



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Thursday, 4th May, 2017

1. The Senate met at 10:56 a.m. The Deputy Senate President read Prayers.

2. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings (2) of Wednesday, 3rd May, 2017.

Question was put and the Votes and Proceedings were approved.

3. **Announcement:**

Acknowledgment:

The Deputy Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:

(i) Members of the Management Students Association, Department of Administration, Ahmadu Bello University, Zaria, Kaduna State; and

(ii) Staff and Students of Deeper Life High School, Kaduna, Kaduna State.

4. **Matter of Urgent Public Importance:**

Rising on Rules 42 and 52, Senator Hope O. Uzodinma (*Imo West*) drew the attention of the Senate to the urgent need to examine the operations of the Nigeria Customs Service Revenue Drive. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

recalls that on Tuesday, 15th November, 2016 debated on a motion: "Urgent Need to Examine the operations of the Nigeria Customs Service Revenue Drive" and resolved to "mandate the Committee on Customs, Excise and Tariff to carry out a holistic investigation into the activities of the Nigeria Customs Service with a view to identifying the leakages and irregularities in the import and export circle as well as the causes of the declining revenue profile of the service and come up with recommendations that will reinvigorate the revenue profile of the Nigeria Customs Service (S/Res/051/02/16)";

aware that the preliminary investigation reveals area of leakages and over 30 trillion naira recoverable revenue has been identified through infractions by some commercial banks and importers;

These infractions include:

1. Abuse of form and violation of foreign exchange manual of Central Bank of Nigeria (CBN);
2. Incorrect Classification;
3. Under Valuation;
4. Under Declaration;
5. Incorrect Origin;
6. Error in Calculation;
7. Temporary Importations;
8. Waiver, Exemption and Concession;
9. Forex Manipulations;
10. Unit Cost Analysis and Excise Payment;
11. Document Forgery; and

cognizance that for the Committee on Customs, Excise and Tariff to do holistic investigation and properly trace the final destination of some of these leakages, which involves Nigeria Ports Authority (NPA); Nigerian Maritime Administration and Safety Agency (NIMASA); Nigerian Shippers Council; Shipping Companies; and Operators of Bonded terminals, the cooperation and the support of the Committee on Marine Transport is required.

Accordingly resolves to:

mandate the Committee on Marine Transport to join the Committee on Customs, Excise and Tariff in the investigation.

Debate:

Proposed Resolution:

Question: That the Senate do mandate the Committee on Marine Transport to join the Committee on Customs, Excise and Tariff in the investigation — *Agreed to.*

Resolved:

That the Senate do mandate the Committee on Marine Transport to join the Committee on Customs, Excise and Tariff in the investigation (*S/Res/155/02/17*).

5. Personal Explanation:

Rising on Rule 43, Senator Emmanuel Bwacha (*Taraba South*) drew the attention of the Senate to the attack on the innocent people from his Constituency in Takum Local Government Area, Taraba State in the early hours of Thursday, 4th May, 2017 which resulted in the death of five(5) people. The gunmen who disguised as herdsmen carried out the attack in the way and manner the Boko Haram insurgents operates. He urged the Security Agencies to be aware of this new dimension of killing innocent Nigerians.

The Senate sympathise with families of the victims and urge Security Agencies to be more proactive at curtailing insurgency.

**6. Joint Committee on Appropriations; and Finance:
Report on the Appropriation Bill, 2017 (SB. 412):**

Presentation of Report deferred to the next Legislative Day.

**7. Joint Committee on Judiciary, Human Rights and Legal Matters; Foreign Affairs; and Anti-Corruption:
Report on the Mutual Assistance in Criminal Matters between Nigeria and other Foreign States Bill, 2017 (SB. 224):**

Motion made: That the Senate do receive the Report of the Joint Committee on Judiciary, Human Rights and Legal Matters; Foreign Affairs; and Anti-Corruption on the Mutual Assistance in Criminal Matters between Nigeria and other Foreign States, Bill 2017 (*Senator David Umaru — Niger East*).

Question put and agreed to.

Report Laid.

8. Committee on Environment:

Report on the Erosion Control and Prevention Commission Bill, 2017 (SB. 32):

Motion made: That the Senate do receive the Report of the Committee on Environment on the Erosion Control and Prevention Commission Bill, 2017 (*Senator Bukar Abba Ibrahim — Yobe East*).

Question put and agreed to.

Report Laid.

9. Executive Communication:

2016 -2018 External Borrowing (Rolling) Plan:

Motion made: That the Senate do consider the Request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation, for the approval of the Federal Government 2016-2018 External Borrowing (Rolling) Plan (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Local and Foreign Debts to report within two (2) weeks.

10. Motions:

(a) *Urgent need for the Repairs/Re-construction and Dualization of Okene - Auchi - Ewu-Ekpoma - Benin Road:*

Motion made: That the Senate notes that the road infrastructure is critical for economic and commercial development and is one of the most visible signs of government-presence in any community or states;

observes that the Okene - Auchi -Ewu-Ekpoma - Benin Road is the only major highway that connects South/South - South East to Abuja and the Northern Part of Nigeria;

worried that large sections of the road, especially from Okene - Auchi -Ewu-Ekpoma to Benin have become dangerous craters that cannot be called a road. It will be impossible to access, if not repaired before the raining season;

aware that Federal Road Maintenance Agency (FERMA) used to do palliative road maintenance on this road, since 2016 FERMA has abandoned their responsibility on this road. This has led to total collapse of the road thus making it difficult and accessible especially Auchi-Ewu - Ekpoma section of the road;

concerned that travel time between Abuja to Benin used to be 6 hours but with the total collapse of the road, travel time now averages 9 to 10 hours;

disturbed that Armed Robbers and Kidnappers taking advantage of the totally deplorable state of the road have become a law unto themselves, ambushing, robbing, dispossessing and killing commuters at will on a daily basis;

notes that the state of the road requires immediate rehabilitation to reduce the unacceptable level of accidents, robbery and kidnapping on the road;

aware that contract for the dualization and reconstruction of the road was awarded to some contractors over 6 years ago but in 2016 Appropriation Budget the sum of ₦5B was allocated to two sections of the road leaving the section of Auchi to Ewu; and

observed that this method of selective allocation of fund adpted by the Ministry of Power, Works and Housing in allocating funds on this road is worrisome to our people;

worried that inspite of the ₦5B allocation the contractors abandoned the work on the road on the grounds that the funds allocated for the projects were not cash backed.

Accordingly resolves to:

- (i) urge the Federal Ministry of Power, Works and Housing to urgently mobilize the Contractors to site;
- (ii) urge the Federal Road Maintenance Agency (FERMA) and Ministry of Power, Works and Housing to urgently repair the failed sections of the road especially Auchi - Ewu -Ekpoma;
- (iii) urge the Federal Government to ensure cash backing for the project in the 2017 budget; and
- (iv) mandate the Committee on Works to carry out effective oversight on the project before the rainy season commences fully (*Senator Francis A. Alimikhena — Edo North*).

Debate:

Proposed Resolution(i):

Question: That the Senate do urge the Federal Ministry of Power, Works and Housing to urgently mobilize the Contractors to site — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do urge the Federal Road Maintenance Agency (FERMA) and Ministry of Power, Works and Housing to urgently repair the failed sections of the road especially Auchi - Ewu -Ekpoma — *Agreed to.*

Proposed Resolution(iii):

Question: That the Senate do urge the Federal Government to ensure cash backing for the project in the 2017 budget — *Agreed to.*

Proposed Resolution(iv):

Question: That the Senate do mandate the Committee on Works to carry out effective oversight on the project before the rainy season commences fully — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge the Federal Ministry of Power, Works and Housing to urgently mobilize the Contractors to site;
- (ii) urge the Federal Road Maintenance Agency (FERMA) and Ministry of Power, Works and Housing to urgently repair the failed sections of the road especially Auchi - Ewu -Ekpoma;
- (iii) urge the Federal Government to ensure cash backing for the project in the 2017 budget; and
- (iv) mandate the Committee on Works to carry out effective oversight on the project before the rainy season commences fully (*S/Res/156/02/17*).

