

Extraordinary



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FEDERAL POLYTECHNIC AYEDE (ESTABLISHMENT) BILL, 2022

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FEDERAL POLYTECHNIC, AYEDE

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A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL POLYTECHNIC, AYEDE, OYO STATE
AND TO MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT
AND ADMINISTRATION; AND FOR RELATED MATTERS

Sponsored by Hon. Odebunmi Olusegun

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF

2 FEDERAL POLYTECHNIC, AYEDE

3 1.-(1) There is established the Federal Polytechnic, Ayede (in this
4 Act referred to as "the Polytechnic").

Establishment
of Federal Polytechnic
Ayede

5 (2) The Polytechnic:

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

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

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

Objects of the
Polytechnic

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;

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

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

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

- 1 the approval of the National Board for Technical Education (NBTE);
- 2 (b) institute Chief Lecturerships, readerships and associate Chief
- 3 Lecturerships, lectureships and other posts and offices and to make
- 4 appointments thereto;
- 5 (c) institute and award fellowships, scholarships, exhibitions,
- 6 bursaries, medals, prizes and other titles, distinctions, awards and forms of
- 7 assistance;
- 8 (d) provide for the residence, discipline and welfare of members of
- 9 the Polytechnic;
- 10 (e) hold examinations and award degrees, diplomas, certificates
- 11 and other distinctions to persons who have pursued a course of study
- 12 approved by the Polytechnic and have satisfied such other requirements as
- 13 the Polytechnic may lay down;
- 14 (f) award honorary degrees, fellowships or academic titles;
- 15 (g) demand and receive from any student or any other person
- 16 attending the Polytechnic for the purpose of instruction such fees as the
- 17 Polytechnic may, from time to time determine, subject to the overall
- 18 directives of the appropriate authority;
- 19 (h) subject to section 22 of this Act, to acquire, hold, grant, charge
- 20 or otherwise deal with or dispose of movable and immovable property
- 21 wherever situate;
- 22 (i) accept gifts, legacies and donations, but without obligation to
- 23 accept the same for a particular purpose unless it approves the terms and
- 24 conditions attaching thereto;
- 25 (j) enter into contracts, establish trusts, act as trustee, solely or
- 26 jointly with any other person, and employ and act through agents;
- 27 (k) erect, provide, equip and maintain libraries, laboratories,
- 28 lecture halls, halls of residence, refectories, sports grounds, playing fields
- 29 and other buildings or things necessary, suitable or convenient for any of the
- 30 objects of the Polytechnic;

1 (l) hold public lectures and undertake printing, publishing and book
2 selling;

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

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

15 (o) make gifts for any charitable purpose;

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

18 (q) do all such acts or things, whether or not incidental to the
19 foregoing powers, as may advance the objects of the Polytechnic.

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

Rector to take
precedence before
other members

25 **5.-(1)** The Rector shall in relation to the Polytechnic, take precedence
26 before all other members of the Polytechnic, and when he is present shall
27 preside at all meetings of convocation held for conferring degrees and
28 diplomas.

29 (2) Subject to the provisions of this Act, the Rector shall have General
30 function, in addition to any other function conferred on him by this Act or

1 otherwise, of directing the activities of the Polytechnic, and shall, to the
2 exclusion of any other person or authority, be the chief executive and
3 academic officer of the Polytechnic and ex-officio Chairman of the
4 Academic Board.

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

Establishment
and membership
of the Council

6 (a) the Rector;

7 (b) Deputy-Rector (Academics);

8 (c) Deputy-Rectors (Administration);

9 (d) one person from the ministry responsible for education;

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

12 (f) four persons appointed by the Academic Board from among its
13 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 Polytechnic.

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

Council and Other
Committees of the
Polytechnic

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 Polytechnic
2 are kept and the accounts of the Polytechnic 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 Polytechnic 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 any other Committee set up by the Council,
18 allowances in respect of travelling and other reasonable expenses, at such rates
19 as may from time to time be fixed by extant government circulars.

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

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

25 PROVIDED that if after 28 days of the receipt or delivering to him of
26 such request, the Chairman fails or neglects to call a meeting, the Registrar
27 shall, within 14 days thereof, cause a meeting of the Council to be convened for
28 that purpose and the request shall specify the business to be considered at the
29 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) of
2 this section and to the provisions of this Act relating to the Visitor, it shall be
3 the general function of the Academic Board to organize and control teaching
4 in the Polytechnic, admission to graduate technical courses and other
5 admission of students, the discipline of students and to promote research in
6 the Polytechnic.
- 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 Academic Board to make provision for the:
- 10 (a) establishment, organization and control of campuses,
11 departments, schools, Institutes and other teaching and research units of the
12 Polytechnic, and the allocation of responsibility for different branches of
13 learning;
- 14 (b) organization and control of technical courses of study in the
15 Polytechnic and of the examinations held in conjunction with those
16 technical courses, including the appointment of examiners, both internal
17 and external;
- 18 (c) award of degrees/diplomas, and such other qualifications as
19 may be prescribed. in connection with examinations conducted by the
20 Polytechnic;
- 21 (d) establishment, organization and control of halls of residence
22 and similar institutions in the Polytechnic;
- 23 (e) supervision of the welfare of students in the Polytechnic and the
24 regulation of their conduct;
- 25 (f) granting of fellowships, scholarships, prizes and similar awards
26 in so far as the awards are within the control of the Polytechnic; and
- 27 (g) determination of what description of dress shall be academic
28 dress for the purposes of the Polytechnic, and regulating the use of academic
29 dress.
- 30 (3) The Academic Board shall not establish any new campus,

Functions of the
Academic Board

1 department, school, institute or other teaching and research units of the
2 Polytechnic, or any hall of residence or similar institution at the Polytechnic
3 without the approval of the Council.

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

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

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

20 PART II - STATUTES OF THE POLYTECHNIC

Statutes of the
Polytechnic

21 9.-(1) Subject to this Act, the Polytechnic may make Statutes for any
22 of the following purposes:

23 (a) making provision with respect to the composition and constitution
24 of any authority of the Polytechnic;

25 (b) specifying and regulating the powers and duties of any authority
26 of the Polytechnic, and regulating any other matter connected with the
27 Polytechnic or any of its authorities;

28 (c) regulating the admission of students where it is done by the
29 Polytechnic, and their discipline and welfare;

30 (d) determining whether any particular matter is to be treated as an

1 academic or non-academic matter for the purposes of this Act and of any
2 Statute, regulation or other instrument made there-under; and

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

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

Cap. 112, LFN,
2004

8 (3) The Statute contained in the Third Schedule to this Act shall be
9 deemed to have come into force on the commencement of this Act and shall
10 be deemed to have been made under this section by the Polytechnic.

Third Schedule

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

15 **10.-(1)** The power, of the Polytechnic to make Statutes shall be
16 exercised in accordance with the provisions of this section.

Power to make
and approve Statutes

17 (2) A proposed Statute shall not have the force of law until it has
18 been approved at a meeting of the:

19 (a) Academic Board, by the votes of not less than two thirds of the
20 members present and voting; and

21 (b) Council by the votes of not less than two thirds of the members
22 present and voting;

23 (3) A proposed Statute may originate either in the Academic Board
24 or Council, and may be approved as required by subsection (2) of this
25 section by both bodies in no particular order.

26 (4) A Statute which:

27 (a) makes provision for or alters the composition or constitution of
28 the Council, the Academic Board or any other authority of the Polytechnic;

29 (b) provides for the establishment of a new campus or school or for
30 the amendment or revocation of any Statute whereby a campus or college is

	1	established, shall not come into operation unless it has been approved by the
	2	Visitor.
Cap. 1123 LFN, 2004	3	(5) For the purpose of section 2 (2) of the Interpretation Act, a Statute
	4	shall be treated as being made on the date on which it is approved by the
	5	Council and the Academic Board in accordance with subsection (3) of this
	6	section or in the case of a Statute falling within subsection (4) of this section, on
	7	the date on which it is approved by the President.
Proof of Statute in court	8	11. A Statute may be proved in any court by the production of a copy
	9	thereof bearing or having affixed to it a certificate signed by the Rector or the
	10	Registrar to the effect that the copy is a true copy of a Statute of that
	11	Polytechnic.
Visitors decision in case of dispute	12	12.-(1) In the event of any doubt or dispute arising at any time as to the
	13	meaning of any provision of a Statute, the matter may be referred to the Visitor,
	14	who shall take such advice and make such decision thereon as he deems fit.
	15	(2) The decision of the Visitor on any matter referred to him under this
	16	section shall be binding upon the authorities, staff and students of the
	17	Polytechnic and where any question as to the meaning of any provision of a
	18	Statute has been decided by the Visitor under this section, no question as to the
	19	meaning of that provision shall be entertained by any other authority in
	20	Nigeria:
	21	Provided that nothing in this subsection shall affect the power of a
	22	court of competent jurisdiction to determine whether any provision of a Statute
	23	is wholly or partly void as being ultra vires or as being inconsistent with the
	24	Constitution.
	25	(3) The provisions of this section shall apply in relation to any doubt
	26	or dispute as to whether any matter is, for the purposes of this Act, an academic
	27	or non-academic matter as they apply in relation to any such doubt or dispute as
	28	is mentioned in subsection (1) of this section, and accordingly the reference in
	29	subsection (2) of this section to any question as to the meaning of any provision
	30	of the Statute shall include references to any question as to whether any matter

1 is for the said purposes an academic or non-academic matter.

2 PART III - SUPERVISION AND DISCIPLINE

3 13.-(1) The Minister of Education shall be the Visitor of the
4 Polytechnic. Supervision and
Discipline

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

9 (3) The bodies and persons comprising the Polytechnic Shall:

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

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

16 14.-(1) If it appears to the council that a member (other than the
17 Rector) should be removed from office on grounds of misconduct or
18 inability to perform the functions of his office, the Council shall make a
19 recommendation to that effect through the Minister to the Federal Executive
20 Council and if the Federal Executive Council, after making such enquiries
21 (if any) as may be considered necessary, approves the recommendation it
22 may direct the removal of the member from office. Removal of
members

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

26 15.-(1) If it appears to the Council that there are reasons for
27 believing that any person employed as a member of the academic,
28 administrative or professional staff of the Polytechnic, other than the Rector,
29 should be removed from office or on grounds of misconduct or inability to
30 perform the functions of his office Council shall: Grounds and
procedure for
removal of
members

- 1 (a) give notice of those reasons to the person in question;
- 2 (b) afford such person an opportunity of making representation in
3 person on the matter to the Council; and
- 4 (c) take a decision to terminate or not to terminate the appointment.
- 5 (2) If the affected staff or any three members of the Council so request
6 within a period of one month from the date of receipt of the notice of the
7 Council's decision, the Council shall make arrangements for:
- 8 (a) a joint committee of the Council and the Academic Board to
9 review the matter and to report on it to the Council;
- 10 (b) the person in question to be afforded an opportunity to appear
11 before and be heard by an investigating committee with respect to the matter;
12 and if the Council after considering the report of the investigating committee is
13 satisfied that the person in question should be removed, the Council may so
14 remove him by an instrument in writing signed on the directions of the Council.
- 15 (3) The Rector may, in a case of gross misconduct by a member of
16 staff which in the opinion of the Vice- Rector is prejudicial to the interest of the
17 Polytechnic, suspend such member and any such suspension shall immediately
18 be reported to the Council.
- 19 (4) Any member of staff may be suspended from duty or his
20 appointment may be terminated by Council for a good cause and, for the
21 purposes of this subsection, "good cause" means:
- 22 (a) conviction for any offence which the Council considers to be such
23 as to render the person concerned unfit for the discharge of the functions of his
24 office;
- 25 (b) any physical or mental incapacity which the Council, after
26 obtaining medical advice, considers to be such as to render the person
27 concerned unfit to continue to hold office;
- 28 (c) conduct of a scandalous or disgraceful nature which the Council
29 considers to be such as to render the person concerned unfit to continue to hold
30 office; or

1 (d) conduct which the Council considers to be such as to constitute
2 failure or inability of the person concerned to discharge the functions of his
3 office or to comply with the terms and conditions of his service.

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

8 (a) continue such persons suspension and if so on what terms
9 (including the proportion of his emoluments to be paid to him);

10 (b) reinstate such person in which ease the Council shall restore his
11 full emoluments with effect from the date of suspension;

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

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

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

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

27 (8) Nothing in this section shall prevent the Council from making
28 regulations for the discipline of staff and workers of the Polytechnic as may
29 be appropriate.

Removal of
Examiner

1 **16.**-(1) If, on the recommendation of the Rector, it appears to the
2 Academic Board that a person appointed as an examiner for any examination
3 of the Polytechnic ought to be removed from his office or appointment, then,
4 the Academic Board may, after affording the examiner an opportunity of
5 making representations in person on the matter, direct the Rector to remove the
6 examiner by an instrument in writing signed by the Registrar.

7 (2) Subject to the provisions of any regulation made under section 8
8 (4) of this Act, the Rector may, on the recommendation of Academic Board
9 appoint an appropriate person as examiner in the place of the examiner
10 removed.

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

Disciplinary
action on students

14 **Disciplinary action on students**

15 **17.**-(1) Subject to the provisions of this section, where it appears to
16 the Rector that any student is guilty of misconduct, the Rector may, without
17 prejudice to any other disciplinary powers conferred on him by Statute or
18 regulations, direct that the:

19 (a) student shall not, during such period as may be specified in the
20 direction, participate in such activities of the Polytechnic or make use of such
21 facilities of the Polytechnic as may be so specified;

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

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

26 (d) student be expelled from the Polytechnic.

27 (2) Where a direction is given under subsection (1) (c) or (d) of this
28 section in respect of any student, the student may, within the prescribed period
29 and in the prescribed manner, appeal against the direction to the Academic
30 Board.

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

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

8 (5) The Rector may delegate his powers under this section to a
9 disciplinary board consisting of such members of the Polytechnic as he may
10 nominate.

11 (6) Nothing in this section shall be construed as preventing the
12 restriction or termination of a student's activities at the Polytechnic for
13 conduct which in the opinion of the Academic Board is prejudicial to the
14 interest of the Polytechnic or to its corporate objective or image.

15 (7) A direction under subsection (1) (a) of this section may be
16 combined with a direction under subsection (I) (b) of this section.

17 PART IV - MISCELLANEOUS AND GENERAL PROVISIONS

18 **18.-(I)** No person shall be required to satisfy requirements as to
19 race (including ethnic grouping) sex, place of birth, family origin, religious
20 or political persuasion, as a condition for becoming or continuing to be a:

Student not to be
discriminated
against

21 (a) student in the Polytechnic;

22 (b) holder of any degree/diploma, appointment or employment in
23 the Polytechnic; or

24 (c) member of anybody established by virtue of this Act.

25 (2) No person shall be subjected to any disadvantage or accorded
26 any advantage in relation to the Polytechnic by reference to any of the
27 matters referred to in subsection (1) of this section.

28 (3) Nothing in subsection (J) of this section shall be construed as
29 preventing the Polytechnic from imposing any disability or restriction on
30 any of the persons specified in subsection (1) of this section where such

	1	persons willfully refuse or fail on grounds of religious belief to undertake any
	2	duty generally and uniformly imposed on all such persons or any group of them
	3	which duty, having regard to its nature and the special circumstances, is in the
	4	opinion of the Polytechnic reasonably justifiable in the national interest.
Application of the Land Use Act	5	19.-(1) For the purpose of the Land Use Act (which provides for the
	6	compulsory acquisition of land for public purposes) any purpose of the
	7	Polytechnic shall be the same as that of the Federation.
	8	(2) Where an estate or interest in land is acquired by the Government
	9	pursuant to this section, the Government may, by a certificate under the hand
	10	and seal of the Chief Federal Lands Officer or any other person authorized in
	11	that behalf transfer it to the Polytechnic.
Consent of Visitor in Land deals	12	20. Without prejudice to the provisions of the Land Use Act the
	13	Polytechnic shall not dispose of or charge any land or an interest in any land
	14	(including any land transferred to the Polytechnic by this Act) except with the
	15	prior written consent, either general or special, of the Visitor:
	16	PROVIDED that such consent shall not be required in the case of any
	17	lease or tenancy at a rack-rent for a term not exceeding 21 years of any lease or
	18	tenancy to a member of the Polytechnic for residential purpose.
Quorum	19	21. Except as may be otherwise provided by Statute or by regulation,
	20	the quorum and procedure of any body of persons established by this Act shall
	21	be such as may be determined by that body.
Committee	22	22.-(1) Any body of person established by this Act shall, without
	23	prejudice to the generality of the powers of that body, have power to appoint
	24	committees, which need not consist exclusively of members of that body and
	25	authorize a committee established by it to:
	26	(a) exercise on its behalf, such of its functions as it may determine,
	27	and
	28	(b) co-opt members and direct whether or not co- opted members
	29	shall be entitled to vote in that committee.
	30	(2) Any two or more such bodies may arrange for the holding of joint

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

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

9 (4) The Rector and the Deputy-Rectors shall be members of every
10 committee of which the members are wholly or partly appointed by the
11 Council, (other than a committee appointed to inquire into the conduct of the
12 officer in question) and the Rector shall be a member of every committee of
13 which the members are wholly partly appointed by the Academic Board.

14 (5) Nothing in this section shall be construed as enabling:

15 (a) statutes to be made otherwise than in accordance with section
16 11 or this Act; or

17 (b) the Academic Board to empower any other body to make
18 regulations of to award degrees or other qualifications.

19 **23.-(1)** The seal of the Polytechnic shall be such as may be Seal of Polytechnic
20 determined by the Council and approved by the Rector and the affixing of
21 the seal shall

22 (a) in the case of certificates issued by the Polytechnic, be
23 authenticated by the Rector and the Registrar; and

24 (b) in the case of any other document, be authenticated by any
25 member of Council, the Rector and the Registrar or any other person
26 authorized by Statute.

27 (2) Any document purporting to be a document executed under the
28 seal of the Polytechnic shall be received in evidence and shall, unless the
29 contrary is proved, be deemed to be so executed.

30 (3) Any contract or instrument which, if made or executed by a

1 person not being a body corporate, would not be required to be under seal, may
2 be made or executed on behalf of the Polytechnic by any person generally or
3 specially authorized to do so by the Council without seal.

4 (4) The validity of the proceedings of anybody established pursuant to
5 this Act shall not be affected by:

6 (a) any vacancy in the membership of the body;

7 (b) any defect with appointment of a member of the body; or

8 (c) by reason that any person not entitled to do so took part in the
9 proceedings.

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

13 (6) Nothing in section 12 of the Interpretation Act (which provides for
14 the application, in relation to subordinate legislation, of certain incidental
15 provisions) shall apply to Statutes or Regulations made under this Act.

