundred Thousand Naira (N100, 000) or to imprisonment
29 for a term of not more than One year or to both.

Person who made
disclosure to be
informed

1 **17.** Upon the receipt of the investigation report, pursuant to section
2 11 of this Bill, the Attorney General of the Federation or of a State shall within a
3 reasonable time, inform the person who made the disclosure, the outcome of
4 the investigation or of other action to be taken.

5 (2) The information may be provided in the manner that the Attorney
6 General of the Federation or of a State thinks fit.

7 (3) The Attorney General of the Federation or of a State may disclose
8 to the person who made the disclosure any additional information that the
9 Attorney General of the Federation or of a State thinks appropriate.

10 PART III - PROTECTION FOR MAKING DISCLOSURE OF

11 IMPROPER CONDUCT

Protection of
Whistle-blower

12 **18.-(1)** A person who makes a disclosure shall not be subjected to
13 victimization by the employer of the person or by a fellow employee or by
14 another person because a disclosure has been made.

15 (2) A person who makes a disclosure shall be considered as having
16 been subjected to victimization if because of making the disclosure-

17 (a) the person, being an employee, is-

18 (i) dismissed;

19 (ii) suspended;

20 (iii) declared redundant;

21 (iv) denied promotion;

22 (v) harassed;

23 (vi) intimidated;

24 (vii) threatened with any of the matters set out in paragraphs (i) to
25 (vii);

26 (viii) subjected to a discriminatory or other adverse measure by the
27 employer or a fellow employee.

28 (b) not being an employee, the person is subjected to discrimination,
29 intimidation or harassment by a person or an institution.

30 (3) A person who makes a disclosure shall not be considered as having

1 been subjected to victimization if the person against whom the complaint is
2 directed has the right in law to take the action complained of and the action
3 taken is shown to be unrelated to the disclosure made:

4 PROVIDED that the onus of proof shall be on the person against
5 whom the complaint is directed to prove that the action complained of was
6 not based on or is a consequence of the disclosure.

7 **19.-(1)** Subject to the provisions of the Public Complaint Reports to National
8 Commission Act, a person who makes a disclosure and reasonably believes Human Rights
9 that he has been subjected to victimization or learns of a likely subsection to Commission
10 victimization because a disclosure has been made, may in the first instance
11 make a complaint to the National Human Rights Commission.

12 (2) A complaint made under subsection (1) of this section shall
13 contain the following particulars-

14 (a) the name, description and address of the person;

(b) the name, description and address of the person's employer or of any other person who the person claims has subjected the person to victimization or might subject the person to victimization, and

18 (c) the specific acts complained of as constituting victimization.

19 **20.-(1)** The Commission shall, on receipt of a complaint, conduct
20 an enquiry into the complaint at which the person who makes a disclosure
21 and the person against whom the complaint is made shall be heard.

Action by the
National Human
Rights Commission
and enforcement
of its orders

(2) The Commission in the course of conducting an enquiry under subsection (1) of this section may make an interim award(s) or recommendation(s) that it considers fit.

(3) After hearing the parties and other persons considered necessary by the Commission, the Commission shall make awards or recommendations, which it considers just in the circumstances including awards or recommendations for-

29 (a) reinstatement;

30 (b) reversal of a transfer; or

	1	(c) transfer of the person who makes a disclosure to another
	2	establishment where applicable.
	3	(4) The Commission may, where it considers it just in the
	4	circumstances of the case, make an order for payment of reward in accordance
	5	with the principles set out in section 38.
	6	(5) Except an application for review is made to the court, an award or
	7	recommendation made by the Commission shall be binding.
	8	(6) The powers conferred on the Commission under this Bill are in
	9	addition to the powers exercisable by the Commission under the National
	10	Human Rights Commission Act or any other Law.
Right of action for victimization	11	21. A person who makes a disclosure and is subjected to
	12	victimization as a result of the disclosure may bring an action in the Federal
	13	High Court, High Court of a State or of the Federal Capital Territory to claim
	14	damages or other appropriate reliefs, to which the person may be entitled to,
	15	except that an action shall not be commenced in a court unless the complaint
	16	has first been submitted to the Commission under section 19.
Legal assistance	17	22. Where the Commission in the course of an inquiry or hearing
	18	before it under section 20, is of the opinion that the person who makes a
	19	disclosure is in need of legal assistance, the Commission shall issue a
	20	certificate to the person to obtain legal aid from the Legal Aid Council of
	21	Nigeria or another institution that the Commission may specify in the
	22	certificate.
Police protection	23	23.-(1) A person who makes a disclosure and who has reasonable
	24	cause to believe that-
	25	(a) his life or property;
	26	(b) the life or property of a member of the person's family is
	27	endangered or likely to be endangered as a result of the disclosure, may request
	28	police protection and the police shall provide the protection considered
	29	adequate.
	30	(2) Notwithstanding subsection (1) of this section, the Commission or

1 the Attorney-General of the Federation or of a State as appropriate may in
2 relation to a disclosure of improper conduct made or about to be made direct
3 that the person who has made or is about to make the disclosure and the
4 person's family be given police protection.

5 (3) "Family" for the purposes of this section means spouse, father,
6 mother, child, grandchild, brother, sister and dependant.

7 **24.**-(1) Notwithstanding anything to the contrary in this Bill, a Liability of a
person making
Disclosure
8 person's liability for his conduct is not affected by the person's disclosure of
9 that conduct under this Act.

10 (2) A disclosure of information is not a protected disclosure if the
11 person making the disclosure commits an offence by making it.

12 **25.**-(1) A person who takes detrimental action against a person in Protection from
reprisal
13 reprisal for a protected disclosure commits an offence and is liable on
14 conviction to a fine not exceeding Three Hundred Thousand Naira
15 (N300,000) or to imprisonment for a term of not more than Two years or to
16 both.

17 (2) A person takes detrimental action in reprisal for a protected
18 disclosure if-

19 (a) the person takes or threatens to take the action because-

20 (i) a person has made, or intends to make, a protected disclosure; or

21 (ii) the person believes that a person has made or intends to make
22 the protected disclosure; or

23 (b) the person incites or permits another person to take or threaten
24 to take the action for either of those reasons.

25 (3) In determining whether a person takes detrimental action in
26 reprisal it is irrelevant whether or not a reason referred to in sub-section (2)
27 is the only or dominant reason as long as it is a substantial reason.

28 **26.**-(1) A person who takes detrimental action against a person in Proceedings for
damages for
reprisal
29 reprisal for a protected disclosure is liable in damages to that person.

30 (2) The damages may be recovered in proceedings in an action in

1 tort in any court of competent jurisdiction.

2 (3)The right of a person to bring proceedings for damages does not
3 affect any other right or remedy available to the person arising from the
4 detrimental action.

Void employment
contracts

5 **27.-(1)** From the commencement of this Bill, any provision in a
6 contract of employment or other agreement between an employer and an
7 employee is void if it-

8 (a) seeks to prevent the employee from making a disclosure of
9 improper conduct;

10 (b) has the effect of discouraging an employee from making a
11 disclosure of improper conduct;

12 (c) precludes the employee from making a complaint in respect of
13 victimization; or

14 (d) prevents an employee from bringing an action in court or before
15 an institution to claim relief or remedy in respect of victimization.

16 (2) Subsection (1) of this section, shall also apply to a contract of
17 employment or agreement in existence on the commencement of this Bill.

Application for
injunction or
order

18 **28.** A person who believes that detrimental action has been taken or
19 may be taken against him or her in reprisal for a protected disclosure may apply
20 to the Federal High Court, High Court of a State or of the Federal Capital
21 Territory for-

22 (a) an order requiring the person who has taken the detrimental action
23 to remedy that action; or

24 (b) an injunction to restrain the person who has taken detrimental
25 action

Injunction or
order

26 **29.** If, on receipt of an application under section 28 of this Bill, the
27 Federal High Court, High Court of a State or of the Federal Capital Territory, is
28 satisfied that a person has taken or intends to take detrimental action against a
29 person in reprisal for a protected disclosure, the Court may-

1 (a) order the person who took the detrimental action to remedy that
2 action; or

3 (b) grant an injunction in any terms the Court considers
4 appropriate.

5 **30.** Where a person to whom the disclosure is made fails to keep
6 confidential the disclosure, the person commits an offence and is liable on
7 conviction to a fine of N1,000,000 Naira or to a term of imprisonment of
8 three years or to both.

Disclosure of
Confidential
Information

9 **31.**-(1) If a person makes a disclosure to the Attorney General of
10 the Federation or of a State in accordance with section 2 of this Bill the
11 Attorney General of the Federation or of a State shall, within a reasonable
12 time after receiving the disclosure, determine whether the disclosure is a
13 public interest disclosure.

Determination of
disclosure as public
interest disclosure

14 (2) In making a determination under sub-section (1) of this section,
15 Attorney General of the Federation or of a State shall be satisfied that the
16 disclosure shows or tends to show that a public officer or public body-

17 (a) has engaged, is engaging or proposes to engage in improper
18 conduct in their capacity as a public officer or public body; or

19 (b) has taken, is taking or proposes to take detrimental action in
20 contravention of section 26.

21 **32.** The Attorney General of the Federation or of a State shall,
22 within a reasonable time, notify the person who made the disclosure of the
23 determination under section 31 of this Bill.

Notice of
determination

24 **33.**-(1) A person whose disclosure results in the recovery of an
25 amount of money or property shall be rewarded from the amount so
26 recovered with-

Reward on
recovery of money
or property

27 (a) 1.5 percent of the amount of money recovered if the amount is
28 less than One Billion Naira.

29 (b) 1 percent of the amount of money recovered if the amount is
30 above One Billion Naira.

1 (c) 1 percent of the monetary value of the property, whether moveable
2 or immovable.

3 (2) For the purpose of payment of reward as prescribed in section 38
4 the Minister of Finance shall pay upon the recommendation of the Attorney
5 General of the Federation, States and Federal Capital Territory.

6 (3) The Attorney General of the Federation in consultation with the
7 Board shall determine the quantum of the amount recovered from which
8 payment is to be made.

9 (4) Notwithstanding the provisions of subsection (1) of this section, a
10 person whose disclosure of improper conduct does not result in the recovery of
11 money or property, or saving of life but in the prevention of or conviction for an
12 act of improper conduct may be rewarded in a manner as may be determined by
13 the Attorney-General of the Federation or of a State.

Annual report

14 **34.**-(1) The Attorney General of the Federation shall prepare a
15 consolidated annual report of the performance of its activities and forward
16 same to each House of the National Assembly, setting out the-

17 (a) number of disclosures received and the number acted upon and not
18 acted upon;

19 (b) number of investigations commenced under this Bill;

20 (c) description and location of property and amount of money
21 recovered and from whom; and

22 (d) the aggregate amount of reward paid out in pursuant to section 38.

23 (2) The Attorney General shall submit the Annual Report to the
24 National Assembly on or before April 1 of each calendar year.

