



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 6th July, 2017

1. The Senate met at 10:46 a.m. The Senate President read Prayers.

2. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Wednesday, 5th July, 2017.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**

(a) ***Senate Delegation to Taraba State:***

The Senate President named the following Senators to condole the family, people and Government of Taraba State over the demise of Danbaba D. Suntai, former Governor of the State:

(i)	Senator Francis A. Alimikhena	—	Leader
(ii)	Senator Mao A. Oluabunwa	—	Member
(iii)	Senator Rose O. Oko	—	Member
(iv)	Senator Robert A. Boroffice	—	Member
(v)	Senator Binta Masi Garba	—	Member
(vi)	Senator Mustapha M. Sani	—	Member

(b) ***Public Hearing:***

The Senate President read a letter from Senator Gilbert E. Nnaji (*Enugu East*) as follows:



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
Committee on Communications
National Assembly Complex

His Excellency
Distinguished Senator Abubakar Bukola Saraki, CON
President of the Senate
Federal Republic of Nigeria
National Assembly
Abuja

Wednesday, July 5, 2017

Dear Excellency,

NOTICE OF PUBLIC HEARING

The Senate of the Federal Republic of Nigeria, at its sittings on Tuesday, March 7, 2017; Wednesday, April 5 and Wednesday, May 10, 2017 respectively, referred the Nationwide Toll-free Emergency Number (Establishment, etc.) Bill 2017 (SB. 107); Nigeria Postal Service Act CAP N127, LFN 2004 (Repeal and Re-enactment) Bills, 2017 (SB. 106 & 437) to the Senate Committee on Communications for further legislative action.

In line with established legislative practice, the Committee hereby seizes this opportunity to invite stakeholders and general public to a 1-day public hearing on these Bills slated for Wednesday, July 12, 2017 in the Senate Conference Room 022 (Senate Newest Building), at 2:00p.m. prompt.

Please do accept the renewed assurances of my kindest regards.

(Signed)

Senator (Prince) Gilbert Nnaji
Chairman

(c) Acknowledgment:

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

- (i) Staff and Students of Lyngra High School, Karu, Nasarawa State;
- (ii) Staff and Students of Starlight Private School, Nyanya, Abuja; and
- (iii) Staff and Students of Lizdav Academy, Mararaba, Nasarawa State.

4. Petitions:

- (i) Rising on Rule 41, Senator Ovie Omo-Agege (*Delta Central*) drew the attention of the Senate to a petition from his constituent Lt. Maxwell O. Akporugo, N/11384 against the Nigerian Army over unlawful dismissal. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (ii) Rising on Rule 41, Senator Nelson A. Efiang (*Akwa Ibom South*) drew the attention of the Senate to a petition from his constituent Etim Bassey, Force No. 439883 against the Nigeria Police over wrongful dismissal. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (iii) Rising on Rule 41, Senator Fatimat O. Raji-Rasaki (*Ekiti Central*) drew the attention of the Senate to a petition from his constituent Dr. Adedapo D. Aladesanmi, against the Nigeria Police over appointment discrimination. She urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (iv) Rising on Rule 41, Senator Matthew A. Urhoghide (*Edo South*) drew the attention of the Senate to two (2) petitions from:

- (a) ACP Joseph I. Ogbeide, against the Nigeria Police over denial from resumption of work; and
- (b) Mr. Michael Ehigie on behalf of late Uyi Ehigie (Son), against the National Drug Law Enforcement Agency (NDLEA) Officials, Akure Division, over extra-judicial killing.

He urged the Senate to look into the matters.

Petitions laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

5. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Duro S. Faseyi (*Ekiti North*) drew the attention of the Senate on the need for equity and transparency in the electioneering process in Osun State re-run election. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate;

recalls that the demise of Distinguished Senator Isiaka Adeleke on 23rd April 2017 created a vacuum in the Senate as the people of Osun West Senatorial District were left without representation;

notes that Independent National Electoral Commission (INEC) in line with 2010 Electoral Act and other extant law, INEC has fixed a bye-election for the 8th of July, 2017;

notes with dismay the series of allegations and counter allegations and verbal attacks over plans to manipulate the outcome of the July 8th Osun West Senatorial bye-Election and the consequent tension this ugly development has generated in the polity and the imminent breakdown of law and order;

aware that Osun West indigenes are desirous of a free and fair bye-Election where their votes will count; and

convinced that INEC has the capacity to deliver a credible Bye-Elections.

Accordingly resolves to:

- (i) urge Independent National Electoral Commission (INEC) to ensure that equity, fairness and transparency are the hallmark and foundation of the forthcoming Senatorial bye-elections in Osun State;
- (ii) warn all voters, leaders, stakeholders, and participants in the electoral process not to engage in any electoral violence and malpractice so as not to incur the wrath of the law as provided for in the Electoral Act and other extant laws;
- (iii) urge INEC, Nigerian Police, Directorate of State Security (DSS), Nigerian Security and Civil Defence Corps (NSCDC) and all other relevant agencies to offer the highest level of security and transparency during the voting exercise and ensure that any persons involved in electoral offences are apprehended and prosecuted; and
- (iv) call on the indigenes of the Osun West Senatorial District to come out to exercise their right to vote.

Debate:

Proposed Resolution (i):

Question: That the Senate do urge Independent National Electoral Commission (INEC) to ensure that equity, fairness and transparency are the hallmark and foundation of the forthcoming Senatorial bye-elections in Osun State — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do warn all voters, leaders, stakeholders, and participants in the electoral process not to engage in any electoral violence and malpractice so as not to incur the wrath of the law as provided for in the Electoral Act and other extant laws — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge INEC, Nigerian Police, Directorate of State Security (DSS), Nigerian Security and Civil Defence Corps (NSCDC) and all other relevant agencies to offer the highest level of security and transparency during the voting exercise and ensure that any persons involved in electoral offences are apprehended and prosecuted — *Agreed to.*

Proposed Resolution (iv):

Question: That the Senate do call on the indigenes of the Osun West Senatorial District to come out to exercise their right to vote — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge Independent National Electoral Commission (INEC) to ensure that equity, fairness and transparency are the hallmark and foundation of the forthcoming Senatorial bye-elections in Osun State;
- (ii) warn all voters, leaders, stakeholders, and participants in the electoral process not to engage in any electoral violence and malpractice so as not to incur the wrath of the law as provided for in the Electoral Act and other extant laws;
- (iii) urge INEC, Nigerian Police, Directorate of State Security (DSS), Nigerian Security and Civil Defence Corps (NSCDC) and all other relevant agencies to offer the highest level of security and transparency during the voting exercise and ensure that any persons involved in electoral offences are apprehended and prosecuted; and
- (iv) call on the indigenes of the Osun West Senatorial District to come out to exercise their right to vote (*S/Res/014/03/17*).

6. Presentation of Bills:

- (i) National Commission on Child Destitution in Nigeria (Establishment, etc.) Bill, 2017 (SB. 518) — *Read the First Time.*
- (ii) Religion Equity Commission (Establishment, etc.) Bill, 2017 (SB. 514) — *Read the First Time.*
- (iii) African Union Convention for the Protection and Assistance of the Internally Displaced Persons in Africa (Domestication and Enforcement) Bill, 2017 (SB. 491) — *Read the First Time.*
- (iv) Copyright Act CAP C28 LFN 2004 (Repeal & Re-enactment) Bill, 2017 (SB. 521) — *Read the First Time.*
- (v) Nigerian LNG (Fiscal Incentive, Guarantees and Assurances) Act CAP N87 LFN 2004 (Amendment) Bill, 2017 (HB. 397) — *Read the First Time.*

- (v) Nigerian LNG (Fiscal Incentive, Guarantees and Assurances) Act CAP N87 LFN 2004 (Amendment) Bill, 2017 (HB. 397) — *Read the First Time.*

7. Committee on Tertiary Institutions and TETFUND:

Report on the National Open University of Nigeria Act (Amendment) Bill, 2017 (SB. 066):

Motion made: That the Senate do consider the Report of the Committee on Tertiary Institutions and TETFUND on the National Open University of Nigeria Act (Amendment) Bill, 2017 (*Senator Jibrin I. Barau — 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 AMEND THE NATIONAL OPEN UNIVERSITY ACT NO. 6, 1983 TO PROVIDE FOR THE INCLUSION OF ICT AS ANOTHER MEANS OF PROVIDING TUITION TOWARDS THE ADVANCEMENT OF LEARNING THROUGHOUT NIGERIA BY THE NATIONAL OPEN UNIVERSITY AND FOR OTHER CONNECTED PURPOSES 2017.

Clause 1: Amendment of the National Open University of Nigeria Act:

The National Open University of Nigeria Act Cap N63, Laws of the Federation of Nigeria, 2004. (in this Act referred to as "the Principal Act") is amended as set out in this Act.

