

Extraordinary



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A BILL

FOR

AN ACT TO ESTABLISH FEDERAL INSTITUTE FOR DIVING TECHNOLOGY,
SOKEBOLOU, DELTA STATE CHARGED WITH RESPONSIBILITY TO PROVIDE
FULL-TIME COURSES IN DEEP SEA (OCEAN) DIVING STUDIES AND FOR
RELATED MATTERS

Sponsored by Hon. Julius G. Pondi

[] Commencement

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

- | | | |
|----|--|---|
| 1 | 1.-(1) There is established Federal Institute for Diving Technology, | Establishment of the Federal Institute for Diving Technology |
| 2 | Sokebolou, Delta State (in the Bill referred to as "the Institute) | |
| 3 | (2) The institute shall be a body corporate with- | |
| 4 | (a) perpetual succession; | |
| 5 | (b) a common seal; | |
| 6 | (c) may sue and be sued in its corporate name; and | |
| 7 | (d) may hold, acquire and dispose of any movable and immovable | |
| 8 | property. | |
| 9 | 2. The Objects of the Institute shall be- | Objects |
| 10 | (a) to encourage the advancement of learning and research and to | |
| 11 | hold out all persons, the opportunity of acquiring a higher education in | |
| 12 | diving technology; | |
| 13 | (b) to act as agent and catalyst, through training, research and | |
| 14 | innovation for the effective and economic utilization, and conservation of | |
| 15 | Nigeria's natural and human resources; | |
| 16 | (c) to develop and offer academic and professional programmes | |
| 17 | leading to the award of diplomas, higher national diplomas, certification in | |
| 18 | International Marine Contractors Association- IMCA, and other deserving | |
| 19 | certificates in diving and related fields of study in diving; | |

| | | |
|----------------------------------|----|--|
| | 1 | (d) to identify the diving problems and needs of Nigeria and to find |
| | 2 | solutions to them within the context of overall national development; |
| | 3 | (e) to offer academic programs in relation to the training of manpower |
| | 4 | in diving in seas, oceans, rivers etc in Nigeria; |
| | 5 | (f) to organize research and studies relevant to training in diving with |
| | 6 | emphasis on ocean, sea, and river diving; |
| | 7 | (g) to organize rescue services and out-reach programs for technology |
| | 8 | transfer; |
| | 9 | (h) to establish institutions linkages in order to foster collaboration |
| | 10 | and integration of training, research and rescue activities; and |
| | 11 | (i) to do such things as may be appropriate to achieving the objects of |
| | 12 | the Institute. |
| Constituents of the Institute | 13 | 3.-(1) The Governing Council shall consist of: |
| | 14 | (a) Chairman; |
| | 15 | (b) Rector; |
| | 16 | (c) Deputy Rector; |
| | 17 | (d) Schools, Departments and other teaching and research units; |
| | 18 | (e) persons holding the office constituted by the schedule to this Bill |
| | 19 | other than those maintained in paragraphs (a) - (d) of this sub-clause; |
| | 20 | (f) all students of the Institute; and |
| | 21 | (g) all other persons who are members of the Institute in accordance |
| | 22 | with provisions made by regulation in that behalf. |
| | 23 | (2) The Schedule to this Bill shall have effect with respect to the |
| | 24 | principal officers of the Institute mentioned herein |
| | 25 | (3) Subject to Clause 6 of the Bill, provision shall be made by |
| | 26 | regulation with respect to the constitution of the following bodies, namely |
| | 27 | Board, Congregation and Convocation. |
| Powers of the Institute | 28 | 4.-(1) For the carrying out of its objects as specified in clause 2 of this |
| | 29 | Bill, the Institute shall have power to: |
| | 30 | (a) to establish such campus, college, schools, extra-moral |

1 departments and other teaching and research units within the Institute as
2 may, from time to time be deemed necessary or desirable, subject to the
3 approval of the appropriate body;

4 (b) to offer complete programme of training and professional
5 certification in the Institute's technological field-theory, practical
6 experience and certificates as a professional divers' Institute and have
7 satisfied such other requirements as the Institute may lay down; that is:

- 8 (i) Saturation Diving Theory;
- 9 (ii) Nitrox Mixed GSS Diving (Specialty Elective);
- 10 (iii) Hot Water Systems;
- 11 (iv) Hazwoper;
- 12 (v) First Aid & CPR;
- 13 (vi) Safety Standards;
- 14 (vii) Inland Diving Operations;
- 15 (viii) Inspections and Report Writing;
- 16 (ix) Dive Boat Seamanship;
- 17 (x) Oxygen Provider;
- 18 (xi) Underwater Tools;
- 19 (xii) Diving Equipment Maintenance;
- 20 (xiii) Surface Decompression;
- 21 (xiv) Offshore Oil Operations;
- 22 (xv) Dive Tending;
- 23 (xvi) Commercial Scuba;
- 24 (xvii) Hyperbaric Chamber Operations;
- 25 (xviii) Rigging;
- 26 (xix) Remote Operated Vehicles ROV;
- 27 (xx) Non-Destructive Testing – NDT;
- 28 (xxi) Bridge Inspections;
- 29 (xxii) Salvage;
- 30 (xxiii) Underwater cutting and welding;

- 1 (xxiv) Communications;
- 2 (xxv) Decompression and Treatment Tables;
- 3 (xxvi) Medical Aspects of Diving Theory;
- 4 (xxvii) Diving Physics and Physiology Theory;
- 5 (xxviii) Pipe Penetration;
- 6 (xxix) Underwater Projects etc.
- 7 (c) institute readerships, exhibitions, bursaries, medal prizes and
- 8 other titles, distinctions, awards and other forms of assistance;
- 9 (d) provide for the discipline and welfare of Students of the Institute;
- 10 (e) demand and receive from any student or any other person
- 11 attending the Institute for the purpose of instruction such as fee as the institute
- 12 may; from time to time, determine subject to the overall direction of the
- 13 council;
- 14 (f) acquire, hold, grant, charge or otherwise deal with or dispose of
- 15 movable or immovable property wherever situate;
- 16 (g) accept gifts, donations, legacies but without obligation to accept
- 17 the same for a particular purpose unless it approves the terms and condition
- 18 attaching thereto;
- 19 (h) enter into contracts, establish trust, act as trustee, solely or jointly
- 20 with any other person, and employ and act through agents;
- 21 (i) erect, provide, equip and maintain libraries, laboratories, lecture
- 22 halls, hall of residence, sports grounds, playing fields and other buildings or
- 23 things or things necessary or suitable or convenient for any of the objects of the
- 24 institute;
- 25 (j) hold public lectures and to undertake printing, publishing and book
- 26 selling;
- 27 (k) subject to any limitations or conditions imposed by regulations, to
- 28 invest any money appertaining to the institute by way of endowment, not being
- 29 immediately required for expenditure in any investment or securities or the
- 30 purchase or improvement of land, with power from time to time to vary any

1 such investment and to deposit any money for the time being not invested
2 with any bank on deposit or current account;

3 (l) do anything which it is authorized or required by this Bill or by
4 regulation to do; and

5 (m) do all such acts or things incidental to the foregoing powers, as
6 may advance the objects of the institute.

7 (2) Subject to the provisions of this Bill and of the regulations, the
8 power conferred on the institute shall be exercisable on behalf of the
9 institute by the Governing Board or in any other manner, which may be
10 authorized by regulation.

11 5.-(1) There is established for the Institute, a governing
12 board/council (herein after referred to as the exceed Council.

Establishment
of the Governing
Council

13 (2) The Board/Council shall consist of:

14 (a) the Chairman;

15 (b) the Director;

16 (c) the Deputy Director ,

17 (d) the person not below the rank of Director to represent the
18 Federal Ministry of Water Resources;

19 (e) two persons appointed by the Academic Board from among its
20 members;

21 (f) two persons appointed by congregation from among its
22 members;

23 (g) one person appointed by convocation from among its members;

24 (h) the Director and Deputy Director shall be Chairman and
25 Secretary respectively.

26 6.-(1) The Chairman shall, in relation to the Institute, take
27 precedence before all other members of the Institute and when he is present
28 preside at all meetings of convocation held for conferring National Diploma
29 and Higher National Diploma and/or any other certification as may be
30 approved by the Institute;

Functions of the
Chairman of the
Governing Council

Functions of the
Council

1 7.-(1) Subject to the provisions of this Bill relating to the visitor, the
2 Board/Council shall be the governing body of the Institute, and shall be
3 charged with the general control and superintendence of the policy, finance and
4 property of the Institute.

5 (2) The Council shall ensure that proper accounts of the institute are
6 kept and that the accounts are audited annually by an independent firm of
7 auditors approved by the board/council.

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

10 (4) If request in writing by any five members of board/council, the
11 Chairman shall within 28 days after the receipt of such request call a meeting of
12 the board/council.

13 (5) Any request made under sub-clause (4) of this clause shall specify
14 the business to be considered at the meeting and a business not so specified
15 shall not be transacted at the meeting.

16 (6) The council may make rules for regulating its own procedure.

Finance and
General Purpose
Committee

17 8.-(1) There shall be a committee on the council to be known as the
18 Finance and General purpose committee, which shall, subject to the directions
19 of the Council, exercise control over the property and expenditure of the
20 institute, and perform such other functions of the council as the council may,
21 from time to time, delegate to it.

Functions of the
Academic Boards

22 9.-(1) There shall be for the Institute an Academic Board, whose
23 general function shall be to organize and control the teaching by the institute,
24 the admission and the discipline of students; and to promote research at the
25 institute;

26 (2) Without prejudice to the generality of sub clause (1) of this clause,
27 it shall particularly be the functions of the Council to make provision for:

28 (a) the establishment, organization and control of Campuses, Schools
29 and other teaching and research units of the Institute and allocation of
30 responsibility for different branches of learning;

1 (b) the award of National Diplomas, Higher National Diplomas
2 and such other qualifications as may be prescribed, in connection with
3 examinations hold as aforesaid;

4 (c) the making of recommendations to the council with respect to
5 the award to any person of an honorary fellowship;

6 (d) the establishment, organisation and control of halls of residence
7 and similar institutions at the Institute;

8 (f) determine what description of dress shall be academic dress for
9 the purpose of the Institute and regulating the use of academic dress.

10 (2) The Council shall not establish any new campus, college,
11 school, department, institute or other teaching and research units of Institute
12 without the approval of Council.

13 (3) Subject to this Bill, the Academic Board may make regulations
14 for the purpose of exercising any function conferred on it either by the
15 foregoing provisions of this clause or otherwise or for the purpose of making
16 provisions for any matter for which provision by regulations is authorized or
17 required by this Bill.

18 (4) Subject to a right of appeal to the Council from a decision of the
19 Academic Board under this sub-clause, the Council may deprive any person
20 of any Diploma, Higher National Diploma or other award of the Institute
21 which has been conferred upon him if after due enquiry he is shown to have
22 been guilty of dishonourable or scandalous conduct in gaining admission
23 into the Institute or obtaining that award.

24 **10.-(1)** The Rector shall, in relation to the Institute, take
25 precedence before all other members of the Institute and any other person
26 for the time being acting as chairman of the Council.

Functions of the
Rector

27 (2) Subject to clauses 8, 9, and 15 of this Bill, the Director shall
28 have the general function, in addition to any other functions conferred on
29 him by this Bill or otherwise, of directing the activities of the Institute and
30 shall be the chief executive and academic officer of the Institute and

Mode of exercising
power to make
regulations

1 chairman of the Academic Board.

2 (3) The power to make regulations conferred by this clause shall not
3 be prejudiced or limited in any way by reason of the inclusion or omission of
4 any matter in or from the Bill or any subsequent enactment,

5 11.-(1) The power of the Institute to make regulations shall be
6 exercised in accordance with the provisions of this clause and not otherwise

7 (2) A proposed regulation shall not become effective and enforceable
8 unless it has been approved:

9 (a) at a meeting of the Academic Board, by the votes of not less than
10 two thirds of the members present and voting; and

11 (b) at a meeting of the Board/Council, by the votes of not less than two
12 thirds of the members' present and voting.

13 (3) A proposed regulation may originate either in the Academic
14 Board, and may be approved as required by sub-clause (2) of this clause by
15 either one of those bodies.

16 (4) A regulation which makes provision for or alters the composition
17 or constitution of the Council, the Academic Board or any other authority of the
18 Institute shall not come into operation unless it has been approved by the
19 Council.

20 (5) For the purposes of clause 1 (2) of the Interpretation Act, a
21 regulation shall be treated as being made on the date on which it duly approved
22 by the Council after having been approved by the Academic Board, as the case
23 may be or, in the case of a regulation falling within sub-clause (4) of this clause,
24 on the date on which it is approved by the President.

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

26 (a) as to the meeting of, any provision of a regulation; or

27 (b) as to whether any matter is for the purpose of this Bill an academic
28 matter as they relate to such doubt or dispute, the matter may be referred to the
29 Visitor, who shall take such advice and make such decision therein as he shall
30 think fit.

1 (7) The decision of the Visitor on any matter referred to him under
2 sub-clause (6) of this clause shall be final and binding upon the authorities,
3 staff and students of the Institute and where any question as to the meaning
4 of any provision of a regulation has been decided by the visitor under that
5 sub-clause, the question as to the meaning of that provision shall not be
6 entertained by any court of law in Nigeria.

7 (8) Nothing in sub-clause (7) of this clause shall affect any power
8 of a court of competent jurisdiction to determine whether any provision of a
9 regulation is wholly or partially void, as being ultra vires or as being
10 inconsistent with the Constitution of the Federal Republic of Nigeria, 1999.

11 (9) Proof of regulations: A regulation may be proved in any court
12 by the production of a copy thereto bearing affixed to it a certificate
13 purporting to be signed by the Rector or the Secretary to the Council to the
14 effect that the copy is a true copy of a regulation of the Institute.

15 *Supervision and discipline*

16 **12.-(1)** The President shall be the Visitor of the Institute. The Visitor

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

21 (3) It shall be duty of the bodies and persons comprising the
22 Institute to make available to the Visitor and to any other person conducting
23 a visitation in pursuance of this clause, such facilities and assistance as he or
24 they may reasonably require for the purpose of a visitation.

25 **13.-(1)** If it appears to the Council that a member of the Council Removal of certain
26 (other than the Visitor or the Rector should be removed from office on the members of Council
27 ground of misconduct or inability to perform the functions of his office or
28 employment, the Council shall make a recommendation to that effect
29 through Minister to the President after making such enquiry, if any, as may
30 be considered appropriate, and if the President approves the

Removal and
discipline of
Academic,
Administrative
and Professional
Staff

1 recommendation he may direct the removal of the person in question from
2 office.

3 (2) It shall be the duty of the Minister to use his best endeavor to cause
4 a copy of the instrument embodying a direction under sub-clause (1) of this
5 clause to be served as soon as reasonably practicable on the person to whom it
6 relates.

7 **14.**-(1) If it appears to the Council that there are reasons for believing
8 that any person employed as a member of the academic, administrative or
9 professional staff of the college, other than Rector should be removed from his
10 office or employment on the ground of misconduct or if inability to perform the
11 functions of his office or employment, the Council shall-

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

13 (b) afford him an opportunity of making representations in person on
14 the matter;

15 (c) appoint a Staff Disciplinary Committee, and if the Council, after
16 considering the report of the Staff Disciplinary Committee, is satisfied that the
17 person in question should be removed as aforesaid, the Council may so remove
18 him by an instrument in writing signed on the directions of the Council.

19 (2) The Rector may, in case of misconduct by a member of staff which
20 in the opinion of the Rector prejudicial to the interests of the Institute, suspend
21 such member and any such suspension shall forthwith be reported to the
22 Council.

23 (3) For good cause, any member of staff may be suspended from his
24 duties or his appointment may be terminated by the Council, and for the
25 purposes of this sub-clause, "Good cause" means-

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

29 (b) any physical or mental incapacity which the Council, after
30 obtaining medical advice, considers to be such as to render the person

- 1 concerned unfit to continue to hold his office; or
- 2 (c) conduct which the Council considers to be such as to constitute
- 3 failure or inability of the person concerned to discharge the functions of his
- 4 office or to comply with terms and conditions of his service; or
- 5 (d) conduct which the Council considers to be generally of such
- 6 nature as to render the continued appointment or service of the person
- 7 concerned prejudicial or detrimental to the interest of the Institute.
- 8 (4) Any person suspended pursuant to sub-clause (2) or (3) of this
- 9 clause shall be on half pay and the Council shall before the expiration of a
- 10 period of three months after the date of such suspension consider the case
- 11 against that person and come to a decision as to-
- 12 (a) whether to continue such person's suspension and if so on what
- 13 terms (including the proportion of his emoluments to be paid to him); or
- 14 (b) whether to re-instate 'such person in which case the Council
- 15 shall restore his full emoluments with effect from the date of suspension; or
- 16 (c) whether to terminate the appointment of the person concerned
- 17 in which case such person shall not be entitled to the proportion of his
- 18 emoluments withheld during the period of suspension; or
- 19 (d) whether to take such lesser disciplinary action against such
- 20 person (including the restoration of such proportion of his emoluments as
- 21 might have been withheld) as the Council may determine.
- 22 (5) In any case where the Council, pursuant to this clause, decides
- 23 to continue a person's suspension or decides to take further disciplinary
- 24 action against a person, the Council shall before the expiration of a period of
- 25 three months from such decision come to a final determination in respect of
- 26 the case concerning any such person.
- 27 (6) It shall be the duty of the person by whom an instrument of
- 28 removal is signed in pursuance of sub-clause (1) of this clause to use his best
- 29 endeavor to cause a copy of instrument to be .served as soon as reasonably
- 30 practicable on the person to whom it relates.

| | | |
|--------------------------------------|----|--|
| | 1 | (7) Nothing in the foregoing provisions of this clause shall - |
| | 2 | (a) apply to any directive given by the Visitor in consequence of any |
| | 3 | visitation; or |
| | 4 | (b) prevent the Council from making regulations for the discipline of |
| | 5 | other categories of workers of the Institute as may be prescribed. |
| Procedure for staff discipline | 6 | 15.-(1) The Rector or Academic Board shall constitute an |
| | 7 | Investigation Panel to determine whether or not a prima facie case has been |
| | 8 | established against any member of staff. |
| | 9 | (2) The Investigation Panel shall include the President or the |
| | 10 | Chairman of the union to which the staff being investigated belongs. |
| | 11 | (3) The Rector shall constitute a Staff Disciplinary Committee which |
| | 12 | shall consist of such members of the Academic Board as he may determine, to |
| | 13 | consider the report of the Investigating Panel. |
| | 14 | (4) The report and recommendation of the Staff Disciplinary |
| | 15 | Committee shall be forwarded to the Council for consideration and decision. |
| Appointment of external examiners | 16 | 16. External examiners shall be appointed by the Academic Board. |
| Removal of examiners | 17 | 17.-(1) If on the recommendation of the Academic Board, it appears |
| | 18 | to the Rector that a person appointed as an examiner for any examination of the |
| | 19 | Institute out to be re-moved from his office or appointment, then except in such |
| | 20 | cases as may be prescribed, the Rector may, after affording the examiner an |
| | 21 | opportunity of making representations in person on the matter, remove the |
| | 22 | examiner from the office or appointment by an instrument in writing signed by |
| | 23 | the Rector. |
| | 24 | (2) Subject to the provisions of regulations made in pursuance of |
| | 25 | clause 9 (5) of this Bill, the Rector may, on the recommendation of the |
| | 26 | Academic Board, appoint an appropriate person as examiner in place of the |
| | 27 | examiner removed in pursuance of sub-clause (1) of this clause. |
| | 28 | (3) It shall be duty of the Rector to sign an instrument of removal in |
| | 29 | pursuance of this clause, to use his best endeavor to cause a copy of this |

1 instrument to be served as soon as is reasonably practicable on the person to
2 whom it relates.

