

Extraordinary



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FOR

Sponsored by Hon. Oberuakpefe Anthony Afe

[] Commencement

(3) The provisions of the Schedule to this Act shall have effect with respect to the Council as mentioned in the Schedule.

Establishment
of the Federal
College of
Inventory and
Industrial
Technology
Orerokpe

The Governing
Council of the
College

Membership of the Council	1	3. The Council of the College shall consist of:
	2	(a) a Chairman and other members to be appointed by the President;
	3	(b) a representative of the Federal Ministry responsible for Education;
	4	(c) a representative of the University of which the College is affiliated
	5	for the purpose of moderation;
	6	(d) two representatives of the Academic Board of the College;
	7	(e) a representative of the National Commission for Colleges of
	8	Education; and the Provost of the College.
Tenure of Council Members	9	4.-(1) A member of the Council, other than the ex-officio members,
	10	shall hold office for a term of four years and subject to the provision of
	11	subsection (2) shall be eligible for re-appointment for a further term of four
	12	years and no, more.
	13	(2)The office of a member appointed under section 3 of this Act shall
	14	become vacant if the:
	15	(a) member resigns by notice in writing under his hand addressed to
	16	the Minister; or
Functions of the College	17	(b) Minister is satisfied that it is not in the interest of the College for
	18	the member appointed to continue in office and notifies the member in writing
	19	to that effect.
	20	5. The functions of the College shall be to:
	21	(a) provide full-time courses, teaching instruction and training in
	22	specialized skills technology, applied sciences, and such other fields of applied
	23	learning relevant to the needs of development of Nigeria;
	24	(b) conduct courses in education for qualified teachers;
Power of the Council	25	(c) arrange conferences, seminars and workshops relative to the
	26	functions of the College; and perform such other functions as in the opinion of
	27	the Council may serve to promote the objectives of the College.
	28	6. The Council shall have power to:
	29	(a) hold examinations and grant National Certificates in Education
	30	(NCE), Diplomas, professional certificates and other distinctions to persons,

1 who have pursued courses of study approved and accredited by the National
2 Commission for Colleges of Education;

3 (b) hold examinations in education for qualified teachers;

4 (c) recruit staff and determine structure of such staff;

5 (d) demand and receive from any student or any other person
6 attending the College for the purpose of instruction, such fees as the Council
7 may with the prior approval of the Minister, from time to time determine;

8 (e) hold public lectures and undertake printing, publishing and
9 selling of books;

10 (f) award fellowships, medals, prizes and other titles;

11 (g) establish and maintain such schools and other teaching units
12 with the College or extra mural departments as the Council may from time to
13 time determine;

14 (h) erect, provide, equip and maintain such educational,
15 recreational and residential facilities as the College may require;

16 (i) create lectureships and other academic posts and offices and to
17 make appointments accordingly;

18 (j) receive and make gifts;

19 (k) enter into such contracts as may be necessary or expedient for
20 carrying into effect the objectives of the College;

21 (l) provide amenities for and make such other provision for the
22 welfare of the staff and students of the College;

23 (m) encourage and make provision for research in the College; and

24 (n) do such acts and things whether or not incidental to the college.

25 7.-(1) The Minister responsible for Education shall be the Visitor of Visitation
26 the College.

27 (2) The Visitor shall, at least, not less than once in every five years,
28 conduct a visitation to the College or appoint a visitation panel consisting of
29 not less than five experts to conduct the visitation:

30 (a) for the purpose of evaluating the academic and administrative

	1	performance of the College; or
	2	(b) for such other purpose as the Visitor may deem fit.
The Academic Board	3	8.-(1) There is established for the College a Board known as the
	4	academic Board and Academic Board which shall consist of the following
	5	members:
	6	(a) the Provost of the College as Chairman;
	7	(b) all Heads of Departments;
	8	(c) the College Bursar;
	9	(d) the College Librarian; and
	10	(e) not more than three members of the academic staff other than the
	11	heads of departments to be appointed by the Council.
	12	(2) The Academic Board shall be responsible for:
	13	(a) the direction and management of academic matters of the College
	14	including the regulation of admission of students, and award of certificates,
	15	scholarships, prizes and other academic distinction; and
	16	(b) discharging any other functions which the Council may from time
	17	to time delegate to it.
Power of Minister	18	9. The Minister may give to the Council directions of a general nature
	19	or relating generally to matters with regard to the exercise by the Council of its
	20	functions and it shall be the duty of the Council to comply with such directions.
Provost of the College	21	10.-(1) There shall be a Provost for the College who shall be
	22	appointed by the President on the recommendation of the Minister.
	23	(2) Where a vacancy occurs in the post of the Provost, the Council
	24	shall:
	25	(a) advertise the vacancy in a reputable, widely read newspaper in
	26	Nigeria specifying:
	27	(i) the qualities of a person who may apply for the post, and.
	28	(ii) the terms and conditions of service applicable to the post, and
	29	thereafter draw up a short list of suitable candidates for consideration of the
	30	Minister.

1 (3) The President shall appoint as Provost one of the candidates
2 recommended by the Minister.

3 (4) Subject to the general control of the Council the Provost shall
4 be the chief executive of the College and shall be charged with general
5 responsibility for matters relating to the management and operations of the
6 College.

7 (5) The Provost shall hold office for a term of five years only and
8 on such terms and conditions as maybe specified in his letter of appointment

9 **11.-(1)** There shall be for the College two Deputy Provosts: Deputy Provosts

10 (a) Deputy Provost (Academic); and

11 (b) Deputy Provost (Administration),

12 (2) The Council shall nominate the Deputy Provosts from among
13 the Chief Lecturers in the College in any of the following ways:

14 (a) from a list of five candidates in order of preference, submitted
15 by the Provost;

16 (b) on the recommendation of a Selection Board constituted for
17 that purpose; or

18 (c) on the nomination of the Provost.

19 (3) The Selection Board referred to in subsection 2 (b) shall consist
20 of:

21 (a) the Chairman of the Council;

22 (b) the Provost of the College;

23 (c) two members of the Academic Board; and

24 (d) two members of the Council not being members of the
25 Academic board.

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

27 (i) assist the Provost in the performance of his functions in
28 academic matters of the College;

29 (ii) act as the Provost when the post of the Provost is vacant or if the
30 Provost is, for any reason, absent or unable to perform his functions.

	1	(b)The Deputy Provost (Administration) shall:
	2	(i) assist the Provost in administrative matters of the college; and
	3	(ii) perform such other functions as the Provost or the Council may
	4	assign to him.
	5	(5) Each of the Deputy Provosts shall hold office for a term of two
	6	years and no more.
The Registrar and other Staff of the College	7	12. -(1) There shall be a Registrar for the College to be appointed by
	8	The Council.
	9	(2) The Registrar shall keep the records and conduct the
	10	correspondence of the Council.
	11	(3)The Registrar shall be the Secretary to:
	12	(a) the Council;
	13	(b) the Academic Board of the Council; and
	14	(c) any committee of the Council.
	15	(4) The Registrar may perform any duty assigned to him/her by the
	16	Council the Provost.
	17	(5) The Registrar shall hold office for a term of five years and no
	18	more.
Other principal Officers of the College	19	13. There shall be for the College in addition to the Registrar:
	20	(a) the Bursar, and
	21	(b) the College Librarian,
	22	who shall be appointed by the Council-
	23	(i) The Bursar shall be the chief financial officer of the College and be
	24	responsible to the Provost for the administration and control of the financial
	25	affairs of the College;
	26	(ii) The College Librarian shall be responsible to the Provost for the
	27	administration of the College library and coordination of the library services in
	28	the teaching units of the College; and
	29	(iii) The Bursar and the College Librarian shall each hold office for a
	30	term of five years and no more.

1	14. A principal officer of the College may resign his appointment:	Resignation of appointment of Principal Officer
2	(a). in case of the Provost by notice to the Visitor; and	
3	(b). in any other case by advise to the Council.	
4	15. -(1)The Council may appoint other persons to be employees of	Other employees of the College
5	the College as the Council may deem necessary to assist the Provost and the	
6	principal officers in the performance of their functions.	
7	(2) The remuneration, tenure of office and conditions of service of	
8	the employees of the College shall be determined by the Council in	
9	consultation with the Federal Civil Service Commission	
10	16. Service in the College shall be approved service for the	Pensions
11	purpose of the Pensions Reform Act 2014 and accordingly, officers and	
12	other persons employed in the College shall be entitled to pension, gratuity	
13	and other retirement benefits as may be prescribed in their respective letters	
14	of appointment.	
15	17. -(1) There shall be a Selection Board for the College which shall	Selection Board
16	consist of:	
17	(a) the Chairman of the Council;	
18	(b) the Provost;	
19	(c) four members of the Council not being members of the	
20	Academic Board; and	
21	(d) two members of the Academic Board.	
22	(2) The functions, procedure and other matters relating to the	
23	Selection Board constituted under subsection (1) shall be determined from	
24	time to time by the Council.	
25	18. -(1) The College shall establish and maintain a Fund which	Fund of the College
26	shall be applied towards the promotion of the objectives of this Act.	
27	(2) There shall be paid and credited to the Fund established under	
28	subsection (1):	
29	(a) such sums as may from time to time be granted by the Federal	
30	Government through the National Commission for Colleges of Education;	

	1	(b) all money raised by the Council by way of gifts, grants-in-aid or
	2	testamentary disposition;
	3	(c) all subscription fees and charges for services rendered by the
	4	Council; and
	5	(d) all other sums that may accrue to the Council from any sources.
	6	(3) The Council shall submit to the Minster, through the National
	7	Commission for Colleges of Education, not later than three months before the
	8	end of each financial year or at such other time as the Minister may direct an
	9	estimate of its revenue and expenditure for the next financial year.
Power to accept gift	10	19.-(1) The College may accept gifts, money or of other property
	11	upon such terms and conditions, as may be specified by the person making the
	12	gifts,
	13	(2) The College shall not accept any gift if the conditions attached to
	14	the gift are inconsistent with the objectives of the College.
Account and Audit	15	20. The College shall keep proper accounts of its receipts, allocations,
	16	payments, assets and liabilities and shall in respect of each year cause the
	17	accounts to be audited.
Annual Reports	18	21. The Council shall as soon as may be after the expiration of each
	19	financial year, prepare and submit to the Minister a report of its activities
	20	during the immediate preceding financial year and shall include in the report a
	21	copy of the audited accounts of the College for that year and of the auditor's
	22	report of the accounts
Interpretation	23	22. In this Bill:
	24	"Chairman" means the Chairman of the Council;
	25	"College" means the Federal College of established under section 1 of this Act;
	26	"Council" means the Governing Council of the College of Inventory and
	27	Industrial Technology Orerokpe, established under section 2 of this Act;
	28	"function" includes power and duties;
	29	"Minster" means the Minster charged with the responsibility for education;
	30	"Member" means a member of the Council including the Chairman;

1 "Provost" means the Provost of the College appointed under section 10 of
2 this Bill, this Act.

3 **23.** This Bill may be sited as the Federal College of Inventory and Citation
4 Industrial Technology, Orerokpe (Establishment) Bill, 2022.

1 SCHEDULE

2 SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC

3 *Terms of Service*

4 1. There may be paid to the members of the council any of its
5 committees, other than ex-officio members, such remuneration and
6 allowances as may be determined by the president.

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

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

14 *Proceedings*

15 4.-(1) The council shall meet for the conduct of business at such times,
16 places and on such days as the Chairman may appoint but shall meet not less
17 than once every four months.

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

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

24 (4) The quorum of the council shall be one-half of the total members
25 of the council, at least, one of whom shall be a member appointed by the
26 president

27 (5) Decision of the council shall be made on approval by a simple
28 majority of members.

29 *Miscellaneous*

30 5.-(1) (i) The affixing of seal of the College shall be authenticated by

1 the signatures of the Chairman, provost and of some other members of the
2 Council Authorised by the Council to act for that purpose;

3 (ii) Any contract or instrument which, if made or executed by a
4 person than a body corporate would not be required to be under seal, may be
5 made or executive on behalf of the College by any person authorized to act
6 for that purpose by the council;

7 (iii) Any document purporting to be duly executed under the seal of
8 the College shall be received in evidence and shall unless the contrary is
9 proved, be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the of Federal College of Inventory and Industrial Technology, Orerokpe; Delta State as institution to offer full-time courses leading to the award of National Certificates of Education, Diplomas etc.

A BILL

FOR

AN ACT TO AMEND EXAMINATION MALPRACTICES ACT CAP. E15 LAWS OF THE FEDERATION OF NIGERIA, 2004 IN ORDER TO REVIEW THE SAME AND EQUAL PUNISHMENT AND PENALTY REGIME PROVIDED IN THE ACT AND ALSO TO CONFER THE STATE AND THE FCT HIGH COURT WITH JURISDICTION TO ENTERTAIN CASES OF VIOLATION OF THE ACT AND RELATED MATTERS

Sponsored by Hon. Amos Magaji Gwamna

[] Commencement

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

- 1 **1.** The Examination Malpractices Act Cap, E15, Laws of the Amendment of
2 Federation of Nigeria, 2004 (in this Bill referred to as "the Principal Act") is the Principal Act
3 amended as set out in this Bill.
- 4 **2.** The Principal Act is amended in Sections 1(2),3(2)- Amendment of
5 (3),4(3),5(2),7, and 8(2) by deleting: section 1,3,4,5,7
6 (a) paragraph "(a)"; and and 8
7 (b) the words "without the option of a fine" after the word "years"
8 wherever it appears.
- 9 **3.** Section 8(1) (b of the Principal Act is amended by inserting the Amendment of
10 word "sheet" after the word "result", section 8
- 11 **4.** Section 12 (b) of the Principal Act is amended by substituting Amendment of
12 the word "person" in line 2 with the word "officer". section 12
- 13 **5.** Section 13 of the Principal Act is amended by substituting the Amendment of
14 words: section 13
15 (a) "Children and Young Persons Act" with the words" Childs
16 Rights Act; and
17 (b) "seventeen years" with the words "eighteen years".
18

Amendment of
section 14

1 **6.** Section 14 of the Principal Act is amended by inserting after the
2 words" Federal High Court" the words" State and FCT High Court"

Citation

3 **7.** This Bill may be cited as Examination Malpractices Act
4 (Amendment) Bill, 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to amend Examination Malpractices Act Cap. E 15 Laws of the Federation of Nigeria, 2004 in order to review the same and equal punishment and penalty regime provided in the Act and also to confer the State and the FCT High Court with jurisdiction to entertain cases of violation of the Act.

NATIONAL INSTITUTE OF VOCATIONAL AND TECHNICAL EDUCATION,
LAGOS STATE (ESTABLISHMENT) BILL, 2022

ARRANGEMENT OF SECTIONS

Section:

PART I – ESTABLISHMENT OF NATIONAL INSTITUTE OF VOCATIONAL
AND TECHNICAL EDUCATION, ETC.

1. Establishment of National Institute of Vocational and Technical Education
2. Establishment and composition of the Governing Board of the Institute, etc.
3. Functions and Powers of the Board
4. Tenure of office of members of the Board
5. Removal from office
6. Remuneration

PART II - FUNCTIONS OF THE INSTITUTE

7. Functions of the Institute
8. Powers of the Institute
9. Establishment of Academic Board

PART III - APPOINTMENT, QUALIFICATION, TENURE, ETC OF
PRINCIPAL OFFICERS AND OTHER STAFF OF THE INSTITUTE

10. Appointment of the Director of the Institute
11. Duties of the Director
12. Tenure of office of the Director
13. Terms and conditions of office of the Director
14. Removal of Director from office
15. Registrar of the Institute
16. Tenure of office of Registrar
17. Appointment of Deputy Director of the Institute
18. Other principal officers of the Institute
19. Resignation of appointment by principal officers

- 20. Appointment of other employees of the Institute
- 21. Staff regulation
- 22. Removal of staff from office

PART IV - FINANCIAL PROVISIONS

- 23. Establishment of funds for the Institute
- 24. Donations for particular purposes
- 25. Payment into Bank
- 26. Powers to accept gift
- 27. Expenditure of the Institute
- 28. Power to borrow
- 29. Annual estimates and expenditure
- 30. Annual report

PART V - MISCELLANEOUS PROVISIONS

- 31. Discipline of students
- 32. Transitional provisions
- 33. Exclusion or discrimination on account of race, religion etc.
- 34. Interpretation
- 35. Citation

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL
INSTITUTE OF VOCATIONAL AND TECHNICAL EDUCATION, LAGOS STATE
AND FOR RELATED MATTERS

Sponsored by Hon. Rotimi Agunsoye

[] Commencement

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

- 1 1.-(1) There is hereby established a body to be known as the Establishment of
2 National Institute of Vocational and Technical Education (in this Act National Institute
3 referred to as "the Institute") which shall have the functions assigned to it by of Vocational and
4 this Act. Technical Education
- 5 (2) The Institute shall be a body corporate with perpetual
6 succession and a common seal and shall have power to acquire and dispose
7 of interests in movable and immovable property and may sue and be sued in
8 its corporate name.
- 9 (3) The Institute shall consist of the following departments:
- 10 (a) business education;
- 11 (b) agricultural education;
- 12 (c) technical education;
- 13 (d) computer education;
- 14 (e) home economics;
- 15 (f) music and arts;
- 16 (g) general studies department;
- 17 (h) such other educational units or departments or variations of the
18 above as may, subject to this Act be established from time to time by the
19 Board.

Establishment and Composition of the Governing Board of the Institute	1	2. -(1) The affairs and running of the Institute shall vest in the
	2	Governing Board of the Institute (in this Act referred to as "the Board)
	3	(2) Without prejudice to the generality of subsection (1) of this
	4	section, it shall be the responsibility of the Board to consider and approve:
	5	(a) the objectives and plan of activities of the Institute;
	6	(b) the programme of studies, courses and research to be undertaken
	7	by the Institute;
	8	(c) the annual estimates of the Institute;
	9	(d) the investment plan of the Institute.
	10	(3) The Board shall consist of:
	11	(a) a Chairman who shall be appointed by the President;
	12	(b) the Director of the Institute appointed under section 9 of this Act;
	13	(c) one representative of the National Board for Technical Education;
	14	(d) three members to be nominated by each of the Ministries
	15	responsible for Industries, Education and Labour;
	16	(e) one representative of the Manufacturers Association of Nigeria
	17	(MAN);
	18	(f) one person of standing in the community where the Institute is
	19	located;
	20	(g) one representative of the Academic Board of the Institute;
	21	(h) one representative of state commissioner of education;
	22	(i) one person to represent professional bodies whose discipline are
	23	taught in the Institute.
Functions and powers of the Board	24	3. -(1) Subject to the provisions of this Act, the Board shall have
	25	responsibility for the general management of the affairs of the Institute and, in
	26	particular, the general control of the Institute.
	27	(2) Without prejudice to the generality of the provisions of section (3)
	28	of this Act, the Board shall have power:
	29	(a) to create lectureships and other posts and offices and to make
	30	appointments thereto;

1 (b) to appoint such administrative and other members of staff of the
2 Institute as may appear necessary or expedient;

3 (c) to exercise disciplinary control over members of the staff of the
4 Institute;

5 (d) to prescribe the terms and conditions of service including
6 salaries, allowances, pensions and other remunerations, for all members of
7 the staff of the Institute;

8 (e) to encourage and make provisions for research in the Institute;

9 (f) to erect, provide, equip and maintain libraries, lecture halls, hall
10 of residence, refectories, sports grounds, playing fields and such other
11 buildings or things as may be necessary, suitable or required;

12 (g) to enter into such contracts as may be necessary or expedient for
13 carrying into effect the provisions of this Act;

14 (h) to acquire and hold such movable or immovable property as
15 may be necessary or expedient for carrying into effect the provisions of this
16 Act and for the same purpose may sell, lease, mortgage or otherwise alienate
17 or dispose of any property acquired; and

18 (i) to do anything which in its opinion is calculated to facilitate the
19 carrying out of the objects of the Institute and to promote its best interest.

20 **4.** A member of the Board (other than an ex-officio member) shall
21 hold office for a term of four years and may be eligible for reappointment for
22 another term of four years and no more

Tenure of office
of members of
the Board

23 **5.-(1)** A member of the Board (other than an ex-officio member)
24 may resign his appointment by notice in writing addressed to the President

Resolution of
appointment or
removal from
office

25 (2) The President may remove any member of the Board if he is
26 satisfied that it is not in the interest of the Institute that the member
27 concerned should continue in office.

28 **6.** A member of the Board (other than an ex-officio member) shall
29 be paid such remuneration and allowances as may be determined by the
30 President.

Remuneration

	1	PART II - FUNCTIONS OF THE INSTITUTE
Functions of the Institute	2	7.-(1) The functions of the Institute shall be:
	3	(a) to provide detailed identification of technical and skills
	4	acquisition needs for the economy in training and development training
	5	programmes to meet those needs;
	6	(b) to establish a vocational education and training system which
	7	includes basic and specialized training to meet the needs of both the formal and
	8	informal sectors;
	9	(c) to carry out training of students and artisans and retraining of
	10	professionals to meet newest requirement identified in paragraph (a);
	11	(d)to satisfy the demands of the labour market for employees with
	12	trade skills in order to improve production and productivity of the economy;
	13	(e) to promote the balancing of supply and demand for skilled labour
	14	in both wage employment and for skills needed for self-employment in rural
	15	and urban areas;
	16	(f) to promote on the job training in industry for both apprenticeship
	17	training and for skills updating and upgrading;
	18	(g) to promote and undertake any other activity that in the opinion of
	19	the management is calculated to help achieve the purposes of the Institute.
	20	(2) The Institute shall ensure that the training approach to be followed
	21	shall be highly job specific and practical and shall utilize modern methods of
	22	management skills development usually utilized by similar establishments in
	23	order to attain the highest standards.
Powers of the Institute	24	8. The Institute shall have power to:
	25	(a) award diplomas and certificates for courses provided by it under
	26	section 1 of this Act;
	27	(b) invest its funds in a manner and to such an extent as it may deem
	28	necessary or expedient;
	29	(c) establish and maintain a library, comprising such books, journals,
	30	records, reports and other publications and information systems as may be

1 required for the performance of the functions conferred on the Institute by
2 this Act;

3 (d) accept gifts of land, money or other property upon such terms
4 and conditions, as may be specified by the person or organization making
5 the gift, but the Institute shall not accept any gift if the terms and conditions
6 attached are inconsistent with its functions under this Act.