Regulations

25 **35.**-(1) The Attorney-General of the Federation may subject to the
26 provisions of this Bill, make Regulations of a general nature, for the purposes
27 of giving effect to the provisions of this Bill.

28 (2) Without prejudice to the generality of the provisions of subsection
29 (1) of this section, the Attorney of the Federation or of a State may make
30 regulations for-

1 (a) further disclosure procedures;
2 (b) categories and nature of disclosures that may be referred to any
3 of the persons or bodies described in section 4 (1) (a) of this Bill, for
4 appropriate action;
5 (c) other persons to whom disclosures may be made;
6 (d) the development and promotion of such processes and devices
7 for protecting useful information and for providing other means of physical
8 protection for an employee and members of his family who makes any
9 useful disclosure of information from any harm or reprisal; and
10 (e) measures, generally for the effective implementation of this
11 Bill.

12 (3) For the avoidance of doubt, regulations made under this Bill,
13 shall not be published in the Federal Government Gazette, unless approved
14 by the National Assembly.

15 **36.-(1)** Notwithstanding any contrary provision in this Bill, where Penalty
16 a person-

17 (a) to whom a disclosure is made fails to keep confidential the
18 disclosure, the person commits an offence and is liable on conviction to a
19 fine of not more than N1,000,000 or to a term of imprisonment of not more
20 than Three years or to both;

21 (b) who undertakes an investigation in respect of an improper
22 conduct and in the course of that investigation, conceals or suppresses
23 evidence, commits an offence and is liable on summary conviction to a term
24 of imprisonment of not less than two years;

25 (c) any person who undertakes the duty to recover any amount or
26 property in pursuance to disclosure, refuses to or neglects to make full
27 disclosure or willfully makes inaccurate disclosure of any amount
28 recovered, shall be guilty of an offence and upon conviction shall be liable to
29 imprisonment for a term of three years without an option of fine.

30 (2) A person who makes a disclosure which is false commits an

Interpretation

1 offence and is liable on summary conviction to a term of imprisonment of not
2 less than 5 years or to a fine of not less than 10 Million Naira.

3 **37. In this Bill-**

4 "Commission" means the National Human Rights Commission;

5 "detrimental action" includes-

6 (a) action causing injury, loss or damage;

7 (b) intimidation or harassment; and

8 (c) discrimination, disadvantage or adverse treatment in relation to a
9 person's employment, career, profession, trade or business, including the
10 taking of disciplinary action;

11 "disclosure" means any disclosure or information, regarding any unlawful or
12 improper conduct, made by any person who has reason to believe that the said
13 information shows or tends to portray one or more of the nature and extent of
14 improper conduct under section 2 of this Bill;

15 "economic and financial crime" means the non-violent criminal and illicit
16 activity committed with the objectives of earning wealth illegally either
17 individually or in a group or organised manner thereby violating existing
18 legislation governing the economic activities of government and its
19 administration and includes any form of fraud, narcotic drug trafficking,
20 money laundering, embezzlement, bribery, and any form of corrupt
21 malpractices, illegal arms deal, smuggling, human trafficking and child labour,
22 illegal oil bunkering and illegal mining, tax evasion, foreign exchange
23 malpractices including counterfeiting of currency, theft of intellectual property
24 and piracy, open market abuse, dumping of toxic wastes and prohibited goods,
25 etc;

26 "employee" means a person who works for another person, company or
27 organization or for the Federation and who is paid or entitled to be paid for the
28 services rendered but does not include an independent contractor;

29 "employer" includes an individual, a body corporate or incorporate of the
30 Federation who or which engages the services of or provides work for any other

1 person and pays for the services, and a person acting on behalf of or on the
2 authority of the employer;
3 "Federation" means the Federal Republic of Nigeria;
4 "head of community" means a person, who is validly nominated, elected or
5 selected or installed as a chief in accordance with the relevant customary law
6 and usage of the community;
7 "improper conduct" is as defined in section 2 of this Bill;
8 "person" includes an individual, a body of persons, an institution or a
9 corporation;
10 "protected disclosure" has the meaning given to it by Sections 3 and 4 of this
11 Bill;
12 "religious body" means an association, a body or organization which
13 professes adherence to a belief in a system of faith or worship or which is
14 established in pursuance of a religious objective;
15 "reward" includes a sum of money payable from recovery to a person who
16 makes a disclosure in accordance with this Bill; and
17 "victimization" means acts which fall within the matters specified in
18 subsection (2) of section 18 of this Bill.

19 **38.** This Bill may be cited as the Whistle Blower Protection Bill, Short title
20 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the manner in which individuals may in the public interest disclose information that relates to unlawful or other illegal conduct or corrupt practices of others; to provide for the protection against victimization of persons who makes these disclosures; to provide for a fund to reward individuals who makes the disclosures.

DIGITAL RIGHTS AND FREEDOM BILL, 2019

ARRANGEMENT OF SECTIONS

Section:

PART I - PRELIMINARY

1. Objectives
2. Application

PART II- FUNDAMENTAL RIGHTS AND FREEDOMS

3. Right to digital privacy
4. Anonymity
5. Freedom of expression online
6. Freedom of expression of opinion online
7. Freedom of information online
8. Right to peaceful assembly and association online
9. Freedom to learn
10. Protection of privacy of students and learners
11. Right to create public knowledge
12. E-governance and financial transparency

PART III - OFFENCES AND PENALTIES

13. Pedagogical transparency

PART IV - JURISDICTION AND ENFORCEMENT OF VICTIMS' RIGHTS

14. Defences
15. Jurisdiction
16. Enforcement

PART V - MISCELLANEOUS

17. Regulations
18. Interpretation
19. Citation

A BILL

FOR

AN ACT TO PROVIDE FOR THE PROTECTION OF HUMAN RIGHTS ONLINE,
TO PROTECT INTERNET USERS IN NIGERIA FROM INFRINGEMENT OF THEIR
FUNDAMENTAL FREEDOMS AND TO GUARANTEE APPLICATION OF HUMAN
RIGHTS FOR USERS OF DIGITAL PLATFORMS AND/OR DIGITAL MEDIA AND
FOR RELATED MATTERS, 2019

Sponsored by Hon. Mohammed Tahir Monguno

[] Commencement

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

1 PART I - PRELIMINARY

2 1. The Objectives of this Bill are to: Objectives

3 (a) promote the freedoms of expression assembly and association
4 online;

5 (b) guarantee the fundamental privacy rights of citizens in the use,
6 development and deployment of security-related technologies.

7 (c) affirm the freedom of citizens and their constitutional right to
8 communicate freely without fear of undue monitoring and interference.

9 (d) accord data privacy more priority in the digital age;

10 (e) guarantee application of the human rights which apply offline
11 within the digital environment and online;

12 (f) provide sufficient safeguards against abuse and provide
13 opportunities for redress where infringement occurs;

14 (g) safeguard the digital liberty of Nigerians, now and in the future;

15 (h) seek to guarantee the inviolability of communications, except
16 by order of Court obtained in accordance with the due process of Law; and

17 (i) equip the judiciary with the necessary legal framework to
18 protect human rights online.

Application	1	2. The provisions of this Bill shall apply throughout the Federal
	2	Republic of Nigeria.
	3	PART II - FUNDAMENTAL RIGHTS AND FREEDOMS
Right to digital privacy	4	3.-(1) Unlawful, unauthorized and undue interference with the online
	5	privacy of any person, is prohibited under this Bill.
	6	(2) Except the context otherwise provides, the Rule of Confidentiality
	7	shall apply to the entire provisions of this Bill.
	8	(3) Every person shall be entitled to the ownership of online content
	9	created by themselves or their agents, and shall be responsible for them.
	10	(4) The digital assets or data sets of an owner such as passwords,
	11	instructive memos, digital contracts, digital receipts, pictures, medical
	12	information, bank accounts, writings, social interactions or anything else that a
	13	user has access to primarily in the digital space is inheritable to be managed and
	14	owned by his heirs or next of kin.
	15	(5) Service providers shall strictly protect the privacy rights of owners
	16	against violation by third parties and by the service providers themselves or
	17	their agents howsoever; the occurrence of which shall give rise to
	18	compensation as shall be determined by the court having due regard to the
	19	extent of damage.
	20	(6) Every person is guaranteed the confidentiality of his personal
	21	data.
	22	(7) The integrity and confidentiality of personal data and information
	23	of citizens is inviolable and therefore guaranteed.
	24	(8) Requests for private data shall follow legally stipulated
	25	procedures and Court warrants shall be necessary in order for an intermediary
	26	to honour a request for private data, which request shall be reported to the
	27	concerned individual.
	28	(9) Every private entity in Nigeria holding citizen data - personal
	29	details of private individuals - shall publish in publicly accessible legacy and

1 digital media platforms detailing the nature and frequency of government
2 requests.

3 (9) All entities that collect, store and/or process personal data in the
4 course of their activities shall have data privacy policies that are readily and
5 easily accessible to the public.

6 (10) Under certain exceptional situations where the State may limit
7 the right to privacy for the purposes of administration of criminal justice or
8 prevention of crime, such measures shall be in compliance with provisions
9 of the Constitution of the Federal Republic of Nigeria and this Law with
10 adequate safeguards against abuse.

11 (11) Measures referred to in sub-clause (10) include ensuring that
12 any measure to limit the right to privacy is taken on the basis of a specific
13 decision by a government agency expressly empowered by law to do so, and
14 shall respect the principles of necessity and proportionality.

15 4.-(1) Every person may access the internet and communicate Anonymity
16 electronically using instruments, including technical systems, which protect
17 their anonymity and prevent the collection of personal data, in particular
18 with a view to exercising civil and political freedoms without being subject
19 to discrimination or censorship.

20 (2) Restriction may be imposed only when they are based on the
21 need to safeguard a major public interest and are necessary, proportional and
22 grounded in law and in accordance with the basic features of a democratic
23 society.

24 (3) In the event of violations of the dignity and fundamental rights
25 of any person, as well as in other cases provided for by the law, the courts
26 may require the identification of the author of a communication with a
27 reasoned order.

28 5.-(1) The right to opinion and expression on the Internet shall not Freedom of
29 be subject to any restrictions, save as provided for under the 1999 expression online
30 Constitution of the Federal Republic of Nigeria (as amended), the Freedom

Freedom of
expression of
opinion online

1 of Information Act, 2011, and other relevant legislations.

2 **6.-(1)** Every person shall have the right to freely express opinion
3 online without interference, this right includes the freedom to seek, receive and
4 impart information and ideas, regardless of digital frontiers.

5 (2) Under this Bill, freedom of expression further includes the
6 freedom to express and impart information and ideas of all kinds that can be
7 transmitted to others, in whatever form, and regardless of media. Information
8 or ideas that may be regarded as critical or controversial by the government, its
9 agencies or by a majority of the population, including ideas or views that may
10 "shock, offend or disturb" are also covered by the right to impart information
11 and ideas of all kinds through any media and regardless of frontiers.