16 (7) The power conferred by this Act on anybody to make Statutes or
17 Regulations shall include power to revoke or vary any:

18 (a) Statute (including the Statute contained in the Second Schedule to
19 this Act); or

20 (b) Regulation by a subsequent Statute or Regulation as the case may
21 be:

22 PROVIDED that the Statutes and Regulations may have different
23 provisions in relation to different circumstances.

Proposals and
recommendation

24 **24.** Where in any provisions of this Act, it is laid down that proposals
25 are to be submitted or a recommendation is to be made by one authority to
26 another through one or more intermediate authorities, every such intermediate
27 authority shall forward any proposal or recommendation received by it
28 pursuant to that provision to the appropriate authority but any such
29 intermediate authority may, if it thinks fit, forward therewith its own comments
30 thereon.

1	25. In this Act:	Interpretation
2	"appropriate authority means any person, body or authority authorized by	
3	law to act in a specific; or general capacity in relation to a subject matter;	
4	"campus" means any campus which may be established by the Polytechnic;	
5	"Constitution means the Constitution of the Federal Republic of Nigeria;	
6	"Government" means the Federal Government of Nigeria;	
7	"graduate" means a person on whom a degree/diploma (other than an	
8	honorary degree) has been conferred by the Polytechnic;	
9	"gross misconduct" means any act of misconduct and improper behavior	
10	that may be designated as gross misconduct by any Statute or regulation	
11	made, under this Act;	
12	.Minister, means the Minister charged with responsibility for education;	
13	"misconduct, means any conduct which is prejudicial to the good name of	
14	the Polytechnic and or discipline and the proper administration of the	
15	business of the Polytechnic;	
16	"notice» means notice in writing;	
17	"officer; does not include the Visitor;	
18	"prescribed" means prescribed by Statute or regulation made under this Act;	
19	:Chief Lecturer means a person designated as a Chief Lecturer of the	
20	Polytechnic in accordance with provisions made in that behalf by Statute or	
21	by regulations;	
22	"property includes rights, liabilities and obligations;	
23	"regulations., means regulations made by the Academic Board or Council;	
24	"Academic Board "means the Academic Board of the Polytechnic	
25	established by this Act;	
26	"Statute " means a Statute made by the Polytechnic under section II of this	
27	Act and in accordance with the provisions of section 12 of this Act;	
28	"the Act" means the Federal Polytechnic, Ayede Act;	
29	"the provisional Council" means the provisional Council appointed for the	
30	Polytechnic by the President with effect from July 2021;	

1 "teacher" means a person holding a full time appointment as a member of the
2 teaching or research staff of the Polytechnic;
3 "the Statutes" means all such Statutes as are in force from time to time;
4 "the Polytechnic" means the Federal Polytechnic, Ayede as incorporated and
5 constituted by this Act;
6 "undergraduate" means a person In statu pupi/ari in the Polytechnic, other than:
7 (a) a graduate; and
8 (b) a person of such description as may be prescribed for the purposes
9 of this definition.

Citation

10 **26.** This Bill may be cited as the Federal Polytechnic, Ayede
11 (Establishment) Bill, 2022.

12 EXPLANATORY MEMORANDUM

13 This Bill seeks to establish the Federal Polytechnic, Ayede to ensure equity and
14 access to tertiary education in the Country. The Polytechnic is a conventional
15 Polytechnic with restricted programmes and limited and focused Departments.

1 FIRST SCHEDULE

2 *Section 3(2)*

3 PRINCIPAL OFFICERS OF THE POLYTECHNIC

4 *The Rector*

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

7 *The Rector*

8 2. The procedure for the appointment and removal of the Rector
9 shall be in accordance with the provision Section 8 of the Federal
10 Polytechnics Act Cap FI 7 Laws of the Federation of Nigeria, 2004.

11 3.-(1) There shall be for the Polytechnic, two Deputy Rectors or
12 such number of Deputy Rectors as the Council may, from time to time, deem
13 necessary for the proper administration of the Polytechnic.

14 (2) The procedure for the appointment and removal of a Deputy
15 Rector shall be in accordance with the provision of Section 9 of the Federal
16 Polytechnics Act Cap FI 7 Laws of the Federation of Nigeria, 2004.

17 (3) A Deputy-Rector shall:

18 (a) assist the Rector in the performance of his functions;

19 (b) act in place of the Rector when the post of the Rector is vacant
20 or if the Rector is, for any reason, absent or unable to perform his functions
21 as Rector; and

22 (c) perform such other functions as the Rector or the Council may,
23 from time to time, assign to him.

24 *Office of the Registrar, Bursar and Polytechnic Librarian*

25 4.-(1) There shall be for the Polytechnic, a Registrar, who shall be
26 the Chief Administrative Officer of the Polytechnic and shall be responsible
27 to the Rector for the day-to-day administration of the Polytechnic except as
28 regards matters for which the Bursar is responsible in accordance with
29 paragraph 6 (2) of this schedule.

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

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

3 (3) Registrar shall hold office for such period and on such terms and
4 conditions As to emoluments as may be specified in his letter of appointment

5 5.-(1) There shall be for the Polytechnic, the following Principal
6 Officers in addition to the Registrar:

7 (a) the Bursar; and

8 (b) the Polytechnic Librarian

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

12 (3) The Polytechnic Librarian shall be responsible to the Rector for
13 the administration of the Polytechnic Library and the co-ordination of all
14 library services in the Polytechnic and its campuses, colleges, Departments,
15 schools, departments and institutes and other teaching or research units.

16 (4) The Bursar and the Polytechnic Librarian shall each hold office for
17 such period and on such terms and conditions as to emoluments as may be
18 specified in their letters of appointment

19 6. There shall be for the polytechnic, a Director of Works, who shall
20 be responsible to the Rector for the administration of the Works Department,
21 and shall be responsible for all works, services and maintenance of Polytechnic
22 Facilities.

23 7. There shall be for the Polytechnic, a Director of Health Services,
24 Who shall be responsible to the Rector for the administration of the Health
25 Centre and he shall be the Chief Medical Officer of the Polytechnic and shall
26 Coordinate all matters relating to the health of all staff and students.

27 8.-(1) Any officer mentioned in this Schedule may resign his office in:

28 (a) the case of the Rector or Pro-Rector, by notice to the Visitor;

29 (b) in the case of the Rector by notice to the Council which shall
30 Immediately notify the Minister

1 (2) A person who has ceased to hold an office so mentioned
2 otherwise than by removal for misconduct shall be eligible for re-
3 appointment to that office.

4 SECOND SCHEDULE

5 FEDERAL POLYTECHNIC, AYEDE STATUTE NO.1

6 *Articles:*

- 7 1. The Council
8 2. Finance and General Purpose Committee
9 3. The Academic Board
10 4. The Congregation
11 5. The Convocation
12 6 Organisation of Departments and the Branches thereof
13 7. Departmental Board
14 8. The Dean of Studies
15 9. Selection of certain principal and other key officers
16 10. Creation of Academic Post
17 11. Appointment of Academic Staff
18 12. Appointment of Administrative and Technical Staff

19 *The Council*

20 (1) Any member of Council holding office pursuant to section 6 (e)
21 (f) (g) or (h) of this Act may by notice to the Council resign his office.

22 (2) A member of Council holding office pursuant to section-S (e)
23 (f) (g) or (h) of this Act shall, unless he previously vacates it, vacate that
24 office on the expiration of a period of four years starting from 1st August in
25 the year in which he was appointed.

26 (3) where a member of Council holding office pursuant to section
27 6(e) (f) (g) or(h) of this Act vacates office before the expiration of his tenure,
28 the body that appointed him may appoint a successor to hold office for the
29 residue of his unexpired term.

30 (4) A person ceasing to hold office as a member of Council

1 otherwise than by removal for misconduct shall be eligible for re-appointment
2 for only one further period of four years.

3 (5) The quorum of the Council shall be five, at least one of whom shall
4 be a member pursuant to section 6(d) and(e) of this Act.

5 (6) If the Pro-Rector is not present at a meeting of the Council, the
6 members present at the meeting may appoint one of them to be the Chairman at
7 that meeting, and subject to section 5 of this Act and the provisions of this
8 paragraph, the Council may regulate its own procedure.

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

13 (8) The council constituted by this Act shall have a four year tenure
14 from the date of its inauguration, provided that where a Council is found to be
15 incompetent and corrupt, it shall be dissolved by the visitor and a new Council
16 shall be immediately constituted for the effective functioning of the
17 Polytechnic.

18 (9) The powers of the Council shall be exercised in accordance with
19 the laws and Statutes of the Polytechnic, and to that extent, establishment
20 circulars that are inconsistent with the laws and Statutes of the Polytechnic
21 shall not apply to the Polytechnic.

22 *The Finance and General Purpose Committee*

23 2.-(1) The Finance and General Purpose Committee of the Council
24 shall consist of:

25 (a) Rector, who shall be the Chairman of the Committee at any
26 meeting at which he is present;

27 (b) the Deputy- Rectors;

28 (c) six other members of the Council appointed by the Council two of
29 whom shall be selected from among the four members of the Council
30 appointed by the Academic Board and one of whom shall be selected from

1 among members of the Council appointed by the congregation; and

2 (2) The quorum of the Committee shall be six.

3 (3) Subject to any direction given by the Council, the Committee
4 may regulate its own procedure.

5 *The Academic Board*

6 3.-(1) There shall be a Academic Board for the Polytechnic
7 consisting of:

8 (a) the Rector;

9 (b) the Deputy Rectors;

10 (c) all Chief Lecturers of the Polytechnic;

11 (d) all Deans, Provosts and Directors of Academic Units of the
12 Polytechnic;

13 (e) all Heads of Academic Departments, Units and Research
14 Institutes of the Polytechnic;

15 (f) the Polytechnic Librarian; and

16 (g) academic members of the Congregation who are not Chief
17 Lecturers as specified in the Laws of the Polytechnic.

18 (2) The Rector shall be the Chairman at all meetings of the
19 Academic Board when he is present and, in his absence, one of the Deputy
20 Rectors appointed by him shall be the Chairman at the meeting.

21 (3) The quorum of the Academic Board shall be one-quarter (or the
22 nearest whole number less than one quarter), and subject to paragraph (2),
23 the Academic Board may regulate its own procedure.

24 (4) If so requested in writing by any 10 members of the Academic
25 Board, the Rector, or, in his absence a person duly appointed by him shall
26 convene a meeting of the Academic Board to be held not later than the tenth
27 day following that on which the request was received.

28 *Congregation*

29 4.-(1) The Congregation shall consist of:

30 (a) the Rector and the Deputy Rectors;

1 (b) the full time members of the academic staff;
2 (c) the Registrar;
3 (d) the Bursar; and
4 (e) every member of the administrative and technical staff who holds
5 a degree of any Polytechnic recognized for the purpose of this Statute by the
6 Rector, not being an honorary degree,

7 (2) Subject to section 5 of this Act, the Rector shall be the Chairman at
8 all meetings of Congregation when he is present, and in his absence, one of the
9 Deputy Rectors appointed by him shall be the Chairman at the meeting.

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

13 (4) A certificate signed by the Rector specifying:

14 (a) the total number of members of the Congregation for the purpose
15 of any particular meeting or meetings of the Congregation, or

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

19 (5) Subject to the provisions of this Schedule, the Congregation may
20 regulate its own procedure.

21 (6) The Congregation shall be entitled to express, by resolution or
22 otherwise, its opinion on all matters affecting the interest and welfare of the
23 Polytechnic and shall have such other functions in addition to the function of
24 electing a member Of the Council, as maybe provided by Statute or
25 regulations.

26 *Tile Convocation*

27 5.-(I)The Convocation shall consist of:

28 (a) the Officers of the Polytechnic mentioned in the First Schedule to
29 this Act;

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

1 (c) all other persons whose names are registered in accordance with
2 sub-paragraph (2) of this paragraph.

3 (2) A person shall be entitled to have his name registered as a
4 member of the convocation if he:

5 (a) is either a graduate of the Polytechnic or a person satisfying
6 such requirements as may be prescribed for the purposes of this paragraph;
7 and

8 (b) applies for the registration of his name in the prescribed manner
9 and pays the prescribed fee.

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

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

19 (5) A person who reasonably claims that he is entitled to have, his
20 name on the register shall be entitled on demand to inspect the register, or a
21 copy of the register at the principal offices of the Polytechnic at all
22 reasonable times.

23 (6) The register shall, unless the contrary is proved, be sufficient
24 evidence that any person named therein is, and that any person not named
25 therein is not, a member of the convocation; but for the purpose of
26 ascertaining whether a particular person was such a member on a particular
27 date, any entry in, and deletion from, the register made on or after that date
28 shall be disregarded.

29 (7) The quorum of the Convocation shall be fifty or one-third (or
30 the whole number nearest to one-third) of the total number of members of

1 the Convocation whichever is less.

2 (8) Subject to section 5 of this Act, the Rector shall be Chairman at all
3 meetings of the Convocation when he is present, and, in his absence, the Vice
4 Rector shall be the Chairman at the meeting.

5 (9) The Convocation shall have such functions, in addition to the
6 function of appointing a member of the Council, as may be provided by Statute.

7 *Organization of Departments and Branches There*

8 6. Each Department shall be divided into such number of branches as
9 may be prescribed.

10 7.-(1) There shall be established in respect of each Department, a
11 Departmental Board, which, subject to the provisions of this Act, and subject to
12 the directions of the Vice-Rector, shall:

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

15 (b) deal with other matters assigned to it by Statute, the Rector or the
16 Academic Board; and

17 (c) advise the Rector or Academic Board on any matter referred to it
18 by the Rector or Academic Board.

19 (2) Each Department Board shall consist of:

20 (a) the Rector;

21 (b) the persons severally in charge of the branches of the Department;

22 (c) such number of the teachers assigned to the Department of having
23 the prescribed qualifications as the Board may determine; and

24 (d) such persons whether or not members of the Polytechnic as the
25 Board may determine with the general or special approval of Academic Board.

26 (3) The quorum of the Board shall be 8 members or one-quarter of the
27 members of the Board for the time being, whichever is greater.

28 (4) Subject to the provisions of this Statute and any provision made by
29 regulations in that behalf, the Board may regulate its own procedure.

The Head of The Department

8.-(1) The Head of a Department shall be a Chief lecturer elected by the Academic Board and such Head shall hold office for a term of two years and may be eligible for re-election for another term of two years after which he may not be elected again until two years have elapsed.

(2) If there is no Chief Lecturer in a Department, the Rector shall appoint an acting Head of Department who shall not be below the rank of Senior Lecturer for the Department, who shall act for a period of one year in the first instance, renewable for another year only.

(3) In the absence of the Rector, the Head of Department shall be the Chairman at all meetings of the Department Board when he is present and he shall be a member of all committees and other boards appointed by the Department.

(4) The Head of Department shall exercise general superintendence over the academic and administrative affairs of the Department and shall present to the Convocation for the conferment of Degrees/Diplomas, persons who have qualified for the Degrees/Diplomas of the Polytechnic at examinations held in the branches of learning for which responsibility is allocated to that Department.

(5) There shall be a committee to be known as the Committee of Heads of Department which shall consist of all Heads of the several Departments and that committee shall advise the Rector on all matters referred to the Committee by the Academic Board.

(6) The Head of a Department may be removed from office for a good cause by the Department Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of the Head of Department, an Acting Head of Department may be appointed by the Rector provided that at the next Department board meeting an election shall be held for a new Head of Department.

1 (7) In this article, "good cause" has the same meaning as in section 17
2 (4) of this Act.

3 *Selection of certain Principal and other key Officers*

4 9.-(1) When a vacancy occurs in the Office of the Registrar, Bursar,
5 the Polytechnic Librarian, Director of Works or Director of health Services, a
6 Selection Board shall be constituted by the Council and shall consist of:

7 (a) the Rector;

8 (b) the Deputy Rectors;

9 (c) two members appointed by the Council, not being members of
10 Academic Board; and

11 (d) two members appointed by the Academic Board not being
12 members of Council.

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

17 (3) A person appointed to the office of Director of Works or Director
18 of Health Services shall hold office for such period and on such terms and
19 conditions as may be specified in his letter of appointment.

20 *Creation of Academic Post*

21 10. Recommendation for the creation of posts other than those
22 mentioned in paragraph 9 of this Schedule shall be made by the Academic
23 Board to the Council through the Finance and General Purposes Committee.

24 *Appointment of Academic Staff*

25 11. Subject to this Act and the Statute made under it, the filling of
26 vacancies in academic posts (including newly created ones) shall be as
27 prescribed from time to time by Statute.

1 *Appointment of Administrative and Technical Staff*

2 12.-(1) The administrative and technical staff of the Polytechnic,
3 oilier than those mentioned in paragraph 9 of this Schedule, shall be
4 appointed by the Councilor on its behalf by the Rector or the Registrar in
5 accordance with any delegation of powers made by the Council in that
6 behalf.

7 (2)In the case of administrative or technical staff that has close and
8 important contacts with the academic staff, there shall be Academic Board
9 participation in the process of selection.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL CANCER
CENTRE TORO, BAUCHI STATE; AND FOR RELATED MATTERS

Sponsored by Hon. Muda Lawai Umar

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria:

1 **1.-(1)** There is hereby established the Federal Cancer Centre Toro, Establishment of
2 Bauchi State (in this Bill referred to as "the Federal Cancer Centre"). Federal Cancer
Centre, Toro

3 (2) The Centre:

4 (a) Shall be a body corporate be a body corporate with perpetual
5 succession and a common seal;

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

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

Establishment
of the Board of
Management of
the Cancer Centre

10	3.-(1) The Board shall consist of:	Membership of the Board
----	---	----------------------------

11 (a) A chairman;

12 (b) The Chief Medical Director of the Cancer Centre;

13 (c) The Director of Clinical Services;

14 (d) The Director of Administration;

15 (e) The Director of Finance;

16 (f) The Director of Maintenance;

17 (g) A representative of the president;

18 (h) The Federal Ministry of Health;

19 (i) The National Planning Commission;

20 (j) The society of Gynecology and Obstetrics of Nigeria;

21 (k) The Pharmaceutical Society of Nigeria;

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

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

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

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

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

12 7.-(1) The Board shall:

13 (a) Equip, maintain and operate the Cancer Centre so as to provide Functions of the
14 facilities for diagnosis, curative, promotive and rehabilitative services in Board
15 Cancer treatment;

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

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

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

28 (3) Subject to this Bill, the Board shall perform such other
29 functions which in its opinion are calculated to facilitate the carrying out of
30 its functions under this Bill.

