

Extraordinary



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A BILL

FOR

AN ACT TO ESTABLISH RIGHTS FOR VICTIMS OF CRIME TO PROVIDE FOR THE RIGHTS, WELFARE, AND COMPENSATION OF VICTIMS OF CRIME AND PROVIDE FOR THE STRENGTHENING OF THE CRIMINAL JUSTICE SYSTEM AND FOR RELATED MATTERS

Sponsored by Hon. Henry Archibong Okon

[] Commencement

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

- 1 **1.** The Attorney General of the Federation shall from the date of
2 this bill, becoming an Act be empowered to issue consequential orders
3 pertaining to the implementation of the citizens bill of rights and
4 compensation. Victims' rights
framework
- 5 **2.-(1)** The Attorney General of the federation and Attorney General Annual report
6 of the state must publish a report on the effects of the provisions of this Act
7 on victims of crime at the end of every two years
- 8 **(2)** The Attorney General of the Federation must lay a copy of the
9 annual report prepared under sub section 1 before the National Assembly
10 and the State Houses of Assembly.
- 11 **3.-(1)** The Attorney General of the Federation and Attorney Victims' Right
and Compensation
Regulatory
department
12 General of the States shall establish a Department in the Ministry of Justice
13 to be known as the Victims' Right and Compensation Regulatory
14 Department.
- 15 **(2)** The functions of the VRCD are:
- 16 **(a)** To ensure that all rights of victims of crime set out in the
17 Victims' Bill of Rights are enforced;
- 18 **(b)** To investigate complaints from victims of crime, or from other
19 members of the public, that a right contained in the Victims' Bill of Rights

1 has been breached;

2 (c) To prepare and publish quality standards for the provisions of
3 victims' services.

4 (3) An investigation carried out under subsection (2) (b) must be
5 completed within 30 days of the complaint being received and the VRCRD
6 must present the findings of its investigations to the victim of the crime
7 concerned and to the person making the complaint, where they are not the
8 victim of the crime concerned.

9 (4) Where the VRCRD upholds a complaint, the person or body
10 which is the subject of the complaint must respond to the complaint within 30
11 days.

12 (5) The VRCRD may impose a fine on a person or body if that person
13 or body:

14 (a) Fails to provide a response under subsection (4) within 30 days; or

15 (b) Is found by the VRCRD to have breached the victim's rights under
16 the Victims' Bill of Rights.

17 (6) An Agency or individual fined under subsection (5) shall be liable
18 to pay such compensation as the VRCRD shall determine to the victim
19 concerned.

20 (7) The Attorney General of the Federation and Minister of Justice
21 shall by regulations make further provision about the responsibilities and
22 accountability of the VRCRD.

Acting on victim's
behalf

23 4. Any of the following individuals may exercise a victim's rights
24 under this Act if the victim is dead or incapable of acting on their own behalf:

25 (a) The victim's spouse or the individual who was at the time of the
26 victim's death their spouse;

27 (b) A relative or dependent of the victim;

28 (c) An individual who has in law or fact custody , or is responsible for
29 the care or support, of the victim;

30 (d) An individual who has in law or fact custody , or is responsible for

1 the care or support, of a dependent of the victim.

2 **5.** An individual is not a victim in relation to an offence, or entitled Exception
3 to exercise a victim's rights under this Act, if the individual is charged with
4 the offence, found guilty of the offence or found not criminally responsible
5 on account of mental disorder or unfit to stand trial in respect of the offence

6 *Rights of crime victims*

7 **6.-(1)** A victim of crime shall be entitled to receive: Right to Access
to Information

(a) accurate and timely information from any agency of the criminal justice system concerned with the detection, investigation and prosecution of the relevant crime and with the support of victims of crime;

(b) adequate notice of all relevant court and other legal proceedings, including information about decisions by and discussions between agencies of the criminal justice system relating to the person convicted of the crime concerned ('the perpetrator'), including:

15 (i) information about any prison sentence previously served by the
16 perpetrator;

(ii) information about relevant changes to the perpetrator's circumstances whilst in custody;

(iii) information about any crimes committed by the perpetrator outside Nigeria where the perpetrator of the crime concerned is a not a Nigerian citizen;

(c) access, where required, to adequate interpretation and translation services ; and

(d) information about the direct contact details of the criminal justice agencies and individuals involved in the court or other legal proceedings concerned;

(e) the police must provide effective and safe ways to for victims of
crime to report a crime in the relevant police station;

(f) the VRCRD must review the arrangements referred to in subsection (e) on an annual basis and publish the results of such reviews;

- 1 (2) Right to protection from harm:
2 A victim of crime shall be entitled to:
3 (a) security:
4 (i) every victim has the right to have their security considered by the
5 appropriate authorities in the criminal justice system.
6 (b) protection from intimidation and retaliation:
7 (i) every victim has the right to have reasonable and necessary
8 measures taken by the appropriate authorities in the criminal justice system to
9 protect the victim from intimidation and retaliation.
10 (c) privacy:
11 (i) The relevant court and public authorities must ensure that the
12 personal data of any victim is not publicly disclosed, if that disclosure would
13 put the victim at risk.
14 (d) identity protection:
15 (i) every victim of crime has the right to request that their identity be
16 protected if they are a complainant to the offence or a witness in proceedings
17 relating to the offence.
18 (e) testimonial aids
19 (i) every victim has the right to request testimonial aids when
20 appearing as a witness in proceedings relating to the offence.
21 (3) Right to participate in a fair and effective criminal process
22 Every victim has the right to present a victim impact report to the appropriate
23 authorities in the criminal justice system and to have it considered.
24 (4) Right to respect recognition and support:
25 During criminal justice proceedings the Courts and must ensure that victims of
26 crime-
27 (a) are not subjected to unnecessary delay by any other party to the
28 proceedings;
29 (b) are treated with dignity and respect by all parties involved; and

1 (c) do not experience discriminatory behavior from any other party
2 to the proceedings.

3 (5) Right to Representation:

4 (a) All victims of crime shall have access to an appropriate person
5 to liaise with relevant agencies on their behalf and to inform them about, and
6 explain the progress, outcomes and impact of, their case;

7 (b) Witnesses under the age of 18 shall have access to a trained
8 communications expert, to be known as a Registered Intermediary, to help
9 them understand as necessary what is happening in the criminal proceedings
10 if they choose to;

11 (c) Any relevant criminal or civil proceedings must be provided
12 with the victim's account of the crime, and the victim must be given
13 opportunity to attend the proceedings where possible.

14 (6) Right to Disclosure:

15 (a) Victims of crime shall have access to transcript of any relevant
16 proceedings at no cost to themselves;

17 (b) Victims of crime shall have access, prior to proceedings, to any
18 electronic or material evidence which may cause alarm or psychological
19 distress to them;

20 (c) Information about any crime committed against a victim of
21 crime for which a person on trial in a case which involves that victim has
22 been found guilty must be disclosed to the court in proceedings in that case;

23 (d) Victims of crimes shall have the right to attend and make
24 representations to a pre- trial hearing to determine the nature of the court
25 proceedings.

26 (7) Right to remedy:

27 (a) Every victim of crime has the right to have the court consider
28 making a restitution order against the offender;

29 (b) Every victim in whose favour a restitution order is made has the
30 right, if they are not paid, to have the order entered as a civil court judgment

1 that is enforceable against the offender

2 (8) Right to reparation, compensation and costs:

3 The Attorney General of the Federation must take steps to ensure that victims
4 of crime:

5 (a) Have access to financial compensation from public funds for any
6 detriment arising from the criminal case concerned;

7 (b) Have restored to them any of their property or personal belongings
8 which have been seized for use as evidence at a trial; or

9 (c) Are given the right to accept or reject the payment of any
10 compensation order made by a court against a person convicted of a crime
11 against them;

12 (d) Have reimbursed to them, from public funds, any expenses
13 incurred by them in attending court and in any related legal process, whether in
14 Nigeria or overseas; and

15 (e) Access to legal advice at no cost to themselves throughout the
16 legal process.

17 (9) Right to Training:

18 (a) The Attorney General of the federation shall ensure that judges,
19 legal practitioners, police officers involved in criminal cases involving sexual
20 and domestic violence are given special training;

21 (b) The Attorney General of the federation and Attorney General of
22 the states shall publish and implement a mechanism for providing training on
23 the impact of crime on victims and their rights for staff and members of the
24 following organizations:

25 (i) The ministry of justice;

26 (ii) Victim support services;

27 (iii) Nigerian bar association;

28 (iv) Health and social services;

29 (v) The Nigerian police force;

30 (vi) Such other bodies as the Attorney General of the Federation and

1 Minister of justice deems appropriate

2 *General Provisions*

3 **7.-(1)** This Act applies in respect of a victim of an offence in their Application
4 interactions with the criminal justice system:

5 (a) While the offence is investigated or prosecuted;

6 (b) While the offender is subject to the corrections process or the
7 conditional release process in relation to the offence.

8 **8.** For the purpose of section 7 (1), if an offence is reported to the Reporting of
9 appropriate authorities in the criminal justice system, the investigation of offence
10 the offence is deemed to begin at the time of the reporting.

11 **9.** This Act does not apply in respect of offences that are service Armed Forces
12 offense, as defined in the Armed Forces Act that are investigated or Act
13 proceeded with under that Act.

14 **10.** The rights of victims under this Act are to be exercised through Exercise of
15 the mechanisms provided by law. Rights

16 *Interpretation of this Act*

17 This Act is to construed and applied in a manner that is reasonable in the
18 circumstances, and in a manner that is not likely to:

19 (a) Interfere with the proper administration of justice including:

20 (i) By causing interference with police discretion or causing
21 excessive delay in, or compromising or hindering, the prosecution of any
22 offence; and

23 (ii) By causing interference with prosecutorial discretion or
24 causing excessive delay in, or compromising or hindering, the prosecution
25 of an offence;

26 (b) Interference with ministerial decision;

27 (c) Interfere with the discretion that may be exercised by any
28 person or body authorized to release an offender into the community;

29 (d) Endanger the life or safety of any individual; or

30 (e) Cause injury to international relations or national security;

Interpretation	1	11. The following definitions apply in this Act:
	2	“Offence” means an offence under the Criminal Code, Penal Code,
	3	Administration of Criminal Justice Act, National Drug Law Enforcement
	4	Agency Act, Economic and Financial Crimes Commission Act, National
	5	Agency for the prohibition of Trafficking in Persons Act, Violence against
	6	person's prohibition Act;
	7	“Victim” means a person who has suffered harm, including physical or mental
	8	injury, emotional suffering, economic loss or substantial impairment of his or
	9	her fundamental rights, through acts or omissions that are in violation of our
	10	criminal laws;
	11	Criminal justice system comprises of law enforcement agencies and
	12	institutions, Police, legal practitioners, courts, correctional service;
	13	“Attorney General of the Federation” is the chief law officer of the federation
	14	and minister of justice;
	15	“Attorney General of the States” is the chief law officer of the state and
	16	commissioner for justice;
	17	“Annual Report” for the purpose of this bill is a comprehensive report on the
	18	activities of the VRCD throughout the preceding year;
	19	“Victim impact report” this report outlines the emotional, physical and
	20	financial impact you and others have suffered as a direct result of the crime.
	21	The report can either be written or oral.
Citation	22	12. This Bill may be cited as the Rights of Victims of Crime Bill,
	23	2022.

EXPLANATORY MEMORANDUM

This Bill seeks to establish rights for victims of crime to provide for the rights, welfare, and compensation of victims of crime and provide for the strengthening of the criminal justice system.

NATIONAL AMNESTY COMMISSION (ESTABLISHMENT) BILL, 2022

ARRANGEMENT OF THE SECTION

1. Establishment of the National Amnesty Commission Act
2. Establishment of the Governing Council
3. Tenure of Office
4. Cessation of membership
5. Objectives of the Commission
6. Functions and power of the Commission
7. Functions of the Governing council
8. Director General and other staffs of the Commission
9. Service in the Commission to be pensionable
10. Funds of the commission
11. Sources of funds
12. Power to accept gifts
13. Annual Estimate, Account and Audit
14. Annual Report
15. Penalties
16. Jurisdiction
17. Indemnity of officers
18. Secrecy
19. Regulations
20. Citation

Schedule

Supplementary provisions relating to the council

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL
AMNESTY COMMISSION ACT AND FOR RELATED MATTERS

Sponsored by Hon. Oyewo Olubukola Oyegbile

[] Commencement

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

- 1 **1.** There is hereby establishment of a Commission to be known as
2 National Amnesty Commission (in this Act referred as "The Commission")
3 for the purpose of providing Infrastructural and manpower development of
4 all persons rehabilitate from any act of unlawful group activities across the
5 Federation of Nigeria.
- 6 **2.** There is hereby establishment for the management of the
7 Commission, a Governing Council (in this Bill referred to as "the Council")
8 which shall be subject to this Act and have general control of the
9 Commission.
- 10 The Governing council shall consist of the following members:
- 11 (a) The chairman, who shall be appointed by the president on the
12 recommendation of the Minister;
- 13 (b) One Representative of Federal Ministry of Defence;
- 14 (c) One Representative of Federal Ministry of Finance;
- 15 (d) One Representative of office of the head of civic service of the
16 Federation;
- 17 (e) One representative of the Nigerian Employers consultative
18 association;
- 19 (f) One representative of the Nigeria Defence Academy;
- 20 (g) One representative of the Nigeria Labor congress;
- 21 (h) Two representatives of the Public interest personality;

Establishment
of the National
Amnesty
Commission Act

Establishment
of the Governing
Council

	1	(i) The director General of the Commission who shall be the secretary
	2	to the Governing council, and.
	3	The chairman shall be appointed from the Military and be a person of relevant
	4	high education, knowledge and integrity.
	5	The other members of the Governing Council shall:
	6	(a) Be person of proven integrity; and
	7	(b) Be appointed by the president, on the recommendation of the
	8	Minister.
	9	The Supplementary provisions set out in the schedule to this Act shall have
	10	effect with respect to the proceedings of the council and the other matters
	11	contained therein (Schedule)
Tenure of Office	12	3. A member of the council; other than an ex-officio member, shall
	13	hold office for a term of four years in the first instance and may be re-appointed
	14	for a further term of four years and no more.
	15	The members of the council shall be paid such remuneration and allowances as
	16	the Federal Government may, from time to time, determine for the chairmen
	17	and members of statutory boards generally.
	18	A member of the council, other than an ex-officio member, may resign his
	19	appointment by notice, in writing under his hand, addressed through the
	20	Minister, to the President, which resignation shall take effect only on
	21	acknowledgement by the President.
Cessation of Membership	22	4. A member of the Council shall cease to hold office if:
	23	(1) He becomes of unsound mind;
	24	(2) He becomes bankrupt or makes a compromise with his creditors;
	25	(3) He is convicted of a felony or of any offence involving dishonesty;
	26	(4) He is guilty of serious misconduct in relation to his duties.
	27	A member of the council may be removed from office by the president on the
	28	recommendation of the Minister if he is satisfied that it is not in the interest of
	29	the Commission or the interest of the public that the member should continue in
	30	office.