7 **9.-(1)** There shall be established for the Institute the Academic Establishment
8 Board which shall consist of the following members: of the Academic
Board

- 9 (a) the Director of the Institute who shall be the Chairman;
10 (b) the Deputy Director;
11 (c) all Heads of Departments;
12 (d) the Librarian;
13 (e) not more than two members of the academic staff other than
14 Heads of Departments to be appointed by the Board.

15 (2) The Academic Board shall be responsible for:

- 16 (a) the direction and management of academic matters of the
17 Institute including the regulation of admission of students, the award of
18 certificates, scholarships, prizes and other academic distinctions;
19 (b) making periodic reports on such academic matters to the
20 Academic Board as the Board may from time to time direct;
21 (c) discharging any other functions which the Board may delegate
22 to it.

23 **PART III - APPOINTMENT, TENURE, DUTIES, ETC. OF PRINCIPAL**

24 **OFFICERS AND OTHER STAFF OF THE INSTITUTE**

25 **10.-(1)** There shall be for the Institute a Director (in this Act Appointment of
26 referred to as "the Director) who shall: Director of the
Institute

- 27 (a) be appointed by the President;
28 (b) have such qualification and experience as are appropriate for a
29 person required to perform the functions of those offices under this Act;
30 (c) hold office on such terms and conditions of service as stipulated

	1	in his letter of appointment.
Duties of the Director	2	11. Subject to the provisions of this Act, the Director shall be the chief
	3	executive officer of the Institute and shall be charged with the general
	4	responsibility for the management of the educational affairs and academic
	5	matters of the Institute and shall in particular:
	6	(a) direct and regulate the programme of work of the Institute;
	7	(b) promote research within the Institute;
	8	(c) award certificates or diplomas;
	9	(d) keep in safe custody all records of the Institute;
	10	(e) demand and receive from any student or any other person
	11	attending the institute, such fees as the Board may, from time to time,
	12	determine;
	13	(f) exercise and perform such other powers and duties as may be
	14	conferred or imposed upon him by the Board.
Tenure of office of the Director	15	12. The Director shall hold office for a term of four years and may be
	16	reappointed for another term of four years and no more.
Terms and conditions of office of the Director	17	13. The Director shall hold office on such terms and conditions as
	18	may be determined by the Board as set out in his letter of appointment.
Removal of the Director from office	19	14. Where it appears to the Board that the Director should be removed
	20	from office on the grounds of:
	21	(a) misconduct;
	22	(b) conviction from a court of competent jurisdiction (or panel of
	23	inquiry if not challenged in court);
	24	(c) inability to perform the functions of his office, \the Board shall
	25	make a recommendation to that effect to the President and if the President, after
	26	making inquiries as he considers necessary, approves the recommendation, the
	27	President shall, in writing, declare the office of the Director vacant.
Registrar of the Institute	28	15.-(1) There shall be a Registrar for the Institute who shall:
	29	(a) be responsible to the Director for the day to day administration of
	30	the Institute;

1 (b) perform such other duties as the Board or the Director may
2 require him to do.

3 (2) The Registrar shall be the Secretary to the Board and any other
4 Committee and shall attend meetings unless excused for good cause or
5 reason by the Chairman of the Board.

6 (3) Where the Registrar is absent from a meeting of the Board, the
7 Chairman may, after consultation with the Director, appoint a suitable
8 person to act as Secretary for any particular meeting of the Board

9 (4) A person so appointed to act under subsection (3) shall not be
10 entitled to vote on any issue before the Board, to be counted towards a
11 quorum unless such a person is so entitled as a member of the Board.

12 **16.-(1)** The Registrar:

Tenure of office
of the Registrar

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

16 (b) may be reappointed for another term of four years and no more.

17 **17.-(1)** There shall be for the Institute a Deputy Director.

Appointment of
the Deputy Director

18 (2) The Deputy Director shall be a person of high academic and
19 moral standing and manifest administrative experience, and shall be
20 appointed by the Board on the recommendation of the Director.

21 (3) The Board shall appoint the Deputy Director from among the
22 Chief Lecturers in the Institute:

23 (a) from a list of three candidates, in order of preference, submitted
24 by the Director;

25 (b) on the recommendation of the Selection Board constituted for
26 the Institute.

27 (4) The Selection Board referred to in subsection (3) (b) of this
28 section shall consist of:

29 (a) the Chairman of the Board;

30 (b) the Director;

1 (c) two members of the Board not being members of the Academic
2 Board;

3 (d) two members of the Academic Board, which may make inquiries
4 as it deems fit before making the recommendation required under subsection
5 (3)(b).

6 (5) The Deputy Director shall:

7 (a) assist the Director in the performance of his functions;

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

11 (c) perform such other functions as the Director or the Board may
12 from time to time assign to him.

13 (6) The Deputy Director:

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

17 (b) may be reappointed for another term of four years and no more.

Other principal
officers of the
Institute 18 **18.**-(1) There shall be for the Institute the following Principal Officers
19 in addition to the Registrar:

20 (a) the Bursar;

21 (b) the Librarian;

22 (c) the Head of Works;

23 (d) the Head of Medical and Health Services.

24 (2) The Bursar shall be the Chief Financial Officer of the Institute and
25 shall be responsible to the Director for the day to day administration and
26 control of the financial affairs of the Institute.

27 (3) The Librarian shall be responsible to the Director for the
28 administration of the Library and the coordination of the library services in the
29 teaching units of the Institute.

30 (4) The Head of Works shall be responsible to the Director for the

1 maintenance of the Institute's buildings, minor works, transport and
2 supervision of the construction projects.

3 (5) The Head of Medical and Health Services shall be responsible
4 to the Director for the supervision of the medical and health facilities of the
5 Institute

6 (6) The Principal Officers mentioned in subsection (1):

7 (a) Shall hold office for a term of four years in the first instance and
8 on such terms and conditions as may be specified in their letters of
9 appointment;

10 (b) May be reappointed for another term of four years and no more.

11 (7) Any question as to the scope of the responsibilities of the
12 Principal Officers shall be determined by the Director:

13 **19.** A Principal Officer may resign his appointment:

14 (a) in the case of the Director, by notice in writing to the Board and
15 the Board shall forward it to the President;

16 (b) in any other case, by notice in writing to the Director who shall
17 forward it to the Board.

18 **20.-(1)** The Board may appoint such other persons to be staff of the
19 Institute as the Board may determine, to assist the Director and the Principal
20 Officers in the performance of their functions under this Act.

21 (2) The remuneration of the staff of the Institute shall be
22 determined by the Board.

23 **21.** Staff regulations shall be in line with the existing Pub lie
24 Service Rules and Regulations.

25 **22.-(1)** If it appears to the Board that there are reasons for believing
26 that any person employed as a member of the academic, administrative or
27 technical staff of the Institute other than the Director, should be removed
28 from office on grounds of misconduct or inability to perform the functions
29 of that office, the Board shall:

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

Resignation of
appointment by
Principal Officers

Appointment of
other employees
of the Institute

Staff Regulation

Removal of staff
of Institute from
office

1 (b) afford him an opportunity to make representations in person on the
2 matter to the Board;

3 (c) if he or any three members of the Board so request within the
4 period of one month beginning with the date of the notice, make arrangements:

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

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

12 (2) The Director may, in the case of misconduct by a member of staff
13 which , in the opinion of the Director, is prejudicial to the interests of the
14 Institute, suspend any such member and any such suspension shall forthwith be
15 reported to the Board.

16 (3) A member of staff may be suspended from office for good cause,
17 or his appointment may be terminated by the Board, and for the purpose of this
18 subsection, "good cause" means:

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

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

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

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

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

5 (a) whether to continue the persons suspension and if so, on what
 6 terms (including the proportion of his emolument to be paid to him);

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

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

13 (d) whether to take such lesser disciplinary action against the
 14 person (including the restoration of his emoluments that might have been
 15 withheld) as the Board may determine, and in any case where the Board,
 16 pursuant to this section, decides to continue a person's suspension or decides
 17 to take further disciplinary action against a person, the Board shall before
 18 the expiration of a period of three months from such decision come to a final
 19 determination in respect of the case concerning any such person.

20 (5) The person by whom an instrument of removal is signed under
 21 subsection (1) shall use his best endeavours to cause a copy of the instrument
 22 to be served as soon as reasonably practicable on the person to whom it
 23 relates.

24 (6) Nothing in this section shall prevent the Board from making
 25 such regulations for the discipline of other categories of staff and workers of
 26 the Institute as it may deem fit.

27 **PART IV - FINANCIAL PROVISIONS**

28 **23.-(1)** The Institute shall establish and maintain a fund (the Fund)
 29 from which shall be defrayed all expenditure incurred by, the Institute in the
 30 performance of its functions under this Act.

Establishment
of funds for the
Institute

	1	(2) There shall be paid into the Fund:
	2	(a) all subventions and budgetary allocation from the Federal
	3	Government of Nigeria;
	4	(b) fees charged and payable to the Institute by the students;
	5	(c) any other amount charged or dues recoverable by the Institute;
	6	(d) revenue accruing to the Institute by way of subvention, grants -in-
	7	aid, endowment or otherwise;
	8	(e) interest on investments;
	9	(f) donations and legacies accruing to the Institute from any source,
	10	for the general or special purpose of the Institute.
Donations for particular purposes	11	24. -(1) Donations of money to be applied to any particular purpose
	12	shall be placed to the credit of a Special Reserve Account approved by the
	13	Board until such a time as they may be expended in fulfillment of such purpose.
	14	(2) The Board is not obliged to accept a donation of land, money and
	15	any other property for a particular purpose if the terms and conditions are
	16	contrary to the functions of the Institute.
Payment into Bank	17	25. All sums of money received on account of the Institute shall be
	18	paid into the bank as may be approved for the credit of the Institute's general
	19	current and deposit accounts.
Powers to accept gifts	20	26. -(1) The Institute may accept gifts of land, money or other property
	21	on such terms and conditions, if any as may be specified by the person or
	22	organization making the gift.
	23	(2) The Institute shall accept gifts if the conditions attached by the
	24	person or the organization making the gift are inconsistent with the functions of
	25	the Institute under this Act.
Expenditure of the Institute	26	27. The Institute shall from time to time apply the fund at its disposal
	27	to:
	28	(a) the cost of administration and maintenance of the Institute;
	29	(b) publicize and promote the activities of the Institute;
	30	(c) pay allowances, expenses and other benefits of members of the

1 Board and Committees of the Board;

2 (d) pay the salaries, allowance's and benefits of employees of the
3 Institute;

4 (e) pay other overhead allowances, benefits and other
5 administrative costs of the Institute;

6 (f) undertake such other activities as are connected with all or any
7 of the functions of the Institute under this Act.

8 **28.**-(1) The Institute may, from time to time, borrow by overdraft or Power to borrow
9 otherwise such sums as it may require for the performance of its functions
10 under this Act.

11 (2)The Institute shall not, without the approval of the President,
12 borrow money which exceeds, at any time, the limit set by the President.

13 (3) Notwithstanding subsection (1) of this section, where the sum
14 to be borrowed is in foreign currency, the Institute shall not borrow the sum
15 without the prior approval of the President.

16 **29.**-(1) The Board shall not later than 30 September in each year, Annual estimates
and expenditure
17 submit to the President an estimate of the expenditure and income of the
18 Institute during the next succeeding year.

19 (2) The Board shall cause to be kept proper accounts of the Institute
20 in respect of each year and proper records in relation thereto and shall cause
21 the accounts to be audited not later than six months after the end of each year
22 by auditors appointed from the list in accordance with the guidelines
23 supplied by the Auditor- General of the Federation.

24 **30.** The Board shall prepare and submit to the President, not later Annual report
25 than 31 December in each year, a report in such form as the President may
26 direct on the activities of the Institute during the immediately preceding
27 year, and shall include in the report a copy of the audited accounts of the
28 Institute for that year and the auditor's report thereto.

PART V - MISCELLANEOUS PROVISIONS

Discipline of
students

31.-(1) The Board may make rules providing for the Director to conduct enquiries into alleged acts of misconduct (including lack of discipline) by students and such rules may make different provisions for different circumstances.

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

(3) Notwithstanding anything to the contrary contained in any other enactment, where it appears to the Board that any student of the Institute has been guilty of misconduct, the Board may, without prejudice to any other disciplinary powers conferred on it by regulations direct that:

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

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

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

(d) the student be expelled from the Institute.

(4) Where the post of the Director is vacant or where the Director refuses to apply any disciplinary measures, the Board may either directly or through some other staff apply such disciplinary actions as are specified in subsection (1) to any student of the Institute who is considered guilty of misconduct.

(5) When: a direction is given under subsection (3)(c) or (d) in respect of any student, the student may, within a period of twenty one days from the date of the letter communicating the decision to him appeal against the direction to the Board, and where such appeal is brought, the Board shall, after causing an inquiry to be made in the matter as the Board considers just, either

1 confirm or set aside the direction or modify it in the manner the Board may
2 deem fit.

3 (6) The fact that an appeal from a direction I sp ending under
4 subsection (5) shall not affect the operation of the direction while the appeal
5 is pending.

6 (7) The Director may delegate his powers under this section to a
7 disciplinary committee of such members of the Institute as he may
8 nominate.

9 (8) Nothing in this section shall be construed as terminating a
10 student's activity in the Institute except on the grounds of misconduct.

11 (9) The direction under subsection (3) (a) may be combined with a
12 direction under subsection (3) (b).

13 (10) In all cases under this section, the decision of the Board shall
14 be final.

15 **32.-(1)** On the commencement of this Act, any person employed by
16 or serving in the Institute shall be deemed to have been employed or serving
17 in the Institute under this Act. Transitional
provisions

18 (2) All assets or liabilities belonging to the Institute shall be
19 deemed to belong to the Institute established under this Act.

20 **33.-(1)** No person shall be- Exclusion or
discrimination on
account of race,
religion etc.

21 (a) Required to satisfy requirements as to race (including ethnic
22 groupings), sex, place of birth, family origin, religious or political
23 persuasion as a condition for-

24 (i) becoming or continuing to be a student of the Institute;

25 (ii) being a holder of any certificate of the Institute or any
26 appointment or employment at the Institute;

27 (iii) being a member of anybody established under this Act.

28 (b) Subjected to any disadvantage or accorded any advantage in
29 relation to the Institute by reference to any of the matters mentioned in this
30 subsection.

	1	(2) Nothing in this section shall be construed as preventing the
	2	Institute from imposing any disability or restriction on any-person where such
	3	person willfully refuses or fails on grounds of religious belief to undertake any
	4	duty generally or uniformly imposed on all persons or any group of them which
	5	duty, having regards to its nature and the special circumstance pertaining to it,
	6	is in the opinion of the Institute, reasonably justifiable in the national interest.
Interpretation	7	34. In this Act, unless otherwise requires-
	8	"institute" means the National Institute of Vocational and Technical Education,
	9	Lagos State established by section 1 of this Act;
	10	"board" means the governing body of the Institute;
	11	"chairman" means chairman of the Governing Board;
	12	"director" means Director of the Institute;
	13	"government" means government of the Federal Republic of Nigeria;
	14	"president" means President of the Federal Republic of Nigeria.
Citation	15	35. This Bill may be cited as the National Institute of Vocational and
	16	Technical Education, Lagos State (Establishment) Bill, 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the Legal Framework to establish the Federal Institute of Vocational and Technical Education, Lagos State.

A BILL

FOR

AN ACT TO PROVIDE MINIMUM ACADEMIC QUALIFICATION FOR PATENT
AND PROPRIETARY MEDICINE VENDORS IN NIGERIA AND FOR RELATED
MATTERS, 2022

Sponsored by Hon. Amos Magaji Gwamna

[] Commencement

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

1 PART I - OBJECTIVE, FUNCTIONS AND QUALIFICATIONS OF PATENT

2 AND PROPRIETARY MEDICINE VENDORS

3 **1.** The objective of this Bill is to provide for an effective and Objective
4 comprehensive legal and institutional framework for Patent and Proprietary
5 Medicine Vendors, in Nigeria. Legally, PPMVs are permitted to sell a
6 limited number of pre-packaged, over-the-counter medicines, but are
7 prohibited from selling prescription medications (e.g. antibiotics) or
8 conducting invasive medical procedures (e.g. malaria rapid diagnostic
9 tests). Formal medical or pharmacy training is not required for PPMV
10 licensure, but by convention, the minimum educational attainment has been
11 primary schooling and most complete an apprenticeship with a more senior
12 PPMV before opening their own shop. All PPMVs are required by Nigerian
13 law to register with the Pharmacists Council of Nigeria (PCN) and renew
14 their license annually.

15 **2.** Primary function of a PPMV shop is retail sales and not Function of Patent
16 healthcare, customer demand often dictates the products and services and Proprietary
17 provided, and may lead to PPMVs practicing beyond their legal scope. Medicine Vendors

18 **3.** The PPMV associations are governed by a body of 6-8 Governing Council
19 executives elected for a 2-5?year tenure depending on the position and the of Patent and
LGA. The executive positions are voluntary and unpaid and executives Proprietary Medicine
Vendors

	1	reported working about 3-10 ⁷ h per week on average.
Functions of the Governing Council	2	4. The Governing Council are monitoring members' activities, such
	3	as-
	4	(a) ensuring that members stock and sell appropriate drugs;
	5	(b) ensuring price regulation among members;
	6	(c) discouraging sale of counterfeit drugs;
	7	(d) social support and welfare benefits through cash/in-kind
	8	assistance for members in times of hardship, such as the death of a family
	9	member;
	10	(e) support in obtaining Pharmacists Council of Nigeria (PCN)
	11	registration and licensing, legal services and professional development
	12	through access to training seminars and updates on new drug regimens.
Qualifications	13	5. Formal medical or pharmacy training is not required for PPMV
	14	licensure, but with the provision of this Bill, but anybody wish to practice or
	15	going into Patent and Proprietary Medicine Vendors must acquire a minimum
	16	certificate of Diploma in Health Technology or Patent and Proprietary
	17	Medicine Vendor or above.
	18	Person with nursing or midwifery experience, pharmacy technician should
	19	also be allowed to practice Patent and Proprietary Medicine Vendors.
	20	PART II - TRAINING AND REGISTRATION OF PATENT AND
	21	PROPRIETARY MEDICINE VENDORS
Training and registration of Patent and Proprietary Medicine Vendors	22	6.-(1) A person shall not be qualified to work as a Patent and
	23	Proprietary Medicine Vendor in any part of the Federation unless he is duly
	24	registered and issued with an annual permit by the Council as a Patent and
	25	Proprietary Medicine Vendor.
	26	(2) A person shall not be registered by the Council as a Patent and
	27	Proprietary Medicine Vendor unless he has-
	28	(a) undergone a course of training for Patent and Proprietary
	29	Medicine Vendor or complete an apprenticeship with a more senior PPMV
	30	before opening his own shop;

1 (b) been converted from Patent and Proprietary Medicine Vendor
2 to Pharmacy Technician before the commencement of this Bill or holds a
3 certificate issued by a recognized Institution approved by the Council; or

4 (c) undergone a course of training in a foreign institution
5 recognized by the Council for a specified period of time and has also
6 undergone a mandatory six months orientation programme in a School of
7 Health Technology or any other Institution recognised by the Council for
8 that purpose.

9 (3) A person who is registered as a Patent and Proprietary Medicine
10 Vendor under subsection (2) of this section shall work under the direct
11 supervision and control of a registered Pharmacist.

12 (4) A person who does not possess the qualifications specified in
13 subsection (2) of this section or who has not registered as a Patent and
14 Proprietary Medicine Vendor or deemed to have been so registered, shall not
15 work or perform any duty as a Patent and Proprietary Medicine Vendor at
16 any place of work in any part of Nigeria.

17 (5) A person shall not-

18 (a) use or bear the title "Patent and Proprietary Medicine Vendor"
19 in connection with any work or duty performed by him at any place of work
20 in any part of Nigeria, if he is not registered as a Patent and Proprietary
21 Medicine Vendor in accordance with the provisions of this Bill;

22 (b) use or bear the title "Patent and Proprietary Medicine Vendor"
23 in connection with his work or duty, in circumstances likely to suggest that
24 he possesses any of the qualifications specified in subsection (2) of this
25 section for Patent and Proprietary Medicine Vendor but that person does not
26 in fact possess or to suggest that he has been registered or deemed to be
27 registered as a Patent and Proprietary Medicine Vendor under this Bill,
28 when in fact he is not so registered; and

29 (c) work as a Patent and Proprietary Medicine Vendor in any year
30 unless he has paid in respect of that year the prescribed annual permit

1 renewal fee before 31st day of March.

