

SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 1st December, 2021

1. The Senate met at 10:56 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 30th November, 2021.

Question was put and the Votes and Proceedings were approved.

3. **Presentation of Bills.**
 - (i) Federal Medical Centre Mubi, Adamawa State (Establishment) Bill, 2021 (HB. 291) — *Read the First Time.*
 - (ii) Federal Medical Centre Igboora, Oyo State (Establishment) Bill, 2021 (HB. 347) — *Read the First Time.*
 - (iii) Chartered Institute of Forensic and Fraud Examiners of Nigeria (Establishment) Bill, 2021 (HB. 1220) — *Read the First Time.*
 - (iv) Energy Commission Act Cap E10 LFN 2004 (Repeal) Bill, 2021 (SB. 864) — *Read the First Time.*
 - (v) Strategic Infrastructure Development (Government Loan) Bill, 2021 (SB. 867) — *Read the First Time.*

4. **Motion:**
Re-Committal of some Clauses of the National Health Insurance Act 2004 (Repeal & Re-enactment) Bill, 2021 to the Committee of the Whole:

Motion made: That the Senate recalls that the National Health Insurance Act (Repeal & Re-enactment) Bill, 2021 was passed by the National Assembly and was transmitted to Mr. President, Commander-in-Chief of the Armed Forces of the Federation for Assent on 23rd February, 2021;

observes that after critical examination of the Bill by the President, Commander-in-Chief of the Armed Forces of the Federation, some fundamental issues which requires fresh legislative action on the following Clauses- 20, 24(2), and 25(2)(c) were raised;

desirous of the need to address the President's observations and make necessary amendments; and

relying on order 1(b) and 53(6) of Senate Standing Order 2015 (As Amended).

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Accordingly resolves to:

rescind its decision on the affected Clauses of the Bill as passed and re-commit same to the Committee of the Whole for consideration and passage.

Debate:

Proposed Resolution:

Question: That the Senate do rescind its decision on the affected Clauses of the Bill as passed and re-commit same to the Committee of the Whole for consideration and passage — *Agreed to.*

Resolved:

That the Senate do rescind its decision on the affected Clauses of the Bill as passed and re-commit same to the Committee of the Whole for consideration and passage **(S/Res/044/03/21)**.

Motion made: Pursuant to Resolution No. (S/Res/044/03/21), that the Senate do resolve into Committee of the Whole to consider the Bill (Senate Deputy Leader).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE NATIONAL HEALTH INSURANCE SCHEME ACT, CAP N42, LAWS OF THE FEDERATION OF NIGERIA, 2004, AND TO ENACT THE NATIONAL HEALTH INSURANCE AUTHORITY BILL, 2021 TO PROVIDE FOR THE PROMOTION, REGULATION AND INTEGRATION OF HEALTH INSURANCE SCHEMES IN NIGERIA; AND FOR RELATED MATTERS, 2021

Clause 20: Third Party Administrator.

- (1) Third Party Administrator shall:
 - a. be registered by the Authority to perform such functions as are specified under this Bill; and
 - b. comply with all requirements for Third Party Administrators under the regulations to be made by the Minister.
- (2) A Health Maintenance Organisation may act as a Third Party Administrator if it:
 - (a) meets the requirements for doing so under this Bill; and
 - (b) is contracted to do so.
- (3) A Third Party Administrator established under this Bill shall:
 - (a) manage providers including continuous quality assurance;
 - (b) ensure patient satisfaction through relevant mechanisms, including the operation of call centres; and
 - (c) any other administrative function which they are required to perform to facilitate implementation of a

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State health scheme or functions as required by the Authority.

Recommendation:

Leave out the provision in Clause 20 (Senate Deputy Leader) — Agreed to.

Clause 24: Implementation of the Basic Health Care Provision Fund.

(2) For the purpose of subsection (1), the Authority shall implement the Basic Health Care Provision Fund as set out in the National Health Act 2014 and any guideline developed in that regard — (*Senate Deputy Leader*).

Amendment Proposed:

Add letter “s” to the word “guideline” and letters “ed” to the word “develop” in line 3 (*Senator Aliyu S. Abdullahi — Niger North*).

Question that the amendment be made, put and agreed to.

Question that Clause 24 as amended do stand part of the Bill, put and agreed to.

Clause 25: Establishment and sources of Vulnerable Group Fund.

- (1) There is established the Vulnerable Group Fund.
- (2) The sources for the Vulnerable Group Fund includes:
 - (a) Basic Health Care Provision Fund to the Authority;
 - (b) health insurance levy;
 - (c) money that may be allocated to the Vulnerable Group Fund by the Government;

Amendment Proposed:

Leave out the provision in sub-clause 25 (2c) and insert the following instead thereof:

“Special Intervention Fund allocated by the Government and Appropriated to the Vulnerable Group Fund” (*Senator Yahaya I. Oloriegbe — Kwara Central*).

Question that the amendment be made, put and agreed to.

(d) money that accrues to the Vulnerable Group Fund from investments made by the Council; and

(e) grants, donations, gifts and any other voluntary contributions made to the Vulnerable Group Fund — (*Senate Deputy Leader*).

Question that Clause 25 as amended do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the National Health Insurance Act 2004 (Repeal & Re-enactment) Bill, 2021 and approved as follows:

Clause 20 — As Recommended

Clauses 24 and 25 — As Amended

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Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Deputy Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

5. Institute of Culture and Tourism Oke-Igbo, Ondo State (Establishment) Bill, 2021(SB.819):

Motion made: That a Bill for an Act to Establish the Institute of Culture and Tourism Oke-Igbo, Ondo State and for Other Related Matters Thereto, 2021 be read the Second Time (*Senator Nicholas O. Tofowomo — Ondo South*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Culture and Tourism to report within Four (4) weeks.

6. Teaching Hospital for the Federal University, Dutsin-ma (Establishment) Bill, 2021 (SB.798):

Motion made: That a Bill for an Act to provide for the Establishment of a Teaching Hospital for the Federal University, Dutsin-ma and of a management board for the hospital and for Other Connected Matters Therewith, 2021 be read the Second Time (*Senator Babba K. Ahmad — Katsina North*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Health (Secondary and Tertiary) to report within Four (4) weeks.

7. Federal Orthopedic Hospital Obokun, Osun State (Establishment) Bill, 2021 (SB.855):

Motion made: That a Bill for an Act to Establish the Federal Orthopedic Hospital Obokun, Osun State and for Related Matters, 2021 be read the Second Time (*Senator Francis A. Fadahunsi — Osun East*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Health (Secondary and Tertiary) to report within Four (4) weeks.

**8. Motion:
Urgent need to resuscitate the Nigerian Navy Flagship "NNS ARADU".**

Motion made: That the Senate is aware that the Nigerian Navy flagship,

NNS ARADU, is one of the first of the MEKO 360 general purpose frigates built by one of the biggest ship builders in Germany and commissioned on 22 February 1982;

aware that NNS ARADU is the largest ship in the Nigerian Navy fleet with a length of 125.6-metres (412ft 1inch) and is a general-purpose frigate. She is an all-purpose fighting ship capable of undertaking the following missions alone or in concert with other units:

- i. Sustained and independent blue water patrol over a range of 6,500 miles (10,500km);
- ii. Gunfire support to friendly forces operating up to 16Km from the coast;
- iii. Air defense of self and cooperating forces up to a range of 13Km;
- iv. Anti-submarine warfare (short range or extended range using helicopter borne torpedoes);
- v. Electronic warfare (intercepting and jamming);
- vi. Anti-ship warfare missile attacks against surface units up to a range of 120Km;
- vii. Mine laying; and
- viii. Airborne or surface Search and Rescue.

knows that the capabilities of the Frigate ensured the Nigerian Navy continued to reach out to blue waters with the appropriate ships in terms of firepower, extended operational range and enhanced surveillance capability;

understands that since NNS ARADU entered Nigerian Navy service, she has taken part in major naval exercises, fleet reviews and diplomatic cruises. She played a prominent part in "Operation Seadog" in 1985 and Operation Odion in 1987. She has also undertaken extensive diplomatic visits to countries like Gabon, Congo, Zaire, Equatorial Guinea and many European countries;

aware that she participated in joint exercises with visiting ships of the German, Indian, French and the Brazilian Navies;

regrets that in 1987, barely five years after her commissioning, NNS ARADU ran aground twice and was involved in a major collision and underwent a significant local refit in 1991 at the Nigerian Navy Dockyard, Wilmot Point, Lagos;

aware that, in 1997, She sailed to Monrovia, Liberia where she participated in ECOMOG Operation for over 6 months and steamed back to Lagos with her engines despite losing one generator;

recalls that NNS ARADU participated in the 200th anniversary celebrations of the Battle of Trafalgar in the UK in 2005 and embarked on the hazardous trans-Atlantic voyage in 2007 to participate in Brazil Bicentenary celebration;

regrets that in 1994 NNS ARADU experienced degradation of machinery and equipment post refit trials and was assessed as Beyond Economical Repair in 1995. In addition to the report, while berthed in Naval Dockyard, she experienced rough weather and severe turbulence between 31 May to 2 June, 2014 which caused the already weakened ship serious damage that resulted in flooding and near sinking;

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regrets further that the once "a pride of the Nigerian Navy and the nation" is not operational, in deplorable condition, and would require life extension refit;

notes that the other seven ships of same category in the world built about the same time are still energetically sea worthy and in operation due to proper maintenance. The misfortune of ARADU was the transfer of the ship from the Presidency to the Nigerian Navy for maintenance which could not afford to keep it afloat properly due to the envelope budget system;

notes that NNS ARADU is the equivalent of Air Force One in the Presidential air fleets which has since been maintained and kept by the Presidency. When in its good shape, there was a Presidential cabinet in it and by convention cannot sail out without Presidential approval;

notes further that Nigeria has no flagship on her seas today and has lost her pride of her dreaded sea power among the African nations;

understands that NNS ARADU can be refitted either locally or internationally or both to give her 25 years extended life span or more;

understands further that refitting NNS ARADU may require over \$200 million (₦82 billion) at current exchange rate, while replacing same will require more than \$700 million (₦287,000,000,000.00) only; and

believes that Nigeria can refit the ailing ship and take her place in the comity of naval formations in Africa and the world.

Accordingly resolves to:

(i) urge the Presidency to take over the NNS ARADU as a Presidential asset and resuscitate it for our national security, safety and pride; and

(ii) convoke a roundtable of all stakeholders such as Nigerian Ports Authority (NPA); Nigerian Maritime Administration and Safety Agency (NIMASA); Nigerian National Petroleum Company Limited (NNPC); Nigeria Customs Service and Nigeria Immigration Service with a view to fashion out a funding regime to facilitate the re-fitting and refurbishing of NNS ARADU to carry out its onerous role in servicing Nigeria's maritime domain .

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Presidency to take over the NNS ARADU as a Presidential asset and resuscitate it for our national security, safety and pride — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do convoke a roundtable of all stakeholders such as Nigerian Ports Authority (NPA); Nigerian Maritime Administration and Safety Agency (NIMASA); Nigerian National Petroleum Company Limited (NNPC); Nigeria Customs Service and Nigeria Immigration Service with a view to fashion out a funding regime to facilitate the re-fitting and refurbishing of NNS ARADU to carry out its onerous role in servicing Nigeria's maritime domain — *Agreed to.*

Resolved:

That the Senate do:

(i) urge the Presidency to take over the NNS ARADU as a Presidential asset and resuscitate it for our national security, safety and pride; and

(ii) convoke a roundtable of all stakeholders such as Nigerian Ports Authority (NPA); Nigerian Maritime Administration and Safety Agency (NIMASA); Nigerian National Petroleum Company Limited (NNPC); Nigeria Customs Service and Nigeria Immigration Service with a view to fashion out a funding regime to facilitate the re-fitting and refurbishing of NNS ARADU to carry out its onerous role in servicing Nigeria's maritime domain **(S/Res/045/03/21)**.

9. National Hydrographic Agency (Establishment) Bill, 2021 (HB.1021) - Concurrence:

Motion made: That a Bill for an Act to Establish the National Hydrographic Agency, to Carry out Hydrographic and Oceanographic Surveys, Including Ocean Meteorology for National Defence and for Related Matters, 2021 be read the Second Time (*Senate Deputy Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Order 81, that the Senate do resolve into the Committee of the Whole to Consider a Bill for an Act to Establish the National Hydrographic Agency, to Carry out Hydrographic and Oceanographic Surveys, Including Ocean Meteorology for National Defence and for Related Matters, 2021 (*Senate Deputy Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NATIONAL HYDROGRAPHIC AGENCY, TO CARRY OUT HYDROGRAPHIC AND OCEANOGRAPHIC SURVEYS, INCLUDING OCEAN METEOROLOGY FOR NATIONAL DEFENCE AND FOR RELATED MATTERS, 2021.

PART I - ESTABLISHMENT OF THE AGENCY

Clause 1: Establishment of the Agency.

(1) There is established a body to be known as the National Hydrographic Agency (in this Bill referred to as "the Agency").

(2) The Agency:

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

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

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: The objectives of the Agency.

- (1) The objectives of the Agency are to carry out:
 - (a) hydrographic and oceanographic surveys, including ocean meteorology for national defence;
 - (b) fulfill all international hydrographic treaties, conventions and protocols acceded to by Nigeria;
 - (c) carry out commercial hydrography, seismic and other marine surveys for economic diversification and revenue generation for the FGN;
 - (d) provide maritime safety information, notices to mariners and nautical publications for the safety of seafarers in line with Joint IHO/IMO/WMO manual on maritime safety information;
 - (e) represent Nigeria in all international hydrographic matters;
 - (f) provision of official nautical charts and publications, sailing directions, list of lights, notices to mariners, tide tables and other nautical publications, where applicable, satisfying the needs for safe navigation within Nigerian waters and the sub region in general;
 - (g) planning, acquisition and maintenance of survey platforms, including surface, sub-surface and air survey platforms that form part of the National Hydrographic Survey Fleet;
 - (h) planning acquisition and maintenance of survey and charting equipment, instruments, software and infrastructure for the NHA;
 - (i) conduct training and re-training in hydrographic surveying, nautical cartography and related fields for NHA and NN personnel as well as other interested Nigerians and allied countries, using the medium of the National Hydrographic School;
 - (j) monitor, control, superintend and coordinate all national hydrographic and oceanographic surveys;
 - (k) be the sole authority for nautical charting, tidal matters and other nautical publications in Nigeria;
 - (l) be the depository for all hydrographic, oceanographic and seismic data in Nigeria;
 - (m) collection of hydrographic, oceanographic and other related data from all government and private stakeholders in Nigeria and use same for compilation of nautical charts and publications, including dissemination and updating all nautical information necessary for safe navigation within the Maritime

Zones and navigable internal waters of Nigeria;

(n) regulation of all hydrographic surveys conducted within Nigerian waters to ensure that they are in accordance with international standards and consistent with the need to ensure/improve safe navigation within Nigerian waters;

(o) superintendence of all land survey and dredging matters within the NN and assist in the delimitation and demarcation of maritime boundaries of Nigeria in conjunction with National Boundary Commission;

(p) provision, custody and distribution of navigational equipment and publications for the NN, planning and provision of appointments, training and career of personnel (Naval and Civilian) into hydrographic specialization;

(q) liaising with other local and international mapping, hydrographic and oceanographic organization for the purpose of maintaining local and international standards and providing accurate and up-to-date hydrographic data including electronic navigational charts, tide/current information, as well as forecasting and shoreline surveys; and

(r) supporting emergency response, ecosystem approaches to marine management, and coastal resiliency by providing hydrographic data and services, planning, acquisition and maintenance of hydrographic and oceanographic platforms

(ships/aircrafts/boats) and equipment and any other duties as may be assigned from time to time by the NHA Board.

(2) For the purpose of carrying out the objects outlined in section 2 (1) (a)-(r) of this Bill, the Agency shall:

(a) establish such centres, facilities, departments and other research units within the Agency as may be necessary from time to time or desirable, subject to the approval of the governing council;

(b) be responsible for the discipline and welfare of personnel of the Agency;

(c) refer matters relating to the discipline of military personnel in the Agency according to the Armed Forces Act;

(d) conduct and sponsor studies and researches in hydrography and related fields of learning;

(e) engage top quality staff of international standards aimed at creating a centre of excellence in mandated fields of study;

(f) subject to the provisions of the Land Use Act, acquire, hold, grant, charge or otherwise deal with or dispose of moveable and immovable property wherever situate;

(g) accept gifts, legacies and donations, provided that the terms and conditions attached to such gifts, legacies or donations are not inconsistent with the objects and purpose for the establishment of the Agency;

(h) erect, provide, equip and maintain libraries, laboratories, lecture halls, and other buildings as are necessary for the carrying out of the objects of the Agency;

(i) subject to any limitations or conditions imposed by Statute, invest any moneys belonging to the Agency by way of endowment, whether for general or special purposes or such other money as may not be immediately required for current expenditure in any investments or securities in the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any moneys for the time being not invested with any approved bank on deposit or current account;

(j) borrow, whether on interest or not and if need be upon the security of any of the property, moveable or immovable of the Agency, such moneys as the council may from time to time require or expedient to borrow or to guarantee any loan, advances of credit facilities;

(k) do such other things as may be required for the effective and smooth running of the Agency; and

(l) do such acts or things that are incidental to the attainment of the powers listed in this section as are considered necessary to promote the objects of the Agency.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 2 do stand part of the Bill, put and agreed to.

PART II - ESTABLISHMENT AND COMPOSITION OF THE GOVERNING COUNCIL

Clause 3: Establishment of the Governing Council.

There is established for the Agency a Council to be known as the Governing Council, National Hydrographic Agency (in this Bill referred to as "the Council").

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Composition of the Council.

The Council shall consist of the:

- (a) Minister responsible for matters relating to Defence as Chairman;
- (b) Minister responsible for matters relating to Transportation;
- (c) Attorney-General of the Federation and Minister responsible for matters relating to Justice;
- (d) Minister responsible for matters relating to Finance;
- (e) Chief of Defence Staff;
- (f) Chief of the Naval Staff;
- (g) Surveyor General of the Federation;
- (h) three Ex-Officio members appointed by the President;
and
- (i) Hydrographer of the Federation as Secretary.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Functions and Powers of the Council.

The Council:

- (a) shall initiate or approve the policy of the Agency and may give the Agency directions on general or specific matters;
- (b) shall grant approval for the Agency to enter into research and production partnerships with any Company, Non-Governmental Organization, firm or individual;
- (c) may make regulations generally for the purpose of giving effect to the provisions of this Bill, facilitating the discharge of the Agency's functions or pursuing the Agency's objectives;
- (d) may delegate any of its powers or functions to any person or persons, authority or committee except for its powers to approve statutes of the Agency;
- (e) may make regulations generally for the purpose of giving effect to the provisions of this Bill, facilitating the

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discharge of the Agency's functions or pursuing the Agency's objectives;

(f) may delegate any of its powers or functions to any person or persons, authority or committee except for its powers to approve statutes of the Agency;

(g) shall approve the creation of any office, department or committee as may be considered necessary or expedient for the smooth running of the Agency;

(h) shall recommend the nomination of Hydrographer of the Federation to the President and Commander-in-Chief of the Armed Forces for approval subject to the provisions of the Armed Forces Act;

(i) shall exercise control and supervise the policy, finances and property of the Agency;

(j) shall appoint the provost, professors and other academic and administrative staff, stipulate terms and conditions of their appointment, determine the remuneration of the principal officers and other staff of the Agency that are not military personnel and scope of their responsibilities; and

(k) shall do such other things as are necessary for the successful performance of the functions of the Agency;

(l) shall approve the organizational structure, committees and definition of duties established by the hydrographer of the Federation.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Tenure of office of members of the Council.

(1) The office of a member of the Council shall be deemed vacant if within 4 years from the date of first appointment:

(a) he dies;

(b) he resigns before the expiration of his tenure;

(c) he is adjudged to be medically unfit, a lunatic or of unsound mind;

(d) a case of gross misconduct is established against him;

(e) he is sentenced to death or imprisonment;

(f) he is adjudged or declared bankrupt;

(g) he is discovered to be a member of any secret society;

(h) he is indicted for fraud or embezzlement by a Judicial Commission of Inquiry or indicted for contravention of the Code of Conduct;

(2) For the Hydrographer of the Federation, whose removal from office shall be in accordance with military posting, on the recommendation of the CNS and Council to the President and Commander-in-Chief of the Armed Forces of Federal Republic of Nigeria for approval, his tenure shall be for a minimum of 4 years.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 6 do stand part of the Bill, put and agreed to.

PART III - STRUCTURE OF THE HEADQUARTERS, OFFICES AND DEPARTMENTS OF THE AGENCY

Clause 7: Structure of the headquarters, offices and departments of the agency.

(1) The Headquarters of the Agency shall be situated in the Federal Capital Territory Abuja.

(2) There shall be at the headquarters the following offices and Departments:

(a) Office of the Hydrographer of the Federation and Chief Executive Officer (CEO);

(b) Naval Assistant Secretary;

(c) Deputy Hydrographer;

(d) Director Survey Operations;

(e) Director Cartography;

(f) Director Aerial Survey;

(g) Director Cadastral Survey;

(h) Director Legal;

(i) Director Finance;

(j) Director Photogrammetry and GIS;

(k) Director Administration;

(l) Director Nautical Publication; and

(m) Director Survey Instruments.

(3) Each Department shall be headed by a Director with an establishment rank of Rear Admiral or its equivalent in other Security Agencies or a Civilian with requisite professional

experience, for a minimum duration of 2 years.

(4) The Agency shall have powers to establish other Departments as the need arises.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 7 do stand part of the Bill, put and agreed to.

PART IV - PRINCIPAL OFFICERS AND OTHER STAFF OF THE AGENCY

Clause 8: Appointment and Functions of the Hydrographer of the Federation.

(1) There shall be appointed for the Agency, a Hydrographer of the Federation drawn from the Nigerian Navy, not below the rank of a serving Rear Admiral or its equivalent whose appointment and removal from office shall be in accordance with military posting, on the nomination of the Chief of Naval Staff (CNS) and Council recommendation to the President and Commander-in-Chief of the Armed Forces of Federal Republic of Nigeria for approval.

(2) He must have acquired in hydrographic survey experience in Hydrographic Survey Operations and management or Offshore Survey; and shall be responsible to the Council for:

(a) giving to the Council such information as to the activities of the Agency as the Chairman of the Council may require;

(b) authorizing programmes and plans for giving effect to policy approved by the Council or to any direction of the Council subject to all or any of the powers in this section as may be delegated to him by the Council;

(c) carrying out the day-to-day running of the Agency;

(d) preparation of programme of work and estimates of the Agency's income and expenditure annually;

(e) supervision of the activities of the Directors in the Agency;

(f) co-ordinating the activities of the Centres; and

(g) establishment of organizational structures, committees and definitions of duties.