1 Where a vacancy occurs in the membership of the Council, it shall be filled
2 by the appointment of a successor to hold office for the remainder of the term
3 of office of his predecessor, so however, that the successor shall represent
4 the same interest and shall be appointed by the President.

5 **5.** The Objectives of the Commission shall be:

Objectives of
the Commission

6 (a) To mobilize Fund to cater for the need of group of persons
7 disarmed, demobilized from any unlawful group/association across the
8 federation of Nigeria;

9 (b) To support the rehabilitation of communities badly affected by
10 the act unlawful activities of persons or groups that contravene the
11 Constitution of Nigeria.

12 **6.** The function of the Commission shall be:

Function of the
Commission

13 (a) To collect, administer and monitor the taxes, gifts, donation and
14 other related Commissions that cater for the unlawful groups in Nigeria;

15 (b) To set up world class standard hospitals in each geo-political
16 zones of the Federation;

17 (c) To train up commission's personnel internationally for effective
18 service delivery;

19 (d) To facilitate the Establishment of Vocational Centre for
20 Rehabilitation of Unlawful group of people across the six geo-political
21 Zones of the federation.

22 **7.** The council shall have power to:

Functions of the
Council

23 (1) Manage the Commission in accordance with the provisions of
24 this Bill;

25 (2) Determine the overall policies of the Commission, including
26 the financial and operative procedures of the Commissions;

27 (3) Ensure the effective implementation of the policies and
28 procedures of the Commission;

29 (4) Assess, from time to time, the research, consultancy and
30 training programmes relative to the Commission;

- 1 (5) Arrange for the financial and medical audit of the NHF;
2 (6) Set guidelines for effective cooperation with other
3 organizations to promote the objectives of the Commission;
4 (7) Ensuring public awareness about the Commission;
5 (8) Co-ordinate manpower training under the Commission;
6 (9) Carry out such other activities as are necessary and expedient
7 for the purpose of achieving the objectives of the Commission as set out in
8 this act.

Director General
and other Staff
of the Commission

9 **8.** There shall be appointed by the President, on the
10 recommendation of the Minister, and Director-General. The Director
11 General shall:

- 12 (1) Be a person with relevant qualification and experience;
13 (2) Be the chief executive and accounting officer of the
14 Commission;
15 Hold office:
16 For a period of five years in the first instance and may be re-appointed for a
17 further term of five years and no more; and on such terms and conditions as
18 may be specified in his letter of appointment.

19 The Director General shall, subject to the general direction of the Council,
20 be responsible for:

- 21 (1) The day-to-day administration of the Commission;
22 (2) Keeping the books and proper records of the proceedings of the
23 Council;
24 (3) The administration of the secretariat of the Council; and
25 (4) The general direction and control of all other employees of the
26 Commission.

27 The Council shall:

28 Appoint, for the Commission, such number of directors and other employees
29 as may, pay to persons so appointed such remuneration (including
30 allowances) as the Council may, after consultation with the Federal Civil

1 Service Commission, determine

2 **9.** Service in the Commission shall be approved service for Service in the
3 purposes of the Pensions Act [Cap P4.] Employees of the Commission shall Commission to
4 be entitled to pensions, gratuities and other retirement benefits as are be Pensionable
5 enjoyed by persons holding equivalent grades in the civil service of the
6 Federation Nothing in subsections (1) and (2) of this section or in this Act
7 shall prevent the appointment of a person to any office on terms which
8 preclude the grant of pension and gratuity in respect of that office.

9 For the purposes of the application of the provisions of the Pensions Act, any
10 power exercisable thereunder by a Minister or other authority of the
11 Government of the Federation, other than the power to make regulations
12 under section 23 of the Act, is hereby vested in and shall be exercisable by
13 the Council and not by any other person or authority

14 **10.**-(1) There is hereby established a fund to be known as the Fund of the
15 Amnesty Fund (in this Act referred to as the "the Commission") to which National Amnesty
16 funds of the Amnesty Commission from other sources shall be paid. Commission

17 (2) All contributions and other monies required or prescribed by
18 this bill shall be paid into the Fund to be held and managed by the Amnesty
19 Commission for the purpose of granting / disbursement of funds for the
20 personal development of repented malicious persons/groups operating
21 unlawful activities in Nigeria.

22 **11.** Subject to the provision of section 10 of this bill, the Fund of Sources of Funds
23 the National Amnesty Commission shall consist of:

24 (a) Allocation of yearly appropriation by the Federation
25 Government;

26 (b) Government bond by the Federal Government;

27 (c) Amnesty Endowment Fund schemes;

28 (d) All sums accruing to the Fund by the way of Donations, Gifts,
29 Grants, Endowment or otherwise;

30 (e) Interest and Revenue accruing from savings and investments

	1	made by the National Amnesty Commission;
	2	(f) Other Revenue accruing to the National Amnesty Commission
	3	from any other source.
Power to accept gifts	4	12. The Commission shall invest any money or other property on such
	5	terms and conditions, if any, as may be specified by the person organization
	6	making the gift.
	7	The Commission shall not accept any gift if the conditions attached by the
	8	person or organization offering the gift are inconsistent with the objectives and
	9	functions of the Commission under this Act.
Annual Estimate, Account and audit	10	13. The Council shall cause to be prepared, not later than 30
	11	September in each year, an estimate of the expenditure and income of the
	12	Commission during the next Succeeding year and when prepared, they shall be
	13	sub to the minister for approval.
	14	The Council shall cause to be kept proper he records in relation thereto and
	15	when certified by the council from the list and in accordance with the
	16	guidelines supplied by the Auditor-General for the Federation.
	17	Any member, agent or employee of the Commission who fails, without
	18	reasonable cause, to comply with a requirement of an auditor under subsection
	19	(2) of this section, commits an offence and is liable on conviction to a fine not
	20	exceeding N10, 000 or imprisonment for a term not exceeding three months or
	21	to both such fine and imprisonment.
Annual Reports	22	14. The Council shall, not later than Six Months immediately
	23	following the end of a year submit to the Minister a report on the activities and
	24	the administration of the Commission during the immediately preceding year
	25	and shall include in the report.
	26	The audited accounts of the Commission and the auditor's report on the
	27	accounts; and present the audited annual accounts, auditor's to report on the
	28	accounts and report on the activities of the Commission to an annual meeting
	29	comprising the registered contributors to the Commission and all the registered

1 health maintenance organization and health care providers under the
2 Commission.

3 **15.** The Commission shall be exempted from the payment of tax
4 on any income accruing from investments made by the Council for the
5 Commission or otherwise howsoever.

Exemption from
tax

6 The provisions of any enactment relating to the taxation of companies or
7 trust Commission shall not apply to the Commission or the Council
8 Contributions, etc.

9 **16.** Any person who contravenes any of the provisions of this Act
10 shall be prosecuted by-the Attorney-General of the State or any legal officer
11 in the Ministry of Justice of the State; and in the case of the Federal Capital
12 Territory, Abuja, by the Attorney-General of the Federation or any legal
13 officer in the Federal Ministry of Justice.

Prosecutions of
Offender/Penalties

14 **17.** The High Court of a State or of the Federal Capital Territory,
15 Abuja, shall have jurisdiction to try offenders under this Act; and power,
16 notwithstanding anything to the contrary in any other enactment, to impose
17 the penalties provided for offences in this Act.

Jurisdiction

18 Court to order payment of contributions together with interest and penalty
19 The High Court before which a person is convicted of an offence under this
20 Act may without prejudice to any civil remedy, order a person to pay to the
21 Commission of the Commission the amount of any contributions together
22 with interest and penalty thereon, certified by the Council to be due and
23 payable at the date of the conviction and such amount shall be paid into the
24 Commission of the Commission for its credit, where applicable or of the
25 employee concerned.

26 Any contribution paid into the Commission of the Commission under
27 subsection (1) of this section shall be Commissioned to the organization
28 entitled to receive the contribution.

29 **18.** A member of the Council, the Director General, any officer or
30 employee of the Commission shall be indemnified out of the assets of the

Indemnity of
Officers

	1	Commission against any liability incurred by him in defending any
	2	proceeding, whether civil or criminal, if any. such proceeding is brought
	3	against him in his capacity as a member, Director General, officer or other
	4	employee of the Commission.
Secrecy	5	19. A member of the Council, the Director General, officer or other
	6	employee of the Commission shall-not, for his personal gain, make use of any
	7	information which has come to his knowledge in this exercise of his powers or
	8	is obtained by him in the ordinary course of his duty under this Act;
	9	not disclose any information referred to under paragraph (b) of this subsection
	10	except when required to do so by an Arbitration Board or the court or in such
	11	other circumstances as may be prescribed by the Council, from time to time.
	12	Any person who contravenes the provisions of the subsection (1) of this section
	13	commits an offence and is liable on conviction to a fine of not less than
	14	N20,000 or imprisonment for a term not exceeding two years or to both such
	15	fine and imprisonment for the maintenance of quality assurance among health
	16	maintenance organizations and health care providers under the Commission
	17	and shall consist of:
	18	A chairman;
	19	The chairmen of regulatory and registration boards or councils of the health
	20	related professional bodies established by law; and the registrars of the boards
	21	and councils of the health related professional bodies established by law; and
	22	the registrars of the boards and councils referred to in paragraph (b) of this
	23	subsection.
	24	The members of the Standards Committee shall be appointed by the Council.
	25	The Standards Committee may make rules regulating its own proceedings.
Regulations	26	20. The Minister may give to the Council directives of a general
	27	nature with respect to any of the functions of the Council and it shall be the duty
	28	of the Council to comply with such directives or cause them to be complied
	29	with.

1 21. This Bill may be cited as the National Amnesty Commission Citation
2 (Establishment) Bill, 2022.

3 SCHEDULE

4 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

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

8 The quorum of the Council shall be the chairman or the member presiding at
9 the meeting and five other members and the quorum of any committee of the
10 Council shall be determined by the Council.

11 (2) The Council shall meet not less than three times in each year
12 and subject thereto, the Council shall meet whenever it is summoned by the
13 chairman and if the chairman is required to do so by notice given to him by
14 not less than seven other members, he shall summon a meeting of the
15 Council to be held within fourteen days from the date on which the notice
16 given.

17 At any meeting of the Council, the chairman shall preside but if he is absent,
18 the members present at the meeting shall appoint one of their number to
19 preside at that meeting.

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

25 Committees

26 (3) The Council may appoint one or more committees to carry out,
27 on behalf of the Council, such of its functions as the Council may determine.
28 A committee appointed under this paragraph shall consist of such number of
29 persons (not necessarily members of the Council as may be determined by
30 the Council) and another than a member of the Council shall hold office on

- 1 the committee in accordance with the terms of his appointment.
- 2 A decision of a committee of the Council shall be of no effect until it is
- 3 confirmed by the Council.

EXPLANATORY MEMORANDUM

The Bill seeks for the legal framework to establish the National Amnesty Commission with the sole responsibility of providing Infrastructural and Manpower development of all persons rehabilitated from an act of unlawful activities across the Federation.