Powers of the
Board

- 1 **8.** The Board shall have power to:
- 2 (a) Provide the general policies and guidelines relating to major
- 3 expansion programmes of the Cancer Centre;
- 4 (b) Provide facilities for the training of medical students of associate
- 5 universities;
- 6 (c) Manage and superintend the affairs of the Cancer Centre;
- 7 (d) Subject to the provisions of this Bill, make, alter and revoke rules
- 8 and regulations for carrying on the functions of the Cancer Centre;
- 9 (e) Fix terms and conditions of service, including remuneration of the
- 10 employees of the Cancer Centre subject to the approval of National Salaries
- 11 Incomes and Wages Commission;
- 12 (f) Do such other things which in the opinion of the Board are
- 13 necessary to ensure the efficient performance of the functions of the Cancer
- 14 Centre.

15 PART III - STAFF OF THE CANCER CENTRE

Chief Medical
Director of the
Cancer Centre

- 16 **9.-(1)** There shall be for the Cancer Centre a Chief Medical Director
- 17 who shall be appointed by the President on the recommendation of the Board
- 18 and on such terms and conditions as may be specified in his letter of
- 19 appointment or as may be determined, from time to time, by the National
- 20 Salaries Income and Wages Commission.
- 21 **(2)** The Chief Medical Director shall:
- 22 (a) Be the chief executive and accounting officer of the Cancer
- 23 Centre;
- 24 (b) Be responsible to the Board for the day-to-day administration of
- 25 the Cancer Centre;
- 26 (c) Be appointed for a term of four years in the first instance and may
- 27 be reappointed for a further term of four years subject to satisfactory
- 28 performance;
- 29 (d) Be a person who is a medical practitioner and shall have been so
- 30 qualified for a period of not less than 15 years;

1 (e). Have considerable administrative experience in matters of
2 health;

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

5 **10.-(1)** The Board shall appoint for the Cancer Centre:

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

7 (i) Be responsible to the Chief Medical Director for the effective
8 functioning of all the administrative divisions of the Cancer Centre;

9 (ii) Conduct the correspondence of the Board and keep the records
10 of the Cancer Centre; and

11 (iii) Perform such other functions as the Board or the Chief
12 Medical Director, as the case may be, may, from time to time, assign to him;

13 (b) A Director of Clinical Services;

14 (c) A Director of Finance;

15 (d) A Director of Maintenance.

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

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

25 (4) Notwithstanding the provisions of subsections (1) and (2) of
26 this section the Board shall have power to appoint for the Cancer Centre
27 either directly or on secondment from any public service in the Federation,
28 such number of employees as may, in the opinion of the Board, be required
29 to assist the Cancer Centre in the discharge of any of its functions under this
30 Bill.

Appointment of
Directors and
other Staff of the
Cancer Centre

	1	(5) Nothing in subsection (4) of this section shall preclude the Board
	2	from appointing persons from outside the public service of the Federation or of
	3	the State whenever it deems it necessary so to do.
	4	(6) The terms and conditions of service (including remuneration,
	5	allowances, benefits and pensions) of the employees of the Cancer Centre shall
	6	be as determined by the National Salaries Income and Wages Commission.
Service in the Cancer Centre to be Pensionable	7	11.-(1) Service in the Cancer Centre shall be approved service for the
	8	purposes of the Pensions Reforms Act.
	9	(2) The officers and other persons employed in the Cancer Centre
	10	shall be entitled to pensions, gratuities and other retirement benefits as are
	11	enjoyed by persons holding equivalent grades in the civil service of the
	12	Federation.
	13	(3) Nothing in subsections (1) and (2) of this section shall prevent the
	14	appointment of a person to any office on terms which preclude the grant of
	15	pension and gratuity in respect of that office.
Establishment of the Medical Advisory Committee etc.	16	12.-(1) There shall be for the Cancer Centre a Medical Advisory
	17	Committee which shall:
	18	(a) Consist of a chairman who shall be the Director, Clinical Services
	19	and such number of other members as may be determined from time to time;
	20	(b) Be responsible to the Chief Medical Director for all the clinical
	21	and training activities of the Cancer Centre; and (c) be appointed by the Board.
	22	(2) Subject to this Bill, the Board shall have power to appoint either
	23	directly or on secondment and discipline consultants holding or acting in any
	24	office in the hospital and any such appointment shall be made having due
	25	regard to the approved personnel establishment of the Cancer Centre.
	26	(3) Notwithstanding anything to the contrary, the Board may, from
	27	time to time, appoint consultants outside the hospital to perform such medical
	28	duties as the Board or the Chief Medical Director may assign to such
	29	consultants.

1 PART IV - FINANCIAL PROVISIONS

2 **13.** There shall be established and maintained for the Cancer Fund of the Cancer
 3 Centre a fund into which shall be paid and credited: Centre

4 (a) All subventions and budgetary allocation from the Government
 5 of the Federation;

6 (b) All fees and funds accruing from the sale of drugs and other
 7 services;

8 (c) All sums accruing to the Cancer Centre by way of gifts,
 9 endowments, bequests, grants or other contributions by persons and
 10 organizations;

11 (d) Foreign aid and assistance from bilateral agencies; and

12 (e) All other sums which may, from time to time, accrue to the
 13 Medical Centre.

14 **14.** The hospital shall, from time to time, apply the funds at its Expenditure of
 15 disposal to: the Cancer Centre

16 (a) The cost of administration and maintenance of the Cancer
 17 Centre;

18 (b) Publicize and promote the activities of the Cancer Centre;

19 (c) Pay allowances, expenses and other benefits of members of the
 20 Board and committees of the Board;

21 (d) Pay the salaries, allowances and benefits of employees of the
 22 Cancer Centre;

23 (e) Pay other overhead allowances, benefits and other
 24 administrative costs of the Cancer Centre; and

25 (f) Undertake such other activities as are connected with all or any
 26 of the functions of the Cancer Centre under this Bill.

27 **15.-(1)** The Cancer Centre may accept gifts of land, money or other Power to accept
 28 property on such terms and conditions, if any, as may be specified by the gifts
 29 person or organization making the gift.

30 (2) The Cancer Centre shall not accept any gift if the conditions

	1	attached by the person or organization making the gift are inconsistent with the
	2	functions of the Cancer Centre under this Bill.
Annual Estimate and Expenditure	3	16. -(1) The Board shall, not later than 30th September in each year,
	4	submit to the resident through the Secretary to the Government of the
	5	Federation an estimate of the expenditure and income of the Cancer Centre
	6	during the next succeeding year.
	7	(2) The Board shall cause to be kept proper accounts of the Cancer
	8	Centre in respect of each year and proper records in relation thereto and shall
	9	cause the accounts to be audited not later than six months after the end of each
	10	year by auditors appointed from the list and in accordance with the guidelines
	11	supplied by the Auditor-General for the Federation.
Annual Report	12	17. The Board shall prepare and submit to the President, not later than
	13	30th June in each year, a report in such form as the President may direct on the
	14	activities of the Cancer Centre during the immediately preceding year, and
	15	shall include in the report a copy of the audited accounts of the Federal Cancer
	16	Centre for that year and the auditor's report thereon.
Power to borrow	17	18. -(1) The Cancer Centre may, from time to time, borrow by
	18	overdraft or otherwise such sums as it may require for the performance of its
	19	functions' under this Bill.
	20	(2) The Cancer Centre shall not, without the approval of the President,
	21	borrow money which exceeds, at any time, the limit set by the President.
	22	(3) Notwithstanding subsection (1) of this section, where the sum to be
	23	borrowed is in foreign currency, the Cancer Centre shall not borrow the sum
	24	without the prior approval of the President.
Exemption from Tax	25	19. -(1) The Cancer Centre shall not pay income tax on any income
	26	derived by the Federal Cancer Centre under this Bill or accruing to it from any
	27	of its investments.
	28	(3) Accordingly, the provisions of any enactment relating to the
	29	taxation of companies or trust funds shall not apply to the Board of the Federal
	30	Cancer Centre.

1 **20.** The Cancer Centre shall not pay customs duty on or be
2 restricted or prohibited from importing any equipment, material, supply and
3 any other thing required by the Cancer Centre for the purposes of this Bill. Exemption from
Customs Duties,
etc.

4 PART V - GENERAL

5 **21.**-(1) Notwithstanding anything to the contrary contained in any
6 other enactment, where it appears to the Board that any student of the Cancer
7 Centre has been guilty of misconduct, the Board may, without prejudice to
8 any other disciplinary powers conferred on it by regulations, direct: Discipline of
Students

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

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

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

17 (d) That the student be expelled from the Cancer Centre.

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

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

24 (4) Nothing in this section shall be construed as preventing the
25 restriction or termination of student's activities at the Cancer Centre
26 otherwise than on the ground of misconduct.

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

29 (6) Nothing in this Bill shall affect the provisions of any enactment
30 relating to the discipline of medical practitioners, pharmacists, midwives,

Removal and
discipline of
Clinical
Administrative
and Technical
Staff

1 nurses or members of any other profession or calling.

2 **22.**-(1) If it appears to the Board that there are reasons for believing
3 that any person employed as a member of the clinical, administrative or
4 technical staff of the Cancer Centre, other than the Chief Medical Director,
5 should be removed from his office or employment, the Board shall require the
6 Director of Administration to:

7 (a) Give notice of those reasons to the person in question;

8 (b) Afford him an opportunity of making representations in person on
9 the matter to the Board; and

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

12 (i) A committee to investigate the matter and report on it to the Board;
13 and

14 (ii) The person in question to be afforded an opportunity of appearing
15 before and being heard by an investigating committee set up with respect to the
16 matter, and if the Board, after considering the report of the investigating
17 committee, is satisfied that the person in question should be removed as
18 aforesaid, the Board may so remove him by a letter signed on the direction of
19 the Board.

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

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

27 (a) A conviction for any offence which the Board considers to be such
28 as to render the person concerned unfit for the discharge of the functions of his
29 office;

30 (b) Any physical or mental incapacity which the Board, after

1 obtaining medical advice, considers to be such as to render the person
2 concerned unfit to continue to hold his office;

3 (c) Conduct of a scandalous or other disgraceful nature which the
4 Board considers to be such as to render the person concerned unfit to
5 continue to hold his office; or

6 (d) Conduct which the Board considers to be such as to constitute a
7 failure or inability of the person concerned to discharge the functions of his
8 office or to comply with the terms and conditions of his service.

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

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

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

17 (c) Whether to terminate the appointment of the person concerned,
18 in which case he shall not be entitled to the proportion of his emoluments
19 withheld during the period of suspension; or

20 (d) Whether to take such lesser disciplinary action against the
21 person (including the restoration of his emoluments that might have been
22 withheld), as the Board may determine, and in any case where the Board,
23 pursuant to this section, decides to continue a person's suspension or decides
24 to take further disciplinary action against a person, the Board shall before
25 the expiration of a period of three months from such decision come to a final
26 determination in respect of the case concerning any such person.

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

1 (6) Nothing in the foregoing provisions of this section shall preclude
2 the Board from making such regulations not inconsistent with the provisions of
3 this Bill for the discipline of students and all other categories of employees of
4 the hospital as the Board may prescribe.

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

11 (a) Consider the case; and

12 (b) Make recommendations as to the appropriate action to be taken by
13 the Chief Medical Director.

14 (2) In all cases under this section of this Bill, the officer shall be
15 informed of the charge against him and given a reasonable opportunity to
16 defend himself.

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

20 (4) Any person aggrieved by a decision of the Chief Medical Director
21 made under subsection (3) of this section may, within a period of 21 days from
22 the date of the letter communicating the decision to him, address a petition to
23 the Board to reconsider his case.

24 PART VI - MISCELLANEOUS

Regulations

25 **23.**-(1) The Board may, with the approval of the President, make
26 regulations:

27 (a) As to the access of members of the public either generally or of a
28 particular class, to premises under the control of the Board and as to the orderly
29 conduct of members of the public on those premises; and

30 (b) For safeguarding any property belonging to or controlled by the

1 Board from damage by members of the public.

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

5 **24.** The President may give to the Board directions of a general
6 character or relating generally to particular matters (but not to any individual
7 person or case) with regard to the exercise by the Board of its functions
8 under this Bill, and it shall be the duty of the Board to comply with the
9 directions; but no direction shall be given which is inconsistent with the
10 duties of the Board under this Bill.

Power to give
directives

11 **25.-(1)** On the commencement of this Bill, any person employed
12 by or serving in, the Cancer Centre shall be deemed to have been employed
13 or serving in the Cancer Centre established under this Bill.

Transition and
Savings Provision

14 (2) All Assets or liabilities belonging to the Cancer Centre shall be
15 deemed to belong to the Cancer Centre established under this Bill.

16 **26.** In this Bill, unless the context otherwise requires:

Interpretation

17 "Associate universities" means the universities whose medical students
18 receive aspects of their training from the Cancer Centre;

19 "Board" means the Board of Management of the Cancer Centre;

20 "Chairman" means the chairman of the Board;

21 "Functions" include powers and duties;

22 "Federal Cancer Centre" means the Cancer Centre Toro, Bauchi State.

23 **27.** This Bill may be cited as the Federal Cancer Centre Toro
24 (Establishment) Bill, 2022.

Citation

1 SCHEDULE

2 [Section 3 (3).]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4 *Proceedings of the Board*

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

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

12 2.-(1) 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 8 other members, he shall summon a meeting of the Board to be held
15 within 14 days from the date on which the notice is given.

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

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

24 *Committees*

25 3.-(1) The Board may appoint one or more committees to carry out, on
26 behalf of the Board, such functions as the Board may determine.

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

30 (3) A decision of a committee of the Board shall be of no effect until it

1 is confirmed by the Board.

2 *Miscellaneous*

3 4.-(1) The fixing of the seal of the Cancer Centre shall be
4 authenticated by the signatures of the Chairman, the Chief Medical Director
5 or any person generally or specifically authorized by the Board to act for that
6 purpose.

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

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

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

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

18 (b) A defect in the appointment of a member of the Board or
19 committee; or

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

EXPLANATORY MEMORANDUM

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

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE ADMINISTRATION OF CRIMINAL JUSTICE MONITORING COUNCIL FOR THE EFFICIENT AND EFFECTIVE DELIVERY OF THE FUNCTIONS AND RESPONSIBILITIES UNDER THE ADMINISTRATION OF CRIMINAL JUSTICE ACT, 2015 AND FOR RELATED MATTERS

Sponsored by Hon. Zakaria Dauda Nyampa

[] Commencement

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

PART 1- PRELIMINARY

1 **1.** The purpose of this Act is:

Purpose of this Act

2 (a) to provide for an appropriate and a more comprehensive legal
3 and administrative framework to ensure the effective delivery of the
4 functions of the Administration of Criminal Justice Monitoring Committee,
5 established under the Administration of Criminal Justice Act, 2015 (in this
6 Act referred to as 'the Monitoring Committee') to implement and sustain the
7 innovations in the administration criminal justice system in Nigeria;

8 (b) to ensure that the legal and administrative body to be
9 established under this Act is sufficiently empowered and appositely
10 positioned to assist the Monitoring Committee to effectively deliver on its
11 functions under the Administration of Criminal Justice Act, 2015
12 particularly in ensuring the effective application of the provisions of the
13 Administration of Criminal Justice Act, 2015 by relevant agencies.

14 PART II - ESTABLISHMENT OF THE ADMINISTRATION OF CRIMINAL 15 JUSTICE MONITORING COUNCIL

16 **2.-(1)** There is established in this Act the Administration of
17 Criminal Justice Monitoring Council (in this Act referred to as 'the

Establishment of the Administration of Criminal Justice Monitoring Council

1 Monitoring Council').

2 (2) The Monitoring Council shall carry out such duties as may be
3 conferred on it under this Act, the Administration of Criminal Justice Act and
4 under the overall supervision and directions of the Monitoring Committee.

5 (3) The Headquarters of the Monitoring Council shall be located in
6 the Federal Capital Territory, Abuja with offices at such locations in Nigeria as
7 may be determined by the Monitoring Committee.

Establishment
of Administration
of Criminal Justice
Monitoring
Committee

8 3.-(1) There shall be established for the Council, the Administration
9 of Criminal Justice Management Monitoring Committee (in this Act referred to
10 as ("the Committee").

11 (2) The Committee shall consist of:

12 (a) The Chief Judge of the FCT who shall be the Chairman;

13 (b) Attorney General of the Federation or his representative not below
14 the rank of a Director in the Ministry;

15 (c) a Judge of the Federal High Court;

16 (d) the Inspector General of Police or his representative not below the
17 rank of Commissioner of Police;

18 (e)the Executive Secretary of the National Human Rights
19 Commission or representative not below the rank of Director;

20 (f) The Comptroller-General of the Nigeria Correctional Service or
21 his representative not below the rank of Comptroller of Nigeria correctional
22 Service;

23 (g) The Executive Secretary of the Monitoring Council who shall be
24 the Secretary;

25 (h) The chairman of any local branch of the Nigeria Bar Association in
26 the FCT to serve for two years only;

27 (i) The Director-General of the Legal Aid Council of Nigeria or
28 representative not below the rank of Director; and

29 (j) A representative of the Civil Society working within the criminal
30 justice reform to be appointed for a period of two years only.

1 (3) A member not being a public officer may resign his
2 appointment by a letter to the Chairman.

3 (4) The Committee shall meet every quarter or such other time as
4 the Secretary may request with the consent of the Chairman.

5 (5) Members of the Committee shall be paid such allowances as are
6 applicable to Federal Boards, Commissions and Agencies.

7 4.-(1) The Committee is responsible for:

8 (a) setting out the general policy guidelines for the operation of the
9 Monitoring Council;

Powers of the
Committee under
this Act

10 (b) approving the plans and programmes of the Monitoring
11 Council to ensure the delivery of the functions of the Monitoring Committee
12 under the Administration of Criminal Justice Act;

13 (c) appoint such number of staff as it considers necessary for the
14 efficient performance of the running of the affairs of the Monitoring Council
15 under this Act or the Administration of Criminal Justice Act;

16 (d) generally overseeing the activities of the Monitoring Council in
17 line with the principles and objectives of the Administration of Criminal
18 Justice Act.

19 PART III - THE MONITORING COUNCIL

20 (FUNCTIONS, POWERS AND STAFF...)

21 5.-(1) The Monitoring Council in conjunction with the
22 Committee} shall be charged with the responsibility of ensuring effective
23 and efficient application of the Administration of Criminal Justice Act 2015
24 by the relevant agencies.

25 (2) Without prejudice to the generality of subsection (1) of this
26 section the Monitoring Council and the Committee shall ensure that;

27 (a) criminal matters are speedily dealt with;

28 (b) congestion of criminal cases in courts is drastically reduced;

29 (c) congestion in prisons is reduced to the barest minimum;

30 (d) persons awaiting trial are as far as possible not detained in

1 correctional facilities;

2 (e) the relationship between organs charged with the responsibility
3 for all aspects of the administration of justice is cordial and there exists
4 maximum cooperation amongst the organs in the administration of criminal
5 justice in Nigeria.