(2) The fact that any power has been delegated to the Hydrographer pursuant to sub-section (1) of this section shall not preclude the Council itself from exercising them in any special case.

(3) For the Hydrographer of the Federation whose removal from office shall be in accordance with military posting, on the recommendation of the CNS and Council to the President and Commander-in-Chief of the Armed Forces of Federal Republic of Nigeria for approval, his tenure shall be for a minimum of 4 years.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Deputy Leader*) — Agreed to.

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Appointment and Functions of the Deputy Hydrographer of the Federation.

(1) There shall be appointed for the Agency, a Deputy Hydrographer, drawn from the Navy, not below the rank of a serving Major-General or its equivalent whose appointment and removal from office shall be in accordance with Military posting, on the recommendation of the Chief of Naval Staff (CNS) and Council approval, must be Knowledgeable in hydrographic survey and have demonstrated experience in hydrographic Survey Operations or Offshore Survey.

(2) The Deputy Hydrographer shall assist the Hydrographer of the Federation in the day to day Agency of the Agency and in any other responsibility as may be assigned him.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Deputy Leader*) — Agreed to.

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Functions of the Secretary to the Council.

(1) The Hydrographer of the Federation shall be the Secretary to the Council and shall be in charge of the Secretariat of the Council.

(2) The Secretary of the Council shall carry out such functions and duties as the Council may assign including functions specified in Sub-section (3) (a)-(d) of this section.

(3) The Secretary of the Council shall, in addition to such other functions and duties as the Council may assign to him:

(a) prepare the minutes of meetings of the Council and its Committees;

(b) keep and secure the records of the Council;

(c) issue notices of meetings of the Council and other correspondences as may be directed by the Hon. Minister of Defence; and

(d) ensure proper dissemination of the decisions of the Council to the appropriate persons, institutions or authorities.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Posting of Staff to the Agency.

(1) The Nigerian Navy shall post Naval Officers from time to time, to fill administrative, command, and other military vacancies in the Agency.

(2) The Council shall appoint such persons as employable highly skilled Retired Officers from the Armed Forces or other Security Agencies or Civilian Members of staff for the Agency for research and general Administration as it considers necessary and shall approve terms and conditions of service including provision for the payment of pensions.

(3) Newly appointed members of staff of the Agency shall, unless exempted by the Minister of Defence, take such oaths as to secrecy and other matters as the Minister of Defence may, from time to time, direct.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Tour of duty duration.

For continuation in projects, Personnel who are trained hydrographic specialists posted to the Agency should have a minimum of 3 years tour of duty to enable them acquire requisite training, experience transfer knowledge and in hydrographic survey operations.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 12 do stand part of the Bill, put and agreed to.

PART V - FINANCIAL PROVISIONS

Clause 13: Establishment, etc. of the National Hydrographic Development Fund.

(1) There is established a fund, which shall be known as the National Hydrographic Development Fund (in this Bill referred to as "the Fund").

(2) There shall be paid and credited into the Fund established under sub-section (1) of this section:

(a) grants-in-aid and assistance from bilateral and multilateral agencies;

(b) all other sums accruing to the Fund by way of gifts, endowments, bequest or other voluntary contributions by persons and organisations:

Provided that the terms and conditions attached to such gifts, endowments, bequest or contributions will not jeopardize the functions of the Agency;

(c) such monies as may be appropriated for the Fund by the National Assembly; and

(d) foreign aids and assistance from bilateral and multilateral agencies.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Expenditures of the Agency.

The Agency shall apply the funds to:

(a) the training of members of staff of the Agency and provision of scholarships and awards for specialized training of personnel;

(b) pay the civilian personnel, overhead allowances, benefits and other administrative costs of the Agency; and

(c) pay all personnel involved in hydrographic survey programmes a special allowance called Hazard Allowance (HA), Special Skill Allowance (SSA), Shift Allowance (SA) and Plain-Clothing Allowance (PCA).

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Exemption from payment of tax.

All incomes derived by the Agency from the sources specified in this Bill and all contributions to the Fund of the Agency shall be exempted from tax.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Audit and Accounts.

(1) The Accounts of the Agency shall be audited not later than 6 months after the end of the year to which they relate

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by auditors appointed by the Agency from the list of auditors supplied and in accordance with the guidelines issued by the Auditor-General of the Federation.

(2) An auditor appointed under subsection (1) of this section shall have access to all accounts and other records relating to such accounts as are kept by the Agency and shall have the power to request from any staff of the Agency such information and explanation as in the Auditor's opinion are necessary for the purpose of the audit.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Annual report.

The Agency shall prepare and submit to the Council not later than 30th June in each year, a report on the activities of the Agency, the audited accounts of the Agency and the Auditors' Report for each year preceding the report.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Power to borrow.

The Council may, with the consent of or in accordance with the general authority given to it by Government, borrow by way of loan or overdraft from any source or money required by the Agency for meeting its obligations in the discharge of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Power to accept gifts.

The Agency may accept gift of land, money, property or loan, upon such terms and conditions if any, as may be specified by the person or organization making the gift provided that the conditions attached by the person making the gifts are not inconsistent with the objects of the Agency and the Federal Government policy.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

PART VI - TRANSFER OF PROPERTY TO THE AGENCY

Clause 20: Implementation of policies.

(1) The Agency shall ensure the implementation of all policies in the attainment of its goals and objectives.

(2) The policies shall be in line with the National Hydrographic Policy and Program as well as Defence Policy of the nation.

(3) The implementation of such policies shall be under the direct responsibility of the Hydrographer of the Nation NHA.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Deputy Leader*) — Agreed to.

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Restriction on the disposal of landed property.

All landed property of the Agency shall not be disposed of or charged except with the resolution of the Council.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Deputy Leader*) — Agreed to.

Question that Clause 21 do stand part of the Bill, put and agreed to.

PART VII - MISCELLANEOUS

Clause 22: Carriage of nautical publications.

All Nigerian flagged ships shall carry nautical charts and publications produced by the Agency while navigating within Nigerian maritime zones and internal waters. Where such publications are not available at the Agency, a producer nation from where such publications can be obtained shall be designated by the Agency.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Deputy Leader*) — Agreed to.

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Copyright.

(1) Copyright shall exist in all official nautical charts, nautical publications or hydrographic data produced by the Agency.

(2) The Hydrographer of the Federation shall be the sole agent for the application and management of the copyright, under Nigeria's Copyright laws on nautical charts, nautical publications and hydrographic data.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: The standards of competence.

The standards of competence of hydrographic surveyors and nautical cartography shall be as promulgated by the IHO/FIG.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: National archives.

The Agency shall be responsible for keeping and management of all hydrographic information, source documentation, original surveys, nautical charts and nautical publications in the official hydrographic archives, as part of the National Archives of Nigeria.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Establishment of committees.

Bodies established under this Bill, shall have power to constitute Committees consisting members of such bodies and, subject to the provisions of sections 5 and 10 of this Bill, authorize a Committee established by it to exercise on its behalf, such functions as may be delegated to the Committee.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Interpretation.

In this Bill, the following expressions shall have the following meanings:

"AFN" means Armed Forces of Nigeria;

"CDS" means Chief of Defence Staff;

"CNS" means Chief of the Naval Staff;

"HF" means Hydrographer of the Federation;

"CEO" means Chief Executive Officer;

"DH" means Deputy Hydrographer;

"Facility" means any place, premises, structure or installation designed, adapted or equipped for the performance of any hydrographic Survey or hydrographic-related process or activity;

"Fund" means the Fund of the Agency or National Hydrographic Development Fund established under section 23 (1) of this Bill;

"Government institutions" means any:

- (a) body or company established by or under any law; or
- (b) other institution or body recognized by the Minister by notice in the Gazette;

"Launching" means the placing or attempted placing of any ship into a trajectory or into water, or the testing of a launch vehicle or ship in which it is foreseen that the launch ship will lift from the water surface;

"Launch vehicle" means any device manufactured or adapted to launch a ship;

"Licence" means a licence issued by the National Hydrographic Agency the regulatory hydrographic Agency or proprietary in Nigeria body;

"Licensee" means any person who is the holder of a licence;

"Member" means a member of the Council;

"Misconduct" means immoral, unethical or unprofessional behavior;

"MOD" means Ministry of Defence;

"Other Security Agencies" means the Nigeria Police Force, the Department of State Security Services, the National Intelligence Agency, Nigerian Customs Service, Nigerian Immigration Service, Nigeria Security and Civil Defence Corps;

"Prescribed" means prescribed by regulation;

"Regulation" means any regulation made under this Bill;

"Secretary" means the Secretary of the Council appointed under Section 10 (1) of this Bill;

"Technical officer" includes scientists, engineers and lawyers

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working in the Agency; and

"Technological assets" means any capital assets, patents, designs, data, equipment and computer software specifically related to hydrographic survey.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: Citation.

This Bill may be cited as the National Hydrographic Agency (Establishment) Bill, 2021.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 28 do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the National Hydrographic Agency, to Carry out Hydrographic and Oceanographic Surveys, Including Ocean Meteorology for National Defence and for Related Matters, 2021 and approved as follows:

Clauses 1-28 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Deputy Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

10. Nigerian Maritime Security Trust Fund (Establishment) Bill, 2021 (HB.1243) - Concurrence:

Motion made: That a Bill for an Act to Establish the Nigerian Maritime Security Trust Fund for the Purpose of Training, Provision of Security Equipment, and Related Facilities, Enhance the Skills of the Personnel of the Nigerian Navy; and for Related Matters, 2021 be read the Second Time (*Senate Deputy Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Order 81, that the Senate do resolve into the Committee of the Whole to Consider a Bill for an Act to Establish the Nigerian Maritime Security Trust Fund for the Purpose of Training, Provision of Security Equipment, and Related Facilities, Enhance the Skills of the Personnel of the Nigerian Navy; and for Related Matters, 2021 (*Senate Deputy Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NIGERIAN MARITIME SECURITY TRUST FUND FOR THE PURPOSE OF TRAINING, PROVISION OF SECURITY EQUIPMENT, AND RELATED FACILITIES, ENHANCE THE SKILLS OF THE PERSONNEL OF THE NIGERIAN NAVY; AND FOR RELATED MATTERS, 2021.

PART I — OBJECTIVE, SCOPE AND DURATION

Clause 1: Objective.

The objective of this Bill is to provide a legal framework for management and control of the special intervention fund established under section 3 of this Bill for platform acquisition, provision of state of the art security equipment and other related facilities for the Nigerian Navy and for the training and retraining of personnel for the enhancement of the institutional capacities of the Nigerian Navy in the provision of maritime security.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Scope and duration.

(1) The Trust Fund established under section 3 of this Bill covers all personnel of the Nigerian Navy, including its auxiliary staff in Nigeria and abroad for the overall improvement and efficiency in the discharge of their duties and responsibilities.

(2) The Trust Fund is to operate for six years from the commencement of this Bill and shall, at the expiration of that period, cease to exist unless it is extended for any further period by an Act of the National Assembly.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Establishment of the Nigerian Maritime Security Trust Fund.

(1) There is established the Nigerian Maritime Security Trust Fund (in this Bill referred to as "the Trust Fund").

(2) The Trust Fund:—

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

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

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Sources of the Trust Fund.

(1) The Sources of the Trust Fund shall consist of:—

(a) an amount constituting 1% of the total revenue accruing to the Federation Account;

(b) an amount constituting 1% of the total revenue accruing to revenue generating Federal Government Agencies operating in the Nigerian Maritime Environment, which include:—

(i) Nigeria Maritime Administration and Safety Agency (NIMASA);

(ii) Nigeria Ports Authority (NPA);

(iii) Nigeria National Petroleum Corporation (NNPC);

(iv) Nigeria Inland Waterways Agency (NIWA);

(v) Nigeria Liquefied Natural Gas (NLNG);

(vi) 30% of Proceeds from forfeited vessels/maritime assets to the Federal Government;

(vii) 30% of Charges for Illegal Unregulated Unreported Fishing;

(viii) 30% of operating revenue of Private Maritime Logistics Support Companies;

(ix) 30% of Fines on arrested and convicted vessels and persons in the Nigerian Maritime Environment;

(c) any take-off grant and special intervention fund as may be provided by the Federal, State and Local

Government of the Federation;

(d) such money as may be appropriated to meet the objective of this Bill by the National Assembly in the budget;

(e) aids, grants and assistance from international bilateral and multilateral agencies, non-governmental organisations and the private sector;

(f) grants, donations, endowments, bequests and gifts, whether of money, land or any other property from any source;

(g) money derived from investment made by the Trust Fund.

(2) Subsection (1) (d) and (e) shall be acceptable to the Trust Fund except where the terms and conditions attached to an aid, grant, donation or gift are inconsistent with the objective of the Trust Fund and the provisions of this Bill.

(3) The collection of these revenues shall be in accordance with extant financial regulations.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Purposes of the Trust Fund

The Trust Fund shall be utilised:—

(a) acquisition and development of Operational Platforms for the Nigerian Navy;

(b) acquisition of Modern Equipment, Machineries and Systems for Machineries and Systems for Maritime Domain Awareness and Maritime Security Operations;

(c) provision of critical infrastructure of the Nigerian Navy for ship construction and maintenance as well as maritime operations;

(d) provision of maritime logistics for sustenance of Nigerian Navy fleet in furtherance of maritime security;

(e) development of bespoke human and allied capacities of the Nigerian Navy to provide effective and efficient maritime security;

(f) develop institutional capacity of the Nigerian Navy in furtherance of the objective of the Bill;

(g) for such other purposes incidental to, or connected

with, the attainment of objective of this Bill.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Functions of the Trust Fund.

- (1) The Trust Fund shall:—
- (a) receive all money accruing to it under this Bill;

 - (b) utilise all money accruing to the Trust Fund under this Bill to meet the stated objective of this Bill; and

 - (c) carry out such other activities considered necessary for the attainment of the objective of this Bill.
- (2) A member of the Board of Trustees, other than an ex-officio member, shall hold office for a term of three years in the first instance and may be reappointed for a another term of three years and no more.
- (3) Members of the Board of Trustees shall be paid such allowances as may be determined by the Board of Trustee in consultation with the National Revenue, Mobilization, Allocation and Fiscal Commission.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Establishment, composition and remuneration of Nigerian Maritime Security

- (1) There is established the Nigerian Maritime Security Trust Fund Board of Trustee (in this Bill referred to as "the Board of Trustees").
- (2) The Board of Trustee shall consist of:—
- (a) a Retired Chief of Naval Staff;

 - (b) Chief of Naval Staff or his representatives, as an Ex-officio member;

 - (c) a representative of the Federal Ministry responsible for:—
 - (i) Defence;

 - (ii) Transportation;

 - (iii) Petroleum Resources;

- (iv) Justice; and
 - (v) Finance;
 - (d) a representative of:—
 - (i) the civil society group;
 - (ii) the organised private sector; and
 - (e) Secretary to the Board of Trustees.
- (3) A member of the Board of Trustees, other than an ex-officio member:—
- (a) shall be appointed by the President;
 - (b) shall hold office for three years in the first instance; and
 - (c) may be reappointed for a another three years and no more.
- (4) A member, other than ex-officio member, may resign his appointment by a notice in writing under his hand addressed to the President.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Resignation by a member.

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

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Cessation of office.

- (1) A member of the Board of Trustees ceases to hold office if he:—
- (a) becomes of unsound mind;
 - (b) becomes bankrupt or makes compromises with his creditors;
 - (c) is convicted of a felony or any offence involving fraud dishonesty; or
 - (d) is guilty of corrupt practices or misconduct in relation to his duties.
- (2) A member of the Board of Trustees may be removed

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from office by the President if he is satisfied that it is not in the interest of the Trust Fund or Public that the member should continue in that office.

(3) A member of the Board of Trustees, other than an ex-officio members, may resign his appointment by a notice in writing under his hand addressed to the President.

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

(a) represent the same interest; and

(b) be appointed by the President.

Schedule.

(5) The provisions of the Schedule to this Bill shall have effect with respect to the meetings and proceedings of the Board of Trustee and other related matters.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Removal from office of a member.

Notwithstanding the provisions of sections 7 and 8 of this Bill, the President may remove a member from the Board of Trustee if any circumstance which borders on corruption and other activities that negates the interest and security of the nation would require the removal of the member from the Board of Trustee.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Functions of the Board of Trustees.

The Board of Trustee is responsible for:—

(a) setting out the policies and programmes in furtherance of the objectives of the Trust Fund under this Bill;

(b) approving the disbursement of money from the Trust Fund to finance projects or activities of the Nigerian Navy and Navy Institutions which are beneficiaries of the proceeds of Trust Fund;

(c) scrutinising and approving projects which qualify for financing under the Bill;

(d) exercising control over the management of the Trust Fund with a view to ensuring accountability and proper

utilisation of money in the Trust Fund for the purposes set out in this Bill;

(e) carrying out such other activities as are considered necessary for the attainment of the objective of this Bill;

(f) updating the Federal Government on its activities and progress through annual and audited reports;

(g) reviewing progress and suggesting improvement within the provisions of this Bill;

(h) making and issuing guidelines, to all beneficiaries on disbursement from the Trust Fund on the use of money received from the Trust Fund; and

(i) generally regulating the administration, application and disbursement of money from the Trust Fund under this Bill.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Powers of the Board of Trustees.

(1) The Board of Trustee has powers to:—

(a) award contracts of any kind or description for any amount, whether in local or foreign currency in conformity with the due process requirements as provided under relevant laws, rules, guidelines or regulations; and

(b) invest money accruing to the Trust Fund and approve the utilisation of the returns on investment in the same way as money accruing to the Trust Fund.

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

(a) through the Navy Board, identify the funding needs of the Nigerian Navy Institutions for the enhancement of its maritime security roles;

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

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

(d) enter into public-private partnership and private finance initiative arrangements and agreements necessary for the projects execution.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Deputy Leader*) —

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Agreed to.

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Establishment of Maritime Trust Fund project implementation committee.

- (1) For the purpose of implementing any project approved by the Board of Trustee under this Bill, there is established the Maritime Trust Fund Project Implementation Committee (in this Bill referred to as "the Implementation Committee").
- (2) The Implementation Committee shall consist of:—
 - (a) an appointee of the Minister as Chairman; and
 - (b) such other members, not exceeding six in number with proven integrity, appointed by the Board of Trustee.
- (3) The Implementation Committee is responsible to the Board of Trustee in the execution of the duties and responsibilities assigned to it by the Board of Trustee.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

PART III — EXECUTIVE SECRETARY AND STAFF OF THE TRUST FUND

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

- (1) The President shall, on the recommendation of the Minister, appoint the Executive Secretary for the Trust Fund.

Amendment Proposed:

Immediately after the word "shall in line 1, sub-clause 14(1) Leave out the words" on the recommendation of the Minister (*Senator Ovie A. Omo-Agege — Delta Central*).

Question that amendment be made put and Agreed to.

- (2) The Executive Secretary shall:—
 - (a) be a person of unquestionable character and integrity; and
 - (b) have qualifications and experience as are appropriate for a person required to perform the functions of that office under this Bill; and
- (3) The Executive Secretary shall hold office:—
 - (a) for a time of three years in the first instance and may be eligible for re-appointment for another term of three years and no more; and
 - (b) on such other terms and conditions as may be specified in his letter of appointment (*Senate Deputy*

Leader).

Question that Clause 14 as amended do stand part of the Bill, put and agreed to.

Clause 15: Functions of the Executive Secretary.

The Executive Secretary:—

- (a) shall be the Chief Executive and Accounting Officer of the Trust Fund;
- (b) shall be responsible for the administration of the Trust Fund;
- (c) shall be the Secretary to the Board of Trustees;
- (d) shall keep proper records of the proceedings of the Board of Trustees;
- (e) shall work closely with the Implementation Committee in discharging out such duties and responsibilities as may be assigned to him by the Board of Trustees;
- (f) shall be in charge of the general direction and control of all other employees of the Trust Fund; and
- (g) shall discharge such other duties as may be directed by the Board of Trustees.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Removal of the Executive Secretary.

- (1) The Executive Secretary may be removed from office by the President where any circumstances arise which in the opinion of the President makes the Executive Secretary no longer capable of discharging the duties and responsibilities of the office.
- (2) A person appointed as the Executive Secretary to replace the former Executive Secretary shall serve the unexpired the term of his predecessor in office or the remainder of the term of the Trust Fund, whichever is shorter.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Staff of the Board of Trustees.

- (1) The Board of Trustees may appoint such other staff as may, in the opinion of the Board of Trustees, be necessary to assist the Trust Fund in performing its functions under this Bill.

(2) The terms and conditions of service (including terms and conditions as to the remuneration, payment of allowances and other benefits) of person employed by the Board for the Trust Fund shall be in line with the general conditions of service as obtainable in the Public Service of the Federation.

(3) The Board of Trustee may appoint, either on transfer or secondment from any Public Service of the Federation, such number of employees required for the effective discharge of the duties of Trust Fund under this Bill.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Severance allowance.

Service in the Trust Fund shall be for the duration of the Trust Fund and employees of the Trust Fund, in respect of their services, are entitled to other retirement benefits and severance allowances as may be approved by the Board of Trustee.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 18 do stand part of the Bill, put and agreed to.

PART IV — FINANCIAL PROVISIONS

Clause 19: Fund of the Trust Fund.

(1) There is established under this Bill a general fund (in this Bill referred to as "the Fund") for the administration of the Trust Fund.

(2) The Fund shall consist of:—

(a) annual budgetary allocation appropriated by National Assembly for the management of the Trust Fund;

(b) take -off grants and such other money as may be made available to the Trust Fund to meet the cost of administration; and

(c) all other money which may be made available for the running of the Trust Fund.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Accounts of the Trust Fund.

(1) There shall be maintained for the Trust Fund, an account into which shall be paid all money accruing to the Trust Fund under section 4 of this Bill.

(2) The Board of Trustee shall also open and maintain an account into which shall be paid money received for management of the Trust Fund under section 19 (2) of this Bill.

(3) The accounts referred to in subsections (1) and (2) shall be managed in accordance with the extant financial regulations.

(4) The Board of Trustee shall apply the proceeds of:—
(a) the Trust Fund for the purposes set out in section 5 of the Bill; and

(b) the money referred to in subsection (2) to meet the cost of administration, including payment of salaries, fees, other remunerations and allowances payable:—

(i) to members of the Board of Trustee and employees of the Trust Fund; and

(ii) for payment of experts, professionals and consultants engaged by the Board of Trustee for Trust Fund.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Estimates of expenditure.