- (1) There is hereby established a university to be known as the National Open University of Nigeria, which shall be a body corporate with perpetual succession and a common seal.
- (2) Retained as in the Principal Act.
- (3) The objects of the University shall be to —
 - (a) Provide persons, without distinction of race, creed, gender, age or political conviction, the opportunity for liberalised access to higher education and lifelong learning.
 - (b) Promote educational opportunity, social justice and propagate the ideals of quality education that is open and available to persons at conducive environment and places; and at their pace of learning, using new and improved communication technologies, methods and ideas aimed at providing learning opportunities that meet the lifelong needs of individuals.
 - (c) encourage the preservation of learning throughout Nigeria and beyond by means of instructions delivered through a multi-model system comprising of a variety of relevant and cost effective media and technologies including facilitation print, audio, video, television, computer-mediated learning, VCD, DVD, CD-ROM, Blue Ray the Internet web-based instruction, taking cognisance of the local environment.

- (d) provide full-time studying and teaching, delivered through the open and distance learning system, taking into cognisance the peculiarities of an Open and Distance Learning University.
- (e) to provide full-time online courses leading to undergraduate and postgraduate qualifications within the existing framework of university regulatory provisions,
- (f) complement and supplement the delivery of instructions, with supported open and distance learning through the provision of seminars, special clinics, professional internship and facilitation of robust counselling services organised through an integrated network of study centres.
- (g) provide programmes and courses of instruction through instructional material design principles and other facilities that meet international standards that can be benchmarked through necessary processes of quality assurance and accreditation.
- (h) ensure that facilities provided for the University are made available on proper terms and conditions to persons that are equipped to benefit from such facilities, especially persons who may not by nature of their special circumstances, be in a position to enroll for residential or conventional face-face university education;
- (i) notwithstanding the provisions of any other enactment or Law, the University shall have the powers to admit students into all programmes and courses of the University, within the globally accepted norms of open and distance learning by taking cognisance of special characteristics of open university of inclusiveness, regard for prior knowledge, skill acquisition, age, work place and life experiences;
- (j) enhance the activities of the university through the use of study centres facilities and encourage communal participation and ownership of education by promoting the acquisition of technological literacy nationwide;
- (k) promote scholarship and encourage the carrying out of research activities in all fields of learning and related activities, giving priority to open and distance learning activities;
- (l) relate its activities to the social, cultural and economic needs of the people of Nigeria; and
- (m) undertake such other activities that can be associated with a university of the highest standard and repute.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Barau I. 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 headquarters, regional offices and local study centres of the University;
 - (g) the faculties, institutes and other teaching and research units of the University;
 - (h) the persons holding the offices constituted by the First Schedule to this Act, other than those mentioned in paragraphs (a) to (c) of this subsection;
 - (i) all undergraduates, graduates and postgraduates; and
 - (j) all other persons who are members of the University in accordance with provision made by statute in that behalf.
 - (k) all other persons who are members of the University in accordance with provision made by statute in that behalf.
- (2) Provision shall be made by statute with respect to the constitution of the following bodies, namely the Council, the Senate, Congregation, and Convocation.
- (3) Provision shall be made by statute with respect to the constitution of the following bodies, namely the Council, the Senate, Congregation, and Convocation.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Barau I. 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 their exercise.

- (1) For the carrying out of its objects as specified in section 1 of this Act, the University shall have power —
 - (a) (i) to establish such regional offices, local study centres, faculties, institutes, schools, extra-mural departments and other teaching and research units within the University as may from time to time seem necessary or desirable, subject to the approval of the National Universities Commission;
 - (ii) the power to establish regional offices, local study centres, faculties, institutes, schools, amongst others, shall include the powers to establish community and special study centres.

- (iii) any community requesting for the establishment of a community study centre shall be required to provide 80% of both the infrastructural and instructional material needs, while the University shall provide manpower and the remaining 20% of both the needs.
 - (iv) prescribed the guidelines and conditions to be satisfied before approval can be granted for the establishment of communities studies centres in Nigeria;
 - (v) in the case of special study centre, the bodies requesting for the study centre shall provide 100 per cent facilities in terms of building, roads and other infrastructures
- (b) to institute professorships, readerships, lectureships, tutor-ships 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) subject to section 18 of this Act, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situated;
 - (h) 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;
 - (i) to enter into contracts, establish trust, act as trustee, solely or jointly with any other person, and employ and act through agents;
 - (j) to erect, provide, equip and maintain libraries, laboratories, lecture halls, refectories, playing fields and other buildings or things necessary or suitable or convenient for any of the projects of the University;
 - (k) to hold public lectures and to undertake printing, publishing and book selling;
 - (l) subject to any limitations or conditions imposed by statute, to invest any moneys appertaining to the University by way of endowment, whether for general or special purposes, and such other moneys not 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, and to deposit any moneys for the time being un-invested, with any bank on deposit or current account;

- (m) 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, advance or credit facility;
 - (n) to make gifts for any charitable purpose;
 - (o) to arrange for the general welfare of children of members of staff;
 - (p) to demand and receive from any student or any other person enrolled with the University for the purpose of instruction, such fees as the University may from time to time determine, subject to the overall direction of the Minister;
 - (q) to do anything which it is authorised or required by this Act or by statute to do; and
 - (r) to do all such acts or things, whether or not incidental to the foregoing powers, as may advance the objects of the University.
- (2) Subject to the provisions of this Act and of the statutes and without prejudice to section 7 (2) of this Act, 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 any other manner which may be authorised by statute.
- (3) The power of the University to establish regional offices and local study centres thereof shall be exercisable by statute and not otherwise.

Committee's Recommendation:

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

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

Clause 4: Functions of Chancellor and Pro-Chancellor.

- (1) The Chancellor shall, in relation to the University, take precedence before all other members of the University and, when he is present, shall preside at all meetings of Convocation held for conferring degrees.
- (2) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and 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 I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 5: Functions of the Council and its Finance and General Purposes Committee.

- (1) Subject to the provisions of this Act relating to the Visitor, the Council shall be the governing body of the University and shall be charged with general control and superintendence of the policy, finances and property of the University, including its public relations.
- (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 in such manner as may be specified by law and that an annual report is published by the University, together with certified copies of the said accounts as audited.
- (5) Subject to this Act 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 of or 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 directions 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, of the Finance and General Purposes Committee and other committees 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 Act and shall meet at least three times in every year.
- (9) If requested in writing by any members of the Council, the chairman shall within 28 days after the receipt of such request, call a meeting of the Council. The request shall specify business to be considered at the meeting and no business not so specified shall be transacted at that meeting.
- (10) The Council shall appoint the Vice-Chancellor, Deputy Vice-Chancellors, Registrar, University Librarian and Bursar, in accordance with the provisions of the Universities (Miscellaneous Provisions) Act, 2004, as amended.
- (11) The powers of the Council shall be exercised as contained in the laws and Statutes of the University and in the event of any inconsistencies between circulars and guidelines, the laws and Statutes of the University, as the case may be shall prevail.
- (12) The Governing Council of the University shall —

- (a) be independent in the discharge of its functions and responsibilities under this Act in the interest of good management, growth and sustainable development of the University; and
- (b) ensure that disbursement of funds of the University is in accordance with the approved budgetary ratio for personnel cost, overhead cost, research and development, library development, while ensuring at all times that a balance exists in expenditures made for academic and non-academic activities".

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 6: Functions of the Senate.

- (1) Subject to section 5 of this Act and subsections (3) and (4) of this section and to the provisions of this Act relating to the Visitor, it shall be the general function of the Senate to organise and control the teaching by the University, the admission (where no other enactment provides to the contrary) of students 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 therein mentioned, it shall in particular be the function of the Senate to make provisions for —
 - (a) the establishment, organisation and control of the headquarters, regional offices, local study centres, schools, faculties, departments, institutes and other teaching and research units of the University and the allocation or 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 supervision of the welfare of students of the University and regulation of their conduct;
 - (f) the granting of fellowships, scholarships, prizes and similar awards, in so far as the awards are within the control of the University;
 - (g) determining what descriptions of dress shall be academic dress for the purposes of the University and regulating the use of the academic dress.

- (3) The Senate shall not establish any new regional office, local study centre, school, faculty, department, institute or other teaching or research unit of the University, without the approval of the Council.
- (4) Subject to this Act 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 provisions for any matter for which provision by regulations is authorised or required by this Act or by statute.
- (5) Regulations shall provide that at least one of the persons appointed as 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.
- (6) Subject to a right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred upon him if after due enquiry 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 6 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 7: 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 Act, except the Pro-Chancellor and any other person for the time being acting as chairman of the Council.
- (2) Subject to sections 5, 6 and 12 of this Act, the Vice-Chancellor shall have the general function, in addition to any other functions conferred on him by this Act or otherwise, of directing the activities of the University and shall be the chief executive and chief academic officer of the University and ex-officio chairman of the Senate.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 8: Transfer of property to the University.