3 **18.-(1)** Subject to the provisions of this clause, where it appears to
4 the Rector that any student of the Institute has been guilty of misconduct, the
5 Rector may, in consultation with the Academic Board, and without
6 prejudice to any other disciplinary power conferred on him by regulation or
7 regulations, direct that-

Discipline of
students

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

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

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

16 (d) the student be expelled from the Institute.

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

23 (3) The Fact that an appeal from a direction is brought in pursuance
24 of subclause (2) of this clause shall not affect the operation of the direction
25 while the appeal is pending.

26 (4) The Rector may delegate his powers under this clause to a
27 Disciplinary Committee consisting of such members of the Institute as he
28 may nominate.

29 (5) Nothing in this clause shall be construed as preventing the
30 restriction or termination of a student's activities at the Institute otherwise

1 than on the ground of misconduct.

2 (6) Without prejudice to the provision of subclause (1) of this clause,
3 nothing shall prevent the Rector from taking an immediate disciplinary action
4 against a student where he deems fit, and report thereafter to the Academic
5 Board.

6 (7) It is hereby declared that a direction under subclause (1) (a) of this
7 clause may be combined with a direction under subclause (1) (b) of this clause.

8 (8) No staff or student shall resort to a law court without proof of
9 having exhausted the internal/integral avenues for settling disputes or
10 grievances or for seeking redress.

11 (9) The Visitor shall be the final arbiter on staff and student discipline,
12 and his decision shall not be contestable in any court of law in Nigeria.

13 (10) Nothing in this subclause shall affect any power of a court of
14 competent jurisdiction to enforce the fundamental right of any aggrieved
15 citizen as enshrined in the Constitution of the Federal Republic of Nigeria,
16 1999.

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

17 **19.-(1)** No person shall be required to satisfy the requirement as to any
18 of the following matters, that is to say, race (including ethnic grounding), sex,
19 place of birth or family origin, or religious or political persuasion, as a
20 condition of becoming or continuing to be a student at the Institute, the holder
21 of any certificate of the Institute or of any appointment or employment at the
22 Institute or a member of anybody established by virtue of this Bill; and no
23 person shall be subjected to any disadvantage or accorded any advantage in
24 relation to the Institute, by reference to any of those matters.

25 (2) Nothing in sub-clause (1) of this clause shall be construed as
26 preventing the Institute from imposing any disability or restriction on any of
27 the aforementioned persons where such person willfully refuses or fail on
28 grounds of religious belief to undertake any duty generally and uniformly
29 imposed on all such persons or any group of them which duty, having regard to
30 its nature and the special circumstance pertaining thereto, is in the opinion of

1 the College reasonably justifiable in the national interest.

2 **20.**-(1) Without prejudice to the provisions of the Land Use Act, the
3 Institute shall not dispose of or charge any land or an interest in any land
4 (including any land transferred to the institute by this Bill) except either with
5 the prior written consent either general or special, of the President.

Restriction on
disposal of land
by the Institute

6 (2) Provided that such consent shall not be required in the case of
7 any lease or tenancy at a rack-rent for a term not exceeding 21 years or lease
8 or tenancy to be a member of the Institute for residential purposes.

9 **21.** Except as may be otherwise provided by regulation or by
10 regulations, the quorum and procedure of any body of persons established
11 by this Bill shall be as determined by that body.

Quorum and
procedure of bodies
established by this
Bill

12 **22.**-(1) Anybody of persons established by this Bill shall, without
13 prejudice to the generality of the powers that body, have power to appoint
14 committees, which need not consist exclusively of members of that body
15 and to authorize established by it-

Appointment of
Committee, etc.

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

18 (b) to co-opt members, and may direct whether or not co-opted
19 members (if any) shall be entitled to vote in that committee.

20 (2) Any two or more such bodies may arrange for the holding of
21 joint meeting: of those bodies or for the appointment of Committees
22 consisting of members of those bodies or any of them and either of dealing
23 with it or of reporting on it to those bodies or any of them.

24 (3) Except as may be otherwise provided by regulation or by
25 regulations, the quorum and procedure of a Committee established or
26 meeting held in pursuance of this clause shall be such as may be determined
27 by the body or bodies which have decided to establish the committee or hold
28 the meeting.

29 (4) Nothing in the foregoing provisions of this clause shall be
30 construed as-

1 (a) enabling regulations to be made otherwise than in accordance with
2 clause 13 of this Bill; or

3 (b) enabling the Academic Board to empower any other body to make
4 regulations or to award certificates or other qualifications.

5 (5) The Director shall be member of every committee of which the
6 members are wholly or partly appointed by the Council (other than a
7 committee appointed to inquire into the conduct of any officer in question); and
8 the Director shall be a member of the Council and the Director shall be a
9 member of every committee of which the members are wholly or partly
10 appointed by the Academic Board.

Retiring age of
academic staff
of the Institute

11 **23.**-(1) Notwithstanding anything to the contrary in the Pension
12 Reform Act, the compulsory retiring age of an academic staff of the Institute
13 shall be 65 years.

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

Miscellaneous
administrative
provisions

16 **24.**-(1) The seal of the Institute shall be such as approved by the
17 Council and the affixing of the seal shall be authenticated by any member of the
18 Council and by the Rector/Secretary to the Council or any other person
19 authorized under this Bill.

20 (2) Any document purporting to be a document executed under the
21 seal of the institute shall be received in evidence and shall, unless the contrary
22 is proved, be presumed to be so executed.

23 (3) Any contract or instrument which if made or executed by a person
24 not being a body corporate would not be required to be under seal, may be made
25 or executed on behalf of the institute by any person generally or specifically
26 authorized to do so by the Council.

27 (4) The validity of any proceedings of anybody established in
28 pursuance of this Bill shall not be affected by any vacancy in the membership
29 of the body, or by any defect in the appointment of a member of the body or by
30 reason that any person not

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

5 (6) The power conferred by this Bill on anybody to make
6 regulations or regulations shall include power to revoke or vary any
7 regulation (including the regulation contained in the Second Schedule of
8 this Bill) or any regulation by a subsequent regulations, or, as the case may
9 be, by a subsequent regulation and regulation and regulations may make
10 different provisions in reaction to different circumstances.

11 (7) No stamp duty or other duty shall be payable in respect of any
12 transfer of property to the Institute by virtue of any provision of this Bill.

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

15 **25.** In this Bill:

Interpretation

16 "Academic Board" means the Academic Board of the Institute established
17 pursuant to clause 9 of this Bill;

18 "Campus" means any campus which may be established by the Institute;

19 "Institute" means the Federal Institute for Diving Technology established in
20 clause 1 of this Bill;

21 "Council" means the Council established by this Bill for the Institute;

22 "Graduate" means a person on whom National Diploma, Higher National
23 Diploma (other than an honorary fellowship has been conferred by each
24 Institute;

25 "Minister" means the Minister charged with responsibility for Water
26 Resources Development;

27 "Notice" means notice in writing;

28 "Office" does not include the Visitor;

29 "Prescribed" means prescribed by regulations or regulations;

30 "Property" includes rights, liabilities and obligations;

Short title

1 "Regulations" means regulations made by the Academic Board or the Council.
2 **26.** This Bill may be cited as the Federal Institute for Diving
3 Technology (Establishment) Bill, 2022.

4 SCHEDULE

5 PRINCIPAL OFFICERS OF THE COLLEGE

6 *The Chairman Governing Board*

7 1.-(1) The Chairman shall be appointed by the President of Nigeria

8 (2) The Chairman shall hold office for a period of five years.

9 (3) If it appears to the Visitor that the Chairman should be removed
10 from his office on the ground of misconduct or of inability to perform the
11 functions of his office, the Visitor may by notice in the Federal Gazette remove
12 the Chairman from office.

13 *The Rector*

14 2.-(1) There shall be a Rector of the Institute who shall be appointed
15 by the President in accordance with the provisions of this paragraph.

16 (2) Where a vacancy occurs in the post of the Rector, the Council
17 shall-

18 (a) advertise the vacancy in a reputable journal or a widely read
19 newspaper in Nigeria, specifying-

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

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

24 (b) constitute a search team consisting of-

25 (i) a member of the Council, who is not a member of the Academic
26 Board, as chairman;

27 (ii) two members of the Academic Board who are not members of the
28 Council, one of whom shall be a reader;

29 (iii) two members of Congregation who are not members of the
30 Council, one of whom shall be a reader, to identify and nominate for

1 consideration, suitable persons who are not likely to apply for the post on
2 their own volition because they feel that it is not proper to do so.

3 (3) A joint Council and Academic Board Selection Board
4 consisting of-

5 (a) the Chairman of the Council as chairman;

6 (b) two members of the Council, not being members of the
7 Academic Board;

8 (c) two members of the Academic Board who are readers, but who
9 were not members of the Search Team, shall consider the candidates and
10 persons on the short list drawn up under subparagraph (2) of this paragraph
11 through an examination of their curriculum vitae and interaction with them,
12 and recommend to the Council suitable candidates for further consideration.

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

17 (5) The President may appoint as Rector anyone of the candidates
18 recommended to him in accordance with the provisions of subparagraph (4)
19 of this paragraph.

20 (6) The Rector shall hold office for a single term of five years only
21 on such terms and conditions as may be specified in his letter of
22 appointment.

23 (7) The Rector may be removed from office by the Visitor after due
24 consultation with the Council and the Academic Board acting through the
25 Minister.

26 *Deputy Rector:*

27 3.-(1) There shall be for the Institute a Deputy Rector as the
28 Council may, from time to time, deem necessary for the proper
29 administration of the Institute.

30 (2) Where a vacancy occurs in the post of Deputy Rector, the

1 Rector shall forward to the Academic Board a list of two candidates for the post
2 of Deputy Rector that is vacant.

3 (3) The Academic Board shall select for the vacant post one candidate
4 from each of the list forwarded to it under subparagraph (2) of this paragraph
5 and forward his name to the Council for confirmation.

6 (4) A Deputy Rector shall-

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

8 (b) act in the place of the Rector when the post of the Rector is vacant
9 or if the Rector is for any reason, absent or unable to perform his function as
10 Rector; and

11 (c) Perform such other functions as the Rector or the Council may,
12 from time to time assign to him.

13 (5) A Deputy Rector shall hold office for a period of two years
14 beginning from the effective date of his appointment and on such terms and
15 conditions as may be specified in his letter of appointment.

16 *Office of the Registrar*

17 4.-(1) There shall be for each the College a Registrar, who shall be the
18 chief administrative officer of the Institute and shall be responsible to the
19 Rector for the day-to-day administrative work of the Institute except as regards
20 matters for which the Bursar is responsible in accordance with paragraph 6 (2)
21 of this Schedule.

22 (2) The person holding the office of the Registrar shall by virtue of
23 that office be secretary to the Council, the Academic Board, Congregation and
24 Convocation.

25 5.-(1) There shall be for the Institute the following principal officers,
26 in addition to the Registrar, that is-

27 (a) the Bursar; and

28 (b) the College Librarian, who shall be appointed by the Council on
29 the recommendation of the Selection Board constituted under paragraph 8 of
30 this Schedule.

1 (2) The Bursar shall be the chief financial officer of the Institute
2 and be responsible to the Rector for the day-to-day administration and
3 control of the financial affairs of the Institute.

4 (3) The Institute Librarian shall be responsible to the Rector for the
5 administration of the Institute library and the co-ordination of the library
6 services in the institute and its campuses, faculties, schools, departments,
7 and other teaching or research units.

8 (4) Any question as to the scope of the responsibilities of the
9 aforesaid officers shall be determined by the Rector.

10 *Selection Board for other Principal officers*

11 6.-(1) There shall be, for the Institute, a Selection Board for the
12 appointment of principal officers, other than the Rector or Deputy Rector,
13 which shall consist of-

14 (a) the Chairman of the Governing Council;

15 (b) four members of the Council not being members of the
16 Academic Board; and

17 (c) two members of the Academic Board.

18 (2) The functions, procedure and other matters relating to the
19 Selection Board constitute under sub-paragraph (1) of this paragraph shall
20 be as the Council may, from time to time, determine.

21 (3) The Registrar, Bursar and Librarian shall hold office for a five
22 year period only and on such terms as to the emoluments of their offices and
23 otherwise as may be specified in their letters of appointment.

24 7.-(1) Any officer mentioned in the foregoing provisions of this
25 Schedule may resign his office-

26 (a) in the case of the Chairman Governing Council, by notice to the
27 President; and

28 (b) in any other case, by notice to the Council and the Council shall
29 immediately notify the Minister in the case of the Institute .

30 8.-(1) The composition of the Council shall be as provided in

1 clause 7 of this Bill.

2 (2) Any member of the Council holding office otherwise than in
3 pursuance of clause 7 (a), (b), (c) or (d) of this Bill may, by notice to the
4 Council, resign his office.

5 (3) A member of the Council holding office otherwise than in
6 pursuance of clause 7 (a), (b), (c) or (d) of this Bill shall, unless he previously
7 vacates, vacate that office on the expiration of the period of five years.

8 (4) Where a member of the Council holding office otherwise than in
9 pursuance of clause 7 (a), (b), (c) or (d) of this Bill vacates before the expiration
10 of the period aforesaid, the body or person by whom he was appointed may
11 appoint a successor to hold office for the residue of the term of his predecessor.

12 (5) A person ceasing to hold office as a member of the Council
13 otherwise than by removal for misconduct be eligible for re-appointment for
14 only one further period of five years.

15 (6) The quorum of the Council shall be five, at least one of whom shall
16 be a member appointed pursuant to clause 7 (d), (e), or (h) of this Bill.

17 (7) If the Chairman is not present at a meeting of the Council, such
18 other member of the Council present at the meeting as the Council may be
19 appointed in respect of that meeting, shall be the chairman at that meeting, and
20 subject to clauses 5 and 6 of this Bill and the foregoing provisions, the Council
21 may regulate its own procedure.

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

26 *The Finance and General Purposes Committee*

27 9.-(1) The Finance and General Purposes Committee of the Council
28 shall consist of-

29 (a) the Chairman of the Governing Council, who shall be the
30 chairman of the Committee at any meeting at which he is present;

1 (b) the Rector and Deputy Rector;
2 (c) six other members of the Council appointed by the Council, two
3 of whom shall be selected from among the three members of the Council
4 appointed by the Academic Board and one member appointed to the Council
5 by Congregation.

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

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

9 10.-(1) The Academic Board shall consist of-

10 (a) the Rector and Deputy Rector;
11 (b) the Heads of Academic departments;
12 (c) the Librarians;
13 (d) one member of not less than the rank of senior lecturer of the
14 Institute;

15 (e) four persons representing the Congregation.

16 (2) The shall be the Chairman at all meeting of the Academic Board
17 when he is present; and in his absence any of the Deputy Rector present at
18 the meeting as the Academic Board may appoint for that meeting shall be
19 chairman at the meeting.

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

23 (4) An elected member may, by notice to the Academic Board,
24 resign his office.

25 11.-(1) Congregation shall consist of-

26 (a) the Rector and the Deputy Rector;
27 (b) the full-time members of the academic staff;
28 (c) the Registrar;
29 (d) the Bursar;
30 (e) the Librarian;

1 (f) the Director of Works;
2 (g) the Director of Physical Planning;
3 (h) the Director of Academic Planning;
4 (i) the Director of Health Services; and
5 (j) every member of the administrative staff who holds a degree other
6 than an honorary degree of any University recognized for the purposes of this
7 regulation by the Rector.

8 (2) Subject to clauses 5 and 6 of the Bill, the Rector shall be the
9 Chairman at all meetings of Congregation when he is present; and in his
10 absence the Deputy Rector shall be the Chairman at the meeting.

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

14 (4) A certificate signed by the Rector specifying-

15 (a) the total number of members of Congregation for the purposes of
16 any particular meeting or meetings of Congregation; or

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

20 (5) The Congregation may regulate its own procedure.

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

26 12.-(1) Convocation shall consist of-

27 (a) the officers of the Institute mentioned in the Schedule to the Bill;

28 (b) all teachers within the meaning of the Bill;

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

1 (2) A person shall be entitled to have his name registered as a
2 member of Convocation if-

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

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

7 (3) Regulations shall provide for the establishment and
8 maintenance of a register for the purposes of this paragraph and subject to
9 paragraph (4) of this article may provide for the payment from time to time
10 of fees by persons whose names are on the register and for any person who
11 fails to pay those fees.

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

16 (5) A person who reasonably claims that he is entitled to have his
17 name on the register shall be entitled on demand to inspect the register or a
18 copy of the register at the principal offices of the Institute at all reasonable
19 times.

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

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

29 (8) Subject to clause 5 of this Bill, the Chairman shall be the
30 Chairman at all meetings of Convocation when he is present, and in his

1 absence the Director shall be the Chairman at the meeting.

2 (9) Convocation shall have such other functions, in addition to the
3 functions of appointing a member of the Council, as may be provided by
4 regulation or regulations.

5 *Appointments and Promotions Committee*

6 13.-(1) There shall be an Appointments and Promotions Committee
7 of the Council which shall ultimately be responsible for all appointments,
8 promotions and discipline of all categories of senior staff in the Institute under
9 the Chairmanship of the Rector.

10 (2) The Committee shall operate where necessary through the
11 Academic Board or Selection Board or Ad-hoc Committees and its
12 recommendations shall be subject to the approval of the Council.

13 *Head of Department*

14 14.-(1) The Head of a department shall be appointment by the Rector
15 and such Head shall hold office for a period of three years and shall be eligible
16 for re- appointment for another term of three years after which he may not be
17 appointed again until two years have elapsed.