The Board of Trustee shall, not later than 30th June of every year, submit to the Minister an estimate of its income and expenditure during the succeeding year.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Borrowing powers.

(1) The Trust Fund shall have powers to borrow/seek loans in line with extant rules.

(2) Borrowing needs to be established by the Navy Board.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Deputy Leader*) —
Agreed to.

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Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Account and audit.

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

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Exemption from tax.

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

(2) The provisions of any enactment relating to the taxation of companies or trust funds do not apply to the Trust Fund.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 24 do stand part of the Bill, put and agreed to.

PART V — SUBMISSION OF REPORTS AND SUPPLEMENTARY PROVISIONS

Clause 25: Quarterly report.

The Board of Trustee shall, at the end of every three months, submit to the President a report on its activities and the administration of the Trust Fund.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Annual report.

The Board of Trustee shall, not later than three months before end of each year, submit to the President a report on the activities and the administration of the Trust Fund during the preceding year and shall include in such reports the auditor's report.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Power of the President to issue directives.

The President may give to the Board of Trustee directives of a general nature with regard to the performance by the Board of Trustee of its functions under this Bill for compliance by the Board of Trustee.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: Regulations.

The Board of Trustee may, with the prior approval of the President, make such regulations deemed necessary or expedient for giving full effect to the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 28 do stand part of the Bill, put and agreed to.

Clause 29: Transitional provisions.

Except as provided for under section 2 of this Bill, at the expiration of the six year duration of the Trust Fund referred to in that section, the Trust Fund shall have six months to wind up its activities, including the settlement of all liabilities and thereafter handover all outstanding assets of the Trust Fund to the Nigerian Navy.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 29 do stand part of the Bill, put and agreed to.

Clause 30: Interpretation.

In this Bill:—

"Board" means the Maritime Security Trust Fund Management Board of Trustee, established under section 7 of this Bill;

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

"Executive Secretary" means the Executive Secretary of the Trust Fund appointed under section 14 (1) of this Bill;

"Minister" means the Minister charged with responsibility for Defence, and Ministry shall be construed accordingly;

"personnel" means officers and men of the Nigerian Navy, its auxiliary staff and all of its staff, employees or officers within and outside Nigeria;

"Navy Institutions" includes the Naval Headquarters, Naval Commands, and Naval establishments and facilities;

"President" mean President of the Federal Republic of Nigeria;
and

"Trust Fund" means the Nigerian Maritime Security Trust Fund
established under section 3 (1) of this Bill.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 30 do stand part of the Bill, put and agreed to.

Clause 31: Citation.

This Bill may be cited as the Nigerian Maritime Security Trust
Fund (Establishment) Bill, 2021.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 31 do stand part of the Bill, put and agreed to.

SCHEDULE

SECTION 10 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD PROCEEDINGS

1. Subject to the provisions of this Bill and section 27 of the Interpretation Act, the Board of Trustee may make standing orders regulating its proceedings or those of its committee.
2. The quorum of the Board of Trustee shall be the Chairman and 10 other members, three of whom shall be from the private sector, and then determine the quorum of any committee.
3. The Board of Trustee shall meet at least four times in each year, and the Board of Trustee shall meet whenever it is summoned by the Chairman, or if the Chairman is required to do so by notice given to him by at least 10 members of the Board of Trustee, he shall summon a meeting of the Board of Trustee to be held within 14 days from the date on which the notice was given.
4. At any meeting of the Board of Trustee, the Chairman shall preside but, in his absence, the members present at the meeting shall appoint one of them to preside at the meeting.
5. Where the Board of Trustee desires to obtain the advice of any person on a particular matter, the Board of Trustee may co-opt the person to the Board of Trustee for such period as it deem fit, but a person who is in attendance by virtue of this subparagraph is not entitled to vote at any meeting of the Board of Trustee and does not count towards a quorum.
6. All members of the Board of Trustee shall have equal rights and privileges, and where there is equality in vote, the Chairman shall have a casting vote.

Committees

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

8. A committee set up under paragraph 7 shall consist of such number of persons (not necessarily members of the Board of Trustee as may be determined by the Board of Trustee, and the person, other than a member of the Board of Trustee, shall hold office on the committee in accordance with the terms of his appointment.

9. A decision of a committee of the Board of Trustee is of no effect until it is confirmed or ratified by the Board of Trustee.

Miscellaneous

10. The fixing of the seal of the Trust Fund shall be authenticated by the signature of the Chairman or of any other person authorised generally or specially to act for that purpose by the Board of Trustee.

11. Any contract or instrument made or executed by a person not being a body corporate, that would not be required to be under seal may be made or executed on behalf of the Board of Trustee by the Chairman or any person generally or specifically authorised to act for that purpose by the Board of Trustee.

12. Any document purporting to be a document duly executed under the seal of the Trust Fund shall be received in evidence and is, unless the contrary is proved, presumed to be so executed.

13. The validity of any proceeding of the Board of Trustee or committee is not adversely affected by:—

(a) any vacancy in the membership of the Board of Trustee or committee;

(b) any defect in the appointment of a member of the Board of Trustee or of a committee; or reason that a person not entitled to do so took part in the proceedings of the Board of Trustee or committee.

Question that the Provision in this Schedule Stand Part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the Nigerian Maritime Security Trust Fund for the Purpose of Training, Provision of Security Equipment, and Related Facilities, Enhance the Skills of the Personnel of the Nigerian Navy; and for Related Matters, 2021 and approved as follows:

Clauses 1- 13 — As Recommended

Clause 14 — As Amended

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Clauses 15 - 31 — As Recommended

Schedule — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Deputy Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

11. Federal College of Education (Technical). Ako, Ago-iwoye, Ogun State (Establishment) Bill, 2021 (HB.430) — Concurrence:

Motion made: That a Bill for an Act to Provide for the Establishment of the Federal College of Education (Technical). Ako, Ago-iwoye, Ogun State; and for Other Related Matters, 2021 be read the Second Time (*Senate Deputy Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Order 81, that the Senate do resolve into the Committee of the Whole to Consider a Bill for an Act to Provide for the Establishment of the Federal College of Education (Technical). Ako, Ago-iwoye, Ogun State; and for Other Related Matters, 2021 (*Senate Deputy Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE OF EDUCATION (TECHNICAL). AKO, AGO-IWOYE, OGUN STATE; AND FOR OTHER RELATED MATTERS, 2021.

PART I — ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF
THE FEDERAL COLLEGE OF EDUCATION (TECHNICAL),
AKO, AGO-IWOYE, OGUN STATE

Clause 1: Establishment and objectives of the Federal College of Education (Technical), Ako, Ago- Iwoye, Ogun State.

(1) There is hereby established the Federal College of Education (Technical), Ako, Ago- Iwoye, Ogun State.

(2) The College shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

(3) The College shall be a training institution for the

development of teacher Education in the country.

(4) The College shall be supervised by the Federal Ministry of Education through the National Universities Commission (NUC) who shall be responsible for approving and regulating all academic programmes run in the College, to ensure quality compliance and provide funds for academic and research programmes, infrastructures and remunerations of employees.

(5) The objects of the College shall be:

(a) to encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction;

(b) to develop and offer academic and professional programmes leading to the award of certificates, first degrees, post-graduate research, diploma and higher degrees with emphasis on planning, developmental and adaptive skills in Education, technology, applied science, agriculture, commerce, arts, social science, humanities, management and allied professional disciplines;

(c) to produce socially mature Educational men and women with capabilities not to only understand Educational need of Nigeria as a nation, but also to exploit existing Educational infrastructure and improve on it to develop new ones;

(d) to act as agents and catalysts for effective Educational system, through post graduate training, research and innovation, for effective economic utilization and conservation of the country's human resources;

(e) to bring quality change in Education by focusing on teacher Education through teaching and learning innovations;

(f) to collaborate with other national and international institutions involved in training, research and development of Education with a view to promoting governance, leadership and management skills among Educational managers;

(g) to identify Educational needs of the society with a view to finding solutions to them within the context of overall national development;

(h) to provide and promote sound basic Education training as a foundation for the development of Nigeria, taking into account indigenous culture and the need to enhance national unity;

(i) to provide higher Education and foster a

systematic advancement of the science and act of teacher Education;

(j) to provide for instruction in such branches of teacher Education as it may deem necessary to make provision for research advancement and dissemination of knowledge in such manner as it may determine;

(k) to provide teachers with operational competence for teaching in pre-tertiary institutions, basic, senior secondary schools and non-formal Education institutions.

(l) to undertake any other activities that is appropriate for a College of Education of the highest standard.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Constitution and Principal Officers of the College.

- (1) The College shall consist of:
 - (a) a Chancellor;
 - (b) a Pro-Chancellor and a Council;
 - (c) a Provost and a Senate;
 - (d) a body to be called Congregation;
 - (e) a body to be called Convocation;
 - (f) the campuses and colleges of the College;
 - (g) the colleges, institutes and other teaching and research units of the College;
 - (h) the persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraphs (a) to (c) of this subsection;
 - (i) all graduates and undergraduates of the College; and
 - (j) all other persons who are members of the College in accordance with provisions made by statute in that behalf.
- (2) The First Schedule to this Bill shall have effect with respect to the principal officers of the College.
- (3) Subject to section 5 of this Bill provision shall be made

by statute with respect to the constitution of the Council, the Senate, Congregation and Convocation.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Powers of the College and Their Exercise.

(1) For the carrying out of its objects as specified in section 1 of this Bill, Federal College of Education (Technical) Ako, Ago-Iwoye, Ogun State shall have power:

(a) to offer courses of instruction, training and research in Education and allied areas for the production of quality and skilled teachers required to teach at lower, middle and higher levels of Education in Nigeria in particular and the world at large;

(b) to establish such colleges, campuses, institutes, schools, departments and other teaching and research units within the College as may from time to time be deemed necessary or desirable subject to the approval of National Universities Commission;

(c) to institute professorships, readerships or associate professorships, lectureships, and other posts and offices and to make appointments thereto;

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

(e) to provide for the discipline and welfare of members of the College;

(f) to hold examinations and grant degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the College and have satisfied such other requirements as the College may lay down;

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

(h) to demand and receive from any student or any other person attending the College for the purposes of instruction, such fees as the College may from time to time determine subject to the overall directives of the Minister;

(i) subject to section 20 of this Bill, to acquire, hold, grant, Charge or otherwise deal with or dispose of movable and immovable property wherever it is

situate;

(j) to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attached thereto;

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

(l) to erect, provide, equip and maintain libraries, laboratories, workshops, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the College;

(m) to hold public lectures and to undertake printing, publishing and book selling;

(n) subject to any limitations or conditions imposed by statute, to invest any moneys appertaining to the College by way of endowment it, not being immediately required for current expenditure in any investments or securities or in the purchase or improvement of and, with power from time to time, to

vary any such investments to deposit any moneys for the time being not invested with any bank on deposit or current account;

(o) to borrow, whether on interest or not and if need be upon the security of any or all of the property, movable or immovable, of the College, such moneys as the Council may from time to time in its discretion find it necessary or expedient to borrow of to guarantee any loan, advances or credit facilities;

(p) to make gifts for any charitable purpose;

(q) to do anything which it is authorized or required by this Bill or by statute to do; and

(r) to do all such acts or things, whether or not incidental to the foregoing powers, as may advance the objects of the College.

(2) Subject to the provisions of this Bill and of the statutes and without prejudice to section 7 (2) of this Bill, the powers conferred on the College by subsection (1) of this section shall be exercisable on behalf of the College by the Council or by the Senate or in many other manner which may be authorized by the statute.

(3) The power of the College to establish further campuses

and colleges within the College shall be exercisable by statute and not otherwise.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Deputy Leader*) — Agreed to.

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Functions of the Chancellor and Pro-Chancellor.

(1) The Chancellor shall, in relation to the College, take precedence before all other members of the College, and when he is present, shall preside at all meetings of Convocation held for conferring degrees.

(2) The Pro-Chancellor shall, in relation to the College, take precedence before all other members of the College, except the Chancellor and except the Provost when acting as chairman of Congregation or Convocation and the Pro-Chancellor shall, when he is present, be the chairman at all meetings of the Council.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Deputy Leader*) — Agreed to.

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Composition, Tenure and Powers of the Council of the College.

- (1) The Council of the College shall consist of:
- (a) the Pro-Chancellor who shall be appointed by the President on the recommendation of the Honourable Minister of Education;
 - (b) the Provost;
 - (c) the Deputy Provost(s);
 - (d) one person from the Ministry responsible for Education;
 - (e) four persons representing a variety of interests and broadly representative of the whole Federation to be appointed from:
 - (i) the Teacher's Registration Council;
 - (ii) Tertiary Education Trust Fund; and
 - (iii) two other persons, one of whom shall be a representative of the College host community;
 - (f) four persons appointed by the Senate from among its members;

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(g) two persons appointed by Congregation from among its members;

(h) one person appointed by Convocation from among its members;

(i) two persons representing the community appointed by the President.

(2) Persons to be appointed to the Council shall be of proven integrity, knowledgeable and familiar with the affairs and tradition of the College.

(3) The Council so constituted shall have a tenure of four years from the date of its inauguration provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the Visitor and a new Council shall be immediately constituted for the effective functioning of the College.

(4) The powers of the Council shall be exercised, as in this Bill and to that extent establishment circulars that are inconsistent with this Bill shall not apply to the College.

(5) The Council shall be free in the discharge of its functions and exercise of its responsibilities for the good management, growth and development of the College.

(6) The Council in the discharge of its functions shall ensure that disbursement of funds of the College complies with the approved budgetary ratio for:

(a) personnel cost;

(b) overhead cost;

(c) research and development;

(d) library developments; and

(e) the balance in expenditure between academic vis-a-vis non-academic activities.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Functions of the Council and its Finance and General Purposes Committee.

(1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of the College and shall be charged with the general control and superintendence of the policy, finances and property of the College.

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

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

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

(5) Subject to this Bill and the statutes, the Council and the Finance and General Purposes Committee may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.

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

(7) There shall be paid to the members respectively of the Council, the Finance and General Purposes Committee and of any other committee set up by the Council, allowances in respect of travelling and other reasonable expenses, at such rates as may from time to time be fixed by the Minister.

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

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

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

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Functions of the Senate of the College.

(1) Subject to section 6 of this Bill and subsections (3) and (4) of this section and the provisions of this Bill relating to the

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Visitor, it shall be the general function of the Senate to organize and control the teaching by the College, the admission of student where no other enactment provides to the contrary and the discipline of students; and to promote, research at the College.

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

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

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

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

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

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

(f) the supervision of the welfare of students at the College and the regulation of their conduct;

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

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

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

(4) Subject to this Bill and the statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the foregoing provisions of this section or otherwise or for the purpose of making provision for any matter for which provision by regulations is authorized or required by this Bill or by statute.

(5) Regulations shall provide that at least one of the

persons appointed as the examiners at each final or professional examination held in conjunction with any course of study at the College is not a teacher at the College but is a teacher of the branch of learning to which the course relates at some other College of high repute or a person engaged in practicing the profession in a reputable organization or institution.

(6) Subject to right of appeal to the Council from a decision of the Senate under this sub-section, the Senate may deprive any person of any degree, diploma or other award of the College which has been conferred upon him if after due enquiry he is found to have been guilty of dishonourable or scandalous conduct in gaining admission into the College or obtaining that award.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Functions of the Provost.

(1) The Provost shall, in relation to the College, take precedence before all other members of the College except the Chancellor and subject to section 4 of this Bill except the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.

(2) Subject to sections 6, 7 and 14 of this Bill, the Provost shall have the general function, in addition to any other functions conferred on him by this Bill or otherwise of directing the activities of the College and shall be the Chief Executive and Accounting Officer of the College and ex-officio Chairman of the Senate.

(3) The Provost shall be the Chairman of the College Tenders' Board, which is saddled with the responsibility of approving the conduct of public procurement of goods, works and services within the approved threshold from time to time.

(4) It shall be the responsibility of the Provost to establish and appoint members of the Tenders' Board in line with the extant Public Procurement Rules and Regulations.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 8 do stand part of the Bill, put and agreed to.

PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC. TO THE COLLEGE AND CONDITION OF
SERVICE OF EMPLOYEES

Clause 9: General Fund of the College.

(1) There shall be a general fund of the College which shall consist of the following:

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- (a) grants-in-aid;
- (b) fees;
- (c) income derived from investments;
- (d) gifts, legacies, endowments and donations not accepted for a particular purpose;
- (e) income derived from the exercise of any functions conferred or imposed on the College by this Bill;
- (f) any other amounts, charges or dues recoverable by the College;
- (g) revenue, from time to time, accruing to the College by way of subvention;
- (h) interests on investments;
- (i) donations and legacies accruing to the College from any source for the general or special purposes of the College; and
- (j) regular TETFUND interventions;

(2) The general fund shall be applied for the purposes of the College.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Transfer of Property, etc.

(1) All property held by or on behalf of the Provisional Council of the College shall, by virtue of this sub-section and without further assurance, vest in the College and be held by it for the purpose of the College.

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

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

PART III - STATUTES OF THE COLLEGE

Clause 11: Power of the College to Make Statutes.

(1) Subject to this Bill, the College may make statutes for any of the following purposes, that is to say:

- (a) making provision with respect to the composition and constitution of any authority of the College;
 - (b) specifying and regulating the powers and duties of any authority of the College, and regulating any other matter connected with the College or any of its authorities;
 - (c) regulating the admission of students (where no other enactment provides to the contrary), and their discipline and welfare;
 - (d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Bill and of any statute, regulation or other instrument made thereunder; or
 - (e) making provision for any other matter for which provision by statute is authorized or required by this Bill.
- (2) Subject to section 25 (6) of this Bill, the Interpretation Act shall apply in relation to any statute made under this section as it applies to a subsidiary instrument within the meaning of section 28 (1) of that Act.
- (3) The statute contained in the Third Schedule to this Bill shall be deemed to have come into force on the commencement of this Bill and shall be deemed to have been made under this section by the College.
- (4) The power to make statutes conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the statute contained in the Third Schedule to this Bill or any subsequent statute.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Mode of Exercising Power to Make Statutes.

- (1) The power of the College to make statutes shall be exercised in accordance with the provisions of this section and not otherwise.
- (2) A proposed statute shall not become law unless it has been approved:
- (a) at a meeting of the Senate, by the votes of not less than two thirds of the members present and voting; and
 - (b) at a meeting of the Council, by the votes of not

less than two thirds of the members present and voting.

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

(4) A statute which:
(a) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the College; or

(b) provides for the establishment of a new campus or college or for the amendment or revocation of any statute.

(5) For the purpose of section 2 (2) of the Interpretation Act, a statute shall be treated as being made on the date on which it is duly approved by the Council after having been duly approved by the Senate, or on the date on which it is duly approved by the Senate after having been duly approved by the Council, as the case may be or, in the case of a statute falling within subsection (4) of this section, on the date on which it is approved by the President.

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

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

(b) as to whether any matter is for the purposes of this Bill an academic or non-academic matter as they relate to such doubt or dispute, the matter may be referred to the Visitor, who shall take such advice and make such decision thereon as he shall think fit.

(7) The decision of the Visitor on any matter referred to him under sub-section (6) of this section shall be binding upon the authorities, staff and students of the College and where any question as to the meaning of any provision of a statute has been decided by the Visitor under that sub-section, no question as to the meaning of that provision shall be entertained by any court of law in Nigeria.

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

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Proof of Statute.

A statute may be proved in any court by the production of a copy thereof bearing or having affixed to it a certificate purporting to be signed by the Provost or the Secretary to the Council to the effect that the copy is a true copy of a statute of the College.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 13 do stand part of the Bill, put and agreed to.

PART IV - SUPERVISION AND DISCIPLINE

Clause 14: The Visitor.

- (1) The President shall be the Visitor of the College.
- (2) The Visitor shall cause a visitation to the College when necessary, at least every five years, or direct that such a visitation be conducted by such person or persons as the Visitor may deem fit and in respect of any of the affairs of the College.
- (3) It shall be the duty of the bodies and persons comprising the College to make available to the Visitor and to any other person conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation.
- (4) The Visitor shall make the report of such visitations and white paper thereon available to the Council which shall implement same.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Removal of certain Members of Council.

- (1) If it appears to the Council that a member of the Council (other than the Pro-Chancellor or the Provost) should be removed from office on the ground of misconduct or inability to perform the functions of his office or employment, the Council shall make recommendation to that effect through the Minister to the President, and the President, after making such enquiries (if any) as he may consider appropriate approves the recommendation, he may direct the removal of the person in question from office.
- (2) It shall be the duty of the Minister to use his best endeavours to cause a copy of the instrument embodying a direction under subsection (1) of this section to be served as soon as reasonably practicable on the person to whom it relates.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Deputy Leader*) —

Agreed to.

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Removal and Discipline of Academic, Administrative and Professional Staff.

(1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the College, other than the Provost, should be removed from his office or employment on the ground of misconduct or of professional inability to perform the functions of his office or employment, the Council shall:

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

(b) afford him an opportunity of making representations in person on the matter by the Council; and

(c) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter, and if the Council, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(2) The Provost may, in a case of misconduct by a member of the staff which in the opinion of the Provost is prejudicial to the interest of the College, suspend such member and any such suspension shall forthwith be reported to the Council.

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

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

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

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

(d) conduct which the Council considers to be such as to constitute failure or inability of the person

concerned to discharge the functions of his office or to comply with the terms and conditions of his service; or

(e) conduct which the Council considers to be generally of such nature as to render the continued appointment or service of the person concerned prejudicial or detrimental to the interest of the College.

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

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

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

(c) whether to terminate the appointment of the person concerned, in which case such a person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or

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

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

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

(7) Nothing in the foregoing provisions of this section shall:
(a) apply to any directive given by the Visitor in consequence of any visitation; or

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

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Deputy Leader*) —

No. 30 Wednesday, 1st December, 2021

Agreed to.

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Removal of Examiners.

(1) If, on the recommendation of the Senate, it appears to the Provost that a person appointed as an examiner for any examination of the College ought to be removed from his office or appointment, then, except in such cases as may be prescribed by the Provost may, after affording the examiner an opportunity of making representations in person on the matter to the Provost, remove the examiner from the appointment by an instrument in writing signed by the Provost.

(2) Subject to the provisions of regulations made in pursuance of section 7 (5) of this Bill, the Provost may, on the recommendation of the Senate, appoint an appropriate person as examiner in the place of the examiner removed in pursuance of subsection (1) of this section.

(3) It shall be the duty of the Provost on signing an instrument of removal pursuance to this section, to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it is related.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Participation and Discipline of Students.