- (1) All property held by or on behalf of the University by the provisional council shall, by virtue of this subsection and without further assurance, vest in the University and be held by it for the purposes of the University.
- (2) The provisions of the Second Schedule to this Act shall have effect with respect to, and to matters arising from, the transfer of property by this section and with respect to the other matters mentioned in that Schedule.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Statutes of the University**Clause 9: Power of the University to make statutes.**

- (1) Subject to this Act, 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 it is done by the University and their discipline and welfare;
 - (d) determining whether any particular matter is to be treated as an academic or a non-academic matter, for the purposes of this Act and of any statute, regulation or other instrument made thereunder; or
 - (e) making provision for any other matter for which provision by statute is authorised or required by this Act.
- (2) Subject to section 21 (6) of this Act, the Interpretation Act shall apply in relation to any statute made under this section, as it applies to a subsidiary instrument within the meaning of section 37 (1) of that Act.
- (3) The statute contained in the Third Schedule to this Act, shall come into force on the commencement of this Act and shall be deemed to have been made under this section.
- (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 Act or any subsequent statute.

Committee's Recommendation:

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

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

Clause 10: Mode of exercising power to make statutes.

- (1) The power of the University to make statutes shall be exercised in accordance with the provisions of this section 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 vote 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 before the other.
- (4) A statute which makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University, shall not come into operation, unless it has been approved by the President.
- (5) 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.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 11: 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 to the effect that the copy is a true copy of a statute of the University.

Committee's Recommendation:

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

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

Supervision and discipline

Clause 12: Visitor.

- (1) The President shall be the Visitor of the University.
- (2) The Visitor shall as often 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 persons 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 —
 - (a) 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 require for the purposes of a visitation; and
 - (b) to give effect to any directives consistent with the provisions of this Act which may be given by the Visitor in consequence of a visitation.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 13: Removal of certain members of the Council.

- (1) If it appears to the Council that a member of the Council (other than the Pro-Chancellor or the Vice-Chancellor) should be removed from office on the ground of misconduct or inability to perform the functions of his office or employment, the Council shall make a recommendation to that effect, through the Minister, to the President and if the President, after making such enquiries (if any) as may be considered appropriate, approves the recommendation, the President 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 13 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 14: Removal and discipline of academic, administrative and technical staff.

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic or administrative or technical staff of the University, other than the Vice-Chancellor, should be 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 to the Council; and
 - (c) if he or any three members of the Council so request within the period of one month, beginning with the date of the notice, make arrangements —
 - (i) for a joint committee of the Council and the Senate to investigate the matter and to report on it to the Council; and
 - (ii) 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 staff may be suspended from his duties or his appointment may be terminated by Council; and for the purposes of this subsection "good cause" means —

- (a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
 - (b) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office;
 - (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to hold his office;
 - (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.
- (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 suspension, consider the case against that person and come to a decision as to —
 - (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;
 - (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, and 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.
- (5) 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.
- (6) 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 category of workers of the University, as may be prescribed.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 15: Removal of examiners.

- (1) If, on the recommendation of the Senate, it appears to the Vice-Chancellor that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then, except in such case as may be prescribed, he 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 and, subject to the provisions of regulations made in pursuance of section 6 (5) of this Act, 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 this subsection.
- (2) It shall be the duty of the Vice-Chancellor, on signing an instrument of removal in pursuance 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 which it relates.

Committee's Recommendation:

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

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

Clause 16: 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 direction, 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;
 - (c) that the student be expelled from the University.
- (2) Where a direction is given under subsection (1) (c) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal against the direction 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 against a direction is brought in pursuance of the last foregoing subsection, shall not affect the question 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) It is hereby declared that 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 16 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Miscellaneous and Supplementary

Clause 17: Exclusion of discrimination on account of race, religion, etc.

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, of a member of anybody established by virtue of this Act; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the University, by reference to any of these matters:

Provided that nothing in this section shall be construed as preventing the University from imposing any disability or restriction on any of the aforementioned persons where such person willfully refuses or fails on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them, which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the University reasonably justifiable in the national interest.

Committee's Recommendation:

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

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

Clause 18: Restriction on disposal of land by the University.

Without prejudice to the provisions of the Land Use Act, the University shall not dispose of or charge any land or an interest in any land (including any land transferred to the University by this Act), 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 purposes.

Committee's Recommendation:

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

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

Clause 19: Quorum and procedure of bodies established by this Act.

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

Committee's Recommendation:

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

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

Clause 20: Appointment of committees, etc.

- (1) Anybody 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 authorise a committee established by it —
 - (a) to exercise, on its behalf, such of its functions as it may determine; and
 - (b) to co-opt members, and may direct whether or not co-opted members (if any), shall be entitled to vote in that committee.
- (2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies, or for 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 otherwise be 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 foregoing provisions of this section shall be construed as:—
 - (a) enabling statutes to be made otherwise than in accordance with section 10 of this Act; or
 - (b) enabling the Senate to empower any other body to make regulations or to 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 a person pursuant to section 14 of this Act) 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 20 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 21: 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, a Deputy Vice-Chancellor, Registrar 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 anybody 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 only that any person not entitled to do so, took part in the proceedings.
- (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 not vote on any question relating to that matter.
- (6) Nothing in section 12 of the Interpretation Act (which provides for the application, in relation to subordinate legislation, of certain incidental provisions), shall apply to statutes or regulations made in pursuance of this Act; but the power conferred by this Act to make statutes or regulations shall include power to revoke or vary any statute, including the statute contained in the Third Schedule to this Act or any regulation by a subsequent statute or, as the case may be by a subsequent regulation and statute and regulations may make different provision in relation to different circumstances.
- (7) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 8 and 18 of this Act or the Second Schedule to this Act.
- (8) 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.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 22: Service in the University to be pensionable.

- (1) Service in the University shall be pensionable in line with the Pension Reform Act and employees of the University shall be entitled to pensions and other retirement benefits as prescribed in the Pension Reform Act.
- (2) Notwithstanding the provision of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms and conditions, which preclude the grant of pension or other retirement benefits in respect of that office.

- (3) For the purpose of the application of the Pensions Reform Act, any power exercisable by a Minister or Authority of the Federal Government, not being the power to make regulations under the provisions of section 97 thereof, are exercisable by the Council and not any other person or Authority.

Committee's Recommendation:

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

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

Clause 23: Interpretation.

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

"Council" means the Council established by this Act for the University;

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

"Headquarters" means the headquarters of the University;

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

"Local study centre" means any local study centre which may be established by the University;

Question: That the words "Local study centre" be as defined in the Interpretation to this Act, put and agreed to.

"Minister" means the Minister charged with responsibility for higher education;

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

"Notice" means notice in writing;

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

"Officer" does not include the Visitor;

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

"Prescribed" means prescribed by statute or regulation;

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

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

Question: That the word "President" be as defined 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 regulations;

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

"Property" includes rights, liabilities and obligations;

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

"The provisional council" means the provisional council appointed for the University by the President;

Question: That the words "The Provisional" be as defined in the Interpretation to this Act, put and agreed to.

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

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

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

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

"Statute" means a statute made by the University under section 9 of this Act and in accordance with the provisions of section 10 of this Act, and "the statutes" means all such statutes as are in force from time to time;

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

"Undergraduate" means a person in statu pupillari at the University, other than—
(a) a graduate; and

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

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

"University" means the National Open University of Nigeria, as incorporated, constituted and amended by this Act.

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

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

Committee's Recommendation:

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

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

Clause 24: Citation.

This Act may be cited as the National Open University of Nigeria (Amendment) Act, 2017.

Committee's Recommendation:

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

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

FIRST SCHEDULE:
PRINCIPAL OFFICERS OF THE UNIVERSITY

[Sections 2 (1) (i) and 2 (2).]

The Chancellor.

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

The Pro-Chancellor.

2. (1) The Pro-Chancellor shall be appointed or removed 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.

The Vice Chancellor.

3. (1) The Vice-Chancellor shall—
- (a) be appointed by the Governing Council in accordance with the provisions of the Universities (Miscellaneous Provisions) Act, as amended;
- (b) hold office for a single term of five years and no more; and
- (c) may be removed from office by the Governing Council of the University in accordance with the provisions of the Universities (Miscellaneous Provisions) Act, as amended.
- (2) The Vice-Chancellor shall hold office on such terms as to emoluments and otherwise, as may be specified in his instrument of appointment.