(b) *Incessant Boat Mishaps and Loss of Lives in the Yauri end of River Niger; urgent need for Federal Government's Intervention:*

Motion made: That the Senate notes the recent Boat mishap in Ngaski Local Government Area in Kebbi South Senatorial district of Kebbi State where 26 lives were lost while some persons are still missing and unaccounted for in the River Niger;

concerned that the issue of boat mishaps have become a recurring yearly issue with loss of life;

aware that these same communities were the very communities resettled by the then Northern Regional Government in order to build the current Kainji Dam to provide electricity for the Country; and

disturbed that despite this development, which has become an annual unfortunate occurrence, nothing has been done to prevent future re-occurrence.

According resolves to:

- (i) urge the Ministry of Transportation through the National Inland Waterways Authority to immediately conduct a survey into the stretch of River Niger in the area with a view to putting safe navigational aid in place;
- (ii) urge the Federal Government to assist the communities in blasting the big stones and cutting the big trees in the river that hinders safe navigation around the area;
- (iii) urge the National Emergency Management Agency to assist the communities with relief materials in order to cushion the effect of the disaster; and
- (iv) urge the Government to assist the communities with modern 50 seater boats in order to alleviate the transportation needs of the communities (*Senator Bala Ibn Na'Allah — Kebbi South*).

Debate:

Proposed Resolution(i):

Question: That the Senate do urge the Ministry of Transportation through the National Inland Waterways Authority to immediately conduct a survey into the stretch of River Niger in the area with a view to putting safe navigational aid in place — *Agreed to*.

Proposed Resolution(ii):

Question: That the Senate do urge the Federal Government to assist the communities in blasting the big stones and cutting the big trees in the river that hinders safe navigation around the area — *Agreed to*.

Proposed Resolution(iii):

Question: That the Senate do urge the National Emergency Management Agency to assist the communities with relief materials in order to cushion the effect of the disaster — *Agreed to*.

Proposed Resolution(iv):

Question: That the Senate do urge the Government to assist the communities with modern 50 seater boats in order to alleviate the transportation needs of the communities — *Agreed to*.

Resolved:

That the Senate do:

- (i) urge the Ministry of Transportation through the National Inland Waterways Authority to immediately conduct a survey into the stretch of River Niger in the area with a view to putting safe navigational aid in place;

- (ii) urge the Federal Government to assist the communities in blasting the big stones and cutting the big trees in the river that hinders safe navigation around the area;
- (iii) urge the National Emergency Management Agency to assist the communities with relief materials in order to cushion the effect of the disaster; and
- (iv) urge the Government to assist the communities with modern 50 seater boats in order to alleviate the transportation needs of the communities (*S/Res/157/02/17*).

11. Committee on Tertiary Education and TETFUND:

Report on the Nigeria Maritime University, Okerenkoko (Establishment, etc.) Bill, 2017 (SB.295):

Motion made: That the Senate do consider the Report of the Committee on Tertiary Education and TETFUND on the Nigeria Maritime University, Okerenkoko (Establishment, etc.) Bill, 2017 (*Senator Barau Jibrin — Kano North*).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE MARITIME UNIVERSITY OF NIGERIA, OKERENKOKO AND FOR OTHER MATTERS CONNECTED THERETO.

**PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF
MARITIME UNIVERSITY OF NIGERIA**

Clause 1: Establishment, Constitution and Functions of Maritime University of Nigeria, Okerenkoko.

- (1) There is hereby established the Maritime University of Nigeria, Okerenkoko.
- (2) The University shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.
- (3) The University shall be supervised by the Federal Ministry of Education with the following responsibilities:
 - (a) The Federal Ministry of Education through the National Universities Commission (NUC) shall be 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.
 - (b) Additional funding for the University shall accrue from the following sources:
 - (i) 1% of the total annual budget of Federal Ministry of Petroleum Resources;
 - (ii) 0.5% of the total annual budget of Nigerian Liquefied Natural Gas;

- (iii) 0.3% of the total annual budget of all oil producing companies operating in the Niger Delta Area;
 - (iv) The Tertiary Education Trust Fund (TETFund);
 - (v) 10% of such sums in the Cabotage Vessel Finance Fund as may be approved by National Assembly; and
 - (vi) 15% of the total annual budget of Nigerian Maritime Administration and Safety Agency.
- (4) The objectives of the University 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, the opportunity of acquiring a higher education in maritime technology;
 - (b) to develop and offer academic and professional programmes leading to the award of diplomas, first degrees, post-graduate, research and higher degrees with emphasis on planning, adaptive, technical, maintenance, developmental and productive skills in the engineering, scientific, and allied professional disciplines relating to Maritime resources with the aim of producing socially mature men and women with capability not only to understand, use and adapt existing technologies in the maritime industry, but also to improve on them and develop new ones;
 - (c) to act as agents and catalysts, through post-graduate training, research and innovation for the effective and economic utilisation, exploitation and conservation of the country's maritime resources;
 - (d) to offer to the general population particularly the maritime industry, as a form of public service, the results of training and research and to foster the practical applications of these results;
 - (e) to establish appropriate relationships with other national institutions involved in training, research and development of technologies in the maritime sector;
 - (f) to identify the technological problems and needs of the maritime industry and to find solutions to them within the context of overall national development;
 - (g) to provide and promote sound basic scientific training as a foundation for the development of maritime technology and applied sciences, taking into account indigenous cultures and the need to enhance national unity; and
 - (h) to undertake any other activities appropriate for a maritime university of the highest standard.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 2: Constitution and Principal Officers 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 body to be called Congregation;
 - (e) a body to be called 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) to (c) of this subsection;
 - (i) all graduates and undergraduates of the University; and 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 each University therein mentioned.
- (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 (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 3: Powers of the University and its exercise.

- (1) For the carrying out of its objects as specified in section 1 of this Bill, the University shall have power:
 - (a) to establish such campuses, institutes, schools, extra-mural departments and other teaching and research units within the University as may from time to time be deemed necessary or desirable subject to the approval of the National Universities Commission;
 - (b) to institute professorships, readerships or associate professorships, lectureships, and other posts and offices and to make appointments thereto;
 - (c) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
 - (d) to provide for the discipline and welfare of members of the University;

- (e) to 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;
- (f) to grant honorary degrees, fellowships or academic titles;
- (g) to demand and receive from any student or any other person attending the University for the purpose of instruction, such fees as the University may from time to time determine subject to the overall directives of the Minister;
- (h) subject to section 19 of this Bill, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate;
- (i) to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto;
- (j) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
- (k) to erect, provide, equip and maintain libraries, laboratories, workshop, 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;
- (l) to hold public lectures and to undertake printing, publishing and book selling;
- (m) the university shall have powers to engage students in distance learning programs while they are at sea or in areas of maritime business;
- (n) subject to any limitations or conditions imposed by statute, to invest any moneys appertaining to the University by way of endowment it, not being immediately required for current expenditure. in any investments, not being immediately required for current expenditure, in any investments or securities or in the purchase or improvement of land, 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 University, such moneys as the Council may from time to time in its discretion find it necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
- (p) the university shall have the power to engage in income generating ventures as appropriate;

- (q) the university shall have the power to collaborate, co-operate, partner or associate with any other university, authority, Government, organization or institution of higher learning both in Nigeria and abroad;
 - (r) the university shall have the powers to invest outside of Nigeria which includes building replica institutions;
 - (s) the university may grant scholarships to both local and foreign students as may be deemed necessary;
 - (t) the university shall have the power to adopt foreign maritime administration requirements for the purpose of raising standards of training above the minimum IMO requirements;
 - (u) to make gifts for any charitable purpose;
 - (v) to do anything which it is authorized or required by this Bill or by statute to do; and
 - (w) to do all such acts or things, whether or not incidental to the foregoing 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) of this Bill, the powers conferred on the University by subsection (1) of this section shall be exercisable on behalf of the University by the Council or by the Senate or in many other manner which may be authorised by the statute.
- (3) The power of the University to establish further campuses and colleges within the University shall be exercisable by statute and not otherwise.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 4: Functions of the Chancellor and the 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 except the 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 in Clause 4 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 5: Composition of the Council.

- (1) The Council of the University shall consist of:—
 - (a) the Pro-Chancellor;
 - (b) the Vice-Chancellor;
 - (c) the Deputy Vice-Chancellor;
 - (d) one person from the Ministry responsible for education;
 - (e) four persons representing a variety of interests, and broadly, representatives of the whole Federation to be appointed by the President;
 - (f) four persons appointed by the Senate from among its members;
 - (g) two persons appointed by Congregation from among its members;
 - (h) one person appointed by convocation from among its members.
 - (i) Minister responsible for transportation or his respective; and
 - (j) Director General of NIMASA or his representative.
- (2) 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 University.
- (3) 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 University.
- (4) 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 University.
- (5) The Council in the discharge 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 vis-à-vis non-academic activities.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Barau Jibrin — Kano North*) — 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 Purpose Committee.