- (1) The Students shall be:
- (a) represented in the College's Students Welfare Board and other committees that deal with the affairs of students;
 - (b) participate in various aspects of curriculum development;
 - (c) participate in the process of assessing academic staff in respect of teaching; and
 - (d) be encouraged to be more self-assured as part of the national development process.

(2) Subject to the provisions of this section, where it appears to the Provost that any student of the College has been guilty of misconduct, the Provost may, without prejudice to any other disciplinary powers conferred on him by statute or regulations, direct:

- (a) that the student shall not, during such period as may be specified in the directions, participate in such activities of the College, or make use of such facilities

of the College, as may be so specified; or

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

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

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

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

(4) The fact that an appeal from a direction is brought in pursuance to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending:

(a) the Provost may delegate his powers under this section to a disciplinary board consisting of such members of the College as he may nominate;

(b) nothing in this section shall be construed as preventing the restriction or termination of students' activities at the College otherwise than on the ground of misconduct;

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

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 18 do stand part of the Bill, put and agreed to.

PART V - MISCELLANEOUS AND GENERAL

Clause 19: Exclusion of Discrimination on Account of Race, Religion, Etc.

(1) No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, account of race, place of birth or of family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the College, the holder of any degree of the College or of any appointment or employment at the College, or a member of anybody established by virtue of this Bill; and no person shall be subject to any disadvantage or accorded any advantage relation to the College, by reference to any of those matters.

(2) Nothing in subsection (1) of this section shall be construed as preventing the College from imposing any disability or restriction on any of the persons mentioned in that subsection where such person willfully refuses or fails on

grounds of religious belief to undertake any duty generally and uniformly imposed on all such person or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the College reasonably justifiable in the national interest.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Deputy Leader*) — Agreed to.

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Restriction on Disposal of Land by College.

Without prejudice to the provisions of the Land Use Act, the College shall not dispose of or charge any land or an interest in any land (including any land transferred to the College by this Bill) except with the prior written consent, either general or special, of the Governor:

Provided that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years or any lease or tenancy to a member of the College for residential purpose.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Deputy Leader*) — Agreed to.

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Quorum and Procedure of Bodies Established by this Bill.

Except as may be otherwise provided by statute or by regulations, the quorum and procedure of any body of persons established by this Bill shall be as determined by that body.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Deputy Leader*) — Agreed to.

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Appointment of Committee, Etc.

(1) Anybody of persons established by this Bill shall, without prejudice to the generality of the powers of that body, have power to appoint committees, which need not consist exclusively of members of that body, and to authorize a committee established by it:

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

(b) to co-opt members.

(2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies, or for the appointment of committees consisting of members of those bodies, for the purpose of considering any matter within the

competence of those bodies or any of them, and either of dealing with it or of reporting on it to those bodies or any of them.

(3) Except as may be otherwise provided by statute or by regulations, the quorum and procedure of a committee established or meeting held in pursuance of this section, shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.

(4) Nothing in the provisions of subsections (1), (2) and (3) of this section shall be construed as:

(a) enabling the statutes to be made otherwise than in accordance with section 1 of this Bill; or

(b) enabling the Senate to empower any other body to make regulations of the award degrees or other qualifications.

(5) The Pro-Chancellor and the Provost shall be members of every committee of which the members are wholly or partly appointed by the Council (other than a committee appointed to inquire into the conduct of the officer in question); and the Provost shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Retiring Age of Academic Staff.

(1) Notwithstanding anything to the contrary in the Pension Act, the compulsory retiring age of the following categories of staff shall be as follows:

(a) Academic staff of the College in the non-Professorial cadre shall be 65 years;

(b) Academic staff of the College in the Professorial Cadre shall be 70 years;

(c) Non-academic staff of the College shall be 65 years.

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

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Special Provisions Relating Pension of Professors

An academic staff of the College who retires as a Professor in the College shall be entitled to pension at a rate equivalent to his annual salary provided that the Professor has served continuously in the College up to the retirement age.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 25: Miscellaneous Administrative Provisions.

(1) The seal of the College shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall be authenticated by any member of the Council and by the Provost, Secretary to the Council or any other person authorized by statute.

(2) Any document purporting to be a document executed under the seal of the College shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed. (3) Any contract or instrument which if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the College by any person generally or specially authorized to do so by the Council.

(3) The validity of any proceedings of anybody established in pursuance of this Bill shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the preceding.

(4) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith disclose his interest to the body and shall vote on any question relating to that matter.

(5) Nothing in section 12 of the Interpretation Act (which provides for the application in relation to subordinate legislation of certain incidental provisions) shall apply to statutes or regulations made in pursuance to this Bill.

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

(7) No stamp or other duty shall be payable in respect of any transfer of property to the College by virtue of section 8 or section 18 of this Bill or the Second Schedule to this Bill.

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

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Restriction of Suits and Execution.

- (1) Pre-Action Notice:
 - (a) no legal proceeding shall be instituted and/or commenced against the College or any of its agents in the course of their official duties unless a 3 months' Pre-Action Notice of such intention is served on the College by an aggrieved party;
 - (b) the Notice shall state the reason and the cause of action intended to be taken against the College, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims;
 - (c) for the avoidance of doubt, it is hereby declared that no suit shall be commenced against an officer or servant of the College, in any case where the College is vicariously liable for any alleged act, neglect or default of the officer or servant in the performance or intended performances of his duties, unless three months at least has elapsed after written notice of intention to commence the same shall have been served on the College by the intending plaintiff or his agent;
 - (d) in any suit against this College, no execution or attachment or process in the nature thereof shall be issued against the College, but any sums of money which may be judgment of the court be awarded against the College shall, subject to any direction given by the court where notice of appeal has been given by the College in respect of the said judgment, be paid by the College from its general fund.
- (2) Service of Notices:

Service upon the College of any notice, order or other document may be effected by delivering the same or by sending it by registered post addressed to the Registrar and Secretary of the Council.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Interpretation.

- (1) In this Bill, unless the context otherwise requires:

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

"College" means the College established pursuant to

section 2 (1) (b) of this Bill for the College;

"Council" means the Governing Council of the College established by section 5 of this Bill;

"Functions" includes powers and duties;

"Graduate" means a person on whom a degree, other than an honorary degree, has been conferred by the College and any other person as may be designated as a graduate by the Council, acting in accordance with the recommendation of the Senate;

"Minister" means the Hon. Minister of Education;

"Notice" means notice in writing;

"Officer" does not include the Visitor;

"Prescribed" means prescribed by statute or regulations;

"Professor" means a person designated as a Professor of the College in accordance with provisions made in that behalf by statute or by regulations;

"Property" includes rights, liabilities and obligations;

"Provisional Council" means the provisional council appointed for the College;

"Regulations" means regulations made by the Senate or the Council;

"Senate" means the Senate of the College established pursuant to section 2 (1) (e) of this Bill;

"School" means a unit of closely related academic programmes;

"Statute" means a statute made by each College under section 10 of this Bill and in accordance with the provisions of section 11 of this Bill;

"the statutes" means all such statutes as are in force from time to time;

"Teacher" means a person holding a full-time appointment as a member of the teaching or research staff of the College;

"Undergraduate" means a person registered as a student undergoing a course of study for a first degree of the College or such other course in the College as may be approved by the Senate as qualifying a student undergoing it for the status of an under-graduate;

"College" means the Federal College of Education (Technical), Ako, Ago-Iwoye, Ogun State established and incorporated by section 1 of this Bill;

(2) It is hereby declared that where in any provision of this Bill it is laid down that the proposals are to be submitted or a recommendation is to be made by one authority or another through one or more intermediate authorities, it shall be the duty of every such intermediate authority to forward any proposals of that or recommendations received by it in pursuance of that provision to the appropriate authority; but any such intermediate authority may, if it thinks fit, forward therewith its own comments thereon.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: Short Title.

This Bill may be cited as the Federal College of Education (Technical), Ako, Ago-Iwoye, Ogun State (Establishment) Bill, 2021.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 28 do stand part of the Bill, put and agreed to.

SCHEDULES
FIRST SCHEDULE

[Section 2 (2)]

PRINCIPAL OFFICERS OF THE COLLEGE

The Chancellor

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

The Pro-Chancellor

2. (1) The Pro-Chancellor who shall be the Chairman of Council shall be appointed or removed from office by Mr President upon recommendation by the Minister of Education.

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

The Provost

3. (1) There shall be a Provost of the College who shall be appointed by the Council in accordance with the provisions of this paragraph.

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

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shall:

- (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying:
 - (i) the qualities of the persons who may apply for the post, and
 - (ii) the terms of conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for the post for consideration;
- (b) constitute a Search Team consisting of:
 - (i) a member of the Council, who is not a member of the Senate, as chairman;
 - (ii) two members of the Senate who are not members of the Council, one of whom shall be a Professor;
 - (iii) two members of Congregation who are not members of the Council, one of whom shall be a Professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they felt that it is not proper to do so.
- (3) A Joint Council and Senate Selection Board consisting of:
 - (a) the Pro-Chancellor, as chairman;
 - (b) two members of the Council, not being members of the Senate;
 - (c) two members of the Senate who are Professors, but who were not members of the Search Team, shall consider the candidates and persons in the shortlist drawn up under subsection (2) of this paragraph through an examination of their curriculum vitae and interaction with them, and recommend to the Council three candidates for further consideration.
- (4) The Council shall select and appoint as the Provost one candidate from among the three candidates recommended to it under subsection (3) of this section and thereafter inform the Visitor.
- (5) The Provost shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.
- (6) The Provost may be removed from office by the Council on grounds of gross misconduct or inability to discharge the functions of his office as a result of infirmity of the body or mind, at the initiative of the Council, Senate or the Congregation after due process.
- (7) When the proposal for the removal of the Provost is made, the Council shall constitute a Joint Committee of Council and Senate consisting of:
 - (i) three members of the Council, one of whom shall be the Chairman of the committee; and

(ii) two members of the Senate,

Provided that where the ground for removal is infirmity of the body or mind, the Council shall seek appropriate medical opinion.

(8) The committee shall conduct investigation into the allegations made against the Provost and shall report its findings to the Council.

(9) The Council may where the allegations are proved remove the Provost or apply any other disciplinary action it may deem fit and notify the Visitor accordingly provided that a Provost who is removed shall have right of appeal to the Visitor.

(10) There shall be no sole administrator in the College.

(11) In any case of a vacancy in the office of the Provost, the Council shall appoint an acting Provost on recommendation of the Senate.

(12) An acting Provost in all circumstances shall not be in office for more than 6 months.

Deputy Provost

4. (1) There shall be for the College such number of Deputy Provosts as Council may from time to time deem necessary for the proper administration of the College.

(2) Where a vacancy occurs in the post of Deputy Provost, the Provost shall forward to the Senate a list of two candidates for each post of Deputy Provost that is vacant.

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

(4) A Deputy Provost shall:

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

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

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

(5) A Deputy Provost:

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

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

(c) may be removed from office for good cause by the

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Council acting on the recommendations of the Provost and Senate;

(d) "Good cause" for the purpose of this section means gross misconduct or inability to discharge the functions of his office arising from infirmity of the body or mind.

Office of the Registrar

5. (1) There shall be for the College, a Registrar, who shall be the chief administrative officer of the College and shall be responsible to the Provost for the day-to-day administrative work of the College except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this Schedule.

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

Other Principal Officers of the College

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

(a) the Bursar; and

(b) the College Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under paragraph 7 of this Schedule.

(2) The Bursar shall be the Chief Financial Officer of the College and be responsible to the Provost for the day-to-day administration and control of the financial affairs of the College.

(3) The College Librarian shall be responsible to the Provost for the administration of the College Library and the co-ordination of the library services in the College and its campuses, colleges, schools, departments, institutes and other teaching or research units.

(4) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Provost

Selection Board for other Principal Officers

7. (1) There shall be, for the College, a Selection Board for the appointment of principal officers, other than the Provost or Deputy Provost, which shall consist of:

(a) the Pro-Chancellor, as chairman;

(b) the Provost;

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

(d) two members of the Senate.

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

(3) The Registrar, Bursar and Librarian shall hold office for a single term of five years only beginning from the effective date of their appointments and on such terms and conditions as may be specified in their letters of appointment.

(4) Notwithstanding subsection (3) of this section, the Council may, upon satisfactory performance, extend the tenure of the Registrar, Bursar or Librarian for a further period of one year only and thereafter such principal officer shall relinquish his post and be assigned to other duties in the College.

Resignation and Re-appointment

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

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

(b) in any other case, by notice to the Council and the Council shall, in the case of the Provost, immediately notify the Visitor.

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

Question that the Provision in the First Schedule stand part of the Bill — Agreed to.

SECOND SCHEDULE

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to College

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

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

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

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

(2) Documents not falling within subsection (1) of this paragraph, including enactment which refer, whether specially or generally, to the Provisional Council, shall be construed in accordance with that sub-section so far as applicable.

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

Registration of transfers

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

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

Transfer of Functions, etc.

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

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

(3) The first meeting of the Senate as constituted by this Bill shall be convened by the Provost on such date and in such manner as he may determine.

(4) The persons who were members of the Academic Board immediately before the coming into force of this Bill shall be deemed to constitute the Senate of the College until the date when the Senate as set up under the Third Schedule to this Bill shall have been duly constituted.

(5) Subject to any regulations which may be made by the Senate after the date on which this Bill is made, the schools, school boards and students of the College immediately before the coming into force of this Bill shall on that day become schools, school boards and students of the College as constituted by this Bill.

(6) Persons who were Deans of schools and Heads of Academic Departments shall continue to be Deans or HODs of the corresponding School/Department, until new appointments are made in pursuance of the statutes.

(7) Any person who was a member of the staff of the College as established or was otherwise employed by the Provisional Council shall become the holder of an appointment at the College with the status, designation and functions which correspond as nearly as may be to those which appertained to him as member of that staff or as such an employee.

Question that the Provision in the Second Schedule stand part of the bill — Agreed to.

THIRD SCHEDULE

[Section 9 (3)]

FEDERAL COLLEGE OF EDUCATION (TECHNICAL), AKO, AGO-IWOYE,
OGUN STATE, STATUTE NO. 1

ARRANGEMENT OF ARTICLES

Articles:

1. The Council.
2. The Finance and General Purposes Committee
3. The Senate
4. The Congregation
5. Convocation
6. Division of Colleges
7. College/School Boards
8. Dean of the College
9. Selection of certain Principal Officers
10. Creation of academic posts
11. Appointment of academic staff
12. Appointment of administrative and professional staff
13. Interpretation.
14. Short Title

The Council

1. (1) The composition of the Council shall be as provided in section 5 of this Bill.

(2) Any member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c), or (d) of this Bill may, by notice to the Council, resign his office.

(3) A member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c), or (d) of this Bill shall, unless he previously vacates it, vacate that office on the expiration of the period of four years beginning with effect from 1 August in the year which he was appointed.

(4) Where a member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (g), or (h) of this Bill vacates office before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.

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

(6) The quorum of the Council shall be five, at least one of whom shall be a member appointed pursuant to section 5 (d) or (e) of this Bill.

(7) If the Pro-Chancellor is not present at a meeting of the Council, such other member of the Council present at the meeting as the Council may appoint as respects that meeting shall be the chairman at that meeting, and subject to section 4 of this Bill and the foregoing provisions of this paragraph, the Council may regulate its own procedure.

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

The Finance and General Purposes Committee

2. (1) The Finance and General Purposes Committee of the Council shall consist of:

(a) the Pro-Chancellor, who shall be the chairman of the Committee at any meeting at which he is present;

(b) the Provost and Deputy Provosts;

(c) six other members of the Council appointed by the Council, two of whom shall be selected from among the four members of the Council appointed by the Senate and one member appointed to the Council by Congregation;

(d) the Permanent Secretary of the Federal Ministry of Education, or in his absence, such member of his Ministry as he may designate to represent him; and

(e) the Executive Secretary of the Petroleum Technology Development Fund, or in his absence, such member of the Fund as he may designate to represent him.

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

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

Annual budget and estimates, etc.

(4) (i) The estimates of income and expenditure for a financial year shall be presented by the Provost to the Council and may be approved by the Council before the beginning of that financial year:

Provided that the Provost may during any financial year present and the Council may approve supplementary estimates of income or expenditure.

(ii) The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Council may direct.

Gifts, donations, etc.

(5) (i) The Council may on behalf of the College accept by way of grants, gift, testamentary disposition or otherwise, property and money in aid of the finances of the College on such conditions as it may approve.

(ii) Registers shall be kept of all donations to the College including the names of donors and any special conditions under which any donation may have been given:

Provided that the College shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and

conditions attaching to such donation.

(iii) All property, money or funds donated for any specific purposes shall be applied and administered in accordance with the purposes for which they are donated and shall be accounted for separately.

Payment into bank

(6) All sums of money received on account of the College shall be paid into such bank as may be approved by the Council for the credit of the College's general, current or deposit account:

Provided that the Council may invest, as it deems fit, any money not required for immediate use other than donations of money referred to in subsection (1) of this section.

Audit

3. (1) The Council shall cause the accounts of the College to be audited by auditors appointed by the Council as soon as may be after the end of each financial year or for any such other period as the Council may require.

(2) The appointment and other matters relative to the auditors, their continuance in office and their functions, as the case may be, shall, subject to the provisions of this section, be prescribed by statute

The Senate

4. (1) The Senate shall consist of:
- (i) the Provost;
 - (ii) Deputy Provosts;
 - (iii) the Deans of respective Colleges;
 - (iv) the Professors in the College;
 - (v) Heads of Academic Departments and Units;
 - (vi) the College Librarian;
 - (vii) one elected representative of each College;
 - (viii) two members of Academic Staff elected by the Congregation;
 - (ix) one elected representative of each department;
 - (x) two members representing a variety of interests of the professional bodies outside the College appointed by the Senate on the recommendation of the Provost;
 - (xi) Registrar - Secretary.
- (2) The procedure for election of members of Senate to the Council shall be prescribed by Regulations.
- (3) The Provost shall be the chairman at all meetings of the

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Senate when he is present, and in his absence any of the Deputy Provosts present at the meeting as the Senate may appoint for that meeting shall be the chairman at the meeting.

(4) The quorum of the Senate shall be one quarter or the nearest whole number less than one quarter; and subject to paragraph (3) of this Article, the Senate may regulate its own procedure.

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

(6) Subject to paragraph (8) of this article, there shall be elections for the selection of elected members which shall be held in the prescribed manner on such day in the month of Mayor June in each year as the Provost may from time to time determine.

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

(8) No election shall be held in pursuance of this article in any year if the number specified in the certificate given in pursuance to paragraph (11) of this article does not exceed by more than one the figure which is thrice the number of those elected members holding office on the date of the certificate who do not vacate office during that year in pursuance of paragraph (7) of this article.

(9) For the avoidance of doubt it is hereby declared that no person shall be precluded from continuing in or taking office as an elected member by reason only of reduction in the after 30 April in any year in which he is to continue in or take office as all elected member.

(10) If so requested in writing by any fifteen members of the Senate, the Provost or in his absence any of the Deputy Provost duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.

(11) In this article "total of non-elected members" means as respect any year, such number as may be certified by the Provost on 30 April of that year to be the number of persons holding office as members of the Senate on that day otherwise than as elected members.

Congregation

5. (1) Congregation shall consist of:
- (i) Provost;
 - (ii) the Deputy Provosts;

- (iii) the full-time members of the academic staff;
- (iv) the Registrar;
- (v) the Librarian;
- (vi) every member of the administrative staff who holds a degree, other than honorary degree, of any College recognized for the purposes of this statute by the Provost.

(2) Subject to section 4 of this Bill, the Provost shall be the chairman at all meetings of Congregation when he is present; and in his absence any of the Deputy Provosts present at the meeting as Congregation may appoint for that meeting, shall be the chairman at the meeting.

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

(4) A certificate signed by the Provost specifying:
(a) the total number of members of Congregation for the purpose of any particular meeting or meetings of Congregation; or

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

(5) The procedure for election of members of Congregation to the Council and the Senate shall be prescribed by Regulations.

(6) Subject to the foregoing provisions of this article, Congregation may regulate its own procedure.

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

Convocation

6. (1) Convocation shall consist of:
- (i) the officers of the College mentioned in the First Schedule to this Bill;
 - (ii) all teachers within the meaning of this Bill;
 - (iii) all other persons whose names are registered in accordance with paragraph (2) of this article.
- (2) A person shall be entitled to have his name registered as a member of convocation if:
- (a) he is either a graduate of a College or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and

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

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

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

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

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

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

(8) Subject to section 4 of the Act, the Chancellor shall be chairman at all meetings of Convocation when he is present, and in his absence the Provost shall be the chairman at the meeting.

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

Division of Colleges

7. Each College shall be divided into such number of branches as may be prescribed.

College Boards

8. (1) There shall be established in respect of each College, a Board of Studies which, subject to the provisions of this Statute, and subject to the directions of the Provost, shall:

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

(b) deal with any other matter assigned to it by statute or by the Provost or by the Senate; and

(c) advise the Provost or the Senate on any matter referred to it by the Provost or the Senate.

- (2) Each College Board of Studies shall consist of:
 - (a) the Provost;
 - (b) the Dean;
 - (c) the persons severally in charge of the branches of the school;
 - (d) the College Examination Officer;
 - (e) such of the teachers assigned to the college and having the prescribed qualifications as the Board may determine; and
 - (f) such persons, whether or not members of the College, as the Board may determine with the general or special approval of the Senate.
- (3) The quorum of the Board shall be eight members or one quarter, whichever is greater, of the members for the time being of the board; and subject to the provisions of this statute and to any provision made by regulations in that behalf, the Board may regulate its own procedure.

Deans of the Colleges

9. (1) The Board of each College shall, at a meeting in the last term of any academic year which the term of office of the Dean expires, nominate one of its members, being one of the Professors assigned to that teaching unit, for appointment by the Senate as Dean of the College
 - (2) The person appointed under paragraph 1 of this Article shall act as Dean of the College and chairman of all meetings of the College Board when he is present and shall be a member of all committees and other boards appointed by the College.
 - (3) The Dean shall hold office for two years and shall be eligible for re-appointment one further period of two years. Thereafter he shall not be eligible for re-appointment until two years have elapsed.
 - (4) The Dean of a College shall exercise general superintendence over the academic and administrative affairs of the College.
 - (5) It shall be the function of the Dean to present to Convocation for the conferment of degrees to persons who have qualified for the degrees of the College at examination held in the branches of learning for which responsibility is allocated to that College.
 - (6) There shall be a committee to be known as the Committee of Deans consisting of all the Deans of the several Colleges and that Committee shall advise the Provost on all academic matters and on particular matters referred to the College by the Senate.
 - (7) The Dean of a College may be removed from office for good

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cause by the College Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of a Dean, an acting Dean may be appointed by the Provost:

Provided that at the next College Board meeting an election shall be held for a new Dean.