Other Principal Officers of the University:

- (1) There shall be the following other officers of the University, who shall each be responsible to the Vice-Chancellor, that is to say—
 - (a) Three Deputy Vice-Chancellors;
 - (b) Registrar;
 - (c) Bursar; and
 - (d) Librarian.
- (2) The scope of responsibilities of those officers and how they relate to each other shall be determined by statute.
- (3)
 - (a) the Deputy Vice Chancellors, Registrar, University Librarian and Bursar, shall be appointed in accordance with the provisions of the Universities (Miscellaneous Provisions) Act, as amended.
 - (b) the Deputy Vice Chancellors, Registrar, University Librarian and Bursar, shall hold office in accordance with the provisions of the Universities (Miscellaneous Provisions) Act, as amended; and
 - (c) the Deputy Vice Chancellors, Registrar, University Librarian and Bursar, may be removed from office in accordance with the provisions of the Universities (Miscellaneous Provisions) Act, as amended."
- (4) Any question as to the scope of the responsibilities of the aforesaid officers shall, subject to sub-paragraph (2) of this paragraph, be determined by the Vice-Chancellor.

5. 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; and
 - (b) in any other case, by notice to the Council and the Council shall immediately notify the Minister, in the case of the Vice-Chancellor.
- (2) Subject 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 reappointment to that office.

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

SECOND SCHEDULE:**TRANSITIONAL PROVISIONS AS TO PROPERTY AND FUNCTIONS, ETC.**

[Sections 8 (2) and 21 (7).]

Transfer of property to University.

1. Without prejudice to the generality of section 8 (1) 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.
 - (1) All agreements, contracts, deeds and other instruments to which the provisional Council was a party shall, so far as possible and subject to any necessary modifications, have effect as if the University had been a party thereto in place of the provisional council.
 - (2) Documents not falling within sub-paragraph (1) of this paragraph, including enactments which refer, whether specially or generally, to the provisional council, shall be construed in accordance with that sub-paragraph, so far as applicable.
 - (3) Any legal proceedings or application to any authority pending by or against the provisional council may be continued by or against the University.

Registration of Transfers.

- 3. 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 the necessary modifications to the transfer of the property aforesaid; and 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 office to register the transfer accordingly.

Transfer of Functions.

- 4.
 - (1) The first meeting of the Council shall be convened by the Pro-Chancellor, on such date and in such manner as he may determine.
 - (2) The persons who were members of the provisional council, shall be deemed to constitute the Council until the date when the Council set up under the Third Schedule to this Act shall have been duly constituted.
 - (3) The first meeting of the Senate, as constituted by the Act, shall be convened by the Vice-Chancellor on such date and in such manner as he may determine.
 - (4) The persons 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 faculties, faculty boards and students of the University immediately before the coming into force of this Act, shall on that day become faculties, faculty boards and students of the University, as constituted by this Act.
 - (6) Persons who were Deans or associate Deans of faculties or members of faculty board, shall continue to be Deans or associate Deans or become members of the corresponding faculty 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 a member of that staff or as such an employee.

Question that the provision of the Second Schedule stand part of the Bill — Agreed to.

THIRD SCHEDULE:
NATIONAL OPEN UNIVERSITY OF NIGERIA STATUTE NO. 1

[Sections 9 (3) and 21 (3).]

Arrangement of Articles

1. The Council.
2. The Finance and General Purposes Committee.
3. The Senate.
4. Congregation.
5. General Assembly.
6. Convocation.
7. Organisation of faculties and branches thereof.
8. Faculty Boards.
9. Deans of faculties.
10. Selection of certain principal officers.
11. Creation of academic posts.
12. Appointment of academic staff.
13. Appointment of administrative and technical staff.
14. Interpretation.
15. Short title.

The Council

1. (1) The Council shall consist of—
 - (a) the Pro-Chancellor;
 - (b) the Vice-Chancellor and the Deputy Vice-Chancellors;
 - (c) four persons representing a variety of interests and broadly representative of the whole Federation, appointed by the President;
 - (d) four persons appointed by the Senate, from among the members of that body;
 - (e) two persons appointed by Congregation, from among the members of that body;
 - (f) one person appointed by Convocation, from among the members of that body; and

- (g) the Permanent Secretary, Federal Ministry of Education or, in his absence, such member of his Ministry as he may designate to represent him.
 - (h) the Permanent Secretary, Federal Ministry of Education or, in his absence, such member of his Ministry as he may designate to represent him.
 - (2) Any member of the Council holding office otherwise than in pursuance of sub-paragraph (1) (a), (b) or (h) of this paragraph may, by notice to the Council, resign his office.
 - (3) A member of the Council holding office otherwise than in pursuance of sub-paragraph (1) (a), (b) or (h) of this paragraph shall, unless he previously vacates it, vacate that office on the expiration of the period of four years, beginning with effect from the 1st of August in the year in which he was appointed.
 - (4) Where a member of the Council holding office otherwise than in pursuance of sub-paragraph (1) (a), (b) or (h) of this paragraph 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 reappointment 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 sub-paragraph (1) (c) and (h) of this paragraph.
 - (7) If the Pro-Chancellor is not present at a meeting of the Council, such other member of the Council present at the meeting as the Council may appoint as respects that meeting shall be the chairman at that meeting and, subject to section 4 of the Act and the foregoing provisions of this paragraph, the Council may regulate its own procedure.
 - (8) Where the Council desires to obtain with respect to any particular matter, it may co-opt not more than two persons for that purpose; and the persons co-opted may take part in the deliberations of the Council at any meeting, but shall not be entitled to vote.
2. The Finance and General Purposes Committee
- (1) The Finance and General Purposes Committee of the Council shall consist of—
 - (a) the Pro-Chancellor, who shall be chairman of the Committee at any meeting at which he is present;
 - (b) the Vice-Chancellor and the Deputy Vice-Chancellors;
 - (c) ten other members of the Council at least appointed by the Council, one of whom shall be selected from among the four members of the Council appointed by the Senate and one member appointed to the Council by the Congregation and the remaining four shall be from among members appointed by the President'
 - (d) the Permanent Secretary, Federal Ministry of Education or, in his absence, such members of his Ministry as he may designate to represent him.
 - (2) The quorum of the Committee shall be eight.

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

The Senate.

3. (1) The Senate shall consist of—
- (a) the Vice-Chancellor and the Deputy Vice-Chancellors;
 - (b) the Deans of the several faculties;
 - (c) the Directors of the several institutes;
 - (d) the Professors;
 - (e) the Heads of academic departments;
 - (f) the Librarian;
 - (g) the persons for the time being holding such appointments on the staff of the University as may be specified by the Vice-Chancellor;
 - (h) one representative elected by each Faculty Board; and
 - (i) elected members of Congregation, whose total number shall be limited to not more than five per cent of all the members specified in sub-paragraphs (a) to (h) of this sub-paragraph.
- (2) The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present; and in his absence, a Deputy Vice-Chancellor 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 sub-paragraph (2) of this paragraph, the Senate may regulate its own procedure.
- (4) An elected member may, by notice to the Senate, resign his office.
- (5) Subject to sub-paragraph (7) of this paragraph, there shall be elections for the selection of elected members which shall be held in the prescribed manner on such day in the month of May or June in each year as the Vice-Chancellor may, from time to time, determine.
- (6) An elected member shall hold office for the period of two years beginning with 1 August, in the year of his election, and may be a candidate at any election held in pursuance of sub-paragraph (5) of this paragraph, in the year in which his period of office expires, so however that no person shall be such a candidate if at the end of his current period of office he will have held office as an elected member for a continuous period of six years or would have so held office if he had not resigned it.
- (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 sub-paragraph (9) of this paragraph does not exceed by more than one the figure which is thrice the number of those elected members holding office on the date of the certificate who do not vacate office during the year in pursuance of sub-paragraph (6) of this paragraph; but for the avoidance of doubt, it is hereby declared that no person shall be precluded from continuing in or taking office as an elected member by reason only

of a reduction in the total of non-elected members occurring on or after 30 April in any year in which he is to continue in or take office as an elected member.

- (8) If so requested in writing by ten members of the Senate, the Vice-Chancellor, or in his absence a person 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.
- (9) In this article, "total of non-elected members" means, as respects 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—
 - (a) the Vice-Chancellor and the Deputy Vice-Chancellors;
 - (b) the full-time members of the academic staff;
 - (c) the Registrar;
 - (d) the Bursar; and
 - (e) every member of the administrative staff who holds a degree of any university recognised for the purposes of this statute by the Vice-Chancellor, not being an honorary degree.
- (2) Subject to section 4 of the Act, the Vice-Chancellor shall be the chairman at all meetings of Congregation when he is present; and in his absence, a Deputy Vice-Chancellor shall be the chairman at the meeting.
- (3) The quorum of the Congregation shall be one third (or the whole number nearest to one third) of the total number of members of Congregation or fifty, whichever is less.
- (4) A certificate signed by the Vice-Chancellor specifying —
 - (a) the total of members of Congregation for the purposes of any particular meeting or meetings of Congregation; or
 - (b) the names of the persons who are members of Congregation during the 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 express, by resolution 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 functions of electing a member of the Council, as may be provided by statute or regulations.

General Assembly.