- (1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University.
- (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 University 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 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 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 subsection (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 (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 7: Functions of the Senate.

- (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 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 to promote research at the University.
- (2) Without prejudice to the generality of subsection (1) of this section and subject as there mentioned, 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 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, organisation and control of halls or 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, or 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 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 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 practising the profession in a reputable organisation or institution.

- (6) Subject to a right or 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 University which has been conferred upon him if after due enquiry he is shown 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 in Clause 7 be retained (*Senator Barau Jibrin — Kano North*) — *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 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 Vice-Chancellor 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 University and shall 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 from time to time.
- (4) It shall be 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 in Clause 8 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

PART II — TRANSFER OF PROPERTY, ETC, TO THE UNIVERSITY

Clause 9: Transfer of Property.

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

Second Schedule

- (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.

- (3) Condition of Service of the Employees:
The Condition of Service of Employees in the University shall be in line with what is obtainable in the maritime industry to enable the University attract best brains for the training and research.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

PART III — STATUTES OF THE UNIVERSITY

Clause 10: Power of the University to make statutes.

- (1) Subject to this Bill, the University 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 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 of any statute, regulation or other instrument made thereunder;
 - (e) Making provision for any other matter for which provision by statute is authorised or required by this Bill.
- (2) Subject to section 2 (6) of this Bill, the Interpretation Bill shall apply in relation to any statute made under this section as it applies to a subsidiary instrument within the meaning of section 29 (1) of that Bill.

Third Schedule

- (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 each 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 in Clause 10 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 11: Mode of exercising powers to make statutes.

- (1) The power of each University 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 University; or
 - (b) provides for the establishment of a new campus or college or for the amendment or revocation of any statute whereby a campus or college is established, shall not come into operation unless it has been approved by the President.
- (5) For the purpose of section 2 (2) of the Interpretation Bill, 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 University 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, as amended 1999.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Barau Jibrin — Kano North*) — Agreed to.

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

Clause 12: Proof of Statutes:

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 Vice-chancellor or the Registrar 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 in Clause 12 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

PART IV — SUPERVISION AND DISCIPLINE**Clause 13: The Visitor.**

- (1) The President shall be the Visitor of the University,
- (2) The Visitor shall as the circumstances may require, not being less than once every five years, conduct a visitation of the University 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 shall be the duty of the bodies and persons comprising the University 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 13 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 14: Removal of certain members of Council.

- (1) 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 President, and the President, after making such enquiries (if any) as he may consider appropriate approve 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 14 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 15: Removal and discipline of academic, Administrative and professional.

- (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 academic, professional staff of the University, other than the Vice-chancellor, should be administrative and removed from his office or employment on the ground of misconduct or of 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 Vice-chancellor may, in a case of misconduct by a member of the staff which in the opinion of the Vice-chancellor is prejudicial to the interest of the university, 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; or
 - (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; or
 - (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; or
 - (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 University.
- (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 University as may be prescribed.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 16: Removal of Examiners.

- (1) From the recommendation of the Senate. it appears to the Vice- Removal of Chancellor that 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 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 provisions of regulations made in pursuance of section 7 (5) of this Bill. The Vice-chancellor 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 Vice-Chancellor on signing an instrument of removal pursuant 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 related.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 17: Discipline of Students:

- (1) 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 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 University, or make use of such facilities of the University, 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 may be 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 University.
- (2) 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.
- (3) The fact that an appeal from a direction is brought in pursuance of subsection (2) of this section shall not affect the operation of the direction while the appeal is pending.
- (4) 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.
- (5) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University otherwise than on the ground of misconduct.
- (6) A direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

PART V— MISCELLANEOUS AND GENERAL

Clause 18: Exclusion of discretion 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, 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 university, the holder of any degree of the University or of any appointment or employment at the University, or a member of any body established by virtue of this Act; and no person shall be subject to any disadvantage or accorded any advantage relating to the University, by reference to any of those matters.
- (2) Nothing in subsection (1) of this section shall be 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 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 University reasonably justifiable in the national interest.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 19: 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 and transferred to the University by this Bill) except with the prior written consent, either general or special, of the President:

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 in Clause 19 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 20: Quorum and procedure of 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 bodies determined by that body.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 21: Appointment of Committees etc.

- (1) Any body of persons established by this Act 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;
 - (b) to co-opt members, and
- (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 subsection (1), (2) and (3) of this section shall be construed as:—
 - (a) enabling the statutes to be made otherwise than in accordance with section I of this Act; 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 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 in Clause 21 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 22: Retiring age of academic staff.

- (1) Notwithstanding anything to the contrary in the Pension Act, the compulsory retiring age of an academic staff of each University shall be 65 years.
 - (a) Academic staff of the University in the non-Professorial cadre shall be 65 years;
 - (b) Academic staff of the University in the Professorial Cadre shall be 70 years;
 - (c) Non-academic staff of the University 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 University.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 23: Special provisions relating to pension of Professors.

A person who retires as a professor having served:—

- (a) a minimum period of fifteen years as a professor in the University or continuously in the service of a university in Nigeria up to the retiring age; and
- (b) who during the period of service was absent from the University only on approved national or University assignments, shall be entitled to pension at a rate equivalent to his last annual salary and such allowances as the Council may, from time to time, determine as qualifying for pension and gratuity, In addition to any other retirement benefits to which he may be entitled.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 24: 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 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 University by any person generally or specially authorised to do so by the Council.
- (4) The validity of any proceedings of any body established in pursuance of this Act 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.
- (5) 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.
- (6) 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 of regulations made in pursuance of this Act.

- (7) 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 Act) 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.
- (8) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of section 8 or section 18 of this Act or the Second Schedule to this Act.
- (9) Any notice or other instrument authorised to be served by virtue of this Act may, without prejudice to any other mode of service, be served by post.
- (10) Pre-Action Notice:—
- (a) No legal proceeding shall be instituted and/or commenced against the University 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 University by an aggrieved party.
 - (b) 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.
 - (c) For the avoidance of doubt, it is hereby declared that 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.
 - (d) In any suit against this University, no execution or attachment or process in the nature thereof shall be issued against the University, but any sums of money which may be 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 fund.
- (11) Service of Notices
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.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

Clause 25: Interpretation.

- (1) In this Act, unless the context otherwise requires:—
"Campus" means any campus which may be established by the University;

Question: That the word "Campus" in the Interpretation to this Act, put and agreed to.

"College" means the Council established pursuant to section 2(1)(b) of this Bill for the University;

Question: That the word "College" in the Interpretation to this Act, put and agreed to.

"Graduate" means a person on whom a degree, other than an honorary degree has been conferred by the University;

Question: That the word "Graduate" in the Interpretation to this Act, put and agreed to.

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

Question: That the word "Minister" in the Interpretation to this Act, put and agreed to.

"Notice" means notice in writing;

Question: That the word "Notice" in the Interpretation to this Act, put and agreed to.

"Officer" does not include the Visitor;

Question: That the word "Officer" in the Interpretation to this Act, put and agreed to.

"Prescribed" means prescribed by statute or regulations;

Question: That the word "Prescribed" in the Interpretation to this Act, put and agreed to.

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

Question: That the word "Professor" in the Interpretation to this Act, put and agreed to.

"Property" includes rights, liabilities and obligations;

Question: That the word "Property" in the Interpretation to this Act, put and agreed to.

"Provisional Council" means the provisional council appointed for the University.

Question: That the word "Provisional Council" in the Interpretation to this Act, put and agreed to.

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

Question: That the word "Regulations" in the Interpretation to this Act, put and agreed to.

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

Question: That the word "Senate" in the Interpretation to this Act, put and agreed to.

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

Question: That the word "School" in the Interpretation to this Act, put and agreed to.

"Statute" means a statute made by the University under section 10 of this Act and in accordance with the provisions of section 11 of this Act, and "the statutes" means all such statutes as are in force from time to time;

Question: That the word "Statute" in the Interpretation to this Act, put and agreed to.