(8) In this article "good cause" has the same meaning as in section 15 (3) of the Act.

Departmental Board of Studies

10. (1) There shall be a Departmental Board of Studies whose membership shall be made of all academic staff of the Department.

(2) It shall be headed by a Professor who shall be appointed by the Provost and in the absence of a Professor, a senior academic staff shall be appointed in acting capacity.

(3) For a Professor the term is for 3 years while 1 year is for acting capacity.

(4) The Board shall superintend over all teachings and examinations in the Department.

(5) The Board shall handle all disciplinary matters in the Department and make recommendations to the College where necessary.

(6) Allocation of courses in the department shall be done by the Departmental Board on recommendation of the Head of Department.

Selection of Directors of Physical Planning and Development, Works and Services and Health

11. (1) When a vacancy occurs in the office of the Directors of Physical Planning and Development, Works and Services and Health, a Selection Board shall be constituted by the Council which shall consist of:

(a) the Pro-Chancellor;

(b) the Provost;

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

(d) two members appointed by the Senate.

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

Tenure of Directors

12. A Director shall hold office on such terms and conditions as may be specified in his letter of appointment subject to the extant Regulations.

Creation of Academic Posts

13. Recommendations for the creation of academic posts other than

principal officers shall be made by the Senate to the Council through the Finance and General Purposes Committee.

Appointment of Academic Staff

14. (1) Subject to the Act and statutes, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Council through the Departments and Colleges.

(2) For the purpose of filling such vacancies, suitable selection boards to select and make appointments on behalf of the Council shall be set up.

(3) For appointment to Professorships, Associate Professorship or Readerships or equivalent posts, a Board of Selection, with power to appoint, shall consist of:

(a) the Provost - Chairman;

(b) Deputy Provost - Member;

(c) the Dean of the College - Member;

(d) Head of Department - Member;

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

(f) Registrar - Secretary.

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

(a) the Provost or his representative - Chairman:

(b) the Dean of the College - Member

(c) Head of the Department concerned - Member

(d) an internal member of Council (not below the Rank of Senior Lecturer from the sister college in the Candidate's subject-area) - Member

(e) Registrar or his representative - Secretary

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

(6) Boards of Selection may interview candidates directly or consider the reports of specialist interviewing panels and shall in addition, in the case of Professorships, Associate Professorship, Readerships or equivalent Posts, consider the reports of External Assessors relevant to the area in which the appointment is being considered. Quorum shall be three (3) including the Chairman.

Appointment of Administrative and Professional Staff

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15. (1) The administrative and professional staff of the College other than principal officers shall be appointed by the Council on its behalf by the Provost in accordance with delegation of powers made by the Council on its behalf.

(2) A Selection Board, with power to appoint, shall consist of:

(i) Provost;

(ii) Deputy Provost;

(iii) Registrar;

(iv) Bursar;

(v) College Librarian;

(vi) the Head of Department concerned;

(vii) establishment and Human Resources Officer who shall serve as Secretary Quorum shall be three (3) including the Chairman.

Interpretation

16. In this Statute, the expression "the Act" means the Federal College of Education (Technical), Ako, Ago-Iwoye, Ogun State Act and any word or expression defined in the Act has the same meaning in this Statute.

Short Title

17. This Statute may be cited as the Federal College of Education (Technical), Ako, Ago-Iwoye, Ogun State Statute No. 1.

Question that the Provision in the Third Schedule stand part of the bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for an Act to Provide for the Establishment of the Federal College of Education (Technical). Ako, Ago-Iwoye, Ogun State; and for Other Related Matters, 2021 and approved as follows:

Clauses 1-28 — As Recommended

Schedules 1-3 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Deputy Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

12. Federal University of Education, Pankshin, Plateau State (Establishment) Bill, 2021 (HB.686) — Concurrence:

Motion made: That a Bill for an Act to Provide for the Establishment of the Federal University of Education, Pankshin, Plateau State for the Promotion and Development of Teacher Education in Nigeria; and for Related Matters, 2021 be read the Second Time (*Senate Deputy Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Order 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Provide for the Establishment of the Federal University of Education, Pankshin, Plateau State for the Promotion and Development of Teacher Education in Nigeria; and for Related Matters, 2021(*Senate Deputy Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL UNIVERSITY OF EDUCATION, PANKSHIN, PLATEAU STATE FOR THE PROMOTION AND DEVELOPMENT OF TEACHER EDUCATION IN NIGERIA; AND FOR RELATED MATTERS, 2021.

PART I - ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE
FEDERAL UNIVERSITY OF EDUCATION, PANKSHIN, PLATEAU STATE

Clause 1: Establishment and objectives of Federal University of Education Pankshin, Plateau State.

- (1) Federal College of Education, Pankshin is upgraded and established as the Federal University of Education Pankshin, Plateau State (in this Bill referred to as "the University").
- (2) The University:
 - (a) is a body corporate with perpetual succession, and a common seal; and
 - (b) may sue or be sued in its corporate name.
- (3) The University is a training institution for the development of teacher education in the country.
- (4) The University shall be supervised by the Federal Ministry of Education through the National Universities Commission (NUC) who is responsible for approving and regulating all academic programmes run in the University, to ensure quality compliance and provide funds for academic and research programmes, infrastructures and remunerations of employees.

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- (5) The objectives of the University are to:
- (a) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction;
 - (b) develop and offer academic and professional programmes leading to the award of certificates, first degrees, post-graduate, diploma and higher degrees with emphasis on planning, developmental and adaptive skills in education, technology, applied science, agriculture, commerce, arts, social science, humanities, management and allied professional disciplines;
 - (c) produce socially mature experts in education with capabilities not to only understand educational need of Nigeria as a nation, but also to exploit existing educational infrastructure and improve on it to develop new ones;
 - (d) act as agents and catalysts for effective educational system, through post graduate training , research and innovation, for effective economic utilisation and conservation of the country's human resources;
 - (e) bring quality change in education by focusing on teacher education through teaching and learning innovations;
 - (f) collaborate with other national and international institutions involved in training, research and development of education with a view to promoting governance, leadership and management skills among educational managers;
 - (g) identify educational needs of the society with a view to finding solutions to them within the context of overall national development;
 - (h) provide and promote sound basic education training as a foundation for the development of Nigeria, taking into account indigenous culture and the need to enhance national unity;
 - (i) provide higher education and foster a systematic advancement of the science and act of teacher education;
 - (j) provide for instruction in such branches of teacher education as it may deem necessary to make provision for research advancement and dissemination of knowledge in such manner as it may determine;
 - (k) provide teachers with operational competence for teaching in pre-tertiary institutions, basic, senior secondary schools and non-formal educational

institutions; and

(l) undertake any other activity that is appropriate for a university of education of the highest standard.

Committee's Recommendation:

That the provision of Clause 1 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Composition of the University.

(1) The University shall consist of:—

- (a) a Chancellor;
- (b) a Pro-Chancellor and a Council;
- (c) a Vice-Chancellor and a Senate;
- (d) a Congregation;
- (e) a Convocation;
- (f) the campuses and colleges of the University;
- (g) the colleges, institutes and other teaching and research units of the University;
- (h) the persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraphs (a) - (c);
- (i) all graduates and undergraduates of the University; and
- (j) all other persons who are members of the University in accordance with provisions made by Statute in that behalf.

(2) The First Schedule to this Bill shall have effect with respect to the principal officers of the University.

(3) Subject to section 5, provisions shall be made by Statute with respect to the constitution of the Council, the Senate, Congregation and Convocation.

Committee's Recommendation:

That the provision of Clause 2 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Powers of the University.

(1) For the attainment of its objectives as specified in section 1 (5), the University has powers to:—

(a) offer courses of instruction, training and research in education and allied areas for the production of quality and skilled teachers required to teach at lower, middle and higher levels of education in Nigeria in particular and the world at large;

(b) establish such colleges, campuses, institutes, schools, departments and other teaching and research units within the University as may be deemed necessary or desirable subject to the approval of National Universities Commission;

(c) Institute professorships, readerships, associate professorships, lectureships, and other posts and offices and to make appointments to those post and offices;

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

(e) provide for the discipline and welfare of members of the University;

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

(g) grant honorary degrees, fellowships or academic titles;

(h) demand and receive from any student or any other person attending the University for the purposes of instruction, such fees as the University may determine subject to the overall directives of the Minister;

(i) subject to section 20, acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever it is situate;

(j) accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attached;

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

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

(m) hold public lectures and to undertake printing, publishing and book selling;

(n) subject to any limitation or condition imposed by the Statute, to invest money appertaining to the University by way of endowment, not being immediately required for current expenditure in any investment or security or in the purchase or improvement of land, with power, from time to time, to vary such investments and deposit any money for the time being not invested with any bank in a deposit or current account;

(o) borrow, whether on interest or not and if need be upon the security of any or all of the property, movable or immovable, of the University, such money as the Council may find necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;

(p) make gifts for any charitable purpose;

(q) do anything which it is authorised or required by this Bill or any Statute to do; and

(r) do all such acts or things, whether or not incidental to these powers, as may advance the objects of the University.

(2) Subject to the provisions of this Bill and of the Statutes and without prejudice to section 7 (2), the powers conferred on the University under subsection (1) is exercisable on behalf of the University by the Council, Senate or in any other manner which may be authorised by the Statute.

(3) The power of the University to establish additional campuses and colleges within the University shall be exercised in accordance with the Statute.

Committee's Recommendation:

That the provision of Clause 3 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Functions of Chancellor and Pro-Chancellor.

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

(2) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University, except the Chancellor and Vice-Chancellor when acting as Chairman of Congregation or Convocation, and the Pro-Chancellor shall, when he is present, be the Chairman at all meetings of the Council.

Committee's Recommendation:

That the provision of Clause 4 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Establishment, composition, tenure and powers of the Council.

- (1) There is established for the university a Governing Council (in this Bill referred to as "the Council").
- (2) The Council shall consist of:—
 - (a) the Pro-Chancellor who is appointed by the President on the recommendation of the Minister;
 - (b) the Vice-Chancellor;
 - (c) the Deputy Vice-Chancellors;
 - (d) one person from the Federal Ministry responsible for education;
 - (e) four persons representing a variety of interests and broadly representative of the whole Federation;
 - (f) four persons appointed by the Senate from among its members;
 - (g) two persons appointed by Congregation from among its members; and
 - (h) one person appointed by Convocation from among its members.
- (2) Persons to be appointed to the Council shall be of proven integrity, knowledgeable and familiar with the affairs and tradition of the University.
- (3) The Council shall have a tenure of four years from the date of its inauguration but where the Council is found to be incompetent and corrupt, it shall be dissolved by the Visitor and a new Council shall be immediately constituted for the effective functioning of the University.
- (4) The powers of the Council shall be exercised, as specified in this Bill and, to that extent, establishment circulars that are inconsistent with this Bill shall not apply to the University.
- (5) The Council shall be free in the performance of its functions and discharge of its responsibilities for the good management, growth and development of the University.
- (6) The Council, in the performance of its functions, shall ensure that disbursement of funds of the University complies with the approved budgetary ratio for:—
 - (a) personnel cost;
 - (b) overhead cost;

- (c) research and development;
- (d) library developments; and
- (e) the balance in expenditure between academic and non-academic activities.

Committee's Recommendation:

That the provision of Clause 5 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 5 do stand part of the Bill, put agreed to.

Clause 6: Functions of the Council and its finance and general purpose committee.

(1) Subject to the provisions of this Bill relating to the Visitor, the Council is: —

- (a) the governing body of the University; and
- (b) responsible for the general control and superintendence of the policy, finances and property of the University.

(2) There shall be the Finance and General Purposes Committee which shall, subject to the directions of the Council:—

- (a) exercise control over the property and expenditure of the University; and
- (b) perform such other functions of the Council as the Council may delegate to it.

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

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

(5) Subject to this Bill and the Statute, the Council and Finance and General Purposes Committee may each

Committee's Recommendation:

That the provision of Clause 6 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Functions of the Senate of the University.

(1) Subject to subsections (3) and (4) and the provisions of this Bill relating to the Visitor, it shall be the general function of the Senate to organise and control the teaching by the University, the admission of student where no other

enactment provides to the contrary, and the discipline of students, and promote research at the University.

(2) Without prejudice to the generality of subsection (1), it shall in particular be the function of the Senate to make provision for:—

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

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

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

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

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

(f) the supervision of the welfare of students at the University and the regulation of their conduct;

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

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

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

(4) Subject to this Bill and the Statutes, the Senate may make regulations for the purpose of performing any function conferred on it either by this section or for the purpose of making provision for any matter covered by regulations and is authorised or required by this Bill or by Statute.

(5) Regulations shall provide that at least one of the persons appointed as the examiners at each final or professional examination held in conjunction with any course of study at the University is not a teacher at the University

but is a teacher of the branch of learning to which the course relates at some other University of high repute or a person engaged in practicing the profession in a reputable organisation or institution.

(6) Subject to right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred upon him if after due enquiry the person is found to have been guilty of dishonourable or scandalous conduct in gaining admission into the University or obtaining that award.

Committee's Recommendation:

That the provision of Clause 7 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Functions of the Vice-Chancellor.

(1) The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor, and subject to section 4 except the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.

(2) Subject to sections 6, 7 and 14, the Vice-Chancellor shall:—

(a) have the general function, in addition to any other function conferred on him by this Bill of directing the activities of the University; and

(b) be the Chief Executive and Accounting Officer of the University and ex-officio Chairman of the Senate.

(3) The Vice-Chancellor shall be the Chairman of the University Tenders' Board, which is saddled with the responsibility of approving the conduct of public procurement of goods, works and services within the approved threshold.

(4) It is the responsibility of the Vice-Chancellor to establish and appoint members of the Tenders' Board in line with the extant Public Procurement Rules and Regulations.

Committee's Recommendation:

That the provision of Clause 8 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 8 do stand part of the Bill, put and agreed to.

PART II— GENERAL FUND, TRANSFER OF PROPERTY TO THE UNIVERSITY
AND CONDITIONS OF SERVICE OF EMPLOYEES

Clause 9: General Fund of the University.

(1) There shall be a general fund of the University (in this Bill referred to as "the General Fund") which shall consist of:—

(a) grants-in-aid;

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- (b) fees;
- (c) income derived from investments;
- (d) gifts, legacies, endowments and donations not accepted for a particular purpose;
- (e) income derived from the performance of any functions conferred or imposed on the University by this Bill;
- (f) any other amount, charges or dues recoverable by the University;
- (g) revenue accruing to the University by way of subvention;
- (h) interests on investments; and
- (i) donations and legacies accruing to the University from any source for the general or special purposes of the University.

(2) The General Fund shall be applied for the purposes of the University.

Committee's Recommendation:

That the provision of Clause 9 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Transfer of property.

(1) All property held by, or on behalf of the Provisional Council of the University shall, by virtue of this subsection, vest in the University and be held by it for the purpose of the University.

(2) The provisions of the Second Schedule to this Bill shall have effect with respect to, and to matters arising from:—

- (a) the transfer of property by this section; and
- (b) other matters mentioned in that Schedule.

Committee's Recommendation:

That the provision of Clause 10 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 10 do stand part of the Bill, put and agreed to.

PART III — STATUTES OF THE UNIVERSITY

Clause 11: Power of the University to make statutes.

(1) Subject to this Bill, the University may make Statutes for:—

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

- (b) specifying and regulating the powers and duties of any authority of the University, and regulating any other matter connected with the University or any of its authorities;
 - (c) regulating the admission of students where no other enactment provides to the contrary, and their discipline and welfare;
 - (d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Bill and any Statute, regulation or other instrument made under this Bill; or
 - (e) making provision for any other matter which is authorised or required by this Bill.
- (2) Subject to section 25 (6), the Interpretation Act applies in relation to any Statute made under this section as it applies to a subsidiary instrument within the meaning of section 28 (1).
- (3) The Statute contained in the Third Schedule to this Bill is deemed to have come into effect on the commencement of this Bill and is deemed to have been made under this section by the University.
- (4) The power to make Statutes conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the Statute contained in the Third Schedule to this Bill or any subsequent Statute.

Committee's Recommendation:

That the provision of Clause 11 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Mode of exercising power to make statutes.

- (1) The power of the University to make Statutes shall be exercised in accordance with the provisions of this section.
- (2) A proposed Statute shall not become law unless it has been approved at the meeting of the:—
 - (a) Senate, by the votes of at least two-thirds of the members present and voting; and
 - (b) Council, by the votes of at least two-thirds of the members present and voting.
- (3) A proposed Statute may originate either in the Senate or Council, and may be approved as required by subsection

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(2).

(4) A Statute which:—

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

(b) provides for the establishment of a new campus or college or for the amendment or revocation of any statute,

shall not come into effect unless it has been approved by the Visitor.

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

(6) In the event of any doubt or dispute arising at any time as to:—

(a) the meaning of any provision of a Statute; or

(b) whether any matter is, for the purposes of this Bill, an academic or non-academic matter as it relates to such doubt or dispute,

the matter may be referred to the Visitor, who shall take such advice and make such decision as he may think fit.

(7) The decision of the Visitor on any matter referred to him under subsection (6) is binding upon the authorities, staff, and students of the University, and where any question as to the meaning of any

provision of a Statute has been decided by the Visitor under that subsection, no question as to the meaning of that provision shall be entertained by any court of law in Nigeria.

(8) Nothing in subsection (7) affects any power of a court of competent jurisdiction to determine whether any provision of a Statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution of the Federal Republic of Nigeria.

Committee's Recommendation:

That the provision of Clause 12 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Proof of statute.

A Statute may be proved in any court by the production of a

copy bearing or having affixed to it a certificate purporting to be signed by the Vice-Chancellor or the Secretary to the Council to the effect that the copy is a true copy of a Statute of the University.

Committee's Recommendation:

That the provision of Clause 13 be retained (*Senate Deputy Leader*) — Agreed to.

Question that Clause 13 do stand part of the Bill, put and agreed to.

PART IV — SUPERVISION AND DISCIPLINE

Clause 14: The Visitor.

- (1) The President shall be the Visitor of the University.
- (2) The Visitor shall cause a visitation to the University when necessary, at least every five years, or direct that such a visitation be conducted by such person or persons as the Visitor may deem fit and in respect of any of the affairs of the University.
- (3) It is the duty of the bodies and persons comprising the University to make available to the Visitor and any other person conducting a visitation under this section, such facilities and assistance as the visitor or that person may reasonably require for the purposes of a visitation.
- (4) The Visitor shall make the report of such visitations and issue a white paper to that effect and make it available to the Council for implementation.

Committee's Recommendation:

That the provision of Clause 14 be retained (*Senate Deputy Leader*) — Agreed to.

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Removal of certain members of Council.

- (1) If it appears to the Council that a member of the Council, other than the Pro-Chancellor or the Vice-Chancellor should be removed from office on the ground of misconduct or inability to perform the functions of his office or employment, the Council shall make a recommendation to that effect through the Minister, to the Visitor, and

the Visitor, after making such inquiries as he may consider appropriate, if he approves the recommendation, may direct the removal of the person in question from office.

- (2) The Minister shall cause a copy of the instrument embodying a direction under subsection (1) to be served, as soon as reasonably practicable, on the person to whom it relates.

Committee's Recommendation:

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That the provision of Clause 15 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Removal and discipline of academic, administrative and professional staff.

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

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

(b) afford him an opportunity of making representations in person on the matter by the Council; and

(c) afford the person in question, an opportunity of appearing before and being heard by the investigating committee with respect to the matter.

(2) If the Council, after considering the report of the investigating committee, is satisfied that the person in question should be removed, the Council may so remove him by an instrument in writing signed on the directions of the Council.

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

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

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

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

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

- (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the duties of his office or comply with the terms and conditions of his service; and
- (e) conduct which the Council considers to be generally of such nature as to render the continued appointment or service of the person concerned prejudicial or detrimental to the interest of the University.
- (5) A person suspended under subsection (3) or (4) shall be on half pay and the Council shall, before the expiration of three months after the date of such suspension, consider the case against that person and come to a decision as whether to:—
- (a) continue such person's suspension and, if so, on what terms, including the proportion of his emoluments to be paid to him;
- (b) reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
- (c) terminate the appointment of the person concerned, in which case such a person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
- (d) take such lesser disciplinary action against such person, including the restoration of such proportion of his emoluments that might have been withheld, as the Council may determine.
- (6) Where the Council, under this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall, before the expiration of three months from such decision come to a final determination in respect of the case concerning the person.
- (7) The person by whom an instrument of removal is signed under subsection (1) shall use his best endeavours to cause a copy of the instrument to be served, as soon as reasonably practicable, on the person to whom it relates.
- (8) Nothing in this section:—
- (a) applies to any directive given by the Visitor in consequence of any visitation; or
- (b) prevents the Council from making regulations for the discipline of other categories of workers of the University as may be prescribed.

Committee's Recommendation:

That the provision of Clause 16 be retained (*Senate Deputy Leader*) —

Agreed to.

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Removal of examiners.

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

(2) Subject to the regulations made under section 7 (5), the Vice-Chancellor may, on the recommendation of the Senate, appoint an appropriate person as examiner in the place of the examiner removed under subsection (1).

(3) The Vice-Chancellor on signing an instrument of removal under this section, shall cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it is related.

Committee's Recommendation:

That the provision of Clause 17 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Participation and discipline of students.

- (1) The Students shall:—
- (a) be represented in the University's Students Welfare Board and other committees that deal with the affairs of students;
 - (b) participate in various aspects of curriculum development;
 - (c) participate in the process of assessing academic staff in respect of teaching; and
 - (d) be encouraged to be more self-assured as part of the national development process.

(2) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student of the University has been guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary power conferred on him by Statute or regulations, direct that the:—

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

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

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

(d) student be expelled from the University.

(3) Where a direction is given under subsection (1) (c) or (d) in respect of any student, that student may, within the prescribed period and in the prescribed manner, appeal to the Council, and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm, set aside or modify the direction in such manner as the Council deems fit.

(4) An appeal brought under subsection (3) does not affect the operation of the direction while the appeal is pending.

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

(6) Nothing in this section is construed as preventing the restriction or termination of students' activities at the University than on the ground of misconduct.

(7) A direction under subsection (2) (a) may be combined with a direction under subsection (2) (b).

Committee's Recommendation:

That the provision of Clause 18 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 18 do stand part of the Bill, put and agreed to.