2 (6) Any person who violates the provisions of subsection (5) and (6)
3 of this section commits an offence and shall be liable on conviction to a term of
4 imprisonment for 2 years or a fine of N500,000 or to both such fine and
5 imprisonment.

6 PART III - PROFESSIONAL DISCIPLINE

Establishment
of disciplinary
tribunal

7 7.-(1) There shall be a tribunal to be known as the Patent and
8 Proprietary Medicine Vendors Disciplinary Tribunal (hereinafter referred to as
9 the "Tribunal") which shall be charged with the responsibility of considering
10 and determining any case referred to it by the Investigating Panel established
11 under section 46 of this Bill.

12 (2) The Tribunal shall consist of the Chairman of the Council and six
13 other members appointed by the Council.

Establishment
of an investigating
panel

14 8.-(1) There shall be a body to be known as the Patent and Proprietary
15 Medicine Vendors Investigating Panel (hereinafter referred to as the
16 "Investigating Panel") charged with the following responsibilities -

17 (a) conducting a preliminary investigation into any case where it is or
18 Provisional member has committed an act in that capacity amounting to a
19 professional misconduct or infamous conduct in a professional respect, or
20 should for any other reason be the subject of proceedings before the Tribunal;
21 and

22 (b) deciding whether the case should be referred to the Tribunal.

23 (2) The Panel shall be appointed by the Council and shall consist of
24 four members of the Council and one other person who is not a member of the
25 Council, but who shall be a registered Pharmacist appointed by the Council.

26 (3) The provisions of the second Schedule to this Act applies to the
27 Investigating Panel and the Tribunal respectively.

28 (4) Without prejudice to the foregoing provisions of this section, the
29 Council shall make regulations for the discipline of medicine Vendors when
30 necessary.

- 1 9.-(1) For the purposes of this Part, professional misconduct or Meaning of
2 infamous conduct in a professional respect include- professional
3 (a) the publication or circulation of false, misleading or deceptive misconduct or
4 statements concerning the practice of pharmacy; infamous conduct
- 5 (b) divulging or revealing to unauthorized persons, a patient or
6 another practitioner's information, or the nature of professional pharmacy
7 services rendered, without the patient's express consent, or without order or
8 direction of a court;
- 9 (c) selling, giving away, or disposing of accessories, chemicals,
10 drugs, medicines or devices which have been obtained illegally, when the
11 pharmacist knows or ought to have known of their having been obtained
12 illegally or their intended use in illegal activities;
- 13 (d) manufacturing, importing, exporting, procuring,
14 compounding, mixing, preparing, dispensing, selling, distributing of
15 medicines, chemicals, drugs, poisons, devices or accessories in an
16 unlicensed premises;
- 17 (e) dispensing, selling, distributing, giving away or disposing
18 accessories, chemicals, drugs, poisons, medicines or devices to
19 unauthorized persons;
- 20 (f) engaging in conduct likely to deceive, defraud or harm the
21 patient or the public, or demonstrating a willful or careless disregard for the
22 health, welfare or safety of a patient or the public or engaging in conduct
23 which substantially departs from the standards of care ordinarily exercised
24 by a pharmacist;
- 25 (g) knowingly failing to maintain a complete and accurate records
26 of all drugs and medicines produced, received, dispensed or disposed of in
27 compliance with the requirements of all enactments, regulations and rules
28 for the time being in force;
- 29 (h) practicing the profession without being licensed; or
30 (i) obtaining any monies by fraud, misrepresentation or deception.

Penalties for
professional
misconduct, etc.

1 (2) Without prejudice to the provisions of subsection (1) of this
2 section, the Council may make rules prescribing other acts or omissions which
3 shall constitute professional misconduct or infamous conduct in professional
4 respect under this Bill.

5 **10. -(1) Where-**

6 (a) a Medicine vendors is found by the disciplinary tribunal to be
7 guilty of professional misconduct or infamous conduct in any professional
8 respect;

9 (b) a Patent Medicine Vendor is convicted by any court or tribunal in
10 Nigeria or elsewhere having power to award imprisonment, of an offence
11 which in the opinion of the tribunal is incompatible with his status as a
12 pharmacist; or

13 (c) the disciplinary tribunal finds that the name of any person has been
14 fraudulently registered under this Bill;
15 the tribunal may give a direction-

16 (i) reprimanding that person;

17 (ii) ordering the Patent Association to suspend him from practice;

18 (iii) ordering the Patent Association to strike out his name off the
19 appropriate register;

20 (iv) ordering the person to pay a fine as may be specified in the
21 direction; or

22 (v) ordering the Registrar to remove from the register of premises, any
23 premises entered in the register of premises, at which the pharmacy practice in
24 question is carried out by a registered person, where applicable.

25 (2) The tribunal may defer its decision under subsection (1) of this
26 section provided, that-

27 (a) no decision shall be deferred for more than an aggregate period of
28 three months; and

29 (b) a member of the tribunal shall not sit for the purpose of reaching a

1 decision which has been deferred unless he was present when the decision to
2 defer was taken.

3 (3) Where the tribunal gives a direction under subsection (1) of this
4 section, the tribunal shall cause a notice of the direction to be served on the
5 person to whom it relates.

6 (4) A person to whom a direction under subsection (1) of this
7 section relates may, at any time within thirty days from the date of service on
8 him of the notice of direction, appeal against the direction to the Court of
9 Appeal and the tribunal may appear as respondent to the appeal and, for the
10 purpose of enabling directions to be given by the Court of Appeal as to the
11 costs of the appeal and of proceedings before the tribunal, the tribunal shall
12 be considered to be a party to the appeal, whether or not it appears on the
13 hearing of the appeal.

14 (5) A direction of the tribunal under subsection (1) of this section
15 shall take effect-

16 (a) where no appeal under subsection (5) of this section is brought
17 against the direction within the time limit for such an appeal, on the
18 expiration of that time;

19 (b) where an appeal under subsection (5) of this section is brought
20 against the direction, but it is withdrawn or struck out for want of
21 prosecution, from the date of the withdrawal or striking out of the appeal; or

22 (c) where such an appeal is brought and is not withdrawn or struck
23 out as aforesaid, if and when the appeal is dismissed.

24 (6) A person whose name is struck out of any register kept under
25 this Bill or suspended from practice in pursuance of a direction of the
26 tribunal shall not be entitled to be re-registered in that register or reinstated
27 to practice, except in pursuance of a direction given by the Tribunal or the
28 Appellate Court.

29 (7) A Medicine vendor who in respect of any year practices the

	1	profession without paying his annual practicing fee commits a misconduct and
	2	shall be liable-
	3	(a) in the case of a first offender, to a fine of twice the prescribed
	4	practicing fee;
	5	(b) in the case of a second or subsequent offender, to a fine of not less
	6	than ten times the prescribed practicing fees, and if the Patent is in the
	7	employment of any person, the employer shall be guilty of an offence
	8	punishable in the like manner as the Patent where it is proved that the Patent's
	9	failure to pay the prescribed fees was with the knowledge, consent or
	10	connivance of the employer.
When a person shall be treated as convicted	11	11. For the purposes of section 48(1)(b) of this Bill, a person shall not
	12	be treated as convicted unless as at the time the conviction is subsisting, the
	13	time stipulated for appeal has lapsed and no appeal is pending in an appellate
	14	court.
When a person is deemed to practice as a Patent and Proprietary Medicine Vendor	15	12. For the purpose of this Bill, a person shall be considered to
	16	practice as a pharmacist if he-
	17	(a) engages himself in the practice of Medicine or holds himself out to
	18	the public as a Patent;
	19	(b) renders professional service or assistance in or about matters of
	20	principle or detail relating to patent; or
	21	(c) renders any other service which may, by regulations made by the
	22	Council, be designated as service constituting practice as a licensed
	23	pharmacist.
The jurisdiction of the disciplinary tribunal	24	13. Criminal proceedings shall not oust the jurisdiction of the
	25	Disciplinary Tribunal from determining any case of misconduct or infamous
	26	conduct in a professional respect.
	27	PART IV - OFFENCES AND PENALTIES
General offences	28	14.-(1) Any person who knowingly makes a false statement for the
	29	purpose of procuring the registration of any name, premises, qualification or
	30	any other matter under this Bill, commits an offence.

1 (2) A person who is not a registered Patent and Proprietary
2 Medicine Vendor, under this Bill, but practices as such or holds himself out
3 as being so registered and entitled to practice in that capacity whether for
4 reward or not, or takes or uses any name, title, addition or description
5 implying that he is so registered and authorized by law to so practice,
6 commits an offence under this Bill.

7 (3) A person convicted of any offence under this section is liable
8 on-

9 (a) conviction in the case of subsection (1) of this section, to a fine
10 of not less than N500,000.00 or to a term of imprisonment not exceeding one
11 year or to both; or

12 (b) conviction in the case of subsection (2) of this section, to a fine
13 of not less than N1,000,000.00 or to a term of imprisonment not exceeding
14 two years, or to both.

15 (4) A body corporate that violates the provisions of this section
16 commits an offence and is liable on-

17 (a) conviction in the case of subsection (1) of this section, to a fine
18 of not less than N2,000,000.00 and the directors or principal officers of the
19 body corporate shall be liable to a fine of not less than N250,000.00 or to a
20 term of imprisonment not exceeding two years or to both; or

21 (b) conviction in the case of subsection (2) of this section, to a fine
22 of not less than N5,000,000.00 and the directors or principal officers of the
23 body corporate shall be liable to a fine of not less than N500,000.00 or to a
24 term of imprisonment not exceeding three years or to both.

25 (5) Where an offence under this Bill which has been committed by
26 a body corporate is proved to have been committed with the consent,
27 connivance or collusion of or to be attributable to any neglect on the part of a
28 director, manager, secretary or any other similar officer of the body
29 corporate or any person who was purporting to act in any such capacity, he,
30 as well as the body corporate shall be guilty of that offence and shall be liable

1 to be proceeded against and punished accordingly.

2 (6) In relation to a body corporate carrying on pharmacy business,
3 subsection (4) of this section shall have effect as to a person who not being an
4 officer of the body corporate at the time of the commission of the offence-

5 (a) is the superintendent pharmacist; or

6 (b) at any premises where the business is carried on, is the pharmacist
7 who acts under the directions of the superintendent pharmacist;

8 (c) as if he were such an officer of the body corporate as is mentioned
9 in preceding subsection.

Operating a
medicine store
without registration

10 **15.-(1)** Any person or body corporate that owns, operates, maintains,
11 establishes or has charge of either alone or with another person or persons, a
12 vendor which is not registered under the provisions of this Bill, commits an
13 offence and is liable on conviction to a fine of N2,500, 000.00 or two years
14 imprisonment or both.

15 (2) Any person or body corporate that owns, operates, maintains,
16 establishes or has charge of, either alone or with another person or persons, a
17 pharmacy in which a person not licensed as a Patent and Proprietary Medicine
18 Vendor who is not acting under the direct and immediate personal supervision
19 of a licensed pharmacist fills, compounds, or dispenses any prescription or
20 dispenses medicines, drugs or poison commits an offence and is liable on
21 conviction to a fine of N2,500,000.00 or two years imprisonment or both.

22 (3) Any person or body corporate that owns, operates, maintains,
23 establishes or has charge of either alone or with another person or persons a
24 Satellite Medicine Facilities outlet or Patent and Patent Medicines Vendors
25 Shop which is not registered under the provisions of this Bill commits an
26 offence and is liable on conviction to a fine of N500,000.00 or to a term of
27 imprisonment not less than 6 months or both.

28 (4) Any person who knowingly and with intent to defraud -

29 (a) makes a false or fraudulent claim, either for himself or another
30 person, in any application, affidavit or statement presented to the Council or

1 any proceeding before the Council; or

2 (b) fills, compounds or dispenses prescriptions or medicines
3 without holding a valid licence as a pharmacist or not registered as an intern
4 Pharmacist or is an intern not acting under the direct and immediate personal
5 supervision of a licensed pharmacist; commits an offence and is liable on
6 conviction to a fine of N250,000.00 or one year imprisonment or both.

7 **16.**-(1) Any person who commits an offence under this Bill for General penalty
8 which no specific penalty is provided is liable on conviction to a fine of not
9 less than N500,000.00 or to a term of two years imprisonment or both.

10 (2) A body corporate that commits an offence under this Bill for
11 which no specific penalty is provided is liable on conviction to a fine of not
12 less than N2,000,000.00.

13 **PART V - MISCELLANEOUS**

14 **16.** The Federal High Court shall have the jurisdiction to hear and Jurisdiction
15 determine criminal and civil matters under this Bill.

16 **17.**-(1) The Council may, with the approval of the Minister, make Regulations,
17 regulations, rules and guidelines as may be required to give effect to the rules and
18 provisions of this Bill. guidelines

19 (2) Without prejudice to the generality of the provisions of
20 subsection (1) of this section, the Council may make rules, guidelines and
21 regulations for the purpose of -

22 (a) ensuring the ethical sales, dispensing, distribution, importation,
23 exportation, compounding, warehousing, manufacture of drugs, medicines,
24 drugs and poisons, operations of pharmacy technicians, medicine vendors
25 and such other persons as may be approved by the Council;

26 (b) training of Patent medicines vendors;

27 (c) supervision and regulation of the engagement, training and
28 transfer of such persons;

29 (d) prescribing the type of licence to be issued annually under this
30 Bill to a person to practice as Patent and Proprietary Medicine Vendor and

- 1 operating premises; or, where the Council considers fit, for the annual renewal
2 of the licence to be done by endorsement of the renewal on an existing licence;
- 3 (e) restricting the right of practice as a patent or operating a premises
4 where there is a default of payment of the amount of the annual subscription
5 and the default continues for longer than such period as may be prescribed by
6 the rules;
- 7 (f) restricting the right of practice as a pharmacist where the
8 qualification granted outside Nigeria does not entitle the holder to practice as a
9 Patent and Proprietary Medicine Vendor in Nigeria;
- 10 (g) prescribing the form and manner of the inspection of premises
11 where medicines, pharmaceutical raw materials are kept, stored, sold or
12 manufactured;
- 13 (h) reviewing all categories of pharmacy practice from time to time;
- 14 (i) regulating all forms of manufacturing, compounding, storage,
15 sale, dispensing, distribution, importation or exportation of drugs, poisons,
16 medicines, herbal medicines, food supplements, nutraceuticals, veterinary
17 drugs and pharmaceuticals or by whatever name described;
- 18 (j) prescribing the requirement of re-certification as a condition for
19 the retention of the name of registered Medicine Vendors in the register or
20 conditions for renewal of the practicing license of a registered Medicine
21 Vendors; or
- 22 (k) supervision and regulation of Patent and Proprietary Medicine
23 Vendors and restriction of the work of any medicine vendors in default where
24 such defaults continue longer than that prescribed by the rules.
- 25 (l) regulating the grant, renewal, restoration, endorsement,
26 revocation, suspension, cancellation, withdrawal of licence
- 27 (m) prescribing the procedures for changes, variations and
28 modification of licence.
- 29 (3) The power to make regulations, rules and guidelines under

1 subsections (1) and (2) of this section shall not be exercised in the absence of
2 the Council.

3 (4) Any Regulation, rule or guideline made under this Bill shall be
4 published in the Gazette.

5 **18.** In this Bill-

Interpretation

6 "Patent and Proprietary Medicine Vendors (PPMVs)", means as a person
7 without formal training in pharmacy who sells orthodox pharmaceutical
8 products on a retail basis for profit.

9 "Approved" means approved by the Council;

10 "Article" includes-

11 (a) any drug, poison, medicine or medical consumables;

12 (b) anything used for the manufacture, preparation, preservation,
13 packaging or storing of any drug poison or medical device;

14 (c) any labeling or advertising material relating to or for use in
15 connection with any drug, poison or medical device;

16 (d) records and books required to be kept under this Bill; or

17 (e) electronic records, receipts, invoices and other relevant
18 documents;

19 "CDTM" Collaborative Drug Therapy Monitoring, this is a team approach
20 to healthcare delivery, that seeks to maximize the expertise of the Patent and
21 Proprietary Medicine Vendors in order to achieve optimal patient care
22 outcomes through appropriate medication use and enhanced patient care
23 services;

24 "Community Patent" is a health care facility that provides patent services to
25 people in a local area or community;

26 "Council" means the Patent and Proprietary Medicine Vendors established
27 under section 1 of this Bill;

28 "Court" means the Federal High Court;

29 "Dangerous Drugs" means any drug to which the provisions of Dangerous
30 Drugs Act apply;

1 "Disciplinary Tribunal" means the Patent and Proprietary Medicine Vendors
2 Disciplinary Tribunal established under this Bill;

3 "Dispensing" means to prepare, to count out, measure or decant from a bulk
4 supply, or mix, or dissolve, or disperse, and dispose the drug, for gain or
5 otherwise for the treatment of a particular person or animal but does not include
6 the actual administration of the drug;

7 "Doctor's Emergency Medicine Kit" means drug for patients' immediate use;
8 for a period not exceeding 24 hours, and contained in a standard leather
9 briefcase;

10 "Drugs or medicines" include any substance of vegetable, animal or mineral
11 origin or any preparation or mixture, which is used for internal or external
12 application in-

13 (a) the diagnosis, treatment, mitigation or prevention of any disease
14 disorder, abnormal physical state, or the symptoms thereof, in man or in
15 animals;

16 (b) restoring, correcting or modifying organic functions in man or in
17 animals;

18 (c) disinfection, or the control of vermin, insects or pests, or

19 (d) contraception.

20 "DUR" means Drug Utilization Review Process of a comprehensive review of
21 medication profile by a Patent and Proprietary Medicine Vendor;

22 "Ethical Drugs" means drugs or medicines dispensed under the direct
23 supervision of a licenced Patent and Proprietary Medicine Vendor"

24 "Emergency Drugs" are medications for immediate use within a period of 24
25 hours as specified by the prescriber;

26 "Emergency Tray" means a standard array of listed emergency and lifesaving
27 drugs specifically laid out and replenished only in hospital;

28 "Fees" include annual subscription, practicing fee, registration fees, renewal
29 fees, inspection fees;

30 "GMP" with reference to the functions of the Council is limited to the

1 inspection of patent facilities for the purposes of licensure and revalidation
2 of such licences.

3 "GPP" means Good Patent practice in accordance with best global practices.

4 "Hospital Pharmacy" is the department, section or unit of the hospital or
5 clinic that manage the procurement, storage, preservation, packaging,
6 sterilization, compounding, preparation, dispensing or distribution of
7 medicine in the hospital or clinics;

8 "Insanitary Conditions" mean such condition or circumstances that might
9 contaminate any food, drug or cosmetic with dirt or filth or render it
10 injurious to health;

11 "Investigating Panel" means the Patent and Proprietary Medicine Vendors
12 Investigating Panel established under this Bill;

13 "Label" in relation to any food, drug, cosmetic, medical device or package
14 which includes any legend, word or mark attached to, included in, belonging
15 to or accompanying that food, drug, cosmetic, medical device or package;

16 "PPMV" refers to a person whose patent medicines shop has been licenced
17 to stock and sell Class C drugs;

18 "Medical Devices and Accessories" used in this Act include needle,
19 syringes, gauze, cotton wools.

20 "Members" mean persons with full registration status with Patent and
21 Proprietary Medicine Vendors;

22 "Minister" means the Federal Minister charged with the responsibility for
23 matters relating to Health;

24 "OTC" means Over the Counter medicines which may be sold without
25 prescription and include but not limited to non-prescription medicine and
26 invitro diagnostic;

27 "Package" includes anything in which any food, drug, cosmetic or device is
28 wholly or partly contained, wrapped, placed or packed;

29 "Pharmacist" refers to any person who is registered and licensed to engage
30 in pharmacy in Nigeria and whose name is in the register kept for such

1 purpose by Pharmacy Council of Nigeria;

2 "Pharmacy Technician", means a person who has undergone a course of

3 training for Pharmacy Technicians in a School of Health Technology or any

4 other institution approved by the Council, is duly registered and issued with an

5 annual permit by the Council as a Pharmacy Technician Pharmacist;

6 "Patent activities" include dispensing, selling, distribution, storage, stocking,

7 retailing etc.