FEDERAL UNIVERSITY OF ENVIRONMENTAL SCIENCES IFON, OSUN STATE
(ESTABLISHMENT) BILL, 2022
ARRANGEMENT OF SECTIONS

Section:

PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL
UNIVERSITY OF ENVIRONMENTAL SCIENCES, IFON, OSUN STATE

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Ifon, Osun State
2. Objects of the University
3. Membership of the University
4. Functions of the University
5. Chancellor to take precedence before other members
6. Establishment and membership of the Council
7. Council and Other Committees of the University
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9. Vice -Chancellor to take precedence in the absence of Chancellor

PART II - TRANSFER OF PROPERTY

10. Transfer of Property

PART III - STATUTES OF THE UNIVERSITY

11. Statutes of the University
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20. A student not to be discriminated against
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22. Consent of Visitor in Land deals
23. Quorum
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25. Seal of University
26. Proposals and recommendation
27. Interpretation
28. Citation

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF ENVIRONMENTAL
SCIENCES IFON, OSUN STATE AND FOR RELATED MATTERS

Sponsored by Hon. Olubukola Oyewo

[] Commencement

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

1 PART 1 - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL
2 UNIVERSITY OF ENVIRONMENTAL SCIENCES IFON, OSUN STATE

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

5 (2) The University:

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

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

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

Objects of the
University

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

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

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

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

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

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

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

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

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

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

16 [f] award honorary degrees, fellowships or academic titles;

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

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

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

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

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

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

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

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

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

17 (o) make gifts for any charitable purpose;

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

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

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

Functions of the
Vice Chancellor
and Pro-Chancellor

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

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

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

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

Establishment
and composition
of Council

6 (a) the Pro-Chancellor;

7 (b) the Vice-Chancellor;

8 (c) the Deputy Vice-Chancellors;

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

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

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

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

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

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

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

Transfer of
property

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

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

1 General Purposes Committee.

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

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

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

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

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

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

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

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

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

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

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

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

Power to function
as the Vice-
Chancellor

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

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

1 PART II - TRANSFER OF PROPERTY

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

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

10 PART III - STATUTES OF THE UNIVERSITY

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

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

15 (b) specifying and regulating the powers and duties of any
16 authority of the University, and regulating any other matter connected with
17 the University or any of its authorities;

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

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

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

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

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

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

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

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

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

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

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

16 (4) A Statute which:

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

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

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

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

1 of that University.

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

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

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

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

24 **PART IV - SUPERVISION AND DISCIPLINE**

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

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

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

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

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

Removal of certain
Members of the
Council

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

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

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

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

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

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

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

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

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

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

11 (a) conviction for any offence which the Council considers to be
12 such as to render the person concerned unfit for the discharge of the
13 functions of his office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (d) student be expelled from the University.

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

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

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

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

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

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

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

12 SCHEDULES

13 FIRST SCHEDULE

14 PRINCIPAL OFFICERS OF THE UNIVERSITY

15 *The Chancellor*

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

18 *The Pro-Chancellor*

19 2.-(1) The Pro-Chancellor shall be appointed or removed from office
20 by the President.

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

23 *The Vice-Chancellor*

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

27 *Deputy Vice-Chancellor*

28 4.-(1) There shall be for the University, 2 Deputy Vice-Chancellors or
29 such a number of Deputy Vice-Chancellors as the Council may, from time to
30 time, deem necessary for the proper administration of the University.

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

4 (3) A Deputy Vice-Chancellor shall:

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

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

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

11 5.-(1) There shall be for the University, a Registrar, who shall be the
12 Chief Administrative officer of the University and shall be responsible to the
13 Vice-Chancellor for the day-to-day administration of the University except
14 as regards matters for which the Bursar is responsible in accordance with
15 paragraph 6(2) below;

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

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

22 6.-(1) There shall be for the University, the following principal
23 officers in addition to the Registrar; that is:

24 (a) the Bursar; and

25 (b) the University Librarian.

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

29 (3) The University Librarian shall be responsible to the Vice-
30 Chancellor for administration of the University library and coordination of

1 all library services in the University and its campuses, colleges, faculties,
2 schools, departments and institutes and other teaching or research units.

3 (4) The Bursar and the University Librarian:

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

6 *Other officers of the University*

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

11 8. There shall be for the University, a Director of Health Services,
12 who shall be responsible to the Vice Chancellor for the administration of the
13 Health Centre. He shall be the Chief Medical Officer of the University.

14 *Resignation and re-appointment*

15 9.-(1) Any officer mentioned in the forgoing provisions of this
16 schedule may resign his office in:

17 (a) the case of the Chancellor or Pro-Chancellor, by notice to the
18 Visitor;

19 (b) the case of the Vice-Chancellor by notice to the Council which
20 shall immediately notify the Minister.

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

EXPLANATORY MEMORANDUM

This Bill seeks to provide Legal framework to establish the Federal University of Environmental Sciences Ifon, Osun State, a world class institution, to encourage the advancement of learning and to hold out to all persons the opportunity of acquiring Higher and Liberal Education in Environmental Sciences.

SECONDARY EDUCATION TRUST FUND (ESTABLISHMENT) BILL, 2022

ARRANGEMENT OF SECTIONS

Sections:

1. Imposition of Secondary Education Tax
2. Assessment and collection of tax
3. Establishment of the Secondary Education Trust Fund
4. Establishment of the Board of Trustees
5. Cessation of membership
6. Functions of the Board of Trustees
7. Management and administration of the Fund
8. Appointment of the Executive Secretary and other staff of the Fund
9. Pension
10. Offences
11. Penalties
12. Jurisdiction
13. Limitation of suits against the Fund, etc.
14. Service of documents
15. Restriction on execution against property of the Fund
16. Indemnity of officers
17. Regulations
18. Repeal
19. Savings
20. Interpretation
21. Citation

SCHEDULE

Supplementary provision relating to Board of Trustees

A BILL

FOR

AN ACT TO PROVIDE FOR ESTABLISHMENT OF THE SECONDARY
EDUCATION TRUST FUND, AND FOR RELATED MATTERS

Sponsored by Hon Oyewo Olubukola Oyegbile

[] Commencement

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

- 1 **1.**-(1) As from the commencement of this Act, there shall be
- 2 charged and payable an annual Basic education tax which shall be assessed,
- 3 collected and administered in accordance with the provisions of this Act.
- 4 (2) The tax at the rate of 2 percent shall be charged on the
- 5 assessable profit of a company registered in Nigeria (in this Act referred to
- 6 as "a company").
- 7 (3) The assessable profit of a company shall be ascertained in the
- 8 manner specified in the Companies Income Tax or the Petroleum Profits Tax
- 9 Act (in this Act referred to as "the Act") as the case may be.
- 10 (4) Without prejudice to the provision of subsection (3) of this
- 11 section, section 60 of the Petroleum Profit Tax Act shall not apply to the
- 12 assessment, collection and payment of Secondary education tax and all
- 13 companies chargeable to tax under the Petroleum Profit Tax Act shall be
- 14 liable to pay the full extent of the tax imposed under this Act.
- 15 **2.**-(1) The Federal Inland Revenue Service (in this Act referred to
- 16 as "the Service") shall assess and collect from a company the tax imposed by
- 17 this Act and accordingly:
- 18 (a) shall, when assessing a company, for companies Income or tax
- 19 petroleum profit tax for an accounting period of the company, also proceed
- 20 to assess the company for the tax due under this Act; and
- 21 (b) the provisions of the Act relating to the collection of companies

Imposition of
Basic Education
Task

Assessment and
Collection of Tax

Establishment
of the Secondary
Education Trust
Fund

1 income tax or petroleum profit tax shall, subject to this Act, apply to the tax
2 under this Act.

3 (2) The tax imposed by this Act shall be due and payable within 60
4 days after the Service has served notice of the assessment on a company.

5 (3) The Service may, for the purpose of assessment and collecting the
6 tax imposed by this Act, devise such forms as it may deem necessary.

7 **3.-(1)** There is established the Secondary Education Trust Fund (in
8 this Act referred to as the "Fund") for the rehabilitation, restoration and
9 consolidation of Unity School in Nigeria which shall be managed by the Board
10 of Trustees established under section 4 of this Act.

11 (2) The Fund:

12 (a) Shall be a body corporate with perpetual succession and a
13 common seal; and

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

15 (3) The Service shall pay the tax collected under this Act into the Fund
16 and shall, when doing so, submit to the Fund, in such form as the Board of
17 Trustees shall approve, a return showing:

18 (a) the name of the company making the payment;

19 (b) the amount collected;

20 (c) the assessable profit of the company for the accounting period; and

21 (d) such other information as may be required by the Fund for the
22 proper administration of the tax.

23 (4) The Fund shall, before disbursement of the amount in the Fund, set
24 aside in each year, an amount not exceeding 5 per cent of the total monies
25 accruing to the Fund in the preceding year which shall be applied:

26 (a) for the cost of administration and management of the Fund;

27 (b) for the maintenance of any property acquired by or vested in the
28 Fund and generally to pay for services rendered to the Fund;

29 (c) for project monitoring;

30 (d) to meet all the needs of the Fund necessary for the due

1 administration and implementation of the purpose of this Act.

2 4.-(1) there is established for the Fund, a Board of Trustees (in this
3 Act referred to as "the Board of Trustees) which shall consist of:

Establishment
of the Board of
Trustees Schedule

4 (a) a chairman who shall:

5 (i) be a person with good knowledge In finance and administrative
6 matters;

7 (ii) Have qualifications and experiences as are required to perform
8 the functions of that office under this Act.

9 (b) 6 persons, 1 each representing a geo-political zone in the
10 country;

11 (c) a representative each of the following Federal Ministries, who
12 shall not be below the rank of a Director:

13 (i) Education; and

14 (ii) Finance.

15 (d) a representative each from the Federal and State Unity schools
16 and

17 (e) The Executive Secretary, who shall be the Secretary to the
18 Board of Trustees.

19 (2) The membership of the Board of Trustees shall reflect the six
20 geo-political zones of the Federation,

21 (3) The members Board of Trustees shall:

22 (a) be persons with considerable experience from both the public
23 and private sectors to represent the business, financial and education
24 sectors;

25 (b) be appointed by the President on the recommendation of the
26 Minister;

27 (c) other than the ex-officio members, each hold office for a term of
28 4 years in the first instance and may be eligible for re-appointment for a
29 further term of 4 years and no more;

30 (d) be paid such remuneration and allowances as the President may

	1	from time to time, determine.
	2	(4) The Board of Trustees shall meet for the conduct of its ordinary
	3	meetings 4times in a calendar year.
Schedule	4	(5) Notwithstanding subsection (4) of this section, the Board of
	5	Trustees Schedule may meet to conduct such other business as exigency
	6	demands.
	7	(6) The supplementary provisions contained in the Schedule to this
	8	Act shall have effect with respect to the proceedings of the Board of Trustees
	9	and other matters contained therein.
Cessation of Membership	10	5.-(1) A member of the Board of Trustees shall cease to hold office if
	11	he:
	12	(a) Becomes of unsound mind;
	13	(b) becomes bankrupt or makes a compromise with his creditor;
	14	(c) is convicted of a felony or any offence involving dishonesty; or
	15	(d) is guilty of serious misconduct in relation to his duties.
	16	(2) A member of the Board of Trustees may be removed from office by
	17	the President if he is satisfied that it is not in the interest of the Fund or public
	18	that the member should continue in that office.
	19	(3) A member of the Board of Trustees, other than an ex-officio, may
	20	resign his appointment by a notice in writing under his hand, addressed to the
	21	President.
	22	(4) Where a vacancy occurs in the membership of the Board of
	23	Trustees, it shall be filled by the appointment of a successor to hold office for
	24	the remainder of the term of office of his predecessor, so that the successor shall
	25	represent the same interest and shall be appointed by the President.
Functions of the Board	26	6. The Board of Trustees shall:
	27	(a) monitor and ensure collection of education tax by the Service and
	28	ensure transfer of same to the Fund;
	29	(b) manage and disburse the tax imposed by this Act:
	30	(c) liaise with the appropriate ministries or bodies responsible for

- 1 collection or safe keeping of the tax;
- 2 (d) receive requests and approve admissible projects after due
- 3 consideration;
- 4 (e) ensure disbursement of funds to various public Basic
- 5 educational institutions in Nigeria;
- 6 (f) monitor and evaluate execution of the projects;
- 7 (g) invest funds in appropriate land safe securities;
- 8 (h) update the Federal Government on its activities and progress
- 9 through annual and audited reports;
- 10 (i) review progress and suggest improvement within the provisions
- 11 of this Act;
- 12 (j) do such other things as are necessary or incidental to the objects
- 13 of the Fund under this Act or as may be assigned by the Federal Government;
- 14 (k) make and issue guidelines, from time to time, to all
- 15 beneficiaries of disbursement from the Fund on the use of monies received
- 16 from the Fund; and
- 17 (l) generally to regulate the administration, application and
- 18 disbursement of monies from the Fund under this Act.
- 19 7.-(1) The Board of Trustees shall administer the tax imposed by
- 20 this Act and disburse the amount in the Fund to Federal and State Unity
- 21 Schools specifically for the provision or maintenance of:
- 22 (a) essential physical infrastructure for teaching and learning;
- 23 (b) instructional material and equipment;
- 24 (c) research and publication;
- 25 (d) building of school library and science laboratories across the
- 26 federation;
- 27 (e) academic staff training and development; and
- 28 (f) any other need which, in the opinion of the Board of Trustees, is
- 29 critical and essential for the improvement of quality and maintenance of
- 30 standards in the higher educational institutions.

Management and
administration of
the Fund

1 (2) The Board of Trustees shall administer, manage and disburse the
2 tax imposed by this Act on the basis of;

3 (a) funding of all public Basic educational institutions;

4 (b) equality among the 6geo-political zones of the Federation in the
5 case of special intervention; and

6 (c) equality among the States of the Federation in the case of regular.

7 (3) The distribution of funds shall be in the ratio of 2: 1 as between
8 Federal and State Unity Schools.