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

Question: That the word "Teacher" in the Interpretation to this Act, put and agreed to.

"Undergraduate" means a person in statu pupillary at the University other than:—

- (a) a graduate; and
- (b) a person of such description as may be prescribed for the purpose of the definition;

Question: That the word "Undergraduate" in the Interpretation to this Act, put and agreed to.

"University" means Maritime University of Nigeria, Okerenkoko established under section I of this Act.

Question: That the word "University" in the Interpretation to this Act, put and agreed to.

"The Visitor" means the President, Commander-In-Chief of the Armed Forces, of the Federal Republic of Nigeria or his representative to the University.

- (2) It is hereby declared that where in any provision of this Act 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 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.

Question: That the word "The visitor" in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Barau Jibrin — Kano North*) — Agreed to.

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

Clause 26: Short title.

This Bill may be cited as the Nigeria Maritime University, Okerenkoko Bill, 2017.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Barau Jibrin — Kano North*) — *Agreed to.*

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

SCHEDULE
FIRST SCHEDULE

PRINCIPAL OFFICERS OF THE UNIVERSITY

1. The Chancellor:

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

2. The Pro-Chancellor:

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

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

3. The Vice-chancellor:

(1) The First Vice Chancellor of the University shall be appointed by the President, while the subsequent Vice Chancellors shall be appointed by the Governing Council in accordance with the provision of the University Miscellaneous Act as amended 1993.

(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:

(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 of 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 person in the short list drawn up under subparagraph (2) of this paragraph through an

examination of their curriculum vitae and Interaction with them, and recommend to the Council suitable candidates for further consideration.

- (4) The Council shall select three candidates from among the candidates recommended to it under subparagraph (3) of this paragraph and may indicate its order of preference.
- (5) The Council shall select and appoint as Vice-chancellor one candidate from among the three candidates recommended thereafter inform the Visitor.
- (6) 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.
- (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:—
 - (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 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 provided that 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, 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 6 months.

4. Deputy Vice-Chancellors:

- (1) There shall be for the University such number of Deputy Vice-Chancellors as Council may from time to time, 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 forward 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 of the Council may, from time to time, assign to him.
- (5) A Deputy vice-chancellor:
- (a) shall hold office for a period of two years beginning from the effective date 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 Council acting on the recommendations of the Vice-Chancellor 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.

5. Office of the Registrar:

- (1) There shall be for each University, a Registrar, who shall be the chief administrative officer of the University and shall be responsible to the Vice-chancellor for the day-to-day 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 (3) Secretary to the Council, the Senate, Congregation and Convocation.

6. Other Principal Officers of the University:

- (1) There shall be for each University the following principal officers, in addition to the Registrar, that is: —
 - (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 shall be the Chief Financial Officer of each University and be responsible to the Vice-chancellor for the day-to-day administration and control of the financial affairs of the University.
- (3) The University Librarian shall be 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, faculties, 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 Vice-chancellor.

7. Selection Board for other Principal Officers:

- (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, from time to time, determine.
- (3) The Registrar, Bursar or Librarian shall hold office for a single term of five years and upon satisfactory performance the Council may extend the tenure for a period of one year only and thereafter relinquish post and be assigned to other duties in the university.
- (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 University.

8. Resignation and Reappointment:

- (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 President;
 - (b) in any other case, by notice to the Council and the Council shall, in the case of the Vice-chancellor, immediately notify the Minister.
- (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 provisions of First Schedules stand part of this Bill— Agreed to.

SECOND SCHEDULE

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

1. Transfer of Property to University:

- (1) Without prejudice to the generality of section 9 (I) of this Act:—
- (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 University.
- (2) 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 University had been a party thereto in place of the provisional council.

- (3) 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.
- (4) Any legal proceedings or application to any authority pending by or against the provisional council may be continued by or against the University.

3. Registration of Transfers:

- (1) If the law in force at the place where any property transferred by this Act 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 Act 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.

4. Transfer of Functions, etc:

- (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 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 Act shall have been duly constituted.
- (3) The first meeting of the Senate as constituted by this Act shall be convened by the Vice-chancellor on such date and in such manner as he may determine.
- (4) The person who were members of the Senate immediately before the coming into force of this Act shall be deemed to constitute the Senate of the University until the date when the Senate as set up under the Third Schedule to this Act shall have been duly constituted.
- (5) Subject to any regulations which may be made by the Senate after the date on which this Act is made, the schools, school boards and students of the University immediately before the coming into force of this Act shall on that day become schools, school boards and students of the University as constituted by this Act.
- (6) Persons who were Deans or associate Deans of schools or members of school boards shall continue to be Deans or associate Deans or become members of the corresponding school boards, until new appointments are made in pursuance of the statutes.
- (7) Any person who was a member of the staff of the University as established or was otherwise employed by the provisional council shall become 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 provisions of Second Schedules stand part of this Bill— Agreed to.

THIRD SCHEDULE

NIGERIA MARITIME UNIVERSITY, OKEREKOKO

*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 schools.
7. School boards.
8. Dean of the school.
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 Act.
- (2) Any member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c), or (d) of this Act 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 Act 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 Act 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 Act.
- (7) If the Pro-Chancellor is not present at a meeting of the Council, such other member of the Council present at the meeting of the Council may appoint in respect of that meeting shall be the chairman at that meeting, and subject to section 4 of this Act 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 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 three 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 the Ministry as he may designate to represent him; and
 - (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 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.
- (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 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.

- (ii) Registers shall be kept of all donations to the University including the names of donors and any special conditions under which any 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.

- (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 University shall be paid into such bank 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 subsection (1) of this section.

Audit

- (7) (i) The Council shall cause the accounts of the University 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.
- (ii) 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:

- 3. (1) The Senate shall consist of:—
 - (i) The Vice-Chancellor;
 - (ii) The Deputy Vice-Chancellor
 - (iii) All Professors of the University;
 - (iv) All Deans, Provosts, and Directors of Academic Units of the University;
 - (v) All Heads of Academic Departments, units, and research institutes of the University;
 - (vi) The University Librarian;
 - (vii) All academic members of the Congregation who are not Professors as specified in the law of the University.
 - (viii) Such teachers, not being more than one third of the total number of non-elected members, elected by Congregation and at least one of whom shall come from each school; and
 - (ix) 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.

- (2) 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.
- (3) The quorum of the Senate shall be one quarter or the nearest whole number less than one quarter; and subject to paragraph (2), of this article, the Senate may regulate its own procedure.
- (4) All elected member may, by notice to the Senate, resign his office.
- (5) Subject to paragraph (7) 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/June in each year as the Vice-chancellor may from time to time determine.
- (6) All elected member shall hold office for the period of two years beginning from 1st August in the year of his election, and may be a candidate at any election held in pursuance of paragraph (5) of this article in the year in which his period of office expires so that no person shall be such a candidate if at the end of his current period of office he will have held office as all elected member for a Continuous period of six years or would have so held office if he had not resigned it.
- (7) No election shall be held in pursuance of this article in any year if the number specified in the certificate given in pursuance of paragraph (10) of this article does not exceed 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 (6) of this article.
- (8) For the avoidance of doubt it is hereby declared that no person shall be precluded from continuing in or taking office as all elected member by reason only of reduction in the number of non-elected members occurring on or after 30 April in any year in which he is to continue in or take office as all elected member.
- (9) If so requested in writing by any fifteen members of the Senate, the vice-chancellors or in his absence any of the Deputy Vice Chancellors 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.
- (10) 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 otherwise than as elected members.