8 "Pharmaceutical Inspector" refers to a registered Pharmacist appointed or

9 engaged by the Pharmacy Council of Nigeria to carry out inspection on

10 premises where pharmaceutical activities, operations and businesses are

11 carried out;

12 "Pharmaceutical Care" is the responsible provision of drug therapy for the

13 purpose of achieving definite outcomes that improve and sustain a patient's

14 quality of life;

15 "Pharmaceutical Marketing and Representation" means any activity

16 undertaken or organized or sponsored by a company, distributor, or an importer

17 that is promoting the prescription, recommendation, supply, sale or

18 distribution of a pharmaceutical product;

19 "Pharmaceutical/sales Representatives" means persons involved in

20 pharmaceutical marketing and representation;

21 "Patent" or any other cognate expression when used in connection with a

22 business carried on any premises shall be deemed to be reasonably calculated

23 to suggest that the owner of the business and the person having the control of

24 the business on those premises are registered or ought to be registered under

25 this Bill;

26 "Poisson" includes substances whether natural or synthetic, mixed with other

27 ingredients or not, and whatever restrictions under the provisions of this Bill

28 are placed on any particular poison shall apply to it whether it is unmixed or is

29 contained as an ingredient in some preparation, unless it is contained in one of

30 the preparations specifically exempted from such provisions;

- 1 "POM" Prescription only Medicines, these are medicines which can only be
2 obtained by the general public if they are in possession of a valid
3 prescription;
- 4 "Practicing fee" means payment made by registered members of the
5 profession to Council;
- 6 "Premises" refers to a place approved and registered by the Council for any
7 of the following purposes of dispensing, selling, distribution, storage,
8 stocking, retailing, wholesale, manufacturing, importation, exportation of
9 drugs and poisons, herbal and dietary supplements, scientific offices or any
10 other form of pharmaceutical activities;
- 11 "Prescribed" means prescribed by the regulations;
- 12 "President" means President and Commander-in-Chief of the Federal
13 Republic of Nigeria;
- 14 "Profession" means Patent and Proprietary Medicine Vendors Profession;
- 15 "Register" means any register maintained or required to be maintained in
16 accordance with the provisions of this Bill;
- 17 "Regulation" means rules and regulations made under this Bill;
- 18 "Restricted Drugs" these are controlled and psychotropic substances as well
19 as any drug to which the provisions of Dangerous Drugs Act apply;
- 20 "Retention Fees" are annual fees paid for the retention of names of persons
21 or premises in their respective registers;
- 22 "Satellite Medicine Facility" is a retail medicine facility established through
23 an arrangement with a registered community pharmacy of not less than 5
24 years of existence in Nigeria, for the sole purpose of improving access to
25 quality, safe, efficacious and affordable Pharmaceutical products and
26 services in under served communities and other areas the Council deems
27 necessary;
- 28 "Selling" includes offering for sale, hawking for sale and displaying for
29 purpose of sale and in possession for sales or distribution;
- 30 "Society" means the Patent and Proprietary Medicine Vendors Society;

1 "Superintendent Patent" means a registered and licenced Patent who applied
2 for and through whom the registration of the pharmaceutical premises was
3 procured and he exercises direct personal control and management of
4 pharmaceutical activities carried on in the premises.

Short title 5 **19.** This Bill may be cited as the Minimum Qualification for Patent
6 and Proprietary Medicine Vendors Bill, 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to provide minimum qualification for Patent and Proprietary Medicine Vendors in Nigeria and to discouraging sale of counterfeit drugs in Nigeria.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIA BRIDGES
WEIGHING AGENCY AND FOR RELATED MATTERS

Sponsored by Hon. Olufemi Bamisile

[] Commencement

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

- 1 **1.**-(1) There is hereby established an Agency to be known as the Establishment of
2 Nigeria Bridges Weighing Agency (in this Bill referred to as "The Agency") the Nigeria Bridges
3 which shall have the Functions and Powers conferred on it by this Bill. Weighing Agency
- 4 (2) The Commission shall:
- 5 (a) Be a body Corporate with perpetual succession and a common
- 6 seal and shall have power to sue and be sued in its corporate name;
- 7 (b) Have its Head Office in the Federal Capital Territory and shall
- 8 establish State Offices in all states of the Federation as it may deem fit;
- 9 (c) Subject to the provision of the Land Act, acquire, hold or
- 10 dispose of properties, moveable and immovable for the purpose of its
- 11 purpose.
- 12 **2.** The functions of the Agency shall be: Functions of the
13 (a) Implement the provision of this Bill; Agency
- 14 (b) Supervise, Coordinate and Monitor the movement of all Trucks
- 15 carrying heavy loads in all federal Roads in Nigeria;
- 16 (c) Exercise all legal rights toward contravening any of the
- 17 provision of this Bill;
- 18 (d) Quarterly brief the Minister of Works and report to the
- 19 President of the Country on the performance of the Nigeria Bridges
- 20 Weighing Agency activities;
- 21 (e) Employ and pay staffs of the Agency Salaries and other benefits

	1	using the scale as applicable to Industry of similar status;
	2	(f) Enter into any negotiation; agreement or contractual relationship
	3	such as may be necessary or expedient for the discharge of the Function of the
	4	Agency;
	5	(g) Ensure adequate management and movement of all Trucks in all
	6	Federal Roads in Nigeria;
	7	(h) Do such other things which in the opinion of the Governing Board
	8	relate to the management of the Agency on behalf of the Government.
Powers of the Agency	9	3. The Agency shall have the power to:
	10	(a) Coordinating and Manage all Trucks moving on our Highways for
	11	use and ensure no damage occur in Nigeria's Federal Roads;
	12	(b) Issue from time-to-time guidelines to users on how to maintain
	13	sanity during movement of Trucks in our Nigerian Roads;
	14	(c) Do such other things which in the opinion of the Governing Board
	15	relate to the management of the Agency on Behalf of the Government.
Establishment of the Governing Board	16	4. There is established for the Agency a Governing Board (in the Bill
	17	referred to as "The Board") which shall consist of the following membership-
	18	(1) The Chairman who shall be appointed by the president on the
	19	recommendation of the minister of Works;
	20	(2) The Minister of Works;
	21	(3) The Attorney - General of the Federation;
	22	(4) The Accountant General of the Federation;
	23	(5) The Auditor-General of the Federation;
	24	(6) The Director-General of FERMA;
	25	(7) The Representative of Nigeria Society of Engineers;
	26	(8) The Representative of Nigeria Labour Congress;
	27	(9) The Director General of the Agency as the Secretary.
Function of the Governing Board	28	5. The Governing Board shall have the following functions-
	29	(a) Approve policies, strategies and procedures to be adopted by the
	30	Agency for the achievement of its objectives;

1 (b) Review from time to time the social and economic impact of
2 bridges management strategies;

3 (c) Appoint as and when necessary, technical committees
4 comprised of persons with requisite technical competence from the private
5 and public sector to advise the Agency on such matters as may from time to
6 time be necessary to achieve the objectives of the Agency;

7 (d) Perform such other functions as may from time to time be
8 necessary to achieve the objectives of the Agency.

9 **6.-(1)** There is hereby established a Fund to be known (in this Bill
10 referred as "The Agency") to which Funds of the Nigeria Bridges Weighing
11 Agency from other sources shall be paid. Funds of the
agency

12 (2) All contributions and other monies required or prescribed by
13 this Bill shall be paid into the Fund to be held and manage by the Nigeria
14 Bridges Weighing Agency for the purpose of maintaining the Sanity of
15 Nigeria Federal Roads.

16 **7.** Subject to the provision of section 6 of this Bill, the fund of the
17 Nigeria Bridge Weighing Agency shall consist of- Sources of Funds
of the Agency

18 (a) Allocation of yearly appropriation by Federal Government;

19 (b) All sums accruing to the Agency by the way of Donations,
20 Gifts, Grants, Endowment or otherwise;

21 (c) Interest and Revenue accruing from savings and investment
22 made by the Nigeria Bridges Weighing Agency;

23 (d) Other revenue accruing to the Nigeria Bridges Weighing
24 Agency.

25 **8.** The aims and objectives of the Nigeria Bridges Weighing
26 Agency shall be to ensure the Coordination, Financing, Construction, Lease
27 Improvement, equipping, operation and maintenance of all Bridges on
28 Nigerian Highways. Aims and Objectives
of the Agency

29 **9.** The Agency shall apply the proceeds of the Fund to:

30 (a) The Cost of Administration of the Agency; Annual Estimates
and Expenditures

1 (b) The payment of salaries, fees, remunerations, allowances,
2 pensions and gratuities payable to the Governing Board and the employees of
3 the Agency;

4 (c) The payment for all consultancies, contract including
5 mobilization, fluctuation, variation, legal fees and cost on contract
6 Administration;

7 (d) The payment for all purchases and undertaking such other
8 activities as are connected with all or any functions of the Agency under this
9 Bill;

10 (e) The Governing Board shall, not later than 30th September in each
11 year, submit to the Minister an estimate of the expenditure and income of the
12 Authority during the succeeding year;

13 (f) The Governing Board shall cause to be kept proper accounts of the
14 Agency in respect of each year and proper records relation thereto and shall
15 cause the accounts to be audited by auditors appointed from the list and in accordance with
16 the guidelines supplied by the Auditor-General of the Federation.

Liabilities and
indemnification

17 **10.** There shall be the following condition attached to the liability and
18 Indemnify of the Agency-

19 (1) All profit and losses, damages and claims, income and
20 expenditure, fines, settlements shall be under the control of management and
21 be reported to Governing Board for approval and necessary action;

22 (2) All liabilities include assets, properties and any other valuables
23 that be under the control of the Governing Board;

24 (3) All Indemnities' liability for losses in subsection 1 and 2 above
25 shall be determined by the Federal High Court to determine the Jurisdiction
26 action that will be carried out in accordance to law.

Gift of the
Agency

27 **11.-(1)** The Agency may accept gifts of land, money or other property
28 on such terms and conditions, if any, as may be specified by the person or
29 organization making the gift.

30 (2) The Agency shall not accept any gift if the conditions attached by

1 the person or organization making the gift are inconsistent with the.

2 **12.**-(1) The provision of the Public Officers Protection Act shall Application of
3 apply in relation to any suit instituted against any officer or employee of the Public Officer
4 employee of the Nigeria Bridges Weighing Agency in his capacity as such. Protection Act

5 (2) No suit shall be commenced against a member of the Governing
6 Council or secretary or any employee of the Nigeria regulation in that
7 capacity before the expiration of a period of one month after writing notice
8 of intention to commence the suit which shall have been served upon the
9 Nigeria Bridges Weighing Agency by the intending plaintiff or his agent.

10 (3) The notice referred to in sub-section 2 shall state the cause of
11 the Action, particulars of claims the name and place of abode of the
12 intending plaintiff and the relief which he claims.

13 (4) A notice, summons or other documents required or authorized
14 to be served upon the Nigeria Bridges Weighing Agency under the provision
15 of this Act or any other law or enactment may be served by delivering it to
16 the secretary or by sending it by registered post and addressed to the
17 Secretary or by sending it by registered post to the Secretary at the Head
18 Office of the Governing Council.

19 **13.** The Governing Council shall not later than 3 months after the Annual Report
20 end of the year the end of year submit to the President a report on the
21 activities of the Nigeria Bridges Weighing Agency and its Administration
22 during the immediately preceding year and shall include in the report that
23 the audited account of the Nigeria Bridges Weighing Agency and the
24 auditor's comment on the report.

25 **14.** The Minister of Works may make such regulation as it deems Regulations
26 fit to be necessary or expedient for giving full effect to the provision of this
27 Bill.

28 **15.** This Bill may be cited as the Nigeria Bridges Weighing Agency Citation
29 (Establishment) Bill, 2022.

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING BOARD

3 *Proceedings of the Governing Council*

4 1.-(1) Subject to this Bill and Section 4 of this Bill, the Council may
5 make standing orders regulating its proceedings or those of any of its
6 committees.

7 (2) The quorum of the Governing shall be the Chairman, the Vice-
8 Chairman or the person presiding at the meeting and 3 other members of the
9 Board and quorum of any committee of the Governing Board shall be
10 determined by the Governing Board.

11 2.-(1) The Board shall meet not less than four times in each year and
12 subject thereto; the Board shall meet whenever it is summoned by the
13 Chairman and if the Chairman is required to do so by notice given to him by not
14 less than 4 other members, - he shall summon a meeting of the Governing
15 council to be held within 28 days from the date on which the notice is given.

16 (2) At any meeting of the Governing Board the Chairman shall
17 preside but if he is absent, the Vice-Chairman shall preside at the meeting and if
18 he is absent, the members present at the meeting shall appoint one of them to
19 preside at that meeting.

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

26 *Committees*

27 3.-(1) The Governing Board may appoint one or more committees to
28 carry out, on behalf of the Governing Board such functions as the Governing
29 Board may determine.

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

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

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

6 4.-(1) the fixing of tire seal of the Commission shall be
7 authenticated by the signatures of the Chairman of any person generally or
8 specifically authorized by the Governing Board to Bill for that purpose and
9 that of the Director-General. (2) Any Contract or instrument which, if made
10 or executed by a person not being a body corporate, would not be required to
11 be under seal, may be made or executed on behalf of the Commission by the
12 Director-General or any person generally or specifically authorized by the
13 Governing Council to Bill for that purpose.

14 (3) Any document purporting to be a document duly executed
15 under the seal of the commission shall be received in evidence and shall,
16 unless and until the contrary is proved, be presumed to be so executed.

17 (4) The validity of any proceeding of the Governing Board or of a
18 committee shall not be adversely affected by-

19 (a) A vacancy in the membership of the Governing Board or
20 committee; or

21 (b) A defect in tire appointment of a member of the Governing
22 Board or committee; or

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

EXPLANATORY MEMORANDUM

This Bill seeks for the legal framework to establish the Nigeria Bridges Weighing Agency with the sole responsibility of coordinating and monitoring the movement of Trucks carrying heavy loads on Nigerian Roads to avoid damaging the Federal Roads in Nigeria.

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF ENVIRONMENTAL
SCIENCES LAGOS STATE AND FOR RELATED MATTERS

Sponsored by Hon. Rotimi Agunsoye

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL
2 UNIVERSITY OF ENVIRONMENTAL SCIENCES LAGOS STATE

3 1.-(1) There is established the Federal University of
4 Environmental Sciences (in this Bill referred to as "the University").

Establishment of
Federal University
of Sciences, Lagos
State

5 (2) The University:

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

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

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

Objects of the
University

10 (a) encourage the advancement of learning and to hold out to all
11 persons without distinction of race, creed, sex or political conviction the
12 opportunity of acquiring higher and liberal education in Environmental
13 Sciences;

14 (b) provide courses of instruction and other facilities for the pursuit
15 of learning in all its branches, and to make those facilities available on
16 proper terms to such persons as are equipped to benefit from them;

17 (c) encourage and promote scholarship and conduct research in
18 restricted fields of learning and human endeavor;

19 (d) relate its activities to the social, cultural and economic needs of
20 the people of Nigeria; and

	1	(e) undertake other activities appropriate for a university of the
	2	highest standard.
Membership of the University	3	3.-(1) The University shall consist of-
	4	(a) Chancellor;
	5	(b) Pro-Chancellor and a Council;
	6	(c) Vice Chancellor and a Senate;
	7	(d) two Deputy Vice-Chancellors or such number of Deputy Vice-
	8	Chancellors as the council may, from time to time, deem necessary for the
	9	proper administration of the University;
	10	(e) a body to be called Congregation;
	11	(f) a body to be called Convocation;
	12	(g) the campuses and colleges of the University;
	13	(h) the faculties, schools, institutes and Other teaching and research
	14	units of the University;
	15	(i) the persons holding the offices constituted by the First Schedule to
	16	this Act other than those mentioned in paragraphs (a) to (c) of this subsection;
	17	(j) all graduates and undergraduates; and
	18	(k) all other persons who are members of the University in accordance
	19	with provisions made by Statute in that behalf.
	20	(l) The First Schedule to this Act shall have effect with respect to the
	21	Principal Officers of the University mentioned therein.
Functions of the University	22	(3) A provision shall be made by a Statute with respect to the
	23	constitution of the following bodies, namely:
	24	(a) the Council;
	25	(b) the Senate;
	26	(c) the Congregation; and
	27	(d) the Convocation.
	28	4.-(1) For the functions of carrying out of its objects as specified in
	29	section 2 of this Act, the University shall have power to-
	30	(a) establish such campuses, colleges, faculties, institutes, schools,

1 extra -mural departments and other teaching and research units within the
2 University as may, from time to time, seem necessary or desirable, subject to
3 the approval of the National Universities Commission;

4 (b) institute professorships, readerships and associate
5 professorships, lectureships and other posts and offices and to make
6 appointments thereto;

7 (c) institute and award fellowships, scholarships, exhibitions,
8 bursaries, medals, prizes and other titles, distinctions, awards and forms of
9 assistance;

10 (d) provide for the residence, discipline and welfare of members of
11 the University;

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

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

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

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

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

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

29 (k) erect, provide, equip and maintain libraries, laboratories,
30 lecture halls, halls of residence, refectories, sports grounds, playing fields

1 and other buildings or things necessary, suitable or convenient for any of the
2 objects of the University;

3 (l) hold public lectures and undertake printing, publishing and book
4 selling;

5 (m) subject to any limitation or condition imposed by Statute, to
6 invest any moneys appertaining to the University by law of endorsement,
7 whether for general or special purposes, and such other moneys as may not be
8 immediately required for current expenditure, in any investment or security or
9 in the purchase or improvement of land, with power from time to time to vary
10 any such investment and to deposit any money for the time being un-invested
11 with any bank on deposit or 'current account;

12 (n) borrow, whether on interest or not, and if need be, upon the
13 security of any or all of the property movable or immovable of the University,
14 such moneys as the Council may, from time to time in its discretion, find
15 necessary or expedient to borrow or to guarantee any loan, advance or credit
16 facility;

17 (o) make gifts for any charitable purpose;

18 (p) do anything which it is authorized or required by this Act or by any
19 other Statute to do; and

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

22 (2) Subject to the provisions of this Bill and of the Statutes made there
23 under and without prejudice to section 9 (2) of this Act, the powers conferred
24 on the University by subsection (1) of this section shall be exercisable on behalf
25 of the University by the Council or by the Senate or in any other manner which
26 may be authorized by this Act.

Functions of the
Vice-Chancellor
and Pro-Chancellor

27 **5.-(1)** The Chancellor shall in relation to the University, take
28 precedence before all other members of the University, and when he is present
29 shall preside at all meetings of convocation held for conferring degrees.

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

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

5 **6.-(1)** There shall be a Council for the University consisting of:

Establishment
and Composition
of Council

6 (a) the Pro-Chancellor;

7 (b) the Vice-Chancellor;

8 (c) the Deputy Vice-Chancellors;

9 (d) one person from the Federal Ministry responsible for
10 Chancellor to take precedence before other members;

11 (e) four persons representing a variety of interest and broadly
12 representative of the whole Federation to be appointed by the President;

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

14 (g) two persons appointed by the Congregation from among its
15 members; and

16 (h) one person appointed by the Convocation from among its
17 members.

18 (2) Persons to be appointed to the Council shall be persons of
19 proven integrity, knowledgeable and familiar with the affairs and tradition
20 of the University.

21 **7.-(1)** Subject to the provisions of this Act relating to the Visitor,
22 the Council shall be the governing body of the University and shall be
23 charged with the general control and superintendence of the policy, finances
24 and property of the University, including its public relations.

Transfer of
Property

25 (2) There shall be a committee of the Council to be known as the
26 Finance and General Purposes Committee, which shall, subject to the
27 directions of the Council, exercise control over the property and expenditure
28 of the Council as the Council may from time-to-time delegate to it.

29 (3) Provision shall be made by Statute with respect to the
30 constitution of the Finance and General Purposes Committee.

1 (4) The Council shall ensure that proper accounts of the University
2 are kept and the accounts of the University are audited annually by auditors
3 appointed by the Council from the list and in accordance with guidelines
4 supplied by the Auditor-General for the Federation, and that an annual report is
5 published by the University together with certified copies of the said accounts
6 as audited.

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

11 (6) Rules made under subsection (5) of this section by the Finance and
12 General Purposes Committee shall not come into force unless approved by the
13 Council, and where any rule: so, made by the Committee conflicts with any
14 direction given by the Council (whether before or after the coming into force of
15 the rules in question), the direction of the Council shall prevail.

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

20 (8) The Council shall meet as and when necessary for the
21 performance of its functions under this Act, and shall meet at least four times
22 every year.

23 (9) If required in writing by five members of the Council, the
24 Chairman shall within, 28 days after the receipt of such request, call a meeting
25 of the Council:

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

1 **8.-(1)** Subject to section 5 of this Act and subsections (3) and (4) Power to make
2 Senate of this section and to the provisions of this Act relating to the Visitor, statute
3 it shall be the general function of the Senate to organize and control teaching
4 in the University, admission to post-graduate courses and other admission of
5 students, the discipline of students and to promote research in the
6 University.
7 (2) Without prejudice to the generality of the provisions of
8 subsection (1) of this section, it shall in particular be the function of the
9 Senate to make provision for the:
10 (a) establishment, organization and control of campuses, colleges,
11 faculties, departments, schools, Institutes and other teaching -and research
12 units of the University, and the allocation of responsibility for different
13 branches of learning;
14 (b) organization and control of courses of study in the University
15 and of the examinations held in conjunction with those courses, including
16 the appointment of examiners, both internal and external;
17 (c) award of degrees, and such other qualifications as may be
18 prescribed, in connection with examinations conducted by the University;
19 (d) making of recommendations to the Council with respect to the
20 award to any person of an honorary fellowship or honorary degree or the title
21 of professor emeritus;
22 (e) establishment, organization and control of halls of residence
23 and similar institutions in the University;
24 (f) supervision of the welfare of students in the University and the
25 regulation of their conduct;
26 (g) granting of fellowships, scholarships, prizes and similar awards
27 in so far as the awards are within the control of the University; and
28 (h) determination of what description of dress shall be academic
29 dress for the purposes of the University, and regulating the use of academic
30 dress.

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

5 (4) Subject to this Act and the Statutes, the Senate may make
6 regulations for the purpose of exercising any function conferred on it either by
7 the provisions of this section or for the purpose of providing for any matter for
8 which provision by regulation is authorized or required by this Act or by
9 Statute.

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

15 (6) Subject to a right of appeal to the Council from a decision of the
16 Senate under this subsection, the Senate may deprive any person of any degree,
17 diploma or other award of the University which has been conferred on him if
18 after due enquiry he is shown to have been guilty of any dishonorable or
19 scandalous conduct in gaining admission into the university or obtaining that
20 award.

Power to function
as the Vice-
Chancellor

21 **9.-(1)** The Vice-Chancellor shall, in relation to the University, take
22 precedence before all other members of the University except the Chancellor
23 and, subject to section 5 of this Bill, the Pro-Chancellor and any other person
24 for the time being acting as Chairman of the Council.