9 (4) The Board of Trustees shall have power to give due consideration
10 to the peculiarities of each geo-political zone in the disbursement and
11 management of the tax imposed by this Act between the various levels of Basic
12 education.

13 (5) The Minister shall, online recommendation of the Board of
14 Trustees and subject to approval by the President, make guidelines for
15 disbursement of funds under this Act.

Appointment
of the Executive
Secretary and
other staff of the
Fund

16 **8.-(1)** there shall be for the Fund an Executive Secretary who shall:

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

19 (b) be the Chief Executive and Accounting Officer of the Fund;

20 (c) Be a person with good knowledge and cognate academic and
21 administrative experience in Basic education;

22 (d) Have qualifications and experience as are appropriate for a person
23 required to perform the functions of that office under this Act; and

24 (e) hold office for a period of 5 years in the first instance and may be
25 eligible for re-appointment for a further term of 4 years only and on such terms
26 and conditions as to emoluments, and conditions of service as may be specified
27 in his letter of appointment;

28 (2) The Executive Secretary shall, subject to the general direction of
29 the Board of Trustees, he responsible for:

30 (a) the day- to- day administration of the Fund;

1 (b) keeping the books and proper records of the proceedings of the
2 Board of Trustees;

3 (e) the administration of the secretariat of the Board of Trustees;
4 and

5 (d) the general direction and control of all other employees of the
6 Fund.

7 (3) The Board of Trustees shall have power to:

8 (a) employ either directly or non transfer or secondment from any
9 civil or public service in the Federation such number of employees as may,
10 in the opinion of the Board, be required to assist the Board of Trustees and
11 the opinion of the Board, be required to assist the Board of Trustees and the
12 Executive Secretary in the discharge of their functions under this Act; and

13 (b) Pay to persons so employed such remuneration (including
14 allowances) as the Board of Trustees may, with the approval of the National
15 Salaries, Incomes and Wages Commission, determine.

16 9.-(1) Service in the Fund shall be approved service for purposes of Pension
17 pension.

18 (2) Employees of the Fund shall be entitled to pension, gratuity and
19 other retirement benefits as are enjoyed by persons holding equivalent
20 grades in the Civil Service of the Federation.

21 (3) Notwithstanding in subsection (1) or (2) of this section, nothing
22 in this Act shall prevent the appointment of a person to any office on terms
23 which Preclude the grant of pension and gratuity in respect of that office

24 (4) For the purposes of the application of the provisions of the
25 Pension Reform Act, any power exercisable by a Minister or other authority
26 of the Government of the federation, other than the power to make
27 regulations under section 25 thereof, is vested in and shall be exercisable by
28 the Board of Trustee.

29 10.-(1) A person who contravenes or fails to comply with Offences
30 provisions of this Act is guilty of an offence under this Act.

1 (2) Subject to the provisions of subsection.

2 (3) of this section:

3 (a) if a tax due under section 2 of this Act is not paid within the time
4 specified in that section, the Service shall serve on the company, a demand note
5 for the unpaid tax plus a sum which is equal to 5 percent of the tax; and

6 (b) if a sum demanded under paragraph (a) of this subsection is not
7 paid within 2 months of the demand, the company is guilty of an offence under
8 this Act; and

9 (3) Notwithstanding any other provision in this Act, it shall be the
10 duty and responsibility of every company liable to pay education tax to ensure
11 its annual returns are filed with the Service for the purpose of assessment of
12 education task.

13 (4) The Board of Trustees shall, remit in whole or in part a sum added
14 to the unpaid task under subsection (2) (a) of this section.

15 (5) Where an offence under this Act is committed by a body corporate
16 or firm or other association of individuals:

17 (a) Every director, manager, secretary or other similar officer of the
18 body corporate;

19 (b) Every partner or officer of the firm;

20 (c) Every person concerned in the management of the affairs of the
21 association; or

22 (d) Every person who was purporting to act in that capacity is
23 severally guilty of that offence and liable to be proceeded against and punished
24 for the offence in like manner as if he had himself committed the offence,
25 unless he proves that the act or omission constituting the offence took place
26 without his knowledge, consent or connivance.

Penalties

27 **11.-(1)** Except as otherwise provided in this Act, a person guilty of an
28 offence under this Act shall, on conviction, be liable:

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

1 (b) for a second and subsequent offence to imprisonment for a term
2 of 12 months or to a fine of up to N2,000,000.00 or both.

3 (2) The institution of proceedings or imposition of a penalty under
4 this Act shall not relieve a company from liability to pay to the Service a tax
5 which 15 or may become due under this Act.

6 (3) Notwithstanding subsection (1) and of this section, where any
7 company or corporate body liable to file an education tax return under this
8 Act fails in any year to file such return, the Service, if it is of the opinion that
9 such a company or corporate body is liable to pay education tax, may,
10 according to the best of its judgment, determine the amount of assessable
11 profit of such company and make an assessment of education tax in
12 accordance with the provisions of this Act.

13 **12.** The Federal High Court shall have jurisdiction to try offenders
14 under this Act. Jurisdiction

15 **13.-(1)** Subject to the provisions of this Act, the provisions of the
16 Public Officers Protection Act shall apply in relation to any suit instituted
17 against any officer or employee of the Fund. Limitation of
suits against Fund

18 (2) Notwithstanding anything contained in any other law
19 enactment, no suit against any member of the Board of Trustees, the
20 Executive Secretary or any other officer or employee of the Fund for any act
21 done in pursuance or execution of the Act or any other law or enactment, or
22 of any public duty or authority or in respect of any alleged neglect or default
23 in the execution of this Act or such law or enactment, duty or authority, shall
24 lie or be instituted in any court unless:

25 (a) It is commenced within 3 months next after the act, neglect or
26 default complained of; or

27 (b) In the case of a continuation of damage or injury, within 6
28 months next after the ceasing thereof.

29 (3) No suit shall be commenced against a member of the Board of
30 Trustees, the Executive Secretary, officer or employee of the Fund before

	1	the expiration of a period of one month after written notice of intention to
	2	commence the suit shall have been served upon the Fund by the intending
	3	plaintiff or his agent.
	4	(4) The notice referred to in subsection (3) of this section shall clearly
	5	and explicitly state the cause of action, the particulars of the claim, the name and
	6	place of abode of the intending plaintiff and the relief which he claims.
Service of documents	7	14. A notice, summon or other document required or authorized to be
	8	served upon the Fund under the provisions of this Act or any other law or
	9	enactment may be served by delivering it to the Executive Secretary or by
	10	sending it by registered post and addressed to the Executive Secretary at the
	11	Principal office of the Fund.
Restriction on execution against property of the Fund	12	15.-(1) In any action or suit against the Fund, no execution or
	13	attachment of process in the nature thereof shall be issued against the Fund.
	14	(2) Any sum of money which may, by the judgment of any court, be
	15	awarded against the Fund shall, subject to any direction given by the court
	16	where notice of appeal of the said judgment has been given, be paid from the
	17	general reserve fund of the Fund.
Indemnity of officers	18	16. A member of the Board of Trustees, the Executive Secretary, any
	19	officer or employee of the Fund shall be indemnified out of the assets of the
	20	Fund against any proceeding, whether civil or criminal, in which judgment is
	21	given in his favour, or in which he is acquitted, if any such proceedings brought
	22	against him in his capacity as a member of the Board of Trustees, the Executive
	23	Secretary, officer or employee of the Fund.
Regulations	24	17. The Minister may, on the recommendation of the Board of
	25	Trustees and subject to the approval of the President, make regulations
	26	generally for the purposes of this Act and the due administration thereof,
Repeal	27	18. The Education Tax Act, CAP E4, Laws of the Federation of
	28	Nigeria, 2004 and the Tertiary Education Trust Fund Act are repealed.
Savings	29	19.-(1) without prejudice to section 6 of the Interpretation Act, the
	30	repeal of the enactment specified in section 18 of this Act shall not affect

1 anything done under or pursuant to that enactment.

2 (2) The rights, interests, obligations and liabilities of the Fund
3 existing before the commencement of this Act under any contract or
4 instrument, or in law or in equity, apart from any contract or instrument,
5 shall, by virtue of this Act, be assigned to and vested in the Fund established
6 by this Act.

7 (3) Any such contractor instrument as is mentioned in subsection
8 (2) of this section shall be of the same force and effect against or in favour of
9 the Fund established by this Act and shall be enforceable as fully and
10 effectively, as if the Fund established by this Act has been named therein or
11 had been a party thereto.

12 (4) The Fund established by this Act shall be subject to all the
13 obligations and liabilities to which the Fund established under the repealed
14 Acts was subject immediately before the commencement of this Act and all
15 other persons shall have the same rights, powers and remedies against the
16 Fund established by this Act, as they had against the Fund established under
17 the repealed Act immediately before the commencement of this Act.

18 (5) Any proceeding or cause of action pending or existing
19 immediately before the commencement of this Act by or against the Fund
20 established by the repealed Act in respect of any right, interest, obligation or
21 liability of the former Fund may be continued or as the case may be,
22 commenced and any determination of a court of law, tribunal or other
23 authority or person may be enforced by or against the Fund established by
24 this Act, to the same extent that such proceeding, cause of action or
25 determination might have been continued, commenced or enforced by or
26 against the former Fund as if this Act had not been made.

27 (6) All assets, funds, resources and other movable property which
28 immediately before the commencement of this Act were vested in the
29 former Fund shall, by virtue of this Act and without further assurance, be
30 vested in the Fund established by this Act.

	1	(7) Persons who immediately before the coming into force of this Act
	2	were holders of offices in the repealed Education trust Fund shall:
	3	(a) Continue in office;
	4	(b) have their previous service in the repealed Educator Act No. 2,
	5	2004 counted as service for the purposes of pension pay at Pension Reform Act;
	6	and
	7	(c) Be deemed to have been appointed to the offices by the statutory
	8	body established by this Act.
Interpretation	9	20.-(1) in this Act:
	10	"Act" means the Companies Income Tax Act or the Petroleum Profits Tax Act,
	11	as the case may be;
	12	"Board of Trustees" means the Board of Trustees established under section 4 of
	13	this Act;
	14	"Company" means a company registered in Nigeria;
	15	"Fund" means the Basic Education Trust Fund established under section 3 of
	16	this Act;
	17	"Minister" means the Minister charged with responsibility for matters relating
	18	to education;
	19	"The Service" means the Federal Inland Revenue Service established under the
	20	Federal Inland Revenue Service (Establishment) Act, 2007;
	21	"Secondary Educational Institution" means a Federal or State Unity Schools.
	22	(2) Where no provision is made in this Act for a matter relating to the
	23	assessment and collection of the tax imposed by this Act, the provisions of the
	24	Acts relating to the assessment and collection of companies income tax or
	25	petroleum profit tax, as the case may be, shall apply mutatis mutandis to that
	26	matter.
Citation	27	21. This Bill may be cited as the Secondary Education Trust Fund
	28	(Establishment) Bill, 2022.

SCHEDULE

Section 4 (6)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD OF TRUSTEES

Proceedings of the Board of Trustees

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

(2) The quorum of the Board of Trustees shall be 5 members and the quorum of any committee of the Board of Trustees shall be determined by the Board of Trustees.

2.-(1) The Board of Trustees shall meet not less than 4 times in each year and subject thereto, the Board of Trustees shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice given to him by not less than 3 other members, he shall summon a meeting of the Board of Trustees to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Board of Trustees, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of them to preside at that meeting.

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

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

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board of Trustees) as may be determined by the Board of Trustees and a person other than a

1 member of the Board of Trustees shall hold office on the committee in
2 accordance with the terms of his appointment.

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

5 *Miscellaneous*

6 4.-(1) the fixing of the seal of the Fund shall be authenticated by the
7 signature of the Chairman and any other person, authorized generally or
8 specially to act for that purpose by the Board of Trustees.

9 (2) Any contract or instrument which, if made or executed by a person
10 not being a body corporate, would not be required to be under seal may be made
11 or executed on behalf of the Fund by the Executive Secretary or any person
12 generally or specially authorized to act for that purpose by the Board of
13 Trustees.

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

17 *Committees*

18 5. The validity of any proceeding of the Board of Trustees or of a
19 committee thereof shall not be adversely affected by any vacancy in the
20 membership of the Board of Trustees or committee, or by any defect in the
21 appointment of a member of the Board of Trustees or of a committee, or by
22 reason that a person not entitled to do so took part in the proceedings of the
23 Board of Trustees or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Tertiary Education Trust Fund and to Establish
Secondary Education Trust Fund charged with the responsibility for imposing,
managing and disbursing the Education tax to public Secondary Educations
Schools in Nigeria.

FEDERAL COLLEGE OF EDUCATION, DENG-KANAM

(ESTABLISHMENT) BILL, 2022

ARRANGEMENT OF SECTIONS

Section:

1. Establishment of Federal College of Education Dengi-Kanam,
Plateau State
 2. Governing Council of the College
 3. Membership of the Council of the College
 4. Tenure of members of the Council
 5. Functions of the College
 6. Power of the Council
 7. Visitation
 8. The Academic Board and its functions
 9. Power of Minister
 10. The Provost of the College
 11. Deputy Provosts
 12. The Registrar and other staff of the College
 13. Other principal officers of the College
 14. Resignation of appointment of principal officer
 15. Other employees of the College
 16. Pensions
 17. Selection Board
 18. Fund of the College
 19. Power to accept gifts
 20. Accounts and audit
 21. Annual reports
 21. Interpretation
 22. Citation
- Schedule

FOR

Sponsored by Hon. Yusuf Adamu Gagdi

[] Commencement

Establishment of Federal College of Education Dengi-Kanam, Plateau State

Governing Council
of the College

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

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

1 serve to promote the objectives of the College.