12 (3) Means of expression shall include books, newspapers, pamphlets,
13 posters and banners in digital format or online, as well as all forms of audio-
14 visual, electronic and internet-based modes of expression.

15 (4) The right to freedom of expression includes the right to seek and
16 receive information through the use of the Internet.

17 (5) The government shall not use or compel intermediaries to
18 undertake censorship on its behalf and intermediaries shall not be required to
19 prevent, hide or block content or disclose information about Internet users, or
20 to remove access to user generated content, including those that infringe
21 copyright laws, without the leave of court.

22 (6) The decision of intermediaries which has the tendency to affect the
23 interest of a user shall be made taking into account the need to protect
24 expression that is legitimate.

25 (7) Professional journalists, bloggers as well as citizen journalists and
26 others who contribute to shaping public debate and public opinion on the
27 Internet shall be recognized as agents of the larger society who enable the
28 formation of opinions, ideas, decision-making and democracy.

29 (8) Inconsistent and abusive application of legislation shall not be
30 used to censor criticism and debate concerning public issues and to foster a

1 climate of fear and self-censorship among media actors and the public at
2 large.

3 (9) The abuse of the freedom of expression under the guise of
4 protection of national security is prohibited. Consequently the state shall
5 balance the need by ensuring that anti-terrorism laws, treason laws or
6 similar provisions relating to national security conform with the
7 Constitution of the Federal Republic of Nigeria and the rule of law.

8 (10) The right to freedom of expression on the Internet shall not be
9 subject to any restrictions, except those which are provided by law, for a
10 legitimate purpose and necessary and proportionate in a democratic society

11 (11) Any restriction on freedom of expression must be provided by
12 law, and shall only be imposed for the grounds set out in the Constitution of
13 the Federal Republic of Nigeria, and shall be, as a matter of obligation, in
14 conformity to the strict tests of necessity and proportionality.

15 (12) No restriction on freedom of expression on the ground of
16 protection of the rights of others, including copyright, may be imposed
17 unless the State can demonstrate that the restriction is prescribed by law and
18 is necessary in a democratic society to protect those interests. The burden of
19 demonstrating the validity of the restriction rests with the State or the
20 copyright holder.

21 Provided that-

22 (a) "prescribed by law" means that the law must be accessible,
23 unambiguous, drawn narrowly and with sufficient precision so as to enable
24 individuals to foresee whether a particular action is unlawful;

25 (b) this Bill is premised on the rule of law and thus provides for
26 prompt, full and effective scrutiny of the validity of the restriction by an
27 independent court, tribunal or other independent adjudicatory body;

28 (c) any restriction on freedom of expression that the State seeks to
29 justify on grounds of protection of copyright interests must have the genuine
30 purpose and demonstrable effect, on the basis of independent evidence, of

- 1 protecting the ends that copyright seeks to achieve;
- 2 (d) disconnection from access to the Internet on grounds of copyright
3 is always a disproportionate restriction on the right to freedom of expression;
- 4 (e) filtering, blocking, removal and other technical or legal limits on
5 access to content are serious restrictions on freedom of expression and can only
6 be justified if they strictly comply with the Constitution of the Federal
7 Republic of Nigeria, the Rule of Law, and other human rights instruments
8 which Nigeria is party to, relating to limitations and due process;
- 9 (f) website blocking on grounds of copyright protection shall be
10 considered a disproportionate restriction on freedom of expression because of
11 associated risks of over-blocking and the general lack of effectiveness of this
12 measure;
- 13 (g) Insofar as website blocking may already be permitted by law, this
14 measure shall only be imposed by courts or other independent adjudicatory
15 bodies. In determining the scope of any blocking order, the courts or
16 adjudicatory bodies shall address themselves to the following-
- 17 (i) any blocking order shall be as targeted as possible;
- 18 (ii) no blocking order should be granted unless the rights holder
19 seeking the order has established copyright in the works which are said to be
20 unlawfully accessed;
- 21 (iii) no blocking injunction should be granted beyond the works in
22 which copyright has been established by the rights holders;
- 23 (iv) whether the blocking order is the least restrictive means available
24 to bring an end to individual acts of infringement including an assessment of
25 any adverse impact on the right to freedom of expression;
- 26 (v) whether access to other non-infringing material will be impeded
27 and if so to what extent, bearing in mind that in principle, non-infringing
28 content should never be blocked;
- 29 (vi) the overall effectiveness of the measure and the risks of over-
30 blocking;

- 1 (vii) whether the blocking order should be of limited duration;
- 2 (viii) website blocking orders to prevent future copyright
- 3 infringements are a form of prior censorship and as such are a
- 4 disproportionate restriction on freedom of expression.
- 5 (h) a restriction on freedom of expression is proportionate in a
- 6 democratic Nigeria only if-
- 7 (i) it is the least restrictive means available for protecting that
- 8 interest; and
- 9 (ii) the restriction is compatible with democratic principles.
- 10 (i) protection of national security or countering
- 11 terrorism/insurgency cannot be used to justify restricting the right to
- 12 expression unless it can be demonstrated that-
- 13 (i) the expression is intended to incite imminent violence;
- 14 (ii) it is likely to incite such violence; and
- 15 (iii) there is a direct and immediate connection between the
- 16 expression and the likelihood or occurrence of such violence.
- 17 (j) knowingly submitting a court application for blocking of
- 18 content without copyright should be penalized and those harmed by such
- 19 applications shall be compensated, the amount of which shall be determined
- 20 by the court. The same applies to over broad and negligent blocking
- 21 applications;
- 22 (k) any restriction that prevents the flow of information online
- 23 shall be in line with permissible limitations as set out in the Constitution of
- 24 the Federal Republic of Nigeria and other human rights instruments which
- 25 Nigeria is signatory to;
- 26 (l) independence for both public and private media, fair and
- 27 independent media markets shall be held as essential for exercising the right
- 28 to free expression.
- 29 (13) Any speech, gesture or conduct, writing, or display capable of
- 30 inciting violence or prejudicial action against or by a protected individual or

1 group, by disparaging or intimidating a protected individual or group on the
2 basis of attributes such as gender, ethnic origin, religion, race, disability, or
3 sexual orientation, amounts to hate speech and is forbidden.

4 (14) Hate Speech on social media or other online platforms which
5 incites violence, hatred or discrimination against individuals or groups
6 identified by a specific set of characteristics are prohibited.

7 (15) Government concerns about hate speech shall not be abused to
8 discourage citizens from engaging in legitimate democratic debate on matters
9 of general interest.

10 (16) It shall be the duty of the courts to make a distinction between, on
11 the one hand, genuine and serious incitement to extremism and, on the other
12 hand, the right of individuals (including journalists and politicians) to express
13 their views freely and to "offend, shock or disturb" as a way of combating
14 certain forms and expressions of hate speech.

15 (17) Censorship on the Internet, which usually takes the form of laws
16 or measures allowing for the total or partial banning of certain web pages and in
17 certain extreme circumstances, where the State resorts to the complete
18 disconnection of the Internet network, thus isolating a whole region from the
19 rest of the country and the world at large, is a violation of the freedom of
20 expression.

21 (18) The jamming of wireless signals, another means of censorship
22 which deprives individuals of their right to freedom of opinion and expression,
23 is prohibited.

24 (19) The state shall not unduly restrict, control, manipulate and censor
25 content disseminated via the Internet without any legal basis, or on the basis of
26 broad and ambiguous laws, without justifying the purpose of such actions;
27 and/or in a manner that is clearly unnecessary and/or disproportionate to
28 achieving the intended aim.

29 (20) All provisions in legislations, regulations, guidelines and all
30 forms of subsidiary legislations which seek to limit the right to freedom of

1 expression of citizens shall be:

2 (a) clear, precise, accessible and foreseeable;

3 (b) applied by an independent body in a manner that is not arbitrary
4 or discriminatory; and

5 (c) effectively safeguards against abuse including through the
6 provision of a right of appeal to the Courts.

7 (21) Any individual or institution who believes an expression or
8 series of expression online or on any digital platform constitute defamation
9 of the character of the individual or institution shall seek remedy under civil
10 law and shall not use state authority, resources or systems to intimidate,
11 harass or oppress the alleged defamer

12 (22) Where a conflict arises between the principles contained in
13 this Bill and any domestic, regional or international human rights standards,
14 the most favourable provision for the full exercise of the right to freedom of
15 expression and the right of access to information shall take precedence.

16 7.-(1) The use and re-use of government held data and information
17 shall be available free of charge wherever practical, and if not, charging shall
18 be transparent, reasonable, the same for all users, and not designed as a
19 barrier to the use or reuse of the data.

Freedom of
information online

20 (2) The existing obligation on public bodies to share all
21 information produced with the support of public funds in terms of sub-
22 clause (1), subject only to clearly defined rules set out in law, as established
23 by the Declaration of Principles on Freedom of Expression in Africa, shall
24 extend to the proactive release of such information on the World Wide Web
25 in openly licensed, freely re-useable formats.

26 (3) Copyrighted materials held by public bodies shall be licensed
27 for re-use in accordance with relevant access to information laws and
28 licensing frameworks.

29 (4) The right of citizens to access the Internet for the purposes of
30 information gathering or sharing, conducting business and/or expressing

1 personal opinion is hereby guaranteed; it shall be illegal for government or any
2 entity to deny or censor access to the Internet without providing adequate and
3 acceptable reasons.

4 (5) The duty in terms of sub-clause (2) presupposes providing access
5 to particularly rural areas and the urban poor where Internet penetration is low
6 or nonexistent, lack of technological availability, slower Internet connection,
7 and/or higher costs.

8 (6) Priority shall be accorded to persons with disabilities and persons
9 belonging to minority groups, who often face barriers to accessing the Internet
10 in a way that is meaningful, relevant and useful to them in their daily lives.

11 (7) Where the infrastructure for Internet access is present, the
12 government shall support initiatives to ensure that online information can be
13 accessed in a meaningful way by all sectors of the population, including
14 persons with disabilities and persons belonging to linguistic minorities.

15 (8) Interference which may arise out of abusive, opportunistic or
16 discriminatory (variable geometry) application of various laws, interference
17 with privately operated Internet based platforms or applications, are
18 prohibited.

19 (9) Blocking, which refers to measures taken to prevent certain
20 content from reaching an end-user, or extensive filtering systems that block
21 access to websites containing key terms includes preventing users from
22 accessing specific websites, Internet Protocol (IP) addresses, domain name
23 extensions, the taking down of websites from the web server where they are
24 hosted, or using filtering technologies to exclude pages containing keywords
25 or other specific content from appearing. The arbitrary act of blocking access to
26 certain digital media such as the social network is prohibited.

27 (10) Unlawful, unauthorised and undue restriction on media freedom
28 and pluralism which hinders the freedom to receive and impart information,
29 diminishes media's ability to act as a public watchdog holding power to
30 account, and which in turn undermines both public trust in the media and the

1 exercise of democracy itself, is prohibited.