25 (2) Subject to the provisions of this Bill, the Vice-Chancellor shall
26 have general function, in addition to any other function conferred on him by
27 this Act or otherwise, of directing the activities of the University, and shall, to
28 the exclusion of any other person or authority, be the chief executive and
29 academic officer of the University and ex- officio Chairman of the Senate.

1 PART II - TRANSFER OF PROPERTY

2 10.-(1) All property held by or on behalf of the Provisional Transfer of
 3 Property Council shall, by virtue of this subsection and without further Property
 4 assurance, vest in the University and be held by it for the purpose of the
 5 University.

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

10 PART III - STATUTES OF THE UNIVERSITY

11 11. Subject to this Bill, the University may make Statutes for Statutes of the
 12 University any of the following purposes- University

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, and regulating any other matter connected with
 17 the University or any of its authorities;

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

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

23 (e) making provision for other matters for which provision by
 24 Statute is authorized or required by this Act.

25 (2) Subject to section 25 (6) of this Act, the Interpretation Act shall
 26 apply in relation to any Statute made under this section as it applies to a
 27 subsidiary instrument within the meaning of section 27 (1) of that Act.

28 (3) The Statute contained in the Third Schedule to this Act shall be
 29 deemed to have come into force on the commencement of this Act and shall
 30 be deemed to have been made under this section by the University.

1 (4) The power to make Statute conferred by this section shall not be
2 prejudiced or limited in any way by reason of the inclusion or omission of any
3 matter in or from the Statute contained in the Third Schedule to this Act or any
4 subsequent Statute.

5 **12.**-(1) The power of the University to make Statutes shall be
6 exercised in accordance with the provisions of this section.

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

9 (a) Senate, by the votes of not less than two thirds of the members
10 present and voting; and (b) Council by the votes of not less than two thirds of
11 the members present and voting;

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

15 (4) A Statute which:

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

18 (b) provides for the establishment of a new campus or college or for
19 the amendment or revocation of any Statute whereby a campus or college is
20 established, shall not come into operation unless it has been approved by the
21 Visitor.

22 (5) For the purpose of section 2 (2) of the Interpretation Act, a Statute
23 shall be treated as being made on the date on which its approved by the Council
24 and the Senate in accordance with subsection (3) of this section or in the case of
25 a Statute falling within subsection (4) of this section, on the date on which it is
26 approved by the President.

27 **13.** A Statute may be proved in any court by the production of a copy
28 thereof bearing or having affixed to it a certificate signed by the Vice-
29 Chancellor or the Registrar to the effect that the copy is a true copy of a Statute
30 of that University.

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

5 (2) The decision of the Visitor on any matter referred to him under
6 this section shall be binding upon the authorities, staff and students of the
7 University and where any question as to the meaning of any provision of a
8 Statute has been decided by the Visitor under this section, no question as to
9 the meaning of that provision shall be entertained by any other authority in
10 Nigeria:

11 **PROVIDED** that nothing in this subsection shall affect the power
12 of a court of competent jurisdiction to determine whether any provision of a
13 Statute is wholly or partly void as being ultra vires or as being inconsistent
14 with the Constitution.

15 (3) The provisions of this section shall apply in relation to any
16 doubt or dispute as to whether any matter is, for the purposes of this Act, an
17 academic or non -academic matter as they apply in relation to any such
18 doubt or dispute as is mentioned in subsection (1) of this section, and
19 accordingly the reference in subsection (2) of this section to any question as
20 to the meaning of any provision of the Statute shall include references to any
21 question as to whether any matter is for the said purposes an academic or
22 non-academic matter,

23 **PART IV - SUPERVISION AND DISCIPLINE**

24 **15.-**(1) The President shall be the Visitor of the University.
25 Supervision and Discipline.

Removal of certain
Members of the
Council

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

30 (3) The bodies and persons comprising the University shall-

Removal of
Member

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

4 (b) give effect to any instruction consistent with the provisions of this
5 Act which may be given by the Visitor in consequence of the visitation.

6 **16.-(1)** If it appears to the Council that a member (other than the
7 members Pro-Chancellor or the Vice-Chancellor) should be removed from
8 office on grounds of misconduct or inability to perform the functions of his
9 office, the Council shall make a recommendation to that effect through the
10 Minister to the Federal Executive Council and if the Federal Executive
11 Council, after making such enquiries (if any) as may be considered necessary,
12 approves the recommendation it may direct the removal of the member from
13 office.

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

17 **17.-(1)** If it appears to the Council that there are reasons for believing
18 that any person employed as a member of the academic, administrative or
19 professional staff of the University, other than the Vice-Chancellor, should be
20 removed from office or on grounds of misconduct or inability to perform the
21 functions of his office Council shall:

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

23 (b) afford such person an opportunity of making representation of
24 person on the matter to the Council; and

25 (c) take a decision to terminate or not to terminate the appointment.

26 (2) If the affected staff or any three members of the Council so request
27 within a period of one month from the date of receipt of the notice of the
28 Council's decision, the Council shall make arrangements for-

29 (a) a joint committee of the Council and the Senate to review the
30 matter and to report on it to the Council;

1 (b) the person in question to be afforded an opportunity to appear
2 before and be heard by an investigating committee with respect to the
3 matter; and if the Council after considering the report of the investigating
4 committee is satisfied that the person in question should be removed, the
5 Council may so remove him by an instrument in writing signed on the
6 directions of the Council.

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

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

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

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

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

23 (d) conduct which the Council considers to be such as to constitute
24 failure or inability of the person concerned to discharge the functions of his
25 office or to comply with the terms and conditions of his service,

26 (5) Any person suspended under subsection (3) of this section shall
27 be on half pay and the Council shall, before the expiration of a period of
28 three months from the date of such suspension, consider the case against that
29 person and come to a decision as to whether to-

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

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

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

4 (c) terminate the appointment of the person concerned in which case
5 such a person will not be entitled to the proportion of his emoluments withheld
6 during the period of suspension; and

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

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

15 (7/) The person by whom an instrument of removal is signed in
16 pursuance of subsection (1) of this section shall use his best endeavors to cause
17 a copy of the instrument to be served as soon as reasonably practicable on the
18 person to whom it relates.

19 (8) Nothing in this section shall prevent the Council from making
20 regulations for the discipline of staff and workers of the University as may be
21 appropriate.

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

28 (2) Subject to the provisions of any regulation made under section 8
29 (4) of this Act, the Vice-Chancellor may, on the recommendation of Senate,

1 appoint an appropriate person as examiner in the place of the examiner
2 removed.

3 (3) The Registrar shall on signing an instrument of removal under
4 this section, use his best endeavors to cause a copy of the instrument to be
5 served as soon as reasonably practicable on the person to whom it relates.

6 **19.**-(1) Subject to the provisions of this section, where it appears to
7 the Vice -Chancellor that any student is guilty of misconduct, the Vice-
8 Chancellor may, without prejudice to any other disciplinary powers
9 conferred on him by Statute or regulations, direct that the Disciplinary
10 action on students-

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

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

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

19 (d) student be expelled from the University.

20 (2) Where a direction is given under subsection (1) (c) or (d) of this
21 section in respect of any student, the student may, within the prescribed
22 period and in the prescribed manner, appeal against the direction to the
23 Senate.

24 (3) Where an appeal is brought under subsection (2) of this section,
25 the Senate shall, after causing such inquiry to be made in the matter as the
26 Senate considers just, either confirm or set aside the direction or modify it in
27 such manner as the Senate thinks fit

28 (4) The fact that an appeal from a direction is brought under
29 subsection (2) of this section shall not affect the operation of the direction
30 while the appeal is pending.

1 (5) The Vice-Chancellor may delegate his powers under this section
2 to a disciplinary board consisting of such members of the University as he may
3 nominate.

4 (6) Nothing in this section shall be construed as preventing the
5 restriction or termination of a student's activities at the University for conduct
6 which in the opinion of the Senate is prejudicial to the interest of the University
7 or to its corporate objective or image.

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

Citation

10 **20.** This Bill may be cited as the Federal University of Environmental
11 Sciences Lagos State (Establishment) Bill, 2022.

1 SCHEDULES

2 FIRST SCHEDULE

3 PRINCIPAL OFFICERS OF THE UNIVERSITY

4 *The Chancellor*

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

7 *The Pro-Chancellor*

8 2.-(1) The Pro-Chancellor shall be appointed or removed from
9 office by the President.

10 (2) Subject to the provisions of this Bill, the Pro -Chancellor shall
11 hold office for a period of 4 years from the date of his appointment.

12 *The Vice-Chancellor*

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

16 *Deputy Vice-Chancellor*

17 4.-(1) There shall be for the University, 2 Deputy Vice-Chancellors
18 or such a number of Deputy Vice-Chancellors as the Council may, from time
19 to time, deem necessary for the proper administration of the University.

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

23 (3) A Deputy Vice-Chancellor shall:

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

25 (b) act in place of the Vice-Chancellor when the post of the Vice-
26 chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or
27 unable to perform his functions as Vice-Chancellor or the Council may, from
28 time to time, assign to him.

29 *Office of the Registrar, Bursar and University Librarian*

30 5.-(1) There shall be for the University, a Registrar, who shall be

1 the Chief Administrative officer of the University and shall be responsible to
2 the Vice-Chancellor for the day-to-day administration of the University except
3 as regards matters for which the Bursar is responsible in accordance with
4 paragraph 6(2) below.

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

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

10 6.-(1) There shall be for the University, the following principal
11 officers in addition to the Registrar; that is:

12 (a) the Bursar; and

13 (b) the University Librarian.

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

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

21 (4) The Bursar and the University Librarian:

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

24 *Other officers of the University*

25 7. There shall be for the University, a Director of Works, who shall be
26 responsible to the Vice Chancellor for the administration of the Works
27 Department. He shall be responsible for all works, services and maintenance of
28 university facilities.

29 8. There shall be for the University, a Director of Health Services,
30 who shall be responsible to the Vice Chancellor for the administration of the

FEDERAL COLLEGE OF EDUCATION (TECHNICAL) KETU, EGBADO
NORTH, OGUN STATE BILL, 2022
ARRANGEMENT OF SECTIONS

Section

PART I - ESTABLISHMENT OF THE FEDERAL COLLEGE OF
EDUCATION (TECHNICAL)

1. Establishment of Federal College of Education
2. Governing Council of the College
3. Membership of the Council of the College
4. Tenure of office of members of the council
5. Functions of the College
6. Power of the Council
7. Visitation
8. The Academic Board and its functions
9. Power of Minister to give direction to the Council
10. The Provost of the College
11. Deputy Provosts
12. The Registrar and other staff of each College
13. Other principal officers of the College
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PART II - FINANCIAL PROVISIONS

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19. Power to accept gifts
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22. Offices and Premises

23. Discipline of students

24. Interpretation

25. Short titles

SCHEDULE

FIRST SCHEDULE

Principal Officers of the College

SECOND SCHEDULE

Supplementary provisions relating to the council e.t.c

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF EDUCATION
(TECHNICAL) KETU, EGBADO NORTH, OGUN STATE AND FOR RELATED
MATTERS

Sponsored by Hon. Olaifa Jimoh Aremu

[] Commencement

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

1 PART I - ESTABLISHMENT OF FEDERAL COLLEGE OF EDUCATION

2 (TECHNICAL) KETU, EGBADO NORTH, OGUN STATE

3 **1.-(1)** This is hereby established the Federal College of Education
4 (Technical) Ketu, Egbado north, Ogun State Specified in the First Schedule
5 to this Bill(in this Bill collectively referred to as "College") which shall have
6 such powers and exercise such functions as are conferred on it by this Bill.

Establishment of
Federal College
of Education
(Technical) Ketu,
Egbado North,
Ogun State

7 (2) The College shall be a body corporate with perpetual
8 succession and a common seal and shall have power to acquire and dispose
9 of interests in movable and immovable property and may sue and be sued in
10 its corporate name.

11 **2.** The governance of Federal College of Education (Technical)
12 ketu, Egbado North, Ogun State and the direction of its affairs shall be
13 vested in the Governing Council of the College concerned (in this Bill
14 referred to as "the Council).

Governing Council
of Federal College
of Education
(Technical) Kety,
Egbado North,
Ogun State

15 (2) Without prejudice to the generally of subsection (1) of this
16 section, it shall be the responsibility of the Council to consider and approve.

17 (a) The plan of activities of the College;

18 (b) The programme of studies, courses and research to be
19 undertaken by the Federal College of Education (Technical) Ketu, Egbado
20 North, Ogun State;

	1	(c) The annual estimates of the College; and
	2	(d) the investment plans of the College.
Membership of the Council of the College	3	3. The Council of Federal College of Education (Technical) Ketu,
	4	Egbado North, Ogun State shall consist of:
	5	(1) A Chairman and the following other members, to be appointed by
	6	the President-
	7	(a) A representative of the Federal Ministry of Education;
	8	(b) A representative of the Nigeria Society of Engineers;
	9	(c) A representative of the University of Technology to which the
	10	College is affiliated for the purpose of moderation;
	11	(d) Three persons of note in the areas of science and technical
	12	Education, one of the shall be a woman, to be appointed by the President;
	13	(e) A representative of the National Commission for Women;
	14	(f) A representative of the Alumni association of the College;
	15	(g) Two representatives of the Academic Board of the College;
	16	(h) A representative of the National Commission for Colleges of
	17	Education; and
	18	(i) The provost of the College.
Tenure of office of members of the Council	19	4.-(1) A member of the Council (other than an ex-officio member)
	20	shall hold office for a term of three years and subject to the provisions of
	21	subsection (2) of this section, shall be eligible for re-appointment for a further
	22	period of three years.
	23	(2) The office of a member appointed under sections 3(1) (d) and 3 (2)
	24	of this Act shall become vacant if:
	25	(a) The member resigns his office by notice in writing under his hand,
	26	addressed to the Minister, or
	27	(b) The Minister is satisfied that it is not in the interest of the College
	28	for the person appointed to continue in office and notifies the member in
	29	writing to the effect.

- 1 **5.-(1)** The functions of federal College of education (Technical) Functions of
2 Ketu, Egbado North, Ogun State shall be: Federal College
3 (a) To provide full- time courses in teaching, instruction and of Education
4 training- (Technical) Ketu,
5 (i) in technology, applied Science, commerce, arts, Social Science, Egbado North,
6 humanities and management; and Ogun State
- 7 (ii) in such other fields of applied learning relevant to the needs of
8 the development of Nigeria in the area of industrial and agricultural
9 production and distribution and for research in the development and
10 adaption of techniques as the Council may from time to time determine.
- 11 (b) To conduct courses in education for qualified teachers;
12 (c) To arrange conferences, seminars and workshops relative to the
13 fields of learning specified in paragraph (a) of this section; and
14 (d) To perform such functions as in the opinion of the Council may
15 serve to promote the objectives of the College.
- 16 **6.-(1)** For carrying out of the functions of the College, the Council Powers of the
17 shall have power to- Council
- 18 (a) Hold examinations and grant diplomas, professional
19 Certificates and other distinctions to persons who have pursued a course of
20 study approved and accredited by the National Commission for College of
21 Education;
- 22 (b) Demand and receive from any student or any other person
23 attending the College for the purpose of instruction such fees as the Council
24 may, with the prior approval of the Minister, from time to time determine;
- 25 (c) Hold public lectures and undertake printing, publishing and
26 bookselling;
- 27 (d) Make gifts for any charitable purpose;
- 28 (e) Hold examinations in education for qualified teachers:
- 29 (f) provide amenities for and make such other provision for the
30 welfare of the staff of the College;

1 (g) Invest the funds of the college in securities specified by law or in
2 such other securities in Nigeria as may be approved by the Minister;

3 (h) Borrow money within Nigeria in such manner and upon such
4 security as the minister may from time to time authorize;

5 (i) enter into such contracts as may be necessary or expedient for
6 carrying into effect the objectives of the College;

7 (j) Recruit Staff of the right caliber and determine the career structure
8 of such staff.

9 (k) Establish and maintain such schools and other teaching units
10 within the college or extramural departments as the Council may, from time to
11 time, decide;

12 (l) Institute and award fellowships, medals, prizes and other titles;

13 (m) Mount exhibitions and displays designed to foster an
14 appreciation of trends in the scope and requirements of Education;

15 (n) Erect, provide, equip and maintain such education recreational
16 and residential facilities as the College may require;

17 (o) Create lectureships and other academic posts and offices and to
18 make appointments thereto;

19 (p) encourage and make provision for research in the college; and

20 (q) do such acts and things whether or not incidental to the foregoing
21 powers as may advance the objectives of the College.

22 (2) The power of the Council to establish further schools within the
23 college shall be exercisable by order and not otherwise.

Visitation

24 7.-(1) The Minister of Education shall be the Visitor of the college.

25 (2) The visit shall, not less than once in every five years, conduct a
26 visitation of the college or appoint a visitation panel consisting of not less than
27 five experts to conduct the visitation-

28 (a) For the purpose of evaluating the academic and administrative
29 performance of the College; or

30 (b) For such other purpose in respect of any other affairs of the college

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

1 (ii) the terms and conditions of service applicable to the post; and
2 thereafter draw up a short-list of suitable candidates for consideration.

3 (b) constitute a search team consisting of:

4 (i) a member of the Council not being a member of the academic
5 Board, as Chairman;

6 (ii) Two members of the academic board not below the rank of chief
7 lecturer;

8 (iii) two members of the academic community of the college not
9 below the rank of chief lecturer to be selected by the council to identify and
10 draw up a short list of suitable persons who are not likely to apply for the post
11 for any reason whatsoever.

12 (3) A joint council and academic selection board consisting of:

13 (a) The Chairman of the Council;

14 (b) Two members of the Council not being members of the Academic
15 Board;

16 (c) Two members of the academic board not below the rank of Chief
17 lecturer, who were not members of the search team, shall consider the
18 candidates and persons on the short lists drawn up under subsection (2) of the
19 section through an examination of their curriculum vitae and interaction with
20 them and recommend through the Council to the President, three candidates for
21 his consideration.

22 (4) The president shall appoint as Provost one of the candidates
23 recommended to him under the provisions of subsection (3) shall be the Chief
24 executive of the college & the provost-

25 (a) Shall hold for a period of years beginning with the effective date of
26 this appointment; and

27 (b) May be reappointed for one further period of four years and no
28 more.

Deputy Provosts

29 11.-(1) There shall be for the college a Deputy Provost.

30 (2) The council shall appoint the Deputy Provost from the chief

- 1 lecturers in the College in one of the following ways, that is-
- 2 (a) From a list of three candidates in order of preference, submitted
- 3 by the Provost; or
- 4 (b) On the recommendation of a selection board constituted under
- 5 this section for that purpose; or
- 6 (c) On the nomination of the provost.
- 7 (3) The Selected Board referred to in subsection 92) of this section
- 8 shall-
- 9 (a) Consist of:
- 10 (i) The Chairman of the Council;
- 11 (ii) the provost;
- 12 (iii) Two members of the Council not being members of the
- 13 Academic board;
- 14 (iv) Two members of the academic board, and
- 15 (b) make such inquiries as it deems fit before making the
- 16 recommendation required under that section for that purpose; or
- 17 (c) On the nomination of the Provost.
- 18 (4) The Deputy Provost shall-
- 19 (a) Assist the Provost in the performance of his functions;
- 20 (b) Act in the place of the provost when the post of provost is vacant
- 21 or if the provost is, for any reason, absent or unable to perform his functions
- 22 as Provost; and
- 23 (c) perform such other functions as the provost or the Council may,
- 24 from time to time assign to him.
- 25 (5) The Deputy Provost:
- 26 (a) Shall hold office for a period of two years beginning from the
- 27 effective date of his appointment and on such terms and conditions as may
- 28 be specified in his letter of appointment; and
- 29 (b) May be reappointed for one further period of two years and
- 30 more.

The Registrar
and other staff
of the College

1 **12.-(1)** The Council of the College shall appoint a Registrar to such
2 College (hereinafter referred to as the Registrar) who shall keep the records and
3 conduct the correspondence of the Council and shall perform such other duties
4 as the Council and subject thereto as the Provost may from time to time direct.

5 (2) The Registrar shall, in addition to other duties conferred on him by
6 or under this Act, be the secretary to the Council, the Academic Board and any
7 committee of the Council and in his absence, the Councilor any such
8 committee may appoint some other person to act as secretary, and he shall not
9 vote on any question before the councilor count towards as quorum.

10 (3) A registrar:

11 (a) Shall hold office for a period of five years beginning from the
12 effective date of his appointment and on such terms and conditions as may be
13 specified in his letter of appointment; and

14 (b) May be reappointed for one further period of five years and no
15 more.

16 (4) Where, on the commencement of this section. A Registrar
17 appointed before the commencement of this section has held office:

18 (a) For five years or less, he shall be deemed to be serving his first
19 term of office and may be reappointed for a further term of five years;

20 (b) For more than five years but less than ten years, he shall complete
21 the maximum period for ten years and thereafter relinquish his post and be
22 assigned other duties in the colleges;

23 (c) For ten years or more, the Council may allow him to serve as
24 Registrar for a further period of one year only and thereafter he shall relinquish
25 his post and be assigned other duties in the College.

Other principal
officers of the
College

26 **13.-(1)** There shall be for the College the following principal officers
27 in addition to the registrar, that is-

28 (a) The Bursar; and

29 (b) The College Librarian, Who shall be appointed by the council on

1 the recommendation of the selection board constituted under section 10 (1)
2 of this Act.