Congregation

4. (1) Congregation shall consist of:
 - (i) Vice-chancellor and the Deputy Vice Chancellors;
 - (ii) The full -time members of the academic staff;
 - (iii) The Registrar;
 - (iv) The Bursar;
 - (v) The Librarian

- (vi) The Director of Works;
 - (vii) The Director of Health Services; and
 - (viii) 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 Act, the Vice-chancellor shall be the chairman at all meetings of Congregation when he is present; and in his absence any of the Deputy Vice Chancellors 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 Vice-Chancellor 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) Subject to the foregoing provisions of this article, Congregation may regulate its own procedure.
- (6) Congregation shall be entitled to expression by resolutions or otherwise 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

5. (1) Convocation shall consist of:
- (i) The officers of the University mentioned in the First Schedule to this Act;
 - (ii) All teachers within the meaning of this Act;
 - (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 the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
 - (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 (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 University 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 10 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 Faculties/Schools:

6. Each faculties shall be divided into such number of branches as may be prescribed.

Faculties/School Boards

7. (1) There shall be established in respect of each faculty/school, a board of studies which, subject to the provisions of this Statute, and subject to 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 or by the Vice-chancellor or by the Senate; and
 - (c) Advise the Vice-chancellor or the Senate on any matter referred to it by the Vice-chancellor or the Senate.
- (2) Each faculty/school 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) such other teachers assigned to the college and having the prescribed qualifications as the board may determine; and
 - (e) 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 Faculties/Schools

8. (1) The Board of each faculty/school 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 school.
- (2) The person appointed under paragraph 1 of this article shall act as Dean of the faculty/school 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 reappointment One further period of two years, thereafter he shall not be eligible for reappointment.
- (4) The Dean of a faculty/school 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 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 faculties/schools 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 faculty/school may be removed from office for good cause by the faculty/school 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 Vice-chancellor, provided that at the next school board meeting an election shall be held.
- (8) In this article good cause" has the same meaning as in section 14(3) of the Act.

Selection of Director of Works

9. (1) When a vacancy occurs in the office of the Director of Works, 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 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.

Creation of Academic Posts

10. 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

11. (1) Subject to the Act and statutes, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Senate.
- (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 Vice-chancellor;
 - (b) two members appointed by the Council;
 - (c) four members appointed by the Senate, at least two of whom shall be members of the Senate, while the other two members shall be professional peers in the professional area in which an appointment is to be considered;
 - (d) if the post is tenable at a faculty/school, the Dean of the faculty/school;
 - (e) if the post is within a school, institute or other teaching unit in the University, the Dean of the school or the teaching unit, or the director of the institute, as the case may be; 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 from time to time appoint.
- (4) For other academic posts, a selection board, with power to appoint, shall consist of:
- (a) the Vice-chancellor;
 - (b) four members appointed by the Senate, at least two of whom shall be members of the Senate, while the other two members shall be professional peers in the professional area in which an appointment is to be considered;
 - (c) if the post is tenable at a faculty/school, the Dean of the faculty/school;
 - (d) if the post is within a school, institute or other teaching unit in the University, the Dean of the School or the teaching unit or the director of the institute, as the case may be; and
 - (e) 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 from time to time appoint.
- (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.

Appointment of Administrative and Professional Staff

12. (1) The administrative and professional staff of the University other than principal officers shall be appointed by the Council on its behalf by the Vice-Chancellors or the Registrar in accordance with delegation of any powers made by the Council in that behalf.
- (2) In the case of administrative or professional staff who have close and important connection with the academic staff, there shall be Senate participation in the process of selection.

Interpretation

13. In this Statute, the expression "the Act" means the Nigeria Maritime University, Okerenkoko Bill and any word or expression defined in the Bill has the same meaning in this Statute.

14. Short Title

This Statute may be cited as Nigeria Maritime University, Okerenkoko Statute No. 1.

Question that the provisions of Second Schedules stand part of this Bill— Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Tertiary Education and TETFUND on the Nigeria Maritime University, Okerenkoko (Establishment, etc.) Bill, 2017 and approved as follows:

Clauses 1- 26 — 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 Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

12. Committee on Establishment and Public Service:

Report on the Environmental Managers Registration Council of Nigeria (Establishment, etc.) Bill, 2017 (SB. 88):

Motion made: That the Senate do consider the Report of the Committee on Establishment and Public Service on the Environmental Managers Registration Council of Nigeria (Establishment, etc.) Bill, 2017 (*Senator Emmanuel I. Paulker — Bayelsa Central*).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE ENVIRONMENTAL MANAGERS REGISTRATION COUNCIL OF NIGERIA AS A BODY CORPORATE AND TO EMPOWER THE COUNCIL, INTER ALIA TO DETERMINE PERSONS, WHAT STANDARD OF KNOWLEDGE AND SKILL TO BE ATTAINED BY PERSONS; AND FOR OTHER RELATED MATTERS, 2017.

**PART 1 - ESTABLISHMENT OF THE ENVIRONMENTAL MANAGERS
REGISTRATION COUNCIL OF NIGERIA**

Clause 1: Establishment of the Environmental Managers Registration Council of Nigeria.

- (1) There is hereby established a body to be known as the Environmental Managers Registration Council of Nigerian (in this Bill referred to as "the Council").
- (2) The Council:
 - (a) Shall be a body corporate with;
 - (i) perpetual succession;
 - (ii) a common seal; and
 - (b) may sue and be sued in its corporate name:

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). — *Agreed to.*

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

Clause 2: Functions of the Council.

The Council is charge with the general duty of —

- (a) Determining who are environmental managers for the purpose of this Bill
- (b) determining what standards of knowledge and skill are to be attained by persons seeking to become registered as environmental managers and reviewing such standards from time to time for the purpose of raising them;
- (c) securing, in accordance with the provisions of this Bill, the establishment and maintenance of a register of person entitled to practice as environmental managers and the publication from time to time of the list of such persons;
- (d) regulating and controlling the practice of environment management in all its aspects and ramifications;
- (e) Performing other functions conferred on the council by this Bill.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). — *Agreed to.*

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

Clause 3: Membership of the Council

- (1) Subject to the provision of this Bill, the Council shall consist of the following —
 - (a) one person who shall be appointed as President of the Council,
 - (b) four persons appointed by the Minister charged with the responsibility for matters relating to the to represent the Ministry under his control
 - (c) six person appointed by the Minister to represent the states in rotation for two years at a time, two of whom shall not come from the same state;
 - (d) six persons to represent the Environmental Management Association
 - (e) two persons to represent the Universities and other institutions of higher education offering courses leading to approved qualification for environmental management in institution of higher education referred to in this paragraph shall have more than one representative at a time.
- (2) The provisions of the First Schedule to this Bill shall have effect with respect to the qualification and tenure of office of Members of the Council, powers and procedure of the Council and the other matters therein mentioned.
- (3) All the appointments referred to in sub-section (1) of this section shall be made by the President, Commander-in-Chief of the Armed Forces on the recommendation of the Minister.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). — *Agreed to.*

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

Clause 4: Financial Provisions.

- (1) The Council shall prepare and submit to the Minister not later than the 31st day of December of each year an estimate of its expenditure and income during the next succeeding financial year.
- (2) The Council shall keep proper records in respect of each financial year and proper records in relation to those accounts, and shall cause its accounts to be audited as soon as may be after the end of the financial year to which the accounts related, by a firm of auditors approved by the Minister.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). —
Agreed to.

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

PART II - THE REGISTRAR**Clause 5: Appointment of Registrar, Preparation and Maintenance of a Register.**

- (1) The Council shall appoint a fit and proper person to be Registrar for the purpose of this Bill.
- (2) The Registrar shall prepare and maintain, in accordance with the rules made by the Council under this section, a register of environmental managers
- (3) The register shall contain the names, address approved qualifications and such other particulars as may be specified by the Council, of all persons who are entitled, in accordance with the provisions of the Bill, to be registered as environmental manager (and who apply in the specified manner to be so registered).
- (4) The register shall consist of two parts of which one shall be in respect of fully registered persons and the other in respect of provisionally registered persons.
- (5) Subject to the following provision of this section, the Council shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular —
 - (a) regulating the making of applications for registration and providing for the evidence to be produced in support of application;
 - (b) providing for the notification to the Registrar, by the person to whom the registered particulars relate, of any change in those particulars,
 - (c) authorizing a registered person to have any qualification which is registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered,
 - (d) Specifying anything failing to be specified under the provisions of this section
- (6) The Registrar shall —
 - (a) correct, in accordance with the Council's direction, any entry in the register which was incorrectly made;
 - (b) make, from time to time, any necessary alteration to the registered particulars of registered persons;
 - (c) Remove from the relevant part of the register the name of any registered person who has died, or as the case may be, has ceased to be entitled to be registered.

- (7) If the Registrar —
- (a) sends by post to any registered person a letter addressed to him at his address on the register enquiring whether the registered particular relating to him are correct and receives on reply to the letter within the period of six months from the date of posting it ; and
 - (b) upon the expiration of that period sends in like manner to the person in question a second similar letter and receive no reply to that letter within three months from the date of posting, it, the registrar may remove the particular relating to the person in question from the relevant part of the register.
- (8) The Council may for any reason which seems to be sufficient, direct the registrar to restore to the appropriate part of the register any particular remove there from under this subsection.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). — *Agreed to.*

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

Clause 6: Publication of the Register and list of Correction.