18 (2) The Head of a department shall exercise general superintendence
19 over the academic and administrative affairs of the department.

20 *Creation of academic posts*

21 15. Recommendations for the creation of posts other than those
22 mentioned in article 10 of this regulation shall be made by Academic Board to
23 the Council through the Finance and General Purposes Committee.

24 *Appointment of Academic Staff*

25 16. Subject to this Bill and regulations deriving there from, the filing
26 of vacancies in academic posts (including newly created ones) shall be the
27 responsibility of the Appointments and Promotions Committee,
28 notwithstanding the fact that the Provost shall have the power to make
29 temporary appointments to academic and non-academic positions for a period
30 not exceeding twelve calendar months.

1 *Funding of the Institute*

2 17. Notwithstanding the provisions of the National Universities
3 Commission Act, the Institute shall receive funds directly from the Federal
4 Ministry of Water Resources Development and from other national and
5 international agencies.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Federal Institute for Diving Technology,
Sokebolou, Delta State charged with responsibility to provide full-time
courses in Deep Sea (Ocean) Diving Studies.

NIGERIA RURAL HEALTH CARE TRUST FUND
(ESTABLISHMENT) BILL, 2022
ARRANGEMENT OF SECTIONS

Section:

PART I - OBJECTIVE AND SCOPE AND DURATION

1. Objective
2. Scope

PART II - ESTABLISHMENT AND MANAGEMENT OF THE NIGERIA
RURAL HEALTH CARE TRUST FUND

3. Establishment of the Nigeria Rural Health Care Trust Fund
4. Sources of the Trust Fund
5. Purposes of the Trust Fund
6. Functions of the Trust Fund
7. Establishment and Composition of the Board of the Trust Fund
8. Resignation by a member
9. Cessation of office
10. Removal from office of a member
11. Functions of the Board of Trustees
12. Powers of the Board of Trustees
13. Establishment of the Trust Fund Project Monitoring and
Implementation Committee

PART III - EXECUTIVE SECRETARY AND STAFF OF THE TRUST FUND

14. Appointment of the Executive Secretary and other staff of the Trust
Fund

PART IV - FINANCIAL PROVISIONS

15. Fund of the Trust Fund
16. Accounts of the Trust Fund
17. Estimates of expenditure
18. Account and audit
19. Exemption from tax

PART V - SUBMISSION OF REPORTS AND SUPPLEMENTARY PROVISIONS

20. Quarterly report
21. Annual report
22. Power of the President to issue directives
23. Regulations
24. Assessment and Collection of Levy
25. Offences
26. Penalties
27. Jurisdiction
28. Litigation
29. Service of Documents
30. Interpretation
31. Citation

Schedule section 9 (4)

Supplementary Provisions Relating to the Board Proceedings

Commodities

Miscellaneous

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN RURAL HEALTH CARE TRUST FUND
THAT WILL BE RESPONSIBLE FOR THE MANAGEMENT AND DISBURSEMENT
OF FUND FOR EQUIPPING, SUPPORTING AND BUILDING CLINICS AND
HOSPITAL AT THE RURAL AREAS, AND FOR RELATED MATTERS

Sponsored by:

Hon. Shehu Ladan Mukhtar

Hon. Umar Abdulkadir Sarki

Hon. Jafaru Suleiman Ribadu

[] Commencement

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

1 PART I - OBJECTIVE AND SCOPE

2 1. The objective of this Bill is to provide a framework for Objective
3 management and control of the special intervention fund established under
4 section 3 of this Act for providing sustainable sources of funds for Nigeria
5 Rural Health Care, Health Care Services and empowerment of Clinics and
6 Hospital, services and reservices of the personnel of the Nigeria Rural
7 Health Care, development of Clinics and Hospital at the rural areas and
8 Nigeria Rural Health Care formations and other facilities, improve the
9 general welfare of the Clinics and Hospital and personnel of the Scheme and
10 enhance their preparedness to effectively discharge their statutory duties of
11 fostering National unity, integration and self-reliance in Nigeria.

12 2. The Trust Fund established under section 3 Bill covers all Scope
13 Clinics and Hospital, personnel of the Nigeria Rural Health Care,
14 orientation Clinics and Hospital at the rural areas, formations, facilities and
15 for the overall improvement and efficiency in the discharge of their duties
16 and responsibilities.

| | | |
|--|----|---|
| | 1 | PART II - ESTABLISHMENT AND MANAGEMENT OF NIGERIA RURAL |
| | 2 | HEALTH CARE TRUST FUND |
| Establishment of the Nigeria Rural Health Care Trust Fund | 3 | 3. -(1) There is established the NIGERIA RURAL HEALTH CARE |
| | 4 | Trust Fund (in this Bill referred to as ("the Trust Fund")). |
| | 5 | (2) The Trust Fund: |
| | 6 | (a) Is a body corporate with perpetual succession and common seal; |
| | 7 | and |
| | 8 | (b) May sue and be sued in its corporate name. |
| Sources of the Trust Fund | 9 | 4. -(1) The Trust Fund shall consist of: |
| | 10 | (a) A levy of 0.5% of the net profit of companies and organized private |
| | 11 | sector operating business in Nigeria; |
| | 12 | (b) 0.2% of total revenue accruing to the federation account.; |
| | 13 | (c) Any take-off grant and special intervention fund as may be |
| | 14 | provided by the Federal, State and Local Government of the Federation; |
| | 15 | (d) Such money as may be appropriated to meet the objective of this |
| | 16 | bill by the National Assembly in the budget; |
| | 17 | (e) Aids, grants and assistance from international bilateral and |
| | 18 | multilateral agencies, non-governmental organizations and the private sector; |
| | 19 | (f) grants, donations, endowments, bequests and gifts, whether of |
| | 20 | money, land or any other property from any source; |
| | 21 | (g) Money derived from investment made by the Trust Fund. |
| | 22 | (2) Subsection (1) (e) and (f) shall be acceptable to the Trust Fund |
| | 23 | except where the terms and conditions attached to an aid, grant, donation or gift |
| | 24 | are inconsistent with the objective of the Trust Fund and the provisions of this |
| | 25 | Bill. |
| Purpose of the Trust Fund | 26 | 5. -(1) The Trust Fund shall be utilized: |
| | 27 | (a) Meeting the federal monthly allowances need of Clinics and |
| | 28 | Hospital; |
| | 29 | (b) Meeting the Health Care Services and Empowerment needs of |
| | 30 | Clinics and Hospital; |

1 (c) Meeting the Health Care Services needs of the personnel of the
2 Nigeria Rural Health Care;

3 (d) Enhancement of the services of Clinics and Hospital for
4 improved proficiency and employment generation;

5 (e) Overall improvement, performance and efficiency in the
6 discharge of constitutional roles and responsibilities;

7 (f) Development of Clinics and Hospital at the rural areas and
8 Nigeria Rural Health Care formations with facilities therein;

9 (g) Sponsorship of Clinics and Hospital' group Community
10 Development Service projects and activities;

11 (h) Financing the procurement of operational books, instructional
12 materials, vehicles and equipment for use at its organizational objectives;

13 (i) Expansion of existing Nigeria Rural Health Care Ventures and
14 funding of the establishment of new ones for the services of Clinics and
15 Hospital and production of items required for the institutional needs such as
16 orientation Clinics and Hospital at the rural areas; and

17 (j) Such other purposes incidental to, or connected with the
18 attainment of objective of this Bill.

19 (2) Notwithstanding the provision of subsection (1(a) of this
20 section, the Federal Government shall augment the allowances of Clinics
21 and Hospital in the event of economic downturn which affects the inflow of
22 fund into the Trust Fund.

23 (3) For the purpose of subsection (2) of this section, the Board of
24 the Trust Fund shall initiate a notice of downturn of inflow of fund and make
25 necessary request from the President for augmentation of Clinics and
26 Hospital allowances.

27 (4) Nothing in this Bill shall waive the statutory obligations of the
28 Federal, States, FCT and Local Governments to Nigeria Rural Health Care,
29 including responsibilities for funding and provision of facilities for its
30 operations as enshrined in the Nigeria Rural Health Care Act Cap N84, Law

| | | |
|--|----|--|
| | 1 | of the Federation of Nigeria. |
| Functions of the Trust Fund | 2 | 6.-(1) The Trust Fund shall: |
| | 3 | (a) Receive all money accruing to it under this Bill; |
| | 4 | (b) Deploy all money accruing to the Trust Fund under this Bill to |
| | 5 | meet the stated objectives of this Bill; |
| | 6 | (c) Ensure the proper monitoring of the empowered Clinics and |
| | 7 | Hospital and intervention projects for purpose of accountability; and |
| | 8 | (d) Carry out such other Activities considered necessary for the |
| | 9 | attainment of the objectives of this Bill. |
| | 10 | (2) A member of the Board of Trustees of the Trust Fund, other than an |
| | 11 | ex-officio member, shall hold office for a term of three years in the first |
| | 12 | instance and may be reappointed for another term of three years and no more. |
| | 13 | (3) Members of the Board of the Trust Fund shall be paid such |
| | 14 | allowances as may be determined by the Board in consultation with the |
| | 15 | National Revenue, Mobilization, Allocation and Fiscal Commission. |
| Establishment and Composition of the Board of the Trust Fund | 16 | 7.-(1) There is hereby established the Board of the Nigeria Rural |
| | 17 | Health Care Trust Fund (in this Bill referred to as "the Board"). |
| | 18 | (2) The Board shall consist of: |
| | 19 | (a) Chairman and members of the Nigeria Rural Health Care National |
| | 20 | Governing Board as constituted in this Section 7 of the Nigeria Rural Health |
| | 21 | Care Bill; |
| | 22 | (b) In addition to the above the following shall also be members of the |
| | 23 | Board: |
| | 24 | (i) Representative of Nigeria Rural Health Care supervising Ministry; |
| | 25 | (ii) Representative of Federal Ministry of finance; |
| | 26 | (iii) Representative of Organized Private Sector; |
| | 27 | (iv) Chairman of the Nigeria Governor's Forum; |
| | 28 | (v) President of Association of Local Government of Nigeria |
| | 29 | (ALGON); and |
| | 30 | (vi) A retired Director of the Nigeria Rural Health Care on the |

1 recommendation of the Nigeria Rural Health Care Director- General;

2 (3) The Director General Nigeria Rural Health Care shall serve as
3 the Secretary of the Board of the Trust Fund.

4 (4) A member of the Board, other than an ex-officio member:

5 (a) Shall be appointed by the President;

6 (b) Shall hold office for three years in the first instance; and

7 (c) May be reappointed for another three years and no more.

8 **8.** A member, other than ex-officio member, may resign his
9 appointment by a notice in writing under his hand addressed to the
10 President. Resignation by
a Member

11 **9.-(1)** A member of the Board ceases to hold office if he: Cessation of
Office

12 (a) Becomes of unsound mind;

13 (b) Becomes bankrupt or makes compromises with his creditors;

14 (c) Is convicted of a felony or any offence involving fraud,
15 dishonesty; or

16 (d) Is guilty of corrupt practices or misconduct in relation to his
17 duties.

18 (2) A member of the Board may be removed from office by the
19 President if he is satisfied that it is not in the interest of the Trust Fund or
20 Public that the member should continue in that office.

21 (3) Where a vacancy occurs in the membership of the Board, it
22 shall be filled by the appointment of a successor to hold office for the
23 remainder of the term of office of his predecessor and the successor shall:

24 (a) Represent the same interest; and

25 (b) Be appointed by the President.

26 (4) The provisions of the Schedule to this Bill shall have effect with
27 respect to the meetings and proceedings of the Board and other related
28 matters.

29 (5) Notwithstanding the provisions of sections 7 and 8 of this Bill,
30 the President may remove a member from the Board if any circumstance Removal from
Office of a Member

Functions of the Board

1 which borders on corruption and other activities that negates the interest and
 2 security of the Nation would require the removal of the member from the
 3 Board.

4 **11.** The Board is responsible for:

5 (i) Setting out the policies and programmes for the services and
 6 empowerment of exiting Clinics and Hospital, services and reservices of
 7 Nigeria Rural Health Care personnel, development of Orientation Clinics and
 8 Hospital at the rural areas and NIGERIA Rural Health Care Offices with
 9 facilities therein in accordance with objectives of this Bill;

10 (ii) Approving the disbursement of money from the Trust Fund to
 11 finance projects or activities of the Nigeria Rural Health Care and its
 12 formations being beneficiaries of the proceeds of Trust Fund;

13 (iii) Scrutinizing and approving projects which qualify for financing
 14 under the Bill;

15 (iv) Exercising control over the management of the Trust Fund with a
 16 view to ensuring accountability and proper utilization of money in the Trust
 17 Fund for the purposes set out in this Bill;

18 (v) Carrying out such other activities as are considered necessary for
 19 the attainment of the objectives of this Bill;

20 (vi) Updating the Federal Government on its Activities and progress
 21 through annual and audited reports;

22 (vii) Reviewing progress and suggesting improvements within the
 23 provisions of this Bill;

24 (viii) Making and issuing guidelines to all beneficiaries on
 25 disbursement from the Trust Fund on the use of money received from the Trust
 26 Fund; and

27 (ix) Generally regulating the administration, application and
 28 disbursement of money from the Trust Fund under this Bill.

Powers of the Board

29 **12.-(1)** The Board has powers to:

30 (a) Award contracts of any kind or description for any amount,

1 whether in local or foreign currency in conformity with the due process
2 requirements as provided under Part VI and VII of the Public Procurement
3 Bill, 2007; and

4 (b) Invest money accruing to the Trust Fund and approve the
5 utilization of the returns on investment in the same way as money accruing
6 to the Trust Fund.

7 (2) In the discharge of its duty under this Bill, the Board shall:

8 (a) identify the funding needs of the various programmes and
9 Activities of the Nigeria Rural Health Care and its formations for the
10 enhancement of the performance of the Scheme;

11 (b) enter into contractual arrangements for the purpose of
12 executing approved projects on behalf of the Trust Fund;

13 (c) Oversee the implementation of projects financed through
14 money accruing to the Trust Fund; and

15 (d) Enter into public-private partnership and private finance
16 initiative arrangements and agreements necessary for the project execution
17 in accordance with Infrastructure Concession Regulatory Commission
18 Public Private Partnership Regulations, 2014.

19 13.-(1) For the purpose of implementing any project approved by
20 the Board under this Bill, there is hereby established the Nigeria Rural
21 Health Care Trust Fund Project Monitoring and Implementation Committee

Establishment
of the Trust Fund
Project Monitoring
and Implementation
Committee

22 (in this Bill referred to as 'the Implementation Committee').

23 (2) The Implementation Committee shall consist of:

24 (a) A Chairman; and

25 (b) Other members shall include:

26 (i) Six Nigeria Rural Health Care Staff with proven integrity;

27 (ii) Representative of the Governor's Forum;

28 (iii) Representative of Association of Local Government of
29 Nigeria.

30 (3) The Chairman and members of the Implementation Committee,

| | | |
|---|----|---|
| | 1 | except representatives of Governor's Forum and Association of Local |
| | 2 | Governments of Nigeria, shall be appointed by the Chief Executive of the Trust |
| | 3 | Fund. |
| | 4 | (4) The Implementation Committee is responsible to the Board in the |
| | 5 | execution of its statutory duties and responsibilities assigned to it by the Board. |
| | 6 | PART III - EXECUTIVE SECRETARY AND STAFF OF THE TRUST FUND |
| Appointment of the Executive and other Staff of the Trust Fund | 7 | 14. -(1) The Secretary of the Board of the Trust Fund: |
| | 8 | (i) Shall keep proper records of the proceedings of the Board; and |
| | 9 | (ii) Shall work closely with the Implementation Committee in |
| | 10 | discharging such duties and responsibilities as may be assigned to him by the |
| | 11 | Board. |
| | 12 | (2) The Secretariat of the Trust Fund shall be domiciled in the Nigeria |
| | 13 | Rural Health Care |
| | 14 | PART IV - FINANCIAL PROVISIONS |
| Fund of the Trust Fund | 15 | 15. -(1) There is hereby established under this Bill a general fund (in |
| | 16 | this Bill referred to as "the Fund") for the administration of the Trust Fund. |
| | 17 | (2) The Fund shall consist of: |
| | 18 | (a) Annual budgetary allocation appropriated by National Assembly |
| | 19 | for the management of the Trust Fund; |
| | 20 | (b) Take-off grants and such other money as may be made available to |
| | 21 | the Trust Fund to meet the cost of administration; and |
| | 22 | (c) All other money which may be made available for the running of |
| | 23 | the Trust Fund. |
| Account of the Trust Fund | 24 | 16. -(1) There shall be maintained for the Trust Fund, an account into |
| | 25 | which shall be paid all money accruing to the Trust Fund under section 4 of this |
| | 26 | Bill. |
| | 27 | (2) The Board shall also open and maintain an account into which |
| | 28 | shall be paid money received for management of the Trust Fund under section |
| | 29 | 19(2) of this Bill. |
| | 30 | (3) The accounts referred to in subsections (1) and (2) shall be |

1 managed in accordance with the extant financial regulations of the Federal
2 Government of Nigeria.

3 (4) The Board shall apply the proceeds of:

4 (a) The Trust Fund for the purposes set out in section 5 of the Bill;
5 and

6 (b) The money referred to in subsection (2) to meet the cost of
7 administration, including payment of salaries, fees, other remunerations and
8 allowances payable;

9 (c) To members of the Board and employees of the Trust Fund; and

10 (d) For payment of experts, professionals and consultants engaged
11 by the Board for Trust Fund.

12 **17.** The Board shall, not later than 30th June of every year, submit
13 to the President an estimate of its income and expenditure during the
14 succeeding year.

Estimates of
Expenditure

15 **18.** The Board shall cause to be kept for the Trust Fund proper
16 accounts and records and when certified by the Board, these accounts shall
17 be audited by auditors appointed from the list and in accordance with the
18 guidelines by the Auditor-General of the Federation.

Account and
Audit

19 **19.-(1)** The Trust Fund is exempted from the payment of income
20 tax on any income accruing from investments made by the Trust Fund or
21 otherwise.

Exemption from
Tax

22 (2) The provisions of the Companies Income Tax Bill, 2007 or any
23 subsequent amendment thereto and any enactment relating to the taxation of
24 companies or trust funds do not apply to the Trust Fund.

25 PART V - SUBMISSION OF REPORTS AND SUPPLEMENTARY PROVISIONS

26 **20.** The Board shall, at the end of every three months, submit to the
27 President a report on its Activities and the administration of the Trust Fund.