- 5. (1) The General Assembly shall consist of —
 - (a) the Vice-Chancellor and the Deputy Vice-Chancellors;
 - (b) all Professors and Heads of departments;

- (c) the Registrar;
 - (d) the Bursar;
 - (e) one academic staff representative of each faculty; and
 - (f) five students from each faculty, appointed by the Dean on a departmentally representative basis.
- (2) Subject to section 4 of the Act, the Vice-Chancellor shall be the chairman at all meetings of the General Assembly when he is present, and in his absence, a Deputy Vice-Chancellor shall be the chairman at the meeting.
 - (3) The quorum of the General Assembly shall be one third (or the whole number nearest to one third) of the total number of members of the general assembly, provided that no less than five students are present.
 - (4) Subject to the foregoing provisions of this article, the General Assembly may regulate its own procedure.
 - (5) The General Assembly shall be entitled to express, by resolution or otherwise, opinion on all matters affecting the interest and welfare of students 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 —
- (a) the officers of the University mentioned in the First Schedule to the Act;
 - (b) all teachers within the meaning of the Act; and
 - (c) all other persons whose names are registered in accordance with sub-paragraph (2) of this paragraph.
- (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 pays the prescribed fees, and regulations shall provide for the establishment and maintenance of a register, for the purposes of this paragraph and, subject to sub-paragraph (3) of this paragraph, 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.
 - (3) 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 Convocation by virtue of sub-paragraph (1) (a) or (b) of this paragraph, are entered and retained on the register.
 - (4) 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 office of the University at all reasonable times.

- (5) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is, and that any person not named therein is not, a member of Convocation; but for the purposes 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.
- (6) The quorum of Convocation shall be fifty or one third (or the whole number nearest to one third) of the total number of members of Convocation, whichever is less.
- (7) Subject to section 4 of the Act, the Chancellor shall be chairman at all meetings of Convocation when he is present, and in his absence, the Vice-Chancellor shall be the chairman at the meeting.
- (8) Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by statute.

6. Organisation of faculties and branches thereof.

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

Faculty Boards.

7. (1) There shall be established in respect of each faculty, a Faculty Board 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 faculty;
 - (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 matters referred to it by the Vice-Chancellor or the Senate.
- (2) Each Faculty Board shall consist of —
 - (a) the Vice-Chancellor;
 - (b) the Dean;
 - (c) the persons severally in charge of the branches of the faculty;
 - (d) such of the teachers assigned to the faculty 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 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.
- (4) In the conduct of examinations connected with the subjects assigned to the faculty, each Faculty Board shall make adequate arrangement for the correct identification of candidates presenting themselves for the examinations.

Deans of faculties.

8. (1) The Board of each Faculty shall at a meeting in the third term of any academic year in which the term of office of the Dean expires, nominate one of its members, being a senior academic staff not below the rank of a senior lecturer and who is or has been a head of department, for appointment by the Senate as Dean of the faculty. The person so appointed shall act as Dean of the faculty and chairman at all meetings of the Faculty Board when he is present and shall be a member of all committees and other Boards appointed by the faculty.
- (2) The Dean shall hold office for two years and shall be eligible for re-appointment for one further period of two years, after which he shall not be eligible for re-appointment, until two years have elapsed.
- (3) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty. It shall be the function of the Dean to present to Convocation for the conferment of degrees persons who have qualified for the degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.
- (4) There shall be a committee to be known as the Committee of Deans, consisting of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matter referred to the University Council by the Senate.
- (5) The Dean of a faculty may be removed from office for good cause by the Faculty 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 Faculty Board meeting, an election shall be held for a new Dean.
- (6) In this article, "good cause" has the same meaning as in section 14 (3) of the Act.

Selection of Certain Principal Officers.

9. (1) When a vacancy occurs in the office of a Deputy Vice-Chancellor, the Registrar, Bursar, Librarian or Director of Works, a selection board shall be constituted by the Council and 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 shall, after making such inquiries as it thinks fit, 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. Recommendation for the creation of posts other than those mentioned in article 10 of this statute, shall be made by the Senate to the Council through the finance and general purposes committee.

Appointment of academic staff.

11. Subject to the Act and the statutes, the filling of vacancies in academic posts (including newly created ones), shall be as prescribed from time to time by the Senate.

Appointment of administrative and technical staff.

12. (1) The administrative and technical staff of the University, other than those mentioned in article 10 of this statute, shall be appointed by the Council or on its behalf by the Vice-Chancellor in accordance with any delegation of powers made by the Council in that behalf.
- (2) In the case of administrative or technical staff who have close and important contact 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 National Open University of Nigeria (Amendment) Act and any expression defined in the Act, has the same meaning in this statute.
14. Short Title
This Act may be cited as the National Open University of Nigeria (Amendment) Act, 2017.

Question that the provision of the Third Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Tertiary Institutions and TETFUND on the National Open University of Nigeria Act (Amendment) Bill, 2017 and approved as follows:

Clauses 1- 25 — 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.

8. Committee on Tertiary Institutions and TETFUND:

Report on the Federal University of Maritime Studies, Oron (Establishment, etc.) Bill, 2017 (SB.309):

Motion made: That the Senate do consider the Report of the Committee on Tertiary Institutions and TETFUND on the Federal University of Maritime Studies, Oron (Establishment, etc.) Bill, 2017 (*Senator Jibrin I. Barau — 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 REPEAL THE MARITIME ACADEMY OF NIGERIA ACT CAP.16 LAWS OF THE FEDERATION OF NIGERIA 1988; AND ESTABLISH FEDERAL UNIVERSITY OF MARITIME STUDIES ORON, AND FOR RELATED MATTERS, 2017

PART 1 — ESTABLISHMENT, CONSTITUTION AND FUNCTIONS
OF THE FEDERAL UNIVERSITY OF MARITIME STUDIES ORON.

Clause 1: Establishment of Federal University of Maritime Studies, Oron.

- (1) There is hereby established Federal University of Maritime Studies Oron (In this Act referred to as "the University") which —
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name; and
 - (c) may acquire, hold and dispose of property whether moveable or immovable.
- (2) The Academy shall be a body corporate with perpetual succession and a common seal and shall have power to acquire and dispose of interests in movable and immovable property and may sue and be sued in its corporate name.
- (3) The Academy shall consist of —
 - (a) the nautical department;
 - (b) the marine engineering department;
 - (c) the radio and electronics department;
 - (d) the maritime studies department;
 - (e) the general studies department;
 - (f) the research institute;
 - (g) the specialised seamen training centre;
 - (h) the cadets regiment; and
 - (i) such other educational units or departments or variations of the above as may, subject to this Act, be established from time to time by the Governing Council.

Committee's Recommendation:

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

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

Clause 2: Objectives of the University.

The objectives of the University shall be —

- (a) To provide courses of instruction and training to various levels of personnel required for running and operating ships of the merchant navy and also in marine technology, applied research, and applied marine sciences. The University shall have powers to award its own degrees in accordance with the highest standards as may be prescribed by the National Universities Commission (NUC).
- (b) 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 shipping, applied maritime sciences and maritime technology, shipping business and the management thereof.
- (c) To develop and offer academic and professional programmes post-graduate research leading to the award of diplomas, first degrees, and higher degrees in various aspects of shipping, merchant navy and related fields concerning the improvement of maritime safety and security, the protection of the marine environment and efficiency of national and international shipping.
- (d) To provide a centre for middle and high level maritime education, research, scholarship and capacity-building and an effective means for the sharing of maritime technology with/from other maritime nations, with a view to promoting the achievement nationally and globally, of the highest practicable standards in matters concerning maritime technology, ports, marine engineering, piloting and navigation, marine insurance, hydrography, safety and security, efficiency of navigation and the prevention and control of marine pollution including air pollution from ships.
- (e) To establish appropriate relationships with other national and international institutions involved in training, research and development of maritime matters.
- (f) To identify the maritime problems and needs of the society and to find solutions to them within the context of the overall national development.
- (g) To undertake any other activities appropriate for a maritime university of the highest standard.
- (h) To make plans and arrangements for perpetual development of the maritime industry.
- (i) To teach science and technology contributory to the maritime profession.
- (j) To know and comply with the provisions and standards prescribed by The International Maritime Organization (IMO).

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 3: Constitution and Principal.