- (1) The Registrar shall —
- (a) cause a list of persons whose names and qualifications are indicated in the register to be printed, published and put on sale to members of the public not later than two years beginning from the year which the Bill comes into force;
 - (b) in each year after that in which a register is first published under paragraph (a) of this subsection, cause to be printed, published and put on sale as 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 correction to be deposited at the principal office of the Council, and the Council shall keep the register and list so deposited open at all reasonable times for inspection by members of the public.
- (2) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and a list of corrections to that edition so published in the current year, shall, without prejudice to any other mode of proof, be admissible in any proceeding as evidence that a person specified in the document, or the documents read together, as being fully or provisionally registered, is so registered, and that any person not so specified is not so registered.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). — *Agreed to.*

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

PART III — REGISTRATION

Clause 7: Registration of Environmental Managers

- (1) Subject to the provision of this Bill and to rules made under Section 6, a person shall not be entitled to be fully or provisionally registered under this Bill as an environmental manager unless —
 - (a) he has attended a course of training approved by the Council under section 9 of this Bill;
 - (b) the course was conducted at an institution so approved, or partly at one such institution and partly at another or other;
 - (c) he holds the qualifications prescribed in schedule 3 to this Bill for the purpose of registration on the register and has complied with the other requirements prescribed under this section;
 - (d) he has passed the professional practice competence examination conducted by the Association; and moderated by the council
 - (e) he is a member of the Association.
- (2) An applicant for registration under this Bill shall, in addition to the evidence of qualification, satisfy the Council that —
 - (a) he is of good character;
 - (b) he has attained the age of twenty-one years
 - (c) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.
- (3) A fully registered environmental manager shall be entitled to a seal from the Council but any seal presented in pursuant of this subsection may be withdraw by the Council from such a member on —
 - (a) his ceasing to become a registered member;
 - (b) being convicted of an offence under this Bill;
 - (c) disciplinary grounds; and
- (4) The Council may in its discretion 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.
- (5) The Council shall from time to time, publish in the Federal Gazette particulars of the qualification for the time being accepted for registration under this Bill.
- (6) The Council may, impose further conditions for the purpose of any registration under this Bill but such conditions shall not come into force until published in the Federal Gazette.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). —
Agreed to.

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

Clause 8: Approval of Institutions, Courses of Training and Qualifications by Council.

- (1) Subject to Subsection (2) of this section, the Council may approve for the purpose of Section 7 of this Bill —
 - (a) any course of training which is intended for persons who are seeking to become, or are already qualified as, environmental manager;
 - (b) any institution, either in Nigeria or elsewhere which the Council on the recommendations of the Association considers properly organized and equipped for conducting the whole or any part of a course of training approved by the Council under this section;
 - (c) any qualification which as a result of examination take 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 Council that they have sufficient knowledge and skills to practice environmental management as a profession, otherwise as a principal.
- (2) The Council shall from time to time publish in the Federal Gazette a list of qualifications relating to the profession approved by it for the purposes of Subsection (1) of this section.
- (3) The Council shall, on the recommendation of the Association, 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 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 respect the proposal in pursuance of paragraph of this subsection.
- (4) As respects any 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 not 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 immediately before the approval was withdrawn.
- (5) The giving or withdrawal of an approval under this section shall have the effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the council may specify in the instrument, and the Council shall —
 - (a) as soon as possible publish a copy of every such instrument in the Federal Gazette and
 - (b) not later than 7 days before its publication as aforesaid, send a copy of the instrument to Minister.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). — Agreed to.

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

Clause 9: Supervision of Instructors and Examinations Leading to approved qualification.

- (1) The Council shall keep itself informed of the nature of —
 - (a) the instruction given at approved institutions to persons attending approved course of training; and
 - (b) the examinations as a result of which approved qualification are granted.
- (2) For the purposes of performing its functions, the Association shall visit the approved institutions, attend their examinations and thereafter make recommendations to the Council.
- (3) The Association shall report to the Council as to —
 - (a) the adequacy of the instruction given to persons attending approved courses at the institutions visited;
 - (b) the adequacy of the examination attended; and
 - (c) any other matter relating to the institution of examination on which the Council may, either generally or in a particular case, request the association to report, but the association shall not interfere with the giving of any instruction or the holding of any examination.
- (4) On receiving a report made in pursuance of this section, the Council shall, as soon as may be possible send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). — Agreed to.

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

Clause 10: Certificate of Professional Competence.

- (1) Any person who having qualified as an environmental manager by examination after the commencement of this Bill or within two years before the commencement as the case maybe, satisfies the conditions mentioned in Section 7 (2) and (2) of this section, may apply for and be entitled to receive free of charge a certificate of professional competence from the association entitling him to be fully registered as an environmental manager under this Bill, and such certificate shall, when received by the person, be field with his application for full registration.

- (2) The conditions are —
 - (a) he shall, during his employment after qualification have acquired practical experience under the personal supervision and guidance of one or fully registered environmental manager for the period of two years; and
 - (b) the manager in which he carried out the duties of his employment and his conduct during the period of his employment shall have been satisfactory.
- (3) It shall be the duty of the employer being a fully registered environmental manager supervising the work of persons employed with a view to obtaining a certificate of professional competence to ensure that the last mentioned person is afforded proper opportunities of acquiring the practical experience required for the purposes of paragraph (a) of Subsection (2).

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). — Agreed to.

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

Clause 11: Registrar to notify institution of entries in the register.

The Registrar shall, as soon as practicable, after the entry in the register of any person's name, or after the removal of such name from the register, give notice in writing to the institution of the entry or removal, as the case may be, together with all the particulars relevant thereto.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). — Agreed to.

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

PART IV - PROFESSIONAL DISCIPLINE

Clause 12: Disciplinary Power of the Council.

- (1) There shall be a Tribunal to be known as the Environmental Managers 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 and any other case of which the Tribunal has cognizance under the following provisions of the Bill.
- (2) The Tribunal shall consist of the President of the Council and eleven other members appointed by the Council of whom not less than four shall be members of the Council holding office by virtue of Section 3 (1) (d) of this Bill or where the number of those members is for time being less than four of those members.
- (3) There shall be a body to be known as the Environmental Managers Investigation Panel (in this Bill referred to as "the Panel") which shall be charged with the duties of —

- (a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as an environmental manager, or should for any other reason be the subject of proceedings before the Tribunal; and
- (b) deciding whether the case shall be referred to the Tribunal.
- (4) The Panel shall be appointed by the Council and shall consist of seven Members.
- (5) The provisions of the Schedule to this Bill shall, so far as applicable to the Tribunal and the Panel respectively, have effect with respect to those bodies.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). — 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 person fully registered or provisionally registered under this Bill is judged by the Tribunal to be guilty of infamous conduct in any professional respect;

Amendments Proposed:

- (i) *Leave out* the word “judged” and *insert* the word “adjudged” instead thereof (*Senator Bala Ibn Na’Allah — Keebi South*).

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

- (ii) *Leave out* the words “infamous conduct” and *insert* the words “gross-misconduct” instead thereof (*Senator James E. Manager — Delta South*).

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

- (b) such a person is convicted of an offence in Nigeria or elsewhere by any court having power to impose imprisonment (whether or not such an offence is punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of the environmental manager; or
- (c) The Tribunal is satisfied that the name of any person has been fraudulently registered, the Tribunal may, if it deems 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 thinks 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 —

Amendment Proposed:

Leave out the word “thinks” and *insert* the word “deems” instead thereof (*Senator Emmanuel Bwacha — Taraba South*).

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

- (a) no decision shall be deferred under this subsection for a period exceeding two years in the aggregate; and
 - (b) no 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 or further deferred.
- (3) For the purpose of Subsection (1) of this section, a person shall not be treated as convicted unless the conviction stands at a time when no appeal of 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, it shall cause notice of the direction to be served on the person to whom it relates.
- (5) A person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the court of appeal, and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the cost of the appeal and of proceedings before the Tribunal, shall be deemed to be a party thereto whether or not it appear on the hearing of the appeal.
- (6) A direction of the Tribunal under Subsection (1) of this section shall take effect —
- (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;
 - (b) where an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; and
 - (c) where an appeal is brought and is not withdrawn or struck out, if and when the appeal is dismissed.
- (7) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Tribunal on the application of that person, and a direction under this section of the removal of a person's name from the register may prohibit an application under this subsection 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, as may be specified in the direction (*Senator Emmanuel I. Paulker — Bayelsa Central*).