Quarterly Report

28 **21.** The Board shall, not later than three months before the end of
29 each year, submit to the President a report on the Activities and the
30 administration of the Trust Fund during the preceding year and shall include

Annual Report

| | | |
|--|----|---|
| | 1 | in such reports the certified auditor's report. |
| Power of the President to issue Directives | 2 | 22. The President may give to the Board directives of a general nature |
| | 3 | with regard to the performance by the Board of its functions under this Bill for |
| | 4 | compliance by the Board. |
| Regulations | 5 | 23. The Board may, with the prior approval of the President, make |
| | 6 | such regulations deemed necessary or expedient for giving full effect to the |
| | 7 | provisions of this Bill. |
| Assessment and collection of levy | 8 | 24. The Federal Inland Revenue Service (in this Bill referred to as the |
| | 9 | "the Service") shall assess and collect from companies and organized private |
| | 10 | sectors the levy imposed by this Bill and accordingly- |
| | 11 | (a) Shall, when assessing a company for companies income tax or |
| | 12 | petroleum profit tax for an accounting period, also proceed to assess the |
| | 13 | company or private sector for the levy due under this Bill; |
| | 14 | (b) The provisions of the Bill relating to the collection of companies |
| | 15 | income tax or petroleum profit tax shall, subject to this Bill, apply to the levy |
| | 16 | due under this Bill; |
| | 17 | (c) The levy imposed under this Bill shall be due and payable within |
| | 18 | 60 days after the Service has served notice of the assessment on a company or |
| | 19 | sector; |
| | 20 | (d) The Service may, for the purpose of assessment and collection of |
| | 21 | the levy imposed by this Bill, devise such forms as it may deem necessary. |
| Offences | 22 | 25.-(1) A person who contravenes or fails to comply with the |
| | 23 | provisions of this Bill is guilty of an offence under this Bill. |
| | 24 | (2) Subject to the provisions of sub-section (3) of this section- |
| | 25 | (a) If a sum due under this Bill is not paid within the time specified in |
| | 26 | that section, the Service shall serve on the Company a demand note for the |
| | 27 | unpaid sum plus a sum which is equal to 50/0 of the sum; and |
| | 28 | (b) If a sum demanded under paragraph (a) of this sub-section is not |
| | 29 | paid within 2 months of the demand, the Company is guilty of an offence under |
| | 30 | this Bill. |

1 (3) Notwithstanding any other provision in this Bill, it shall be the
2 duty and responsibility of every Company liable to pay the sum to ensure
3 that its annual returns are filed with the Service for the purpose of
4 assessment of the sum.

5 (4) The Board shall remit in whole or in part a sum added to the
6 unpaid sum under sub-section 2(a) of this Bill.

7 (5) Where an offence under this Bill is committed by a Body
8 Corporate or firm or other association of individuals-

9 (a) Every Director, Manager, secretary or other similar officer of
10 the Body Corporate;

11 (b) Every partner or officer of the Firm;

12 (c) Every person concerned in the management of the affairs of the
13 association; or

14 (d) Every person who was purporting to Bill in that capacity,
15 Is severally guilty of that offence and liable to be proceeded against and
16 punished for the offence in like manner as if he had himself committed the
17 offence, unless he proves that the Bill or omission constituting the offence
18 took place without his knowledge, consent or connivance.

19 **26.-(1)** Except as otherwise provided in this Bill, a person guilty of Penalties
20 an offence under this Bill shall, on conviction, be liable-

21 (a) For a first offence, to imprisonment for a term of 6 months or to
22 a fine of up to N1,000,000.00 or both; and

23 (b) For a second and subsequent offences, to imprisonment for a
24 term of 12 months or to a fine of up to N2,000,000.00 or both.

25 (2) The institution of proceedings or imposition of a penalty under
26 this Bill shall not relieve a company or sector from liability to pay to the
27 Service a levy which is or may become due under this Bill.

28 (3) Notwithstanding the provisions of sub-section (1) (a) and (b) of
29 this section, where any company or sector or corporate body liable to file a
30 return on the levy under this Bill fails in any year to file such return, the

| | | |
|--------------|----|---|
| | 1 | Service, if it is of the opinion that such a company or sector or corporate body is |
| | 2 | liable to pay the levy, may, according to the best of its judgment, determine the |
| | 3 | amount of assessable profit of such company and make an assessment of the |
| | 4 | levy in accordance with the provisions of this Bill. |
| Jurisdiction | 5 | 27. The Federal High Court shall have jurisdiction to try offenders |
| | 6 | under this Bill. |
| Litigation | 7 | 28. -(1) Without prejudice to the powers of the Attorney-General of |
| | 8 | the Federation under Section 174 (1) of the Constitution of the Federal |
| | 9 | Republic of Nigeria 1999 (as amended) to institute, continue or discontinue |
| | 10 | criminal proceedings, complaints or other proceedings arising under this Bill |
| | 11 | shall be undertaken, conducted or defended in the name of the Board by a Legal |
| | 12 | Officer of the Nigeria Rural Health Care or any Legal Practitioner appointed by |
| | 13 | the Board. |
| | 14 | (2) Legal Officers of the Nigeria Rural Health Care or any Legal |
| | 15 | Practitioner appointed by the Board can appear in Court on behalf of the Trust |
| | 16 | Fund in civil matters involving the Trust Fund. |
| | 17 | (3) Subject to the provisions of this Bill, the provisions of the Public |
| | 18 | Officers Protection Bill shall apply in relation to any suit instituted against the |
| | 19 | Trust Fund or any of its officers. |
| | 20 | (4) Notwithstanding anything contained in any other law or |
| | 21 | enactment, no suit against the Trust Fund or any member of the Board or any |
| | 22 | other officer or staff of the Trust Fund for any Bill done in pursuance or |
| | 23 | execution of the Bill or any other law or enactment or of any public duty or |
| | 24 | authority or in respect of any alleged neglect or default in the execution of this |
| | 25 | Bill or such law or enactment, duty or authority shall lie or be instituted in any |
| | 26 | Court unless- |
| | 27 | (a) It is commenced within 3 months next after the Bill, neglect or |
| | 28 | default complained of; or |
| | 29 | (b) In the case of continuation of damage or injury, within 3 months |
| | 30 | next after the ceasing thereof. |

1 (5) No suit shall be commenced against the Trust Fund or any
2 member of the Board or any other officer of the Trust Fund before the
3 expiration of the period of one month after written notice of intention to
4 commence the suit shall have been served upon the Trust Fund by the
5 intending plaintiff or his agent.

6 (6) The notice referred to in sub-section (6) of this section shall
7 clearly and explicitly state the cause of Billion, the particulars of the Billion,
8 the name and place of abode of the intending plaintiff and the relief which he
9 claims.

10 **29.** A notice, summons or other document required or authorized
11 to be served upon the Trust Fund under the provisions of this Bill or any
12 other law or enactment may be served by delivering it to the Secretary of the
13 Board or by sending it by registered post and addressed to the Secretary of
14 the Board at the principal office of the Trust Fund.

Service of
Document

15 **30.** In this Bill:

Interpretation

16 "Board" means the Board of the Nigeria Rural Health Care Trust Fund,
17 established under section 7 of this Bill;

18 "Due process" means compliances with extant financial rules and
19 regulations on public procurement of goods, works and services;

20 "President" means the President, Commander-in-Chief of the Armed Forces
21 of the Federal Republic of Nigeria;

22 "Personnel" means officers of the Nigeria Rural Health Care and the Trust
23 Fund;

24 "Nigeria Rural Health Care formations" include the National Directorate
25 Headquarters, Area Offices, State Secretariats, Zonal Offices, Local
26 Government Offices, Ventures and Orientation Clinics and Hospital at the
27 rural areas;

28 "Trust Fund" means the Nigeria Rural Health Care Trust Fund established
29 under section 3 (I) of this Bill;

30 "SAED Centres" means centres where Clinics and Hospital acquire

- 1 vocational and Entrepreneurship services;
- 2 "Corps Member" means a Nigerian graduate youth on National Service;
- 3 "Nigeria Rural Health Care Ventures" means small and micro enterprises
- 4 established by Nigeria Rural Health Care and the Nigeria Rural Health Care
- 5 farm settlements for the purpose of services Clinics and Hospital.

Citation

- 6 **31.** This Bill may be cited as the Nigeria Rural Health Care Trust Fund
- 7 (Establishment) Bill, 2022.

1 SCHEDULE

2 *Section 9 (4)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD PROCEEDINGS

4 1. Subject to the provisions of this Bill and section 27 of the
5 Interpretation Bill, the Board may make standing orders regulating its
6 proceedings or those of its committee.

7 2. The quorum of the Board shall be two third of the total number of
8 members, and the Board shall determine the quorum of any committee.

9 3. The Board shall meet at least four times in each year, and shall
10 meet whenever it is summoned by the Chairman.

11 4. At any meeting of the Board, the Chairman shall preside but, in
12 his absence, the members present at the meeting shall appoint one of them to
13 preside at the meeting.

14 *Committees*

15 5. The Board may set up such number of committees to perform,
16 on behalf of the Board of Trustee such of its functions as the Board may
17 determine.

18 6. A committee set up under this Bill shall consist of such number
19 of persons (not necessarily members of the Board) as may be determined by
20 the Board, and the person, other than a member of the Board, shall hold
21 office on the committee in accordance with the terms of his appointment.

22 7. A decision of a committee of the Board is of no effect until it is
23 confirmed or ratified by the Board.

24 *Miscellaneous*

25 8. The fixing of the seal of the Trust Fund shall be authenticated by
26 the signature of the Chairman or of any other person authorized generally or
27 specially to Bill for that purpose by the Board.

28 9. Any contract or instrument made or executed by a person not
29 being a body corporate, that would not be required to be under seal may be
30 made or executed on behalf of the Board by the Chairman or any person

- 1 generally or specifically authorized to Bill for that purpose by the Board.
- 2 Any document purporting to be a document duly executed under the seal of the
- 3 Trust Fund shall be received in evidence and is, unless the contrary is proved,
- 4 presumed to be so execute.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Rural Health Care Trust Fund that will be responsible for the management and disbursement of fund for equipping, supporting and building clinics and hospital at the rural areas.

FEDERAL COLLEGE OF EDUCATION (SPECIAL) DUKKU
(ESTABLISHMENT) BILL, 2022
ARRANGEMENT OF SECTIONS

Section

PART I - ESTABLISHMENT OF THE FEDERAL COLLEGE OF EDUCATION
(SPECIAL) DUKKU

1. Establishment of Federal College of Education (Special) Dukku
2. Governing Council of the College
3. Membership of the Council of the College
4. Tenure of office of members of the Council
5. Functions of the College
6. Powers of the Council
7. Visitation
8. The Academic Board and its functions
9. Power of Minister to give direction to the Council
10. The Provost of the College
11. Deputy Provost
12. The Registrar and other staff of the College
13. Other principal officers of the College
14. Resignation of appointment of principal officers
15. Other employees of the College
16. Selection Board for other principal officers
17. Pensions

PART II - FINANCIAL PROVISIONS

18. Establishment of fund of the College
19. Power to accept gifts
20. Accounts and audit
21. Annual reports

PART III - MISCELLANEOUS AND SUPPLEMENTARY

- 22. Offices and premises
 - 23. Discipline of students
 - 24. Interpretation
 - 25. Short title
- Schedules

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF EDUCATION (SPECIAL) DUKKU TO PROVIDE FULL-TIME COURSES IN TEACHING WITH SPECIAL EDUCATION TO HANDICAPPED STUDENTS, INSTRUCTION AND TRAINING IN TECHNOLOGY, APPLIED SCIENCE, COMMERCE, ARTS, SOCIAL SCIENCES, HUMANITIES AND MANAGEMENT AND TO CARRY OUT RESEARCH IN THE DEVELOPMENT AND ADAPTATION OF TECHNIQUES AND FOR RELATED MATTERS

Sponsored by Hon. Aishatu Jibril Dukku

[] Commencement

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

1 PART 1 - ESTABLISHMENT OF FEDERAL COLLEGE OF
2 EDUCATION (SPECIAL) DUKKU

3 1.-(1) There is hereby established the Federal College of Education
4 (Special) Dukku which shall have such powers and exercise such functions
5 as are conferred on it by this Bill and with the mandate to coordinate and
6 implement activities that guarantee full inclusion of persons with
7 disabilities into the society in areas of education and socio-economic
8 wellbeing.

Establishment
of Federal College
of Education
(Special) Dukku

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

13 2.-(1) The governance of the College and the direction of its affairs
14 shall vest in the Governing Council of the College (in this Bill referred to as
15 "the Council").

Governing Council
of the College

16 (2) Without prejudice to the generality of subsection (1) of this

1 section, it shall be the responsibility of the Council to consider and approve:

2 (a) the plan of activities of the College;

3 (b) the programme of studies, courses, and research to be undertaken
4 by the College;

5 (c) the annual estimates of the College; and

6 (d) the investment plans of the College.

7 (3) The provisions of the First Schedule to this Bill shall have effect
8 with respect to the Council as specified therein.

Membership of
the Council of
the College

9 **3.-(1)** The Council of the College shall consist of a chairman and the
10 following other members, to be appointed by the President:

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

12 (b) a representative of the university, who in the case of degree
13 awarding programmes, is affiliated for the purpose of moderation;

14 (c) a representative of the alumni association of the College;

15 (d) three persons appointed on individual merit on a nationwide basis
16 who should have wide experience of service in the public or private sector;

17 (e) two representatives of the Academic Board of the College;

18 (f) two representatives of the National Commission for Persons With
19 Disabilities;

20 (g) a representative of the National Commission for Colleges of
21 Education;

22 (h) the Provost of the College; and

23 (i) a representative of the Nigerian Society of Engineers.

Tenure of office
of members of
the Council

24 **4.-(1)** A member of the Council (other than an ex-officio member)
25 shall hold office for a term of three years and subject to the provisions of
26 subsection (2) of this section, shall be eligible for re-appointment for a further
27 period of three years.

28 (2) The office of a member appointed under section 3 (1) (d) of this
29 Bill shall become vacant if:

30 (a) the member resigns his office by notice in writing under his hand,

1 addressed to the Minister; or

2 (b) the Minister is satisfied that it is not in the interest of the College
3 for the person appointed to continue in office and notifies the member in
4 writing to that effect.

5 **5.** The functions of the College shall be:

Functions of the
College

6 (a) to provide full-time courses in teaching, with special education
7 to handicapped students instruction and training:

8 (i) in technology, applied Science, commerce, arts, social Science,
9 humanities and management; and

10 (ii) in such other fields of applied learning relevant to the needs of
11 the development of Nigeria in the areas of industrial and agricultural
12 production and distribution and for research in the development and
13 adaptation of techniques as the Council may from time to time determine;

14 (b) to conduct courses in education for qualified teachers with
15 special needs;

16 (c) to arrange conferences, seminars and workshops relative to the
17 fields of learning specified in paragraph (a) of this section; and

18 (d) to perform such other functions as in the opinion of the Council
19 may serve to promote the objectives of the College.

20 **6.-(1)** For the carrying out of the functions of the College, the
21 Council shall have power to:

Powers of the
Council

22 (a) hold examinations and grant diplomas, professional certificates
23 and other distinctions to persons who have pursued a course of study
24 approved and accredited by the National Commission for Colleges of
25 Education;

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

29 (c) hold public lectures and undertake printing, publishing and
30 bookselling;

- 1 (d) make gifts for any charitable purpose;
- 2 (e) hold examinations in education for qualified teachers with special
- 3 needs;
- 4 (f) provide amenities for and make such other provision for the
- 5 welfare of the staff of the College;
- 6 (g) invest the funds of the College in securities specified by law or in
- 7 such other securities in Nigeria as may be approved by the Minister;
- 8 (h) borrow money within Nigeria in such manner and upon such
- 9 security as the Minister may from time to time authorise;
- 10 (i) enter into such contracts as may be necessary or expedient for
- 11 carrying into effect the objectives of the College;
- 12 (j) recruit staff of the right calibre and determine the career structure
- 13 of such staff;
- 14 (k) establish and maintain such schools and other teaching units
- 15 within the College or extramural departments as the Council may, from time to
- 16 time, decide;
- 17 (l) institute and award fellowships, medals, prizes and other titles;
- 18 (m) mount exhibitions and displays designed to foster an appreciation
- 19 of trends in and the scope and requirements of education;
- 20 (n) erect, provide, equip and maintain such educational, recreational
- 21 and residential facilities as the College may require;
- 22 (o) create lectureships and other academic posts and offices and to
- 23 make appointments thereto;
- 24 (p) encourage and make provision for research in the College; and
- 25 (q) do such acts and things whether or not incidental to the foregoing
- 26 powers as may advance the objectives of the College.
- 27 (2) The power of the Council to establish further schools within the
- 28 College shall be exercisable by order and not otherwise.
- 29 7. -(1) The Minister of Education shall be the Visitor of the College.
- 30 (2) The Visitor shall, not less than once in every five years, conduct a

1 visitation of the College or appoint a visitation panel consisting of not less
2 than five experts to conduct the visitation:

3 (a) for the purpose of evaluating the academic and administrative
4 performance of the College; or

5 (b) for such other purpose or in respect of any other affairs of the
6 College as the Visitor may deem fit.

7 **8.-(1)** There shall be established for the College a board to be The Academic
Board and its
functions
8 known as the Academic Board which shall consist of the following
9 members:

10 (a) the Provost of the College who shall be the chairman;

11 (b) all heads of departments;

12 (c) the College Librarian; and

13 (d) not more than two members of the academic staff other than
14 heads of departments to be appointed by the Council.

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

16 (a) the direction and management of academic matters of the
17 College including the regulation of admission of students, the award of
18 certificates, scholarships, prizes and other academic distinctions;

19 (b) making periodic reports on such academic matters to the
20 Council as the Council may from time to time direct;

21 (c) discharging any other functions which the Council may from
22 time to time delegate to it.

23 **9.** Subject to the provisions of this Bill, the Minister may give to Power of Minister
to give directions
to the Council
24 the Council directions of a general character or relating generally to matters
25 of policy with regard to the exercise by the Council of its functions under
26 this Bill and it shall be the duty of the Council to comply with such
27 directions.

28 **10.-(1)** There shall be a Provost of the College (in this Bill referred The Provost of
each College
29 to as "the Provost") who shall be appointed by the President, in accordance
30 with the provisions of this section.

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

2 (a) advertise the vacancy in a reputable journal or a widely read
3 newspaper in Nigeria specifying:

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

5 (ii) the terms and conditions of service applicable to the post; and
6 thereafter draw up a short list of suitable candidates for consideration;

7 (b) constitute a search team consisting of:

8 (i) a member of the Council not being a member of the Academic
9 Board, as chairman;

10 (ii) two members of the academic Board not below the rank of chief
11 lecturer;

12 (iii) two members of the academic community of the College not
13 below the rank of chief lecturer to be selected by the Council, to identify and
14 draw up a short list of suitable persons who are not likely to apply for the post
15 for any reason whatsoever.