PART V — MISCELLANEOUS AND GENERAL PROVISIONS

Clause 19: Exclusion of discrimination on account of race, religion, etc.

(1) No person shall be required to satisfy requirements as to race (including ethnic grouping), sex, place of birth or of family origin, or religious or political persuasion, as a condition of becoming or continuing to be:—

(a) a student at the university;

(b) the holder of any degree of the University, appointment or employment at the University; or

(c) a member of anybody established under this Bill.

(2) No person shall be subject to any disadvantage or accorded any advantage in relation to the University, by reference to any of the matters in subsection (1).

(3) Nothing in subsection (1) is construed as preventing the University from imposing any disability or restriction on any of the persons mentioned in that subsection where such person willfully refuses or fails, on grounds of religious belief, to undertake any duty generally and uniformly imposed on such persons or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the University, reasonably justifiable in the national interest.

Committee's Recommendation:

That the provision of Clause 19 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Restriction on disposal of land by University.

Without prejudice to the provisions of the Land Use Act, the University shall not dispose of or charge any land or an interest in any land (including any land transferred to the University by this Bill) except with the prior written consent, either general or special, of the Governor:—

Provided that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years or any lease or tenancy to a member of the University for residential purpose.

Committee's Recommendation:

That the provision of Clause 20 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Quorum and procedure of bodies established under this Bill.

Except as may be otherwise provided by Statute or regulations, the quorum and procedure of any body of persons established under this Bill shall be as determined by that body.

Committee's Recommendation:

That the provision of Clause 21 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Appointment of committee.

(1) Anybody of persons established under this Bill shall, without prejudice to the generality of the powers of that body, have power to set up committees, which need not consist exclusively of members of that body, and to authorise a committee set up by it to:—

(a) perform, on its behalf, its functions as it may determine; and

(b) co-opt members, and direct whether or not co-

opted members are entitled to vote in that committee.

(2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies, or for setting up of committees consisting of members of those bodies, for the purpose of considering any matter within the competence of those bodies or any of them, and either of dealing with it or reporting on it to those bodies or any of them.

(3) Except as may be otherwise provided by Statute or regulations, the quorum and procedure of a committee established or meeting held in pursuance of this section, shall be such as may be determined by the body or bodies which have decided to set up the committee or hold the meeting.

(4) Nothing in the provisions of subsection (1), (2) and (3) is construed as enabling the:—

(a) Statutes to be made otherwise than in accordance with section 11; or

(b) Senate to empower any other body to make regulations or award degrees or other qualifications.

(5) The Pro-Chancellor and Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council (other than a committee appointed to inquire into the conduct of the officer in question), and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

Committee's Recommendation:

That the provision of Clause 22 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Retiring age of academic staff.

(1) Notwithstanding anything to the contrary in the Pension Reform Act, the compulsory retiring age of the:—

(a) academic staff of the University in the non-professorial cadre is 65 years;

(b) academic staff of the University in the professorial cadre is 70 years;

(c) non-academic staff of the University is 65 years.

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

Committee's Recommendation:

That the provision of Clause 23 be retained (*Senate Deputy Leader*) —
Agreed to.

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Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Special provisions relating to pension of professors.

An academic staff of the University who retires as a Professor in the University is entitled to pension at a rate equivalent to his annual salary provided that the Professor has served continuously in the University up to the retirement age.

Committee's Recommendation:

That the provision of Clause 24 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: Miscellaneous administrative provisions.

(1) The seal of the University shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall be authenticated by any member of the Council and by the Vice-Chancellor, Secretary to the Council or any other person authorised by Statute.

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

(3) Any contract or instrument, which if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specially authorised to do so by the Council.

(4) The validity of any proceeding of anybody established under this Bill is not affected by any vacancy in the membership of the body, any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the preceding.

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

(6) Nothing in section 12 of the Interpretation Act (which provides for the application in relation to subordinate legislation of certain incidental provisions) applies to Statutes or regulations made under this Bill.

(7) The power conferred by this Bill on anybody to make Statutes or regulations includes power to revoke or vary any:

—
(a) statute (including the Statute contained in the Third Schedule to this Bill); or

(b) regulation by a subsequent statute or

subsequent regulation as the case may be: —

Provided that the subsequent regulation or Statutes may make different provisions in relation to different circumstances.

(8) No stamp duty or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 10 or 20 or the Second Schedule to this Bill.

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

Committee's Recommendation:

That the provision of Clause 25 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Restriction of suits and execution.

(1) No legal proceeding shall be instituted or commenced against the University or any of its agents in the course of their official duties unless a three months pre-action notice of such intention is served on the University by an aggrieved party;

(2) The notice shall state the reason and the cause of action intended to be taken against the University, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

(3) No suit shall be commenced against an officer or servant of the University, in any case where the University is vicariously liable for

any alleged act, neglect or default of the officer or servant in the performance or intended performances of his duties, unless three months at least has elapsed after written notice of intention to commence the same shall have been served on the University by the intending plaintiff or his agent.

(4) In any suit against the University, no execution or attachment or process in the nature thereof shall be issued against the University, but any sum of money which may by the judgment of the court be awarded against the University shall, subject to any direction given by the court where notice of appeal has been given by the University in respect of the said judgment, be paid by the University from its general funds.

(5) Service upon the University of any notice, order or other document, may be effected by delivering the same or by sending it by registered post addressed to the Registrar and Secretary of the Council.

No. 30 Wednesday, 1st December, 2021**Committee's Recommendation:**

That the provision of Clause 26 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Repeal, savings and transitional provisions.

(1) This Bill repeals paragraph (k) of the First Schedule to the Federal Colleges of Education Act, Cap. F8, Laws of Federation of Nigeria, 2004.

(2) Anything done or purported to have been done under the repealed Act, remains valid, except provided under this Bill.

(3) Subsidiary legislation made or deemed to have been made under the repealed Act, immediately before the commencement of this Bill, shall continue in force with necessary modification and may be amended or revoked as if it had been made under this Bill.

(4) The rights, assets, obligations and liabilities under the repealed Act shall, at the commencement of this Bill, rest in and devolve on the Federal University of Education Pankshin, Plateau State.

Committee's Recommendation:

That the provision of Clause 27 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: Interpretation.

(1) In this Bill:—

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

"College" means the College established under section 2 (1) (g) of this Bill for the University;

"Council" means the Governing Council of the University established by section 5 of this Bill;

"functions" includes powers and duties;

"graduate" means a person on whom a degree, other than an honorary degree, has been conferred by the University and any other person as may be designated as a graduate by the Council, acting in accordance with the recommendation of the Senate;

"Minister" means the Honourable Minister of Education;

"notice" means notice in writing;

"officer" does not include the Visitor;

"prescribed" means prescribed by Statute or regulations;

"Professor" means a person designated as a Professor of the University in accordance with provisions made in that behalf by Statute or by Regulations;

"property" includes rights, liabilities and obligations;

"Provisional Council" means the provisional council appointed for the University;

"regulations" means regulations made by the Senate or the Council;

"Senate" means the Senate of the University established under section 2 (1) (c) of this Bill;

"school" means a unit of closely related academic programmes;

"Statute" means a statute made by each University under section 11 and 12 of this Bill; and

"the statutes" means all such statutes as are in force from time to time;

"teacher" means a person holding a full-time appointment as a member of the teaching or research staff of the University;

"undergraduate" means a person registered as a student undergoing a course of study for a first degree of the University or such other course in the University as may be approved by the Senate as qualifying a student undergoing it for the status of an undergraduate;

"University" means Federal University of Education Pankshin, Plateau State established under section 1 (1) of this Bill.

(2) Where in any provision of this Bill it is laid down that the proposals are to be submitted or a recommendation is to be made by one authority or another through one or more intermediate authorities, it shall be the duty of every intermediate authority to forward any proposal of that or recommendation received by it in pursuance of that provision to the appropriate authority, but such intermediate authority may, if it deems fit, forward its own comments thereon.

Committee's Recommendation:

That the provision of Clause 28 be retained (*Senate Deputy Leader*) —
Agreed to.

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Question that Clause 28 do stand part of the Bill, put and agreed to.

Clause 29: Citation.

This Bill may be cited as the Federal University of Education, Pankshin, Plateau State (Establishment) Bill, 2021.

Committee's Recommendation:

That the provision of Clause 29 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 29 do stand part of the Bill, put and agreed to.

SCHEDULES
FIRST SCHEDULE

SECTION 2 (2)

PRINCIPAL OFFICERS OF THE UNIVERSITY

The Chancellor

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

The Pro-Chancellor

2. (1) The Pro-Chancellor who shall be the Chairman of Council shall be appointed or removed from office by the President upon recommendation by the Minister.

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

The Vice-Chancellor

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

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

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

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

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

and thereafter draw up a short list of suitable candidates for the post for consideration; and

(b) constitute a Search Team consisting of:—

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

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

(iii) two members of Congregation who are not members of the Council, one of whom shall be a

Professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they felt that it is not proper to do so.

- (3) A Joint Council and Senate Selection Board consisting of:—
- (a) the Pro-Chancellor, as chairman;
 - (b) two members of the Council, not being members of the Senate;
 - (c) two members of the Senate who are Professors, but who were not members of the Search Team, shall consider the candidates and persons in the shortlist drawn up under subparagraph (2) (a) (ii) of this paragraph through an examination of their curriculum vitae and interaction with them, and recommend to the Council three candidates for further consideration.
- (4) The Council shall select and appoint as the Vice-Chancellor one candidate from among the three candidates recommended to it under subparagraph (3) of this paragraph and thereafter inform the Visitor.
- (5) The Vice-Chancellor shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.
- (6) The Vice-Chancellor may be removed from office by the Council on grounds of gross misconduct or inability to perform the functions of his office as a result of infirmity of the body or mind, at the initiative of the Council, Senate or the Congregation after due process.
- (7) When the proposal for the removal of the Vice-Chancellor is made, the Council shall constitute a Joint Committee of Council and Senate consisting of:—
- (a) three members of the Council, one of whom shall be the Chairman of the Committee; and
 - (b) two members of the Senate:—
- Provided that where the ground for removal is infirmity of the body or mind, the Council shall seek appropriate medical opinion.
- (8) The Committee shall conduct investigation into the allegations made against the Vice-Chancellor and shall report its findings to the Council.
- (9) The Council may, where the allegations are proved, remove the Vice-Chancellor or apply any other disciplinary action it may deem fit and notify the Visitor accordingly but a Vice-Chancellor who is removed shall have right of appeal to the Visitor.
- (10) There shall be no sole administrator in the University.
- (11) In any case of a vacancy in the office of the Vice-Chancellor,

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the Council shall appoint an acting Vice-Chancellor on recommendation of the Senate.

(12) An acting Vice-Chancellor in all circumstances shall not be in office for more than six months.

Deputy Vice-Chancellor

4. (1) There shall be for the University such number of Deputy Vice-Chancellors as Council may deem necessary for the proper administration of the University.

(2) Where a vacancy occurs in the post of Deputy Vice-Chancellor, the Vice-Chancellor shall forward to the Senate a list of two candidates for each post of Deputy Vice-Chancellor that is vacant.

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

(4) A Deputy Vice-Chancellor shall:—

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

(b) act in the place of the Vice-Chancellor when the post of the Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or unable to perform his functions as Vice-Chancellor; and

(c) perform such other functions as the Vice-Chancellor or the Council may assign to him.

(5) A Deputy Vice-Chancellor:—

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

(b) may be reappointed for a further term of two years and no more; and

(c) may be removed from office for good cause by the Council acting on the recommendations of the Vice-Chancellor and Senate.

(6) "Good cause" for the purpose of subparagraph (5) (c) means gross misconduct or inability to perform the functions of his office arising from infirmity of the body or mind.

Office of the Registrar

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

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

of that office, be Secretary to the Council, the Senate, Congregation and Convocation.

Other Principal Officers of the University

6. (1) There shall be, for the University, other principal officers in addition to the Registrar:—

(a) the Bursar; and

(b) the University Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under paragraph 7 of this Schedule.

(2) The Bursar is the Chief Financial Officer of the University and responsible to the Vice-Chancellor for the administration and control of the financial affairs of the University.

(3) The University Librarian is responsible to the Vice-Chancellor for the administration of the University Library and the co-ordination of the library services in the University and its campuses, colleges, schools, departments, institutes and other teaching or research units.

(4) Any question as to the scope of the responsibilities of the officers in this paragraph shall be determined by the Vice-Chancellor.

Selection Board for other Principal Officers

7. (1) There shall be, for the University, a Selection Board for the appointment of principal officers, other than the Vice-Chancellor or Deputy Vice-Chancellor, which shall consist of:—

(a) the Pro-Chancellor, as Chairman;

(b) the Vice-Chancellor;

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

(d) two members of the Senate.

(2) The functions, procedure and other matters relating to the Selection Board constituted under subparagraph (1) of this paragraph shall be as the Council may determine.

(3) The Registrar, Bursar and Librarian shall hold office for a single term of five years only beginning from the date of their appointments and on such terms and conditions as may be specified in their letters of appointment.

(4) Notwithstanding subparagraph (3) of this paragraph, the Council may, upon satisfactory performance, extend the tenure of the Registrar, Bursar or Librarian for a further term of one year only and thereafter such principal officer shall relinquish his post and be assigned to other duties in the University.

Resignation and Re-appointment

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8. (1) Any officer mentioned in this Schedule may resign his office:
—
- (a) in the case of the Chancellor or Pro-Chancellor, by notice to the Visitor;
- (b) in any other case, by notice to the Council, and the Council shall, in the case of the Vice-Chancellor, immediately notify the Visitor.
- (2) Without prejudice to paragraph 4 of this Schedule, a person who has ceased to hold an office than by removal for misconduct shall be eligible for re-appointment to that office.

Question that the Provision in the First Schedules Stand Part of the Bill — Agreed to.

SECOND SCHEDULE

SECTION 10 (2) AND 25 (8)

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to University

1. Without prejudice to section 10 (1) of this Bill: —
- (a) the reference to property held by the Provisional Council includes a reference to the right to receive and give a good discharge for any grant or contribution which may have been voted or promised to the Provisional Council; and
- (b) all debts and liabilities of the Provisional Council outstanding shall become debts or liabilities of the University.
2. (1) All agreements, contracts, deeds and other instruments to which the Provisional Council was a party shall, so far as possible and subject to any necessary modification, have effect as if the University had been a party thereto in place of the Provisional Council.
- (2) Documents not falling within subparagraph (1) of this paragraph, including enactment which refer, whether specially or generally, to the Provisional Council, shall be construed in accordance with that subparagraph so far as applicable.
- (3) Any legal proceedings or application to any authority pending by or against the Provisional Council may be continued by or against the University.

Registration of transfers

3. (1) If the law in force at the place where any property transferred by this Bill is situate provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply, with necessary modifications, to the property.
- (2) The body to which any property is transferred by this Bill shall furnish the necessary particulars of the transfer to the proper officer

of the registration authority, and of that officer to register the transfer accordingly.

Transfer of Functions, etc.

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

(2) The persons who are members of the Provisional Council are deemed to constitute the Council until the date when the Council as set up under the Third Schedule to this Bill shall have been duly constituted.

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

(4) The persons who are members of the Academic Board immediately before the coming into effect of this Bill are deemed to constitute the Senate of the University until the date when the Senate as set up under the Third Schedule to this Bill shall have been duly constituted.

(5) Subject to any regulation which may be made by the Senate after the date on which this Bill is made, the schools, school boards and students of the University immediately before the coming into effect of this Bill shall on that day become schools, school boards and students of the University as constituted by this Bill.

(6) Persons who are Deans of Schools and Heads of Academic Departments shall continue to be Deans or Heads of Department of the corresponding School and Department, until new appointments are made under the Statutes.

(7) Any person who was a member of the staff of the University as established or was employed by the Provisional Council becomes the holder of an appointment at the University with the status, designation and functions which correspond as nearly as may be to those which appertained to him as member of that staff or as such an employee.

Question that the Provision in the Second Schedules Stand Part of the Bill — Agreed to.

THIRD SCHEDULE

Section 11 (3)

FEDERAL UNIVERSITY OF EDUCATION, PANKSHIN,
PLATEAU STATE, STATUTE NO. 1

ARRANGEMENT OF ARTICLES

Article:

1. The Council.
2. The Finance and General Purposes Committee.
3. Annual budget and estimates, etc.
4. Gifts, donations, payment into bank and audit.
5. The Senate.

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6. Congregation.
7. Convocation.
8. Division of Colleges.
9. College Boards.
10. Dean of Colleges.
11. Departmental Board of Studies.
12. Selection of Directors of physical planning and development, works, services and health.
13. Tenure of Directors.
14. Creation of academic posts.
15. Appointment of Academic staff.
16. Appointment of Administrative and professional staff.
17. Interpretation.
18. Citation.

The Council

1. (1) The composition of the Council shall be as provided in section 5 of this Bill.

(2) Any member of the Council holding office other than under section 5 (2) (a), (b), (c), or (d) of this Bill may, by notice to the Council, resign his office.

(3) A member of the Council holding office other than under section 5 (2) (a), (b), (c), or (d) of this Bill shall, unless he previously vacates it, vacate that office on the expiration of the period of four years beginning with effect from 1 August of the year which he was appointed.

(4) Where a member of the Council holding office other than under section 5 (2) (a), (b), (g), or (h) of this Bill vacates office before the expiration of the period mentioned, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.

(5) A person ceasing to hold office as a member of the Council other than by removal for misconduct shall be eligible for re-appointment for only one further period of four years.

(6) The quorum of the Council is five, at least one of whom shall be a member appointed under section 5 (2) (d) or (e) of this Bill.

(7) If the Pro-Chancellor is not present at a meeting of the Council, such other member of the Council present at the meeting as the Council may appoint for that meeting shall be the Chairman, and subject to section 4 of this Bill and this paragraph, the Council may regulate its own procedure.

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

The Finance and General Purposes Committee

2. (1) The Finance and General Purposes Committee of the Council

shall consist of:

- (a) the Pro-Chancellor, who shall be the chairman of the Committee at any meeting at which he is present;
 - (b) the Vice-Chancellor and Deputy Vice-Chancellors;
 - (c) six other members of the Council appointed by the Council, two of whom shall be selected from among the four members of the Council appointed by the Senate and one member appointed to the Council by Congregation; and
 - (d) the Permanent Secretary of the Federal Ministry of Education, or his representative.
- (2) The quorum of the Committee is five.
 - (3) Subject to a directions given by the Council, the Committee may regulate its own procedure.

Annual budget and estimates, etc.

3. (1) The estimates of income and expenditure for a financial year shall be presented by the Vice-Chancellor to the Council and may be approved by the Council before the beginning of that financial year:

Provided that the Vice-Chancellor may during any financial year, present, and the Council may approve supplementary estimates of income or expenditure.

- (2) The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Council may direct.

Gifts, donations, etc.

4. (1) The Council may on behalf of the University accept by way of grants, gift, testamentary disposition or otherwise, property and money in aid of the finances of the University on such conditions as it may approve.

- (2) Registers shall be kept of all donations to the University, including the names of donors and any special conditions under which the donation may have been given:

Provided that the University shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attaching to such donation.

- (3) All property, money or funds donated for any specific purposes shall be applied and administered in accordance with the purposes for which they are donated and shall be accounted for separately.
- (4) All sums of money received on account of the University shall be paid into bank account as may be approved by the Council for the credit of the University's general, current or deposit account:

Provided that the Council may invest, as it deems fit, any money not required for immediate use other than donations of money referred to in sub article (1) of this article.

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(5) The Council shall cause the accounts of the University to be audited by auditors appointed by the Council as soon as may be practicable after the end of each financial year or for any such other period as the Council may require.

(6) The appointment and other matters relative to the auditors, their continuance in office and their functions, as the case may be, shall, subject to the provisions of this section, be prescribed by Statute.

The Senate

5. (1) The Senate shall consist of:
- (a) the Vice-Chancellor;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Deans of respective Colleges;
 - (d) the Professors in the University;
 - (e) Heads of Academic Departments and Units;
 - (f) the University Librarian;
 - (g) one elected representative of each College;
 - (h) two members of Academic Staff elected by the Congregation;
 - (i) one elected representative of each department;
 - (j) two members representing a variety of interests of the professional bodies outside the University appointed by the Senate on the recommendation of the Vice-Chancellor; and
 - (k) Registrar who shall be the Secretary.
- (2) The procedure for election of members of Senate to the Council shall be prescribed by regulations.
- (3) The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present, and, in his absence any of the Deputy Vice-Chancellors present at the meeting as the Senate may appoint for that meeting shall be the chairman at the meeting.
- (4) The quorum of the Senate shall be one quarter or the nearest whole number less than one quarter; and subject to sub-article (3) of this article, the Senate may regulate its own procedure.
- (5) An elected member may, by notice to the Senate, resign his office.
- (6) Subject to sub-article (8) of this article, there shall be elections for the selection of elected members, which shall be held

in the prescribed manner on such day in the month of May or June in each year as the Vice-Chancellor may determine.

(7) An elected member shall hold office for the term of two years beginning with 1 August in the year of his election, and may be a candidate at any election held under sub article (6) of this article in the year in which his term of office expires, and no person shall be a candidate if at the end of his current term of office the person will have held office as an elected member for a continuous term of six years or may have so held office if he had not resigned it.

(8) No election shall be held under this article in any year if the number specified in the certificate given under sub-article (11) of this article does not exceed by more than one the figure which is thrice the number of those elected members holding office on the date of the certificate who do not vacate office during that year under sub article (7) of this article.

(9) A person shall not be precluded from continuing in or taking office as an elected member by reason only of reduction in the after 30 April in any year in which he is to continue in or take office as all elected member.

(10) If so requested in writing by any 15 members of the Senate, the Vice-Chancellor or in his absence any of the Deputy Vice-Chancellor duly appointed by him, shall convene a meeting of the Senate to be held not later than the 10th day following date which the request was received.

(11) In this article "total of non-elected members" means as respect any year, such number as may be certified by the Vice-Chancellor on 30 April of that year to be the number of persons holding office as members of the Senate on that day other than elected members.

Congregation

6. (1) The Congregation shall consist of:

- (a) Vice-Chancellor;
- (b) the Deputy Vice-Chancellors;
- (c) the full-time members of the academic staff;
- (d) the Registrar;
- (e) the Librarian; and

(f) every member of the administrative staff who holds a degree, other than honorary degree, of any University recognized for the purposes of this Statute by the Vice-Chancellor.