- (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; the faculties, schools, institutes and other teaching and research units of the University;
 - (g) the persons holding the offices constituted by the First Schedule to this Act other than those mentioned in paragraphs (a) to (c) of this subsection;
 - (h) all graduates and undergraduates of the University; and
 - (i) 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 Act shall have effect with respect to the Principal Officers of the University there mentioned.
- (3) Subject to section 5 of this Act 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 4 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

PART II — POWERS OF THE UNIVERSITY AND THEIR EXERCISE**Clause 4: Powers of the University.**

- (1) For the carrying out of its objects as specified in section 1 of this Act, the University shall have power —
 - (a) to establish such campuses, colleges, faculties, institutes, schools, extramural departments and other teaching and research units within the University as may from time to time seem necessary or desirable, subject to the approval of the National Universities Commission or any other body that may be established by law for that purpose;
 - (b) to institute professorships 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 including the cadet regiment and students;
- (e) to hold examinations and award 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 award honorary degrees, fellowships or academic titles;
- (g) to demand and receive from any cadet 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 appropriate authority;
- (h) subject to section 20 of this Act, 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, workshops, laboratories, lecture halls, halls of residence, refectories, sport grounds, playing fields and facilities, buildings or things necessary or suitable or convenient for any of the objects of the University.
- (l) to hold public lectures conferences and seminars, and to undertake printing, publishing and book selling;
- (m) subject to any limitations and conditions imposed by statute, to invest any moneys appertaining to the University by law of endorsement, whether for general or special purposes, and such other moneys as may not be 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 and to deposit any moneys for the time being un-invested with any bank on deposit or current account;
- (n) 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 necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
- (o) to make gifts for any charitable purpose;
- (p) to arrange for the general welfare of children of members of staff;
- (q) to do anything which it is authorized or required by this Act or by statute to do; and

- (r) to do all such acts, or things, whether or not incidental to the foregoing powers, as may advance the objects of the University.
- (2) Subject to the provisions of this Act and of the statutes made there under and without prejudice to Section 7(2) of this Act, 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 any other manner which may be authorized by statute.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 5: Functions of the Chancellor and Pro-chancellor.

- (1) The Chancellor shall, in relation to the University, take precedence before all other members of the University, and when he is present shall preside at all meetings of Convocation held for conferring degrees.
- (2) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor when acting as Chairman of Convocation; and except for the Vice-Chancellor when acting as Chairman of Congregation; 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 5 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 6: Composition of the Council of the University.

- (1) The Council of the University shall consist of—
 - (a) the Pro-Chancellor;
 - (b) the Vice-Chancellor;
 - (c) the Deputy Vice-Chancellor(s);
 - (d) one representative of the Ministry of Transportation charged with matters relating to the University.
 - (e) One person from the Ministry responsible for Education.
 - (f) 6 persons, each representing the six Geopolitical zones of the Federation to be appointed by the President, on the recommendation of the Minister of Transportation.
 - (g) four persons appointed by the Senate from among its members;
 - (h) two persons appointed by Congregation from among its members;
 - (i) one person appointed by Convocation from among its members.
 - (j) The Registrar shall be secretary of the Council Retained as in the Bill.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 7: Function of Council and its Finance and General Purposes Committee.

The Council shall —

- (1) Subject to the provisions of this Act 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, including its public relations.
- (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 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 auditors appointed by the council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation, and that an annual report is published by the University together with certified copies of the said accounts audited.
- (5) Subject to this Act 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 directions 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 members respectively of the Council, of the Finance and General Purposes Committee and of any other Committees 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 Council.
- (8) The Council shall meet four times in every year and without prejudice to the foregoing section, the Council shall meet as at when necessary for the performance of its functions under this Act.
- (9) If requested in writing by any five members of the Council, the Chairman shall within twenty-eight (28) days after the receipt of such request call a meeting of the Council, provided that if after the twenty-eight (28) days of the receipt or delivering to him of such request the Chairman fails or neglects to call a meeting, the Registrar shall, within fourteen (14) days thereof, cause a meeting of the Council to be convened for that purpose.

- (10) Any request made under subsection (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 7 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 8: Functions of the Senate.

The Senate shall —

- (1) Subject to section 6 of this Act and subsections (3) and (4) of this section and to the provisions of this Act relating to the Visitor, it shall be the general function of the Senate to organize and control teaching in the University, admit cadets to sub degree, degree and postgraduate courses and other students 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, organization and control of campuses, colleges, faculties, departments, schools, institutes and other teaching and research units of the university, and the allocation of responsibility for different branches of learning;
 - (b) The organization and control of courses of study at 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.
 - (d) The establishment, organization and control of halls of residence and similar institutions at the University;
 - (e) The supervision of the welfare of students at the University and the regulation of their conduct;
 - (f) The granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University; and
 - (g) 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, faculty, department, school, institute or other teaching and research units of the University, or any hall or residence or similar institution at the University, without the approval of the Council.

- (4) Subject to this Act and 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 regulation is authorized or required by this Act 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 at the branch of learning to which the course relates at some other tertiary institution or university of high repute.
- (6) Subject to a right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred on 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 8 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 9: Functions of the Vice Chancellor.

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 Act, except the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.
- (2) Subject to sections 6 and 7 of this Act and the provisions of this Act relating to the Visitor, the Vice-Chancellor shall have the general function, in addition to any other functions conferred on him by this Act or otherwise, of directing the activities of the University, and shall, to the exclusion of any other person or authority, be the Chief Executive and academic officer of the University and ex-officio Chairman of the Senate.

Committee's Recommendation:

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

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

Clause 10: Transfer of Property.

- (1) All property held by or on behalf of the provisional Council shall, by virtue of this subsection and without further assurance, vest in the University and be held by it for the purposes of the University.
- (2) The provisions of the Second Schedule to this Act shall have effect with respect to the transfer of property by this section and to matters arising there from and with respect to other matters mentioned in that Schedule.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 11: Power of University to make Statutes.

- (1) Subject to this Act, 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 it is done by the University, and their discipline and welfare;
 - (d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purpose of this Act and of any statute, regulation or other instrument made there under;
 - (e) making provision for any other matter for which provision by statute is authorized or required by this Act.
- (2) Subject to section 24 (6) of this Act, the Interpretation Act shall apply in relation to any statute made under this section as it applies to a subsidiary instrument within the meaning of section 25 (1) of this Act.
- (3) The statute contained in the Third Schedule to this Act shall be deemed to have come into force on the commencement of this Act and shall be deemed to have been made under this section.
- (4) The power to make statutes conferred by this section shall not be prejudices 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 Act or any subsequent statute.

Committee's Recommendation:

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

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

Clause 12: Mode of exercising power to make Statutes.

- (1) The power of the University to make statutes shall be exercised in accordance with the provision 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 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 before 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 Federal Government of Nigeria.
- (5) For the purposes of subsection (2) of section 2 of the Interpretation Act, a statute shall be treated as being made on the date on which it is duly approved by the Council after having been duly approved by the Senate, or on the date on which it is duly approved by the Senate after having been duly approved by the Council, as the case may be or, in the case of a statute falling within subsection (4) of this section, on the date on which it is approved by the Federal Government of Nigeria.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 13: Proof of Statute.

A statute may be proved in any court by the production of a copy thereof bearing or having affixed to it a certificate purporting to be signed by the Vice-Chancellor or the Registrar to the effect that the copy is a true copy of a statute of the University.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 14: Power of Visitor to decide meaning of Statute.

- (1) In the event of any doubt or dispute arising at any time as to the meaning of any provision of a statute, the matter may be referred to the Visitor, who shall take such advice and make such decision thereon as he/she shall think fit.
- (2) The decision of the Visitor on any matter referred to him/her under 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 this section, no question as to the meaning of that provision shall be entertained by any court of law in Nigeria.

Provided that nothing in this subsection shall affect any power of a statute which is wholly or partly void as being ultra vires or as being inconsistent with the Constitution of the Federal Republic of Nigeria.

- (3) The foregoing provisions of this section shall apply in relation to any doubt or dispute as to whether any matter is for the purposes of this Act an academic or non-academic matter as they apply in relation to any such doubt or dispute as is mentioned in subsection (1) of this section, and accordingly the references in subsection (2) of this section to any question as to the meaning of any provision of a statute shall include references to any question as to whether any matter is for the said purposes an academic or a non-academic matter.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

PART III — SUPERVISION AND DISCIPLINE

Clause 15: The Visitor and Conduct of a Visitor.

- (1) The President of the Federal Republic of Nigeria shall be the Visitor to the University.
- (2) The Visitor shall, as often 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 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 —
- (a) to make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of the visitation; and
- (b) to give effect to any instructions consistent with the provisions of this Act which may be given by the Visitor in consequence of the visitation.

Committee's Recommendation:

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

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

Clause 16: Removal of certain Members of Councils.

- (1) If it appears to the Council that a member of the Council (other than Pro-Chancellor or the Vice-Chancellor) should be removed from office on grounds 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 Federal Executive Council and if the Federal Executive Council, after making such enquires (if any) as may be considered necessary, approves the recommendation it 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 16 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 17: Removal and discipline of academic administrative and professional staff.