2 **6.** The Council shall have power to-

Power of the
Council

3 (a) hold examinations and grant National Certificates in Education
4 (NCE), Diplomas, professional certificates and other distinctions to
5 persons, who have pursued courses of study approved and accredited by the
6 National Commission for colleges of Education;

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

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

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

12 (e) hold public lectures and undertake printing, publishing and
13 selling of books;

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

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

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

20 (i) create lectureships and other academic posts and offices and to
21 make appointments accordingly;

22 (j) receive and make gifts;

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

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

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

28 (n) do such acts and things whether or not incidental to the
29 foregoing powers as may advance the objects of the College.

Visitation	1	7.-(1) The Minister responsible for Education shall be the Visitor of
	2	the college.
	3	(2) The Visitor shall, at least, not less than once in every five years,
	4	conduct a visitation to the College or appoint a visitation panel consisting of
	5	not less than five experts to conduct the visitation-
	6	(a) for the purpose of evaluating the academic and administrative
	7	performance of the College; or
	8	(b) for such other purpose as the Visitor may deem fit.
The Academic Board and its functions	9	8.-(1) There is established for the College a Board known as the
	10	Academic Board which shall consist of the following members-
	11	(a) the Provost of the College as Chairman;
	12	(b) all Heads of Departments;
	13	(c) the College Bursar;
	14	(d) the College Librarian; and
	15	(e) not-more than three members of the academic staff other than the
	16	heads of departments to be appointed by the Council.
	17	(2) The Academic Board shall be responsible for-
	18	(a) the direction and management of academic matters of the College
	19	including the regulation of admission of students, and award of certificates,
	20	scholarships, prizes and other academic distinction; and
	21	(b) discharging any other functions which the Council may from time
	22	to time delegate to it.
Power of Minister	23	9. The Minister may give to the Council directions of a general nature
	24	or relating generally to matters with regard to the exercise by the Council of its
	25	functions and it shall be the duty of the Council to comply with such directions.
The Provost of the College	26	10.-(1) There shall be a Provost for the College who shall be
	27	appointed by the President on the recommendation of the Minister.
	28	(2) Where a vacancy occurs in the post of the Provost, the Council
	29	shall-
	30	(a) advertise the vacancy in a reputable, widely read newspaper in

1 Nigeria specifying-

2 (i) the qualities of a person who may apply for the post, and

3 (ii) the terms and conditions of service applicable to the post, and

4 thereafter draw up a short list of suitable candidates for consideration of the

5 Minister.

6 (3) The President shall appoint as Provost one of the candidates

7 recommended by the Minister.

8 (4) Subject to the general control of the Council the Provost shall

9 be the chief executive of the College and shall be charged with general

10 responsibility for matters relating to the management and operations of the

11 College.

12 (5) The Provost shall hold office for a term of five years only and on

13 such terms and conditions as may be specified in his letter of appointment.

14 **11.-(1)** There shall be for the College, two Deputy Provosts-

Deputy Provosts

15 (a) Deputy Provost (Academic); and

16 (b) Deputy Provost (Administration).

17 (2) The Council shall nominate the Deputy Provosts from among

18 the Chief Lecturers in the College in any of the following ways-

19 (a) from a list of five candidates in order of preference, submitted

20 by the Provost;

21 (b) on the recommendation of a Selection Board constituted for

22 that purpose; or

23 (c) on the nomination of the Provost.

24 (3) The Selection Board referred to in subsection 2 (b) shall consist

25 of-

26 (a) the Chairman of the Council;

27 (b) the Provost of the College;

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

29 (d) two members of the Council not being member of the Academic

30 Board.

1 (4) (a) The Deputy Provost (Academic) shall-
 2 (i) assist the provost in the performance of his functions in academic
 3 matters of the College;
 4 (ii) act as the Provost when the post of the Provost is vacant or if the
 5 Provost is, for any reason, absent or unable to perform his functions.

6 (b) The Deputy Provost (Administration) shall-
 7 (i) assist the Provost in administrative matters of the college; and
 8 (ii) perform such other functions as the Provost or the Council may
 9 assign to him.

10 (5) Each of the Deputy Provosts shall hold office for a term of two
 11 years and no more.

The Registrar
and other staff
of the College

12 **12.**-(1) There shall be a Registrar for the College to be appointed by
 13 the Council.

14 (2) The Registrar shall keep the records and conduct the
 15 correspondence of the Council.

16 (3) The Registrar shall be the Secretary to-

17 (a) the Council;

18 (b) the Academic Board of the Council; and

19 (c) any committee of the Council.

20 (4) The Registrar may perform any duty assigned to him by the
 21 Council or the Provost.

22 (5) The Registrar shall hold office for a term of five years and no
 23 more.

Other principal
officers of the
College

24 **13.**-(1) There shall be for the College in addition to the Registrar-

25 (a) the Bursar, and

26 (b) the College Librarian, who shall be appointed by the Council.

27 (2) The Bursar shall be the chief financial officer of the College and be
 28 responsible to the Provost for the administration and control of the financial
 29 affairs of the College.

30 (3) The College Librarian shall be responsible to the Provost for the

1 administration of the College library and coordination of the library services
2 in the teaching units of the College.

3 (4) The Bursar and the College Librarian shall each hold office for
4 a term of five years and no more.

5 **14.** A principal officer of the College may resign his appointment- Resignation of
appointment of
principal officer
6 (a) in case of the Provost by notice to the Visitor; and
7 (b) in any other case by advise to the Council.

8 **15.**-(1) The Council may appoint other persons to be employees of Other employees
of the College
9 the College as the Council may deem necessary to assist the Provost and the
10 principal officers in the performance of their functions.

11 (2) The remuneration, tenure of office and conditions of service of
12 the employees of the College shall be determined by the Council in
13 consultation with the Federal Civil Service Commission.

14 **16.** Service in the College shall be approved service for the Pensions
15 purpose of the Pensions Reform Act and accordingly, officers and other
16 persons employed in the College shall be entitled to pension, gratuity and
17 other retirement benefits as may be prescribed in their respective letters of
18 appointment.

19 **17.**-(1) There shall be a Selection Board for the College which shall Selection Board
20 consist of-

21 (a) the Chairman of the Council;
22 (b) the Provost;
23 (c) four members of the Council not being members of the
24 Academic Board; and
25 (d) two members of the Academic Board.

26 (2) The functions, procedure and other matters relating to the
27 Selection Board constituted under subsection (1) shall be determined from
28 time to time by the Council.

29 **18.**-(1) The College shall establish and maintain a Fund which Fund of the
College
30 shall be applied towards the promotion of the objectives of this Act.

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

1 "Council" means the Governing of Council of the College established under
2 section 2 of this Act;

3 "function" includes power and duties;

4 "Minster" means the Minster charged with the responsibility for education;

5 "Member;" means a member of the Council including the Chairman;

6 "Provost" means the Provost of the College appointed under section 10 of
7 this Act.

8 **23.** This Bill may be sited as the Federal College of Education, Citation
9 Dengi-Kanam (Establishment) Bill, 2022.

1 SCHEDULE

2 *Section 2 (3)*

3 SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC.

4 *Terms of Service*

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

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

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

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

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

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

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

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

29 *Miscellaneous*

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

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

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

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

EXPLANATION MEMORANDUM

This Bill seeks to establish the Federal College of Education, Dengi-Kanam,
Plateau State as institution to offer full-time courses leading to the award of
National Certificates of Education, Diplomas etc.

A BILL

FOR

AN ACT TO ESTABLISH NATIONAL ROOT CROP PRODUCTION INSTITUTE,
IGEDE, EKITI STATE AND FOR RELATED MATTERS, 2022

Sponsored by Hon. Olusola Steve Fatoba

[] Commencement

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

1 PART I - ESTABLISHMENT OF NATIONAL ROOT CROP PRODUCTION

2 INSTITUTE, IGEDE, EKITI STATE AND GOVERNING BOARD

3 1.-(1) There is hereby established the National Root Crop
4 Production Institute Igede, Ekiti State (in this Bill referred to as the
5 "Institute").

Establishment of
National Root Crop
Production Institute
Igede, Ekiti State

6 (2) The Institute:

7 (a) shall be a corporate body with perpetual succession a Common
8 seal;

9 (b) may sue and be sued in its corporate name; and

10 (c) may for the purposes of performance of its functions under this
11 Bill, acquire, hold movable or immovable property and enter into contract or
12 any other transaction for the purposes of carrying out any of its functions.

13 2. The functions of the Institute shall be to:

Functions of the
Institute

14 (a) To conduct research into the genetic improvement, production,
15 processing, storage and socio-economy of Root crop production;

16 (b) Assist into research of the system of massive productions of
17 root crops, so that Nigeria can achieve self sufficiency in these Roots;

18 (c) Assist in the transfer, adaptation and utilization of the end
19 results of researches to get to the appropriate and relevant farmers, for the
20 rapid agricultural and socio-economic growth of Nigeria;

21 (d) Carry out appropriate research to ensure compliance with

1 standards and specifications designated by the Institute and approved by other
2 regulatory authorities in Nigeria for effective control of quality of Roots and
3 Tuber food crops;

4 (e) Identify indigenous technologies in the area of Root crop
5 production and develop them into modern technologies;

6 (f) Establish and equip research and development laboratories with
7 relevant facilities in the Institute;

8 (g) Liaise with relevant establishments within and outside Nigeria in
9 pursuance of the functions of the Institute;

10 (h) Establish and operate World class Laboratories and workshop as
11 centres of excellence for cutting edge research in root crop production;

12 (i) Establish demonstration centres to ensure rapid commercialization
13 of its research as well as providing necessary avenues for training and re-
14 training especially for Students of agricultural studies in tertiary institutions of
15 learning;

16 (j) Encourage and promote the commercialization of research and
17 development innovation results through patents in conjunction with the
18 National Office for Technology Acquisition and promotion (NOTAP);

19 (k) Establish and operate State Offices for effective delivery and
20 deployment of its research results especially in the North East Zone of Nigeria;

21 (l) Provide technical consultancy services for revenue generation and
22 for quality control;

23 (m) Collaborate with relevant bodies, especially tertiary institutions
24 to develop curricula or modules for appropriate knowledge transfer and
25 training programmes with a view of diploma awards;

26 (n) Achieve a high research and development output and revenue;

27 (o) Become a member of any relevant International Scientific bodies;

28 (p) Publish research results of its activities and collaborate with
29 educational institutions and other relevant government Institutes,
30 organizations, agencies, Councils and industries in research; and

1 (q) Carry out other activities as are necessary or expedient for the
2 performance of its functions under this Bill.

3 **3.** There is established a Governing Board (hereinafter in this Bill
4 referred to as "the Board") which shall formulate policy for the Institute.

Establishment
of the Governing
Board of the Institute

5 **4.-(1)** The Institute shall consist of:

Composition of
the Governing
Board of the
Institute

6 (a) A Chairman, appointed by the President with requisite
7 knowledge and experience in matters relating to global agricultural research
8 and development;

9 (b) The Minister charged with the responsibility for Science and
10 Technology or his representative;

11 (c) The Minister charged with responsibility for agriculture and
12 Rural Development or his representative;

13 (d) A representative of the Nigeria Academy of Science;

14 (e) A representative of the Nutrition Society of Nigeria (NSN);

15 (f) A representative of the Nigerian Institute of Foods, Science and
16 Technology (NIFST);

17 (g) One representative each from the Six Geopolitical Zones,
18 appointed by the President on the recommendation of the Minister for
19 Agriculture and Rural Development,

20 (h) A person appointed by the President on the recommendation of
21 the Minister to represent the Civil Society organizations; and

22 (i) The Director-General of the Institute who shall be the Board's
23 Secretary.

24 (2) The supplementary provision set out in the First Schedule to
25 this Bill shall have effect with regard to the proceedings of the Board and
26 other matters contained in the Schedule.

27 **5.-(1)** The Chairman of the Board shall hold office for a term of
28 four years and may be eligible for re-appointment for another term of four
29 years and no more.

Tenure of the
Members of the
Governing Board
of the Institute

30 (2) a member of the Board who is not an ex-officio member shall

	1	hold office for a term of four years and may be eligible for re-appointment for
	2	another term of four years and no more.
Remuneration of members of the Governing Board of the Institute	3	6. The Chairman and other members of the Board shall be paid such
	4	allowances and expenses in accordance with such rates as may be approved by
	5	the Federal Government of Nigeria from time to time.
Removal of the Chairman or any member of the Board of the Institute	6	7.-(1) When it appears that the Chairman or any member of the Board,
	7	other than an ex-officio member should be removed from office on the grounds
	8	of misconduct or inability to perform the functions of his office, the Board shall
	9	make a recommendation through the Minister to the President for approval.
	10	(2) where the President, after making such inquiries as he considers
	11	necessary, approves the recommendation made through the Minister by the
	12	Board, the Secretary to the Government of the Federation shall, in writing
	13	declare the position vacant.
	14	(3) notwithstanding the provision of subsection (1) of this section, the
	15	President may remove any member of the Governing Board, where he is
	16	satisfied that it is in the interest of the Institute and the public to do so.
Resignation by a member of the Board of the Institute	17	8. A member of the Governing Board other than an ex-officio
	18	member may at any time by notice in writing addressed to the President
	19	through the Minister, resign from being a member of the Board of the Institute.
Cessation of members of the Board from office	20	9. Notwithstanding the provisions of Section 4 of this Bill, a member
	21	of the Board ceases to hold office as a member, where:
	22	(a) He resigns his appointment as a member of the Board by notice
	23	under his hand addressed to the President of the Federal Republic of Nigeria;
	24	(b) He becomes of unsound mind;
	25	(c) He becomes bankrupt;
	26	(d) He is convicted of a felony or any other offence involving
	27	dishonesty or corruption;
	28	(e) He becomes incapable of performing the functions of his office,
	29	either arising from infirmity of mind or body;
	30	(f) The President of the Federal Republic of Nigeria is satisfied that it

1 is not in the interest of the Institute or in the interest of the public for the
2 person to continue in office;

3 (g) He has been found guilty under the Code of Conduct or serious
4 misconduct in relation to his duties; or

5 (h) In the case of a person who becomes a member by virtue of the
6 office he occupies ceases to hold such office.