6 (f) collate analyse and publish information in relation to the
7 administration of criminal justice in Nigeria;

8 (g) coordinate and assist other criminal justice oversight in the
9 country towards efficient and effective administration of criminal justice;

10 (h) submit quarterly report to the Chief Justice of Nigeria to keep him
11 abreast of developments towards improved criminal justice delivery and for
12 necessary action; and

13 (I) carry out such other activities as are necessary for the effective and
14 efficient administration of criminal justice.

Secretariat and
Staff of the
Monitoring
Council

15 6.-(1) The Monitoring Council shall establish and maintain a
16 secretariat necessary with such number of staff as it considers necessary for the
17 efficient running of its affairs.

18 (2) The Attorney-General of the Federation shall appoint, on the
19 recommendation of the Monitoring Committee, an Executive Secretary for the
20 Council, who shall:

21 (a) be a legal practitioner of not less than ten years post call
22 experience; and

23 (b) possess sound knowledge of the practical functioning of the
24 criminal justice system and adequate experience in justice system
25 administration.

26 (3) The Executive Secretary shall be responsible for the execution of
27 the plans and policies of the Monitoring Council in addition to running the day-
28 to-day affairs of the Monitoring Council.

29 (4) The Executive Secretary shall hold office for a term of four years
30 in the first instance and may, subject to satisfactory performance of his

1 functions, be re-appointed for another term of four years and no more.

2 (5) The Executive Secretary shall hold office on such terms as to
3 emoluments as provided under the Certain Political, Public and Judicial
4 Office Holders (Salaries and Allowances, etc) Amendment Act, 2008 or as
5 otherwise specified in his letter of appointment.

6 8.-(1) The Monitoring Committee shall have the power to appoint
7 for the Monitoring Council either directly/ on transfer or secondment from
8 any public office of the Federation such number and category of employees
9 as it may require to assist the Monitoring Council in the effective
10 performance of its functions under this Act and in the Administration of
11 Criminal Justice Act.

Other Staff of
the Monitoring
Council

12 (2) The Monitoring Committee shall be responsible for
13 determining the job description/ title/ terms/ qualifications and salaries/
14 including allowances of the employees of the Council/ subject to the
15 approval of the National Income/ Salaries and Wages Commission in the
16 case of remunerations.

17 (3) The Monitoring Committee shall make rules relating generally
18 to the conditions of service of employees of the Monitoring Council/
19 including rules providing for the appointment/ promotion/ advancement
20 determination of appointment/ and disciplinary control, of those employees.

21 (4) Service in the Monitoring Council shall be subject to the
22 Pension Reform Act (Act No. 4/ 2014)/ provided that nothing in this section
23 shall exclude the Monitoring Council from employing staff on non-
24 pensionable terms and conditions.

25 (5) The Monitoring Council has powers:

26 (a) to set up Departments/ special units/ technical committees/
27 working groups and task forces to assist the it in the performance of its
28 functions under this Act;

29 (b) request law officers on secondment to assist the Monitoring
30 Council in the performance of its functions under this Act; and

	1	(c) to make changes to its structure/ with the approval of the
	2	Monitoring Committee.
	3	(6) There is appointed for each of the Departments and special units, a
	4	principal officer who shall be known by such designation as the Council may
	5	determine.
Co-operation with other relevant organisations or agencies	6	9. In the performance of its functions under this Act, the Monitoring
	7	Council shall cooperate with relevant organisations and any other person or
	8	authority involved in the administration of criminal justice under this Act or
	9	any other law relating to administration of criminal justice.
	10	PART IV - FINANCIAL PROVISIONS
Fund of the Monitoring Council	11	10.-(1) There is established for the Council a fund (in this Act referred
	12	to as the Fund") into which shall be paid:
	13	(a) take off grants, annual subventions and other budgetary
	14	allocations received from the Federal Government;
	15	(b) such monies as may be granted to the Monitoring Council by the
	16	Government of the Federation;
	17	(c) gifts, grants, aids, and testamentary disposition, if the terms and
	18	conditions attached to any of them are not inconsistent with the functions of the
	19	Monitoring Council; and
	20	(d) such other sums of monies as may be received by the Monitoring
	21	Council from other sources.
	22	(2) The Executive Secretary shall be the accounting officer for the
	23	purpose of controlling and disbursing monies from the Fund established under
	24	this section.
Expenditure of the Monitoring Council	25	11.-(1) The Executive Secretary, under the direction of the
	26	Monitoring Committee, shall apply the funds at the disposal for the Monitoring
	27	Council to:
	28	(a) the cost of administration of the Monitoring Council;
	29	(b) pay the salaries, allowances and benefits of employees of the
	30	Monitoring Council;

(c) pay other overhead allowances and benefits, charges and expenses of the Monitoring Council; and

(d) Undertake such other activities as are connected with the functions of the Monitoring Council under this Act.

12.-(1) The Monitoring Council shall not later than 30th September in each financial year prepare and present to the Monitoring Committee who shall forward to the Attorney-General for onward transmission to the National Assembly, a statement of estimated income and expenditure for the succeeding financial year.

Estimates of the
Monitoring Council

(2) Notwithstanding the provisions of subsection (1), the Monitoring Council may, where necessary due to unforeseen circumstances, submit supplementary or adjusted statements of estimated income and expenditure to the Monitoring Committee who shall forward to the Attorney-General for onward transmission to the National Assembly for approval.

13.-(1) The Monitoring Council shall:

Accounts and
audit

(a) keep proper and regular accounts and other records of monies received and paid by the Monitoring Council and of the several purposes for which the monies have been received or paid, and of its assets, credits and liabilities;

(b) do all things necessary to ensure that all payments out of its funds and bank accounts are correctly made and properly authorised and that adequate control is maintained over the assets in its custody and over the expenditures incurred by the Monitoring Council; and (c) within the first four months of each financial year, submit its accounts to auditors appointed by the Monitoring Council from the list and in accordance with guidelines approved by the Auditor-General for the Federation, its accounts for audit.

(2) As soon as the accounts and the financial statements of the Monitoring Council have been audited in accordance with the requirement of this Act, the Monitoring Committee shall forward a copy of the audited

1 financial statements to the Attorney-General for onward transmission to the
2 National Assembly, together with any report or observations made by the
3 auditors and the Auditor-General on the statement of accounts.

4 (3) The remuneration of the auditor shall be paid out of the funds of
5 the Monitoring Council.

6 (4) The audited accounts of the Monitoring Council and the Auditor-
7 General's report on those accounts shall form part of the Auditor- General's
8 overall annual report to the National Assembly.

Annual Report

9 **14.**-(1) The Executive Secretary shall, not later than 30th June in each
10 financial year, submit to the Monitoring Committee in respect of the preceding
11 financial year an annual report on the activities of the Monitoring Council in
12 such form as the Monitoring Committee may direct.

13 (2) The report under subsection (1) shall include:

14 (a) information with regard to the activities of the Monitoring Council
15 in that year;

16 (b) a copy of the audited accounts of the Monitoring Council in
17 respect of that year together with the Auditor-General's report on the accounts;
18 and

19 (c) such other information as the Monitoring Committee may request.

20 (3) The Monitoring Committee shall, on receiving the annual report,
21 cause it to be submitted to the Attorney-General for onward transmission to the
22 National Assembly within the financial year.

23 (4) The Executive Secretary shall provide the Monitoring Committee
24 with such information relating to the affairs of the Monitoring Council as the
25 Monitoring Committee may request.

26 PART V - MISCELLANEOUS PROVISIONS

Protection against
institution of
court actions

27 **15.**-(1) The provisions of the Public Officers Protection Act shall
28 apply in relation to any suit instituted against any officer or employee of the
29 Council.

30 (2) No suit shall be commenced against a member of the Monitoring

1 Committee, the Executive Secretary, officer or employee of the Monitoring
2 Council before the expiration of one month after written notice of intention
3 to commence the suit shall have been served upon the Monitoring
4 Committee.

5 **16.**-(1) For the purpose of carrying out the functions conferred on
6 the Monitoring Council and the Committee under this Act, the Monitoring
7 Council;

Power to obtain
information

8 (a) shall have a right of access to all the records of any of the organs
9 in the administration of justice sector to which this Act applies; and

10 (b) may, by notice in writing served on any person in charge of any
11 such organs require that person to furnish information on such matters as
12 may be specified in the notice.

13 (2) A person required to furnish information under subsection (1)
14 of this section shall comply with the notice within a stipulated time.

15 **17.** A notice of summons or other documents required or
16 authorized to be served upon the Monitoring Council under the provisions of
17 this Act or any other law or enactment may be served by delivering it to the
18 Executive Secretary or by sending it by registered post to the principal
19 officer of the Monitoring Council.

Service of notices
and summons

20 **18.** A member of the Monitoring Committee, the Executive
21 Secretary or any officer or employee of the Monitoring Council shall be
22 indemnified out of asset of the Monitoring Council against any proceedings
23 whether civil or criminal in which he is acquitted, if any such- proceeding is
24 brought against him in his official capacity as a member of the Monitoring
25 Council, Executive Secretary or employee of the Monitoring Council.

Indemnities

26 **19.** The Attorney-General of the Federation may give to the
27 Monitoring Committee or the Monitoring Council general or specific
28 directives with respect to any of their functions under this Act.

Power to issue
directives

29 **20.**-(1) The Committee may make standing orders regulating its
30 procedure.

Proceedings and
quorum of the
Committee

1 (2) The quorum at a meeting of the Committee shall consist of the
2 Chairman or his representative and two other members of the Committee.

3 (3) Subject to the provisions of the applicable standing order, the
4 Committee shall meet at least once in a quarter.

5 (4) At a meeting of the Committee, the Chairman, or in his absence,
6 his representative shall preside at the meeting.

7 (5) The validity of proceedings of the Committee is not affected by:

8 (a) a vacancy in the membership of the Committee; or

9 (b) a defect in the appointment of a member of the Committee.

10 (6) A member of the Committee who has an interest in any
11 arrangement entered into or proposed to be considered by the Committee shall
12 disclose his interest to the Committee and shall not vote on any question
13 relating to the arrangement.

Regulations

14 **21.** The Monitoring Committee may with the approval of the Attorney
15 General of the Federation make regulations for the purpose of carrying out or
16 giving full effect for the provisions of this Act.

Repeals and
savings

17 **22.**-(1) The Administration of Criminal Justice Act, 2015 (the
18 principal Act") is amended by deleting sections 471, 472, 473 and 474 of the
19 principal Act;

20 (2) The repeal of the sections of the principal Act referred to in
21 subsection (1) of this section shall not affect anything done or commenced
22 under the ACJA 2015 or other relevant laws.

23 (3) All duties, functions, powers, exemptions and responsibilities
24 conferred to the Monitoring Committee under the ACJA 2015 shall be vested in
25 the Monitoring Council and the Committee established under this Act.

Interpretation

26 **23.** In this Act:

27 "Administration of Criminal Justice Act" means the Administration of
28 Criminal Justice Act 2015;

29 "function" Includes power and duty;

30 "relevant agencies" include the Police, the Law Enforcement Agencies,

1 Judiciary, Correctional Service, Human Rights Commission, Legal Aid
2 Council and other criminal justice agencies.

3 **24.** This Bill may be cited as the Administration of Criminal Short title
4 Justice Monitoring Council (Establishment) Bill, 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to comprehensively provide for the establishment the Administration of Justice Monitoring Council to assist the Administration of Criminal Justice Committee, established under the Administration of Criminal Justice Act, 2015 to effectively delegate the administrative functions under the Act to the Monitoring Council established under this Act conferred with the requisite administrative capabilities together with corresponding accountability and monitoring provisions to provide for an efficient and effective delivery and management of a reformed and enhanced criminal justice system in Nigeria.

NATIONAL RESEARCH AND INNOVATION COUNCIL

(ESTABLISHMENT) BILL, 2022

ARRANGEMENT OF CLAUSES:

PART I - ESTABLISHMENT OF THE NATIONAL RESEARCH AND
INNOVATION COUNCIL

1. Establishment of the National Research and Innovation Council
2. Membership of the Council
3. Proceedings of the Council
4. Functions of the Council
5. Establishment of technical advisory committees of the Council

PART II - ESTABLISHMENT OF THE NATIONAL RESEARCH AND
INNOVATION FOUNDATION GOVERNING BOARD, ETC.

6. Establishment of the National Research and Innovation Foundation Governing Board, etc.
7. Functions of the foundation
8. Appointment of Executive Secretary
9. Directorates of the foundation
10. Other staff of the Foundation
11. Conditions of service of employees of the Foundation
12. Establishment and membership of the Governing Board of the foundation
13. Tenure of office
14. Cessation of membership
15. Remuneration of members of the Board
16. Powers and functions of the Board

PART III - FINANCIAL PROVISIONS

17. Establishment of the National Research and Innovation Fund
18. Expenditure of the Foundation
19. Exemption from tax
20. Investment of income

21. Annual estimates, income and expenditure
22. Accounts and audits
23. Annual reports
24. Borrowing powers
25. Power to accept gifts.

PART IV - LEGAL PROCEEDINGS

26. Limitations of suits
27. Restriction on execution against property of the Council

PART V - MISCELLANEOUS

28. Power to purchase or take property on lease
 29. Power to sell or lease out property
 30. Indemnity
 31. Power to make regulations and issue guidelines
 32. Interpretation
 33. Citation
- Schedules

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL RESEARCH AND INNOVATION COUNCIL AND NATIONAL RESEARCH AND INNOVATION FOUNDATION TO AMONG OTHER THINGS SET NATIONAL PRIORITIES ON RESEARCH, INNOVATION AND DEVELOPMENT, PROMOTE THE GAINS OF THE APPLICATION OF THE OUTPUTS OF RESEARCH AND INNOVATION, SET DIRECTIONS TO COORDINATE INNOVATION ACTIVITIES IN LINE WITH NATIONAL PRIORITIES AND FACILITATE FUND RAISING ACTIVITIES TO SUPPORT SCIENCE, TECHNOLOGY AND INNOVATION IN AREAS OF NATIONAL NEEDS AND FOR RELATED MATTERS

Sponsored by Hon. Sergius Oseasochie Ogun

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL RESEARCH AND

2 INNOVATION COUNCIL

3 1. There is established the National Research and Innovation
4 Council (in this Bill referred to as "the Council").

Establishment
of the National
Research and
Innovation Council

5 2.-(1) The Council shall consist of-

Membership of
the Council

6 (a) the President of the Federal Republic of Nigeria, as the
7 Chairman;

8 (b) Vice-President of the Federal Republic of Nigeria, as the Vice
9 Chairman;

10 (c) relevant Ministers of the Government of the Federal Republic
11 of Nigeria as may be appointed into the Council by the President;

12 (d) a representative of the Manufacturers Association of Nigeria
13 (MAN);

14 (e) President, Nigerian Association of Chambers of Commerce,

- 1 Industry, Mines and Agriculture (NACCIMA);
- 2 (f) Executive Secretary, National Research and Innovation
- 3 Foundation;
- 4 (g) President, Nigerian Society of Engineers;
- 5 (h) President, Academy of Science;
- 6 (i) representative of Committee of Vice Chancellors of Nigerian
- 7 Universities;
- 8 (j) a representative of the Committee of Directors of Research
- 9 Institutes (CODRI);
- 10 (k) a representative of the National Association of Small Scale
- 11 Industrialists (NASSI);
- 12 (l) Minister charged with the responsibility for science and
- 13 technology to serve also as the Secretary of the Council; and
- 14 (m) such other number of persons not exceeding five appointed by the
- 15 President on the joint recommendation of the Governing Board of the
- 16 Foundation and the Technical Advisory Committee to further assist the
- 17 Council in the performance of its functions.
- 18 (2) The person recommended for appointment under subsection 1 (g)
- 19 shall have-
- 20 (a) a minimum qualification of a university degree or its equivalent in
- 21 relevant disciplines;
- 22 (b) a proven track record of contribution to research and
- 23 development;
- 24 (c) necessary skills and abilities; and
- 25 (d) cognate experience, professional or specialised knowledge to
- 26 make special contributions to the work of the Council.
- 27 (3) The President and Vice-President shall respectively be the
- 28 Chairman and Vice Chairman of the Council during the subsistence of their
- 29 offices as the President and Vice-President of the Federal Republic of Nigeria.
- 30 (4) The Ministers appointed into the Council by the President shall

1 cease to be members of the Council in case of removal or vacation of offices
2 as Ministers of the Federal Republic of Nigeria.

3 (5) All other members of the Council shall -

4 (a) hold office for a maximum period of four years, subject to
5 renewal for another four years; and

6 (b) may be removed by the President in the interest of the public, on
7 the grounds of non-performance or misconduct.

8 **3.-(1)** The Council may regulate its own proceedings and make
9 standing orders for that purpose. Proceedings of
the Council

10 (2) The Council shall meet at least four times in a year or at such
11 times as may be convened by the President.

12 (3) The quorum at meetings shall be one-third of members of the
13 Council.

14 (4) Where the Council desires to obtain the advice of any person on
15 any particular matter, the Council may co-opt that person to be a member for
16 as many meetings as may be necessary and that person while so co-opted
17 shall have all the privileges of a member except that he is not entitled to vote
18 or be counted in forming the quorum.

19 **4.-(1)** The Council shall- Functions of the
Council

20 (a) set national priorities on research, innovation and development;

21 (b) set directions to coordinate research and innovations generally
22 (including research and development) in line with national priorities;

23 (c) recommend to the President, the establishment of additional
24 research institutes or the reform and strengthening of existing ones;

25 (d) facilitate fund raising activities to support innovation in areas
26 of national needs and priorities;

27 (e) facilitate sectoral, state and local level innovations by
28 encouraging Federal Ministries, State and Local Governments to establish
29 sectoral, State and Local Innovation Councils respectively;

1 (f) explore new strategies and alternatives for innovations and
2 collaborations;

3 (g) identify ways and means to scale and sustain innovations;

4 (h) encourage universities, polytechnics, research and development
5 institutions, centres of excellence, colleges of education, monotechnics, States,
6 Local Governments and Ministries, Departments and Agencies (MDAs) to
7 innovate;

8 (i) encourage all important sectors of the economy to innovate;

9 (j) encourage innovation in public service delivery; and

10 (k) encourage multidisciplinary and globally competitive approach to
11 innovation.