3 (2) The Bursar shall be the chief financial officer of the College and
4 be responsible to the Provost for the day to day administration and control of
5 the financial affairs of the College.

6 (3) The College Librarian shall be responsible to the Provost for the
7 administration of the College Library and the coordination of the library
8 services in the teaching units of the College.

9 (4) A Bursar or librarian:

10 (a) Shall hold office for a period of five years beginning from the
11 effective date of his appointment and on such terms and conditions as may
12 be specified in his letter of appointment; and

13 (b) May be reappointed for a period of five years and no more.

14 (5) Where, on the commencement of this section, a Bursar or
15 Librarian has held office:

16 (a) For five years or less, he shall be deemed to be serving his first
17 term of office and may be reappointed for a further term of five years;

18 (b) For more than five but less than ten years, he shall complete the
19 maximum period of ten years thereafter relinquish his post and be assigned
20 other duties in the College;

21 (c) For ten years or more, the Council may allow him to serve in
22 that capacity for a further period of one year only and thereafter he shall
23 relinquish his post and be assigned other duties in the College.

24 **14.** A principal officer may resign his appointment-

25 (a) In the case of the Provost, by notice to the Visitor; and

26 (b) In any other case, by notice to the Council

Resignation of
appointment of
principal officers

27 **15.-(1)** The Council may appoint such other persons to be
28 employees of the College as the Council may determine to assist the provost
29 and the principal officers of the College in the performance of their
30 functions under this Act.

Other employment

	1	(2) Subject to the provisions of this Act, the remuneration, tenure of
	2	office and conditions of service of the employees of the Council shall be
	3	determined by the Council in consultation with the Federal Civil Service
	4	Commission.
Selection Board for other principal officers	5	16. -(1) There shall be, for the College, a selection Board which shall
	6	consist of:
	7	(a) The Chairman;
	8	(b) The provost;
	9	(c) Four members of the Council not being members of the Academic
	10	Board; and
	11	(d) Two members of the Academic Board
	12	(2) The functions, procedure and other matters relating to the
	13	Selection Board constituted under subsection (1) of this section shall be as the
	14	Council may, from time to time determine.
Pensions	15	17. -(1) It is hereby declared that service in the College shall be
	16	approved service for the purpose of the pensions Act and accordingly, officers
	17	and other persons employed in each College shall in respect of their service in
	18	the College be entitled to pensions, gratuity and other retirement benefits as are
	19	prescribed there under, so however that nothing in this Act shall prevent the
	20	appointment of a person to any office on terms which preclude the grant of a
	21	pension and gratuity in respect of that office.
	22	(2) For the purposes of the application of the provisions of the
	23	Pensions Act, any power exercisable thereunder by a Minister or other
	24	authority of the Government of the Federation (other than the power to make
	25	regulations under section 23 thereof) shall be exercisable by the College and
	26	not by any other person or authority.
Establishment of fund of the College	27	18. -(1) The Council shall establish and maintain a fund which shall be
	28	applied towards the promotion of the objectives specified in this Act.
	29	(2) There shall be paid and credited to the fund establishment under
	30	subsection (i) of this section:

1 (a) Such sums as may from time to time be granted to the Council
 2 by the Federal Government through the National Commission for college of
 3 Education;

4 (b) All moneys raised for the purpose of the Council by way of
 5 gifts, grants - in - aid or testamentary disposition; and

6 (c) All subscriptions, fees and charges for services rendered by the
 7 Council and all other sums that may accrue to the Council from any source.

8 (3) The council shall submit to the Minister, through the National
 9 Commission for College of education, not later than three months before the
 10 end of each financial year or at such other time as he may direct, and estimate
 11 of its revenue and expenditure for the next succeeding financial year.

12 **19.**-(1) The Council may accept gifts of land, money or other
 13 property upon such terms and conditions if any, as may be specified by the
 14 person making the gift.

Power to accept
gifts

15 (2) The council shall not accept any gift if the conditions attached
 16 by the person making the gift are inconsistent with the function of the
 17 Council.

18 **20.** The Council shall keep proper account of its receipts,
 19 payments, assets and liabilities and shall in respect of each year cause the
 20 account to be audited.

Accounts and
Audit

21 **21.** The Council shall as may be after the expiration of each
 22 financial year, prepare and submitted the minister a report of its activities
 23 during the immediately preceding financial year and shall include in the
 24 report a copy of the audited accounts of the College for that year and of the
 25 auditor's report on the accounts.

Annual report

26 **22.**-(1) For the purpose of providing offices and premises
 27 necessary for the performance of its functions, the Council may:

Offices and
Premises

28 (a) Purchase any interest in or take on lease any land; and

29 (b) Build, equip and maintain offices and premises

30 (2) The Council may, with the approval of the Minister, sell any

Discipline of
students

1 interest in or lease any land, offices or premises held by it and no longer
2 required for the performance of its function.

3 **23.**-(1) The Council may make rules providing for the Provost to
4 conduct enquiries into alleged breaches of discipline (including lack of
5 diligence) by students and such rules may make different provisions for
6 different circumstances.

7 (2) The rules shall provide for the procedure and rules of evidence to
8 be followed at enquires under this section.

9 (3) Subject to the provisions of subsection (1) of this section, where it
10 is proved during the enquiry that any student of the College has been guilty of
11 misconduct, the provost may, without prejudice to any other disciplinary
12 powers conferred on him by this Act or any regulations made. Thereunder,
13 direct:

14 (a) That the student shall not, during such period as may be specified
15 in the direction, participate in such activities of the College, or make use of
16 such facilities of the college, as he may specify;

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

19 (c) That the student may be suspended for such period as may be
20 specified in the direction; or

21 (d) That the student be expelled from the College.

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

27 (5) Where a direction is given under subsection (3) (c) or (d) of this
28 section in respect of any student, the student may, within 21 days from the date
29 of the letter communicating the decision to him, appeal from the direction to
30 the Council, and where as an appeal is brought, the Council shall, after causing

1 such inquiry to be made in the matter as the Council consider just, either
2 confirm or set aside the direction or modify it in such manner as the Council
3 may think fit.

4 (6) The first that an appeal from a direction is brought in pursuance
5 of subsection (5) of this section shall not effect the operation of the direction
6 while the appeal is pending.

7 (7) The provost may delegate his powers under this section to a
8 disciplinary committee consisting of such members of the College as he may
9 nominate.

10 (8) nothing in this section shall be construed as preventing the
11 restriction or termination of a student's activities at the College otherwise
12 than on the ground of misconduct.

13 (9) It is hereby declared that the direction under subsection (3) (a)
14 of this section may be combined with a direction under subsection (3) (b) of
15 this section.

16 (10) In all cases under this section, the decision of the Council shall
17 be final unless reversed by the Minister on appeal by the student.

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

Interpretation

19 "Chairman" means the Chairman of the Council;

20 "College" means the Federal College of Education (Technical) Ketu,
21 Egbado North Ogun State specified in the First Schedule to this Act and

22 "Colleges" shall be construed accordingly;

23 "Council" means the Governing Council of the College established by or
24 pursuant to section 2 of this Act;

25 "Provost" of this Act; means the Provost of the College, appointed under
26 section 9;

27 "Functions" includes powers and duties;

28 "Minister" Means the Minister charged with responsibility for matters
29 relating to education;

30 "Member" means a member of the Council including the Chairman.

Short title 1 **25.** This Bill may be cited as the Federal College of Education
2 (Technical) Ketu, Egbado North, Ogun State Bill, 2022.

3 FIRST SCHEDULE

4 PRINCIPAL OFFICERS OF THE COLLEGE

5 *The Provost of the College*

6 1. There shall be the Provost of the College who shall be the Chief
7 Accounting officer of the college and be appointed by the president in
8 accordance to the section (9) of this Act.

9 *The Deputy Provost of the College*

10 2. There shall be the Deputy Provost of the College who shall be
11 responsible for the following-

12 (a) Assist the Provost in the performance of his function;

13 (b) Act in place of provost when the post of Provost is vacant or if the
14 provost is for any reason absent or unable to perform his function as provost;
15 and

16 (c) Perform such other function that the Provost or Council may, time
17 to time assign to him.

18 *The Registrar of the College*

19 3.-(1) There shall be a registrar of the College who shall keep the
20 records and conduct the correspondence of the council and shall perform such
21 other duties as the council and subject thereto as the provost may from time to
22 time direct.

23 (2) The Registrar shall, in addition to other duties conferred on him by
24 or under this Act, be the secretary to the council, the Academic Board and any
25 committee of the person to act as secretary, and he shall not vote on any
26 question before the Council.

27 *The Bursar of the College:*

28 4. There shall be a Bursar of the College who shall be the Chief
29 Financial officer of the College and be responsible to the provost for the day- to
30 - day administration and control of the financial affairs of the College.

1 *The College librarian*

2 5. There shall be a College Librarian who shall be responsible to
3 the Provost for the administration of the College Library and the
4 coordination of the Library services in the teaching units of the College.

5 SECOND SCHEDULE

6 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

7 *(Section 2 (3))*

8 *Terms of services*

9 1. There may be paid to the members of the Councilor any
10 committee, other than ex- officio members, such remuneration of
11 allowances as may from time to time be determined by the president.

12 2. Where a vacancy occurs in respect of the membership specified
13 in section 3 (1) (d) and 3 (2) (d), it shall be filled by the appointment of a
14 successor to hold office for the remainder of the term of office of his
15 predecessor in office and such successor shall represent the same interest as
16 his predecessor.

17 3. The Council may act notwithstanding any vacancy in its
18 membership or any defect in the appointment of a member or the absence of
19 a member.

20 *Proceedings*

21 4.-(1) The Council shall meet for the conduct of business at such
22 times, places and on such days as the Chairman may appoint but shall meet
23 not less than once every four months.

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

26 (3) At any meeting of the Council the Chairman shall preside; but
27 in his absence, members present shall elect one of their number to preside at
28 the meeting.

29 (4) Where the Council desires to obtain the advice of any person on
30 any particular matter, the Council may co-opt persons who are not members

1 of the Council but persons co-opted shall not be entitled to vote at a meeting of
2 the Council.

3 (5) The quorum of the Council shall be one half of the total members
4 of the Council, at least one of whom shall be a member appointed by the
5 President.

6 (6) Decisions of the Council shall be made on approval by a simple majority of
7 members.

8 *Miscellaneous*

9 5.-(1) The fixing of the seal of the College shall be authenticated by
10 the signature of the Chairman, Provost and some other members of the Council
11 authorized generally or specially by the Council to act for that purpose.

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Education (Technical) Ketu, Egbado North, Ogun State, whose function among other things shall be to provide full-time course for teaching, instruction and training in technology, applied science, commerce, arts, social sciences, humanities and management and to carry out research in the development and adaptation of techniques; and also make provision for the appointment of a provost and the officials of each college to carry out the administration and the discipline of students of the college.

A BILL

FOR

AN ACT TO REPEAL THE NATIONAL MANPOWER BOARD ACT, CAP. NS7,
LAWS OF THE FEDERATION OF NIGERIA, 2004; AND FOR RELATED
MATTERS, 2022

Sponsored by Hon. Obinna Chidoka

[] Commencement

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

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1.

2.
- The National Manpower Board Act, Cap. N57, Laws of the Federation of Nigeria, 2004; is repealed.

This Bill may be cited as the National Manpower Board (Repeal) Bill, 2022.
- Repeal of Cap. N57, LFN, 2004

Citation

EXPLANATORY NOTE

This Bill seeks to repeal the National Manpower Board Act, Cap. N57, Laws of the Federation of Nigeria, 2004.

A BILL

FOR

AN ACT TO HARMONISE THE FUNCTIONS OF THE NATIONAL MANPOWER BOARD AND THE NATIONAL PLANNING COMMISSION AND EMPOWER THE NATIONAL PLANNING COMMISSION TO DETERMINE AND ADVISE THE FEDERAL GOVERNMENT OF NIGERIA ON THE NATION'S MANPOWER NEEDS IN ALL OCCUPATIONS; AND FOR RELATED MATTERS, 2022

Sponsored by Hon. Obinna Chidoka

[] Commencement

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

- 1 **1.** The National Planning Commission Act Cap N66 Laws of the Amendment of
2 Federation of Nigeria, 2004 (in this Bill referred to as "the Principal Act") is Cap. N66, LFN,
3 amended as set out in this Bill. 2004
- 4 **2.** Section 3 (2) of the Principal Act is amended by: Amendment of
5 (a) inserting after paragraph (d), new paragraphs "(da)" - "(de)": Section 3(2)
6 "(da) the Minister responsible for education; and
7 (db) the Minister responsible for employment, labour and
8 productivity";
9 (dc) a representative of the Federal Civil Services Commission;
10 (dd) a representative of the Nigerian Labour Congress; and
11 (de) a representative of the National Bureau of Statistics"; and
12 (b) renumbering the subsection appropriately.
- 13 **3.** Section 4 of the Principal Act is amended by: Amendment of
14 (a) deleting paragraph "(k)"; and Section 4
15 (b) inserting new paragraphs "(k)" - "(o)"-
16 "(k) determine and advise the Government on the nation's
17 manpower needs in all occupations;
18 (l) formulate manpower development and utilisation policies and

	1	programmes in order to ensure optimum implementation of same for the
	2	enhancement of the nation's manpower resources;
	3	(m) co-ordinate manpower policies and programmes of Federal,
	4	States and Local Governments;
	5	(n) collect, collate, analyse and publish manpower and employment
	6	information and data generated through surveys, studies and enquiries
	7	including administrative means; and
	8	(o) carry out such other activities as are necessary or expedient for the
	9	full discharge of all or any of the functions conferred on the Commission under
	10	this Act.
Repeal of Cap. N57, LFN, 2004	11	4. The National Manpower Board Act, Cap. N57, Laws of the
	12	Federation of Nigeria 2004 is repealed.
Amendment of Section 20	13	5. Section 20 of the Principal Act is amended by inserting after
	14	subsection (6), new subsections "(7)" - "(8)":
	15	"(7) All assets, rights, liabilities, interests, and obligations vested in
	16	the National Manpower Board Act, Cap. N57, Laws of the Federation of
	17	Nigeria 2004, before the commencement of this Bill, shall after
	18	commencement of this Bill be vested in the National Planning Commission.
	19	(8) All staff of the National Manpower Board existing before the
	20	commencement of this Bill shall after commencement of this Bill continue to
	21	be staff of the National Planning Commission in accordance with the terms of
	22	appointment."
Citation	23	6. This Bill may be cited as the National Planning Commission
	24	(Amendment) Bill, 2022.

EXPLANATORY NOTE

This Bill seeks to harmonise the functions of the National Manpower Board and the National Planning Commission to empower the National Planning Commission to determine and advise the Federal Government of Nigeria on the Nation's manpower needs in all occupations.

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN MARINE CORPS TO PROMOTE
MARITIME SECURITY AND FOR RELATED MATTERS, 2022

Sponsored by Hon. Francis Ejiroghene Waive

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NIGERIAN MARINE CORPS, ETC.

2 1.-(1) There is established a body to be known as the Nigerian Establishment
3 Marine Corps (in this Act referred to as "the Corps") which shall- of the Corps

4 (a) be a body corporate with perpetual succession;

5 (b) have a common seal; and

6 (c) sue and be sued in its corporate name.

7 (2) The Corps may-

8 (a) enter into contract and incur obligation;

9 (b) acquire, hold, mortgage, purchase, sell, lease or deal in any way

10 it deems fit with property, whether movable or immovable, real or personal,

11 for the purposes of this Act; and

12 (c) do or suffer any or all acts or things which a body corporate may,

13 by law, do or suffer which are necessary or convenient for the purposes of

14 this Act;

15 (d) let or hire plant, machinery, craft, equipment or goods.

16 (3) The common seal of the Corps shall be kept in such custody as

17 the Corps may direct and shall be used only on the direction of the Corps.

18 (4) The head office of the Corps shall be located in the Federal

19 Capital Territory, Abuja.

20 2.-(1) This Act shall apply to any person, ship, aircraft or any other Application and
21 craft or object in the internal, territorial sea and coastal land of Nigeria. Scope

	1	(2) This Act does not apply to warship or military patrol ship.
	2	PART II - OBJECTIVES OF THE CORPS
Objectives of the Corps	3	3. The objective of the Corps is to-
	4	(a) provide clear direction and leadership in the establishment of a
	5	platform for national maritime security;
	6	(b) encourage the development of expertise in local and global
	7	maritime security;
	8	(c) promote awareness of marine information and communication
	9	technologies for the Nigerian maritime industry;
	10	(d) provide security information and mechanism to protect all
	11	national maritime and maritime related infrastructures within Nigerian
	12	territorial sea and coastal land; and
	13	(e) regulate corporate body or person engage in the provision of
	14	maritime security services within Nigerian territorial sea and coastal land.
	15	PART III - FUNCTIONS AND POWERS OF THE CORPS
Functions of the Corps	16	4. -(1) The Corps shall-
	17	(a) Be responsible for the provision of maritime security;
	18	(b) in collaboration with other regulatory and security agencies of
	19	Government in the maritime sector, ensure the continuation and coordination
	20	of the implementation of the Chapter XI- 2 of SOLAS International Ship and
	21	Port Security (ISPS) code of the International Maritime Organization (IMO);
	22	(c) have responsibility for the provision of security for national
	23	maritime infrastructure;
	24	(d) Conduct air and coastal surveillance;
	25	(e) interface with the operations and the activities of security organs
	26	of State in the discharge of its functions;
	27	(f) Inspect, investigate and prevent marine pollution;
	28	(g) Monitor, regulate and co-ordinate maritime related
	29	communication between persons, objects or craft within Nigerian maritime
	30	environment;

1 (h) initiate or assist in search and rescue operations of all agencies
2 and Organisations, in the maritime sector;

3 (i) provide security information on oil and gas pipelines, rigs,
4 platforms and all other established or anchored under water, over ground or
5 any other similar or related forms of installation;

6 (j) develop and maintain a database of national maritime
7 infrastructure;

8 (k) establish a security and infrastructure protection mechanism
9 for all sea ports and jetties in Nigeria;

10 (l) pool and co-ordinate resources towards maritime security and
11 necessary industry upgrade for intra and inter industry co-ordination
12 capacity;

13 (m) ensure professional management of information and co-
14 operation between the general maritime community and the national
15 intelligence and security forces community;

16 (n) conduct maritime security training; and

17 (o) carry out such other activity to promote and realise its
18 objectives as specified in this Act.

19 **5.** The Corps shall, notwithstanding the provisions of any other Powers of the
20 Act, have power to - Corps

21 (a) receive and consider any report of the commission of an offence
22 in relation to this Act;

23 (b) stop, enter, board, inspect, search any ship or craft within the
24 territorial sea and coastal land;

25 (c) demand the production of any license, permit, record,
26 certificate or other document or make copies of or take extracts of such
27 license, permit, record, certificate or other document in relation to matters
28 provided for under this Act;

29 (d) cause an investigation into any offence which it has reason to
30 believe is being committed or is about to be committed or has been

1 committed in relation to this Act;

2 (e) exercise the right of pursuit in conjunction with other security
3 agencies;

4 (f) exercise through its staff and employees, the right to carry light
5 arms in the execution of its functions and powers under this Act;

6 (g) examine and seize any article, device, goods, ship, craft or any
7 other item related to any offence which has been committed or it has reason to
8 believe has been committed in relation to this Act;

9 (h) dispose off any article, device, goods, ship, craft or any other item
10 related to any offence which has been committed or it has reason to believe has
11 been committed in relation to this act provided it is not subject to litigation;

12 (i) arrest any person whom it has reason to believe has committed any
13 offence;

14 (j) refuse entry to or expel any ship which it has reason to believe to
15 that its entry or continuous stay is detrimental to the interest of or will endanger
16 the order of public interest and safety of Nigerian maritime zone; and

17 (k) enter ports, terminals, jetties and ships to monitor and investigate
18 matters related to maritime safety and security.

19 (3) Without prejudice to the generality of subsection (1) of this
20 section, designated officers of the Corps shall have, for the purposes of this Act,
21 all the powers which any law enforcement Corps may exercise under any Act
22 applicable to the Nigerian maritime zone.

23 (4) Notwithstanding the provisions of subsection (2) (b) of this
24 section, no ship shall be stopped, entered, boarded, searched or inspected
25 within the area of the territorial sea of Nigeria if the passage of the ship within
26 the territorial sea of Nigeria is an innocent passage.

27 (5) For the purpose of this section, the passage of a ship is regarded as
28 an innocent passage if it is not prejudicial to the safety and security of the
29 maritime zone of Nigeria.

1	6.-(1) Where the Corps is required to provide a facility or service or	Mode of exercise
2	discharge a function, it shall do so-	of Powers
3	(a) by itself;	
4	(b) in cooperation with another person or body; or	
5	(c) by arranging for another person or body to do so on its behalf	
6	and the Corps is ultimately responsible for the exercise of the delegated	
7	power.	
8	7. The Corps will assist the Nigerian Navy and NIMASA to carry	Activities prejudicial
9	out the following activities in the Maritime zone of Nigeria:	to Safety and
10	(a) any threat or act which in any matter is a violation of the	Security
11	provisions of this Act or any other legislation applicable to the Corps;	
12	(b) act of pollution;	
13	(c) unauthorized fishing activity;	
14	(d) the carrying out of unauthorized research or survey activities;	
15	(e) act aimed at interfering with any systems of communication or	
16	any other facilities or installations of the Corps any act which is in	
17	contravention of the Coastal and Inland Shipping (Cabotage) Act, 2003 or	
18	any similar law; and	
19	(f) any other activity not having a direct bearing on passage.	
20	8. In the exercise of its powers, the Corps may collaborate with,	Collaboration
21	request for and shall be entitled to receive assistance from other government	with other Agencies
22	agencies responsible for the maintenance of security in the maritime zone of	
23	Nigeria.	
24	9. The Corps will be supervise by the Ministry of Transportation,	Supervision
25	just as customs under the supervision of Federal Ministry of Finance,	
26	NSCDC, Immigration, Prison under Ministry of Interior and NDLEA	
27	supervised by Ministry of Justice.	
28	10. In the performance of its functions, the Corps may, where	Consultation with
29	appropriate, consult with government, commercial, industrial, consumer	other Agencies
30	and other relevant bodies and organizations.	