7 **10.** In the event of death or resignation by a member of the Filing of vacancies
8 Governing Board or where the office of a member of the Board becomes
9 vacant under section (3) of this Bill, a replacement shall be appointed by the
10 President of the Federal Republic of Nigeria.

11 **PART II - POWERS AND FUNCTIONS OF THE BOARD OF THE INSTITUTE**

12 **11.** The Board shall have powers to: Powers of the Board

13 (a) Formulate policies and ratify short and long term plans of the
14 Institute;

15 (b) Ratify the annual budget and estimates of the Institute in line
16 with approval granted by the National Assembly in the Appropriation Act;

17 (c) Approve research and Academic programmes of the Institute;

18 (d) Approve investment plan of the Institute;

19 (e) Consider and approve the capital development plans of the
20 Institute;

21 (f) Receive and consider proposals, recommendations and
22 suggestions of the Director-General or any Committee of the Governing
23 Board on matters relating to the functions of the Institute under this Bill;

24 (g) Constitute any Committee that may be necessary to discharge
25 any of the functions assigned to it under this Bill;

26 (h) Attract funds by way of donations and contributions to the
27 Institute and put in place mechanisms for collection and utilization of funds;

28 (i) Invest surplus funds of the Institute in profit-yielding ventures;
29 and

30 (j) Carry out or exercise any other powers that may be necessary for

	1	the attainment of the objects of this Bill.
The structure of the Institute	2	12. -(1) The Institute shall have:
	3	(a) Its headquarters in Ekiti State.
	4	(b) Liaison office or Directorate in Abuja; and
	5	(c) State offices in the remaining five states of the South West Zone of
	6	Nigeria which include:
	7	(1) Oyo State;
	8	(2) Osun State;
	9	(3) Ogun State;
	10	(4) Lagos State;
	11	(5) Ondo State.
	12	(2) The Institute shall operate a departmental structure with
	13	directorates or any other structure as may be considered necessary for the
	14	performance of its functions and delivery of its services under this Bill.
	15	(3) The head of the Research Directorate shall be designated as head
	16	of Department and headed by a Director.
	17	(4) The head of Research Department shall hold office for 3 years in
	18	the first instance and renewable for another 3 years and no more.
	19	(5) Notwithstanding the provisions of subsection (3) of this Section,
	20	in the absence of a Director or head of the Research Directorate, the most
	21	Senior Research Officer may be appointed in acting capacity on the
	22	recommendation of the Director- General of the Institute to the Board.
	23	(6) A Department shall have no more than five divisions, with each
	24	division headed by a Deputy Director and a division may consist of Sections,
	25	headed by Chief Research or Scientific Officer and a Section may also be
	26	composed of units for effectiveness.
	27	(7) State Offices shall be headed by a State Office Coordinator.
	28	PART III - APPOINTMENT OF THE DIRECTOR- GENERAL AND OTHER
Appointment of the Director- General of the Institute	29	STAFF OF THE INSTITUTE
	30	13. -(1) There shall be appointed for the Institute a Director-General,

1 who shall be the Chief Executive Officer and Accounting Officer of the
2 Institute.

3 (2) The Director-General shall be:

4 (a) Appointed by the President on the recommendation of the
5 Minister;

6 (b) Responsible to the Board for the management of the affairs of
7 the Institute;

8 (c) Responsible for the execution of the policy and day to day
9 Administration of the affairs of the Institute;

10 (d) Entitled to earn a remuneration and allowances as may be
11 Specified in his letter of appointment;

12 (e) A person with cognate experience and Skills of not less than 15
13 years post-doctoral qualification and or 25 years post qualification as a
14 professional in all fields of Agricultural Science that relates to the operations
15 of the Institute or other criteria as may be specified;

16 (f) Hold office for a term of four years at the first instance and
17 eligible for re-appointment for another term of four years on such terms and
18 conditions as may be specified in his letter of appointment and no more; and

19 (g) Shall be the Secretary to the Institute and the Governing Board,
20 but not a member of the Board.

21 **14.** The Director- General shall:

The duties of the
Director-General
of the Institute

22 (a) Prepare the minutes of meetings of the Governing Board and
23 any of its Committees;

24 (b) Keep and secure all records of the Governing Board;

25 (c) Issue notice of meetings of the Governing Board as may be
26 directed by the Chairman;

27 (d) Be responsible for the implementations of the resolutions of the
28 Governing Board;

29 (e) Coordinates the preparation of income and expenditure,
30 estimates and development plans for the Governing Board's consideration;

	1	(f) Have custody of the seal of the Institute;
	2	(g) Perform such other functions as may be assigned by the Board.
Principal Officers of the Institute	3	15. -(1) The principal officers of the Institute shall include:
	4	(a) Directors;
	5	(b) Head of Department;
	6	(c) State Office Coordinators;
	7	(d) Head of Servicom Office;
	8	(e) Chief Internal Auditor;
	9	(f) Head of Pension Office;
	10	(g) Head of Legal; and
	11	(h) Head of Procurement.
	12	(2) The Directors, Heads of Departments or State Office Coordinators
	13	shall assist the Director-General in the day-to-day management of the Institute
	14	(3) Directors or State Office Coordinators shall:
	15	(a). Head each of the Directorate of the Institute;
	16	(b) Implement the policies of the Institute as they apply to the
	17	Directorate;
	18	(c) prepare draft expenditure estimates and development plans of his
	19	Directorate;
	20	(d) Serve on Scientific or Technical Advisory Committee of the
	21	Institute; and
	22	(e) perform such other functions as may be determined by the
	23	Director- General.
Other staff of the Institute	24	16. The Board may from time to time, appoint or employ such other
	25	persons as members of Staff of the Institute on the recommendation of the
	26	Director-General as may be necessary, subject to the extant rules and
	27	conditions of service of the Institute.
Remuneration of employees of the Institute	28	17. Salaries and benefits of the Staff of the Institute shall be in
	29	accordance with the conditions and scheme of service in other Research
	30	Institutes in Nigeria as may be approved by the Board of the Institute.

Staff Regulations

(a) Remuneration and tenure of office of members of staff of the Institute;

(b) Appointment, promotion, fringe benefits and incentive for members of staff of the Institute; and

(c) Appeal procedure for members of staff of the Institute against dismissal or other disciplinary measures.

(2) The Board shall have power to amend regulations made under this Bill, provided that the proposal for, is passed by two-thirds majority of the Board members.

(3) All regulations made by the Board subject to the provisions of this Bill, may be published in the Official Gazette of the Federal Government of Nigeria.

Removal and discipline of Staff of the Institute

(2) any other Senior member of Staff of the Institute may be removed from office by the Director-General with the approval of the Board.

(3) The removal from office of any Junior Staff shall be with the approval of the Director-General.

Application of the Pensions Reform Act

(2) notwithstanding provisions of Subsection (1) of this section, nothing in this Bill, shall prevent the appointment of a person to any office on terms, which preclude the gratuity in respect of that office.

(3) for the purpose of the application of the Pensions Reform Act,

1 any power exercisable thereunder by the President or authority other than the
2 Federal Government(not being the power to make Regulations under Section
3 34 of this Bill), shall be vested in and exercisable by the Institute.

4 (4) subject to Subsection (2) of this Section, the Pensions Reform Act,
5 shall in its application of Subsection (3) of this Section, have effect as if, the
6 office were in the public service of the Federation within the meaning of the
7 Constitution of the Federal Republic of Nigeria, 1999(as amended).

8 **PART IV - STRUCTURE AND CONSTITUTION OF THE INSTITUTE**

Constitution of
Scientific Technical
Advisory
Committee

9 **21.**-(1) The Institute may establish Scientific Technical Advisory
10 Committee (in this Bill referred to as the Committee) in the areas of Research to
11 assist the Institute in various aspects of its responsibilities.

12 (2) The members of a Scientific or Technical Advisory Committee
13 shall be persons with requisite expertise and experience in the relevant areas of
14 interest of the Institute.

Establishment
of demonstration
Centres

15 **22.**-(1) The Institute may with the approval of the Chairman of the
16 Board or Minister, establish Demonstration Centres in any of the six geo-
17 political zones of Nigeria, based on the nature of the Root crop derivable from
18 the area or zone.

19 (2) The Institute shall provide for:

20 (a). the location of the demonstration centres;

21 (b) the field in which the centres are to conduct its work and
22 manpower training, where applicable;

23 (c) the transfer to the centres by mutual agreement, any existing
24 Federal, State and Local Government facilities;

25 (d) the establishment and constitution of senior officers of the
26 Institute to manage the affairs of the centres;

27 (e) the demonstration centres shall be fully equipped to carry out
28 training and research and development activities; and

29 (f) a suitable association and collaboration of the Demonstration
30 centres with Universities, other institutions of higher learning.

1 (3) The Institute may with the approval of relevant authorities
2 establish the Institute's Consult, which shall be a semi-autonomous body to
3 commercialize the Institute's research results.

4 **PART V - FINANCIAL PROVISIONS**

5 **23.**-(1) The Institute shall establish and maintain a fund which shall Establishment
of fund for the
Institute
6 be applied towards the promotion of the objectives of the Institute specified
7 in this Bill.

8 (2) There shall be paid and credited to the fund established in
9 pursuance of subsection (1) of this Section:

10 (a) such sums as may be provided by the Government of the
11 Federation or appropriated by the National Assembly for payment into the
12 fund of the Institute;

13 (b) fees charged for services rendered by the Institute; including
14 royalties on the Institute's results ceded to farmers or institutions for national
15 development in areas of agriculture.

16 (c) all sums accruing to the Institute by way of gifts, testamentary
17 dispositions, endowments or contributions from philanthropic persons or
18 organizations;

19 (d) contributions from the organized private sector;

20 (e) foreign aids and assistance from bilateral and multilateral
21 Agencies; and

22 (f) proceeds from commercialization of research results of the
23 Institute.

24 (3) Notwithstanding the provisions of Subsection (2) of this
25 Section, every application for registration into the Institute's Journal, shall
26 attract a fee, which shall be credited and maintained in a separate account of
27 the Institute, part of which shall be used for the publication of the Institute's
28 Journal.

29 **24.** The Institute shall apply the fund established under this Bill, Expenditure of
the Institute
30 with the approval of the National Assembly:

1 (a) Conduct research and development activities in the capital project
2 of the Institute;

3 (b) Maintain the Head Office and establish State Offices for the
4 Institute;

5 (c) Pay allowances and expenses of members of the Board;

6 (d) Sponsor local and international conferences, seminars, workshops
7 for members of Staff of the Institute;

8 (e) Provide scholarship and award for specialized training for
9 personnel;

10 (f) Publicize and promote the activities of the Institute;

11 (g) Support national and international bodies and pay annual dues and
12 other contributions for scientific organizations, in which Nigeria is a member;
13 and

14 (h) Undertake any other activity in connection with the objects of this
15 Bill.

Annual Estimates
Accounts

16 **25.**-(1) The Institute shall not later than 30th September of every year,
17 submit to the Board and the National Assembly for approval its estimates of
18 Income and expenditure for the next financial year.

19 (2) The Institute shall:

20 (a) keep proper records of all accounts of its income and expenditure
21 and

22 (b) prepare statement of account in respect of each financial year.

23 (3) The Institute shall not later than 30th June of each financial year,
24 submit its accounts to Auditors appointed from the list of qualified auditors in
25 accordance to guidelines laid down by the Auditor-General for the Federation
26 and the Auditors fees and expenses shall be paid from the funds of the Institute
27 and provide same to the National Assembly for oversight purposes.

Annual reports

28 **26.**-(1) The Institute shall not later than 30th June of each financial
29 year submit to the Board and the National Assembly for approval its estimates
30 of income and Expenditure for the next financial year in respect of the

1 preceding year an annual report on the activities of the Institute in such form
2 as the Board may direct.

3 (2) The report referred to in Subsection (1) of this Section shall
4 include:

5 (a) information on the activities of the Institute for the year;

6 (b) a copy of the audited accounts of the Institute for that year
7 together with the Auditor- General report on the accounts of the Institute;
8 and

9 (c) such other information as the Board may request.

10 (3) The Director-General shall provide such information on the
11 affairs of the Institute as the Board may from time to time request.

12 **27.** All income derived by the Institute from sources specified in
13 section 23 subsection (2) of this Bill shall be exempted from income tax and
14 all contributions to the fund of the Institute shall be tax deductible.