12 (2) The Council shall formulate a roadmap for innovation and create a
13 framework for-

14 (a) evolving a Nigerian model of innovation with focus on inclusive
15 growth;

16 (b) institutionalising innovation as a culture in Nigeria from the
17 lowest level up;

18 (c) delineating policy initiatives within the Government aimed at
19 promoting innovation;

20 (d) developing and championing innovation attitudes and approaches
21 with special focus on youths;

22 (e) creating appropriate environment to foster inclusive innovation;

23 (f) exploring new strategies and alternatives for innovations and
24 collaborations;

25 (g) identifying ways and means to scale and sustain innovations;

26 (h) encouraging State, Local, Small and Medium Enterprises (SMEs)
27 to innovate;

28 (i) facilitating innovations by (SMEs);

29 (j) encouraging innovation in public service delivery;

30 (k) encouraging multidisciplinary and globally competitive

1 approaches for innovations;
2 (l) convening an annual Nigeria Innovation Round Table or
3 Summit;
4 (m) carrying out such other activities connected with its functions
5 to develop and enforce codes in order to give full expression to the general
6 intendment of this Act; and
7 (n) facilitating the establishment of sectoral Innovation
8 Committees by heads of various Ministries, Departments and Agencies at
9 their various offices.

10 **5.-(1)** There is established the Technical Advisory Committee of
11 the Bill (in this Bill referred to as the "Advisory Committee").

Establishment
of Technical
Advisory
Committees of
the Council

12 (2) The Advisory Committee shall consist of the following as may
13 be appointed by the Council-

14 (a) the Executive Secretary of the Foundation as a Member;
15 (b) ten technocrats drawn from relevant Ministries, Departments,
16 Agencies, organised private sector and professional regulatory bodies as
17 may be approved by the Council;
18 (c) five renowned home based Nigerian researchers and innovators
19 one of whom shall be Chairman;
20 (d) three internationally acclaimed Nigerian researchers or
21 innovators in the diaspora;
22 (e) Special Adviser to the President on research and innovation as a
23 member; and
24 (f) any other individual expert or group that may be recommended
25 as a member by the Advisory Committee and appointed by the Council.

26 (3) The Advisory Committee shall provide expert advice to the
27 Council on strategies to accomplish its mandate.

28 (4) In compliance with subsection 3, the Advisory Committee
29 shall-

1 (a) prepare a memorandum for the consideration and approval of the
2 Council;

3 (b) develop the national research and innovation priority agenda for
4 consideration and adoption by the Council;

5 (c) recommend, for approval of the Council, operational guidelines
6 and annual work plans of Sectoral Innovation Committees; and

7 (d) monitor and report on activities of Sectoral Innovation Committee
8 to the Council.

9 (5) The tenure of the Advisory Committee shall be five years subject
10 to renewal for another five years and no more.

11 PART II - ESTABLISHMENT OF THE NATIONAL RESEARCH AND
12 INNOVATION FOUNDATION AND ITS GOVERNING BOARD

Establishment
of the National
Research and
Innovation
Foundation
Governing Council
Board

13 6.-(1) There is established the National Research and Innovation
14 Foundation (in this Bill referred to as "the Foundation") to raise, manage,
15 disburse, and monitor funds, grants, assets as intervention for research ,
16 innovation and development activities and carry out other functions in
17 connection with the policies of the Council as provided in this Bill.

18 (2) The Foundation-

19 (a) is a body corporate with perpetual succession and a common seal;
20 and

21 (b) may sue and be sued in its corporate name.

22 (3) The Headquarters of the Foundation shall be in the Federal Capital
23 Territory, Abuja with field offices in the six geo-political zones of the
24 Federation.

Functions of
the Foundation

25 7.-(1) The Foundation shall-

26 (a) raise funds for innovation, research and development from
27 legitimate means as stipulated under this Bill;

28 (b) implement the national research agenda based on the needs of the
29 nation, make grants from the research fund and constitute Research Proposals
30 Evaluation Committee to process and approve applications for grants in

- 1 accordance with the National Research Policy;
- 2 (c) provide synergy to facilitate the dissemination of research
- 3 information including landmark research achievements and breakthroughs
- 4 at the local, national and international levels in the media and other fora in
- 5 order to boost the nation's research profile;
- 6 (d) organise annual research conferences or other events to review
- 7 and evaluate progress made on the promotion of research, innovation, and
- 8 invention;
- 9 (e) announce and publicise calls for research proposals;
- 10 (f) establish and maintain accurate and comprehensive research
- 11 database, containing information about research activities, facilities,
- 12 competencies and skills of the nation;
- 13 (g) compile an annual research report and publish an annual
- 14 magazine containing a summary of the nature and scope of the main
- 15 research activities in a given year;
- 16 (h) analyse research management data of the nation for decisions
- 17 on areas of need;
- 18 (i) provide strategic pre and post award support (technical and
- 19 administrative) to researchers in the public and private sectors in accordance
- 20 with the National Research policy;
- 21 (j) provide support for applications by innovators and inventors for
- 22 the protection of the property rights of innovations or inventions based on
- 23 national research agenda;
- 24 (k) identify innovations and inventions that have high potential for
- 25 commercialisation, and display operational prototypes of such innovations
- 26 and inventions in the National Technology Parks;
- 27 (l) promote commercially viable prototype to products in
- 28 collaboration with the Ministry of Science and Technology;
- 29 (m) source and provide funds for the establishment of Science and
- 30 Innovation Parks to create markets where they do not exist, develop market

1 and demonstrate the viability of innovations and promote sales of the national
2 intellectual property;

3 (n) monitor and assess research projects and product development
4 processes to ascertain the quality and quantity of deliveries and adherence to
5 relevant funding modelling guidelines;

6 (o) source and provide financial support to existing Research,
7 Development and Innovation Institutes to ensure their contribution to the
8 realisation of the national research agenda;

9 (p) promote relative merit and professionalism in both academic and
10 innovative research;

11 (q) enter into collaborative and cooperative agreements or
12 arrangements with agencies, foundations and bodies with similar objectives
13 within and outside Nigeria;

14 (r) submit annual report of its incomes, expenditure and activities to
15 the National Assembly; and

16 (s) carry out such activities as are necessary or expedient for the
17 performance of its functions under the Bill.

18 (2) The Foundation shall have administrative and financial autonomy
19 to execute its functions independently, free from external control and
20 influence.

21 (3) The Executive Secretary shall be a person-

22 (a) with a minimum of 15 years demonstrable research experience in
23 science and technology, engineering, medicine and other relevant disciplines
24 and professions, at doctorate level, and shall demonstrate or show capacity for
25 innovation and creativity;

26 (b) who has at least 10 years cognate working experience post
27 Master's Degree; and

28 (c) who has proven record of cognate experience in research
29 management.

1 (4) A candidate who has won and managed research grants shall
2 have an added advantage.

3 (5) The Executive Secretary shall be-

4 (a) the Chief Accounting Officer of the Foundation;

5 (b) responsible for the execution of programmes as approved by
6 the Board of the Foundation and take charge of the day-to-day
7 administration of the Foundation;

8 (c) responsible for general direction and superintendence of the
9 affairs of the Foundation;

10 (d) facilitate and support the efficient running of the activities of
11 Sectoral Research or Innovation Councils;

12 (e) ensure proper dissemination of decisions of the Board to
13 appropriate bodies, institutions or authorities; and

14 (f) carry out such other functions and duties as the Council may
15 assign to him.

16 **8.-(1)** There is for the Foundation an Executive Secretary who shall
17 be appointed by the President on the recommendation of the Board.

Appointment of
Executive Secretary

18 (2) The Executive Secretary shall hold office for a term of four
19 years and may be re-appointed for a further term of four years and no more.

20 **9.** There shall be for the Foundation the Directorates as listed in the
21 Second Schedule to this Act for the effective performance of its functions
22 under this Bill.

Directorate of
the Foundation

23 **10.** The Foundation may, subject to the approval of the Board,
24 appoint such other staff as it may consider necessary-

Other Staff of
the Foundation

25 (a) for the efficient performance of the Foundation's functions; and

26 (b) on such terms and conditions as may be specified by the Board.

27 **11.** The Foundation shall develop and implement appropriate staff
28 conditions of service for its employees with particular regard to the issues of
29 remuneration, pension scheme, and other fringe service benefits sufficient
30 to attract and retain quality and high calibre manpower for the Foundation.

Conditions of
service of employees
of the Foundation

Establishment
and membership
of the Governing
Board of the
Foundation

- 1 **12.-(1)** There is established for the Foundation a governing board (in
- 2 this Bill referred to as "the Board").
- 3 (2) The Board shall consist of-
- 4 (a) a chairman who-
- 5 (i) is appointed by the President on the recommendation of the panel
- 6 under subsection 3 (a) of this section,
- 7 (ii) shall hold a minimum qualification of a university degree in either
- 8 engineering, science, technology or other related discipline, and
- 9 (iii) has made outstanding contributions in the areas of applied
- 10 research and innovation.
- 11 (b) at least nine but not more than 11 other members, appointed by the
- 12 Council; and
- 13 (c) the Executive Secretary of the Foundation.
- 14 (3) For the purposes of appointing members of the Board referred to
- 15 in subsection (2) (b), the Council shall appoint a panel comprising eminent
- 16 scientists which shall compile a shortlist of candidates of not more than 20
- 17 persons.
- 18 (4) The panel shall compile the shortlist after following transparent
- 19 and competitive processes which includes advertising existing vacancies on
- 20 the Board in at least two national newspapers, receiving and scrutinising
- 21 curricula vitae submitted by interested applicants in response to news
- 22 advertisements and conducting oral interviews for shortlisted applicants.
- 23 (5) Members of the Board shall be persons who have achieved
- 24 distinction in the field of science, technology and innovation, research and
- 25 technology management, engineering, business and entrepreneurship or public
- 26 affairs.
- 27 (6) Without prejudice to the principle of federal character as
- 28 enshrined in the Nigerian Constitution, members of the Board referred to in
- 29 subsection (2) (b) shall be appointed by the President broadly representing the
- 30 following sectors-

- 1 (a) universities and Federal Government constituted research
- 2 institutes and allied Colleges;
- 3 (b) agricultural and environmental sciences;
- 4 (c) natural resources management;
- 5 (d) information and communication technologies;
- 6 (e) natural sciences and engineering;
- 7 (f) social sciences and humanities;
- 8 (g) business and industrial growth;
- 9 (h) building and construction;
- 10 (i) national security;
- 11 (j) nuclear science and biotechnology;
- 12 (k) energy; and
- 13 (l) health.

14 (7) The supplementary provisions set out in the First Schedule to
 15 this Act shall have effect with respect to the proceedings of the Board and
 16 related matters.

17 13.-(1) Subject to the provisions of section 14 of this Bill, a person Tenure of office
 18 appointed to be a member of the Board shall hold office for a term of four
 19 years from the date of his appointment and may be eligible for re-
 20 appointment for another term of four years and no more.

21 (2) At least one third of the Board members shall, at all times,
 22 consist of reappointed members to ensure continuity in the leadership of the
 23 Board.

24 (3) A person appointed in accordance with section 12 (3) of this Bill
 25 to fill a vacancy on the Board shall be appointed from the same constituency
 26 and interest group as that of his predecessor and shall serve for the unexpired
 27 term of his predecessor.

28 14.-(1) Notwithstanding the provisions of section 8 of this Bill, a Cessation of
 29 member of the Board ceases to hold office if the member- membership

1 (a) resigns his appointment by notice signed by him and addressed to
2 the President;

3 (b) becomes of unsound mind;

4 (c) becomes bankrupt or makes a compromise with his creditors;

5 (d) is convicted of a felony or any offence involving dishonesty or
6 corruption; or

7 (e) becomes incapable of performing the functions of his office either
8 arising from an infirmity of mind, body or any other cause.

9 (2) Where the Council is satisfied that it is not in the interest of the
10 Foundation or the public for a member to continue in office, the President may
11 remove that member from the Board.

12 (3) Where a vacancy occurs in the membership of the Board, it shall
13 be filled by the appointment of a successor to hold office for the remainder of
14 the term of office of his predecessor and the successor shall represent the same
15 interest, discipline or constituency as his predecessor.

Remuneration
of members of
the Board

16 **15.** The Chairman and members of the Board are paid such
17 emoluments, allowances, and benefits as may be determined by the Revenue
18 Mobilisation, Allocation and Fiscal Commission.

Powers and
functions of the
Board

19 **16.** The Board shall have power to-

20 (a) approve annual estimates, reports and statements of accounts of
21 the Foundation;

22 (b) determine the terms and conditions of service of the employees of
23 the Foundation;

24 (c) recommend the creation of research institutes and laboratories to
25 be designated as National facilities for research required for efficient
26 performance of the functions of the Foundation;

27 (d) approve the award of research grants to be given by the
28 Foundation in line with national priorities;

29 (e) consider and approve the creation of additional Directorates as
30 may be necessary and in accordance with the provisions of this Act

1 (f) carry out such other activities as may, in the opinion of the
2 Board, be necessary for the advancement of science, technology and
3 innovations in Nigeria;

4 (g) consider and recommend to the Council, innovators and
5 outstanding researchers deserving of award and special recognition;

6 (h) consider and approve the annual activities of the Foundation
7 and cause same to be presented to the President and National Assembly; and

8 (i) approve intervention fund for such other activities as may, in the
9 opinion of the Board, be necessary for the advancement of science,
10 engineering, technology, entrepreneurship and innovation in Nigeria.

11 PART III - FINANCIAL PROVISIONS

12 17.-(1) The Foundation shall establish and maintain a Research
13 and Innovation Fund (in this Act referred to as ("the Fund")) into which shall
14 be paid and credited-

Establishment
of the National
Research and
Innovation Fund

15 (a) 5% of the annual fund accruing to the following organisations-

16 (i) Raw Materials Research and Development Council;

17 (ii) National Automotive design and Development Council Fund;

18 (iii) National Communications Development Fund of National
19 Communications Commission (NCC);

20 (iv) National Information Technology Development Fund;

21 (v) Ecological Fund;

22 (vi) National Lottery Trust Fund;

23 (vii) National Sugar Development Council Fund;

24 (viii) Industrial Training Fund;

25 (ix) Petroleum Technology Development Fund (PTDF);

26 (x) Organised Private Sector (OPS) - 0.5% of Technology Transfer
27 Fee; and

28 (xi) Solid Mineral Development Fund.

29 (b) 5% of loanable funds from development finance institutions
30 such as the Bank of Industry (BOI), Nigerian Export - Import Bank

	1	(NEXIM), the Development Bank of Nigeria (DBN) and the Bank of
	2	Agriculture (BOA);
	3	(c) foreign aid or assistance from bilateral or multilateral agencies;
	4	(d) other internally generated revenues of the Foundation; and
	5	(e) all other sums accruing to the Foundation by way of gifts, grants,
	6	emolument or bequest.
	7	(2) All monies standing to the credit of the Foundation shall be paid
	8	directly into the Fund.
Expenditure of the Foundation	9	18. The Foundation shall apply the funds to-
	10	(a) the administration of the Foundation;
	11	(b) the performance of its functions;
	12	(c) the payment of emoluments and entitlements of members of the
	13	Council, and the members of the Board;
	14	(d) the payment of personnel, overhead, allowances, benefits and
	15	other administrative costs;
	16	(e) the cost of maintaining the head office, field offices and operating
	17	the Directorates and other interventions concerning the Sectorial Innovation
	18	Councils;
	19	(f) the training of members of staff of the Foundation;
	20	(g) the publication and promotion of research and innovation results
	21	from public and private sector research and development institutes;
	22	(h) the support of national research, innovation and development
	23	bodies and for the payment of contributions to international organizations to
	24	which the Foundation subscribes; and
	25	(i) any other expenditure in connection with all or any of the functions
	26	of the Foundation under this Bill.
Exemption from tax	27	19.-(1) The Foundation is exempt from the payment of tax on any
	28	income accruing from investments made by the Foundation.
	29	(2) The provisions of any enactment relating to the taxation of
	30	companies or trust funds shall not apply to the Foundation.

1	20. Subject to the approval of the Board, the Foundation may invest	Investment of income
2	its income in profitable production of goods by joint venture, partnerships,	
3	or shareholding as the case may be and the net income so generated shall be	
4	paid into the Fund.	
5	21. The Foundation shall, not later than 30th September in each	Annual estimates, income and expenditure
6	year, submit to the Board for approval its programme of work and estimate	
7	of its income and payments into the Fund for the next succeeding year.	
8	22. -(1) The Foundation shall keep proper accounts in respect of	Accounts and audits
9	each year and proper records in relation to it and audit the account.	
10	(2) The accounts of the Foundation shall be audited, not later than	
11	six months after the end of the year to which they relate, by auditors	
12	appointed by the Foundation from a list of auditors supplied and in the	
13	Foundation, execution or issued against the Foundation accordance with the	
14	guidelines issued by the Auditor-General of the Federation.	
15	23. The Foundation shall prepare and submit to the Board, not later	Annual reports
16	than so" September in each year, a report on its activities, the Audited	
17	Accounts of the Foundation and auditor's report for the immediate	
18	preceding year.	
19	24. The Foundation may with the approval of the Board or in	Borrowing powers
20	accordance with any general guidelines approved by the Board , borrow by	
21	way of loan, or overdraft from any source, any money required by the	
22	Foundation for meeting its obligations and performing its functions under	
23	this Bill.	
24	25. -(1) The Foundation may, accept gifts of land, money or other	Power to accept gifts
25	property on such terms and conditions, if any, as may be specified by the	
26	person or organisation making the gift.	
27	(2) The Board shall not accept any gift if the conditions attached by	
28	the person or organisation making the gift are inconsistent with the	
29	objectives of the Foundation under this Bill.	

	1	PART IV - LEGAL PROCEEDINGS
Limitation of suits	2	26. -(1) A suit shall not commence against the Foundation before the
	3	expiration of one month, after a written notice of intention to commence the
	4	suit have been served upon the Council by the intending plaintiff or his agent,
	5	and the notice shall clearly state the-
	6	(a) cause of the action;
	7	(b) particulars of claim;
	8	(c) name and place of the abode of intending plaintiff; and
	9	(d) relief which he claims.
	10	(2) The notice referred to in subsection (1) and any summons, notice
	11	or other documents required or authorised to be served upon the Council under
	12	this Bill or any other enactment or law may be served by-
	13	(a) delivering it to the Executive Secretary; or
	14	(b) sending it by registered post addressed to the Executive Secretary
	15	at the head office of the Foundation.
Restriction on execution against property of the Council	16	27. -(1) In any action or suit against attachment of process shall not be
	17	except-
	18	(a) a three month notice of intention to execute or attach has been
	19	given to the Foundation; and
	20	(b) a written consent of the Attorney-General of the Federation is
	21	obtained and at least three months.
	22	(2) Any sum of money which by the Judgment of any court has been
	23	awarded against the Foundation shall, subject to the directives given by the
	24	court where notice of appeal against the judgments has been given, be paid
	25	from the funds of the Foundation.
	26	PART V - MISCELLANEOUS
Power to purchase or take property on lease	27	28. The Foundation may, subject to the Land Use Act, purchase, lease
	28	any interest in land, building or property, or build, equip and maintain such
	29	other offices and premises for efficient performance of its functions under this
	30	Bill.