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

PART V - MISCELLANEOUS AND GENERAL

Clause 14: Temporary registration of persons not citizens of Nigeria.

- (1) Where a person satisfies the Council —

- (a) That has been selected for employment for a specified period in a capacity in which a person registered as an environmental manager under this Bill is qualified to be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question.
 - (b) that holds a qualification or has passed examination necessary; and
 - (c) For obtaining some qualifications granted outside Nigeria which is for the time being accepted by the Council as respects the capacity in which, if employed, he is to serve, the Council may, if it thinks fit, give a direction that he shall be temporarily registered as an environmental manager.
- (2) The temporary registration of a person shall continue only while he is in such employment as is mentioned in Subsection (1) (a) of this section and shall cease at the end of the period of the employment specified to the Council under that subsection or on the prior determination for the employment whichever first occurs.
- (3) Nothing in Subsection (2) shall preclude the Council from giving a further direction under Subsection (1) of this section in respect of a specified period whose commencement coincides with the termination or prior determination of another employment.
- (4) A person who is temporarily registered shall, in relation to his employment and to things done or omitted to be done in the course of that employment, be deemed to be fully registered, but in relation to all other matter, he shall be treated as not so registered.
- (5) In case of doubt as to whether a person's employment has been terminated, the decision of the Council shall be conclusive for the purpose of Subsection (2) of this section.
- (6) The Register, as directed from time to time by the Council, shall remove from the register the name of any person ceasing to be entitled to the benefit of this section.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). — Agreed to.

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

Clause 15: Offences.

- (1) A person, not being a registered environmental manager, who —
- (a) for or in expectation of reward, practices or holds himself out to practice as such, or
 - (b) Without reasonable excuse takes or uses any name, title addition or description implying that he is authorized by law to practice as a registered environmental manager, shall be guilty of an offence under this Bill.

- (2) If a person, for the purpose of procuring the registration of any name, qualification or other matter —
 - (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 shall be guilty of an offence under this Bill.
- (3) If the Registrar or any other person employed by the Council willfully makes any falsification in any matter relating to the register, he shall be guilty of an offence under this Bill.
- (4) A person guilty of an offence under this Bill shall be liable —
 - (a) on conviction in a court lower than the High Court to a fine not exceeding ₦10,000.00 (Ten Thousand Naira) and, where the offence is a continuing one, to a further fine not exceeding ₦5,000.00 (five thousand Naira) for each and every day the offence continues;

Amendment Proposed:

Leave out the word “exceeding” in line 2, and *insert* the words “lower than” instead thereof (*Senator Ibrahim A. Gobir — Sokoto East*).

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

- (b) on conviction in a High Court, to a fine not exceeding ₦50,000.00 or imprisonment for a term not exceeding five years or both and, where the offence is a continuing one, to a further fine not exceeding ₦20,000.00 for each and every day the offence continues.

Amendment Proposed:

Leave out the word “exceeding” in line 1, and *insert* the words “lower than” instead thereof (*Senator Ibrahim A. Gobir — Sokoto East*).

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

- (5) Where an offence under this section 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 neglects on the part of any director, manager, secretary or any person purporting to act in any such capacity he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

Clause 16: Supplementary Provisions.

- (1) Subject to the following provisions of this section, a person not otherwise exempted shall not hold an appointment requiring status as environmental manager in the public service of the Federation or of a State or in the armed forces of the Federation unless he is an environmental manager registered under this Bill.

- (2) An environmental manager shall, but to the extent only of his particular qualification, be entitled to practice as a registered environmental manager throughout the Federation.
- (3) A person in charge of any university or institution in the Federation offering courses leading to an approved qualification intended for persons who are seeking to become registered as environmental manager under this Bill shall furnish the Registrar, not later than 31st day of March in every year, with a list of the names and or such other particulars, as the Council may specify, of all persons who attended any such courses at the university or institution in question at any time during the preceding year.
- (4) In this section, "public service" includes service as a registered environmental manager in or with any educational institution, commission, corporation or state-owned or joint venture company and any employment in the Federation.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). — *Agreed to.*

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

Clause 17: Control of Council by Minister.

- (1) The Minister may give to the Council directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions.
- (2) Before giving a direction under subsection (1) of this section, the Minister shall serve a copy of the proposed direction on the Council and shall afford the Council an opportunity of making representations to him with respect to the directions; and after considering any representations made to him in pursuance of this subsection, the Minister may give the direction either without modification or with such modifications as appear to him to be appropriate having regard to the representations.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). — *Agreed to.*

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

Clause 18: Regulations, Rules and Orders.

- (1) The Council shall have power to make regulations, as may in its opinion, be necessary or expedient for giving full effect to the provisions of this Bill and for the administration thereof.
- (2) Any power to make regulations, rules and orders under this section shall include power —
 - (a) to make provision for such incidental or supplemental matter as the person or authority making the instrument considering expedient for the purpose of the instrument; and
 - (b) to make different provision for different circumstances.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). — Agreed to.

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

Clause 19: Interpretation.

(1) In this Bill —

"approved qualification" means such qualification which is approved for the time being by the council;

Question: That the words "approved qualification" defined in the Interpretation to this Act, put and agreed to.

"Council" means the Environmental Managers Registration Council of Nigeria (EMRECON) established under Section 1 (1) of this Bill;

Question: That the word "Council" defined in the Interpretation to this Act, put and agreed to.

"environmental manager" means any person registered as such under this Bill;

Question: That the words "environmental manager" defined in the Interpretation to this Act, put and agreed to.

"Association" means the Environmental Management Association of Nigeria (EMAN);

Question: That the word "Association" defined in the Interpretation to this Act, put and agreed to.

"Profession" means the profession of environmental management;

Question: That the word "Profession" defined in the Interpretation to this Act, put and agreed to.

"Environmental Management" means the reconciliation of the demands for socioeconomic systems within the constraints of the biosphere and atmosphere the aim of which is to minimize environmental impacts, to husband, and to add to existing resources for the future, through planning, organizing coordinating/directing, controlling, monitoring, evaluating and analyzing environmental activities, including environmental impacts analysis and assessment, post impact studies, baseline studies environmental audit and waste management;

Question: That the words "Environmental Management" defined in the Interpretation to this Act, put and agreed to.

Amendment Proposed:

Insert the words in the interpretation and it meaning as follows

"Gross-misconduct" as defined in the Public Service Rules (*Senator James E. Manager — Delta South*).

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

"Register" means the register maintained under this Bill and "registered" shall be construed accordingly;

Question: That the word "Register" defined in the Interpretation to this Act, put and agreed to.

"Registrar" means the registrar appointed in pursuance of Section 6 of this Bill.

Question: That the word "Register" defined in the Interpretation to this Act, put and agreed to.

- (2) For the purpose of this Bill, a person is registered if his name is, for the time being, entered in the register.
- (3) Any approval, consent direction, notice, observation, report representation or request authorized or required to be given or made by or under this Bill shall be in writing and, may without prejudice to any other method of service but subject to the rules made under the second schedule to this Bill be served by post.

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

Clause 20: Citation.

This Bill may be cited as the Environmental Managers Registration Council of Nigeria Bill, 2017.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*). — Agreed to.

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

SCHEDULES
FIRST SCHEDULE

Section 3 (2)

SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL

Qualifications and Tenure of Office of members

1. (1) A person shall not be appointed a member of the Council unless he is a citizen of Nigeria and he is registered as an environmental manager under this Bill.
- (2) Subject to the provisions of this paragraph, a person who is a member of the Council otherwise than by virtue of Section 3 (1) (d) of this Bill shall hold office for a period not exceeding five years beginning with the date of his appointment or election, as the case may be: Provided that a person shall not hold office, whether appointed or elected, for a term of less than five years unless the Minister after consultation with the Council otherwise directs.

Amendment Proposed:

Immediately after the word "be:" in line 4, *leave out* all the words (*Senator Joshua M. Lidani — Gombe South*).