15 **28.** Subject to the approval by the Board, the Institute may invest Capital production
income
16 in profitable production of agricultural produce for commercial purposes by
17 joint venture, partnership, share-holding or as sole proprietor as the case
18 may be the net income generated shall be paid into the fund of the Institute.

19 **29.** The Institute may, with the consent, or in accordance with any Borrowing and
Investment Power
of the Institute
20 general authority given by the Board, borrow by way of loan or overdraft,
21 any specified amount of money required by the Institute for its obligations
22 and functions under this Bill in line with extant laws and Regulations.

23 (2) The Institute may, subject to the provisions of this Bill and the
24 constitutions of any trust created in respect of any property, invest any of its
25 funds with consent or general authority of the Board.

26 (3) The Institute may invest any of its surplus funds in such
27 securities as the Board may, from time to time, approve.

28 PART VI - MISCELLANEOUS

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

1 or organization making the gift.

2 (2) The Institute shall not accept any gift where the conditions
3 attached by the person or organization making the gift are inconsistent with the
4 functions and objectives of the Institute.

5 (3) A gift donated to the Institute or project of the Institute shall be
6 made directly to the Institute and shall be utilized only for the purpose.

The seal of the
Institute

7 **31.**-(1) The seal of the Institute shall be such as may be administered
8 by the Board, signed by the Chairman of the Board and the Director-General.

9 (2) certificates issued by the Institute shall have the Institute's seal
10 affixed and signed by the Chairman of the Board and the Director- General of
11 the Institute.

12 (3) any contract or instrument which, if made or executed by a person
13 not being a body corporate, would not be required to be under seal may be made
14 or executed on behalf of the Institute by any authorized person.

Power to make
Regulations

15 **32.** The Board may make regulations:

16 (a) To regulate the activities and programmes of the Institute, or any
17 matter connected with the Institute; or

18 (b) For the effective implementation of any of the provisions of this
19 Bill.

Limitation of
suit against the
Institute

20 **33.**-(1) subject to the provisions of this Bill, the provisions of the
21 Public Officers Protections Act, shall apply to any suit instituted against the
22 Institute, an Officer of the Institute or employee of the Institute.

23 (2) No suit shall lie or be instituted in any Court of Law against the
24 Institute, a member of the Board or any Principal Officer or Employee of the
25 Institute for an action carried out in pursuance to the execution of this Bill or
26 any enactment, or of any public duty in respect of any alleged neglect or default
27 in the execution of this Bill or duty or authority, unless it is commenced:

28 (a) within three months of such act, neglect or default complained
29 thereof; or

30 (b) in the case of a continuation of damage or injury, within six

1 months after the ceasing of the act, neglect or default.

2 (3) No suit shall be commenced against the Institute, a member of
3 the Board or any Principal Officer or employee of the Institute before the
4 expiration of a period of one month after written notice of the intention to
5 commence the suit has been served on the Institute by the intending Plaintiff
6 or his Agent.

7 (4) The notice referred to in subsection (3) shall clearly state the:

8 (a) cause of action;

9 (b) particulars of the claim;

10 (c) the name and place of abode of the intending Plaintiff; and

11 (d) the relief sought.

12 **34.-(1)** Any notice or other document required or authorized to be Service of notice
13 served Service of notice on or given to any person for the purposes of this
14 Bill, may be served or given by:

15 (a) Delivering it to that person, or by leaving it at his usual or last
16 known place of residence or business or at the address specified by him in
17 any notice, application or other document made, given or tendered to the
18 Institute under this Bill; or

19 (b) Posting it by registered mail to him at that place of residence or
20 business or at that address.

21 (2) Where any of such notice or other document sent by registered
22 mail, unless the contrary is proved, it shall be deemed to have been delivered
23 to him when it would have been delivered in the ordinary course of a posting
24 mail unless the contrary is established and in proving the delivery, it shall be
25 sufficient to prove that there is return Post Office slip or Speed Post slip
26 showing actual delivery.

27 (3) When for any purpose under this Bill, a notice or document is
28 required to be served on a firm or company, the notice or document may be
29 served on the Secretary, Executive Officer or other Officer holding a similar
30 position in the organization and the service unless otherwise directed by the

	1	Institute, be deemed to be served on all persons who are members of the
	2	organization.
	3	(4) Any service of notice or process on the Institute shall be by proven
	4	registered post or personal service on any Principal Officer of the Institute.
Power to give directives by the Minister	5	35. The Minister, may give to the Institute, directives of a general
	6	character relating to the policies and functions of the Institute and shall comply
	7	with such directives without prejudice to the powers of the Board and the
	8	oversight of the National Assembly.
Exemption from tax accruing from investment	9	36. -(1) The Institute shall be exempted from the payment of income
	10	tax in any income accruing from investment made by the Institute.
	11	(2) The provision of any enactment relating to the taxation of
	12	companies or Trusts Funds shall not apply to the Institute.
Joint Venture targets for technology acquisition	13	37. The Institute shall impose conditions and set targets for the
	14	formation of Joint Ventures or Partnerships between multinational services,
	15	Research Institutes, institutions or service companies in all sectors of the
	16	economy and certified indigenous services companies for the purpose of
	17	technological training and acquisition.
Research targets and development of research products	18	38. The Institute shall make regulations with requirement and targets
	19	for the growth of Research and Development in the areas of Food and other
	20	Agro-allied raw materials but not limited thereof as may be reviewed by the
	21	Institute, in Nigeria.
Interpretation	22	39. In this Bill, unless the context otherwise requires-
	23	"Board" means the Governing body of the Institute established under section3
	24	(1);
	25	"Chairman" means the Chairman of the Governing Board of the Institute
	26	appointed under section 14(1);
	27	"Fund" means the fund of the Institute as established under section 25 of this
	28	Bill;
	29	"Institute" means the National Root Crop Production Institute Igede, Ekiti
	30	State established under section 1(1) of this Bill;

1 "Minister" means the Minister responsible for Agriculture;

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

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

4 "Principal Officer" means the Directors and other Officers as specified in
5 section 16 of this Bill;

6 "Public Service" has the meaning assigned to it in the Constitution of the
7 Federal Republic of Nigeria, 1999 as amended;

8 "Secretary" means the Secretary to the Board of the Institute.

9 **40.** This Bill may be cited as the National Root Crop Production Short title
10 Institute Igede, Ekiti State (Establishment) Bill, 2022.

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

3 *Proceedings of the Board*

4 1. Subject to this Bill and section 42 of the interpretation Act, the
5 Board may make standing orders regulating its proceedings or those of any of
6 its Committees.

7 2. The quorum of the Board shall be the Chairman or the person
8 presiding the meeting and two other members of the Board and the quorum of
9 any Committee of the Board shall be determined by the Board.

10 3. The Board shall meet not less than four times in each year and
11 subject thereto, the Board shall meet whenever it is summoned by the
12 Chairman or where the Chairman is required to do so by a notice given to him
13 by not less than 4 other members, he shall summon a meeting of the Board to be
14 held within 28 days from the date on which the notice is given.

15 4. At any meeting of the Board, the Chairman shall preside but if he is
16 absent, the members present at the meeting shall appoint one of their members
17 to preside at the meeting.

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

23 6. The Board may set up one or more Committees to carryout, on
24 behalf of the Board, such functions as the Board may determine.

25 7. A Committee set up under this paragraph shall consist of such
26 number of persons as may be determined by the Board and a person shall hold
27 office on the Committee in accordance with the terms of his appointment.

28 8. A decision of a Committee shall be of no effect until it is confirmed
29 by the Board.

30 9. The validity of the proceedings of the Board or of a Committee

1 thereof shall not be affected by any vacancy in the membership of the Board
2 or of a Committee.

10. Any member of the Board or any person holding office on a Committee of the Board, who has personal interest in any contract or arrangement shall disclose his interest to the Board and shall not vote on any matter relating to the contract or arrangement.

7 *Miscellaneous*

11. The fixing of the seal of the Board shall be authenticated by the signature of the Director- General/Chief Executive Officer or any person generally or specifically authorized by the Board to act for that purpose.

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

16 13. Any document purporting to be a document duly executed
17 under the seal of the Board shall be received in evidence and shall, unless
18 and until the contrary is proved, be presumed to be so executed.

19 14. The validity of any proceeding of the Board or a Committee
20 shall not be affected by-

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

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Root Crop Production Institute Igede, Ekiti State, for the conduct of research on root crop production to enhance their growth and commercialization to provide food so that the nation can be self-sufficient in food production.

A BILL

FOR

AN ACT TO AMEND NATIONAL HAJJ COMMISSION OF NIGERIA (NAHCON) ACT OF 2006, TO MAKE PROVISION FOR SCREENING AND APPROVAL OF AIRLINE CARRIERS BY NAHCON FOR THE PURPOSE OF HAJJ AND UMRAH OPERATIONS AND ALLOCATION OF STATES TO THE APPROVED AIRLINE CARRIERS BASED ON NUMBER OF PILGRIMS AND THE CAPACITY OF THE AIRLINE CARRIERS; IT FURTHER PROVIDES FOR DELAY, CANCELLATION OF TRAVELLING OR ABANDONMENT OF PILGRIMS ON MISSION TO SAUDI ARABIA FOR HAJJ OR UMRAH EITHER IN SAUDI ARABIA OR IN NIGERIA BY THE AIRLINE CARRIERS AND FOR RELATED MATTERS

Sponsored by Hon. Hamisu Ibrahim

[] Commencement

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

- | | |
|---|--|
| <p>1 1. The National Hajj Commission of Nigeria (NAHCON) Act of</p> <p>2 2006 (in this Bill referred to as "the Principal Act") is amended as set out in</p> <p>3 this Bill.</p> | <p>Amendment of
the National Hajj
Commission of
Nigeria (NAHCON)
Act of 2006</p> |
| <p>4 2. Section 4(1) of the Principal Act is amended-</p> <p>5 (a) by substituting paragraphs (j) and (k)" with new paragraphs (j)</p> <p>6 and (k)"-</p> <p>7 (j) in collaboration with Nigeria Civil Aviation Authority, be</p> <p>8 responsible for screening and approving the Airline Carriers for the purpose</p> <p>9 of Hajj and Umrah operations in Nigeria; and</p> <p>10 (k) allocate states to the approved Airline Carriers based on</p> <p>11 number of pilgrims and the capacity of the Airline Carriers for the purpose of</p> <p>12 Hajj and Umrah operations in Nigeria".</p> <p>13 (b) by inserting new paragraphs "(l) and (m)" immediately after</p> <p>14 the existing paragraph "(k)"-</p> | <p>Amendment of
section 4 of the
Principal Act</p> |

	1	"(l) regulate and make policy on all matters concerning welfare of
	2	Nigerian Pilgrims in connection with performance of Hajj or Umrah within or
	3	outside Nigeria; and
	4	(m) do such other things conducive or incidental to the performance
	5	of the functions of the Commission under the Act."
Amendment of shoulder note of Section 18 of the Principal Act	6	3. The shoulder note of the Principal Act is amended by deleting the
	7	words "where pilgrim is abandoned in the holy land or elsewhere" after the
	8	word "Agent".
Amendment of Section 18 of the Principal Act	9	4.-(1) Section 18 of the Principal Act is amended by substituting
	10	"Section 18" with new "Section 18"-
	11	"18 (1) Every pilgrim travel agency or his agent resident in Nigeria
	12	and licenced or approved under this Bill and any authority that the Commission
	13	delegates its functions under Section 19 of this Act shall-
	14	(a) be responsible for due diligence in respect of every aircraft
	15	chattered or arranged, as approved by the Commission, for conveyance of
	16	pilgrims to or from Holy land; and
	17	(b) provide valid travelling itinerary to every pilgrim, and to strictly
	18	follow the travelling itinerary.
	19	(2) The travel agency or any authority that contravene the provisions
	20	of this Clause shall be-
	21	(a) if contravention occurred in the Holy land-
	22	(i) responsible for decent accommodation, and adequate feeding of all
	23	the pilgrims for additional days to be spent in Holy land, and
	24	(ii) liable to pay the sum of N100,000 or any amount not below
	25	N100,000 as approved by the Commission, for every day the contravention
	26	continues directly to the pilgrims;
	27	(b) if the contravention occurred in Nigeria, be liable to pay the sum of
	28	N50,000 or any amount not below N50,000 as approved by the Commission,
	29	for every day the contravention continues directly to the pilgrims."
	30	(2) Where the contravention in sub-clause (1) of this clause occurred

1 as a result of the negligence of the-

2 (a) Airline Carriers, the Airline Carrier shall be liable to pay the
3 stipulated sum as provided in paragraphs (a) and (b) of sub- clause (1) of this
4 Clause; and

5 (b) Travel Agency or any Authority, the Travel Agency or any
6 Authority shall be liable to pay the sum of N25000.00k on every pilgrim to
7 the Airline Carrier.

8 **5.** This Bill may be cited as National Hajj Commission of Nigeria Citation
9 (NAHCON) Act (Amendment) Bill, 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to amend National Hajj Commission of Nigeria (NAHCON) Act of 2006 to make adequate provision for screening and approval of Airline Carriers for the purpose of Hajj and Umrah operations and allocation of states to the approved Airline Carriers based on number of pilgrims and the capacity of the Airline Carriers. The Bill further seeks to make penalty provision for delay, cancellation of travelling or abandonment of pilgrims on mission to Saudi Arabia for Hajj or Umrah either in Saudi Arabia or in Nigeria.