2 (11) Illegitimate types of information which may be restricted
3 include child pornography (to protect the rights of children), hate speech (to
4 protect the rights of affected communities), defamation (to protect the rights
5 and reputation of others against unwarranted attacks), direct and public
6 incitement to commit genocide (to protect the rights of others), and
7 advocacy of national, racial or religious hatred that constitutes incitement to
8 discrimination, hostility or violence (to protect the rights of others, such as
9 the right to life).

10 (12) Notwithstanding these provisions, the relevant laws shall
11 apply in cases where the content infringes on the rights of another citizen.

12 **8.-(1)** Everyone shall have the right to peaceful assembly and
13 association online, including through social networks and platforms.

Right to peaceful
assembly and
association online

14 (2) Organisers and participants of peaceful assemblies have the
15 right to access the Internet and other new technologies at all times, without
16 interference except those which are provided by law, for a legitimate
17 purpose and necessary and proportionate in a democratic society, as
18 consistent with the Constitution of the Federal Republic of Nigeria and
19 human rights instruments which Nigeria is a signatory to.

20 (3) The freedom of assembly and association as guaranteed by
21 section 40 of the 1999 constitution of the Federal Republic of Nigeria (as
22 amended) shall apply to every Internet activity.

23 (4) Social and economic openness, to support innovation and guard
24 against monopolies, is hereby protected.

25 (5) All data on the Internet shall be treated in an equal and non-
26 discriminatory manner, and shall not be charged differentially, according to
27 user, content, site, platform, application, type of attached equipment, and
28 modes of communication or any other consideration whatsoever.

29 (6) There shall be no special privileges for, or obstacles against, the
30 exchange of information online or any party or content on economic, social,

1 cultural, or political grounds.

2 (7) Nothing in this clause may be interpreted as preventing
3 affirmative action aimed at ensuring substantive equality for marginalised
4 peoples or groups.

Freedom to learn

5 9.-(1) Every person shall have the right to learn: traditional students,
6 non-traditional students, adults, children, and teachers, independent of age,
7 gender, race, social status, sexual orientation, economic status, state of origin,
8 religion, bodily ability, and environment anywhere and everywhere in Nigeria.

9 (2) It shall be the fundamental principle and practice of government
10 agencies responsible for educational policymaking to include compulsory
11 Internet literacy skills in school curricula, and support similar learning
12 modules outside of schools.

13 (3) In addition to basic skills training, modules shall clarify the
14 benefits of accessing information online, and of responsibly contributing
15 information.

16 (4) The education in terms of sub-clause (2) shall also be directed
17 towards helping individuals learn how to protect themselves against harmful
18 content, and explain the potential consequences of revealing private
19 information on the Internet.

20 (5) Online learning, which has the potential to ensure that the right to
21 education is a reality for a greater percentage of the nation's population, shall be
22 promoted to give universal access to learning.

23 (6) To ensure the right to access, learning shall be affordable and
24 available, offered in myriad formats, to students located in a specific place and
25 students working remotely, adapting itself to Freedom of Assembly and
26 Association Online Net Neutrality people's different lifestyles, mobility needs,
27 and schedules.

28 (7) Media and information literacy shall be promoted to enable all
29 people to access, interpret and make informed judgments as users of
30 information, as well as to create information.

1 (8) Accordingly, flowing from sub-clause 7, media and
2 information literacy programmes shall be instituted in schools and in other
3 public institutions, wherein practical school children, and other learners,
4 shall have access to Internet enabled devices.

5 (9) It shall be the duty of Government at all levels to ensure that
6 people with disabilities have equal access to knowledge.

7 (10) The lack of copyright exceptions benefiting people with
8 sensory impairments constitute a breach of their rights to freedom of
9 expression, private life and their right to participate in cultural life. Equal
10 access to knowledge by people of all languages and levels of literacy shall be
11 promoted.

12 (11) The lack of copyright exceptions benefiting minority
13 language speakers and persons with low literacy levels undermines their
14 rights to freedom of expression, private life and their right to participate in
15 cultural life.

16 **10.-** (1) Student privacy shall be protected as an inalienable right
17 regardless of where learning takes place.

Protection of
privacy of students
and learners

18 (2) Students and other learners have a right to know how data
19 collected about their participation in the online system will be used by the
20 organization and made available to others.

21 (3) The provider shall offer clear explanations of the privacy
22 implications of students' choices.

23 (4) Learners within a global, digital commons shall have the right
24 to work, network, and contribute to knowledge in public; to share their ideas
25 and their learning in visible and connected ways if they so choose.

26 (5) Courses offered shall encourage open participation and
27 meaningful engagement with real audiences where possible, including
28 peers and the broader public.

29 (6) Online students also have the right to create and own

1 intellectual property and data associated with their participation in online
2 courses.

3 (7) Online programs shall encourage openness and sharing, while
4 working to educate students about the various ways they can protect and
5 license their data and creative work.

6 (8) Any changes in terms of service shall be clearly communicated by
7 the provider, and they shall never erode the original terms of privacy or the
8 intellectual property rights to which the student agreed.

9 (9) Students shall have the right to know how their participation
10 supports the financial health of the online system in which they are
11 participating.

12 (10) They shall have the right to fairness, honesty, and transparent
13 financial accounting. This is also true of courses that are "free".

14 *Right to Education Online*

15 (11) The provider shall offer clear explanations of the financial
16 implications of students' choices.

17 (12) Students shall have the right to understand the intended
18 outcomes-educational, vocational, even philosophical of an online program or
19 initiative.

Right to create
public knowledge

20 **11.**-(1) If a credential or badge or certification is promised by the
21 provider, its authenticity, meaning, and intended or historical recognition by
22 others - such as employers or academic institutions) shall be clearly established
23 and explained.

24 (2) Research capacity and appropriate human resource development
25 in the field of ICT skills shall be promoted with a view to-

26 (a) introduce and extend e-Learning in institutions of learning;

27 (b) promote development of specialist/expert capacity in ICT;

28 (c) promote Digital Literacy;

29 (d) promote ICT for Education;

30 (e) accelerate Knowledge Development and Management;

1 (f) encourage the utilization of ICT across all socio-economic
2 sectors in Nigeria;

3 (g) increase research and development capacity in ICT sectors; and

4 (h) harness skills and expertise of Nigerians in Diaspora in ICT
5 development.

6 (3) Education and innovation are interrelated drivers of
7 development, which shall be facilitated by ICTs, access to knowledge and
8 education.

9 (4) Teacher professional development, digital learning resources,
10 affordable technologies, education management information systems and
11 National Research and Education Networks shall be accorded priority.

12 (5) Teachers' capacity in ICT shall be enhanced, as effective
13 integration of technology into teaching and learning requires well qualified
14 educators, a clear focus on equipping teachers with ICT literacy skills and
15 support for teachers to use skills and technology in teaching and learning
16 online.

17 (6) Educators and students shall access learning materials and
18 collaboration platforms at affordable rates as more functional, low-cost
19 devices become available.

20 (7) Broadband access shall be made commonly available as
21 connectivity is crucial for accessing resources, and requires continued focus
22 on competitive broadband access using suitable technologies - wired and
23 wireless, and national collaborative networks.

24 (8) Access to content shall be improved by open educational
25 resources, which can be copied and adapted without licence fees.

26 **12.-(1)** An open, modernised e-governance system enabled by
27 free-flow and access to information and the manner which citizens and
28 businesses interact with government representatives and other agents of the
29 state shall be pursued vigorously.

E-governance
and financial
transparency

30 (2) Governments shall recognised the power of social media and

1 use it to democratic advantage, in particular to reinforce democratic processes,
2 drive efficiency, foster innovation, empower public sector workers and expose
3 corruption.

4 (3) An effective e-governance service delivery system shall be
5 pursued by the establishment of accurate, effective and efficient national
6 identification systems, incorporating technology that reduces fraud and
7 identity theft.

8 PART III - OFFENCES AND PENALTIES

9 *General Offences and Penalties*

Pedagogical
transparency

10 **13.**-(1) Any person, who, intentionally and without authorisation or in
11 excess of authority, commits an offence contrary to the provisions of clause 3
12 (1) of this Bill, shall upon conviction be liable to five years imprisonment with
13 an option of a fine not less than the sum of one million naira or to both. In the
14 case of a body corporate, upon conviction, a fine of not less than five million
15 naira shall apply.

16 (2) Any person who intentionally and without authorisation or in
17 excess of authority, publishes online any form of hate speech, such as the
18 advocacy of regional, racial or religious hatred that constitutes incitement to
19 discrimination, hostility or violence, shall upon conviction be sentenced to a
20 term of not less than one year or to a fine of not less than one million naira.

21 (3) In the event that such publication in sub-clause (2) results in loss of
22 lives and destruction of property, such a person is liable on conviction to
23 imprisonment for a term of not less than seven years, or to a fine not less than
24 five million naira or to both fine and imprisonment including compensation to
25 the victims. In the case of a body corporate, upon conviction, a fine of not less
26 than ten million naira shall apply in addition to compensating the victim where
27 necessary, in a sum to be determined by the court.

Defences

28 **14.**-(1) In proceedings against a person for offences under this clause,
29 it is a defence for that person to prove-

30 (a) that at the time the alleged offence took place he was under the age

1 of eighteen;

2 (b) the person was prevented from complying with the relevant
3 provisions by a natural disaster, an act of god or other reasonable cause;

4 (c) that the action was necessary to save or protect life or health of
5 some person(s), to protect serious damage to property, or to avoid adverse
6 effect on the environment;

7 (d) the commission of the offence was due to a mistake, accident
8 beyond control or due to reliance on information supplied by the default of
9 another person;

10 (2) It is also a defence if-

11 (a) force majeure occurs;;

12 (b) consent of the Plaintiff;

13 (c) fault on the part of the Plaintiff;

14 (d) compliance was not reasonably practicable in the
15 circumstances of the particular case;

16 (e) the National Human Rights Commission has granted
17 exemption in the Federal Government Gazette to the responsible party on
18 the basis of national interest or for the data subject's benefit.

19 PART IV - JURISDICTION AND INTERNATIONAL CO-OPERATION

20 **15.** The Federal and State High Courts shall have original Jurisdiction
21 jurisdiction to the application of this Bill.

22 PART V - ENFORCEMENT OF VICTIMS' RIGHTS

23 **16.-(1)** Any individual or legal entity can go to court to enforce the Enforcement
24 provisions of this Bill.

25 (2) A court hearing proceedings in terms of subclause (1) may
26 award an amount that is just and equitable, including-

27 (a) payment of damages as compensation for patrimonial or non-
28 patrimonial loss suffered by a citizen as a result of breach of the provisions
29 of this Section;

30 (b) aggravated damages, in a sum to be determined at the discretion

1 of the court;

2 (c) interest; and

3 (d) cost of suit on such scale as may be determined by the court.