16 (3) A Joint Council and Academic Selection Board consisting of:

17 (a) the chairman of the Council;

18 (b) two members of the Council not being members of the Academic
19 Board;

20 (c) two members of the Academic Board not below the rank of chief
21 lecturer, who were not members of the search team, shall consider the
22 candidates and persons on the short lists drawn up under subsection (2) of this
23 section through an examination of their curriculum vitae and interaction with
24 them and recommend through the Council to the President, three candidates for
25 his consideration.

26 (4) The President shall appoint as Provost one of the candidates
27 recommended to him under the provisions of subsection (3) of this section.

28 (5) Subject to this Bill and the general control of the Council, the
29 Provost shall be the chief executive of the College and shall be charged with
30 general responsibility for matters relating to the day-to-day management

1 operations of the College

2 (6) The Provost:

3 (a) shall hold office for a period of four years beginning with the
4 effective date of his appointment and on such terms and conditions as may
5 be specified in his letter of appointment; and

6 (b) may be reappointed for one further period of four years and no
7 more.

8 **11.**-(1) There shall be for the college a Deputy Provost. Deputy Provost

9 (2) The Council shall appoint the Deputy Provost from among the
10 chief lecturers in the College in one of the following ways, that is:

11 (a) from a list of three candidates in order of preference, submitted
12 by the Provost; or

13 (b) on the recommendation of a Selection Board constituted under
14 this section for that purpose; or

15 (c) on the nomination of the Provost.

16 (3) The Selection Board referred to in subsection (2) of this section
17 shall:

18 (a) consist of:

19 (i) the chairman of the Council;

20 (ii) the Provost;

21 (iii) two members of the Council not being members of the
22 Academic Board;

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

24 (b) make such inquiries as it deems fit before making the
25 recommendation required under that subsection.

26 (4) The Deputy Provost shall:

27 (a) assist the Provost in the performance of his functions;

28 (b) act in the place of the Provost when the post of Provost is vacant
29 or if the Provost is, for any reason, absent or unable to perform his functions
30 as Provost; and

1 (c) perform such other functions as the Provost or the Council may,
2 from time to time, assign to him.

3 (5) The Deputy Provost:

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

7 (b) may be reappointed for one further period of two years and no
8 more.

The Registrar
and other staff
of the College

9 **12.-(1)** The Council of the College shall appoint a Registrar to such
10 College (hereinafter referred to as the Registrar") who shall keep the records
11 and conduct the correspondence of the Council and shall perform such other
12 duties as the Council and subject thereto as the Provost may from time to time
13 direct.

14 (2) The Registrar shall, in addition to other duties conferred on him by
15 or under this Bill, be the secretary to the Council, the Academic Board and any
16 committee of the Council and in his absence, the Councilor any such
17 committee may appoint some other person to act as secretary, and he shall not
18 vote on any question before the Councilor count towards a quorum.

19 (3) A Registrar:

20 (a) shall hold office for a period of five years beginning from the
21 effective date of his appointment and on such terms and conditions as may be
22 specified in his letter of appointment; and

23 (b) may be reappointed for one further period of five years and no
24 more.

Other principal
officers of the
College

25 **13.-(1)** There shall be for the College the following principal officers
26 in addition to the Registrar, that is:

27 (a) the Bursar; and

28 (b) the College Librarian, who shall be appointed by the Council on
29 the recommendation of the Selection Board constituted under section 10 D of
30 this Bill.

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

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

7 (4) A Bursar or Librarian:

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

11 (b) may be reappointed for a further period of five years and no
 12 more.

13 **14.** A principal officer may resign his appointment:

14 (a) in the case of the Provost, by notice to the Visitor; and

15 (b) in any other case, by notice to the Council.

Resignation of
 appointment of
 principal officers

16 **15.**-(1) The Council may appoint such other persons to be
 17 employees of the College as the Council may determine to assist the Provost
 18 and the principal officers of the College in the performance of their
 19 functions under this Bill.

Other employees
 of the College

20 (2) Subject to the provisions of this Bill, the remuneration, tenure
 21 of office and conditions of service of the employees of the Council shall be
 22 determined by the Council in consultation with the Federal Civil Service
 23 Commission.

24 **16.**-(1) There shall be, for the College, a selection Board which
 25 shall consist of:

Selection Board
 for other principal
 officers

26 (a) the chairman of the Council;

27 (b) the Provost;

28 (c) four members of the Council not being members of the
 29 Academic Board; and

30 (d) two members of the Academic Board.

| | | |
|--|----|---|
| | 1 | (2) The functions, procedure and other matters relating to the |
| | 2 | Selection Board constituted under subsection (1) of this section shall be as the |
| | 3 | Council may, from time to time, determine. |
| Pensions | 4 | 17. -(1) It is hereby declared that service in the College shall be |
| | 5 | approved service for the purposes of the Pensions Act and, accordingly, |
| | 6 | officers and other persons employed in the College shall in respect of their |
| | 7 | service in the College be entitled to pensions, gratuities and other retirement |
| | 8 | benefits as are prescribed thereunder, so however that nothing in this Bill shall |
| | 9 | prevent the appointment of a person to any office on terms which preclude the |
| | 10 | grant of a pension and gratuity in respect of that office. |
| | 11 | (2) For the purposes of the application of the provisions of the |
| | 12 | Pensions Act, any power exercisable thereunder by a Minister or other |
| | 13 | authority of the Government of the Federation shall be exercisable by the |
| | 14 | College and not by any other person or authority. |
| | 15 | PART II - FINANCIAL PROVISIONS |
| Establishment of fund of the College | 16 | 18. -(1) The Council shall establish and maintain a fund which shall be |
| | 17 | applied towards the promotion of the objectives specified in this Bill. |
| | 18 | (2) There shall be paid and credited to the fund established under |
| | 19 | subsection (1) of this section: |
| | 20 | (a) such sums as may from time to time be granted to the Council by |
| | 21 | the Federal Government through the National Commission for Colleges of |
| | 22 | Education; |
| | 23 | (b) all moneys raised for the purposes of the Council by way of gifts, |
| | 24 | grants-in-aid or testamentary disposition; and |
| | 25 | (c) all subscriptions, fees and charges for services rendered by the |
| | 26 | Council and all other sums that may accrue to the Council from any source. |
| | 27 | (3) The Council shall submit to the Minister, through the National |
| | 28 | Commission for Colleges of Education, not later than three months before the |
| | 29 | end of each financial year or at such other time as he may direct, an estimate of |
| | 30 | its revenue and expenditure for the next succeeding financial year. |

| | | |
|----|--|------------------------|
| 1 | 19.-(1) The Council may accept gifts of land, money or other | Power to accept gifts |
| 2 | property upon such terms and conditions if any, as may be specified by the | |
| 3 | person making the gift. | |
| 4 | (2) The Council shall not accept any gift if the conditions attached | |
| 5 | by the person making the gift are inconsistent with the functions of the | |
| 6 | Council. | |
| 7 | 20. The Council shall keep proper accounts of its receipts, | Accounts and audit |
| 8 | payments, assets and liabilities and shall in respect of each year cause the | |
| 9 | accounts to be audited. | |
| 10 | 21. The Council shall as soon as may be after the expiration of | Annual reports |
| 11 | each financial year, prepare and submit to the Minister a report of its | |
| 12 | activities during the immediately preceding financial year and shall include | |
| 13 | in the report a copy of the audited accounts of the College for that year and of | |
| 14 | the auditor's report on the accounts. | |
| 15 | PART III - MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS | |
| 16 | 22.-(1) For the purpose of providing offices and premises | Offices and premises |
| 17 | necessary for the performance of its functions, the Council may: | |
| 18 | (a) purchase any interest in or take on lease any land; and | |
| 19 | (b) build, equip and maintain offices and premises. | |
| 20 | (2) The Council may, with the approval of the Minister, sell any | |
| 21 | interest in or lease any land, offices or premises held by it and no longer | |
| 22 | required for the performance of its functions. | |
| 23 | 23.-(1) The Council may make rules providing for the Provost to | Discipline of students |
| 24 | conduct enquiries into alleged breaches of discipline (including lack of | |
| 25 | diligence) by students and such rules may make different provisions for | |
| 26 | different circumstances. | |
| 27 | (2) The rules shall provide for the procedure and rules of evidence | |
| 28 | to be followed at enquiries under this section. | |
| 29 | (3) Subject to the provisions of subsection (1) of this section, where | |
| 30 | it is proved during the enquiry that any student of the College has been guilty | |

1 of misconduct, the Provost may, without prejudice to any other disciplinary
2 powers conferred on him by this Bill or any regulations made thereunder,
3 direct:

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

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

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

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

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

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

24 (6) The fact that an appeal from a direction is brought in pursuance of
25 subsection (5) of this section shall not affect the operation of the direction while
26 the appeal is pending.

27 (7) The Provost may delegate his powers under this section to a
28 disciplinary committee consisting of such members of the College as he may
29 nominate.

30 (8) Nothing in this section shall be construed as preventing the

1 restriction or termination of a student's activities at the College otherwise
2 than on the ground of misconduct.

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

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

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

9 "chairman" means the chairman of the Council;

10 "College" means the Federal College of Education (Special) Dukku;

11 "Council" means the Governing Council of any of the Colleges established
12 by or pursuant to section 2 of this Bill;

13 "Provost" means the Provost of the College appointed under section 9 of this
14 Bill;

15 "functions" includes powers and duties;

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

18 "member" means a member of the Council including the chairman.

19 **25.** This Bill may be cited as the Federal College of Education Short title
20 (Special) Dukku (Establishment) Bill, 2022.

1 FIRST SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

3 *Terms of service*

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

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

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

13 *Proceedings*

14 4.-(1) The Council shall meet for the conduct of business at such
15 times, places and on such days as the chairman may appoint but shall meet not
16 less than once every four months.

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

19 (3) At any meeting of the Council the chairman shall preside; but in
20 his absence, members present shall elect one of their number to preside at the
21 meeting.

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

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

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

1 *Miscellaneous*

2 5.-(1) The fixing of the seal of the College shall be authenticated by
3 the signature of the chairman, Provost and of some other members of the
4 Council authorised generally or specially by the Council to act for that
5 purpose.

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Education (Special) Dukku to provide full-time courses in teaching with special education to handicapped students, Instruction and Training in Technology, Applied Science, Commerce, Arts, Social Sciences, Humanities and Management and to carry out research in the development and adaptation of techniques.

FEDERAL COLLEGE OF EDUCATION (TECHNICAL)

ILE-IFE, OSUN STATE BILL, 2022

ARRANGEMENT OF SECTIONS

Section:

PART I - ESTABLISHMENT OF THE FEDERAL COLLEGE OF EDUCATION

1. Establishment of Federal Colleges of Education
2. Governing Council of the College
3. Membership of the Council of the College
4. Tenure of office of members of the council
5. Functions of the college
6. Powers of the council
7. Visitation
8. The Academic Board and its functions
9. Power of Minister to give direction to the Council
10. The Provost of the college
11. Deputy Provosts
12. The Registrar and other staff of each College
13. Other principal officers of the college
14. Resignation of appointment of principal officers
15. Other employees of the college.
16. Selection Board for other principal officers
17. Pensions

PART II - FINANCIAL PROVISIONS

18. Establishment of fund of each College
19. Power to accept gifts
20. Accounts and audit
21. Annual reports
20. Offices and premises

21. Discipline of students

22. Interpretation

23. Short titles

SCHEDULE

FIRST SCHEDULE

Principal Officers of the College

SECOND SCHEDULE

Supplementary provisions relating to the council etc

A BILL

FOR

AN ACT TO UPGRADE GOVERNMENT TECHNICAL SCHOOL ILODE ILE IFE TO
FEDERAL COLLEGE OF EDUCATION (TECHNICAL) ILE-IFE, OSUN STATE
AND FOR RELATED MATTER

Sponsored by Hon. Ajilesoro Taofeek Abimbola

[] Commencement

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

1 PART I - ESTABLISHMENT OF FEDERAL COLLEGE OF EDUCATION

2 (TECHNICAL) LIE-IFE, OSUN STATE

3 1.-(1) There is hereby upgrade Government Technical College,
4 Ilode Ile Ife to Federal College of Education (Technical) Ile-Ife, Osun State
5 specified in the First Schedule to this Act (in this Act collectively referred to
6 as "College") which shall have such powers and exercise such functions as
7 are conferred on them by this Act.

Establishment of
Federal College
of Education
(Technical) Ile-Ife,
Osun State

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

12 2.-(1) The governance of Federal College of Education
13 (Technical) Ile-Ife, Osun State and the direction of its affairs shall vest in the
14 Governing Council of the College concerned (in this Act referred to as "the
15 Council").

Governing Council
of Federal College
of Education (Technical)
Ile-Ife, Osun State

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

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

19 (b) The programme of studies, courses, and research to be

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

1 for the person appointed to continue in office and notifies the member in
2 writing to the effect.

3 **5.** The functions of Federal College of Education (Technical) Ile-
4 Ife, Osun State shall be:

Functions of
Federal College
of Education
(Technical) Ile-Ife,
Osun State

5 (a) To provide full-time courses in teaching, instruction and
6 training-

7 (i) in technology, applied Science, commerce, arts, social Science,
8 humanities and management; and

9 (ii) in such other fields of applied learning relevant to the needs of
10 the development of Nigeria in the areas of industrial and agricultural
11 production and distribution and for research in the development and
12 adaptation of techniques as the Council may from time to time determine,

13 (b) To conduct courses in education for qualified teachers;

14 (c) To arrange conferences, seminars and workshops relative to the
15 fields of learning specified in paragraph (a) of this section; and

16 (d) To perform such other functions as in the opinion of the Council
17 may serve to promote the objectives of the College.

18 **6.-(1)** For the carrying out of the functions of the College, the
19 Council shall have power to-

Powers of the
Council

20 (a) Hold examination and grant diplomas, professional certificates
21 and other distinctions to persons who have pursued a course of study
22 approved and accredited by the National Commission for Colleges of
23 Education;

24 (b) Demand and receive from any student or any other person
25 attending the College for the purpose of instruction such fees as the Council
26 may, with the prior approval for the Minister, from time to time determine;

27 (c) Hold public lectures and undertake printing, publishing and
28 bookselling;

29 (d) Make gifts for any charitable purpose;

30 (e) Hold examinations in education for qualified teachers;

1 (f) Provide amenities for and make such other provision for the
2 welfare of the staff of the College;

3 (g) Invest the funds of the College in securities specified by law or in
4 such other securities in Nigeria as may be approved by the Minister;

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

7 (i) Enter into such contracts as may be necessary or expedient for
8 carrying into effect the objectives of the College;

9 (j) Recruit staff of the right caliber and determine the career structure
10 of such staff;

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

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

15 (m) Mount exhibitions and displays designed to foster an
16 appreciation of trends in and the scope and requirements of education;

17 (n) Erect, provide, equip and maintain such educational recreational
18 and residential facilities as the College may require;

19 (o) Create lectureships and other academic posts and offices and to
20 make appointments thereto;

21 (p) Encourage and make provision for research in the College; and

22 (q) Do such acts and things whether or not incidental to the foregoing
23 powers as may advance the objects of the College.

24 (2) The power of the Council to establish further schools within the
25 College shall be exercisable by order and not otherwise.

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

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

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

1 performance of the College; or

2 (b) For such other purpose or in respect of any other affairs of the
3 College as the visitor may deem fit.

4 **8.-(1)** There shall be established for the College a board to be The Academic
Board and its
functions
5 known as the Academic Board which shall consist of the following
6 members:

7 (a) The Provost of the College who shall be the chairman;

8 (b) All heads of departments;

9 (c) The College Librarian; and

10 (d) Not more than two members of the academic staff other than
11 heads of departments to be appointed by the Council.

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

13 (a) the direction and management of academic matters of the
14 College including the regulation of admission of students, the award of
15 certificates, scholarships, prizes and other academic distinctions;

16 (b) Making periodic reports on such academic matters to the
17 Council as the Council may from time to time direct;

18 (c) Discharging any other functions which council may from time
19 to time delegate to it.

20 **9.** Subject to the provisions of this Act, the Minister may give to Power of Minister
to give directions
to the Council
21 the Council direction of a general character or relating generally to matters
22 of policy with regard to the exercise by the Council of its functions under
23 this Act and it shall b the duty of the Council to comply with such directions.

24 **10.-(1)** There shall be a Provost of the College (in this Act referred The Provost of
the College
25 to as "the Provost") who shall be appointed by the President, in accordance
26 with the provisions of this section.

27 (2) Where a vacancy occurs in the post of Provost, the Council
28 shall:

29 (a) Advertise the vacancy in a reputable journals or a widely read
30 newspaper in Nigeria specifying:

- 1 (i) The qualities of the person who may apply for the post;
- 2 (ii) The terms and conditions of service applicable to the post: and
- 3 thereafter draw up a short list of suitable candidates for consideration;
- 4 (b) Constitute a search team consisting of:
- 5 (i) A member of the Council not being a member of the Academic
- 6 Board, as chairman;
- 7 (ii) Two members of the academic Board not below the rank of Chief
- 8 Lecturer;
- 9 (iii) Two members of the academic community of the College not
- 10 below the rank of chief lecturer to be selected by the Council to identify and
- 11 draw up a short list of suitable persons who are not likely to apply for the post
- 12 for any reason whatsoever.
- 13 (3) A joint council and Academic Selection Board consisting of:
- 14 (a) The chairman of the council;
- 15 (b) Two members of the Council not being members of the Academic
- 16 Board;
- 17 (c) Two members of the Academic Board not below the rank of Chief
- 18 lecturer, who were not members of the search team, shall consider the
- 19 candidates and persons on the short lists drawn up under subsection (2) of this
- 20 section through an examination of their curriculum vitae and interaction with
- 21 them and recommend through the Council to the President, three candidates for
- 22 his consideration.
- 23 (4) The President shall appoint as Provost one of the candidates
- 24 recommended to him under the provisions of subsection (3) of this section.
- 25 (5) Subject to this Act and the general control of the Council, the
- 26 Provost shall be the chief executive of the College and shall be charged with
- 27 general responsibility for matters relating to the day - to - day management
- 28 operations of the College.
- 29 (6) The Provost:
- 30 (a) shall hold office for a period of four year beginning with the

1 effective date of his appointment and on such terms and conditions as may
2 be specified in his letter of appointment; and

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

5 **11.-(1)** There shall be for the college a Deputy Provost. Deputy Provosts

6 (2) The council shall appoint the Deputy Provost from among the
7 chief lecturers in the College in one of the following ways, that is-

8 (a) From a list of three candidates in order of preference, submitted
9 by the Provost; or

10 (b) On the recommendation of a Selection Board constituted under
11 this section for that purpose; or

12 (c) On the nomination of the Provost.