1	29. The Foundation may, subject to the Land Use Act, sell or lease	Power to sell or lease out property
2	out any land or office belonging to the Foundation.	
3	30. The Executive Secretary or any officer or employee of the	Indemnity
4	Foundation shall be indemnified out of the assets of the Foundation against	
5	any liability incurred by him in defending any proceeding, whether civil or	
6	criminal, if the proceeding is brought against him in his capacity as a	
7	member of the Board, Executive Secretary of the Foundation, officer or	
8	other employees of the Foundation under this Bill.	
9	31. -(1) The Foundation may, with the approval of the Board, make	Power to make regulations and issue guidelines
10	such regulations generally for the purpose of giving full effect to the	
11	provisions of this Bill, and facilitating the performance of the functions of	
12	the Foundation.	
13	(2) The Council may issue guidelines to give effect to the	
14	respective relevant provisions of this Bill.	
15	(3) Regulations made shall be published in the Federal	
16	Government Gazette and in such other manner as the Foundation may	
17	prescribe.	
18	32. In this Bill-	Interpretation
19	"Board" means Governing Board of the Foundation established in this Bill;	
20	"geopolitical zone" means North East, North West, North Central, South	
21	East, South West and South-South geopolitical zones of the Federation;	
22	"innovation" means the act or process of innovating or introducing a new	
23	product, technology or method;	
24	"national facilities" means facilities designated as such by the Foundation	
25	pursuant to the provisions of this Bill;	
26	"public officer" means any person working in the Public Service of the	
27	Federation or State as defined in the Constitution of the Federal Republic of	
28	Nigeria, 1999;	
29	"research" means a process intended to create new or improved technology	
30	that can provide competitive advantage at the business, development,	

- 1 national or global level;
- 2 "development" means systematic utilization of knowledge or understanding
- 3 gained from research towards the production of materials, devices, systems, or
- 4 methods and includes design and development of prototypes and processes;
- 5 research institution" includes any organisation practising research as
- 6 recognised by this Act or any Act of the National Assembly;
- 7 relevant Ministers" means Ministers of Science and Technology, Finance,
- 8 Agriculture, Health, Education, Works and Power, Industries, Trade and
- 9 Investments, Communication Technology, Justice and such other Ministers as
- 10 may be determined by the President; and
- 11 "Science" includes any system of knowledge attained by verifiable means and
- 12 the organised body of knowledge humans have gained by research.
- 13 **33.** This Bill may be cited as the National Research and Innovation
- 14 Council (Establishment) Bill, 2022.

Citation

1 SCHEDULES

2 FIRST SCHEDULE

3 *Section 12 (7)*

4 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

5 1. Subject to this Act and section 27 of the Interpretation Act, the
6 Board may make standing orders regulating the proceedings of the Board
7 and any of its committees.

8 2. Every meeting of the Board shall be presided over by the
9 Chairman and if the Chairman is unable to attend a particular meeting, the
10 members present at the meeting shall elect one of them to preside at the
11 meeting.

12 3. The quorum at a meeting of the Board shall consist of the
13 Chairman (or in an appropriate case, the person presiding at the meeting
14 pursuant to paragraph 2 and six other members.

15 4. Upon any special occasion, the Board may co-opt any person to
16 be member for as many meetings as may be necessary, and that person,
17 while so co-opted, shall have all the rights and privileges of a member,
18 except that the person is not entitled to vote or count towards a quorum.

19 *Committees*

20 5.-(1) Subject to its standing orders, the Board may set up such
21 number of standing and ad hoc committees as it deems fit to consider and
22 report on any matter with which the Foundation is concerned.

23 (2) Every committee set up under the provisions of subparagraph
24 (1) shall be presided over by a member of the Board and shall be made up of
25 such number of persons, not necessarily members of the Board, as the Board
26 may determine in each case.

27 6. The decision of a committee is of no effect until it is confirmed
28 by the Foundation.

29 *Miscellaneous*

30 7. The affixing of the seal of the Foundation shall be authenticated

1 by the signature of the Chairman and the Executive Secretary of the
2 Foundation or such other member authorised generally or specifically by the
3 Board to act for that purpose.

4 8. Any contract or instrument which, if made by a person not being a
5 body corporate would not be required to be under seal, may be made or
6 executed on behalf of the Foundation by the Executive Secretary or any other
7 person generally or specifically authorised by the Board to act for that purpose.

8 9. Any document purporting to be a contract, an instrument or other
9 document signed or sealed on behalf of the Foundation shall be received in
10 evidence and, unless the contrary is proved, be presumed, without further
11 proof, to have been so signed and sealed.

12 10. The validity of a proceeding of the Board or a committee shall not
13 be adversely affected by-

14 (a) any vacancy in the membership of the Board;

15 (b) any defect in the appointment of a member of the Board or
16 committee; or

17 (c) reason that a person not entitled to do so took part in the
18 proceeding.

19 11. A member of the Board or committee who has a personal interest
20 in any contract or arrangement entered into or proposed to be considered by the
21 Board or committee shall declare his interest and shall not vote on any question
22 relating to the contract or arrangement.

SECOND SCHEDULE

Section 9

SUPPLEMENTARY PROVISIONS RELATING TO THE DIRECTORATES
OF FOUNDATION

1.-(1) The Foundation shall have-

(a) a Research Policy and Strategy Directorate to be headed by a director;

(b) a Research and Innovation Fund Directorate to be headed by a Director;

(c) a Finance and Administration Directorate to be headed by a Director who shall also be the Secretary to the Foundation;

(d) a Research Directorate to be headed by a director;

(e) an Innovation and Product Development Directorate to be headed by a Director;

(f) a Monitoring and Evaluating Directorate to be headed by a Director;

(g) a Coordinating Directorate for Sectors, Regions, States, LGAs, Industries and other Stakeholders to be headed by a director;

(h) Legal Services Directorate to be headed by a director; and

(i) such other Directorates as may be approved by the Board for the proper performance of the functions of the Foundation.

2. The Board shall, on the recommendation of the Executive Secretary, appoint Directors who shall be in charge of the Directorates as provided under section 9 of this Bill.

3.-(1) The Director charged with responsibility for the Finance and Administration Directorate shall possess a university degree or its equivalent and at least 12 years experience in the field of finance, accounting, administration or related expertise.

(2) The Director of Finance and Administration shall;

(a) prepare draft expenditure estimates and budget;

1 (b) be the Secretary of the Board; and

2 (c) perform such other functions as may be assigned to him by the
3 Executive Secretary.

4 4.-(1) The Director charged with responsibility for the Research,
5 Policy and Strategy shall possess a university degree or its equivalent in either
6 law, intellectual property rights policy or other relevant qualification in policy
7 formulation and a minimum of 12 year experience.

8 (2) The Director Research, Policy and Strategy Directorate shall-

9 (a) be the head of the Research Policy and Strategy Directorate of the
10 Foundation;

11 (b) formulate a National Research Policy for the country and devise
12 strategies to implement the policies and ensure compliance with the policy
13 document;

14 (c) receive feedback from stakeholders and take same into
15 consideration in the review of the National Research Policy document.

16 5.-(1) The Director charged with responsibility for Research and
17 Innovation Fund shall possess a university degree or its equivalent in
18 accounting, economics or other relevant qualification and at least 12 years.

19 (2) The Director of Research and Innovation Fund shall be -

20 (a) be vested with the responsibility of initiating and coordinating
21 fund raising activities for the Foundation as provided under this Act;

22 (b) establish a unit each to attend to each source of fund; and

23 (c) perform such other functions as may be assigned to him by the
24 Executive secretary.

25 6.-(1) The Director charged with responsibility for the Research
26 Directorate all possess-

27 (a) at least 10 years demonstrable research experience in science and
28 technology, engineering, education, medicine, humanities, law and other
29 related subjects preferably at Ph.D. level and must be knowledgeable in the
30 field of innovation;

1 (b) at least 10 years cognate working experience post Master
2 Degree; and

3 (c) proven record of cognate experience in research management.

4 (2) A candidate who must have won and managed research grants
5 shall have an added advantage.

6 (3) The Director of Research shall-

7 (a) draw out a national research agenda, make grants from research
8 fund, established under this Act, constitute relevant units for the Directorate
9 and constitute the Research Proposals Evaluation Committee to process and
10 approve applications for grants in accordance with the national research
11 policy;

12 (b) perform such other functions as may be assigned to him by the
13 Executive Secretary.

14 7.-(1) The Director charged with responsibility for Innovation and
15 Product Development Directorate shall possess-

16 (a) 10 years demonstrable research experience in either science
17 and technology, engineering, education, medicine, humanities, intellectual
18 property law preferably at doctoral level and must also be knowledgeable in
19 the field of innovation;

20 (b) at least 10 years cognate working experience post Master
21 Degree; and

22 (c) proven record of cognate experience in innovation and product
23 Development.

24 (2) A candidate who has patented and developed research product
25 or has proven product development managerial skills shall have an added
26 advantage.

27 (3) The Director Innovation and Product Development shall-

28 (a) be responsible for formulating and reviewing a National
29 Innovation and Product Development Strategy;

30 (a) intellectual property right policy and ensure compliance by

1 Innovators to the document;

2 (c) provide administrative support for applications by innovators or
3 inventors for protection of property rights of the innovations or Inventions
4 from the National Office of Technology Acquisition and Promotion (NOTAP);
5 and

6 (d) perform such other functions as may be assigned to him by the
7 Executive Secretary;

8 8.-(1) The Director charged with responsibility for Monitoring and
9 Evaluation Directorate must be well qualified and experienced to hold the
10 office of the Director Monitoring and Evaluation of the Foundation.

11 (2) The Director Monitoring and Evaluation shall-

12 (a) monitor and assess research projects and products development
13 processes to ascertain the quality and quantity of deliverables and adherence to
14 funding guidelines;

15 (b) submit satisfactory progress report and monitoring and evaluation
16 report of evaluators to guarantee the release of funds after the first instalment
17 and winning subsequent awards; and

18 (c) perform such other functions as may be assigned to him by the
19 Executive Secretary.

20 9. The Director charged with responsibility for the Directorate for
21 Sectors, Regions, States, LGAs, Industries and other stakeholders must be well
22 qualified and experienced to hold the office of the Directorate for Sectors,
23 Regions, States, LGAs, Industries and other Stakeholders of the Foundation.

24 10. The Coordinating Director for Sectors, Regions, States, LGAs,
25 Industries and other Stakeholders shall-

26 (a) perform such other functions as may be assigned to him by the
27 Executive Secretary.

28 11.-(1) The Director charged with responsibility for the Legal
29 Services Directorate Shall possess-

30 (a) at least 12 years demonstrable experience in product development

- 1 management and patent registration;
- 2 (b) a Ph.D in Law preferably in intellectual property law or related
- 3 fields; and
- 4 (c) at least 10 years cognate working experience post Master
- 5 Degree;
- 6 (2) The Director Legal Services Directorate shall-
- 7 (a) have oversight responsibility over all legal and compliance
- 8 related matters of the Foundation;
- 9 (b) serve as the Legal Adviser and Secretary of the Foundation as
- 10 well as the Secretary of the governing board and therefore coordinate all
- 11 matters having legal content including legal publications, Regulations and
- 12 Litigations involving the Foundation;
- 13 (c) Provide legal advice on all matters in which the Foundation has
- 14 interest;
- 15 (d) provide legal advice regarding the making of regulations, offer
- 16 legal opinions and interpretation of laws relating to patents , intellectual
- 17 property and other related laws relevant to the mandate of the Foundation;
- 18 (e) drafting of regulations of the Foundation or that of its
- 19 Governing Board;
- 20 (f) drafting and vetting of all agreements in which the Foundation
- 21 is a party or and interested party;
- 22 (g) advising the Foundation on all litigations in which the
- 23 Foundation is a party including appointment of external solicitors and
- 24 coordinating and monitoring litigations involving the Foundation;
- 25 (h) perform such other functions as may be assigned to him by the
- 26 Executive Secretary.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Research and Innovation Council and National Research and Innovation Foundation to among other things set national priorities on research, innovation and development, promote the gains of the application of the outputs of research and innovation, set directions to coordinate innovation activities in line with national priorities and facilitate fund raising activities to support science, technology and innovation in areas of national needs.

FINANCIAL REPORTING COUNCIL OF NIGERIA ACT
(AMENDMENT) BILL, 2022

ARRANGEMENT OF CLAUSES

1. Amendment of the Principal Act
2. Amendment section 2
3. Amendment of section 8
4. Amendment of section 11
5. Amendment of section 15
6. Amendment of section 20
7. Amendment of section 33
8. Amendment of section 41
9. Amendment of section 42
10. Amendment of section 51
11. Amendment of section 53
12. Amendment of section 59
13. Amendment of section 61
14. Amendment of section 63
15. Amendment of section 64
16. Amendment of section 65
17. Amendment of section 68
18. Amendment of section 72
19. Amendment of section 73
20. Amendment of section 77
21. Citation

A BILL

FOR

AN ACT TO AMEND THE FINANCIAL REPORTING COUNCIL OF NIGERIA ACT, 2011, TO AMONG OTHER THINGS, STREAMLINE THE MEMBERSHIP OF THE GOVERNING BOARD AS WELL AS CONFER OVERSIGHT RESPONSIBILITIES FOR FINANCIAL REPORTING AND CORPORATE GOVERNANCE REGULATIONS IN NIGERIA ON THE COUNCIL, WITH A VIEW TO REPOSITIONING AND STRENGTHENING THE STATUTORY FUNCTIONS OF THE COUNCIL IN LINE WITH NORMATIVE STANDARDS FOR OPERATIONAL EFFICIENCY AND EFFECTIVENESS, AND FOR RELATED MATTERS

Sponsored by: Hon. Olufemi Fakeye

[] Commencement

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

- | | |
|--|--|
| <p>1 1. The Financial Reporting Council of Nigeria Act, 2011 in this</p> <p>2 Bill referred to as ("the Principal Act") is amended as set out in this Bill.</p> | <p>Amendment of
the Principal Act</p> |
| <p>3 2. Section 2 of the Principal Act is amended by redrafting</p> <p>4 subsection (2) as follows:</p> <p>5 "(2) The Board shall consist of:</p> <p>6 (a) a Chairman who shall be a professional accountant with</p> <p>7 considerable professional experience in accounting practices;</p> <p>8 (b) one representative from each of the following:</p> <p>9 (i) Association of National Accountants of Nigeria;</p> <p>10 (ii) Institute of Chartered Accountants of Nigeria;</p> <p>11 (iii) Office of the Auditor General for the Federation;</p> <p>12 (iv) Chartered Institute of Stockbrokers;</p> <p>13 (v) Chartered Institute of Taxation of Nigeria; of the Council;</p> <p>14 (vii) Ministry charged with the responsibility for Finance;</p> <p>15 (viii) Nigerian Accounting Association;</p> | <p>Amendment of
section 2:
Establishment
and Membership
of the Board</p> |

Amendment of
section 8:
Functions of the
Council

- 1 (ix) Nigerian Association of Chambers of Commerce, Industries,
2 Mines and Agriculture;
3 (x) Nigerian Institution of Estate Surveyors and Valuers; and
4 (xi) Institute of Chartered Secretaries and Administrators of Nigeria
5 (ICSAN)."
6 (c) the Executive Secretary of the Council.
- 7 **3.** Section 8 of the Principal Act is amended as follows:
8 "(1) The Council shall:
9 (a) develop and publish accounting and financial reporting standards
10 to be observed in the preparation of financial statement of public interest
11 entities;
12 (b) review, promote and enforce compliance with the accounting and
13 financial reporting standards adopted by the Council;
14 (c) receive notices of non-compliance with approved standards from
15 preparers, users, other third parties or auditors of financial statements;
16 (d) receive copies of annual reports and financial statements of public
17 interest entities from preparers within 60 days of the approval of the Board;
18 (e) advise the Federal Government on matters relating to accounting
19 and financial reporting standards;
20 (f) maintain a register of professional accountants and other
21 professionals engaged in the financial reporting process and corporate
22 governance;
23 (g) maintain a national repository for electronic submission of
24 General Purpose Financial Statements;
25 (h) monitor compliance with the reporting requirements specified in
26 the adopted code of corporate governance;
27 (i) promote compliance with the adopted standards issued by the
28 International Federation of Accountants and International Accounting
29 Standards Board or any other body that may be designated as such and any
30 other international standards setting body relating to the mandate of the

- 1 Council; accounting, auditing, financial reporting and corporate
2 governance,
- 3 (j) conduct practice reviews of registered professionals;
- 4 (k) review financial statements and reports of public interest
5 entities;
- 6 (l) enforce compliance with the Bill and the rules of the Council on
7 registered professionals and the affected public interest entities;
- 8 (m) establish such systems, schemes or engage in any relevant
9 activity, either alone or in conjunction with any other organization or
10 agency, whether local or international, for the discharge of its functions;
- 11 (n) receive copies of all qualified reports together with detailed
12 explanations for such qualifications from auditors of the financial
13 statements within, a period of 30 days from the date of such qualification and
14 such reports shall not be announced to the public until all accounting issues
15 relating to the reports are resolved by the Council;
- 16 (o) adopt and keep up-to-date accounting and financial reporting
17 standards, and ensure consistency between standards issued and the
18 International Financial Reporting Standards;
- 19 (p) specify, in the accounting and financial reporting standards, the
20 minimum requirements for recognition, measurement, presentation and
21 disclosure in annual financial statements, group annual financial statements
22 or other financial reports which every public interest entity shall comply
23 with, in the preparation of financial statements and reports;
- 24 (q) develop or adopt and keep up-to-date auditing standards issued
25 by relevant professional bodies and ensure consistency between the
26 standards issued and the auditing standards and pronouncements of the
27 International Auditing and Assurance Standards Board or any other body
28 that may be designated as such and any other international standards setting
29 body relating to the mandate of the Council; and
- 30 (r) perform such other functions which in the opinion of the Board

Amendment of
section 11:
Objects of the
Council

1 are necessary or expedient to ensure the efficient performance of the functions
2 of the Council.

3 (2) The Council may issue rules and guidelines for the purpose of
4 implementing auditing and accounting standards and to further its remit with
5 respect to corporate governance.

6 **4.** Section 11 of the Principal Act is redrafted as follows:

7 The objects of the Council shall be to:

8 (a) protect investors and other stakeholders' interest;

9 (b) give guidance on issues relating to financial reporting and
10 corporate governance to bodies listed in sections 2 (2) (b) of this Bill;

11 (c) ensure good corporate governance practices in the public and
12 private sectors of the Nigerian economy;

13 (d) ensure accuracy and reliability of financial reports and corporate
14 disclosures, pursuant to the various laws and regulations currently in existence;
15 and

16 (e) harmonize activities of relevant professional and regulatory
17 bodies as relating to Financial Reporting and Corporate Governance."