4 PART VI - MISCELLANEOUS

Regulations

5 17. The National Human Rights Commission may make such
6 regulations as in its opinion are necessary or expedient for giving full effect to
7 the provisions of the Act and for the due administration of its provision.

Interpretation

8 18. In this Bill, unless the context otherwise requires-

9 "An anonym" means an authenticated attribute that is not linked to an
10 identifier;

11 "Cloud storage" a service model in which data is maintained, managed and
12 backed up remotely and made available to users over a network (typically the
13 Internet);

14 "Data Subject" means an identifiable person; one who can be identified
15 directly or indirectly, in particular by reference to an identification number or
16 to one or more factors specific to his physical, physiological, mental,
17 economic, cultural or social identity;

18 "Digital Media Platforms" means platforms developed in the information age
19 that can be created, viewed, distributed, modified and preserved on digital
20 electronic devices; platforms such as websites, blogs, and social media;

21 "Expression" means any commentary on a person's own or on public affairs.
22 Canvassing, discussion on human rights, journalism, scientific research,
23 expression of ethnic, cultural, linguistic and religious identity and artistic
24 expression, advertising, teaching are all examples of expressions that are
25 covered by the freedom of expression. It also includes political discourse;

26 "Government Agency" means a permanent or semi-permanent organization in
27 the machinery of government that is empowered by law for the oversight and
28 administration of specific functions,

29 "Internet" means a publicly accessible system of networks that connects
30 computers around the world via the TCP/IP protocol;

1 "Internet protocol address" or "IP address" means the code assigned to a
2 terminal from a network to enable their identification, defined according to
3 international standards;

4 "Internet application" means a set of functionalities that can be accessed
5 through a device connected to the Internet;

6 "Internet connection" means the enabling of a device for sending and
7 receiving data packets over the Internet;

8 "Legacy media platforms" means the mass media institutions that
9 predominated prior to the Information Age; particularly print media, film
10 studios, advertising agencies, radio broadcasting, and television.

11 "Necessary and Proportionate" within the context of limitation as used in
12 this Bill means that such limitations must:

13 (a) originate from a pressing and substantial need that is relevant
14 and sufficient;

15 (b) have a direct and immediate connection to the expression such
16 that it is the least restrictive means of achieving the stated aim; and

17 (c) be such that the benefit of protecting the stated interest
18 outweighs the harm to the expression, including with respect to the
19 sanctions authorised.

20 "Owner" means anyone who created or can assert creative rights to a product
21 or service;

22 "Personal data" means any information relating to an identified or
23 identifiable natural person ("data subject"); information relating to an
24 individual, whether it relates to his or her private, professional or public life;

25 "Personal data" includes but is not limited to anything from a name, address,
26 a photo, an email address, bank details, posts on social networking websites,
27 medical information, or a computer's IP address;

28 "Personal data filing system" means any structured set of personal data
29 which are accessible according to specific criteria, whether centralised,
30 decentralised or dispersed;

1 "Personal information" means information about an identifiable individual,
2 but does not include the name, title or business address or telephone number of
3 an employee of an organization;
4 "Platforms" refer to the entirety of software and/or hardware that make(s) a
5 service available to users;
6 "Processing of personal data" means any operation or set of operations which is
7 performed upon personal data, whether or not by automatic means, such as
8 collection, recording, organisation, storage, adaptation or alteration, retrieval,
9 consultation, use, disclosure by transmission, dissemination or otherwise
10 making available, alignment or combination, blocking, erasure or destruction;
11 "Protected speech" means the form of speech protected under this Bill. It shall
12 extend to novel forms of conversation introduced by digital mediums which
13 include but are not restricted to;
14 "retweets", "likes", "favourites", "shares", online comments, joining groups on
15 social networking sites and similar forms of speeches;
16 "Rule of Confidentiality" means the principle that personal information about
17 citizens, should not be revealed to persons not authorized to receive such
18 information;
19 "Service Provider" means an entity engaged in the provision of services on
20 digital platforms including Internet Access Service providers, irrespective of
21 the network technology or terminal equipment used, or the license held.
22 **19.** This Bill may be cited as the Digital Rights and Freedom Bill,
23 2019.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to protect Internet users in Nigeria from infringement of their fundamental freedoms and to guarantee application of human rights for users of digital platforms and/or Digital media.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL CAPITAL
TERRITORY UNIVERSITY OF SCIENCE AND TECHNOLOGY, ABAJI AND FOR
RELATED MATTERS

Sponsored by Hon. Mohammed Tahir Monguno

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FCT

2 UNIVERSITY OF SCIENCE AND TECHNOLOGY, ABAJI

3 1.-(1) There is established the FCT University of Science and
4 Technology, Abaji (in this Act referred to as "the University").

Establishment
and objects of
FCT University
of Science and
Technology, Abaji

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 objects of the University shall be to:

8 (a) encourage the advancement of learning and to hold out to all
9 persons without distinction of race, creed, sex, religion, physical ability or
10 political conviction, the opportunity of acquiring a higher education in
11 science and technology;

12 (b) develop and offer academic and professional programmes
13 leading to the award of diplomas, first degrees, postgraduates research and
14 higher degrees which emphasize planning, adaptive, technical,
15 maintenance, development and productive skills in the engineering,
16 scientific, agricultural, medical, and allied professional disciplines with the
17 aim of producing socially mature men and women with high moral standard
18 and capability not only to understand, use and adapt existing technology, but
19 also to improve on it and develop new ones;

20 (c) act as agents and catalysts, through post-graduate training,

	1	research and innovation for the effective and economic utilization, exploitation
	2	and conservation of the country's natural, economic and human resources;
	3	(d) offer to the general population, as a form of public service, the
	4	results of training and research and to foster the practical applications of these
	5	results;
	6	(e) establish appropriate relationship with other national or private
	7	institutions involved in training, research and development of technologies;
	8	(f) identify the technological problems and needs of the society and to
	9	find solutions to them within the context of overall national development;
	10	(g) provide and promote sound basic scientific training as a
	11	foundation for the development of technology and applied sciences, taking into
	12	account indigenous culture and the need to enhance national unity;
	13	(h) undertake any other activities appropriate for a University of
	14	Technology of the highest standard.
Composition of the Council of the University	15	2. The Council of the University shall consist of:
	16	(a) the Pro-Chancellor;
	17	(b) the Vice-Chancellor;
	18	(c) the Deputy Vice-Chancellor;
	19	(d) one person from the Ministry responsible for education;
	20	(e) nine persons representing a variety of interests and broadly
	21	representative of the whole Federation to be appointed by the President;
	22	(f) four persons appointed by the Senate from among its members;
	23	(g) two persons appointed by Congregation from among its members;
	24	(h) one person appointed by Convocation from among its members;
	25	(i) three persons representing Area Councils to be appointed by the
	26	Federal Capital Territory Administration (FCTA).
Functions of the Council and its Finance and General Purpose Committee	27	3.-(1) Subject to the provisions of this Act relating to the Visitor, the
	28	Council shall be the Governing Body of this University and shall be charged
	29	with the general control and superintendence of the policy, finances and
	30	property of the University.

1 (2) There shall be a Committee of the Council, to be known as the
2 Finance and General Purposes Committee, which shall subject to the
3 directions of the Council, exercise control over the property and expenditure
4 of the University and perform such other functions of the Council as the
5 Council may from time to time delegate to it.

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

8 (4) The Council shall ensure that proper accounts of the University
9 are kept and that the accounts of the University are audited annually by an
10 independent firm of auditors approved by the Council and that an annual
11 report is published by the university together with certified copies of the said
12 accounts as audited.

13 (5) Subject to this Act and the Statutes, the Council and the Finance
14 and General Purposes Committee may each make rules for the purpose of
15 exercising any of their respective functions or of regulating their own
16 procedure.

17 (6) Rules made under subsection (5) of this section by the Finance
18 and General Purposes Committee shall not come into force unless approved
19 by the Council; and in so far and to the extent that any rules so made by that
20 Committee conflict with any directions given by the Council, whether
21 before or after the coming into force of the rules in question, the directions of
22 the Council shall prevail.

23 (7) There shall be paid to the Members respectively of the Council,
24 the Finance and General Purposes Committee and of any other Committee
25 set up by the Council, allowances in respect of traveling and other
26 reasonable expenses, at such rates as may from time to time be fixed by the
27 Minister.

28 (8) The Council shall meet as and when necessary for the
29 performance of its functions under this Act and shall meet at least three times
30 in every year.

Functions of
the Senate

1 (9) If requested in writing by any five members of the Council, the
2 Chairman shall within 28 days after the receipt of such request call a meeting of
3 the Council.

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

7 **4.-** (1) Subject to section 3 of this Act and subsections (3) and (4) of
8 this section and to the provisions of this Act relating to the Visitor, it shall be the
9 general function of the Senate to organize and control the teaching by the
10 University, the admission of students where no other enactment provides to the
11 contrary and the discipline of students; and to promote research at the
12 University.

13 (2) Without prejudice to the generality of subsection (1) of this section
14 and subject as there mentioned, it shall in particular be the function of the
15 Senate to make provision for the:

16 (a) establishment, organization and control of campuses, colleges,
17 schools, institutes and other teaching and research units of the University and
18 the allocation of responsibility for different branches of learning;

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

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

24 (d) the making of recommendations to the Council with respect to the
25 award to any person of an honorary fellowship or honorary degree or the title of
26 professor emeritus;

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

29 (f) the supervision of the welfare of students at the University and the
30 regulation of their conduct and mode of dressing;

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

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

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

9 (4) Subject to this Bill and the Statutes, the Senate may make
10 regulations for the purpose of exercising any function conferred on it either
11 by the foregoing provisions of this section or otherwise or for the purpose of
12 making provision for any matter for which provision by regulations is
13 authorized or required by this Act or by Statute.

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

20 (6) Subject to a right of appeal to the Council from a decision of the
21 Senate under this subsection, the Senate may deprive any person of any
22 degree, diploma or other award of the University which has been conferred
23 upon him if after due enquiry he is shown to University or obtaining that
24 award.

25 **5.-(1)** For carrying out the objects as specified in section 1 of this
26 Act the University shall have power:

Powers of the
University

27 (a) to establish such campuses, colleges, institutes, schools, extra-
28 mural departments and other teaching and research units within the
29 university as may from time to time be deemed necessary or desirable
30 subject to the approval of the National Universities Commission;

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

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

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

9 (e) 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 may
12 lay down from time to time.