(2) Subject to section 4 of this Bill, the Vice-Chancellor shall be the Chairman at all meetings of the Congregation when he is present, and, in his absence, any of the Deputy Vice-Chancellors

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present at the meeting as Congregation may appoint for that meeting, shall be the Chairman at the meeting.

(3) The quorum of Congregation is one-third or the whole number nearest to one-third of the total number of members of Congregation of 50, whichever is less.

(4) A certificate signed by the Vice-Chancellor specifying the:
(a) total number of members of Congregation for the purpose of any particular meeting or meetings of Congregation, or

(b) names of the persons who are members of Congregation during a particular period,

shall be conclusive evidence of that number or, as the case may be, of the names of those persons.

(5) The procedure for election of members of Congregation to the Council and the Senate shall be prescribed by regulations.

(6) Subject to this article, Congregation may regulate its own procedure.

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

Convocation

7. (1) Convocation shall consist of:
(a) the officers of the University mentioned in the First Schedule to this Bill;

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

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

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

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

(b) applies for the registration of his name in the prescribed manner and pay the prescribed fees.

(3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this article and subject to sub-article (4) of this article may provide for the payment of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.

(4) The person responsible for maintaining the register shall, without the payment of any fees, ensure that the names of all

persons who are for the time being members of the Convocation by virtue of sub-article (1) (a) or (b) of this article are entered and retained on the register.

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

(6) The register is, unless the contrary is proved, be sufficient evidence that any person named therein is, a member of Convocation, but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.

(7) The quorum of Convocation is 50 or one-third or the whole number nearest to one-third of the total number of members of Convocation whichever is less.

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

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

Division of Colleges

8. Each College shall be divided into such number of branches as may be prescribed.

College Boards

9. (1) There shall be established in respect of each College, a Board of Studies which, subject to the provisions of this Statute, and the directions of the Vice-Chancellor, shall:

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

(b) deal with any other matter assigned to it by Statute, Vice-Chancellor or Senate; and

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

(2) Each College Board of Studies shall consist of:

(a) the Vice-Chancellor;

(b) the Dean;

(c) the persons severally in charge of the branches of the school;

(d) the College examination officer;

(e) such number of teachers assigned to the College and having the prescribed qualifications as the Board may

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determine; and

(f) such persons, whether or not members of the University, as the Board may determine with the general or special approval of the Senate.

(3) The quorum of the Board shall be eight members or one quarter, whichever is greater, of the members for the time being of the board, and subject to the provisions of this Statute and to any provision made by regulations in that behalf, the Board may regulate its own procedure.

Deans of the Colleges

10. (1) The Board of each College shall, at a last meeting of any academic year which the term of office of the Dean expires, nominate one of its members, being one of the Professors assigned to that teaching unit, for appointment by the Senate as Dean of the College

(2) The person appointed under sub-article (1) of this article shall act as Dean of the College and Chairman of all meetings of the College Board when he is present and shall be a member of all committees and other boards appointed by the College.

(3) The Dean shall hold office for two years and shall be eligible for re-appointment one further term of two years, and shall not be eligible for re-appointment until two years have elapsed.

(4) The Dean of a College shall exercise general superintendence over the academic and administrative affairs of the College.

(5) The Dean shall present to Convocation for the conferment of degrees to persons who have qualified for the degrees of the University at examination held in the branches of learning for which responsibility is allocated to that College.

(6) There shall be a committee to be known as the Committee of Deans consisting of all the Deans of the several Colleges and that Committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the University by the Senate.

(7) The Dean of a College may be removed from office for good cause by the College Board after a vote have been taken at a meeting of the Board, and in the event of a vacancy occurring due to the removal of a Dean, an acting Dean may be appointed by the Vice-Chancellor:

Provided that at the next College Board meeting, an election shall be held for a new Dean.

(8) In this article "good cause" has the same meaning, as in section 16 (4) of the Act.

Departmental Board of Studies

11. (1) There shall be a Departmental Board of Studies whose membership shall be made of all academic staff of the Department.

(2) The Departmental Board of Studies shall be headed by a Professor who shall be appointed by the Vice Chancellor and in the absence of a Professor, a senior academic staff shall be appointed in acting capacity.

- (3) The tenure of office for a Professor heading the Department of Board of Studies is three years and one year for the person appointed in acting capacity.
- (4) The Departmental Board of Studies shall:
 - (a) superintend over all teachings and examinations in the department;
 - (b) handle all disciplinary matters in the department and make recommendations to the College where necessary; and
 - (c) allocate courses in the department on the recommendation of the Head of Department.

Selection of Directors of Physical Planning and Development Works, Services and Health

12. (1) When a vacancy occurs in the office of the Directors of Physical Planning and Development, Works and Services and Health, a Selection Board shall be constituted by the Council which shall consist of:

- (a) the Pro-Chancellor;
- (b) the Vice-Chancellor;
- (c) two members appointed by the Council, not being members of the Senate; and
- (d) two members appointed by the Senate.

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

Tenure of Directors

13. A Director shall hold office on such terms and conditions as may be specified in his letter of appointment subject to the extant regulations.

Creation of Academic Posts

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

Appointment of Academic Staff

15. (1) Subject to this Bill and Statutes, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Council through the Departments and Colleges.

(2) For the purpose of filling such vacancies, suitable Selection Boards to select and make appointments on behalf of the Council shall be set up.

(3) For appointment to Professorships, Associate Professorship, Readerships or equivalent posts, a Selection Board, with power to appoint, shall consist of:

- (a) the Vice-Chancellor who shall be the Chairman;

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- (b) Deputy Vice-Chancellor;
 - (c) the Dean of the College;
 - (d) Head of Department;
 - (e) Registrar who shall be the Secretary; and
 - (f) such other persons, not exceeding two in number, deemed capable of helping the Board in assessing both the professional and academic suitability of a candidate under consideration, as the Senate may appoint.
- (4) For other academic posts, a Selection Board, with power to appoint, shall consist of:
- (a) the Vice-Chancellor or his representative who shall be the Chairman;
 - (b) the Dean of the College;
 - (c) Head of the Department concerned;
 - (d) an internal member of Council (not below the Rank of Senior Lecturer from the sister college in the candidate's subject-area); and
 - (e) Registrar or his representative who shall be the Secretary.
- (5) All appointments to senior library posts shall be made in the same way as equivalent appointments in the academic cadre, and for all such posts other than that of the Librarian, the Librarian shall be a member of the Selection Board.
- (6) Selection Boards may interview candidates directly or consider the reports of specialist interviewing panels and shall in addition, in the case of Professorships, Associate Professorship, Readerships or equivalent Posts, consider the reports of external assessors relevant to the area in which the appointment is being considered and the Quorum is three members including the Chairman.

Appointment of Administrative and Professional Staff

16. (1) The administrative and professional staff of the University other than principal officers shall be appointed by the Council or on its behalf by the Vice-Chancellor in accordance with delegation of powers made by the Council on its behalf.

- (2) A Selection Board, with power to appoint, shall consist of:
- (a) Vice-Chancellor who shall be the Chairman;
 - (b) Deputy Vice-Chancellor;
 - (c) Registrar;
 - (d) Bursar;
 - (e) University Librarian;

(f) the Head of Department concerned; and

(g) Establishment and Human Resources Officer who shall serve as Secretary, and the Quorum is three including the Chairman.

Interpretation

17. In this Statute, "Act" means the Federal University of Education Pankshin, Plateau State Act and any word or expression defined in the Act has the same meaning in this Statute.

Citation

18. This Statute may be cited as the Federal University of Education, Pankshin, Plateau State Statute No.1, 2021

Question that the Provision in the Third Schedules Stand Part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for an Act to Provide for the Establishment of the Federal University of Education, Pankshin, Plateau State for the Promotion and Development of Teacher Education in Nigeria; and for Related Matters, 2021 and approved as follows:

Clauses 1-29 — As Recommended

Schedules 1-3 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Deputy Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

13. Chartered Institute of Statisticians of Nigeria (Establishment) Bill, 2021 (HB.1120) — Concurrence:

Motion made: That a Bill for an Act to Establish the Chartered Institute of Statisticians of Nigeria to Determine What Standards of Knowledge and Skill Are to Be Attained by Persons Seeking to Become Members of the Institute, Review Those Standards from Time to Time; and for Related Matters, 2021 be read the Second Time (*Senate Deputy Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Order 81, that the Senate do resolve into the

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Committee of the Whole to Consider a Bill for an Act to Establish the Chartered Institute of Statisticians of Nigeria to Determine What Standards of Knowledge and Skill Are to Be Attained by Persons Seeking to Become Members of the Institute, Review Those Standards from Time to Time; and for Related Matters, 2021 (*Senate Deputy Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF STATISTICIANS OF NIGERIA TO DETERMINE WHAT STANDARDS OF KNOWLEDGE AND SKILL ARE TO BE ATTAINED BY PERSONS SEEKING TO BECOME MEMBERS OF THE INSTITUTE, REVIEW THOSE STANDARDS FROM TIME TO TIME; AND FOR RELATED MATTERS, 2021.

PART I - ESTABLISHMENT OF THE CHARTERED INSTITUTE OF STATISTICIANS OF NIGERIA

Clause 1: Establishment, duties and members of the Institute.

- (1) There is established the Chartered Institute of Statisticians of Nigeria (in this Bill referred to as "the Institute") which shall be a body corporate with perpetual a succession and a common seal.
- (2) The Institute may:
 - (a) sue and be sued in its corporate name; and
 - (b) hold, acquire and dispose of any property moveable or immovable.
- (3) The Institute shall be charged with the general duty to:
 - (a) determine what standards of knowledge and skill are to be attained by persons seeking to become members of the Institute and review those standards from time to time;
 - (b) secure in accordance with the provision of this Bill the establishment and maintenance of registers of fellows, associates and registered Statisticians entitled to practice as Statisticians and the publication from time to time of lists of those persons; and
 - (c) perform any other function conferred on it by this Bill.
- (4) Subject to the provisions of this Bill, members admitted to the Institute shall be:
 - (a) enrolled as Chartered Statisticians in the category of:
 - (i) fellows;
 - (ii) associates;
 - (b) registered as registered Statisticians, and shall have such status in the Institute accordingly; and
 - (c) persons accorded by the Council under this Bill with the status of Chartered Statisticians and shall be

entitled to the use of that name.

(5) A person shall be registered as a fellow if the person satisfies the Council that for the next 5 years preceding the date of application in that behalf, he has been fit and proper person and has, in addition to being:

(a) a holder of an approved academic qualification, been in continuous practice as a Statistician or in partnership with other Statisticians;

(b) for the period of not less than 10 years immediately preceding the date of application for such enrolment (the period of membership of the association, in the discretion of the Council, counting in that behalf) he has been enrolled as associate, or qualified to be so enrolled whether in practice as a Statistician or not and is otherwise a fit and proper person.

(6) A person shall be registered as an associate if the person satisfies the Council that he has passed examinations prescribed or accepted by the Institute and is otherwise a fit and proper person to be enrolled in the register.

(7) Where a person is registered, as the case may be in the Institute, he shall be entitled to the use of such letters after his name as may be authorized by the Council as:

(a) a fellow;

(b) an associate; or

(c) a registered Statistician, and shall, when enrolled or registered, receive a certificate in such form as the Council may approve.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Functions of President and Vice President of the Institute

(1) There shall be a President and a Vice-President of the Institute who, subject to the provisions of section 3 and the First Schedule to this Bill, shall be elected by the members of the Institute and hold office each for a term of 2 years from the date of election.

(2) The President shall be the Chairman at all meetings of the Institute and, in his absence, the Vice President shall act on his behalf.

(3) In the event of death, incapacity, resignation or inability for any reason of the President, the Vice-President shall act in his stead for the unexpired period of the term of office, or as the case may require, and references in this Bill

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to the President shall be construed accordingly.

(4) The President and Vice-President shall be Chairman and Vice-Chairman of the Council respectively under this Bill.

(5) If the President or Vice-President ceases to be a member of the Institute, he shall cease to hold any of the offices designated under this section and shall cease to enjoy any privileges related to that office.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Establishment of Governing Council and functions.

(1) There is established for the Institute a Governing body (in this Bill referred to as "the Council") charged with the responsibility for the administration and general management of the Institute.

(2) The Council shall consist of the:

(a) Minister in charge of Education or his representative;

(b) Minister in charge of National Planning Commission or his representative;

(c) Head of Service of the Federation or his representative;

(d) Governor of the Central Bank of Nigeria or his representative;

(e) Statistician General of the Federation or his representative;

(f) Chairman, National Population Commission or his representative;

(g) 8 persons elected by the Institute who must be Chartered members; and

(h) President and Vice President of the Institute.

(3) The Council shall consist of a total of 15 persons who shall either be fellow or associate members appointed or elected, as the case may be.

First Schedule.

(4) Provisions of the First Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Council and the other matters mentioned therein.

(5) The Council shall set guidelines for the recruitment,

discipline and promotion of staff, approve terms and conditions of service, and benefits of employees of the Institute.

(6) The remuneration, allowances, and benefits of the President, Vice President, and Council members shall be approved by the General Meeting of the Institute.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Fund of the Institute. Cap. C20 LFN, 2004.

(1) The Council shall establish and maintain a fund, (in this Bill referred to as "the Fund") the management and control of which shall be by the Council, and into which shall be paid all moneys received by the Council including moneys held by the Nigerian Statistical Association incorporated under the Companies and Allied Matters Act (in this Bill, referred to as "the Association") on its ceasing to exist as provided in section 5 of this Bill.

(2) There shall be defrayed from the Fund:

(a) liabilities incurred by or on behalf of the Institute; and

(b) remuneration, allowances, and benefits of employees of the Institute.

(3) The Council may invest moneys in the Fund in any security created or issued by or on behalf of the Government of the Federation or in any other securities in Nigeria approved by the Council.

(4) The Council may borrow money for the purposes of the Institute if the need arises, and any interest payable on such moneys so borrowed, shall be paid out of the Fund.

(5) The Council shall keep proper accounts on behalf of the Institute in respect of each financial year and proper records in relation to those accounts and the Council shall cause the accounts to be audited by an auditor appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

(6) When audited, the accounts shall be submitted to the members of the Institute for approval at the next Annual General Meeting.

(7) The Auditor, appointed for the purposes of this section shall not be a member of the Council.

Committee's Recommendation:

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That the provision in Clause 4 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Transfer to the Institute of certain assets and liabilities.

- (1) On the commencement of this Bill:
 - (a) all property held immediately before that day by or on behalf of the Association shall, by virtue of this subsection, vest in the Institute and be held by it for the purpose of the Institute;
 - (b) the Association shall cease to exist; and
 - (c) subject to subsection (2) of this section, any act, matter or thing made or done by the Association shall cease to have effect.

Second Schedule.

- (2) The provisions of the Second Schedule to this Bill shall have effect with respect to matters arising from the transfer by this section to the Institute, property of the Association and, with respect to the other matters mentioned in that Schedule.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 5 do stand part of the Bill, put and agreed to.

PART II — THE REGISTRAR AND THE REGISTER

Clause 6: Appointment of Registrar and preparation of the register.

- (1) The Council shall appoint a fit and proper person to be the Registrar for the purpose of this Bill, and such other persons as the Institute may from time to time deem necessary.
- (2) The Registrar shall prepare and maintain, in accordance with the rules made by the Council, a register of the names, addresses and approved qualifications and, such other particulars as may be specified in the rules, of all persons who are entitled in accordance with the provisions of this Bill to be enrolled as fellows or as associates, or registered as registered Statisticians and, who in the manner prescribed by such rules, apply to be registered.
- (3) The register shall be in 3 parts:
 - (a) fellows;
 - (b) associates; and
 - (c) registered Statisticians.

(4) Subject to the provisions of this section, the Council shall make rules to:

(a) regulate the making of application for enrolment or registration as the case may be and provide for the evidence to be produced in support of applications;

(b) provide for the notification to the Registrar, by the persons to whom any registered particulars relating to any change in those particulars;

(c) authorize a registered person to have any qualification which is, in relation to the relevant division of the profession, either an approved qualification or an accepted qualification for the purposes of this Bill, registered in relation to his name in addition to or, as he may elect, in substituting for any other qualifications so registered;

(d) specify the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names on the register and, authorize the Registrar to refuse to enter a name on the register until any fee specified for the entry has been paid; and

(e) specify any requirement provided for in this section.

(5) Rules made for the purposes of subsection 4 (d) of this section shall not come into force until they are confirmed at a special meeting of the Institute convened for the purpose thereafter, or at the next annual general meeting, as the case may be.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Deputy Leader — Agreed to.*)

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Duties of the Registrar.

(1) The Registrar shall:

(a) correct, in accordance with the Council's directions any entry in the register which the Council directs him to correct as being in the Council's opinion, an entry which was incorrectly made;

(b) make from time to time any necessary alterations in the registered particulars of registered persons;

(c) remove from the register the name of any registered person who has died; and

(d) record the names of members of the Institute who are in default in payment of annual subscriptions

and where such members continue to default in payment for more than 6 months:

(i) such defaulting members shall be advised in writing to fulfil their obligations within 3 months; and

(ii) upon the expiration of the 3 months period in question, and of a second similar three months and receive no payment or response, to take such action in relation thereto (including removal of the names of defaulters from the register) as the Council may direct or require.

(2) Where the Registrar:

(a) sends by post to any registered person, a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of 6 months from the date of posting it; and

(b) upon the expiration of the period sends in the like manner to the person in question a second similar letter and receives no reply to that letter within 3 months from the date of posting it, the Registrar may remove the particulars relating to the person in question from the register, and the Council may direct the Registrar to restore to the appropriate part of the register any particulars removed there from under this subsection.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Publication of register and list of corrections.

(1) The Registrar shall:

(a) cause the register to be printed, published and put on sale to members of the public not later than 2 years from the appointed day; and

(b) every 2 years after that in which the register is first published under paragraph (a) of this subsection, cause to be printed, published and put on sale as aforesaid either a corrected edition of the register or a list of alterations made to the register since it was last printed; and

(c) cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Institute, the Council shall keep the register and lists so deposited available at all reasonable times for inspection by members of the public.

(2) A document purporting to be a print of an edition of

the register published under this section by authority of the Registrar, or documents purporting to be prints of 3 edition of the register so

published and of a list of corrections to that editions published, shall (without prejudice to any other mode of proof) be admissible in are proceedings as evidence that any person specified in the document, or the document read together, as being registered was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was) so registered.

(3) Where in accordance with subsection (2) of this section a person is, in proceeding, shown to have been or not to have been, registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be, so registered.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Registration of Chartered Statisticians.

(1) Subject to section 13 of this Bill and to rules made under section 6 of this Bill, a person shall be entitled to be registered as a Chartered Statistician if he:

(a) passes the qualifying examination for membership conducted by the Council under the Bill and completes the practical training prescribed;

(b) holds a qualification granted inside or outside Nigeria and for the time being accepted by the Institute and, if the Council so requires; or

(c) satisfies the Council that he has had sufficient practical experience as a Statistician.

(2) An applicant for registration shall, in addition to evidence of qualification, satisfy the Council that he:

(a) is of good character and high integrity;

(b) has attained the age of 21 years; and

(c) has not been convicted in Nigeria or elsewhere of an offence involving fraud, dishonesty or gross misconduct.

(3) The Council may in its sole direction provisionally accept a qualification produced in respect of an application for registration under this section or, direct that the application be renewed within such period as may be specified in the direction.

(4) An entry directed to be made in the register under subsection (3) of this section shall show that registration is provisional, and no entry so made shall be converted to full registration without the consent of the Council signified in writing in that behalf.

(5) The Council shall from time to time publish in the Federal Gazette particulars of qualifications for the time being acceptable for enrolment or registration by the Institute.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Approval of qualifications. Etc.

(1) The Council may approve any relevant qualification for the purposes of this Bill, and may, for those purposes, approve a:

(a) course of training at any approved institution which is intended for persons who are seeking to become or are already Chartered Statisticians and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for admission to the Institute; and

(b) relevant qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the Council that the candidates have sufficient knowledge and skill to practice Statistics.

(2) The Council may, if it deems fit, withdraw any approval given under this section in respect of any course, qualification or institution but, before withdrawing such an approval, the Council shall:

(a) give notice that it proposes to do so to reach each person in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;

(b) afford each such person an opportunity of making to the Council, representations with regard to the proposal; and

(c) take into consideration any representation made as respects the proposal in pursuance of paragraph (b) of this subsection.

(3) With regard to the period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution

shall be treated as approved under this section but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who, by virtue of the approval was registered or eligible for registration (either unconditionally or subject to his obtaining a certificate or experience) immediately before the approval was withdrawn.

(4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument, and the Council shall:

(a) publish a copy of every such instrument in the Federal Gazette; and

(b) not later than 7 days before its publication, send a copy of the instrument to the Minister for execution.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Supervision on instruction, etc.

(1) The Council shall keep itself informed of the nature of the:

(a) instruction given at all approved institutions to persons attending approved courses of training; and

(b) examinations as a result of which approved qualifications are granted.

(2) For the purpose of performing the duty provided in subsection (1) of this section, the Council may appoint a committee either from among its own members or otherwise, to visit approved institutions, or to observe such examinations.

(3) The committee set-up under subsection (2) of this section shall report to the Council:

(a) the adequacy of instruction given to persons attending approved courses of training at institutions visited;

(b) the adequacy of the examinations attended; and

(c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case, request it to report.

(4) No member of the committee shall interfere with the giving of any instruction or the holding of any examination.

(5) On receipt of a report made under this section, the Council may, if it deems fit, and shall, if so required by the Institute, send a copy of the report to the person appearing to

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the Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observation on the report to the Council within such period as may be specified in the request, not being less than 1 month beginning with the date of the request.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

PART III - PROFESSIONAL DISCIPLINE

Clause 12: Establishment of disciplinary tribunal and investigating panel.

(1) There is established the Statisticians Disciplinary Tribunal (in this Bill referred to as "the Tribunal"), which shall be charged with the duty of considering and determining any case referred to it by the Panel established under subsection (3) of this section.

(2) The Tribunal shall consist of the Chairman of the Council and 6 other members of the Council appointed by the Council.

(3) There is established the Statisticians Investigating Panel (in this Bill referred to as "the Panel"), which shall:

(a) conduct a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a Statistician, or should for any other reason be the subject of proceedings before the Tribunal; and

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

(4) The Panel shall be appointed by the Council and shall consist of 5 members, 3 of which shall be members of the Council and 2 Chartered Statisticians who are not members of the Council.

(5) The provisions of the Third Schedule to this Bill shall, so far as they are applicable to the Tribunal and Panel respectively, have effect with respect to those bodies.

(6) The Council may make rules not inconsistent with this Bill as to acts, which constitute professional misconduct.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Deputy Leader*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Penalties for unprofessional conduct, etc.