Amendment of
section 15:
Establishment
of Committees
for the Council

18 **5.** Section 15 of the Principal Act is redrafted as follows:

19 "15. (1) There is established for the Council 3 Standing Committees
20 and any other committee the Board may deem necessary:

21 (a) Technical and Oversight Committee;

22 (b) Finance and General Purposes Committee; and

23 (c) Audit Committee (non-executives).

24 (2) The functions of the Technical and Oversight Committee shall be:

25 (a) to receive and review regular reports from the Council on breaches
26 observed;

27 (b) to receive and deliberate on all appeals against sanctions and make
28 recommendations to the Board; and

29 (c) to consider reports from the Council and make recommendations
30 to the Governing Board on:

- 1 (i) new issues to be addressed by the standard setting directorates;
2 and
3 (ii) convergence of local and international standards and other
4 related matters.
5 (a) to consider the annual budgets and accounts, and make
6 recommendations to the Board;
7 (b) to appraise financial implication of Council's proposed capital
8 spending;
9 (c) to review the Executive Secretary's and management's regular
10 reports on performance against budget for a financial year;
11 (d) to consider the Council's staff establishment, salaries and
12 conditions of service, staff training and development and approval of staff
13 terminal benefits and make recommendations to the Board; and
14 (e) to make recommendations to the Board on the:
15 (i) income and expenditure policies;
16 (iii) level of fines, penalties and other fees.
17 (4) The functions of the Audit Committee shall be:
18 (a) to oversee the systems of internal controls regarding finance,
19 accounting, and legal compliance;
20 (b) to fix the fees of external auditors of the Council;
21 (c) to review Council's financial statements and other financial
22 information; and
23 (d) to review Council compliance with other regulatory
24 requirements.
25 (5) Membership of a Standing, Committee shall be 5 persons who
26 are experts in the relevant fields, and the Committee shall elect one of them
27 to be the Chairman of the Committee.
28 (6) Standing Committees shall hold meetings once every 3 months
29 and the quorum shall be 3.
30 (7) In the absence of the Chairman, members of the committee

1 shall elect one of them to act as Chairman, for the meeting.

2 (8) Without prejudice to other provisions of this Bill, the Board may
3 appoint such other standing or ad-hoc committees as it deems fit to consider
4 and report on any matter with which the Board is concerned.

5 (9) A committee appointed under sub-section (9) of this section shall:

6 (a) consist of such number of persons (not necessarily members of the
7 Board) appointed by the Council and shall remain on the Committee in
8 accordance with the terms of his appointment; and

9 (b) be presided over by a member of the Board.

10 (10) A decision of a committee established under this section shall be
11 of no effect until it is confirmed by the Board,

12 PART II - STAFF OF THE COUNCIL

Amendment of
section 20:
Executive Secretary
and other Staff
of the Council

13 **6.** Section 20 of the Principal Act is amended in subsection (3) as
14 follows:

15 "(3) The Board shall be responsible for the appointment of senior
16 management staff from grade level 15 and above for the Council as it may
17 deem necessary and expedient from time-to-time for the proper and efficient
18 performance of the functions of the Council."

19 PART III - FINANCIAL PROVISIONS

Amendment of
section 33:
Establishment
of Fund of the
Council

20 **7.** Section 33 of the Principal Act is redrafted as follows:

21 "(1) The Council shall establish and maintain a fund into which shall
22 be:

23 (a) all incomes accruing from annual levies charged from:

24 (i) all registered professionals;

25 (ii) all registered firms of professionals;

26 (iv) Public Interest Entities; and

27 (v) Other Entities as prescribed by the Council and approved by the
28 Minister.

29 (b) every registered professional, not less than N10,000.00 annually;
30 capitanization, annually as follows:

1 (i) an amount equal to 0.05 % of market capitalization, where the
2 market capitalization of a company is not more than N1 Billion;

3 (ii) an amount equal to 0.04% of market capitalization, where the
4 market capitalization of a company is greater than N1 billion but not more
5 than N100 billion;

6 (iii) an amount equal to 0.03% of market capitalization where, the
7 market capitalization of a company is greater than N 100 billion but not
8 more than N250 billion;

9 (iv) an amount equal to 0.02% of market capitalization where the
10 market capitalization of a company is greater than N250 billion but not more
11 than N500 billion; and

12 (v) an amount equal to 0.025% of market capitalization, where the
13 market capitalization of a company is greater than N500 billion.

14 (d) every public interest entity other than those covered by
15 paragraph (b), an amount based on its annual turnover as follows:

16 (i) an amount equal to 0.02% of annual turnover, where the annual
17 turnover of the entity is not more than N25 million;

18 (ii) an amount equal to 0.025 % of annual turnover, where the
19 annual turnover of the entity is greater than N25 million but not more than
20 N50 million;

21 (iii) an amount equal to 0.03 % of annual turnover, where the
22 annual turnover of the entity is greater than N50 million but not more than
23 N500 million;

24 (iv) an amount equal to 0.04 % of annual turnover, where the
25 annual turnover of the entity is greater than N500million but not more than
26 N1 billion;

27 (v) an amount equal to 0.045 % of annual turnover, where the
28 annual turnover of the entity is greater than N1.00 billion but not more than
29 N10 billion; and

30 (vi) an amount equal to 0.05 % of annual turnover, where the

1 annual turnover of an entity is greater than N10 billion.

2 (e) budgetary allocations and subventions from the Federal
3 Government;

4 (f) fines and penalties imposed by the Council;

5 (g) fees charged for services rendered by the Council;

6 (h) rents, fees and other internally generated revenues from services
7 provided by the Council;

8 (i) gift, loans, grant-in-aid from national, bilateral and multilateral
9 organizations and agencies; and

10 (j) all other sums accruing to the Council from time-to-time.

11 (2) The levies referred to, in subsection (1) shall:

12 (a) for individual professionals and professional firms, be payable not
13 later than 60 days from 1st January of every year;

14 (b) for public interest entities, be payable not later than 120 days of the
15 financial year; and

16 (c) for other entities be payable not later than 120 days of the Financial
17 year.

18 (3) Where a person or an entity fails to pay the levy as prescribed in
19 sub-section (2) as and when due, the person or entity shall:

20 (a) pay a penalty equivalent to 10% of the amount due for every month
21 of default cumulatively until payment is made;

22 (b) an entity shall be liable to sanctions as may be prescribed by the
23 Council for any default of its agents, officers or personnel engaged in the
24 financial reporting process for failure to comply with the provisions of this
25 Bill;

26 (c) the Council may also prosecute such person or entity for default in
27 payment as prescribed in this section;

28 (d) in addition, in the case of a company, the chief executive officer of
29 the company shall be liable to a penalty as may be prescribed by the Council;
30 and/or imprisonment for a term not exceeding 6 months upon prosecution.

1	8. Section 41 of the Principal Act is amended in subsection (6) by	Amendment of section 41
2	rephrasing the provision as follows:	
3	"(6) A person who contravenes sub-section (2) of this section shall	
4	be liable to a fine and/or penalty as the Council shall prescribe by regulation;	
5	and/or imprisonment for a term not exceeding 6 months upon conviction."	
6	9. Section 42 of the Principal Act is amended in subsections (1) and	Amendment of section 42:
7	(2) as follows:	Duration of Registration
8	"(1) Every registration made under section 41 shall be renewed	
9	annually."	
10	(2) Every registered professional accountant shall, not later than 3	
11	months before the expiration of the registration, make a written application	
12	for renewal of registration to the Council in such form and manner as the	
13	Council may from time to time prescribe."	
14	10. Section 51 of the Principal Act is amended in paragraph (a) by	Amendment of section 51:
15	adding the letter "s" to the word "asses" to read:	Functions of the Directorate of Corporate Governance
16	"(a) assess the need for corporate governance in the public and	
17	private sector."	
18	11. Section 53 of the Principal Act is amended in subsection (1) by	Amendment of section 53:
19	inserting after the word "Board" the words "or any other body that may be	Review and Monitoring of Auditing Standards
20	designated as such and any other international standards setting body	
21	relating to the mandate of the Council" to read thus:	
22	"(1) The Council shall develop or adopt and keep up-to-date	
23	auditing standards issued by relevant professional bodies and ensure	
24	consistency between the standards issued and the auditing standards and	
25	pronouncements of the International Auditing and Assurance Standards	
26	Board or any other body that may be designated as such and any other	
27	international standard setting body relating to the mandate of the Council. "	
28	12. Section 59 of the Principal Act is amended by updating	Amendment of section 59:
29	paragraphs (a) - (g) in line with the reviews carried out on the relevant	Preparation of financial

1 applicable laws mentioned therein and a new paragraph (h), introduced as
2 follows:

3 “(a) Banks and other Financial Institutions (Amendment) Act Cap.
4 B3 LFN, 2004.

5 (b) Companies and Allied Matters Act, 2020;

6 (c) Investments and Securities Act, No. 29, 2007;

7 (d) Nigerian Investment Promotion Commission Act Cap. NI17,
8 2004;

9 (e) Insurance Act Cap. II7 LFN, 2004;

10 (f) Pensions Reform Act No. 2, 2010;

11 (g) Federal Mortgage Bank of Nigeria Act, Cap. F16 LFN, 2004; and

12 (h) Finance Act, 2020.”

Amendment of
section 61:
Frequency of
practice reviews

13 **13.** Section 61 of the Principal Act is amended by renumbering the
14 existing section 61 as 61A and a new section 61B introduced, as follows:

15 "61A. (1) Annual quality reviews (inspections) shall be conducted for
16 professional accountants that audit more than 20 public interest entities; all
17 others shall be conducted every three years and the Council may order a special
18 inspection of any professional accountant at any time.

19 (2) The Council shall require registered professional accounting firms
20 and other professionals to maintain for a period of: not less than 6 years, audit
21 work papers and other information related to any audit report, in sufficient
22 detail to support the conclusion reached in the report.

Execution of
warrant of distraint

23 "61B. (1) The Council may co-opt the assistance and co-operation of
24 any of the law enforcement agencies in the discharge of its duties under this
25 Bill.

26 (2) The law enforcement officers shall aid and assist an authorised
27 officer in the execution of any warrant of distraint and the levying of distraint.

28 (3) Any official of the Council armed with the warrant issued by a
29 judicial officer and accompanied by a number of law enforcement officers as
30 may be determined by the Executive Secretary shall:

1 (a) enter any premises covered by such warrant and seal off the
2 premises, search for, seize and take possession of any book, document or
3 other article used or suspected to have been used in the commission of an
4 offence;

(b) inspect, make copies of, or take extracts including digital copies from any book, record, document or computer, regardless of the medium used for their storage or maintenance;

8 (c) search any person who is in or on such premises;

9 (d) open, examine and search any article, container or receptacle;

10 (e) open any outer or inner door or window of any premises and
11 enter or otherwise forcibly enter the premises and every part thereof; or

12 (f) remove by reasonable force any obstruction to such entry,
13 search, seizure or removal as he is empowered to effect.

(4) No person shall be bodily searched under this section except by a person who is of the same gender as the person to be bodily searched."

16 **14.** Section 63 of the Principal Act is amended in subsection (2) by
17 inserting after the Nord "Act" the words "shall be liable to a fine and/or
18 penalty as the Council shall prescribe by regulation; and/or imprisonment
19 for a term not exceeding 6 months upon conviction" to read thus:

Amendment of
section 63

20 “(2) A person who obstructs an Inspector in the execution of his
21 powers or duties under the provisions of this Act shall be liable to a fine
22 and/or penalty as the Council shall prescribe by regulation; and/or
23 imprisonment for a term not exceeding 6 months upon conviction. ”

24 **15.** Section 64 of the Principal Act is amended by rephrasing
25 subsection (1) and (3) as follows:

Amendment of section 64: Sanctions for non-compliance

"(1) Any person who fails to comply with the prescribed statements of accounting and financial reporting standards developed by the Council or any decision of the Council to the effect that a public interest entity has failed to comply with any of its pronouncements under this Act, and with such other accounting and financial reporting standards as may be specified

1 under the relevant enactments, shall be liable to a fine and/or penalty as the
 2 Council shall prescribe by regulation; and/or imprisonment for a term not
 3 exceeding 2 years upon conviction, provided that the Council shall bring such
 4 non-compliance to the notice of the preparers of such financial statements.

5 "(3) Any public interest entity which fails to comply with the notice
 6 referred to in sub-section (2) of this section shall be liable to a fine and/or
 7 penalty as the Council shall prescribe by regulation; and shall restate the said
 8 financial statements within 30 days thereafter."

Amendment of
 section 65:
 Sanctions on
 public interest
 entities

9 **16.** Section 65 of the Principal Act is amended in subsection (3) as
 10 follows:

11 "(3) Any public interest entity which fails to comply with the notice
 12 referred to in sub-section (2) of this section shall be liable to a fine and/or
 13 penalty as the Council shall prescribe by regulation; and be required to restate
 14 the said financial statements within 30 days thereafter and the Council shall
 15 require such entity to disclose same in the following year's financial
 16 statements."

Amendment of
 section 68:
 Limitation of
 suits against the
 officers of the
 Council and pre-
 action notice

17 **17.** Section 68 of the Principal Act is amended by numbering the
 18 exiting provision as section 68 (1) and new subsections (2) and (3) (a), (b) and
 19 (c) introduced thereof, as follows:

20 "(1) Subject to the provisions of this Bill, the provision of the Public
 21 Officers Protection Act shall apply in relation to any suit instituted against an
 22 officer or employee of the Council.

23 (2) No suit shall be commenced against the Council before the
 24 expiration of 30 days after a written notice of intention to commence the suit is
 25 served upon the Council by the intending plaintiff or his agent.

26 (3) The notice referred to, in subsection (2) of this section shall clearly
 27 and explicitly state:

28 (a) the cause of action;

29 (b) the particulars of the claim;

1 (c) the name and place of abode of the intending plaintiff; and the
2 relief sought.

3 PART IV - MISCELLANEOUS

4 **18.** Section 72 of the Principal Act is redrafted as follow:

Amendment of
section 72:
Publication of
Official Bulletin

5 "72. (1) The Council shall:

6 (a) periodically publish an Official Bulletin, which shall contain:

7 (i) the rules made by the Council; and

8 (ii) such other information as the Council may deem necessary;

9 (b) cause to be published in the Gazette, national daily newspapers
10 and been altered or revoked.

11 (2) The Council may cause to be published in the Gazette, national
12 daily newspapers and electronic media its findings or decisions under
13 section 60 and 61A of this Bill.

14 **19.** Section 73 of the Principal Act is amended by inserting the
15 words "The Council with the approval of the" before the word Minister as
16 follows:

Amendment of
section 73:
Power to make
Regulations

17 "(1) The Council may with the approval of the Minister make such
18 regulations as in his opinion are necessary or expedient for giving full effect
19 to the provisions of this Bill and for the due administration of its provisions."

20 PARTS V - INTERPRETATIONS

21 **20.** Section 77 of the Principal Act is amended as follows:

Amendment of
section 77:
Interpretation

22 "Annual report" means the documents that an entity issues on an annual
23 basis on its affairs, including its financial statements together with the audit
24 report thereon, and the report from the Board of Directors;

25 "Audit" has the same meaning as in the International Federation of
26 Accountants (IFAC) Code of Ethics for Professional Accountants;

27 "Audit firm" means a firm which provides audit services;

28 "Auditor" means a professionally qualified Accountant or firm of
29 Accountants appointed to conduct an examination of the records of an
30 enterprise and to form an opinion as to whether the accounts have been

- 1 prepared in accordance with generally accepted accounting principles.
- 2 "Board" means the governing body of ' the Financial Reporting Council of
- 3 Nigeria, established under section 2(1) of this Bill;
- 4 "Council under this Bill;
- 5 "Corporate Governance" refers to the roles of persons entrusted with the
- 6 supervision, control and direction of an entity;
- 7 "Director" has the same meaning given to it under the Companies and Allied
- 8 Matters Act, 2020 or any amendment thereof;
- 9 "Entity" means any person or body of persons, whether incorporated or
- 10 unincorporated;
- 11 "Financial reporting standards" mean accounting, auditing, actuarial and
- 12 valuation standards issued by the Council under this Bill;
- 13 "Financial statements" means the Statement of Financial Position or balance
- 14 sheet, income statements or profit or loss account, statement of changes in
- 15 equity, statement of cash flows, notes, statements and explanatory materials
- 16 thereon and other documents, as may be prescribed by the Council under this
- 17 Bill;
- 18 "Functions" include powers and duties;
- 19 "IASB" means the International Accounting Standards Board or its successor
- 20 body;
- 21 "IFAC" means the International Federation of Accountants or its successor
- 22 body;
- 23 "material irregularity" includes fraud, deliberate misstatements of financial
- 24 statements, falsifications, defalcations, etc.;
- 25 "Minister" means the Minister charged with responsibility of supervising the
- 26 activities of the Council;
- 27 "Offence" includes but is not limited to default in payment of annual
- 28 dues/subscriptions, submission of returns and other infractions, irregularities
- 29 committed by entity or individual against the provisions of this Bill;
- 30 "Official Bulletin" means the official journal of the Council;

1 "Practice" in relation to an auditor, means the practice of the auditor or the
2 audit firm;

3 "Chief of the Armed Forces of the Federation;

4 "Professional Accountant" means a person who is a member of a body of
5 professional Accountancy body, established by an Act of the National
6 Assembly and registered with the Council;

7 "Public Interest Entities" means:

8 (a) Governments and government organizations;

9 (b) listed and non-listed entities that are regulated;

10 (c) Public Companies;

11 (d) private companies that are holding companies of public or
12 regulated entities;

13 (e) concession entities;

14 (f) privatize companies;

15 (g) entities engaged by any tier of government in public works with
16 annual contract value of N1 billion and above, and settled from public funds;

17 (h) Licensees of Government; and

18 (i) entities that are required by law to file returns.

19 (j) "Qualified report" has the same meaning given to IFAC.

20 **21.** This Bill may be cited as the Financial Reporting Council of Citation
21 Nigeria Act, (Amendment) Bill, 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Financial Reporting Council of Nigeria Act, 2011, to among other things, streamline its provisions in line with global operational standards for efficiency and effectiveness.