13 (3) The Selection Board referred to in subsection (2) of this section
14 shall-

15 (a) Consist of:

16 (i) The chairman of the council,

17 (ii) The provost;

18 (iii) Two members of the council not being members of the
19 Academic Board;

20 (iv) Two members of the Academic Board, and

21 (b) Make such inquiries as it deems fit before making the
22 recommendation required under that section for that purpose; or

23 (c) On the nomination of the Provost.

24 (3) The Selection Board referred to in subsection (2) of this section
25 shall -

26 (a) Consist of;

27 (i) The chairman of the council;

28 (ii) The Provost;

29 (iii) Two members of Council not being members of the Academic
30 Board;

- 1 (iv) Two members of the Academic Board; and
- 2 (b) Make such inquiries as it deems fit before making the
- 3 recommendation required under that subsection.
- 4 (4) The Deputy Provost shall:
- 5 (a) Assist the Provost in the performance of his functions;
- 6 (b) Act in the place of the provost when the post of Provost is vacant or
- 7 if the Provost is, for any reason, absent or unable to perform his functions as
- 8 Provost; and
- 9 (c) Perform such other functions as the provost or the council may,
- 10 from time to time assign to him.
- 11 (5) The Deputy Provost:
- 12 (a) shall hold office for a period of two years beginning from the
- 13 effective date of his appointment and on such terms and conditions as may be
- 14 specified in his letter of appointment; and
- 15 (b) May be reappointed for one further period of two years and no
- 16 more.
- 17 **12.-(1)** The Council of the College shall appoint a Registrar to such
- 18 College (hereinafter referred to as the Registrar") who shall keep the records
- 19 and conduct the correspondence of the Council and shall perform such other
- 20 duties as the Council and subject thereto as the Provost may from time to time
- 21 direct.
- 22 (2) The Registrar shall, in addition to other duties conferred on him by
- 23 or under this Act, be the secretary to the Council, the Academic Board and any
- 24 committee of the Council and in his absence, the Councilor any such
- 25 committee may appoint some other person to act as secretary, and he shall not
- 26 vote on any question before the Councilor count towards as quorum.
- 27 (3) A Registrar:
- 28 (a) shall hold office for a period of five years beginning from the
- 29 effective date of his appointment and on such terms and conditions as may be
- 30 specified in his letter of appointment; and

Th Registrar
and other staff
of the College

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

3 (4) Where, on the commencement of this section, a Registrar
4 appointed before the commencement of this section has held office; -

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

7 (b) For more than five years but less than ten years, he shall
8 complete the maximum period for ten years and thereafter relinquish his
9 post and be assigned other duties in the Colleges;

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

13 **13.-(1)** There shall be for the College the following principal
14 officers in addition to the Registrar, that is:

Other principal t
officers of the
College

15 (a) The Bursar; and

16 (b) The College Librarian.

17 Who shall be appointed by the Council on the recommendation of the
18 Selection Board constituted under section 10D of this Act.

19 (2) The Bursar shall be the chief financial officer of the College and
20 be responsible to the Provost for the day - to day administration and control
21 of the financial affairs of the College.

22 (3) The College Librarian shall be responsible to the provost for the
23 administration of the College Library and the coordination of the library
24 services in the teaching units of the College.

25 (4) A Bursar or Librarian:

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

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

| | | |
|--|----|--|
| | 1 | (5) Where, on the commencement of this section, a Bursar or |
| | 2 | Librarian has held Office: |
| | 3 | (a) For five years or less, he shall be deemed to be serving his first |
| | 4 | term of office and may be reappointed for a further term of five years; |
| | 5 | (b) For more than five but less than ten years, he shall complete the |
| | 6 | maximum period of ten years and thereafter relinquish his post and be assigned |
| | 7 | other duties in the College; |
| | 8 | (c) For term years or more, the council may allow him to serve in that |
| | 9 | capacity for a further period of one year only and thereafter he shall relinquish |
| | 10 | his post and be assigned other duties in the College. |
| Resignation of appointment of principal officers | 11 | 14. A principal officers may resign his appointment: |
| | 12 | (a) In the case of the Provost, by notice to the Visitor; and |
| | 13 | (b) In any other case, by notice to the Council. |
| Other employees of the College | 14 | 15. -(1) The Council may appoint such other persons to be employees |
| | 15 | of the College as the Council may determine to assist the Provost and the |
| | 16 | principal officers of the College in the performance of their functions under this |
| | 17 | Act. |
| | 18 | (2) Subject to the provisions of this Act, the remuneration, tenure of |
| | 19 | office and conditions of service of the employees of the Council shall be |
| | 20 | determined by the Council in consultation with the Federal Civil Service |
| | 21 | Commission. |
| Selection Board for other principal officers | 22 | 16. -(1) There shall be, for the College, a selection Board which shall |
| | 23 | consist of- |
| | 24 | (a) The chairman of the council; |
| | 25 | (b) The Provost; |
| | 26 | (c) Four members of the council not being members of the Academic |
| | 27 | Board; and |
| | 28 | (d) Two members of the Academic Board. |
| | 29 | (2) The functions, procedure and other matters relating to the |
| | 30 | Selection Board constituted under subsection (1) of this section shall be as the |

| | | |
|---------------------------|----|--|
| | 1 | person making the gift. |
| | 2 | (2) The Council shall not accept any gift if the conditions attached by |
| | 3 | the person making the gift are inconsistent with the functions of the Council. |
| Accounts and audit | 4 | 20. The Council shall keep proper accounts of its receipts, payments, |
| | 5 | assets and liabilities and shall in respect of each year cause the account to be |
| | 6 | audited. |
| Annual reports | 7 | 21. The Council shall as soon as may be after the expiration of each |
| | 8 | financial year, prepare and submitted to the Minister a report of its activities |
| | 9 | during the immediately preceding financial year and shall include in the report |
| | 10 | a copy of the audited accounts of the College for that year and of the auditor's |
| | 11 | report on the accounts. |
| Offices and premises | 12 | 22. -(1) For the purpose of providing offices and premises necessary |
| | 13 | for the performance of its functions, the Council may- |
| | 14 | (a) Purchase any interest in or take on lease any land; and |
| | 15 | (b) Build, equip and maintain offices and premises. |
| | 16 | (2) The council may, with the approval of the Minister, sell any |
| | 17 | interest in or lease any land, offices or premises held by it and no longer |
| | 18 | required for the performance of its functions. |
| Discipline of students | 19 | 23. -(1) The Council may make rules providing for the Provost to |
| | 20 | conduct enquires into alleged breaches of discipline (including lack of |
| | 21 | diligence) by students and such rules may make different provisions for |
| | 22 | different circumstances. |
| | 23 | (2) The rules shall provide for the procedure and rules of evidence to |
| | 24 | be followed at enquires under this section. |
| | 25 | (3) Subject to the provisions of subsection (1) of this section, where it |
| | 26 | is proved during the enquiry that any student of the College has been guilty of |
| | 27 | misconduct, the provost may, without prejudice to any other disciplinary |
| | 28 | powers conferred on him by this Act or any regulations made. |
| | 29 | Thereunder, direct- |
| | 30 | (a) That the student shall not, during such period as may be specified |

1 in the direction, participate in such activities of the College, or make use of
2 such facilities of the College, as he may specify; or

3 (b) That the activities of the student shall during such period as may
4 be specified in the direction, be restricted in such manner as may be so
5 specified; or

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

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

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

14 (5) Where a direction is given under subsection (3) (c) or (d) of this
15 section in respect of any student, the student may, within 21 days from the
16 date of the letter communicating the decision to him, appeal from the
17 direction to the Council, and where as an appeal is brought, the council shall,
18 after causing such inquiry to be made in the matter as the Council consider
19 just, either confirm or set aside the direction or modify it in such manner as
20 the Council may think fit.

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

24 (7) The Provost may delegate his powers under this section to a
25 disciplinary committee consisting of such members of the College as he may
26 nominate.

27 (8) Nothing in this section shall be construed as preventing the
28 restriction or termination of a student's activities at the College otherwise
29 than on the ground of misconduct.

30 (9) It is hereby declared that the direction under subsection (3) (a)

| | | |
|----------------|----|---|
| | 1 | of this section may be combined with a direction under subsection (3) (b) of this |
| | 2 | section. |
| | 3 | (10) In all cases under this section, the decision of the Council shall be |
| | 4 | final unless reversed by the Minister on appeal by the student. |
| Interpretation | 5 | 24. In this Act, unless the context otherwise requires:- |
| | 6 | "Chairman" means the chairman of the Council; |
| | 7 | "College" means the Federal College of Education (Technical Ile-Ife, Osun |
| | 8 | State specified in the First Schedule to this Act and "Colleges" shall be |
| | 9 | construed accordingly; |
| | 10 | "Council" means the Governing Council of any of the Colleges established by |
| | 11 | or pursuant to section 2 of this Act; |
| | 12 | "Provost" means the Provost of a College appointed under section 9 of this Act; |
| | 13 | "Functions" includes powers and duties; |
| | 14 | "Minister" means the Minister charged with responsibility for matters relating |
| | 15 | to education; |
| | 16 | "Members" means a member of the Council including the chairman. |
| Short title | 17 | 25. This Bill may be cited as the Federal College of Education |
| | 18 | (Technical) Ile-Ife, Osun State Bill, 2022. |

1 FIRST SCHEDULES

2 PRINCIPAL OFFICERS OF THE COLLEGE

3 *The Provost of the college*

4 1. There shall be the Provost of the College who shall be the Chief
5 Accounting Officer of the college and be appointed by the President in
6 accordance to the section (9) of this Act.

7 *The Deputy Provost of the college*

8 2. There shall be the Deputy Provost of the College who shall be
9 responsible for the following:

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

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

14 (c) Perform such other functions that the provost or council may,
15 time to time assign to him.

16 *The Registrar of the college*

17 3.-(1) There shall be a registrar of the college who shall keep the
18 records and conduct the correspondence of the council and shall perform
19 such other duties as the council and subject thereto as the provost may from
20 time to time direct.

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

25 *The Bursar of the College:*

26 4. There shall be a Bursar of the College who shall be the Chief
27 Financial Officer of the College and be responsible to the Provost for the
28 day-to-day administration and control of the financial affairs of the college.

29 *The college Librarian*

30 5. There shall be a college Librarian who shall be responsible to

1 the Provost for the administration of the College Library and the coordination
2 of the Library services in the teaching units of the College.

3 SECOND SCHEDULE

4 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

5 (Section 2(3))

6 *Terms of services*

7 1. There may be paid to the members of the Council or any committee,
8 other than ex- officio members, such remuneration or allowances as may from
9 time to time be determined by the President.

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

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

17 *Proceedings*

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

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

23 (3) At any meeting of the Council the chairman shall preside; but in
24 his absence, members present shall elect one of their number to preside at the
25 meeting.

26 (4) Where the Council desires to obtain the advice of any person on
27 any particular matter, the Council may co-opt persons who are not members of
28 the Council but persons co-opted shall not be entitled to vote at a meeting of the
29 Council.

30 (5) The quorum of the Council shall be one half of the total members

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EXPLANATORY MEMORANDUM

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A BILL

FOR

AN ACT TO PROVIDE FOR A CONVENIENT AND COMPREHENSIVE
ELECTRONIC PENSIONER VERIFICATION SYSTEM FOR ALL PENSIONERS OF
THE PUBLIC SECTOR AND FOR RELATED MATTERS

Sponsored Hon. Emeka Martins Chinedu

[] Commencement

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

1 PART I - ELECTRONIC PENSIONER VERIFICATION

2 1. Without prejudice to other subsisting legislations on pensions, Electronic
3 the verification of pensioners of the public sector shall be carried out in Pensioner
4 accordance with the provisions of this bill in a manner that: Verification

5 (a) Captures and stores sufficient biometric and electronically
6 retrievable information,

7 (b) ensures the convenience of retirees;

8 (c) respects their dignity; and

9 (d) ensures accessibility, irrespective of location.

10 2. There shall be assigned to every pensioner in the public sector, a Pension verification
11 Pensioner Verification Number (herein referred to as PVN), which shall: number

12 (a) be a 10-digit number;

13 (b) have the first 2 digits representing the tier of government from
14 which the pensioner has retired, such as:

15 (i) 01 for Federal Government,

16 (ii) 02 for State Government,

17 iii) 03 for Local Government,

18 (c) have the second 2 digits representing the parastatal, ministry or
19 agency of government; and

| | | |
|-------------------------------|----|--|
| | 1 | (d) have the last six digits as a unique individual identifier for each |
| | 2 | pensioner. |
| Pension verification database | 3 | 3. There shall be established by the Pension Commission, a central |
| | 4 | pension database to receive the following entries: |
| | 5 | (a) Biometric data to include: |
| | 6 | (i) Facial capture, |
| | 7 | (ii) Finger prints, |
| | 8 | (b) Personal information relating to retirement and finances, |
| | 9 | (c) Details of next of kin and |
| | 10 | (d) PVN as cited in section 2 above. |
| Electronic verification | 11 | 4. The physical verification of pensioners in all tiers of government |
| | 12 | shall: |
| | 13 | (a) take place using biometric data retrieval from the database in |
| | 14 | section 3 and in accordance with the provisions of section 1 of this Bill, |
| | 15 | (b) ensure an online real time feedback system that eliminates the |
| | 16 | need for physical headcount, |
| | 17 | (c) be accessible from designated locations and partner institutions, |
| | 18 | (d) be compatible with already existing data storage and retrieval |
| | 19 | systems in use by the Pension Commission and (e) be readily available on |
| | 20 | biometric capture, retrieval and confirmation platforms in use by partner |
| | 21 | institutions. |
| | 22 | PART II - PARTNERSHIPS |
| Partner institutions | 23 | 5. Partner institutions as cited in section 4 (c) of this bill shall |
| | 24 | cooperate with the Pension Commission in such a manner as to efficiently |
| | 25 | verify pensioner identity in accordance with the provisions of this bill and shall |
| | 26 | include: |
| | 27 | (a) All commercial banks, |
| | 28 | (b) All Nigerian High Commission offices abroad and |
| | 29 | (c) Any other institution(s) as the Pension Commission may deem fit. |

| | | |
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| 1 | 6. Partner institutions shall in accordance with the provisions of | Role of partner institutions |
| 2 | this bill ensure that: | |
| 3 | (a) Pensioner identity verification is accessed like any other | |
| 4 | transaction or services of the institution; | |
| 5 | (b) Pensioner verification service is available in all the institution's | |
| 6 | branches; | |
| 7 | (c) Pensioner's data are correctly captured, retrieved or fed back as | |
| 8 | may be required by the Pension Commission; | |
| 9 | (d) This transaction is confidential and conforms with established | |
| 10 | professional ethics. | |
| 11 | PART III - STATE AND FEDERAL PARASTATALS | |
| 12 | 7. The collation of verification data shall be online, real time and | Collation of verification data |
| 13 | shall: | |
| 14 | (a) be the responsibility of the Pensions Commission, | |
| 15 | (b) made available to: | |
| 16 | (i) Ministries, Departments and Agencies; | |
| 17 | (ii) Federal, State and Local governments. | |
| 18 | (c) Carried out in collaboration with partner institutions. | |
| 19 | 8. (a) A partner institution may not: | |
| 20 | (i) Turn back a pensioner who provides a valid PVN, | |
| 21 | (ii) Interact with a pensioner without dignity and respect, | |
| 22 | (iii) Divulge any information or behave in a manner that may not | |
| 23 | protect the privacy of the transaction, | |
| 24 | (iv) Have power to access the database beyond pensioner identity; | |
| 25 | (v) alter pensioner information through any means without the | |
| 26 | permission of the Commission. | |
| 27 | (b) Failure to comply with the provisions of subsections 8 (i) - (v) | Penalties |
| 28 | of this bill is liable to conviction and fine to the tune of N500,000 for an | |
| 29 | individual and N5,000,000 for a partner institution. | |

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| Enforcement | 1 | 9. The Pension Commission, the Pension Transitional Arrangement |
| | 2 | Directorate (PTAD), the Nigerian Communication Commission, the Ministry |
| | 3 | of Foreign Affairs and the Central Bank of Nigeria shall enforce the provisions |
| | 4 | of this Bill. |
| Citation | 5 | 10. This Bill may be cited as Electronic Pensioner Verification Bill, |
| | 6 | 2022. |

EXPLANATORY MEMORANDUM

This Bill seeks to propose a comprehensive pensioner verification system that incorporates commercial banks and Nigerian Consulates, so as to eliminate the cost and inconvenience of physical pensioner proof of life verification exercises at all levels of government, as well as combat ghost pensioners and pension fraud.

A BILL
FOR

AN ACT TO REPEAL THE JOINT ADMISSIONS AND MATRICULATION BOARD
ACT CAP J1, LAWS OF THE FEDERATION OF NIGERIA 2004; AND FOR
RELATED MATTERS

Sponsored by Hon. Zakaria Dauda Nyampa

[] Commencement

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

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1.

The Joint Admissions and Matriculation Board Act Cap J1,
Laws of the Federation of Nigeria 2004 is repealed.

Repeal of Cap.
J1 LFN, 2004
- 2

2.

This Bill may be cited as the Joint Admissions and
Matriculation Board Act (Repeal) Bill, 2022.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Joint Admissions and Matriculation Board Act
Cap. J1 Laws of the Federation of Nigeria, 2004.