- (1) Where:
 - (a) a member is judged by the Tribunal to be guilty of infamous conduct in any professional respect;
 - (b) a member is convicted, by any court of competent jurisdiction in Nigeria or elsewhere of an offence (whether or not punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of a Statistician; or
 - (c) the Tribunal is satisfied that the name of any person has been fraudulently enrolled or registered, the Tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.
- (2) The Tribunal may, if it deems fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Tribunal, but no:
 - (a) decision shall be deferred under this subsection for a period exceeding 2 years in the aggregate; and
 - (b) person shall be a member of the Tribunal for the purpose of reaching a decision which has been deferred or further deferred unless he was present as a member of the Tribunal when the decision was deferred.
- (3) For the purpose of subsection (1) of this section, a person shall not be treated as a convict unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (4) When the Tribunal gives a direction under subsection (1) of this section, the Tribunal shall cause notice of the direction to be served on the person to whom it relates.
- (5) The person to whom such a direction relates may, at any time within 28 days from the date of serving on him of notice of the direction, appeal against the direction to the Federal High Court.
- (6) The Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Tribunal, the Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.
- (7) A direction of the Tribunal under subsection (1) of this section shall take effect where:
 - (a) no appeal under this section is brought against the direction within the time limited for such an appeal, on the expiration of that time;
 - (b) an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or

striking out of the appeal; or

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

(8) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this section is not entitled to be registered again except in pursuance of a direction in that behalf given by the Tribunal on the application of that person.

(9) A direction under this section for the removal of a person's name from the register may prohibit an application under subsection (7) of this section by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) or as may be specified in the direction.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 13 do stand part of the Bill, put and agreed to.

PART IV - GENERAL AND MISCELLANEOUS

Clause 14: Application of Act unregistered persons.

A person, not being a member of the Association, who, but for this Bill, would have been qualified to apply for and obtain membership of the Association, may within, the period of 3 months beginning with the commencement day, apply for membership of the Institute in such manner as may be prescribed by rules made by the Council and if approved, he shall be registered, as the case may be, according to his qualification.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: When a person is deemed to practice as a Statistician.

(1) Subject to the provisions of subsection (3) of this section, a person shall be deemed to practise as a Statistician if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any other person, he:

(a) engages himself in the practice of Statistics or holds himself out to the public as a Statistician;

(b) offers to perform or performs any service involving statistical consultancy; or

(c) renders any other service, which may, by regulations made by the Council, be designated as service constituting practice as a Statistician.

(2) All Members in practice shall register their firms with the Institute.

(3) Nothing in this section shall be construed to apply to persons who, while in the employment of any government or person, are required under the terms or in the course of such employment, to perform the duties of a Statistician or any of them.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Rules as to articles, practicing fees, etc.

- (1) The Council may make rules for:
- (a) training with Chartered Statisticians of suitable persons in statistical methods and practice;
 - (b) supervision and regulation of the engagement, training and transfer of such persons;
 - (c) provision of articles;
 - (d) prescribing the amount and due date for payment of the annual subscription and annual renewal of studentship and for such purpose different amounts may be prescribed by the rules according as the member of the Institute is a fellow, an associate or a registered Statistician and according as the fellow or the associate is in practice as a Statistician or not;
 - (e) prescribing the form of license to practice, to be issued annually or, if the Council deems fit, by endorsement on an existing licence;
 - (f) restricting the right to practice as a Statistician in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules;
 - (g) restricting the right to practice as a Statistician if the qualification granted outside Nigeria does not entitle the holder to practice as a Statistician; and
 - (h) prescribing the period of practical training in the office of a chartered statistician in practice to be completed before a person qualifies for enrolment or a license to practice as a statistician.
- (2) Rules when made shall, if the Chairman of the Council so directs, be published in the Federal Gazette.

Committee's Recommendation:

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That the provision in Clause 16 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Provision of Library facilities, etc.

The Institute shall:

(a) provide and maintain a library comprising of books and publications for the advancement of knowledge of Statistics, and such other books and publications as the Council may think necessary for that purpose; and

(b) encourage research into statistics and allied subjects to the extent that the Council may, from time to time, consider necessary.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Regulations.

(1) Any regulation made under this Bill shall be published in the Federal Gazette as soon as may be after they are made.

(2) Rules made for the purpose of this Bill shall be subject to confirmation by the Institute at its next annual general meeting or at any special meeting of the Institute convened for the purpose, and if then annulled shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Offences and penalties.

(1) Where a person, for the purpose of procuring the registration of any name, qualification or other matters:

(a) makes a statement which he believes to be false in a material particular; or

(b) recklessly makes a statement which is false in a material particular, he commits an offence.

(2) Where, on or after the relevant date, a person, not being a member of the Institute, practises as a Statistician for, or in expectation of reward, takes or uses any name, title, addition or description implying that he is in practice as a Statistician, he commits an offence:

Provided that, in the case of a person falling within section 13 of this Bill:

(a) this subsection does not apply in respect of anything done by him during the period of 3 months mentioned in that section; and

(b) if within that period he duly applies for membership of the Institute, then, unless within that period he is notified that his application has not been approved, this subsection does not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or registered or is notified.

(3) Where, on or after the relevant date, a registered Statistician holds himself out as a Chartered Statistician or takes or uses any name, title, addition or description implying that he is a Chartered Statistician, he commits an offence.

(4) Where the Registrar or any other person employed by or on behalf of the Institute wilfully makes any falsification in any matter relating to the register, he commits an offence.

(5) A person who commits an offence under this section is liable on:

(a) summary conviction, to a fine not exceeding ₦100,000 or to imprisonment for a term not exceeding 5 years, or to both; and

(b) conviction, to a fine not exceeding ₦50,000 or to imprisonment for a term not exceeding 2 years, or both.

(6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he as well as the body corporate, is deemed to be guilty of that offence and is liable to be proceeded against and punished accordingly.

(7) In this section, "the relevant date" means the third anniversary of the appointed day or such earlier date as may be prescribed and published in the Federal Gazette, and for the purposes of this section, different dates may be prescribed for different geo-political zones within the meaning of the Constitution of the Federal Republic of Nigeria.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Interpretation.

In this Bill:

"Association" means the Nigerian Statistical Association;

"Chartered Statistician" means a Statistician registered as a fellow or associate of the Institute;

"Commencement day" means the day this Bill comes into force;

"Council" means the Council established as the governing body of the Institute under section 3 (1) of this Bill;

"enrolled", in relation to a fellow or an associate, means registered in the part of the register relating to fellows or associates, as the case may be;

"fees" includes annual subscriptions;

"infamous conduct" means any act or omission, which are inconsistent with the code of conduct for members or which may be reasonably construed to be shameful or disgraceful;

"Institute" means the Chartered Institute of Statisticians of Nigeria established under section 1 (1) of this Bill;

"member" means a member of the Institute;

"members in practice" means members of the Institute who engage in any statistical practice;

"Minister" means the Minister of the Government of the Federation charged with the responsibility for national planning and education;

"professional misconduct" means any dishonest act or attempt to subvert the course of the statistical profession by the use of deceptive or reprehensible method whether deliberate or not;

"panel" means the Investigatory Panel established under section 12 (3) of this Bill;

"President" and "Vice-President" mean respectively the office-holders under those names in the Institute;

"register" means the register maintained in pursuance of section 6 of this Bill;

"registered Statistician" means a member of the Institute who is not a fellow or an associate member;

"Tribunal" means the Disciplinary Tribunal established under section 12 (1) of this Bill.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Citation.

This Bill may be cited as the Chartered Institute of Statisticians of Nigeria (Establishment) Bill, 2021.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Deputy Leader*) —
Agreed to.

Question that Clause 21 do stand part of the Bill, put and agreed to.

SCHEDULES
FIRST SCHEDULE

Section 2 (1) and 3 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualification and Tenure of Office of Members

1. (1) The President and Vice President of the Institute shall hold office for a period of 2 years.

(2) Subject to the provisions of this paragraph, a member of the Council shall hold office for a period of 3 years, provided that at the first election of Council members 4 of which score the least votes, shall be elected for a term of 2 years beginning with the date of their election but in the event of ties, a second voting shall be held.

(3) A member of the Institute who ceases to be a member shall, if he is also a member of the Council, cease to hold office on the Council.

(4) A member may, by notice in writing under his hand addressed to the President, resign his office.

(5) Elections to the Council shall be held in such manner as may be prescribed by rules made by the Council and, until so prescribed, they shall be decided by a show of hands.

(6) Where, for any reason, an elected member vacates office, a new member shall be elected at the next general meeting of the Institute who shall serve for a term of 3 years.

Powers of Council

2. (1) The Council shall have power to take certain actions which in its opinion is calculated to facilitate the carrying on of the activities of the Institute.

(2) Subject to the provisions of this Bill, the Council may, in the name of the institute, make standing orders regulating the proceedings of the Institute, Council, or any of the Institute's Committees.

(3) The standing orders shall provide for decision to be taken by a majority of the members and, in the event of equality of votes,

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the President or the Chairman, as the case may be, shall have a second or casting vote.

(4) The standing orders made for a Committee shall provide that the Committee reports back to the Council on any matter not within its competence to decide.

(5) The quorum of the Council shall be 5 and the quorum of a Committee of the Council shall be determined by the Council.

Meetings of the Institute

3. (1) The Council shall convene the annual general meetings of the Institute on such days as the Council may from time to time appoint, and if the meeting is not held within 1 year after the previous annual meeting, not more than 15 months shall elapse between the respective dates of the 2 meetings.

(2) A special meeting of the Institute may be convened by the Council at any time and if not less than 10% of members of the Institute require it by notice in writing addressed to the Registrar of the Institute setting out the objects of the proposed meeting, the Chairman of the Council shall convene special meeting of the Institute.

(3) The quorum of any general meeting of the Institute shall be 10% of members, and that of any special meeting of the Institute shall be 10% of members.

Meetings of the Council

4. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice in writing given to him by not less than 5 other members, he shall summon a meeting of the Council to be held within 7 days from the date on which the notice is given.

(2) At any meeting of the Council, the President, or in his absence, the Vice-President shall preside, but if both are absent, the members present shall appoint one of them to preside at that meeting.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council thinks fit, but a person who is a member by virtue of this subparagraph is not entitled to vote at any meeting of the Council, and shall not count towards a quorum.

Committees

5. (1) The Council may appoint one or more Committees to carry out on behalf of the Institute or of the Council; such functions as the Council may determine.

(2) A Committee appointed under this paragraph shall consist of the number of persons determined by the Council, of whom not more than one-third shall be persons who are not members of the Council, and a person other than a member of the Council shall hold office on the Committee in accordance with the terms of the instrument by which he is appointed.

- (3) A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

6. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the President or of some other member of the Council authorized generally or specially by the Institute to act for that purpose.

(2) A contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute or of the Council as the case may require, by any person generally or specially authorized to act for that purpose by the Council.

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

(4) The validity of any proceeding of the Institute, Council or a Committee of the Council shall not be affected by:

(a) any vacancy in membership;

(b) any defect in the appointment of a member of the Institute, or Council or a person to serve on the Committee; or

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

(5) Any member of the Institute, or Council, and any person holding office on a Committee of the Council who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council on behalf of the Institute or, on behalf of the Council or a Committee thereof, shall forthwith disclose his interest to the President or to the Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.

(6) A person shall not, by reason only of his membership of the Institute, be required to disclose any interest relating solely to the audit of the accounts of the Institute.

Question that the Provision in the First Schedule stand part of the bill — Agreed to.

SECOND SCHEDULE

Section 5 (2)

TRANSITIONAL PROVISIONS AS TO ASSETS AND LIABILITIES

Transfer of Assets and Liabilities

1. (1) Every agreement to which the Association was a party immediately before the appointed day, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations there under could be assigned by the Association, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this subparagraph, have effect from the appointed day so far as it relates to property transferred by this Bill to the

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Institute as :

- (a) if the Institute had been a party to the agreement;
- (b) for any reference (however worded and whether express or implied) to the Association that were substituted, as respects anything failing to be done on or after the appointed day, a reference to the Institute; and
- (c) for any reference (however worded and whether express or implied) to a member or members of the Council of the Association or an officer of the Association that were substituted, in respect of anything failing to be done on or after the appointed day, a reference to a member or members of the Council under this Bill or the officer of the Association who corresponds as nearly as may be to the member or officer in question of the Association.

(2) Other documents which refer, whether specially or generally, to the Association shall be construed in accordance with subparagraph (1) of this paragraph so far as applicable.

(3) Without prejudice to the generality of the provisions of this Schedule, where, by the operation of any of them or of section 5 of this Bill, any right, liability or obligation vests in the Institute, the Institute and all other persons shall, as from the appointed day, have the same rights, powers and remedies (and in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Institute

(4) Any legal proceeding or application to any authority pending on the appointed day by or against the Association and relating to assets and liabilities transferred by this Bill to the Institute may be continued on or after that day by or against the Institute.

(5) Where the law in force at the place where any asset and liability transferred by this Bill is situate provides for the registration of transfers of assets and liabilities of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property mentioned and, it is the duty of the court to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and the officer shall register the transfer accordingly.

Transfer of Functions, etc.

2. (1) At its first meeting, the Council shall fix a date (not later than 6 months after the appointed day) for the Annual General Meeting of the Institute.

(2) The members of the Council of the Association shall be

deemed to be the members of the Council of the Institute until the date determined under this subparagraph when the Institute shall have its first Annual General Meeting, and they shall cease to hold office at the conclusion of such meeting.

(3) A person who, immediately before the appointed day, held office as the President or Vice-President of the Council of the Association by virtue of the articles of the Association shall on that day become the President or, as the case may be, the Vice-President of the Institute, and shall be deemed to have been an appointed:

(a) to that office under this Bill corresponding to the relevant provision in the said articles of the Association; and

(b) on the date on which he took office, or last resumed office, under of the relevant provision of these articles.

(4) The members of the Association shall, from the appointed day, be registered as members of the Institute, and, without prejudice to the generality of the provisions of this Schedule relating to the transfer of property, any person who, immediately before the appointed day, was a member of the staff of the Association, shall on that day become the holder of an appointment with the institute with the status, designation and functions which correspond as nearly as may be to those which pertained to him in his capacity as a member of that staff.

(5) A person being an office-holder on, or member of, the Council of the Association immediately before the appointed day and deemed under this paragraph to have been appointed to any like position in the Institute, or on the Council, and thereafter ceasing to hold office otherwise than by reason of his misconduct, is eligible for appointment to office in the Institute or to membership of the Council, as the case may be.

(6) All regulations, rules and similar instruments made for the purposes of the Association and in force immediately before the appointed day shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf, shall take effect, with any necessary modification, as if duly made for the corresponding purposes of the Institute.

Question that the Provision in the Second Schedule stand part of the Bill — Agreed to.

THIRD SCHEDULE

Section 12 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL OF THE TRIBUNAL

The Tribunal

1. The quorum of the Tribunal shall be 6 persons of whom at least 3 shall be Statisticians.

2. (1) The Attorney-General of the Federation may make rules as to the selection of the members of the Tribunal for the purposes of any proceeding and as to the procedure to be followed and the rules of

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evidence to be observed in proceedings before the Tribunal.

- (2) The rules shall, in particular provide:
 - (a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for determining who, in addition to the person mentioned, shall be party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal;
 - (d) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (e) subject to the provisions of section 12 (5) of this Bill, as to the costs of proceedings before the Tribunal;
 - (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
 - (g) for publication, in the Federal Gazette, of notice of any directive of the Tribunal, which has taken effect provided that a person's name shall be struck off the register.

3. For the purposes of any proceeding before the Tribunal, any member of the Tribunal may administer Oaths and any party to the proceedings may issue out of the registry of the Court of Appeal writs of subpoena ad testificandum and duces tecum, but no person appearing before the tribunal shall be compelled to:

- (a) make any statement before the Tribunal tending to incriminate himself; or
- (b) produce any document under such a writ which he could not be compelled to produce at the trial of an action.

4. (1) For the purpose of advising the Tribunal on question of law arising in the proceedings before it, there shall, in all such proceedings, be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than 7 years standing.

(2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing that:

- (a) where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matter

specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person as mentioned shall be informed about what advice the assessor has tendered; and

(b) every such party or person shall be informed if in any case the Tribunal does not accept the advice of the assessor on such a question as mentioned.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Panel

5. The quorum of the Panel shall be 3 of whom at least 1 shall be a Statistician.

6. (1) The Panel may, at any meeting of the Panel attended by all the members of the Panel, make standing orders with respect to the Panel.

(2) Subject to the provisions of any standing order, the Panel may regulate its own procedure.

Miscellaneous

7. (1) A person ceasing to be a member of the Tribunal or Panel is eligible for reappointment as a member of that body.

(2) A person may, if otherwise eligible, be a member of both the Tribunal and Panel, but no person who acted as a member of the Panel with respect to any case shall act as a member of the Tribunal with respect to such case.

8. The Tribunal or Panel may act notwithstanding any vacancy in its membership and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to paragraph 7 (2); this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

9. Any document authorized or required by virtue of this Bill to be served on the Tribunal or Panel shall be served on the Registrar appointed under section 6 of this Bill.

10. Any expenses of the Tribunal or Panel shall be defrayed by the Institute.

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Chartered Statisticians (Disciplinary Tribunal and Assessors Rules)

2. A party to the proceedings before a Tribunal who fails to appear or be represented may apply within 1 month after the date when the pronouncement of the findings and directions of the Tribunal were given,

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for a rehearing on the ground of want of notice or other good and sufficient reason, and the Tribunal, in appropriate cases, may grant the application upon such terms as to costs or otherwise as it deems fit.

3. The Tribunal may, in the course of its proceedings, hear witnesses and receive documentary evidence necessary in its opinion to assist it in arriving at a conclusion as to the truth or otherwise of the allegation of misconduct in the complaint referred to it by the Panel, and in the application of this rule, the provisions of the Evidence Act or Law in force in the State where the Tribunal is sitting shall apply to such proceedings.

4. If in the course of the proceedings it appears to the Tribunal that the complaint before it requires to be amended in any respect, the Tribunal may, on such terms as it deems fit, allow the amendment to be made and the complaint as so amended shall subsequently, be dealt with accordingly.

5. Proceedings, a findings and directions of the Tribunal shall be held, and delivered public, unless otherwise directed by the Tribunal.

6. The Tribunal may, of its own motion or upon the application of any party, adjourn the hearing on such terms as to costs or otherwise as the Tribunal may deem fit.

7. If a person willfully gives false evidence on oath before the Tribunal during the course of any proceeding, or willfully makes a false statement in any affidavit sworn for the purpose of any proceeding, the Tribunal may refer the matter to the Attorney-General of the Federation for such action as the Attorney-General may deem fit.

8. If after the hearing, the Tribunal adjudges that the charge of professional misconduct has not been proved, the Tribunal:

(a) shall record on findings that the respondent is not guilty of such misconduct in respect of which the charge relates;

(b) may, nevertheless order any party (except the complainant) to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, the Tribunal deems fit so to order.

9. Subject to section 12 (5) of this Bill (which relates inter alia to appeal, any finding or direction given by the Tribunal, is published in the Federal Gazette as soon as may be after the finding or directive takes effect.

10. (1) Notes of proceedings may be taken by any person appointed by the Tribunal and any party appearing at the proceedings is entitled to inspect the transcript when made.

(2) The Registrar shall supply to any person entitled to be heard upon an appeal against any finding or directive of the Tribunal, a copy of the transcript of such notes on payment of such charges as may be fixed by the Registrar.

(3) If, for any reason, a provision is not made for taking of notes, the Chairman shall take notes of the proceedings and the provisions

of this rule as to inspection and taking of copies shall apply to any such notes made by the Chairman.

11. The Tribunal may dispense with any requirement of these rules as to notice, affidavits, documents, service or time for doing or omitting anything, in any case where it appears to the Tribunal to be just or expedient to do so and the Tribunal, in any particular case may extend the time for doing anything under these rules.

12. Books and other exhibits produced or used at the hearing shall, unless the Tribunal otherwise directs, be retained by the Registrar until the expiry of the time for filing an appeal against a finding or directive of the Tribunal or, if a notice of any appeal is given, until the hearing and disposal of the appeal.

Assessors

13. (1) An Assessor, when nominated in accordance with paragraph 4 (1) of the Third Schedule to this Bill shall be appointed by the Institute by instrument, and the Assessor shall hold and vacate office as provided in the instrument, and where the appointment is not a general one, it shall have effect only in respect of a particular meeting of the Tribunal.

(2) Subject to the terms of his appointment, an Assessor shall attend any meeting of the Tribunal as and when requested to do so by notice in writing given to him by the Registrar, not later than 3 days before the date appointed for the meeting, and he shall thereafter advise the Tribunal on question of law.

(3) The Tribunal shall:
(a) be the sole judge of facts offered in evidence, but in the event of mixed questions of fact and law, question of law shall be for the Assessor to advise on, in relation to evidence and procedure and matters specified by these rules; and
(b) confer with the Assessor on the advisability of hearing proceedings in private, unless already so advised in writing by the Attorney- General of the Federation.

(4) Where advice is rendered by an Assessor to the Tribunal otherwise than in the presence of all parties entering an appearance or as may be of their Counsel, the Assessor shall, as soon as may be thereafter, inform all parties to the proceedings entering an appearance as to the nature of the advice given and the reaction thereto of the Tribunal.

General

14. (1) Expression used in these rules have the same meaning as in the Bill.

(2) Where used in these rules:

"complainant" means a person or body alleging before the Tribunal professional misconduct against a member of the Institute; and

"respondent" means the person required to answer to any

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charge of professional misconduct.

15. These rules may be cited as the Chartered Statisticians (Disciplinary Tribunal and Assessors) Rules.

Question that the Provision in the Third Schedule stand part of the bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered A Bill for an Act to Establish the Chartered Institute of Statisticians of Nigeria to Determine What Standards of Knowledge and Skill Are to Be Attained by Persons Seeking to Become Members of the Institute, Review Those Standards from Time to Time; and for Related Matters, 2021 and approved as follows:

Clauses 1-21 — As Recommended

Schedules 1-3 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — Resolved in the Affirmative.

Motion made: That the Bill be now Read the Third Time (Senate Deputy Leader).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

14. Adjournment:

Motion made: That the Senate do adjourn till Tuesday, 7th December, 2021 at 10:00 a.m. (Senate Deputy Leader).

Question put and agreed to.

Senate adjourned accordingly at 1:07 p.m.

CON

Nigeria.

Ahmad Ibrahim Lawan, Ph.D,

*President,
Senate of the Federal Republic of*