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic or administrative or professional staff of the University, other than the Vice-Chancellor, should be removed from his office or employment on grounds of misconduct or 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 to the Council; and
 - (c) take a decision to terminate or not to terminate the appointment;
- (2) If he or any three members of the Council so request within the period of one month beginning with the date of receipt of the notice of the Council's decision aforesaid the Council shall make arrangements —
 - (a) For a joint committee of the Council and the senate to review the matter and to report on it to the Council and
 - (b) for the person in question to be afforded an opportunity of appearance 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.
- (3) The Vice-Chancellor may, in a case of gross misconduct by a member of staff which, in the opinion of the Vice-Chancellor, is prejudicial to the interest of the University, suspend such member and any such suspension shall forthwith be reported to the Council.
- (4) For good cause, any member of staff may be suspended from his duties or his appointment may be terminated by 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 to discharge the functions of his officer or to comply with the terms and conditions of his service.
 - (5) 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 from the date of such suspension, consider the case against that person and come to a decision as to —
 - (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/her
 - (b) Whether to reinstate such person in which case the Council shall restore his/her full emoluments to him/her with effect from the date of suspension;
 - (c) Whether to terminate the appointment of the person concerned in which case such a person will not be entitled to the proportion of his/her 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/her emolument that might have been withheld) as the Council may determine:
- and 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) above 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 prevent the Council from making regulations for the discipline of staff and workers of the University as may be appropriate.

Committee's Recommendation:

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

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

Clause 18: Removal of examiners.

- (1) If, on the recommendation of the Vice-Chancellor, it appears to the Senate that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then Senate may, after affording the examiner an opportunity of making representations in person on the matter direct the Vice-Chancellor, remove the examiner from the appointment by an instrument in writing signed by the Registrar and the Vice-Chancellor may, on the recommendation of Senate, appoint an appropriate person as examiner in the place of the examiner removed in pursuance of Section 7(2)(b).

- (2) It shall be the duty of the Registrar on signing an instrument of removal in pursuance to this section, to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

Committee's Recommendation:

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

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

Clause 19: 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 direction, 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 may, the student may, within the prescribed period and in the prescribed manner, appeal from the direction to the Senate, and where such an appeal is brought, the Senate shall, after causing such inquiry to be made in the matter as the Senate considers just, either confirm or set aside the direction or modify it in such manner as the Senate thinks fit.
- (3) The fact that an appeal from a direction is brought in pursuance of the last foregoing subsection 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 (to wit, the Students' Disciplinary Committee) consisting of such members of the Academy 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 for Conduct which in the opinion of Senate is prejudicial to the interest of the University or to its corporate objectives or image.
- (6) It is hereby declared that 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 19 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

PART IV — MISCELLANEOUS AND GENERAL**Clause 20: Discrimination on account of race, religion, etc.**

- (1) No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping) sex, place of birth or of family origin or religious or political persuasion, as a condition for 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 anybody established by virtue of this Act and no person shall be subjected to any disadvantage or accorded any advantage in relation to the University, by reference to any of those matters.
- (2) Provided that nothing in this section shall be construed as preventing the University from imposing any disability or restriction on any of the aforementioned persons where such person willfully refuse or fail on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the University reasonably justifiable in the national interest.

Committee's Recommendation:

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

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

Clause 21: Transfer of Land for University use.

For the purposes of the Land Use Act (which provides for the compulsory acquisition of land for public purposes) the purposes of the University shall be public purposes of the Federation, and where an estate or interest in land is acquired by the Federal Government in pursuance of this section, the Federal Government may, by a certificate under the hand and seal of the Chief Federal Lands Officer, or any other person authorized in that behalf transfer it to the University.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 22: Restriction on disposal of land by University.

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

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 twenty-one years or any lease or tenancy to a member of the University for residential purposes.

Committee's Recommendation:

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

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

Clause 23: Quorum and procedure of bodies established by this Act.

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

Committee's Recommendation:

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

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

Clause 24: Appointment of Committees, etc.

- (1) Anybody 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; and
 - (b) to co-opt members, and may direct whether or not co-opted members (if any) shall be entitled to vote in that committee.
- (2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies, or for 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 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 foregoing provisions of this section shall be construed as—
 - (a) Enabling statutes to be made otherwise than in accordance with section 11 of this Act or;
 - (b) Enabling the Senate to empower any other body to make regulations or to 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 24 be retained (*Senator Barau I. Jibrin — Kano North*) — *Agreed to.*

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

Clause 25: Miscellaneous administrative provisions.

- (1) The seal of the University shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall, in the case of certificates issued by the University, be authenticated by the Vice-Chancellor and Registrar and in the case of any other document, by any member or Council, the Vice-Chancellor, and the Registrar or any other person authorized 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 deemed 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 authorized to do so by the Council without seal.
- (4) The validity of any proceedings of anybody established pursuant to 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 proceedings.
- (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 not vote on any question relating to that matter.
- (6) Nothing in section 12 of the Interpretation Act (which provides for the application, in relation to subordinate legislation, of certain incidental provisions) shall apply to statutes or regulations made in pursuance of this Act; but the power conferred by this Act 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.
- (7) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of section 9, section 20 or the Second Schedule to this Act.
- (8) Any notice or other instrument authorized to be served by virtue of this Act may, without prejudice to any other mode of service, be served by post.

Committee's Recommendation:

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

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

Clause 26: Interpretation.

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

"appropriate authority" means any person, body or authority authorized by law to act in a specific or general capacity in relation to a subject matter;

Question: That the words "appropriate authority" be as defined in the Interpretation to this Act, put and agreed to.

"campus" means any campus which may be established by the University;

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

"college" means any college which may be established by the University;

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

"Council" means the Council established by this Act for the University;

Question: That the word "Council" be as defined 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 or any recognized university;

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

"gross misconduct" means any act of misconduct and improper behaviour that may be designated as gross misconduct by any statute or regulation made, pursuant to this Act.

Question: That the words "gross misconduct" be as defined in the Interpretation to this Act, put and agreed to.

"Minister" means the Minister charged with responsibility for higher education or Minister charged with responsibility for Transportation, as the case may be;

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

"misconduct" means any conduct which is prejudicial to the good name of the University and or discipline and the proper administration of the business of the University;

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

"notice" means notice in writing;

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

"officer" does not include the Visitor;

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

"prescribed" means prescribed by statute or regulations made under this Act.

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

"property" includes rights, liabilities and obligations;

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

"the provisional Council" means the provisional Council appointed for the University by the Federal Republic of Nigeria;

Question: That the words "the Provisional Council" be as defined in the Interpretation to this Act, put and agreed to.

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

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

"Senate" means the Senate of the University established pursuant to section 2 of this Act;

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

"Statute" means a statute made by the University under section 9 of this Act and in accordance with the provisions of section 10 of this Act and "the statutes" means all such statutes as are in force from time to time;

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

"Undergraduate" means a person in statusupillariat the University, other than —

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

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

- (2) It is hereby declared that where in any provision of this Act it is laid down that proposals are to be submitted or a recommendation is to be made by one authority to 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 pursuant to that provision to the appropriate authority; but any such intermediate authority may, if it thinks fit, forward therewith with its own comments thereon.

Committee's Recommendation:

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

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

Clause 27: Citation.

This Act may be cited as the Federal University of Maritime Studies, Oron Bill, 2017.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Barau I. Jibrin — Kano North*) — Agreed to.

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

SCHEDULE 1

PRINCIPAL OFFICERS OF THE UNIVERSITY
THE CHANCELLOR

Principal Officers of the University

- (1) The Chancellor shall be appointed by the Visitor on the recommendation of the Federal Executive Council.
- (2) Subject to any Act or Law that may be made by the National Assembly, the Chancellor shall hold office for a period of four years in the first instance.
- (3) If it appears to the Visitor that the Chancellor should be removed from his office on grounds of misconduct or of inability to perform the functions of his office, the Visitor may, by notice in the Federal Gazette, remove the Chancellor from office.

The Pro-Chancellor

3. (1) The Pro-Chancellor shall be appointed by the Visitor.
- (2) Subject to the provisions of this Act, the Pro-Chancellor shall hold office for a period of four years beginning from the date of his appointment.

The Vice-Chancellor

4. (1) 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 tenure and 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,
 - (iv) to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they feel that it is not proper to do so.
- (2) A Joint Council and Senate Selection Board consisting of—
- (a) the Pro-Chancellor, as Chairman;
 - (b) two members of the Council, not being members of the Senate;
 - (c) two members of the Senate who are Professors,

But who were not members of the Search Team, shall consider the candidates and persons on the short list drawn up under subsection (2) of this section through an examination of their curriculum vitae and interaction with them, and recommend to the Council three candidates for further consideration.

- (3) The Council shall select one candidate from among the three candidates recommended to it under subsection (3) of this section and forward his name to the President.
- (4) The Vice-Chancellor shall hold office for a period of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his/her letter of appointment.
- (5) The Vice-Chancellor may be removed from office by the Governing Council on grounds of gross misconduct or inability to discharge the functions of his office as a result of infirmity of the body or mind, at the initiative of the Council, Senate or the Congregation after due process.
- (6) 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 Council one of which shall be the Chairman of the Committee; and
 - (ii) Two members of the Senate,

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

- (7) The Committee shall conduct investigation into the allegation made against the Vice-Chancellor and shall report its findings to the Council.
- (8) The Council may, where the allegations are proved, remove the Vice-Chancellor or apply any other disciplinary action as it may deem fit and notify the Visitor accordingly, provided that a Vice-Chancellor who is removed shall have a right of Appeal to the Visitor.
- (9) There shall be no Sole Administrator in the University.