A BILL

FOR

AN ACT TO AMEND THE NATIONAL YOUTH SERVICE CORPS ACT, CAP N84
LAWS OF THE FEDERATION OF NIGERIA 2004 AND FOR RELATED MATTERS

Sponsored by Hon. Oluyemi Adewale Taiwo

[] Commencement

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

- 1 **1.** The National Youth Service Act (herein after referred to as the Amendment of
2 "Principal Act" is hereby amended as follows: the Principal Act
- 3 *Section 7(3):* Amendment of
4 To increase the Annual Subvention of N500,000 to N10,000,000. Section 7(3)
- 5 (3) The Governor of a State and the Chairman of a State governing
6 board, a minimum annual subvention of N2,000,000 to enable it cater
7 adequately for the welfare needs of Corps Members deployed to state and
8 such minimum subvention shall be provided before the commencement of
9 the Service year for which it is intended.
- 10 (4) There shall be a review of Corps Members allowance as the
11 economy of the country dictates.
- 12 *Section 13: Offences and Penalties, Etc:* Amendment of
13 OFFENCES 13 (6) (i) Any Organization of Government Agency that rejects Section 13(6)
- 14 a Corp Member shall be found guilty of an offence.
- 15 PENALTIES (ii) Any Organization or Government agency found wanting
16 of section 13(6)(i) above shall not be given any Corp Member for two
17 consecutive terms unless such Organization or such agency must write an
18 apology letter to the National Youth Service Corps.
- 19 *Section 18(2):* Amendment of
20 An employer of Corp member shall provide the following; Section 18(2)
- 21 (a) Basic accommodation and where it is not available, pay the

| | | |
|----------------------------|----|--|
| | 1 | minimum sum of N5,000 per month in lieu of accommodation in cities and |
| | 2 | State Capital, and in rural areas N3,000; |
| | 3 | (b) All welfare facilities normally provided for the regular staff |
| | 4 | including medical services; and |
| | 5 | (c) Transport or where it is not available, pay the minimum sum of |
| | 6 | N5,000 per month in lieu of transport in cities and States Capital, and in rural |
| | 7 | areas N2,000. |
| Amendment of Section 19 | 8 | <i>Section 19:</i> |
| | 9 | (b) There should be joint Insurance contribution of N1,000 per |
| | 10 | Corps member every year; |
| | 11 | (c) and if there is any hazard on any Corps member, accident or death, |
| | 12 | such Corps member's family shall be given of N5,000,000 as consolation from |
| | 13 | NYSC purse. |
| Amendment of Section 22 | 14 | <i>Section 22: Interpretation</i> |
| | 15 | "Insurance" means a contract by which one party (the insurer) undertakes to |
| | 16 | indemnify another party (the insured) against risk of loss, damage or liability |
| | 17 | arising from the occurrence of same specified contingency. |
| Short title | 18 | 2. This Bill may be cited as the National Youth Service Corps Act |
| | 19 | (Amendment) Bill, 2022. |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Youth Service Corps Act, Cap. N84, Laws of the Federation of Nigeria, 2004 and for other matters connected thereto increase annual subvention, create offences and penalties and providing welfare packages for the Youth Service Corps.

A BILL

FOR

AN ACT TO AMEND FAMILY ECONOMIC ADVANCEMENT PROGRAM (ESTABLISHMENT ETC) ACT F3 LAWS OF THE FEDERATION OF NIGERIA, 2004, TO PROVIDE FOR REPLACEMENT OF THE PEOPLES BANK WITH BANK OF INDUSTRY AND FOR RELATED MATTERS

Sponsored by Hon. Bashiru Ayinla Dawodu

[] Commencement

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

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1. The Family Economic Advancement Program (Establishment Etc) Act, F3 Laws of the Federation of Nigeria, 2004 (herein after referred to as the "Principal Act" is hereby amended as follows:

2. Section 26(1) of the Principal Act is amended by deleting the Peoples bank and substitutes it with the Banks of Industry.

3. Section 26(2) of the Principal Act is amended by deleting in all Local Government areas and Area Councils to all the States Capital of the Federation

4. Section 28(2) is amended by deleting the sum of N550,000.00 per project to the sum of N5,000,000.00

5. This Bill may be cited as the Family Economic Advancement Program (Establishment Etc) Act (Amendment) Bill, 2022.
- Amendment of the Economic Advancement Program (Establishment Etc) Act, F3 LFN, 2004

Amendment of Section 26(1)

Amendment of Section 26(2)

Amendment of Section 28(2)

Citation

EXPLANATORY NOTE

This Bill seeks to delete Peoples Bank and replace it with Bank of Industry and to increase the grant.

A BILL

FOR

AN ACT TO AMEND THE NIGERIA SOVEREIGN INVESTMENT AUTHORITY;
AND FOR RELATED MATTERS

Sponsored by Hon. Mohammed Tahir Monguno

[] Commencement

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

- | | | |
|----|---|----------------------------|
| 1 | 1. Section 10 of the Principal Act is hereby amended by: | Amendment of section 10 |
| 2 | (1) Substituting the word "may" and replacing with "shall" to read: | |
| 3 | "A member of the Council, referred to in Section 8(4) of this Act, "shall" be | |
| 4 | removed by the President, if the member". | |
| 5 | 2. Section 30 of the Principal Act is hereby amended by: | Amendment of section 30 |
| 6 | (1) Replacing Section 30(1) to read: | |
| 7 | "Subsequent funding shall be derived by remitting via Irrevocable Standing | |
| 8 | Payment Order (ISPO) at least 3.5% of the monthly consolidated revenue of | |
| 9 | the Federation; 2.5% of the monthly Federal Account Allocation before | |
| 10 | disbursement to the Federal, States and Local governments; 1.5% of the | |
| 11 | Excess Crude Account deducted annually; and at least 0.75% of the Federal | |
| 12 | government's annual budget deducted from every budgetary allocation | |
| 13 | disbursement to the Ministries and Departments and Agencies (MDAs), all | |
| 14 | transferred by ISPO to the Authority, and in the manner specified in this | |
| 15 | Act". | |
| 16 | (2) Inserting the word "including" before "residual funds ... " in | |
| 17 | Section 30(2) to read: | |
| 18 | "Promptly upon revenues being received in the Federation Account, the | |
| 19 | Authority shall be funded from all amounts "including" of Residual Funds | |
| 20 | above the Budgetary smoothing Amount". | |

Amendment of
section 31

1 3. Section 31 of the Principal Act is hereby amended by:

2 (1) Replacing Section 31 to read:

3 "The initial and subsequent funding of the Authority shall be allocated to each
4 of the Future Generations Fund, the Nigeria Infrastructure Fund, and the
5 Stabilization Fund, in the percentage of at least 40% and 30% and 20%
6 respectively, and allocated to the:"

7 (2) Replacing Section 31(a) to read:

8 "Future Generations Fund to yield an annual compound interest of at least 15%
9 for a tenor of not less than 18 years or until the Fund in the Future Generations
10 Fund reach a ceiling of 45% of the country's Gross Domestic Product, before it
11 can be accessed with appropriation approval by the Nigerian Senate and
12 Federal House of Representatives to 60% of its balance over a period of not less
13 than five years, for specific purposes not limited to climate action, space
14 technology, defence projects."

15 (3) Replacing Section 31(b) to read:

16 "Nigeria Infrastructure Fund to yield an annual compound interest of at least
17 10.5% for a tenor of not less than six years and six months or until the Fund in
18 the Nigeria Infrastructure Fund reaches a ceiling of 25% of the country's Gross
19 Domestic Product, before it can be accessed with appropriation approval by
20 both chambers of the National Assembly, to an amount not exceeding 80% of
21 its balance, over a period of not less than 5 years, for specific infrastructure
22 projects proposed by the National Executive Council (Council) across the six
23 geopolitical zones of North-Central, North-East, North-West, South-East,
24 South-South and South-West;"

25 (4) Replacing Section 31 (c) to read:

26 "Stabilization Fund to yield an annual compound interest of at least 5.5% for a
27 tenor of not less than forty-two (42) months or until the Fund in the
28 Stabilization Fund reach a ceiling of 15% of the Country's Gross Domestic
29 Product, before it can be accessed by resolution of the Board and the Nigerian
30 Senate, up to 90% of its balance, to fund not more than 10% of the federal

1 government's budget deficit and to the thirty six States and F.C.T for budget
2 support, or disbursed with a sharing formula prescribed by the Board's
3 resolution to the Federal and State and Local governments".

4 **4.** Section 34 of the Principal Act is hereby amended by Replacing
5 Section 34(c) to read:

Amendment of
section 34

6 "Such a distribution shall not be drawn from any active investment, and shall
7 be approved by the Nigerian Senate".

8 **5.** Section 41 of the Principal Act is hereby amended by
9 Substituting the word "strict short-term" with "medium and long term" in
10 Section 39(2) to read:

Amendment of
section 39

11 "To preserve the effectiveness of the Authority's ability to make
12 investments, the investment may be subject to "medium and long term",
13 tailored confidentiality restrictions and its distributions temporarily limited
14 until such investments are made as may be considered appropriate by the
15 Authority and the Authority shall however, publish its investment plans,
16 policies and procedures, in the manner prescribed by the Board".

17 **6. Section 41 of the Principal Act is hereby amended by:**

Amendment of
section 41

18 (1) Inserting a new sub section (2) before the existing sub section 2
19 to Section 41. to read:

20 "There shall be a savings and investment period as prescribed in Section 31
21 (b) of this proposed amendment, between which funds accruing to the
22 Nigeria Infrastructure Fund shall be invested mostly in interest yielding
23 assets, infrastructure, bonds, which shall be accessed and liquidated to not
24 more than 80% of the balance in this Fund, to fund the rolling five-year
25 national infrastructure development plan approved by the Council, with
26 both the savings with investment and development phases to run
27 concurrently;"

(2) Re-number the existing sub-sections 2, 3, 4, 5, 6, 7, 8 to become sub-sections 3.4, 5.6, 7.8, 9 accordingly.

30 (3) Replace the word "infrastructure" after "investments in" to

1 "five-year national infrastructure development plan" in the existing sub-
2 section (2) proposed to be amended and re-numbered to sub-section (3) to read:
3 "The Authority may make investments with the funds of the Nigeria
4 Infrastructure Fund pending investment to the "five-year national
5 infrastructure development plan".

6 (4) Insert the phrase "which shall be in compliance with the Public
7 Procurement Act," before "in respect of the submission", in the existing
8 Section (7) subsection "(a)" proposed to be amended and re-numbered to
9 Section (8) subsection "(a)" read:

10 "May make rules, procedures and regulations as it seems necessary. "which
11 shall be in compliance with the Public Procurement Act," in respect of the
12 submission and evaluation parameters for such Development project; and".

Amendment of
section 42

13 7. Section 42 of the Principal Act shall be amended by Inserting a new
14 subsection "(3)" to read:

15 "The Authority shall utilize at least 40% of Nigerian owned and based
16 companies, local content for its projects, infrastructure development,
17 asset/fund management and consultancy".

Amendment of
section 43

18 8. Section 43 of the Principal Act is hereby amended by Replacing the
19 words "lower" with "higher" after "may apply a" and inserting "or the rate
20 prescribed by this proposed amendment in section (31 b)" after "rate of return"
21 to read:

22 "The Authority may apply a higher target internal rate of return or the rate
23 prescribed by this proposed amendment in Section (31 b), to investments made
24 by the Nigeria Infrastructure Fund than to other investments made by the
25 Authority as long as such economic but comparatively suboptimal returns are
26 realised in projects that are determined by the Authority, any technical advisor
27 and consultant as it may deem desirable, and the ministry or agency with
28 subject-matter competence for the infrastructure sector in question, to be
29 highly desirable for, and highly likely to serve the economic development and
30 diversification of Nigeria".

9. Section 46 of the Principal Act is hereby amended by inserting a new subsection.
Amendment of section 44

3 "(3)" to read:

4 "For every infrastructure project of the Authority including those requiring
5 co- investment by development partners, the Authority shall have available
6 the full and total amount of the project or its own share of the project fund;"

10. Section 48 of the Principal Act is hereby amended by replacing
section 48 to read:

9 "The Minister may, at the end of any financial quarter within the period this
10 Fund may be accessed in line with section 31(c), request, "with
11 Appropriation approval from the Nigerian Senate" and the Authority shall
12 upon such request pay from the Stabilisation Fund, an amount equal to the
13 difference, if negative, between the actual quarterly Federation Account
14 revenues generated through the sale of Benchmark Hydrocarbons and the
15 Projected Federation 'Hydrocarbon Revenues for such quarter, provided
16 that such payments "complies fully with the proposed amendment of section
17 31(c)" and the amount will only be drawn after the depletion of the
18 Budgetary Smoothing Account;"

19 **11.** Section 52 of the Principal Act is hereby amended by inserting a Amendment of
20 new section 52 before the existing section 52, re-numbering the extant section 48
21 section 52 to become section 54 accordingly, to now read:

"The Authority's Fund and Asset Managers, Consultants and Contractors' Ethics: Every Fund and Asset manager, contractor, supplier, consultant and project executor for the Authority shall subscribe to and sign a strict ethics and rules Commitment for at the commencement of any bidding or land contract award process, which terms shall include:

(1) The Bureau of Public Enterprise's (BPE's) guidelines, and shall not earn a profit exceeding 20% from any of the Authority's project.

29 (2) Not offer any employee or staff or member of the Board and
30 Management from the positions of assistant director above, and the

1 positions below assistant director the sum of N50,000 and N10,000
2 respectively, in cash and kind, else such company shall be blacklisted from the
3 Authority and the bribe or kickback giver and taker shall be prosecuted along
4 with the company they represent.

5 (3) Complete execution of jobs not more than sixty days after the
6 project due date, and demobilize from project site not later than ninety days
7 after project due date, to avoid a monthly fine of 1 % of project contract fees
8 and, to make over the minimum annual interest rates stipulated for the Fund
9 being managed.

10 (4) A voiding the use of substandard materials or any material lower
11 than the specified standard in the contract award papers, or be blacklisted and
12 be fined 10% of contract sum.

13 (5) That no company shall be awarded (0 handle more than ten
14 projects in any three year period or more than four projects of the Authority
15 annually.

16 (6) The Authority shall maintain a White-book to register contractors
17 whose company and/or directors:

18 (a) have no professional complaint or query from the Authority for
19 three years in a row or six projects in a row;

20 (b) and staffs do not offer or give bribes and/or kickbacks to any staff
21 member or employee or Board member and/or Management staff of the
22 Authority, and;

23 (c) presents a detailed quarterly report to the Authority for ongoing
24 projects it is handling on behalf of the Authority,

25 (d) completes its projects not later than thirty days after project's due
26 completion date,

27 (e) records zero casualty and excellent safety record on the
28 Authority's project sites for three years in a row or six projects in a row;

29 (f) has not been yellow-booked in the last thirty months or blacklisted
30 in the last six years;

1 (g) has not made a profit after tax above 20% from any of the
2 Authority project in the last three years or six projects in a row; and

3 (h) such that a company that is white-booked shall be given a
4 Category A status, and be awarded ongoing projects, portfolios, assets,
5 Funds reversed and re-awarded from recently blacklisted companies or
6 other companies ejected from the Authority's infrastructure project sites,
7 and may under such circumstances be allowed to handle more than four
8 projects but not more than six projects annually and more than ten projects
9 but not more than fifteen projects in three years, or manage funds from not
10 more than two of the Authority's three Funds.

11 (7) A yellow-book which the Authority shall maintain to reflect and
12 record performance of consultants, funds and assets managers and
13 contractor companies who:

14 (a) execute projects with substandard materials or of lower quality
15 industry and project specification standards and refuse to rectify same
16 within thirty days shall be ejected from site, or invest in portfolios that
17 breach any Section of this Act, shall also be fined 5% of the project cost
18 deducted from their subsequent payment;

19 (b) pay site workers below the infrastructure project wage
20 approved estimate, and after two warnings refuse to comply and pay the
21 difference within thirty days, and shall also be fined 0.75% of the contract
22 sum deducted from its next payment;

23 (c) fail to complete infrastructure projects after sixty days of the
24 project completion due date and clear out from site after ninety days of
25 project completion due date, and shall also be fined 1 % of the contract sum;

26 (d) make a net profit after tax deductions of more than 20% from
27 any of the Authority's project it executes;

28 (e) refuses to mobilise to site within thirty days after receiving
29 mobilisation fees and first instalment of project sum, and shall also be fined
30 2.5% of the contract sum deducted from their next payment for every thirty

1 days, or make a portfolio investment on behalf of the Authority with the Funds
2 of the Authority after 28 days of receiving investment funds from the
3 Authority;

4 (f) is unable to meet its obligations to its creditors for two quarters in a
5 row, or its directors is declared bankrupt;

6 (g) if yellow-booked shall not be awarded more than two projects in a
7 year; and if yellow-booked twice in twelve months, shall not be awarded more
8 than one project in a year; and if yellow-booked thrice in twenty-four months or
9 four projects in a row, shall be blacklisted;

10 (h) after yellow-booking, such company shall remain in the yellow-
11 book for twenty four months after the last yellow-book offence, before its
12 records may be expunged from the yellow book.

13 (8) A black-book which the Authority shall maintain to reflect and
14 record performance of consultants and contractors, whose companies shall be
15 blacklisted from the Authority if:

16 (a) it is yellow-booked thrice in twenty-four months or four projects
17 in a row;

18 (b) it absconds from any of the Authority's infrastructure project site
19 or discontinues work duly awarded by the Authority beyond thirty days,
20 without permission from the Authority;

21 (c) it or any of its directors is/are indicted or convicted of corruption;

22 (d) its staffs or agents give any gift over N50,000 and over N10,000 to
23 any official of the Authority from assistant director and above or below the
24 position of assistant director, respectively;

25 (e) it is found to have given bribe or kickbacks on any project,
26 including those not belonging to the Authority;

27 (f) its director is found to be a member of staff, employee, director
28 members of the Board of the Authority;

29 (g) it falsifies any of its records, accounts, documents used in bidding
30 for any of the Authority's contracts, Assets or Funds;

1 (h) if it uses substandard materials on any of the Authority's project more
2 than thrice;

3 (i) it contravenes any of the guidelines and ethical standards of
4 section 8 (subsection a-g), such company shall be removed from any and all
5 of its project sites being handled for the Authority, then prosecuted, and its
6 projects re-awarded to white-booked companies or any other non-yellow-
7 booked qualified company within the next 30 days;

8 (j) after been black-listed, it shall not be re-admitted into the
9 Authority's list of eligible contractors for another six years, and upon re-
10 admission, shall be placed on probation as a company with one yellow-book
11 offence, and until after twenty four months of re-admission without any
12 offence shall it be able to bid and be awarded not more than four projects in a
13 year and not more than 10 projects in three years.

14 **12.** Section 53 of the Principal Act is hereby amended by inserting
15 a new section 53 before the existing section 53, re-numbering the extant
16 section 53 to become section 55 accordingly, to now read:

Amendment of
section 53

17 "ANTI-CORRUPTION CLAUSE: Any member of the Council or Board,
18 and any other employee or staff of the Authority or contractor or individual
19 shall be investigated and recommended for prosecution or prosecuted if
20 found to have:

21 (1) Solicited bribe or kickback from any contractor or any person,
22 in a bid to enable such a company or person access the benefits and
23 opportunities available in the Authority.

24 (2) Unduly used privileged position to influence a contract or
25 employment or benefits to an unqualified company or person.

26 (3) Benefited from any bribe or kickback from any contractor, fund
27 manager, consultant or job applicant.

28 (4) Abused his position to deliberately and wrongfully deny a
29 deserving applicant or contractor a rightful offer or contract;

30 (5) Misappropriated or diverted or converted the Authority's funds

1 and/or assets to private use.

2 (6) Vire Funds without the written authorization of the Councilor
3 National Assembly.

4 (7) Authorise contracts above its specified limit.

5 (8) Offers, pays bribe or kickback to any member of the Authority's
6 employ.