A BILL

FOR

AN ACT TO AMEND THE CODE OF CONDUCT BUREAU AND TRIBUNAL ACT,
CAP. C15 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND FOR
RELATED MATTERS

Sponsored by Hon. Solomon T. Bob

[] Commencement

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

- | | |
|--|---|
| <p>1 1. The Code of Conduct Bureau and Tribunal Act, Cap. C15, Laws
2 of the Federation of Nigeria, 2004 (hereinafter called the "Principal Act") is
3 hereby amended as set out below.</p> | <p>Amendment of
the Code of Conduct
Bureau and Tribunal
Act, 2004</p> |
| <p>4 2. Section 20 (1) of the Principal Act be amended by adding at the
5 end of the words "in this Act referred to as the Tribunal" the words "which
6 shall be a superior Court of record with exclusive jurisdiction to try offences
7 under the Act".</p> | <p>Amendment of
section 20(1) of
the Principal Act</p> |
| <p>8 3. Section 24 of the Principal Act is amended by inserting
9 immediately after the existing sub-section (4) new sub-sections "(5)-(6)":
10 (5) Nothing In this act shall permit the commencement of any
11 action against a Judicial officer before the Tribunal unless such judicial
12 officer has been validly removed from office under section 292(1) of the
13 Constitution.</p> | <p>Amendment of
section 24 of the
Principal Act</p> |
| <p>14 (6)Any action seeking to prosecute any Judicial Officer in
15 contravention of sub-section (5) of this section shall not be entertained by
16 the Tribunal.</p> | |
| <p>17 4. This Bill may be cited as the Code of Conduct Bureau and
18 Tribunal Act (Amendment) Bill, 2022.</p> | <p>Citation</p> |

EXPLANATORY MEMORANDUM

This Bill seeks to prevent unlawful removal of Judicial Officers from office and to ensure compliance with the provisions of section 292(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

A BILL

FOR

AN ACT TO ESTABLISH A NATIONAL COUNCIL ON SPECIAL EDUCATION NEEDS (NCSEN), TO ENSURE FULL INTEGRATION OF PERSONS WITH SPECIAL NEEDS INTO THE SOCIETY AND DEFINE ITS FUNCTIONS, TO ENABLE CERTAIN DECISIONS MADE IN RELATION TO THE EDUCATION OF PEOPLE WITH SPECIAL NEEDS AND FOR RELATED MATTERS.

Sponsored by Hon. Ahmed Munir

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL COUNCIL ON SPECIAL
2 EDUCATION NEEDS (NCSEN)

3 1.-(1) There is hereby established a Council to be known as the Establishment of
4 National Council on Special Education Needs (NCSEN) (in this bill referred the National Council
5 to as "the Council") which shall have the functions specified in this Bill. on Special Education
6 Needs

7 (2) The Council shall be a body corporate with perpetual
8 succession and a common seal, and may sue and be sued in its own name.

9 (3) The Council may acquire, hold, or dispose of any property,
10 moveable or immovable, for the purpose of performing any of its functions
11 under this Bill.

12 (4) The Headquarters of the Council shall be located in the Federal
13 Capital Territory, Abuja.

14 PART II - OBJECTIVES AND FUNCTIONS OF THE COUNCIL

15 2. The objectives of the Council shall be to:

Objectives of the
Council

16 (a) To formulate and implement a framework for the establishment
17 of a comprehensive and high quality education system for all persons with
18 special needs (Dyslexia, Autism spectrum disorder (ASD), Attention Deficit
Hyperactivity Disorder (ADHD) etc.) in realization of the right to education

1 through National policy, legislative documents, guidelines, research policy
2 papers and practical tools covering a collection of topics such as inclusive
3 pedagogy and practices, professional development, language of instruction,
4 curriculum, and the physical learning environment;

5 (b) To provide resources and supports to schools in terms of improved
6 instructional materials, and training in dealing with these disorders to extend
7 equal access to a meaningful education;

8 (c) Provide standards which conform with international treaties and
9 conventions for the implementation of Special Education Needs;

10 (d) Eliminate exclusion and discrimination that hinders the right of
11 access to education to learners living with special needs.

12 (e) To provide supplemental Special Education services to learning
13 Institutions;

14 (f) Provides information to parents about the entitlements of children
15 with Special Education Needs;

16 (g) Advises the Minister of Education and Skills on Special
17 Education;

18 (h) Supplemental special education instructional materials include:

19 (i) Textbooks;

20 (ii) Computer hardware or software;

21 (iii) Other technological devices;

22 (iv) Other materials suitable for addressing an educational need of a
23 student receiving special education services.

24 (i) Supplemental special education services mean an additive service
25 that provides an educational benefit to individuals receiving special education
26 services, including:

27 (i) Occupational therapy;

28 (ii) Physical therapy;

29 (iii) Speech therapy;

30 (iv) Special need education tutoring techniques;

1 (v) Other supplemental instruction or programs

2 3. The Council shall have the following general functions:

Functions of the
Council

3 (a) To put into place a national curriculum, provide resources and
4 supports to educational institutions (early childhood, primary, secondary,
5 tertiary, technical, vocational and adult education) in terms of improved
6 instructional materials, and training in dealing with these disorders to extend
7 equal access to a meaningful education for all students with special needs;

8 (b) The Council shall employ and train specialists who shall be
9 assigned to serve as pilot coordinators to manage the pilot program and train
10 school instructors of special need education on best practices in handling
11 persons with special needs and its implementation will be routinely
12 reviewed;

13 (c) The Council shall work closely with Schools to build capacity
14 in SEN provisions within mainstream schools, providing them with a
15 bespoke solution for their staffing needs to optimize outcomes for their
16 students.

17 (d) Ensure equality, equity and non-discrimination in the provision
18 of special needs education;

19 (e) Transparency and accountability in the implementation of
20 programmes and activities and the allocation and utilization of public and
21 private resources for the delivery of special needs education;

22 (f) Co-ordinate public awareness and participation in the
23 implementation, monitoring and evaluation of policies and plans related to
24 the implementation of special needs education;

25 (g) Mandate schools to create programs that commensurate the
26 assimilation capabilities of persons with special education need;

27 (h) Assess and reviews resources required by Persons with
28 special education needs;

29 (i) Ensure that a special education student receives specialized
30 services; guaranteeing that services are appropriate and implementing

Duties of the
Council

- 1 auditing requirements to be followed by school boards;
- 2 (j) Ensure the progress of students with special needs is monitored
- 3 and reviewed;
- 4 (k) To issue out licenses for special needs to Institutions and
- 5 certifications to tutors;
- 6 (l) Coordinate between the Federal, State, and Local Governments
- 7 and relevant stakeholders in the implementation of activities necessary for
- 8 ensuring the actualization of the right to special needs education and assist in
- 9 integration of graduates of special needs education in to the workforce;
- 10 **4.** It shall be the duty of the Council within the limit of its resources
- 11 and in accordance with regulations made by the Council under Section
- 12 (Regulation) of this Bill, to through a Public-Private Partnership to follow
- 13 through with objectives and functions of the Council and;:
- 14 (a) Subject to the Provisions of this Bill, the Council may regulate its
- 15 own proceedings and its meetings shall be convened by the Chairman as and
- 16 when required;
- 17 (b) The Chairman shall preside at meetings of the Board but if the
- 18 Chairman is absent at any meeting the Members present shall elect one of their
- 19 number to provide at that meeting;
- 20 (c) Eight members of the Board including the Chairman shall form a
- 21 quorum.

22 **5.** Without bias to the generality of section (8) of this section, it shall

23 be the duty of the Council to:

- 24 (a) Approve the research and training programmes of the institute;
- 25 (b) Ensure the acquisition of sustainable and improved for special
- 26 .need education with the provision of technologically driven methods;
- 27 (c) Promote or undertake any other activity that will help achieve the
- 28 goals of the institute by the board.

Establishment
of the Governing
Board

29 PART III - COMPOSITION OF THE COUNCIL

30 **6.** There shall be established for the Council a Governing Board

1 (hereinafter referred to as "the Board") which shall be responsible for
 2 running the affairs of the Council.

3 7. The Board shall consist of:

Composition of
the Board

4 (a) a Chairman;

5 (b) one person representing each state in the geo-political zone and
 6 the Federal Capital Territory;

7 (c) two persons representing Federal Ministry of Education and
 8 Federal Ministry of Health;

9 (d) a representative of the Executive Secretary of the Council.

10 8. The Chairman and Members of the Board other than ex-officio
 11 members shall be:

Appointment

12 (a) Appointed by the President subject to confirmation by the
 13 Senate;

14 (b) Persons of proven integrity, honor and ability; and

15 (c) Part-time Members except the Executive Secretary who shall
 16 be a full-time Member

17 9. The Chairman and other Members of the Board, other than the
 18 Executive Secretary and ex-officio members shall hold office:

Tenure of office
of Members of
the Board

19 (a) For a term of four years and may be reappointed for a further
 20 term of four years and no more; and

21 (b) Such terms and conditions may be specified in their letter of
 22 appointment

23 10. The Executive Secretary shall:

Tenure of office
of the Executive
Secretary

24 (a) Hold office for a term of four years and may be reappointed for a
 25 further term of four years and no more;

26 (b) Be paid such remuneration as may be prescribed in the letter of
 27 appointment; and

28 (c) The ex-officio members may be replaced by their nominating
 29 organizations at any time provided the Executive Secretary is informed four
 30 weeks before the replacement is made.

Removal from office	1	11. Notwithstanding the provisions of Part III of this Bill, a member of
	2	the Board, may, at any time, be removed from office by the President on the
	3	occurrence of any of the following:
	4	(a) If the member becomes bankrupt;
	5	(b) If the member is convicted for a felony or any offence involving
	6	fraud or dishonesty;
	7	(c) Where the member becomes of unsound mind or is incapable of
	8	carrying out his duties;
	9	(d) If the member is guilty of a serious misconduct in relation to his or
	10	her duties; or
	11	(e) In case of a person who has a professional qualification, the basis
	12	of which he or she was appointed, he or she is disqualified or suspended, other
	13	than at his or her own request from practicing the profession in any part of the
	14	World by an order of competent authority made in respect of that member
Allowances	15	12. Members of the Board shall be paid such allowances and benefits
	16	as the Revenue Mobilization, Allocation and Fiscal Commission shall from
	17	time to time direct.
	18	PART IV - STAFF OF THE COUNCIL
Executive Secretary	19	13. There shall be an Executive Secretary for the Council who shall
	20	be:
	21	(a) An Educationist or a health professional, with no less than fifteen
	22	years' experience;
	23	(b) The Chief Executive and Accounting officer of the Council; and
	24	(c) Responsible to the Chairman and the Board for the Execution of
	25	the strategies, policies and the administration of day to day activities of the
	26	Council.
Appointment of staff officers and other employees	27	14. The Board shall appoint for the Council:
	28	(a) Such officers and other employees as it may, from time to time,
	29	deem necessary for the performance of its functions under this Bill; and
	30	(b) Such number of specialist employees as may, in the opinion of the

1 Board, be required to assist the Council in the discharge of its functions.

2 **15.** The Council may make staff regulations relating generally to Staff regulations
3 the conditions of service of the employees of the Council:

4 (a) The regulations may provide for:

5 (i) The appointment, promotion and disciplinary control
6 (including dismissal) of employees of the Council; and

7 (ii) Appeals by such employees against the dismissal or other
8 disciplinary measures.

9 (b) Until the regulations are made, any instrument relating to the
10 conditions of service of officers in the Civil Service of the Federation shall
11 be applicable;

12 (c) Staff regulations made under this section shall not have effect
13 until approved by the Council, and when so approved, the regulations any
14 not be published in the Official Gazette, but the Council shall cause them to
15 be brought to the notice of all persons to be affected in such manner as it may,
16 from time to time, determine.

17 **16.** Service in the Council shall be approved service for the Service of process
18 purposes of the Pensions Act and accordingly, employees of the Council
19 shall be entitled to pension, gratuities and other retirement benefits as are
20 prescribed in the Pensions Act, 2004.

21 **17.** Notwithstanding the provisions of Part IV (18) of this Bill,
22 nothing in this Bill shall prevent the appointment of a person to any office on
23 terms which preclude the grant of pensions, gratuity or any other retirement
24 benefit in respect of that office.

25 PART V - FINANCIAL PROVISIONS

26 **18.** The Council shall establish a Fund from which shall be Establishment of
27 defrayed all expenditure incurred by the Council for the purposes of this Fund
28 Bill. There shall be paid and credited to the Fund of the Council:

29 (a) Adequate take off grant from the Federal Government;

Application of
Fund

- 1 (b) Annual subventions and budgetary allocations from the Federal
2 Government;
- 3 (c) Loans and grants in aid from national, bilateral and multilateral
4 agencies;
- 5 (d) Counterpart funding as may be provided from time to time;
- 6 (e) all sums accruing to the Council by way of rents, fees and other
7 internally generated revenues from services rendered by the Council; and
- 8 (f) All sums accruing to the Council by way of gifts, endowments,
9 bequeaths or other voluntary contributions by persons and organisations.
- 10 **19.** The Council shall, from time to time, apply the funds at its
11 disposal to:
- 12 (a) the cost of establishing and maintaining the Head Office of the
13 Council at the Federal Capital Territory, Abuja and its offices located in other
14 places in the geo-political zone;
- 15 (b) The cost of compliance monitoring and enforcement activities;
- 16 (c) Pay allowances and other benefits of members of the Board and of
17 its Committees;
- 18 (d) Pay the salaries and entitlements of the Executive Secretary and
19 other Members of Staff of the Council;
- 20 (e) Pay the personnel, overhead, allowances, pensions, gratuities,
21 benefits and other administrative costs of the Council;
- 22 (f) Pay for attendance at local and international conferences related to
23 its functions;
- 24 (g) Build capacity of members of staff of the Council;
- 25 (h) Publicize and promote the activities of the Council;
- 26 (i) Attend National and International professional seminars on special
27 education needs;
- 28 (j) Pay for services and contracts entered into by the Council; and
- 29 (k) Undertake any other activity in connection with all or any of the
30 functions of the Council.

Exemption from
income tax

Estimates and expenditure

Accounts and
audit

Annual report

PART VI - OFFENCES AND PENALTIES

24. A person who obstructs an officer of the Council in the performance of his duties under section (7) of this Bill commits an offence and is liable on conviction to a fine of not less than N 2,000,000 for an individual or to imprisonment for a term not exceeding one year or to both such fine and imprisonment, and an additional fine of N20,000 for each day the offence subsists and in the case of a body corporate, it shall be liable for a fine of N20,000,000, on conviction and an additional fine of N200,000 for every day the offence subsists

PART VII - LEGAL PROCEEDINGS

Limitation of suit against Council

	1	(a) Cause of action;
	2	(b) Particulars of the claim;
	3	(c) Name and place of abode of the intending plaintiff; and
	4	(d) Relief which he claims.
Notice of summons	5	26. The notice referred to in Section (28) of this Bill and any
	6	summons, notice or other document required or authorized to be served on the
	7	Council under the provisions of this Bill or any other enactment or law may be
	8	served by:
	9	(a) delivering the same to the office of the Executive Secretary; or
	10	(b) sending it by registered post addressed to the Executive Secretary
	11	at the Head Office of the Council.
	12	27. Subject to the provisions of section 174 of the Constitution of the
	13	Federal Republic of Nigeria 1999, (which relates to the power of the Attorney-
	14	General of the Federation to institute, continue or discontinue criminal
	15	proceedings against any person in a court of law), any officer of the Council
	16	may, with the consent of the Attorney-General of the Federation, conduct
	17	criminal proceedings in respect of offences under this Bill or regulations made
	18	under this Bill.
	19	28. In a judicial proceeding for an offence under this Bill or any
	20	regulation made under it, the provisions of the Criminal Procedure Act or
	21	depending on the venue, the- Criminal Procedure Code shall, with such
	22	modification as the circumstance may require, apply in respect of such matter
	23	to the same extent as they apply to the trial offences generally.
	24	PART VIII - MISCELLANEOUS PROVISIONS
Minister's directives	25	29. The Minister may, with the approval of the President, give the
	26	Board such directives as are necessary or expedient for giving full effect to the
	27	provisions of this Bill and for the due administration of its provisions and the
	28	Board shall comply with such directives
Regulations	29	30. The Board may, with the approval of the Minister, make

1 regulations for the purpose of carrying out or giving full effect to the
2 provisions of this Bill.

3 PART IX - INTERPRETATION AND SHORT TITLE

4 **31.** In this Bill, unless the context otherwise requires:

Interpretation

5 "Council " means National Council on Special Education Needs established
6 by section 1 of the Act "Board" means the Governing Board of the Council;

7 "Employee" includes applicant or prospective employee, commission
8 agent, contract worker, independent contractor, or person applying to be
9 commission agent, contract worker or independent contractor;

10 "Employer" includes prospective employer, principal and a person who
11 engages or proposes to engage a commission agent, contract worker or
12 independent contractor;

13 "Member" means a member of the Board and includes the Chairman and
14 Executive Secretary;

15 "Minister" means the Minister of Education and Health;

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

17 "school" means a recognized school (within the meaning of the Act);

18 "special educational needs" means, in relation to a person, a restriction in the
19 capacity of the person to participate in and benefit from education on
20 account of an enduring physical, sensory, mental health or learning
21 disability, or any other condition which results in a person learning
22 differently from a person without that condition and cognate words shall be
23 construed accordingly.

24 **32.** This Bill may be cited as the National Council on Special
25 Education Needs (Establishment) Bill, 2022.

Short title

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

3 *Proceedings of the Board*

4 1. Subject to the provisions of this bill and section 17 of the
5 Interpretation bill, the Board may make standing orders regulating its
6 proceedings or those of any of its committees.

7 2. The quorum of the Board shall be the Chairman or the person
8 presiding at the meeting and 7 other members of the Council including the
9 Executive Secretary and the quorum of any committee of the Board shall be as
10 determined by the Board.

11 3. The Board shall meet whenever it is summoned by the Chairman
12 and if the Chairman is required to do so by notice given to him by not less than 8
13 other members, he shall summon a meeting of the Council to be held within 14
14 days from the date on which the notice is given.

15 4. At any meeting of the Board, the Chairman shall preside but if he is
16 absent, the members present at the meeting shall appoint one of them to preside
17 at the meeting.

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

23 6. The Board may establish one or more committees to carry out, on
24 behalf of the Board, such functions as the Board may determine.

25 7. A committee established under this paragraph shall consist of such
26 number of persons as may be determined by the Board and a person shall hold
27 office on the committee in accordance with the terms of his appointment.

28 8. A decision of a committee of the Board shall be of no effect until it is
29 ratified by the Board.

30 9. The fixing of the seal of the Council shall be authenticated by the

1 signature of the Chairman, the Executive Secretary or any person generally
2 or specifically authorized by the Board to act for that purpose.

3 10. A contract or instrument which, if made or executed by a person
4 not being a body corporate, would not be required to be under seal may be
5 made or executed on behalf of the Council by the Executive Secretary or any
6 person generally or specifically authorized by the Board to act for that
7 purpose.

8 11. A document purporting to be a document duly executed under
9 the seal of the Council shall be received in evidence and shall, unless and
10 until the contrary is proved, be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a National Council on Special Education Needs into the Society and define its functions, to enable certain decisions made in relation to the education of people with special needs.