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

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

18 (h) subject to section 9 of this Act, to acquire, hold, grant, charge or
19 otherwise deal with or dispose of movable and immovable property wherever
20 situate;

21 (i) 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 attaching thereto;

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

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

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

1 book selling;

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

8 (n) 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 necessary or expedient to borrow or to guarantee any loan,
12 advances or credit facilities;

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

14 (p) to do anything which it is authorized or required by this Act or
15 by statute to do;

16 (q) 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 Act and of the Statutes and
19 without prejudice to section 4 (2) of this Act, 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 any other manner which
22 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 PART II - PRINCIPAL OFFICERS AND STAFF OF THE UNIVERSITY

27 6.-(1) The University shall consist of:

28 (a) a Chancellor;

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

30 (c) a Vice-Chancellor and a Senate;

Principal Officers
and Staff of the
University

	1	(d) a Deputy Vice Chancellor;
	2	(e) a body to be called Congregation;
	3	(f) a body to be called Convocation;
	4	(g) the Campuses and Colleges of the University;
	5	(h) the Schools, Institutes and other teaching and Research Units of
	6	the University;
	7	(i) the persons holding the offices constituted by the First Schedule to
	8	this Act other than those mentioned in paragraphs (o) to (c) of this subsection;
	9	(j) all graduates and undergraduates of the University;
	10	(k) all other persons who are members of the University in accordance
	11	with provisions made by statute in that behalf.
First Schedule	12	(2) The First Schedule to this Act shall have effect with respect to the
	13	Principal Officers of the University therein mentioned.
	14	(3) In the First Schedule to this Act provisions shall be made with
	15	respect to the constitution of the Council, the Senate, Congregation and
	16	Convocation.
Functions of the Chancellor and Pro-Chancellor	17	7.-(1) The Chancellor shall, take precedence before all other members
	18	of the University, and when he is present, shall preside at all meetings of
	19	Convocation held for conferring degrees.
	20	(2) The Pro-Chancellor shall, take precedence before all other
	21	members of the University, except the Chancellor and except the Vice-
	22	Chancellor when acting as Chairman of Congregation or Convocation and the
	23	Pro-Chancellor shall, when he is present, be the Chairman at all meetings of the
	24	Council.
Functions of Vice-Chancellor	25	8.-(1) The Vice-Chancellor shall, in relation to the University, take
	26	precedence before all other Members of the University except the Chancellor
	27	and, subject to section 4 of this Act, except the Pro-Chancellor and any other
	28	person for the time being acting as Chairman of the Council.
	29	(2) Subject to sections 3, 4, and 14 of this Act, the Vice-Chancellor
	30	shall have the general function, in addition to any other functions conferred on

1 him by this Act or otherwise, of directing the activities of the University and
 2 shall be the Chief Executive and academic officer of the University and Ex-
 3 officio Chairman of the Senate.

4 **9.-(1)** All property held by or on behalf of the Council of the University shall, by virtue of this subsection and without further assurance,
 5 University shall, by virtue of this subsection and without further assurance,
 6 vest in the University and be held by it for the purpose of the University.

Transfer of
property

7 (2) The provisions of the Second Schedule to this Act shall have
 8 effect with respect to, and to matters arising from, the transfer of property by
 9 this section and with respect to the other matters mentioned in that schedule.

Second Schedule

10 **PART III - POWER TO MAKE STATUTES OF THE UNIVERSITY**

11 **10.- (1)** Subject to this Act the University may make statutes for
 12 any of the following purposes, that is to say:

Power to make
Statutes

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

15 (b) specifying and regulating the powers and duties of any
 16 authority of the university or any of its authorities;

17 (c) regulating the admission of students [where no other enactment
 18 provides to the contrary] and their discipline mode of dressing and welfare;

19 (d) determining whether any particular matter is to be treated as an
 20 academic or a non-academic matter for the purposes of this Act and of any
 21 statute, regulation or other instrument made there under;

22 (e) making provision for any other matter for which provision by
 23 statute it authorized or required by this Act.

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

27 (3) The University shall have powers to make statutes for matters
 28 listed in the Third Schedule.

29 (4) The power to make statutes conferred by this section shall not
 30 be prejudiced or limited in any way by reason of the inclusion or omission of

Third Schedule

1 any matter in or from the statute contained in the Third Schedule to this Act or
2 any subsequent statute.

3 (5) The power of the University to make statutes shall be exercised in
4 accordance with the provisions of this section and not otherwise.

5 (6) A proposed statute shall not become law unless it has been
6 approved:

7 (a) at a meeting of the Senate, by the votes of not less than two thirds
8 of the Members present and voting;

9 (b) at a meeting of the Council, by the votes of not less than two third
10 of the Members present and voting.

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

14 (8) A Statute which:

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

17 (b) provides for the establishment of a new campus or college or for
18 the amendment or revocation of any statute whereby a campus or college is
19 established;

20 shall not come into operation unless it has been approved by the President.

21 (9) For the purposes of section 2(2) of the Interpretation Act, a statute
22 shall be treated as being made on the date on which it is duly approved by the
23 Council after having been duly approved by the Senate, or on the date on which
24 it is duly approved by the Senate after having been duly approved by the
25 Council, as the case may be or, in the case of a statute falling within subsection
26 (4) of this section, on the date on which its approved by the President.

27 (10) In the event of any doubt or dispute arising at any time:

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

29 (b) as to whether any matter is for the purposes of this act an academic
30 or non-academic matter as they relate to such doubt or dispute, the matter may

1 be referred to the visitor, who shall take such advise and make such decision
2 thereon as he shall think fit.

3 (11) The decision of the visitor on any matter referred to him under
4 subsection (10) of this section shall be binding upon the authorities, staff and
5 students of the university, and where any question as to the meaning of any
6 provision of a statute has been decided by the visitor under that subsection,
7 no question as to the meaning of that provision shall be entertained by any
8 court of law in Nigeria.

9 (12) Nothing in subsection (11) of this section shall affect any
10 power of a court of competent jurisdiction to determine whether any
11 provision of a statute is wholly or partly void as being ultra vires or as being
12 inconsistent with the constitution of the Federal Republic of Nigeria 1999.

13 11. A Statute may be proved in any Court by the production of a Proof of Statutes
14 copy thereof bearing or having affixed to it as certificate purporting to be
15 signed by the Vice-Chancellor or the Secretary to the Council to the effect
16 that the copy is a true copy of a Statute of the University.

17 PART IV - SUPERVISION AND DISCIPLINE

18 12.-(1) The President shall be the Visitor of the University. The Visitor

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

23 (3) It shall be the duty of the bodies and persons comprising the
24 University to make available to the Visitor, and to any other person
25 conducting a visitation in pursuance of this section, such facilities and
26 assistance as he or they may reasonably be required for the purposes of a
27 visitation.

28 13.-(1) If it appears to the Council that a Member of the Council Removal of
29 (other than the Pro-Chancellor or the Vice-Chancellor) should be removed certain Members
30 from office on the ground of misconduct or inability to perform the of Council

1 functions of his office or employment, the Council shall make a
2 recommendation to that effect through the Minister to the President, and if the
3 president, after making such enquires (if any) as he may consider appropriate,
4 approves the recommendation, he may direct the removal of the person in
5 question from office.

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

Removal and
discipline of
academic,
administrative
and professional
staff

10 **14.**-(1) If it appears to the Council that there are reasons for believing
11 that any person employed as a Member of the Academic, Administrative or
12 Professional staff of the University, other than the Vice-Chancellor, should be
13 removed from his office or employment on the ground of misconduct or of
14 inability to perform the functions of his office or employment, the Council
15 shall:

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 Council;

19 (c) if he so requests or any three members of the Council so request
20 within the period of one month beginning with the date of the notice, make
21 arrangements:

22 (i) for a Joint Committee of the Council and the Senate to investigate
23 the matter and to report on it to the Council;

24 (ii) For the person in question to be afforded an opportunity of
25 appearing before and being heard by the Investigating Committee with respect
26 to the matter, and if Council, after considering the report of the Investigating
27 Committee, is satisfied that the person in question should be removed as
28 aforesaid, the Council may so remove him by an instrument in writing signed
29 on the directions of the Council.

30 (2) The Vice-Chancellor may, in a case of misconduct by a Member of

1 the Staff which in the opinion of the Vice-Chancellor is prejudicial to the
2 interest of the university, suspend such Member and any such suspension
3 shall forthwith be reported to the Council.

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

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

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

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

16 (d) conduct which the Council considers to be such as to constitute
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 (e) conduct which the Council considers to be generally of such
20 nature as to render the continued appointment or service of the person
21 concerned prejudicial or detrimental to the interest of the University.

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

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

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

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

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

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

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

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

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

16 (a) apply to any directive given by the Visitor in consequence of any
17 visitation;

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

Removal of
Examiners

20 **15.**-(1) If, on the recommendation of the Senate, it appears to the
21 Vice-Chancellor that a person appointed as an examiner for any examination
22 of the University ought to be removed from his office or appointment, then,
23 except in such cases as may be prescribed, the Vice-Chancellor may, after
24 affording the examiner an opportunity of making representations in person on
25 the matter to the Vice-Chancellor, remove the examiner from the appointment
26 by an instrument in writing signed by the Vice-Chancellor.

27 (2) Subject to the provisions of regulations made in pursuance of
28 section 4 (5) of this Act, the Vice-Chancellor may, on the recommendation of
29 the Senate, appoint an appropriate person as examiner in the place of the
30 examiner removed in pursuance of subsection (1) of this section.

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

5 **16.-(1)** Subject to the provisions of this section, where it appears to
6 the Vice-Chancellor that any student of the University has been guilty of
7 misconduct, the Vice-Chancellor may, without prejudice to any other
8 disciplinary powers conferred on him by statute or regulations, direct that
9 the:

Discipline of
students

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

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

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

18 (d) student be expelled from the University.

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

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

28 (4) The Vice-Chancellor may delegate his powers under this
29 section to a Disciplinary Board consisting of such Members of the
30 University as he may nominate.

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

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

6 PART V - MISCELLANEOUS AND GENERAL

Exclusion of
discrimination
of race, religion,
etc.

7 **17.**-(1) No person shall be required to satisfy requirements as to any of
8 the following matters, that is to say, race (including ethnic grouping) sex, place
9 of birth or of family origin, or religious or political persuasion, as a condition of
10 becoming or continuing to be a student at the University, the holder of any
11 degree of the University or of any appointment or employment at the
12 University, or a member of any Body established by virtue of this Act; and no
13 person shall be subjected to any disadvantage or accorded any advantage in
14 relation to the University, by reference to any of those matters.

15 (2) Nothing in subsection (1) of this section shall be construed as
16 preventing the University from imposing any disability or restriction on any of
17 the persons mentioned in that subsection where such person willfully refuses,
18 or fails on grounds of religions belief to undertake any duty, having regard to its
19 nature and the special circumstances pertaining thereto, is in the opinion of the
20 University reasonably justifiable in the national interest.

Restriction on
disposal of land
by University

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

Quorum and
procedure of
bodies established
by this Act

28 **19.** Except as may be otherwise provided by statutes or by
29 regulations, the quorum and procedure of any body of persons established by
30 this Act shall be as determined by that body.