	1	PART IV - GOVERNING BOARD OF THE CORPS AND ITS MEMBERSHIP
Governing Board of the Corps	2	11. -(1) There is established for the Corps a Governing Board (in this
	3	Act referred to as "the Board") to be appointed by the President on the
	4	recommendation of the Minister of Interior and Minister of Transportation.
	5	(2) The Board shall consist of-
	6	(a) a Chairman;
	7	(b) the Commandant General;
	8	(c) the Commandants of the Corps;
	9	(d) a representative each not below the rank of a Director from-
	10	(i) Federal Ministry of Interior;
	11	(ii) Federal Ministry of Finance;
	12	(iii) Federal Ministry responsible for marine transportation;
	13	(e) a representative of the Office of the National Security Adviser;
	14	(f) a representative of the Office of the Chief of Defense Staff not
	15	below the rank of Brigadier-General or its service equivalent;
	16	(g) a representative of the Nigerian Navy;
	17	(h) a representative of the office of the Inspector General of Police not
	18	below the rank of Assistant Inspector General of Police;
	19	(i) a representative of the NIMASA;
	20	(j) a representative of the Nigerian Port Authority;
	21	(k) a representative of the of Shippers Council; and
	22	(l) 2 ex-officio.
	23	(2) The Board is responsible for the determination of the general
	24	policies of the Corps with regard to its financial, commercial and operational
	25	programmes.
	26	(3) In managing the affairs of the Corps, the Board shall have regard,
	27	in addition to any general guidelines on the running of public institutions, to
	28	such generally acceptable principles of good corporate governance as is
	29	reasonably applicable to the Corps.
	30	(4) The supplementary provisions set out in the Third Schedule to this

1 Act shall apply to the proceedings of the Board and other matters contained
2 therein.

3 (5) The Board shall make standing orders regulating its
4 proceedings and meetings;

5 12.-(1) A member ceases to hold office if-

Cessation of
Membership

6 (a) he/she has been certified to be of unsound mind; or

7 (b) he/she is an undischarged bankrupt; or

8 (c) he/she has been convicted in Nigeria or elsewhere of a criminal
9 offence involving fraud or dishonesty; or

10 (d) has, at any time, been removed from an office on account of
11 mistrust or misconduct; or

12 (e) his/her retention on the Board is inimical to public interest or of
13 the Corps.

14 (2) The conflict of interest provisions contained in the Third
15 Schedule to this Act shall apply to members.

16 13.-(1) Members, other than ex-officio, shall hold office for a term
17 of four years and may be eligible for re-appointed for a further term of four
18 years and no more.

Tenure of
Members

19 (2) A member other than ex-officio may resign his appointment by
20 giving one month written notice to the President through the Minister of
21 Interior and Minister of Transportation;

22 (3) Ex-officio members shall hold office for a non-renewable term
23 of 2 yrs

24 (4) The Commandant General shall give 3 months written notice of
25 resignation to the President through the Minister of Interior and Minister of
26 Transportation.

27 14.-(1) A member may be suspended or removed by the President
28 on the recommendation of the Minister of Interior and Minister of
29 Transportation.

Removal of
Member by
President

30 (2) In making a recommendation under subsection (1) of this of

	1	section, the Minister of Interior and Minister of Transportation shall have
	2	regard to section 10 of this Act.
Vacancy in the Board	3	15. -(1) A vacancy occurs in the Board if a member-
	4	(a) dies;
	5	(b) is medically certified unfit;
	6	(c) is removed;
	7	(d) resigns;
	8	(e) completes his term of office.
	9	(2) The President, on the recommendation of the Minister of Interior
	10	and Minister of Transportation shall appoint another person into the Board to
	11	replace a member whose office became vacant pursuant to subsection (1) of
	12	this section and the person shall represent the same interest as that of the former
	13	member.
	14	(3) A person appointed under subsection (2) of this section shall serve
	15	the unexpired term of the former member and may be reappointed for another
	16	term of four years and no more.
Remuneration of members	17	16. All payments, allowances, benefits and expenses payable to a
	18	member shall be determined by the Board in accordance with Government
	19	guidelines.
Commander-General and other Commandants	20	17. -(1) The Commandant-General shall-
	21	(a) subject to Section 10 of this Act, be a person that possess extensive
	22	knowledge of security matters or maritime affairs;
	23	(b) be appointed by the President on the recommendation of the
	24	Minister of Interior and Minister of Transportation; and
	25	(c) hold office for a term of five years in the first instance and may be
	26	eligible for reappointment for another term of five years and no more,
	27	(2) The Commandant-General is the chief executive and chief
	28	accounting officer responsible for-
	29	(a) the implementation of the policies of the Corps and decisions of
	30	the Board;

1 (b) organisation, control and daily management of the affairs of the

2 Corps;

3 (c) the direction, supervision and control of the employees of the

4 Corps subject to any direction issued by the Board;

5 (d) ensuring the maintenance of accounting records in accordance

6 with applicable laws and accounting principles; and

7 (e) any other thing incidental or related to the object of this Act.

8 (3) A Commandant of the Corp heading a department of the Corp

9 or an outpost or special corps shall-

10 (a) be appointed by the Commandant General subject to the

11 approval of the Board;

12 (b) be a person that possess sound knowledge of and ability to

13 perform the functions the person is appointed to handle;

14 (c) perform such functions as may be determined by the Board

15 from time to time;

16 **18.**-(1) there shall be created for the Corps a management Structure of the
Corps

17 committee, which shall consist of:

18 (a) Commandant General;

19 (b) Commandants or Heads of Departments;

20 (c) Any other person knowledgeable in Maritime affairs as may be

21 coopted by the Commandant General,

22 (2) the management committee shall be responsible for the

23 administration of the Corps in accordance with the policies of the corps as

24 stipulated by the Board in compliance with the provisions of this Bill;

25 (3) the management committee shall be responsible for the

26 appointment, promotion and discipline of the junior staff of the Corps

27 **19.**-(1) The Board may establish such number of departments Departments

28 necessary for the attainment of the objectives of the Corps and each

29 department shall be headed by a Commandant.

30 (2) Departments established under subsection (1) of this Section

	1	shall include-
	2	(a) administration and finance department;
	3	(b) operations department; and
	4	(c) technical department;
Secretary to the Board	5	20. -(1) There shall be appointed by the Board a Secretary to the
	6	Board.
	7	(2) The secretary must possess relevant professional qualifications
	8	and experience, and must have been so qualified for period of not less than ten
	9	years as-
	10	(a) a legal practitioner; or
	11	(b) a chartered secretary.
	12	(3) The Secretary shall be responsible to the Commandant-General
	13	and the Board and shall perform the following duties-
	14	(a) arrange for meetings of the Board, prepare the agenda and write
	15	minutes of such meetings;
	16	(b) communicate the decisions of the Board to members;
	17	(c) keep records of the Board;
	18	(d) ensure the payment of the allowances of members for attending
	19	meetings; and
	20	(e) carry out any other duties as may be assigned to him by the
	21	Commandant General or the Board.
Other staff and conditions of service	22	21. -(1) The Corps may employ such number of staff or employees as
	23	it may deem necessary for the efficient performance of its functions.
	24	(2) The Board shall determine the job description, title, terms,
	25	qualifications, salaries, allowances and other benefits of staff or employees
	26	who are subject to the conflict of interest rules in the Second Schedule to this
	27	Act.
	28	(3) Staff of the Corps, including the Board Secretary, shall be subject
	29	to such terms and conditions as may, from time to time, be stipulated by the
	30	Board and as contained in their letters of employment.

1 **22.** Service in the Corps shall be approved service for the purpose Pension Reform
2 of Pension and staff or employees of the Corps shall be entitled to retirement Act, 2004
3 benefit as prescribed in the Pension Reform Act.

4 PART V - FINANCIAL PROVISIONS

5 **23.**-(1) The Corps shall establish and maintain a fund into which Funding of the
6 shall be paid- Corps

7 (a) 1 percent of the value of the gross freight of in-bound and out-
8 bound cargo in vessels calling at or departing from any port in Nigeria;

9 (b) the maritime security levy;

10 (c) all other financial assets that may, from time to time, be vested
11 in or accrue to the Corps in the course of performing its functions under this
12 Act;

13 (d) all other sums collected or received by the Corps for services
14 rendered or facilities provided by it;

15 (e) gift, grant, aid including financial and material support from
16 multilateral agencies and non-governmental organizations;

17 (f) such other sums that may be received from the Federal
18 Government; and

19 (g) such other sources of revenue or income other than those
20 specified in paragraphs (a) to (f) of this subsection:

21 Provided that the conditions attached to the revenue or income
22 shall not be inimical to the objectives of this Act and the functions and
23 powers of the Corps.

24 (2) The Corps shall apply the funds in Sub-section (1) of this
25 Section to-

26 (a) carry out its functions under this Act;

27 (b) train staff and related personnel;

28 (c) its general administration;

29 (d) the payment of salaries, allowances, emoluments and other

	1	benefits of the executive members of the Board, the Commandant General and
	2	staff;
	3	(e) acquire and maintain any property for the use of the Corps; and
	4	(f) any other expenses that are necessary for the effective discharge of
	5	its functions.
Budget and expenditure	6	24. The Corps shall, not later than 30th September in each financial
	7	year, prepare and submit to the Minister of Interior and Minister of
	8	Transportation, for presentation to the President and consideration by the
	9	National Assembly for approval, a statement of estimated income and
	10	expenditure for the following financial year.
Power to accept gifts	11	25. -(1) The Corps may accept gift of land, money or other property on
	12	such terms and conditions as is consistent with the functions of the Corps.
	13	(2) The Corps shall not accept any gift if the condition attached by the
	14	person or organization making it is inconsistent with the functions of the Corps
	15	or are in conflict with national interest.
Account and records to be open for inspection	16	26. -(1) The accounts and records of the Corps shall, at all times,
	17	without prejudice to the Freedom of Information Act, be open for inspection
	18	by-
	19	(a) a member of the Board; or
	20	(b) person specifically authorized by the Minister of Interior and
	21	Minister of Transportation to inspect them.
	22	(2) The books of accounts and records shall be kept at the head office
	23	of the Corps.
Statements of account and audit	24	27. -(1) The Corps shall keep proper and regular accounts of:
	25	(a) records of monies received and paid by it;
	26	(b) purposes for which such monies were received and expended; and
	27	(c) the assets, credits and liabilities of the Corps.
	28	(2) The Corps shall ensure that:
	29	(a) payments out of its money(delete) are properly authorized and
	30	made;

1 (b) adequate control is maintained over the assets and the
2 expenditure incurred by the Corps.

3 (3) The accounts and financial statements of the Corps shall be
4 audited annually by a firm of Auditors appointed by the Board from the list
5 of Auditors supplied by the Auditor-General for the Federation.

6 (4) As soon as the accounts of the Corps and the financial
7 statements have been audited, the Corps shall forward a copy together with
8 the report or observations made on them by the Auditor to the Minister of
9 Interior and Minister of Transportation.

10 **28.** The Corps shall, at the end of each financial year, prepare and
11 submit to the Minister of Interior and Minister of Transportation and Auditor
12 General for the Federation a report in such form as shall accurately reflect all
13 the activities of the Corps during the preceding year; and the report shall
14 include a copy of the audited accounts of the Corps.

Annual and other
reports

15 **29.** The Minister of Interior and Minister of Transportation may
16 give the Corps written directives regarding the performance of its functions
17 fund particulars of the directives given in any financial year shall be
18 included in the annual report of the Corps for that year.

Directives by the
Minister of Interior
and Minister of
Transportation

19 PART VI - CHARGES AND LEVIES

20 **30.-(1)** As from the commencement of this Act, there shall be
21 charged and payable a Maritime Security Levy which shall be assessed,
22 collected and administered in accordance with the provisions of this Act.

Maritime Security
Levy

23 (2) The levy in Subsection (1) of this Section is 1% of the declared
24 annual profit of any company engaged in maritime related activity in the
25 federation.

26 **31.-(1)** The Corps may by regulation impose charges and specify
27 the persons to whom it shall apply, and the times when they shall become
28 due and payable.

Imposition of
charges

29 (2) The charges may include-

30 (a) a charge for a service or facility provided by the Corps;

1 (b) a fee or other charge in respect of a matter in relation to which
2 expenses have been incurred by the Corps under this Act or the regulations,
3 including, but not limited to a fee or other charge in respect of, or for an
4 application for-

5 (i) the grant, issue, renewal or variation of a certificate, license,
6 approval, permission, permit, registration or exemption under any Act or a
7 regulation, or

8 (ii) the grant or variation of an authorization or the cancellation,
9 suspension, variation or imposition of a condition relating to anything referred
10 to in subparagraph (i) of this subsection.

11 (iii) all Federal Legislation on marine pollution, marine safety,
12 maritime security.

13 (3) Before making a regulations under subsection (1) of this section,
14 the Corps shall give notice in writing of the proposed regulation to the Minister
15 in which it shall specify the-

16 (a) day on which the regulation is intended to take effect;

17 (b) basis of a charge or penalty; and

18 (c) reasons for varying a charge or penalty.

19 (4) The Minister, may within 30days after receiving a notice of the
20 proposed regulation, give notice to the Corps in writing approving or
21 disapproving the proposed regulation. But in doing so, the Minister shall be
22 guided by the objectives and functions of the Corps

23 (5) The Corps shall make a regulation under subsection (1) of this
24 section only if-

25 (a) the Minister has approved it;

26 (b) the period within which the minister may a give notice to the Corps
27 under subsection 4 has elapsed without the Minister haven given such a Notice.

28 (6) Subject to subsection (8) of this section, where a charge imposed
29 under subsection (1) is not paid within the period determined by the Corps,
being a period beginning on the day on which the charge became due and

1 payable, the person liable shall pay to the Corps, in addition to the charge, a
2 penalty not exceeding 50% of the sum calculated upon the unpaid amount of
3 the charge from the day on which the charge became due and payable.

4 (7) The penalty shall not exceed an amount equivalent to the 50%
5 of the unpaid amount of the charge for each day during which it remains
6 unpaid, calculated from the day on which the charge became due and
7 payable.

8 (8) Unpaid charge and penalty may be recovered as debt due to the
9 Corps.

10 PART VII - SHIP SAFETY AND MARITIME SECURITY

11 32.-(1) Notwithstanding the provisions of any other law, where the
12 Corps has reason to believe that any ship, being in any port or place in
13 Nigeria, is an unsafe ship and a security risk, and is, by reason of any of the
14 matters mentioned in subsection (2) of this section, unfit to proceed to sea
15 without serious danger to human life having regard to the nature of the
16 service for which it is intended, such ship is liable to be detained.

17 (2) The matters referred to in subsection (1) of this section are:

18 (a) the condition or unsuitability for the purpose of:

19 (i) the ship, its machinery or equipment; or

20 (ii) any part of the ship, its machinery or equipment;

21 (b) under-manning;

22 (c) overloading, unsafe or improper loading; and

23 (d) other matters relevant to the safety and security of the ship.

24 (3) In performing its functions under this section, the Corps shall
25 have regard to the ISM Code, the ISPS Code and other international
26 conventions and Federal legislation on ship safety and security.

27 33.-(1) Where a person uses or causes or permits to be used in
28 navigation any lighter, barge or like vessel, because of:

29 (a) the defective condition of its hull or equipment;

30 (b) overloading or improper loading; or

1 (c) under manning, it is now unsafe that human life is endangered, he
2 shall be guilty of an offence and be liable on conviction to a fine not exceeding
3 one million naira.

4 (2) This section does not affect the liability of the owners of any
5 lighter, barge or like vessel in respect of loss of life or personal injury caused to
6 any person carried in the vessel.

7 **34.**-(1) The owners of a ship to which this section applies shall take all
8 reasonable steps to ensure that the ship is operated in a safe manner.

9 (2) This section applies to:

10 (a) a Nigerian ship; and

11 (b) any ship which:

12 (i) is registered under the law of, or flies the flag of, any country other
13 than Nigeria; and .

14 (ii) is within Nigerian waters while proceeding to or from a port in
15 Nigeria.

16 (3) Where the owner of a ship to which this section applies fails to
17 discharge the duty imposed on him by subsection (1) of this section, he shall be
18 guilty of an offence and be liable on conviction to a fine as may be determined
19 by the Agency or imprisonment for a term not exceeding six months, or both.

20 (4) Where any such ship is chartered by demise, or is managed, either
21 wholly or in part, by a person other than the owner under the terms of a
22 management agreement, any reference to the owner of the ship in subsection (1)
23 or (3) of this section, shall be, construed as including a reference to-

24 (a) the chartered under the charter by demise; or

25 (b) any such manager; or

26 (c) if the ship is both chartered and managed, both the charterer and
27 any such manager, and accordingly the reference in subsection (1) to the taking
28 of all" reasonable steps shall, in relation to the owner, the charterer or any such
29 manager, be construed as a reference to the taking of all such steps as it is
30 reasonable for him to take in the circumstances of the case.

Liability in respect
of unsafe ship,
lighters and
operation of ships

Power to detain ships

Inspection of ships

24 PART VIII - GENERAL PROVISIONS

Establishment of maritime security offices

Records to be kept of ships

	1	vessel and craft entering or leaving Nigeria's territorial sea and inland waters;
	2	and
	3	(b) any other information that it deems necessary to enable it
	4	discharge its functions under this Act.
Regulations	5	40. -(1) The Corps may, subject to the approval of the Board make
	6	regulations generally-
	7	(a) prescribing the matters required by this Act to be prescribed;
	8	(b) prescribing the manner in which and the persons or bodies by
	9	whom charges, levies and related penalties are to be collected; and the manner
	10	in which security may be provided for the payment of such charges, levies and
	11	related penalties;
	12	(c) regulating the detention of ships; and
	13	(d) prescribing all matters necessary or expedient for the achievement
	14	of the objectives of this Act.
	15	(2) The regulations made under subsection (1) of this section may
	16	include such incidental, supplementary or transitional provisions as may be
	17	reasonably necessary or expedient.
	18	(3) In making the regulations, the Corps shall take into account the
	19	need to give effect to the provisions of any international convention or
	20	agreement ratified by Nigeria.
	21	PART IX - LEGAL PROCEEDINGS
Limitation of suits against the Corps	22	41. -(1) Notwithstanding anything contained in any other law or
	23	enactment, no person shall institute an action against the Corps, a member of
	24	the Board, the Commandant General or any staff of the Corps for any act done
	25	or omitted to be done in the discharge of any public duty under this Act or any
	26	other law or in respect of any alleged neglect or default in execution of any duty
	27	under this Act or any such law, unless it is commenced within one (1) year after
	28	the act, neglect or default complained of; or in the case of a continuance of
	29	damage or injury, within one (1) year after the ceasing of the act.
		(2) An action shall not be commenced against the Corps, a member of

1 the Board, the Commandant General or a staff of the Corps before the
 2 expiration of a period of one (1) month after a written notice of intention to
 3 commence the action had been served on the Corps by the intending plaintiff
 4 or his agent and the notice shall clearly state the-

5 (a) cause of action;

6 (b) particulars of the claim;

7 (c) name and place of residence of the intending plaintiff; and

8 (d) the relief to be sought.

9 (3) The service of court process on the Corps shall be valid only if
 10 such a process is served on the Commandant -General or Secretary to the
 11 Board or at the designated office of the Corps.

12 (4) No arrest shall lie against any staff of the Corps whilst on duty
 13 except with the consent of his immediate superior officer.

14 (5) Where a staff is found guilty of an offence by a competent court
 15 and as a result of which the Corps has made any financial contribution, such
 16 a staff shall indemnify the Corps for the contribution.

17 **42.** The Corps shall not be placed under judicial management or
 18 liquidation except as authorized by an Act of the National Assembly.

Judicial
management and
liquidation

19 **PART X - OFFENCES**

20 **43.-(1)** A person who, willfully removes, destroys or damages any
 21 property belonging to or which is in the custody or possession of the Corps;
 22 or hinders or prevents such property from being used or operated in the
 23 manner in which it is intended to be used or operated, commits an offence
 24 and is liable on conviction to a minimum fine of N1,500,000.

Damage to property
of the Corps

25 (2) Any person convicted under Sub-section (1) of this Section
 26 shall, in addition, make good any loss, destruction or damage suffered by the
 27 Corps, including the expenses of any inspection or survey carried out by the
 28 Corps to ascertain such loss, destruction or damage.

29 **44.-(1)** A person who by any means evades or attempts to evade,
 30 neglects or omits to pay any levy, charge or fee payable under this Act

Evasion of fees,
levies, etc.

1 commits an offence and is liable on conviction to a minimum fine of
2 N1,000,000 or to imprisonment for a term of six months or to both such
3 imprisonment and fine.

4 (2) Any person found guilty under Subsection (1) of this Section shall,
5 in addition, pay to the Corps a penalty double the amount of the levy, charge or
6 fee evaded or attempted to be evaded or neglected or omitted to be paid.