7 (9) Solicits to induce financially or in kind any member of the
8 Authority's employ, in order to obtain privileges exclusive to the Authority's
9 staffs and employ or be awarded a contract or employment.

10 (10) Offers or pays in cash or in kind any member of staff or employ of
11 the Authority from the rank of assistant director above and below the rank of
12 assistant director the sum of 50,000 above or 10,000 above respectively.

13 (11) Receives the sum of N50,000 and above or N10,000 as an
14 assistant director above or below the position of an assistant director
15 respectively, from any person or company seeking opportunities from the
16 Authority.

17 (12) Any such member of staff or employ of the Authority found
18 guilty of willingly subverting the Authority or any section of this Act, shall
19 have his employment or appointment terminated, lose his pension, gratuity,
20 emoluments and severance package and every other benefits accruing to their
21 office; and shall be barred from holding public office either appointed or elected
22 for a period not less than four years after his conviction.

23 (13) Any company refuses to complete any project it has been paid
24 for; or a staff, employee or contractor of the Authority absconds with or steals
25 the funds or land assets of the Authority.

Citation

26 **13.** This Bill may be cited as the Nigeria Sovereign Investment
27 Authority (Amendment) Bill, 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to ensure that the Nigeria Sovereign Investment Authority which manages the Sovereign Wealth Fund of the Federation is adequately and sustainably funded by Irrevocable Standing Payment Order; the respective Funds generate adequate returns; and the Funds are used judiciously and transparently for the benefit of the people of Nigeria, with constant oversight by the National Assembly.

A BILL

FOR

AN ACT TO ESTABLISH FEDERAL COLLEGE OF EDUCATION (TECHNICAL)
AJEGUNLE, OGUN STATE AND FOR RELATED MATTERS

Sponsored by Hon. Ibrahim A. Isiaka

[] Commencement

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

1 PART I - ESTABLISHMENT OF FEDERAL COLLEGE OF EDUCATION

2 (TECHNICAL) AJEGUNLE, OGUN STATE

3 1.-(1) There is hereby established to Federal College of Education
4 (Technical) Ajegunle, Ogun State specified in the First Schedule to this Act
5 (in this Act collectively referred to as "College") which shall have such
6 powers and exercise such functions as are conferred on them by this Act.

Establishment
of Federal College
of Education
(Technical) Ajegunle,
Ogun State

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

11 2.-(1) The governance of Federal College of Education
12 (Technical) Ajegunle, Ogun State and the direction of its affairs shall vest in
13 the Governing Council of the College concerned (in this Act referred to as
14 "the Council").

Governing Council
of Federal College
of Education
(technical) Ajegunle,
Ogun State

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

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

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

21 (c) The annual estimates of the College; and

| | | |
|--|----|--|
| | 1 | (d) The investment plans of the College. |
| Membership of the Council of each College | 2 | 3. The Council of Federal College of Education (Technical) Ajegunle, |
| | 3 | Ogun State shall consist of a chairman and the following other members, to be |
| | 4 | appointed by the president: |
| | 5 | (a) A representative of the Federal Ministry of Education; |
| | 6 | (b) A representative of the Nigerian Society of Engineers; |
| | 7 | (c) A representative of the universities of Technology who in the case |
| | 8 | of degree awarding Colleges, shall come from the university to which the |
| | 9 | Colleges are affiliated for the purpose of moderation; |
| | 10 | (d) Three person of note in the areas of science and of technical |
| | 11 | education, one of whom shall be a woman, to be appointed by the President; |
| | 12 | (e) A representative of the National Commission for Women; |
| | 13 | (f) A representative of the alumni association of the College; |
| | 14 | (g) Two representatives of the Academic Board of the College; |
| | 15 | (h) A representative of the National Commission for Colleges of |
| | 16 | Education; and |
| | 17 | (i) The provost of the college. |
| Tenure of office of members of the Council | 18 | 4.-(1) A member of the Council (other than an ex-officio member) |
| | 19 | shall hold office for a term of three years and subject to the provisions of |
| | 20 | subsection (2) of this section, shall be eligible for re - appointment for a further |
| | 21 | period of three years. |
| | 22 | (2) The office of a member appointed under sections 3 (1) (d) and 3 (2) |
| | 23 | of this Act shall become vacant if- |
| | 24 | (a) The member resigns his office by notice in writing under his hand, |
| | 25 | addressed to the Minister, or |
| | 26 | (b) The Minister is satisfied that it is not in the interest of the College |
| | 27 | for the person appointed to continue in office and notifies the member in |
| | 28 | writing to the effect. |
| Functions of Federal College of Education (Technical) Ajegunle, Ogun State | 29 | 5. The functions of Federal College of Education (Technical) |
| | 30 | Ajegunle, Ogun State shall be: |

1 (a) To provide full-time courses in teaching, instruction and
2 training-

3 (i) in technology, applied Science, commerce, arts, social Science,
4 humanities and management; and

5 (ii) in such other fields of applied learning relevant to the needs of
6 the development of Nigeria in the areas of industrial and agricultural
7 production and distribution and for research in the development and
8 adaptation of techniques as the Council may from time to time determine,

9 (b) To conduct courses in education for qualified teachers;

10 (c) To arrange conferences, seminars and workshops relative to the
11 fields of learning specified in paragraph (a) of this section; and

12 (d) To perform such other functions as in the opinion of the Council
13 may serve to promote the objectives of the College.

14 **6.-(1)** For the carrying out of the functions of the College, the
15 Council shall have power to-

Powers of the
Council

16 (a) Hold examination and grant diplomas, professional certificates
17 and other distinctions to persons who have pursued a course of study
18 approved and accredited by the National Commission for Colleges of
19 Education;

20 (b) Demand and receive from any student or any other person
21 attending the College for the purpose of instruction such fees as the Council
22 may, with the prior approval for the Minister, from time to time determine;

23 (c) Hold public lectures and undertake printing, publishing and
24 bookselling;

25 (d) Make gifts for any charitable purpose;

26 (e) Hold examinations in education for qualified teachers;

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

29 (g) Invest the funds of the College in securities specified by law or
30 in such other securities in Nigeria as may be approved by the Minister;

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

3 (i) Enter into such contracts as may be necessary or expedient for
4 carrying into effect the objectives of the College;

5 (j) Recruit staff of the right caliber and determine the career structure
6 of such staff;

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

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

11 (m) Mount exhibitions and displays designed to foster an
12 appreciation of trends in and the scope and requirements of education;

13 (n) Erect, provide, equip and maintain such educational recreational
14 and residential facilities as the College may require;

15 (o) Create lectureships and other academic posts and offices and to
16 make appointments thereto;

17 (p) Encourage and make provision for research in the College; and

18 (q) Do such acts and things whether or not incidental to the foregoing
19 powers as may advance the objects of the College.

20 (2) The power of the Council to establish further schools within the
21 College shall be exercisable by order and not otherwise.

Visitation

22 7.-(1) The Minister of Education shall be the Visitor of the College.

23 (2) The Visitor shall, not less than once in every five years, conduct a
24 visitation of the College or appoint a visitation panel consisting of not less than
25 five experts to conduct the visitation:

26 (a) For the purpose of evaluating the academic and administrative
27 performance of the College; or

28 (b) For such other purpose or in respect of any other affairs of the
29 College as the visitor may deem fit.

The Academic Board and its functions

- (a) The Provost of the College who shall be the chairman;
- (b) All heads of departments;
- (c) The College Librarian; and
- (d) Not more than two members of the academic staff other than

of departments to be appointed by the Council.

(2) The Academic Board shall be responsible for:

(a) the direction and management of academic matters of the institution, including the regulation of admission of students, the award of degrees, scholarships, prizes and other academic distinctions;

(b) Making periodic reports on such academic matters to the Council as the Council may from time to time direct;

(c) Discharging any other functions which council may from time to time delegate to it.

Power of Minister to give directions to the Council

The Provost of
the College

(2) Where a vacancy occurs in the post of Provost, the Council

(a) Advertise the vacancy in a reputable journals or a widely read paper in Nigeria specifying:

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

(ii) The terms and conditions of service applicable to the post: and
er draw up a short list of suitable candidates for consideration;

1 (b) Constitute a search team consisting of:

2 (i) A member of the Council not being a member of the Academic
3 Board, as chairman;

4 (ii) Two members of the academic Board not below the rank of Chief
5 Lecturer;

6 (iii) Two members of the academic community of the College not
7 below the rank of chief lecturer to be selected by the Council to identify and
8 draw up a short list of suitable persons who are not likely to apply for the post
9 for any reason whatsoever.

10 (3) A joint council and Academic Selection Board consisting of:

11 (a) The chairman of the council;

12 (b) Two members of the Council not being members of the Academic
13 Board;

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

20 (4) The President shall appoint as Provost one of the candidates
21 recommended to him under the provisions of subsection (3) of this section.

22 (5) Subject to this Act and the general control of the Council, the
23 Provost shall be the chief executive of the College and shall be charged with
24 general responsibility for matters relating to the day - to - day management
25 operations of the College.

26 (6) The Provost:

27 (a) shall hold office for a period of four year beginning with the
28 effective date of his appointment and on such terms and conditions as may be
29 specified in his letter of appointment; and

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

3 **11.-(1)** There shall be for the college a Deputy Provost. Deputy Provosts

4 (2) The council shall appoint the Deputy Provost from among the
5 chief lecturers in the College in one of the following ways, that is-

6 (a) From a list of three candidates in order of preference, submitted
7 by the Provost; or

8 (b) On the recommendation of a Selection Board constituted under
9 this section for that purpose; or

10 (c) On the nomination of the Provost.

11 (3) The Selection Board referred to in subsection (2) of this section
12 shall-

13 (a) Consist of:

14 (i) The chairman of the council,

15 (ii) The provost:-

16 (iii) Two members of the council not being members of the
17 Academic Board;

18 (iv) Two members of the Academic Board, and

19 (b) Make such inquiries as it deems fit before making the
20 recommendation required under that section for that purpose; or

21 (c) On the nomination of the Provost.

22 (3) The Selection Board referred to in subsection (2) of this section
23 shall -

24 (a) Consist of:

25 (i) The chairman of the council;

26 (ii) The Provost;

27 (iii) Two members of Council not being members of the Academic
28 Board;

29 (iv) Two members of the Academic Board; and

30 (b) Make such inquiries as it deems fit before making the

1 recommendation required under that subsection.

2 (4) The Deputy Provost shall:

3 (a) Assist the Provost in the performance of his functions;

4 (b) Act in the place of the provost when the post of Provost is vacant or
5 if the Provost is, for any reason, absent or unable to perform his functions as
6 Provost; and

7 (c) Perform such other functions as the provost or the council may,
8 from time to time assign to him.

9 (5) The Deputy Provost:

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

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

The Registrar
and other staff
of the College

15 **12.-(1)** The Council of the College shall appoint a Registrar to such
16 College (hereinafter referred to as the Registrar") who shall keep the records
17 and conduct the correspondence of the Council and shall perform such other
18 duties as the Council and subject thereto as the Provost may from time to time
19 direct.

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

25 (3) A Registrar:

26 (a) shall hold office for a period of five years beginning from the
27 effective date of his appointment and on such terms and conditions as may be
28 specified in his letter of appointment; and

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

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

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

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

6 (c) For tern years or more, the council may allow him to serve in that
7 capacity for a further period of one year only and thereafter he shall relinquish
8 his post and be assigned other duties in the College.

Resignation of
appointment of
principal officers

9 **14.** A principal officers may resign his appointment:

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

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

Other employees
of the College

12 **15.-(1)** The Council may appoint such other persons to be employees
13 of the College as the Council may determine to assist the Provost and the
14 principal officers of the College in the performance of their functions under this
15 Act.

16 (2) Subject to the provisions of this Act, the remuneration, tenure of
17 office and conditions of service of the employees of the Council shall be
18 determined by the Council in consultation with the Federal Civil Service
19 Commission.

Selection Board
for other principal
officers

20 **16.-(1)** There shall be, for the College, a selection Board which shall
21 consist of-

22 (a) The chairman of the council;

23 (b) The Provost;

24 (c) Four members of the council not being members of the Academic
25 Board; and

26 (d) Two members of the Academic Board.

27 (2) The functions, procedure and other matters relating to the
28 Selection Board constituted under subsection (1) of this section shall be as the
29 Council may, from time to time, determine.

1 **17.-(1)** It is hereby declared that service in the College shall be Pensions
2 approved service for the purpose of the Pensions Act and accordingly,
3 officers and other persons employed in each College shall in respect of their
4 service in the College be entitled to pensions, gratuity's and other
5 retirement benefits as are prescribed there under, so however that nothing in
6 this Act shall prevent the appointment of a person to any office on terms
7 which preclude the grant of a pension and gratuity in respect of that office.

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (other than the power to make regulations under section 23 thereof) shall be exercisable by the college and not by any other person or authority.

18.(1) The Council shall establish and maintain a fund which shall
be applied towards the promotion of the objectives specified in this Act.

15 (2) There shall be paid and credited to the fund established under
16 subsection (1) of this section:

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

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

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

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

28 **19.**-(1) The Council may accept gifts of land, money or other Power to accept
29 property upon such terms and conditions if any, as may be specified by the gifts
30 person making the gift.

| | | |
|---------------------------|----|--|
| | 1 | (2) The Council shall not accept any gift if the conditions attached by |
| | 2 | the person making the gift are inconsistent with the functions of the Council. |
| Accounts and audit | 3 | 20. The Council shall keep proper accounts of its receipts, payments, |
| | 4 | assets and liabilities and shall in respect of each year cause the account to be |
| | 5 | audited. |
| Annual reports | 6 | 21. The Council shall as soon as may be after the expiration of each |
| | 7 | financial year, prepare and submitted to the Minister a report of its activities |
| | 8 | during the immediately preceding financial year and shall include in the report |
| | 9 | a copy of the audited accounts of the College for that year and of the auditor's |
| | 10 | report on the accounts. |
| Offices and premises | 11 | 22.-(1) For the purpose of providing offices and premises necessary |
| | 12 | for the performance of its functions, the Council may- |
| | 13 | (a) Purchase any interest in or take on lease any land; and |
| | 14 | (b) Build, equip and maintain offices and premises. |
| | 15 | (2) The council may, with the approval of the Minister, sell any |
| | 16 | interest in or lease any land, offices or premises held by it and no longer |
| | 17 | required for the performance of its functions. |
| Discipline of students | 18 | 23.-(1) The Council may make rules providing for the Provost to |
| | 19 | conduct enquires into alleged breaches of discipline (including lack of |
| | 20 | diligence) by students and such rules may make different provisions for |
| | 21 | different circumstances. |
| | 22 | (2) The rules shall provide for the procedure and rules of evidence to |
| | 23 | be followed at enquires under this section. |
| | 24 | (3) Subject to the provisions of subsection (1) of this section, where it |
| | 25 | is proved during the enquiry that any student of the College has been guilty of |
| | 26 | misconduct, the provost may, without prejudice to any other disciplinary |
| | 27 | powers conferred on him by this Act or any regulations made. |
| | 28 | Thereunder, direct- |
| | 29 | (a) That the student shall not, during such period as may be specified |
| | 30 | in the direction, participate in such activities of the College, or make use of |

1 such facilities of the College, as he may specify; or

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

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

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

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

13 (5) Where a direction is given under subsection (3) (c) or (d) of this
14 section in respect of any student, the student may, within 21 days from the
15 date of the letter communicating the decision to him, appeal from the
16 direction to the Council, and where as an appeal is brought, the council shall,
17 after causing such inquiry to be made in the matter as the Council consider
18 just, either confirm or set aside the direction or modify it in such manner as
19 the Council may think fit.

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

23 (7) The Provost may delegate his powers under this section to a
24 disciplinary committee consisting of such members of the College as he may
25 nominate.

26 (8) Nothing in this section shall be construed as preventing the
27 restriction or termination of a student's activities at the College otherwise
28 than on the ground of misconduct.

29 (9) It is hereby declared that the direction under subsection (3) (a)

1 of this section may be combined with a direction under subsection (3) (b) of this
2 section.

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

Interpretation t

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

6 "Chairman" means the chairman of the Council;

7 "College" means the Federal College of Education (Technical Ajegunle, Ogun
8 State specified in the First Schedule to this Act and "Colleges" shall be
9 construed accordingly;

10 "Council" means the Governing Council of any of the Colleges established by
11 or pursuant to section 2 of this Act;

12 "Provost" means the Provost of a College appointed under section 9 of this Act;

13 "Functions" includes powers and duties;

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

16 "Members" means a member of the Council including the chairman.

Short title

17 **25.** This Bill may be cited as the Federal College of Education
18 (Technical) Ajegunle, Ogun State (Establishment) Bill, 2022.

1 FIRST SCHEDULES

2 PRINCIPAL OFFICERS OF THE COLLEGE

3 *The Provost of the college*

4 1. There shall be the Provost of the College who shall be the Chief
5 Accounting Officer of the college and be appointed by the President in
6 accordance to the section (9) of this Act.

7 *The Deputy Provost of the college*

8 2. There shall be the Deputy Provost of the College who shall be
9 responsible for the following:

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

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

14 (c) Perform such other functions that the provost or council may,
15 time to time assign to him.

16 *The Registrar of the college*

17 3.-(1) There shall be a registrar of the college who shall keep the
18 records and conduct the correspondence of the council and shall perform
19 such other duties as the council and subject thereto as the provost may from
20 time to time direct.

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

25 *The Bursar of the College*

26 4. There shall be a Bursar of the College who shall be the Chief
27 Financial Officer of the College and be responsible to the Provost for the
28 day-to-day administration and control of the financial affairs of the college.

29 *The college Librarian*

30 5. There shall be a college Librarian who shall be responsible to

1 the Provost for the administration of the College Library and the coordination
2 of the Library services in the teaching units of the College.

3 SECOND SCHEDULE

4 (Section 2(3))

5 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

6 *Terms of services*

7 1. There may be paid to the members of the Council or any committee,
8 other than ex- officio members, such remuneration or allowances as may from
9 time to time be determined by the President.

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

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

17 *Proceedings*

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

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

23 (3) At any meeting of the Council the chairman shall preside; but in
24 his absence, members present shall elect one of their number to preside at the
25 meeting.

26 (4) Where the Council desires to obtain the advice of any person on
27 any particular matter, the Council may co-opt persons who are not members of
28 the Council but persons co-opted shall not be entitled to vote at a meeting of the
29 Council.

30 (5) The quorum of the Council shall be one half of the total members

1 of the Council, at least one of whom shall be a member appointed by the
2 President.

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

5 *Miscellaneous*

6 5-(1) The fixing of the seal of the College shall be authenticated by
7 the signature of the chairman, provost and some other members of the
8 Council authorized generally or especially by the Council to act for that
9 purpose.

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

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

EXPLANATORY MEMORANDUM

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