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF PETROLEUM
TECHNOLOGY, ALKALERI, BAUCHI STATE AND FOR RELATED MATTERS

Sponsored by Hon. Musa Mohammed Pali

[] Commencement

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

- 1 **1.**-(1) There shall be established a body to be known as the Federal
2 College of Petroleum Technology, Alkaleri, Bauchi State (in this Bill
3 hereinafter referred to as the "College")
- 4 (2) The college shall be a body corporate with perpetual succession
5 and a common seal and may sue or be sued in its corporate name
- 6 (3) The objectives of the college shall be to:
- 7 (a) Provide courses of instruction, training and research in
8 technology and produce technicians and such skilled personnel normally
9 required for oil production;
- 10 (b) arrange conferences, seminars and study groups relative to the
11 field of learning specified in paragraph (a) of this section; and
- 12 (c) perform such other functions as in the opinion of the council
13 may serve to promote the objectives of the college, including, without
14 prejudice to the generality of the foregoing, the making of such regulations
15 as may be necessary for entry into and type of courses approved by the
16 college, the duration of such courses and their academic standards and the
17 recognized equivalents of such certificates and diplomas that the college
18 may award.
- 19 **2.** The Council shall consist of the following members:
- 20 (a) The Director of Petroleum Resources, who shall be the
21 Chairman;

Establishment
of Federal College
of Technology.
Alkaleri, Bauchi
state

Objectives of the
College

Establishment,
etc of the Council
of the College

	1	(b) One person appointed by the permanent secretary to represent the
	2	Federal Ministry of Power and Steel;
	3	(c) One person appointed by the permanent secretary to represent the
	4	Federal Ministry of Finance;
	5	(d) The Federal Adviser on Technical Education;
	6	(e) The Rector of the College;
	7	(f) One person appointed by the Minister to represent the Nigerian
	8	Mining, Geological and Meteorological society;
	9	(g) Two persons appointed by the Minister to represent the Nigerian
	10	National Petroleum Corporation Limited; and
	11	(h) One person appointed by the Minister to represent the interest of
	12	other bodies (excluding the Nigerian National Petroleum Corporation
	13	Limited) engaged in the oil industry in Nigeria.
General functions of the Council	14	3. Subject to the provisions of this Act, the Council shall be the
	15	governing body of the college and, shall have the general management of the
	16	affairs of the college and, in particular, the control of the property and finances
	17	of the college; and shall also have power to do anything which in its opinion is
	18	calculated to facilitate the carrying out of the functions of the college under this
	19	Bill.
Power of the College to enter into contracts, to hold property and to invest	20	4.-(1) The College may enter into such contracts as may be necessary
	21	or expedient for carrying into effect the provisions of this Bill.
	22	(2) The College may acquire and hold such movable or immovable
	23	property as may be necessary or expedient for carrying into effect the
	24	provisions of this Bill and, for the same purpose may sell, lease, mortgage or
	25	otherwise alienate or dispose of any property so acquired.
	26	(3) Subject to section 2 (1) of this Bill, the College may invest its
	27	funds in such manner and to such extent as it may think necessary or expedient.
Secretary of the Council	28	5.-(1) The Registrar of the College shall be the secretary to the
	29	Council and shall attend all meetings of the Council and its committees.
	30	(2) In the absence of the Registrar, the chairman of the Council may,

1 after consultation with the Registrar, appoint a suitable person to act as
2 secretary for any particular meeting.

3 (3) The secretary to the Councilor a person appointed under
4 subsection (2) of this section, shall not be entitled to vote on any question
5 before the council unless he is so entitled as a member of the Council.

6 6.-(1) The Registrar of the College, who shall be the chief
7 academic and administrative office, shall be appointed by the council on
8 such terms and conditions as it may think fit and, he shall have power to
9 exercise general authority over the staff and, shall be responsible for the
10 discipline of the College.

Appointment of
the Registrar and
other staff

11 (2) The Deputy Registrar, heads of departments, the Bursar and,
12 any other academic and senior administrative staff shall be appointed under
13 (3) of the schedule of this Bill, to be known as the "Appointment
14 Committee" which shall be charged by the council with responsibility for
15 the making of recommendations for the appointment of academic and senior
16 administrative staff.

17 (3) The power to appoint other categories of staff shall be exercised
18 by the Registrar with the assistance of such committee as may be constituted
19 by him for such purpose.

20 7.-(1) If it appears to the Council that a member of the Council who
21 is a member by virtue of section 2 (2) (f) or (h) of this Bill should be removed
22 from office on the grounds of misconduct or inability to perform the
23 functions of his office, the Council shall, after consultation with the interest
24 represented by such member, make a recommendation to that effect to the
25 Minister; and if the Minister so approves the recommendation, he shall
26 remove the member from the "membership of the Council.

Removal from
office of members
of the Council, etc.

27 (2) If it appears to the Council that Registrar, Deputy Registrar or
28 any other member of the academic or senior administrative staff of the
29 College should be removed from office or employment on the grounds of
30 misconduct or inability to perform the functions of his office, the Council

1 shall make a recommendation to that effect to the Minister and, if the Minister
 2 approves the recommendation, the Council shall remove the person concerned
 3 from his office or employment.

4 (3) Nothing in subsection (2) of this section shall be construed as
 5 precluding the Council from exercising disciplinary control (other than the
 6 power of removal from office or employment) in relation to the persons to
 7 whom that subsection applies, and in the operation of section (2) of this section,
 8 the Council shall have power at any time to suspend the person concerned from
 9 his office or employment until the decision of the Minister on the
 10 recommendation made by the Council is known.

11 (4) Other categories of staff shall, for the purpose of discipline be
 12 subject to the authority of the Registrar, so however that no member of such
 13 staff (except members who are daily paid) shall be removed from office
 14 without the approval of the Council; and in exercise of his authority under this
 15 section, the Registrar shall have power to appoint, in any case where he
 16 considers it appropriate so to do, a disciplinary panel of such number of
 17 members of the staff of the College as he may in his discretion determine for the
 18 purpose of advising him on any particular matter relating to discipline.

Discipline of
students

19 8.-(1) Subject to the provisions of any bye-law made under the
 20 provisions of section 13 of this Bill, the Registrar shall have power to exclude
 21 or suspend for such period as he may in his discretion determine any student
 22 from attending the College for any course which the Registrar considers
 23 adequate to warrant such action; and any such exclusion or suspension shall be
 24 reported to the Council so soon thereafter as may be convenient.

25 (2) Any student may, with the approval of the Council, be expelled by
 26 the Registrar for misconduct

27 PART II - FINANCIAL PROVISIONS

Annual Budget
and estimates etc.

28 9.-(1) As soon as may be after the end of March in any year after the
 29 commencement of this Bill, the Council shall cause to be prepared a statement
 30 of its income and expenditure during the previous financial year together with a

1 statement of the assets and the liabilities of the College as at the last day of
2 that financial year.

3 (2) The statements referred to in subsection (1) of this section shall,
4 when certified by the Registrar, be audited by an independent firm of
5 auditors appointed by the Council with the approval of the Minister and,
6 shall be published within six months thereafter in the Federal gazette.

7 (3) The Council shall cause to be prepared, not later than 1st
8 December in any year estimates of revenue and expenditure for the ensuing
9 financial year, and when prepared they shall be submitted to the Council for
10 approval.

11 10. The revenue of the College shall include:

Revenue of the
College

12 (a) fees charged by and payable to the College in respect of
13 students;

14 (b) any other amounts, charges or dues recoverable by the College;

15 (c) revenue, from time to time, accruing to the College by way of
16 subvention, grants-in-aid, endowment or otherwise;

17 (d) interests on investments; and

18 (e) donations and legacies accruing to the College from any source
19 for the general or special purposes of the College.

20 11.-(1) Donations of money to be applied for any particular
21 purpose shall be placed to the credit of a special reserve account and may be
22 invested in such securities or other investments as may be approved by the
23 Minister until such time as may be expended in fulfilment of such purposes
24 provided that the College shall not be obliged to accept a donation for a
25 particular purpose unless it approves of the terms and conditions attaching to
26 such donation.

Donations for
particular purposes

27 (2) The interest derived from the investments referred to in
28 subsection (1) of this section, unless the terms of the donation otherwise
29 require, shall be deemed to be revenue of the College.

Payment into Bank 1 **12.** All sums of money received on account of the College shall be
2 paid into such bank as may be approved by the Council for the credit of the
3 College's general, current or deposit account; provided that the Council may
4 invest as it deems fit, any money not required for immediate use other than
5 donations of money referred to in subsection (1) of section 11 of this Bill.

6 **PART III – MISCELLANEOUS**

Power to make bye-laws 7 **13.-(1)** The Council may, within the scope of its authority under this
8 Act, make bye-laws relating to any internal and domestic matters placed by this
9 Act under its control and superintendence other than matters for which
10 provision is to be made by standing orders under paragraph 7 of the Schedule or
11 in pursuance of paragraph 8 of the said Schedule.

12 (2) All such bye-laws shall be in writing and shall come into force
13 when sealed with the seal of the College, unless some other date for
14 commencement be therein prescribed.

15 (3) Nothing in sub-section (2) of this section shall make, it obligatory
16 for the Council to publish any of the said bye-laws in the Federal Gazette.

Quorum and procedure of bodies established by this Act 17 **14.** Subject to the provisions of this Act and any standing orders or
18 bye-laws made thereunder, the quorum and procedure of any body of persons
19 established by this Act shall be such as may be determined by that body.

Interpretation 20 **15.** In this Act, unless the context otherwise requires
21 "bye-laws" means bye-laws made under section 13 of this Act If Council"
22 means the governing body of the College established under section 2 of this
23 Act;
24 "Government" means the Federal Government of Nigeria;
25 "College" means the Federal College of Petroleum Technology established
26 under Section 1 of this Act;
27 "Minister" means the Minister charged with responsibility for matters relating
28 to petroleum;
29 "Property" includes rights, liabilities and obligations;
30 "Registrar" means the Registrar of the College;

1 "Staff" means all persons employed by the Council to serve at the College.

2 16. This Bill may be cited as the Federal College of Petroleum Short title
3 Technology Bill, 2022.

4 SCHEDULE

5 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

6 *Terms of office of members*

7 1.-(1) A member of the Council who is a member by virtue of
8 Section 2(a) (f) and (h) of this Bill shall hold office for a period of three years
9 beginning with the date on which he is appointed.

10 (2) A member of the Council holding office as specified in sub-
11 paragraph (1) of this paragraph may, by notice to the Council, resign his
12 office.

13 (3) A person ceasing to hold office as a member of the Council
14 otherwise than by removal for misconduct, shall be eligible for re-
15 appointment.

16 2.-(1) Where a vacancy occurs in the membership of the Council,
17 that vacancy shall be filled by the appointment of a successor to hold office
18 for the remainder of the term of office of his predecessor, so however that the
19 successor shall represent the same interest as his predecessor.

20 (2) The Council may act, notwithstanding any vacancy in its
21 membership or the absence of any member.

22 3.-(1) The Council may appoint one or more Committees to which
23 it may delegate any of its functions.

24 (2) No decision of a committee shall effect unless confirmed by the
25 Council.

26 *Meetings of the Council*

27 4.-(1) The Council shall meet for the conduct of business at such
28 times and places as the chairman may appoint but, shall not meet less than
29 twice in a year.

30 (2) The Chairman may at any time, and shall at the request in

1 writing of not less than four members of the Council, summon a meeting.

2 (3) Particulars of the business to be transacted at any meeting shall be
3 circulated to members with the notice of the meeting.

4 *Power to co-opt members*

5 5.-(1) Where the Council desires to obtain the advice of any person on
6 any particular matter, it may co-opt such person as a member for a meeting
7 whether or not expressly convened for the purpose of considering the particular
8 matter.

9 (2) Such member shall not be entitled to vote nor shall he count
10 towards a quorum.

11 *Questions how decided*

12 6.-(1) Every question put before the Council at a meeting shall be
13 decided by a majority of the votes of the members present and voting

14 (2) Four members shall form a quorum at any meeting of the Council.

15 (3) The Chairman shall, at any meeting, have a vote and, in the case of
16 an equality of votes, may exercise a casting vote.

17 *Standing Orders*

18 7. Subject as aforesaid, the Council shall make standing orders with
19 respect to the holding of meetings, the nature of notices to be given, the
20 proceedings thereat, the keeping of minutes of such proceedings and the
21 custody and production for inspection of such minutes.

22 *Absence of Chairman*

23 8. If the chairman is absent from a meeting of the Council, the
24 members present shall elect one of their member to act as chairman for the
25 purpose of that meeting.

26 *Contracts and instruments*

27 9.-(1) Any contract or instrument which if entered into or executed by
28 person not being a body corporate would not be required to be under seal may,
29 in like manner be entered into or executed on behalf of the College by any,
30 person generally or specifically authorized by it for that purpose.

(2) Any member of the Councilor of a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Councilor a committee thereof shall, forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement.

6 *Seals of the College*

10.-(1) The common seal of the College shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting.

(2) The fixing of the seal of the College shall be authenticated by the signature of the Chairman or some other member authorized generally or specifically by the act for those purpose.

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Petroleum Technology, Alkali, Bauchi State and to provide courses of instruction, training and research in technology and produce technicians and such skilled personnel normally required for oil production.