Penalty for giving
false statement

7 **45.** A person who makes, whether knowingly or recklessly any
8 statement which is false in any material particular in any claim or other
9 document which is requested or authorized to be made by or under this Act or a
10 regulation made under it, commits an offence and is liable on conviction to a
11 minimum fine of N1,000,000 or to imprisonment for a term of Six months or to
12 both fine and imprisonment.

Non-compliance
with direction
of the Corps with
direction

13 **46.-(1)** A person who, without lawful excuse, refuses, neglects or fails
14 to comply with any direction lawfully given by the Corps in the exercise of its
15 powers under this Act; or who fails to comply with any provision of this Act or
16 of any regulation made under it, commits an offence and is liable on conviction
17 to a minimum fine of N1,500,000 or to imprisonment for a term of twelve
18 months or both; and in the case of a continuing offence, to a further fine of
19 N250,000 for every day during which the offence continues.

20 (2) A person commits an offence if he/she, without lawful excuse,
21 refuses or neglects to obey any direction given under this Act or a regulation
22 made under it.

23 (3) The Corps may, irrespective of whether any proceeding has been
24 instituted against or any penalty imposed on such person for the refusal or
25 neglect, do or cause to be done all such acts as are, in its opinion reasonable or
26 necessary to carry out the direction.

27 (4) The Corps may hire or employ such persons as are necessary to
28 make good whatever loss or damage may have been caused by the refusal or
29 neglect of the person to whom the direction was given.

30 (5) Any expenses incurred by the Corps in the exercise of its powers e

1 under this section is recoverable from the person to whom the direction was
2 given.

3 **47.** A person who hinders, obstructs or molests an employee, agent
4 or contractor of the Corps in the performance of their duty commits an
5 offence and is liable on conviction to a minimum fine of N100,000 or
6 imprisonment for a term of six months or to both such fine and
7 imprisonment.

Obstructing the
Corps in the
performance of
its duties

8 **48.**-(1) Except for the purpose of the performance of hi/hers duties
9 or when lawfully required to do so by a court or under the provisions of any
10 law, a person who is or has been a member of the Board, the Commandant
11 General, an employee, an adviser, an agent or a contractor of the Corps shall
12 not disclose any information related to the affairs of the Corps or of any other
13 person which has been obtained by him in the performance of his duties or
14 functions.

Preservation of
Secrecy

15 (2) A person who contravenes subsection (1) of this section
16 commits an offence and is liable on conviction to a minimum fine of
17 N500,000 or imprisonment for a term of six months or to both such fine and
18 imprisonment.

19 **49.**-(1) Where an offence under this Act or the regulations was
20 committed by a company or other body or persons, any such person who, at
21 the time the offence was committed, was a director, manager or partner in
22 the company or body of persons or acted in such capacity may be charged
23 with the same offence.

Offences by
companies and
fines to be paid
to the Corps

24 (2) If a company or other body of persons is convicted of an offence
25 under this Act, any person charged with the same offence alongside the
26 company or body of persons as an official of such a company shall be guilty
27 of that offence and be liable to the penalty prescribed for the offence unless
28 he proves that the offence was committed without his knowledge or consent
29 and that he exercised all such diligence to prevent the commission of the
30 offence as he ought to have exercised, having regard to the nature of his

1 functions in that capacity in the company and to all the circumstances of the
2 commission of the offence.

3 (3) All sums collected as fines imposed for offences under this Act or
4 the regulations shall be paid to the Corps.

5 (4) The Federal High Court has exclusive jurisdiction to try any
6 offence under this Act.

7 PART X - MARINE POLLUTION

8 **50.**-(1) The Agency may make such regulations with the approval of
9 the Minister and not inconsistent with this Act for such provisions as it
10 considered appropriate in relation to-

11 (a) the dumping of ship and shore generated waste in Nigerian waters;
12 and

13 (b) removal of wrecks which constitute navigation risks and which is
14 a threat to the marine environment.

15 (2) In making such regulations, the Agency shall take into account the
16 need to give effect to provisions which are contained in any international
17 convention agreement which Nigeria is a party.

18 (3) The regulations may provide that where a person contravenes a
19 requirement under the regulations he is guilty of an offence and is liable:

20 (a) on summary conviction, to a fine not exceeding the amount as may
21 be determined by the Agency; or

22 (b) on conviction on indictment, to imprisonment for a term not
23 exceeding two years or to a fine not exceeding the amount as may be
24 determined by the Agency or to both statutory maximum.

Prohibition on
carriage,
shipment and
jettisoning or
harmful substances

25 **51.**-(I) All ships to which this Act applies are prohibited from:

26 (a) carrying harmful substances in packaged form except in
27 accordance with this part; or

28 (b) jettisoning harmful substance in packaged form.

29 (2) A person shall not ship or offer for shipment from any Nigerian
30 port harmful substances in packaged form except in accordance with this part.

1 (3) In all documents relating to the carriage of harmful substances
2 by sea where such substances are named, the correct technical name of each
3 such substance shall be used.

4 (4) The shipping documents supplied by the shipper shall include,
5 or be accompanied by, a signed certificate or declaration that the shipment
6 offered for carriage is properly packaged and marked, labelled or placarded
7 as appropriate and in proper condition for carriage to minimize the hazard to
8 the marine environment.

9 (5) Each ship carrying harmful substances shall have:

10 (a) a special list or manifest setting forth the harmful substances on
11 board and the location thereof;

12 (b) a detailed stowage plan setting out the location of all harmful
13 substances on board in lieu of the special list or manifest referred to in
14 paragraph (a) of this subsection; and (c) copies of the documents referred to
15 in this subsection shall also be retained on shore by the owner of the ship or
16 his representative until the harmful substances are unloaded and a copy of
17 one of these documents shall be made available before departure to the
18 office of the Commandant-General.

19 (6) The Agency shall make regulations prescribing:

20 (a) detailed requirements on packing, marking, labelling,
21 documentation, stowage, quantity limitations and exceptions for preventing
22 or minimizing pollution of the marine environment, in conformity with the
23 IMDG Code;

24 (b) terms and conditions under which ships to which this Act
25 applies may carry, or persons may ship or offer for shipment harmful
26 substances in packaged form;

27 (c) measures to be taken to regulate the washing of leakages
28 overboard based on the physical, chemical and biological properties of
29 harmful substances; and (d) inspections to be made by the Agency of all
30 ships to which this Act applies to ensure compliance with this Part.

	1	PART VIII - MISCELLANEOUS
Repeal and savings	2	52. -(1) The following Acts and instruments are repealed:
	3	(a) Nigerian Shipping Policy Act Cap. 279 LFN, 1990 ;
	4	(b) Nigerian Maritime Labour Act 2003 ;
	5	(c) section 288 of the Merchant Shipping Act. Cap. 224 LFN, 1990;
	6	and
	7	(d) Merchant Shipping (Delegation of Powers) Notice under section
	8	395 of the Merchant Shipping Act, Cap. 224 LFN, 1990.
	9	(2) Save as otherwise provided under this Act, all regulations, orders
	10	and other subsidiary legislations made under the National Policy Act in force
	11	immediately before Repeals and savings. Cap. 279 LFN 1990 A454 2007 No.
	12	17 Nigerian Maritime Administration and Safety Agency Act Interpretation.
	13	the coming into force of this Act shall, so far as it is not inconsistent with the
	14	provisions of this Act, continue in force as if they had been made under this Act
	15	and shall be treated accordingly.
	16	(3) A Fund established by or under any of the provisions of enactment
	17	repealed by this Act shall vest in the Maritime Fund as established under this
	18	Act.
Interpretation	19	53. In this Act-
	20	"Act" means the NIGERIAN MARINE CORPS Act;
	21	"action" includes a suit in a court of competent jurisdiction;
	22	"Board" means the Governing Board of the Corps constituted under section 8
	23	of this Act;
	24	"Competent court" means the Federal High Court.
	25	"Corps" means the NIGERIAN MARINE CORPS established under section 1
	26	of this Act;
	27	"Customs" means the Nigerian Customs Service;
	28	"Immigration" means the Nigerian Immigration Service;
	29	"IMO" means the International Maritime Organization;
	30	"ISPS" means the International Ships and Ports Facilities Security;

1 "Major oil and gas company" means any company engaged in the
2 exploration, exploitation, refining, sale or marketing of crude or refined
3 petroleum products and includes oil services companies;

4 "Member" means a member of the Board of the Corps and includes the
5 chairman;

6 "NSA" means the National Security Adviser to the President;

7 "Nigerian waters" and "Nigerian Maritime Zone" include inland waters,
8 territorial waters, or waters of the executive economic zone (respectively,
9 together or any combination thereof);

10 "ONSA" means the Office of the National Security Adviser;

11 "Government" means the Federal Government of Nigeria;

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

13 "Ship" includes every description of vessel used in navigation;

14 "Vessel" means any kind of vessel that is used, or capable of being used, in
15 navigation by water, however propelled or moved, and includes:

16 (a) a barge, lighter, floating platforms, restaurant or other floating
17 vessel; and an air-collusion vehicle; or

18 (b) other similar craft that is used in navigation by water.

19 **54.** This Bill may be cited as the Nigerian Marine Corps Short title
20 (Establishment, etc.) Bill, 2022.

1 SCHEDULES

2 FIRST SCHEDULE

3 *Section 9 (4)*

4 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD OF THE CORPS

5 *Proceedings of the Board*

6 1. Subject to the provisions of this Act and section 27 of the
7 Interpretation Act, the Board may make standing orders regulating its
8 proceedings or that of any of its committees.

9 2. The Chairman shall preside at every meeting of the Board & and in
10 his absence, the members present at the meeting shall appoint one of
11 themselves to preside at the meeting; minutes shall be taken by the Secretary
12 for each meeting of the Board and those of any of its committees.

13 3. The quorum for any meeting of the Board shall be five members.

14 4. The Board shall meet to transact business whenever it is summoned
15 by the chairman, after the members shall have been given one week written
16 notice; and the Chairman shall, if so required by a notice given to him by no
17 fewer than five members specifying, among other things, an agenda for the
18 meeting, summon a meeting of the Board which shall be held not later than
19 fourteen days from the date on which the notice is served on him, to discuss the
20 items specified in the notice; and the Board shall, for the purposes of this Act,
21 meet no fewer than four times in each calendar year.

22 5. A member of the Board who directly or indirectly has an interest of
23 a personal nature, including but not limited to financial interests, in any
24 contract made or proposed to be made by the Corps shall, so soon after the facts
25 of the matter of his interest have come to his knowledge, disclose the interest
26 and its nature at a meeting of the Board.

27 6. A disclosure under paragraph (5) of this Schedule shall be recorded
28 in the minutes of the Board meeting and the member concerned shall-

29 (a) not, after the disclosure, take part in any deliberation or decision of
30 the Board or vote on the matter; and

1 (b) be excluded for the purpose of constituting a quorum of any
2 meeting of the Board for any deliberation or decision, with regard to the
3 subject matter in respect of which his interest was disclosed.

4 7. The decisions at a meeting of the Board shall be taken by a
5 simple majority vote of members present.

6 8. In the case of an equality of votes, the chairman shall have a
7 casting vote.

8 *Committees*

9 9. Subject to its standing orders, the Board may appoint such
10 number of standing or ad hoc committees as it thinks fit to consider and
11 report on any matter with which the Corps is concerned.

12 10. A committee appointed under paragraph (9) of this Schedule
13 shall-

14 (a) consist of such number of persons who may not necessarily be
15 members of the Board as may be determined by the Board and the
16 appointment of a non-member of the Board as a member of a committee
17 shall be subject to such terms as would be indicated in his letter of
18 appointment; and

19 (b) be presided over by a member of the Board.

20 *Miscellaneous*

21 11. The quorum of any committee set up by the Board shall be
22 determined, from time to time, by the Board.

23 12. A decision of a committee of the Board shall not take effect
24 until it is confirmed by the Board.

25 13. The fixing of the seal of the Corps shall be authenticated by the
26 signature of the Secretary and that of the Chairman or any other member of
27 the Board generally or specifically authorized by the Board to act for that
28 purpose.

29 14. A contract or instrument which, if made by a person who is not
30 a body corporate, would not be required to be under seal may be made or

1 executed on behalf of the Corps by any person generally or specifically
2 authorized by the Board or the Director General to act for that purpose.

3 15. A document purporting to be a contract, instrument or other
4 document duly signed or sealed on behalf of the Corps shall be received in
5 evidence and shall, unless the contrary is proved, be presumed, without further
6 proof, to have been so signed or sealed.

7 16. Subject to the other provisions of this Act, the validity of any
8 proceeding, act or decision of the Board or of any of its committees shall not be
9 affected by-

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

11 (b) any defect or irregularity in the appointment of a member of the
12 Board or committee; or

13 (c) reason that any person who was not entitled to do so took part in
14 the proceeding of the Board or a committee.

15 17. A member of the Board or a committee shall not be personally
16 liable for any act or omission done or made in good faith while engaged in the
17 business of the Corps.

18 18. A person shall not, by reason only of his membership of the Board,
19 be treated as holding an office of emolument under the Government of the
20 Federation.

SECOND SCHEDULE

Section 9(2)

CONFLICT OF INTEREST

(1) Subject to further provisions of this Schedule, a member of the Board or staff of the Corps shall not have a direct or indirect financial interest or investment in any shipping, stevedoring, pilotage, oil and gas services terminal operations or any other service by or for the Corps, or receive therefrom any loan, remuneration or other right, or have any personal interest in any contract made or proposed to be made by the Corps throughout the term of his office or employment with the Corps.

(2) Subject to paragraphs (3) and (4) of this Schedule, each member of the Board or staff of the Corps shall, on an annual basis, present a written declaration, not later than the third month of each year, affirming that no such interest as is specified in paragraph (1) of this Schedule shall arise during his term or employment with the Corps.

(3) The members of the Board and staff of the Corps, as from the commencement of this Act, shall be entitled to a maximum period of six months to divest themselves of any direct or indirect financial interests or investments in any shipping, stevedoring, pilotage or oil and gas services terminal operations or any other similar engagements.

(4) All newly appointed members or staff of the Corps, after the commencement of this Act, shall be entitled to a maximum period of three months from their respective dates of appointment to divest themselves of any direct or indirect financial interests or investments in any shipping, stevedoring or any similar engagement.

(5) Each member or staff of the Corps shall declare, on appointment or at the commencement of employment and annually thereafter, for as long as he is in the employment of the Corps, any interest or investment that he-

(a) knowingly has; or

1 (b) knows any member of his immediate family to have in any aspect
2 of the maritime industry.

3 (6) If a member or staff of the Corps contravenes the provisions of
4 paragraphs (1) and (2) of this Schedule or gives false information under
5 paragraph (5), he commits an offence and is liable on conviction to a fine of
6 N1,000,000 or imprisonment for a term of one year or to both such fine and
7 imprisonment.

8 (7) Subject to paragraph (8) of this Schedule, the Board may, from
9 time to time, waive the application of the prohibitions specified in paragraphs
10 (1) and (2) of this Schedule to a member or staff of the Corps if the Board
11 determines that the financial interest of the member or staff is not of a material
12 nature or is minimal.

13 (8) The Board, in determining whether or not the interest of a member
14 or staff of the Corps is minimal or not of a material nature, shall consider factors
15 including, but not limited to the-

16 (a) revenues, investments, profits and managerial efforts of the
17 relevant company or other entity in regard to its port activities compared with
18 other aspects of the business of the Corps or those of that company or entity;

19 (b) extent to which the Corps regulates and oversees the activities of
20 such company or entity;

21 (c) degree to which the economic interests of such company or other
22 entity may be affected by an action of the Corps; and

23 (d) perceptions held or likely to be held by members of the public
24 regarding the relevant person's financial interest or investment in that company
25 or entity.

26 (9) The Board may at any time, review and reverse its determination
27 under paragraph (7) of this Schedule and direct the application of the
28 prohibitions contained in this Schedule to the affected member or staff of the
29 Corps; and the Board shall not be under any obligation to disclose the reason or
30 basis for its review to the affected member or staff.

(10) In any case in which the Board exercises the waiver or the review as specified in paragraphs (7) and (9) of this Schedule, it shall publish the details thereof and such publication shall include information regarding the identity of the person who has been granted the waiver or whose waiver grant has been reviewed; the position held by such person and the nature of the financial interests which are the subject of the waiver or the review.

(11) For the purpose of this Schedule-

(a) "company" includes partnerships and undertakings howsoever defined; and

(b) "immediate family" means a person's spouse, a partner living with that person as if they were married to each other, and children under the age of 18 years.

THIRD SCHEDULE

TRANSITIONAL AND TRANSITORY PROVISIONS

TRANSFER OF PROPERTY AND UNDERTAKINGS FROM THE ABOLISHED NATIONAL MARITIME AUTHORITY AND THE JOINT MARITIME LABOUR INDUSTRIAL COUNCIL TO THE AGENCY

(1) Except as otherwise provided in this Act, as from the commencement of this Act:

(a) the National Maritime Authority and the Joint Maritime Labour Industrial Council cease and their respective directors go out of office;

(b) all rights, property and assets that, immediately before the commencement of this Act, were vested in the abolished National Maritime Authority and the Joint Maritime Labour Industrial Council vest in the Agency;

(c) all debts, liabilities and obligations of the abolished National Maritime Authority and the Joint Maritime Labour Industrial Council existing immediately before the commencement of this Act become debt, liabilities and obligations of the Agency;

(d) the Agency is a substituted party as applicable to any

1 proceedings pending in any Court or tribunal to which the abolished National
2 Maritime Authority and the Joint Maritime Labour Industrial Council
3 respectively were parties, immediately before the commencement of this Act;

4 (e) the Agency is substituted as party to any contract or arrangement,
5 as applicable, entered into by or on behalf of the abolished National Maritime
6 Authority and the Joint Maritime Labour Industrial Council and in force
7 immediately before the commencement of this Act; and

8 (f) any reference to the abolished National Maritime Authority and
9 the Joint Maritime Labour Industrial Council in any Act or in any Order-in-
10 Council, rule, regulation, order, agreement, instrument, deed or other
11 document, so far as it relates to any period after the commencement of this Act,
12 and if not inconsistent with the context or subject matter, shall be construed as a
13 reference to the Nigerian Maritime Administration and Safety Agency.

14 Allocation of property subject to encumbrances.

15 (2) Unless an allocation statement under this Schedule otherwise
16 provides, where, under this Schedule, property and rights vest in the Agency or
17 liabilities become liabilities of the Agency:

18 (a) the property and rights so vested shall be subject to the
19 encumbrances (if any) to which they were subject immediately before so
20 vesting; and

21 (b) the rights to which the abolished National Maritime Authority and
22 the Joint Maritime Labour Industrial Council were entitled in respect of those
23 liabilities immediately before they ceased to be liabilities of the abolished
24 National Maritime Authority and the Joint Maritime Labour Industrial Council
25 shall vest in the Agency.

26 *National Maritime Authority and the Joint Maritime Labour Industrial*
27 *Council Instruments*

28 (3) Each Instrument relating to the abolished National Maritime
29 Authority and the Joint Maritime Labour Industrial Council property continues
30 to have effect according to its tenor on and after the commencement of this Act

1 as if a reference in the instrument to the abolished National Maritime
2 Authority and the Joint Maritime Labour Industrial Council were a
3 reference to the Agency.

4 *Transfer of employees of the abolished National Maritime Authority and*
5 *the Joint Maritime Labour Industrial Council /0 the Agency and the terms*
6 *of employment under the Agency*

7 (4) The Minister shall compile a list of the staff employed by the
8 abolished National Maritime Authority and the Joint Maritime Labour
9 Industrial Council immediately before the abolition date who are to be
10 transferred to the Agency.

11 (5) A transferred employee is to be regarded as-

12 (a) being employed in his new position with effect on and from the
13 commencement of this Act;

14 (b) having the same terms and conditions as those that applied to
15 the person in relation to his employment with the abolished National
16 Maritime Authority and the Joint Maritime Labour Industrial Council
17 immediately before the commencement of this Act; and

18 (c) having accrued any entitlement or benefit in connection with
19 the employment with the Agency that is equivalent to the entitlement that the
20 person had accrued as an employee of the abolished National Maritime
21 Authority and the Joint Maritime Labour Industrial Council, immediately
22 before the commencement of this Act.

23 (6) The service of a transferred employee with the Agency is to be
24 regarded for all purposes as having been continuous with the service of the
25 transferred employee, immediately before the commencement of this Act,
26 as an employee of the abolished National Maritime Authority and the Joint
27 Maritime Labour Industrial Council.

28 (7) The superannuation entitlements of any person who is a
29 transferred employee are deemed not to be affected by that person becoming
30 a transferred employee.

- 1 (8) Nothing in this paragraph prevents:
- 2 (a) any of the terms and conditions of employment of a transferred
- 3 employee from being altered by or under any law, award or agreement with
- 4 effect from any time after the commencement of this Act; or
- 5 (b) a transferred employee from resigning or being dismissed at any
- 6 time after the commencement of this Act in accordance with the existing terms
- 7 and conditions of his employment with the Agency.
- 8 (9) In this section, "transferred employee" means an employee of the
- 9 abolished National Maritime Authority and the Joint Maritime Labour
- 10 Industrial Council who is deemed to be an employee of the Agency. . .

EXPLANATORY MEMORANDUM

This Bill seeks to provide, among other things, for the establishment of the Nigerian Marine Corps which shall be charged with the responsibility of providing security and safety information and communication facilities for all categories of users of the Nigerian maritime industry.