- 1 **20.**-(1) Any body of persons established by this Act shall, without Appointment of
2 prejudice to the generality of the powers of that body, have power to appoint Committee, etc.
3 committees, which need not consist exclusively of members of that body,
4 and to authorize a committee established:
5 (a) to exercise, on its behalf, such functions as it may determine;
6 (b) to co-opt Members, and may direct whether or not co-opted
7 Members (if any) shall be entitled to vote in that Committee.
8 (2) Any two or more such bodies may arrange for the holding of
9 joint meetings of those bodies, or for the appointment of committees
10 consisting of members of those bodies for the purpose of considering any
11 matter within the competence of those bodies or any of them, and either of
12 dealing with it or of reporting on it to those bodies or any of them.
13 (3) Except as may be otherwise provided by statute or by
14 regulations, the quorum and procedure of a committee established or
15 meeting held in pursuance of this section, shall as may be determined by the
16 body or bodies which have decided to establish the committee or hold the
17 meeting.
18 (4) Nothing in the provisions of subsections (1), (2) and (3) of this
19 section shall be construed as:
20 (a) enabling the statutes to be made otherwise than in accordance
21 with section 11 of this Act;
22 (b) enabling the Senate to empower any other body to make
23 regulations or to award degrees or other qualifications.
24 (5) The Pro-Chancellor and the Vice-Chancellor shall be members
25 of every Committee of which the Members are wholly or partly appointed
26 by the Council (other than a Committee appointed to inquire into the
27 conduct of the officer in question); and the Vice-Chancellor shall be a
28 Member of every Committee of which the Members are wholly or partly
29 appointed by the Senate.

Retiring age of Academic Staff	1	21. -(1) Notwithstanding anything to the contrary in the Pensions Act,
	2	the compulsory retiring age of an academic staff of the University shall be 70
	3	years for Professorial cadre and 65 for non-professorial and non- academic
	4	staff.
	5	(2) A law or rule requiring a person to retire from the public service
Special provisions relating to pension of Professors	6	after serving for 35 years shall not apply to an Academic Staff of the
	7	University.
	8	22. A person who retires as a Professor having served:
	9	(a) a minimum period of fifteen years as a Professor in the University
	10	or continuously in the service of a University in Nigeria up to the retiring age;
	11	(b) who during the period of service was absent from the University
	12	only on approved National or University assignments;
	13	shall be entitled to pension at a rate equivalent to his last annual salary and such
	14	allowances as the Council may, from time to time, determine as qualifying for
	15	pension and gratuity, in addition to any other retirement benefits to which he
Miscellaneous administrative provisions	16	may be entitled.
	17	23. -(1) The seal of the University shall be such as may be determined
	18	by the Council and approved by the Chancellor, and the affixing of the seal
	19	shall be authenticated by any member of the Council and by the Vice-
	20	Chancellor, Secretary to the Council or any other person authorized by statute.
	21	(2) Any document purporting to be a document executed under the
	22	seal of the University shall be received in evidence and shall, unless the
	23	contrary is proved, be presumed to be so executed.
	24	(3) Any contract or instrument which if made or executed by a person
	25	not being a body corporate would not be required to be under seal, may be made
	26	or executed on behalf of the University by any person generally or specially
	27	authorized to do so by the Council.
	28	(4) The validity of any proceedings established in pursuance of this
	29	Act shall not be affected by any vacancy in the membership of the body, or by
	30	any defect in the appointment of a member of the body or by reason that any

1 person not entitled to do so took part in the proceedings.

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

6 (6) Nothing in section 12 of the Interpretation Act (which provides
7 for the application in relation to subordinate legislation of certain incidental
8 provisions) shall apply to statutes or regulation and statutes made in
9 pursuance of this Act.

10 (7) The power conferred by this Act on anybody to make statutes or
11 regulations shall include power to revoke or vary any statute (including the
12 statute contained in the Third Schedule of this Act) or any regulation by
13 statute or, as the case may be, by a subsequent regulations, statutes and
14 regulations may make different provisions in relation to different
15 circumstances.

16 (8) No stamp or other duty shall be payable in respect of any
17 transfer of property to the University and any other notice or instrument
18 authorized to be served by virtue of this Act may, without prejudice to any
19 other mode of service, be served by post.

20 **24.-(1)** In this Act, unless the context otherwise requires:

Interpretation

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

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

23 "Council" means the Council established pursuant to section 2(1) (b) of this
24 Act for the University;

25 "Graduate" means a person on whom a degree, other than an honorary
26 degree, has been conferred by the University;

27 "Minister" means the Minister charged with responsibility for matters
28 relating to higher education;

29 "Notice" means notice in writing;

30 "Officer" does not include the Visitor;

- 1 "Prescribed" means prescribed by statute or regulations;
- 2 "Professor" means a person designed as a Professor of the University in
3 accordance with provisions made in that behalf by statute or by regulations;
- 4 "Property" includes rights, liabilities and obligations;
- 5 "Provisional Council" means the provisional Council appointed for the
6 University by the President with effect from 1 August, 1980;
- 7 "Regulations" means the regulations made by the Senate or the Council;
- 8 "Senate" means the Senate of the University established pursuant to this Act;
- 9 "School" means a unit of closely related academic programmes;
- 10 "Statute" means a statute made by the University under section 10 of this Act
11 and in accordance with the provisions of section 11 of the Act, and "the
12 statutes" means all such statutes as are in force from time to time;
- 13 "Teacher" means person holding a full-time appointment as a member of the
14 teaching or research staff of the University;
- 15 "Undergraduate" means a person in statute pupillari at the University other
16 than:
- 17 (a) a graduate;
- 18 (b) a person of such description as may be prescribed for the purpose
19 of the definition.
- 20 "University" means the Federal Capital University of Science and Technology
21 established under section 1 of this Act.
- 22 (2) It is declared that where in any provision of this Act it is laid down
23 that proposals are to be submitted or a recommendation is to be made by one
24 authority to another through one or more intermediate authorities, it shall be the
25 duty of every such intermediate authority to forward any proposals or
26 recommendations, received by it in pursuance of that provision to the
27 appropriate authority; but any such intermediate authority may, if it thinks fit,
28 forward therewith its own comments thereon.
- 29 **25.** This Bill may be cited as the FCT University of Science and
30 Technology, Abaji (Establishment, etc.) Bill, 2019.

1 SCHEDULES

2 FIRST SCHEDULE

3 *Section 6 (2)*

4 PRINCIPAL OFFICERS OF THE UNIVERSITY

5 *The Chancellor*

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

8 *The Pro-Chancellor*

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

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

14 *The Vice-Chancellor*

15 3.-(1) There shall be a Vice-Chancellor of the University who shall
16 be appointed by the President in accordance with the provisions of this
17 paragraph.

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

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

22 (i) the qualifications of the person who may apply for the post;

23 (ii) the terms and conditions of service applicable to the post, and
24 thereafter draw up a short list of suitable candidates for the post for
25 consideration;

26 (b) constitute a search team consisting of:

27 (i) a Member of the Council, who is not a member of the Senate, as
28 Chairman;

29 (ii) two Members of the Senate who are not Members of the
30 Council, one of whom shall be a Professor;

1 (iii) two Members of Congregation who are not Members of the
2 Council, one of whom shall be a Professor;

3 (c) identify and nominate for consideration, suitable persons who are
4 not likely to apply for the post of their own volition because they feel that it is
5 not proper to do so.

6 (3) There shall be a Joint Council and Senate Selection Board
7 consisting of:

8 (a) the Pro-Chancellor, as Chairman;

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

10 (c) two Members of the Senate who are professors but who were not
11 members of the search team, shall consider the candidates and persons on the
12 short list drawn up under subparagraph (2) of this paragraph through an
13 examination of their curriculum vitae and interaction with them, and
14 recommend to the Council suitable candidates for further consideration.

15 (4) The Council shall select three candidates from among the
16 candidates recommended to it under subparagraph (3) of this paragraph and
17 may indicate its order of preference stating the reasons therefore and forward
18 the names to the President.

19 (5) The President may appoint as Vice-Chancellor any one of the
20 candidates recommended to him in accordance with the provisions of
21 subparagraph (4) of this paragraph.

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

25 (7) The Vice-Chancellor may be removed from office by the Visitor
26 after due consultation with the Council and the Senate acting through the
27 Minister of Education.

28 *Deputy Vice-Chancellors*

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

1 proper 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 subparagraph (3) of this paragraph and
7 forward 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;

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 re-appointed for one further period of two years and no
20 more.

21 5.-(1) There shall be for the University, a Registrar, who shall be
22 the Chief Administrative Officer of the University and shall be responsible
23 to the Vice-Chancellor for the day-to-day administrative work of the
24 University except as regards matters for which the Bursar is responsible in
25 accordance with paragraph 6 (2) of this schedule.

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

29 *Other Principal Officers of the University*

30 6.-(1) There shall be for the University the following Principal

1 Officers, in addition to the Registrar, that is:

2 (a) the Bursar;

3 (b) the University Librarian, who shall be appointed by the Council on
4 the recommendation of the selection Board constituted under paragraph 8 of
5 this schedule.

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

9 (3) The University Librarian shall be responsible to the Vice-
10 Chancellor for the administration of the University Library and the co-
11 ordination of the library services in the University and its Campuses, Colleges,
12 Faculties, Schools, Departments, Institutes and other teaching or research
13 units.

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

16 *Selection Board for other principal officers*

17 7.-(1) There shall be, for the University, a Selection Board for the
18 appointment of Principal Officers, other than Vice-Chancellor or Deputy Vice-
19 Chancellor, which shall consist of:

20 (a) the Pro-Chancellor, as Chairman;

21 (b) the Vice-Chancellor;

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

23 (d) two Members of the Senate.

24 (2) The functions, procedure and other matters relating to the
25 selection board constituted under subparagraph (1) of this paragraph shall be as
26 the Council may, from time to time determine.

27 (3) The Registrar, Bursar and Librarian shall hold office for such
28 period and on such terms as to the emoluments of their offices and otherwise as
29 may be specified in their letters of appointment.

Resignation and re-appointment

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

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

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

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

SECOND SCHEDULE

Section 9 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of property to the University

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

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

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

Agreements, contracts, deeds and other instruments

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

(2) Documents not falling within subparagraph (1) of this paragraph, including enactments, which refer, whether specially or generally, to the Provisional Council, shall be construed in accordance with that sub-paragraph.

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

4 Registration of transfers

5 3.-(1) If the law in force at the place where any property transferred by
6 this Act is situated provides for the registration of transfers of property of the
7 kind in question (whether by reference to an instrument of transfer or
8 otherwise), the law shall, so far as it provides for alterations of a register (but
9 not for avoidance of transfers, the payment of fees or any other matter) apply,
10 with the necessary modifications, to the property aforesaid.

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

15 *Transfer of functions, etc*

16 4.-(1) The first meeting of the Council shall be convened by the Pro-
17 Chancellor on such date and in such manner as he may determine.