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

- (3) Any member of the Council holding office otherwise than as mentioned in sub-paragraph (2) of this paragraph may, by notice to the Council, resign his office.
- (4) Subject to section 3 of this Bill, a person who has ceased to be a member of the Council shall be eligible again to become a member of the Council.
- (5) Where a member of the Council ceases to hold office before the date when his term of office would have expired by effluxion of time, the body or person by whom he was appointed or elected shall, as soon as may be possible, appoint or, as the case may be, elect a person to fill the vacancy for the residue of the term so that provisions of this subparagraph shall not apply where a person holding office as a member of the Council ceases to hold office at a time when the residue of his term does not exceed one year.
- (6) The power of appointing a person as President of the Council shall —
 - (a) during the period beginning with the date when this Bill comes into force, be exercisable by the Minister on the recommendation of the Association; and
 - (b) after the expiration of that period, be exercisable by the Council and where an existing member of the Council is appointed President, his office as an existing member shall become vacant and his term of office as President shall begin on the date of his appointment as President.
- (7) Notwithstanding that the term of office of a member of the Council has expired by the effluxion of time, a person appointed, as President, Vice President and one other person shall continue in that office until a fresh appointment is made to the office
- (8) The quorum of the Council shall be seven so that at least two of the person elected by the Association and two of the representatives of the States of the Federation are present at the particular meeting, and the quorum of any committee of the Council shall be determined by the Council.

Power of the Council

2. (1) The Council shall have power to do anything, which in its opinion is calculated to facilitate the carrying on of its activities.
- (2) The Council shall have power to borrow money or to dispose of any property and it shall have power to pay remuneration (including pensions) allowances, or expenses to any member, officer or servant of the Council or to any other person.

Proceeding of the Council

3. Subject to the provision of this Bill and of Section 27 of the Interpretation Bill (which provides for decisions of a body to be taken by a majority of the members of the body and for the President to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or of any committee thereof
4. The quorum of the Council shall be seven and the quorum of any Committee of the Council shall be determined by the Council.
5. (1) The Council shall appoint one of its members to be the Vice-President of the Council for such period as the Council may determine, so that the Vice President who ceases to be a member shall cease to be a Vice-President.

- (2) At any time while the office of the President either is vacant or the president is, in the opinion of the Council permanently or temporary unable to perform the function of his office, the Vice-President shall perform those functions, and references in this Schedule to the President shall be construed accordingly.
- 6. (1) Subject to the provisions of any standing orders of the Council the Council shall meet whenever it is summoned by the President and if the President is required so to do, by notice given to him by not less than six other members, he shall summon a meeting of the Council to be held within seven days from the date of 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 at the meeting 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 it thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister who may give such directions as he thinks fit as to the member who shall preside and as to the procedure which shall be followed at the meeting.

Committee

- 7. (1) The Council may appoint one or more Committees to carry out on behalf of the Council such functions as the Council may determine.
- (2) A Committee appointed under this paragraph shall consist of the number of person determined by the Council, and not more than one-third of those persons may 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

- 8. (1) The fixing of the seal of the Council shall be authenticated by the signature of the President or of some other member authorized generally or specifically to act for that purpose by the Council.
 - (2) 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 Council by any person generally or specially authorized to act for that purpose by the Council.
 - (3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
- 9. The validity of any proceeding of the Council or of a Committee shall not be affected by any vacancy in the membership of the Council or Committee, or by any defect in the appointment of a member of the Council or of a person to serve on the Committee, or by reason that a person not entitled to do so took part in the proceedings.

10. A member of the Council or any person holding office on a Committee of the Council who has a personal interest in any contract of arrangement entered into or proposed to be considered by the Council or a Committee thereof shall forthwith disclose his interest to the Council and shall not vote on any question relating to the contract or arrangement
11. A person shall not, by reason of his membership of the Council, be treated as holding an office in the public service of the Federation or of state thereof.

Question that the provisions of First Schedule as amended stand part of the Bill.

SECOND SCHEDULE
SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

1. The quorum of the Tribunal shall be four

Amendment Proposed:

Immediately after the word "four" insert the words "Members including the Chairman" (Senator Ibrahim A. Gobir — Sokoto East).

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

2. (1) The Chief Justice of Nigeria shall make rules as to the procedure to be followed and the rules of 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 persons aforesaid, shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if so required, be entitled to be heard the Tribunal
 - (d) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (e) subject to the provisions of Section 13 (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; and
 - (g) for publishing in the Federal Gazette notice of any direction of the Tribunal which has taken effect providing that a person's name shall be struck off a 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 sue out of the registry of the High Court, as the case may require, writs of subpoena ad testificandum and duces tecum, but no person appearing before the Tribunal shall be compelled —
 - (a) to make any statement before the Tribunal tending to incriminate himself; or
 - (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.
3.
 - (1) For the purpose of advising the Tribunal on questions 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 Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years standing.
 - (2) The Chief Justice of Nigeria shall make rules as to the functions of the assessor appointed under this paragraph, and in particular, such rules shall contain provision for securing —
 - (a) that 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 or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person shall be informed as to what advice the assessors had tendered; and
 - (b) that every such party or person shall be informed if the Tribunal does not in any case accept the advice of the assessor on such a question.
 - (3) An assessor may be appointed under this paragraph either generally or for any particular proceeding 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

4. The quorum of the Panel shall be three.
5.
 - (1) The panel may, at any meeting attended by not less than six members make standing order with respect to the Panel.
 - (2) Subject to the provisions of any such standing order, the Panel may regulate its own procedure.

Miscellaneous

6.
 - (1) A person ceasing to be a member of the Tribunal or the Panel shall be eligible for re-appointment as a member of that body.
 - (2) A person may, if otherwise eligible, be a member of both the Tribunal and the Panel, but no person who acted as member of the panel with respect to any case shall act as a member of the Tribunal with respect to that case.
7. The Tribunal or the 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 subparagraph (2) of paragraph 6 of 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.

8. The Tribunal and the Panel may each sit in two or more divisions.
9. Any document authorized or required by virtue of this Bill to be served on the Tribunal or the Panel shall be served on the Registrar.
10. Any expenses of the Tribunal or the Panel shall be defrayed by the Council.
11. A person shall not, by reason only of his appointment as an assessor to the Tribunal or as a member of the Panel, be treated as holding an office in the public service of the Federation or of any State thereof.

Question that the provisions of Second Schedule amended stand part of the Bill.

THIRD SCHEDULE

Section 7 (c)

ACCEPTED MINIMUM QUALIFICATION FOR THE PURPOSE OF REGISTRATION ON THE REGISTER ESTABLISHED UNDER THIS BILL

Bachelors of science in Environmental Management or Bachelors of environmental Management.

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Establishment and Public Service on the Environmental Managers Registration Council of Nigeria (Establishment, etc.) Bill, 2017 and approved as follows:

Clauses 1- 12	—	As Recommended
Clause 13	—	As Amended
Clause 14	—	As Recommended
Clause 15	—	As Amended
Clauses 16 -18	—	As Recommended
Clause 19	—	As Amended
Clause 20	—	As Recommended
Schedules 1 and 2	—	As Amended
Schedule 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 Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

13. Committee on Establishment and Public Service:

Report on the Chartered Institute of Management Accountants Bill, 2017 (SB. 236):

Consideration of Report deferred to another Legislative Day.

14. Animal Health and Husbandry Technologies (Registration, etc) Bill, 2017 (HB. 320) - Concurrence:

Consideration of Bill deferred to another Legislative Day.

15. Witness Protection Programme Bill, 2017 (HB. 132) - Concurrence:

Consideration of Bill deferred to another Legislative Day.

16. Nigerian Oil and Gas Industry Content Development Act 2010 (Amendment) Bill, 2017 (HB.99 & 118) - Concurrence:

Consideration of Bill deferred to another Legislative Day.

17. Compulsory Treatment and Care of Victims of Gunshots Bill, 2017 (HB. 119) - Concurrence:

Consideration of Bill deferred to another Legislative Day.

18. Corporate Manslaughter Bill, 2017 (HB. 273) - Concurrence:

Consideration of Bill deferred to another Legislative Day.

19. National Child Protection and Enforcement Agency Bill, 2017 (HB. 127) - Concurrence:

Consideration of Bill deferred to another Legislative Day.

20. Adjournment:

Motion made: That the Senate do now adjourn till Tuesday, 9th May, 2017 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 12:50 p.m.

Ike Ekweremadu, CFR
Deputy Senate President,
Senate of the Federal Republic of Nigeria.