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

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

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

1 THIRD SCHEDULE

2 *Section 10 (3)*

3 FCT UNIVERSITY OF SCIENCE AND TECHNOLOGY, ABAJI 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. Congregation
- 10 5. Convocation
- 11 6. Division of Schools
- 12 7. School Boards
- 13 8. Dean of the School
- 14 9. Selection of certain Principal Officers
- 15 10. Creation of academic post
- 16 11. Appointment of Academic Staff
- 17 12. Appointment of Administrative and Professional staff
- 18 13. Interpretation

19 *The Council*

20 1.-(1) The composition of the Council shall be as provided in
21 section 2 of this Bill.

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

25 (3) A Member of the Council holding office otherwise than in
26 pursuance of section 2 (a), (b), (c) or (d) of this Bill shall, unless he
27 previously vacates it, vacate that office on the expiration of the period of
28 four years beginning with effect from 1 August in the year in which he was
29 appointed.

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

1 in pursuance of section 2 (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 of
4 this 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-appointment
7 for only one further period of four years.

8 (6) The quorum of the Council shall be five, at least one of whom shall
9 be a Member appointed pursuant to section 2(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 7 of this Bill and the foregoing provisions of this paragraph,
14 the Council may regulate its own meeting.

15 (8) Where the Council desires to obtain advice with respect to any
16 particular matter, it may co-opt not more than two persons for that purpose, and
17 the person 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 Council
21 shall consist of:

22 (a) the Pro-Chancellor, who shall be the Chairman of the Committee
23 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 of
26 whom shall be selected from among the three 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, or

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

3 (e) the Permanent Secretary of the Federal Ministry of Science and
4 Technology or, in his absence, such member of his Ministry as he may
5 designate to represent him;

6 (f) a representative of the Federal Capital Territory Administration.

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

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

10 *The Senate*

11 3.-(1) The Senate shall consist of:

12 (a) the Vice-Chancellor and Deputy Vice-Chancellor;

13 (b) the Deans of the several Schools;

14 (c) the Directors of the several Institutes;

15 (d) the Professors;

16 (e) the Provosts of the several Colleges;

17 (f) the Librarian;

18 (g) the persons for the time being holding such appointment on the
19 staff of the University as may be specified by the Vice-Chancellor;

20 (h) such teachers, not being more than one third of the total number
21 of non-elected members, elected by congregation and at least one of whom
22 shall come from each school;

23 (i) two members representing a variety of interest of the
24 professional bodies, outside the University appointed by the Senate on the
25 recommendation of the Vice-Chancellor.

26 (2) The Vice-Chancellor shall be the Chairman at all meetings of
27 the Senate when he is present; and in his absence any of the Deputy Vice-
28 Chancellor present at the meeting as the Senate may appoint for that meeting
29 shall be the Chairman at the meeting.

30 (3) The quorum of the Senate shall be one quarter or the nearest

1 whole number less than one quarter; and subject to paragraph (2) of this article,
2 the Senate may regulate its own procedure.

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

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

8 (6) An elected member shall hold office for the period of two years
9 beginning with 1 August in the year of his election, and may be a candidate at
10 any election held in pursuance of paragraph (5) of this article in the year in
11 which his period of the office expires, so however, that no person shall be such
12 a candidate if at the end of his current period of office he will have held office as
13 an elected member for a continuous period of six years or would have so held
14 office if he had not resigned it.

15 (7) No election shall be held in pursuance of this article in any year if
16 the number specified in the certificate given in pursuance of paragraph (10) of
17 this article does not exceed by more than one the figure which is thrice the
18 number of those elected members holding office on the date of the certificate
19 who do not vacate office during that year in pursuance of paragraph (6) of this
20 article.

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

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

30 (10) In this article "total of non-elected members" means as respects

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

Congregation

4.-(1) Congregation shall consist of:

(a) the Vice-Chancellor and the Deputy Vice-Chancellors;

(b) the full-time Members of the Academic Staff;

(c) the Registrar;

(d) the Bursar;

(e) the Librarian;

(f) the Director of Works;

(g) the Director of Health Services;

(h) every member of the Administrative Staff who holds a degree, other than an honorary degree, of any University recognized for the purposes of this statute by the Vice-Chancellor.

(2) Subject to section 7 of this Act, the Vice-Chancellor shall be the Chairman at all meetings of Congregation when he is present; and in his absence any of the Deputy Vice-Chancellors present at the meeting as Congregation may appoint for that meeting, shall be the Chairman at the meeting.

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

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

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

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

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

1 may regulate its own procedure.

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

6 *Convocation*

7 5.-(1) Convocation shall consist of:

8 (a) the officers of the University mentioned in the First Schedule to
9 this Act;

10 (b) all teachers within the meaning of this Act;

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

13 (2) A person shall be entitled to have his name registered as a Member
14 of Convocation if:

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

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

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

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

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

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

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

(8) Subject to section 7 of the Act, the Chancellor shall be Chairman at all meetings of Convocation when he is present, and in his absence the Vice-Chancellor shall be the Chairman at the meeting.

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

16 *Division of Schools*

17 6. Each school shall be divided into such number of branches as
18 may be prescribed by the School Board.

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

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

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

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

28 (2) Each School Board of studies shall consist of:

29 (a) the Vice-Chancellor;

30 (b) the Dean;

- 1 (c) the persons severally in charge of the branches of the school;
- 2 (d) such of the teachers assigned to the school and having the
- 3 prescribed qualifications as the Board may determine;
- 4 (e) such persons, whether or not members of the University, as the
- 5 Board may determine with the general or special approval of the Senate.

6 (3) The quorum of the Board shall be eight members or one quarter,

7 whichever is greater, of the members for the time being of the Board; and

8 subject to the provisions of this statute and to any provision made by

9 regulations in that behalf, the Board may regulate its own procedure.

10 *Dean of the School*

11 8.-(1) The Board of each School shall, at a meeting in the last term of

12 any academic year in which the term of office of the dean expires, nominate one

13 of its members, being one of the professors assigned to that teaching unit, for

14 appointment by the Senate as Dean of the School.

15 (2) The person appointed under paragraph 1 of this article shall act as

16 Dean of the School and Chairman at all meetings of the school Board when he

17 is present and shall be a member of all committees and other boards appointed

18 by the school.

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

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

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

22 (4) The Dean of a School shall exercise general superintendence over

23 the academic and administration affairs of the school.

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

25 the conferment of degrees persons who have qualified for the degrees of the

26 university at examinations held in the branches of learning for which

27 responsibility is allocated to that school.

28 (6) There shall be a committee to be known as the Committee of

29 Deans consisting of all the Deans of the several schools and that Committee

30 shall advise the Vice-Chancellor on all academic matters and on particular

1 matters referred to the University by the Senate

2 (7) The Dean of School may be removed from office for good cause
3 by the School Board after a vote would have been taken at a meeting of the
4 Board, and in the event of a vacancy occurring following the removal of a
5 dean, an Acting Dean may be appointed by the Vice-Chancellor; provided
6 that at the next school board meeting an election shall be held for a new dean.

7 (8) In this article "good cause" has the same meaning as in section
8 14(3) of the Bill.

9 9.-(1) When a vacancy occurs in the office of the Director of
10 Works, a Selection Board shall be constituted by the Council which shall
11 consist of:

12 (a) the Pro-Chancellor;

13 (b) the Vice-Chancellor;

14 (c) two members appointed by the Council, not being members of
15 the Senate; and

16 (d) two members appointed by the Senate.

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

21 *Creation of academic posts*

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

25 *Appointment of academic staff*

26 11.-(1) Subject to the Act and statutes, the filling of vacancies in
27 academic posts (including newly created ones) shall be the responsibility of
28 the Senate.

29 (2) For the purpose of filling such vacancies, suitable selection

1 boards to select and make appointments on behalf of the Council shall be set
2 up.

3 (3) For appointments to professorship, associate professorship or
4 readerships or equipment posts, a board of selection with power to appoint,
5 shall consist of:

6 (a) the Vice-Chancellor;

7 (b) two members appointed by the Council;

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

11 (d) if the post is tenable at a college, the Provost of the College;

12 (e) if the post is within a school, other teaching unit in the University
13 the Dean of the School or the teaching unit, or the Director of the Institute, as
14 the case may be; and

15 (f) such other person, not exceeding two in number, deemed capable
16 of helping the Board in assessing both professional and academic suitability of
17 a candidate under consideration, as the Senate may from time to time appoint.

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

20 (a) the Vice-Chancellor;

21 (b) four Members appointed by the Senate, at least two of whom shall
22 be Members of the Senate, while the other two Members shall be professional
23 peers in the professional area in which an appointment is to be considered;

24 (c) if the post is tenable at a college, the Provost of the college;

25 (d) if the post is within a School, Institute or other teaching unit in the
26 University the Dean of the School or the teaching unit or the Director of the
27 institute, as the case may be; and

28 (e) such other persons, not exceeding two in number, deemed capable
29 of helping the Board in assessing both the professional and academic

1 suitability of a candidate under consideration, as the Senate may from time
2 to time appoint.

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

7 (6) Boards of selection may interview candidates directly or
8 consider the reports of specialists interviewing panels and shall in addition,
9 in the case of professorships, associate professorships, readerships or
10 equivalent posts, consider the reports of external assessors relevant to the
11 area in which the appointment is being considered.

12 *Appointment of Administrative and Professional Staff*

13 12.-(1) The administrative and professional staff of the University
14 other than Principal Officers shall be appointed by the Council or on its
15 behalf by the Vice-Chancellor or the Registrar in accordance with
16 delegation of any powers made by the Council in that behalf.

17 (2) In the case of administrative or professional staff who have
18 close and important contacts with the academic staff, there shall be Senate
19 participation in the process of selection.

20 *Interpretation*

21 13. In this statute, the expression "the Bill" means the FCT
22 University of Science and Technology, Abaji (Est. etc.) Bill and any word or
23 expression defined in the Bill has the same meaning in this Statute.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Capital Territory University of Science and Technology, Abaji to develop and offer academic and professional training particularly in the field of sciences and to act as a catalyst for the technological advancement of the Country.

FOR

Sponsored by Hon. Ossai Nicholas Ossai

[] Commencement

1 **1. The Firearms Act, Cap F28, Laws of the Federation of Nigeria,** Amendment of
2 2004 (hereinafter referred to as "the Principal Act") is hereby amended as set the Principal Act
3 out in this Bill.

4 **2.** Section 27, sub-section (1), in the last paragraph of the Principal
5 Act is hereby amended as follows-

Amendment of
Section 27 (1)

6 (a) by deleting the words "of one thousand" after the word "fine"
7 and substitute same with the words, "not exceeding Five Hundred Million.";

(b) By deleting the word, "of two" after the word "term" and substitute same with the words, "not exceeding five."

10 **3.** This Bill may be cited as the Firearms (Amendment) Bill, 2019. Citation

This Bill seeks to review and increase the penalty for contravention of the offence of unlawful possession of and dealing in firearms and ammunitions including muzzle-loading firearms.

This punitive measure will to an extent assist in the administration of criminal justice system in Nigeria.