- (10) In any case of vacancy in the office of the Vice-Chancellor, the Council shall appoint an acting Vice-Chancellor on the recommendation of the Senate.
- (11) Any acting Vice-Chancellor, in all circumstances, shall not be in office for more than 6 months.

Deputy Vice-chancellor

- (1) There shall be such number of Deputy Vice-Chancellors as the 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 forwarded to it under subparagraph (2) of this paragraph and forward his name to the Council for confirmation.
- (4) A Deputy Vice-Chancellor shall —
 - (a) Assist the Vice-Chancellor in the performance of his functions;
 - (b) Act in place of the Vice-Chancellor when the post of the Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or unable to perform his functions as Vice-chancellor; and
 - (c) Perform such other functions as the Vice-Chancellor or the Council may, 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 of his appointment and on such terms and conditions as may be specified in his letter of appointment;
 - (b) May be re-appointed for a further period of two years and no more.

Other Principal Officers of the University

- 6. Office of the Registrar —
 - (1) There shall be 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 sub-paragraph (4) below.
 - (2) The person holding the office of Registrar shall by virtue of that office be Secretary to the Council, the Senate, Congregation and Convocation.
 - (3) A Registrar —
 - (a) Shall hold office for a period of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment;
 - (b) May be re-appointed for one further period of five years and no more.

Office of the Bursar and University Librarian

7. There shall be a Bursar, who shall be the Chief Financial Officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administration and control of the financial affairs of the University.
8. There shall be a University Librarian who shall be responsible to the Vice-Chancellor for the administration of the University Library and the coordination of all library services in the University and its campuses, Colleges, Faculties, Schools, departments and Institutes and other teaching or research units.
9. The Bursar and the University Librarian —
 - (a) Shall hold office for a period of five years beginning from the effective date of his/her appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) May be re-appointed for one further period of five years and no more.
10. Other Officers of the University—
 - (1) There shall be a Director of Works, who shall be responsible to the Vice-Chancellor for the administration of the Works Department. He shall be responsible for all works, services and maintenance of University facilities.
 - (2) There shall be a Director of Health Services, who shall be responsible to the Vice-Chancellor for the administration of the Health Centre. He shall coordinate all matters relating to the health of all staff and students.
11. Selection Board for Principal and other Officers, except the Vice Chancellor and Deputy Chancellor

There shall be a Selection Board for the appointment of Principal Officers and other officers of the University, other than the Vice-Chancellor or Deputy Vice-Chancellor(s) which shall consist of —

 - (a) The Pro-Chancellor, as Chairman;
 - (b) The Vice-Chancellor(s);
 - (c) Two members of the Council, not being members of the Senate; and
 - (d) Two members of the Senate.

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

SCHEDULE 2**TRANSITIONAL PROVISIONS AS TO PROPERTY,
FUNCTIONS, ETC**

1. **Transfer of Property to Federal University of Maritime Studies, Oron**

Without prejudice to the generality of section 8 (1) of this Act —

 - (a) The reference in that subsection to property held by the provisional Council and the Federal University of Maritime Studies, Oron 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 and the Federal University of Maritime Studies, Oron.

- (b) All debts and liabilities of the provisional Council and the Federal University of Maritime Studies, Oron outstanding shall become debts or liabilities of the University.
- 2. (1) All agreements, contracts, deeds and other instruments to which the provisional Council and the Federal University of Maritime Studies, Oron were parties 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 and the Federal University of Maritime Studies, Oron.
- (2) Documents not falling within sub-paragraph (1) above, including enactments, which refer whether specially or generally to the provisional Council and Federal University of Maritime Studies, Oron shall be construed in accordance with that sub-paragraph so far as applicable.
- (3) Any legal proceedings or application to any authority pending by or against the provisional Council and the Federal University of Maritime Studies, Oron may be continued by or against the University.

Registration of Transfers

- 3. 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 of any other matter) apply with the necessary modifications to the transfer of the property aforesaid; and 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. (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 set up under Schedule 3 of this Act shall have been duly constituted.
- (3) The first meetings 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 persons who were members of the Academic Board 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 Schedule 3 of 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 faculties, faculty boards and students of the University immediately before the coming into force of this Act shall, on that day become faculties, faculty boards and students of the University as constituted by this Act.
- (6) Persons who were Deans or Vice-deans of Faculties or Schools or members of Faculty Boards shall continue to be Deans or Vice-deans or become members of the corresponding Faculty Boards, until new appointments are made in pursuance of the statutes.

5. Subject to any regulations which may be made by the Senate after the date on which this Act is made, the Faculties, Faculty Boards and students of the University immediately before the coming into force of this Act shall, on that day, become Faculties, Faculty Boards and students of the University as constituted by this Act.
6. Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.

Resignation and Re-appointment

7. (1) Any officer mentioned in the foregoing provisions of this schedule may resign his office —
 - (a) In the case of the Chancellor, by notice to the Visitor and
 - (b) In any other case, by notice to the Council and the Council shall immediately notify the Minister in the case of the Vice-Chancellor.
- (2) Subject to paragraph 4, under Schedule 2 above, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

Question that the provision of the Second Schedule stand part of the Bill — Agreed to.

SCHEDULE 3

FEDERAL UNIVERSITY OF MARITIME STUDIES, ORON STATUTE NO.1

ARRANGEMENT OF ARTICLES

ARTICLE:

1. The Council
2. The Finance and General Purposes Committee
3. The Senate
4. Congregation
5. Convocation
6. Organisation of Faculties and Branches thereof
7. Faculty Boards
8. Dean of the Faculty
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. Citation

The Council

1. (1) The Composition of the Council shall consist shall be as provided in Section 6
- (2) Any member of the Council holding office otherwise than in pursuance of paragraph (1) (a) (b) or (g) above may, by notice to the Council, resign his office.
- (3) A member of the Council holding office otherwise than in pursuance of paragraph (1) (a) (b) or (g) above shall, unless he previously vacates it, vacate that office on the expiration of the period of four years with effect from the date of his appointment.
- (4) Where a member of the Council holding office otherwise than in pursuance of paragraph (1) (a), (b) or (g) above 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 reappointment 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 paragraph (1) (c), (d), (e) and (f) of this Article.
- (7) If the Pre-Chancellor is not present at a meeting of the Council, such other member of the Council present at the meeting of the Council may be appointed as respects that meeting to be Chairman at that meeting and subject to section 4 of the 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, it may co-opt not more than two persons for that purpose; and the persons co-opted may take part in the deliberations of the Council at 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 four members of the Council appointed by the Senate and one of whom shall be selected from among members of the Council appointed by the congregation;
- (d) The Permanent Secretary, Federal Ministry of Transportation or, in his absence, such member of his Ministry as he may designate to represent him;
- (2) The quorum of the Committee shall be six;
- (3) Subject to any directions given by the Council, the Committee may regulate its own procedure.

The Senate

3. (1) The Senate shall consist of:—
- (a) The Vice-Chancellor and the Deputy Vice-Chancellor(s);
 - (b) The Registrar;
 - (c) The Deans of Faculties;
 - (d) The Directors of Institutes and Centres;
 - (e) The Professors;
 - (f) The University Librarian;
 - (g) The persons for the time being holding such appointments on the staff of the University as may be specified by 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, a Deputy Vice-Chancellor appointed by him 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) above the Senate may regulate its own procedure.
- (4) If so requested in writing by any ten members of the Senate, the Vice-Chancellor, or in his absence a person 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.

Congregation

4. (1) Congregation shall consist of:—
- (a) The Vice-Chancellor and the Deputy Vice-Chancellor(s);
 - (b) The full-time members of the academic staff;
 - (c) The Registrar;
 - (d) The Bursar and
 - (e) The University Librarian
- (2) Every member of the administrative and technical staff who holds a degree of any University recognized for the purposes of this statute by the Vice-Chancellor, not being an honorary degree.
- (3) Subject to section 4 of the Act, the Vice-Chancellor shall be the Chairman at all meetings of Congregation when he is present; and in his absence a Deputy Vice-Chancellor appointed by him shall be the Chairman at the meeting.
- (4) The quorum of the Congregation shall be one-third (or the whole number nearest to one) of the total number of members of the Congregation or fifty, whichever is less.

- (5) A certificate signed by the Vice-Chancellor specifying:—
- (a) the total number of members of Congregation for the purposes of any particular meetings of Congregation; or
 - (b) the names of 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.
- (6) Subject to the foregoing provisions of this article, congregation may regulate its own procedure.
- (7) Congregation shall be entitled to express by resolution or otherwise its opinion on all matters affecting the interest and welfare of the University and shall have such other function 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:—
- (a) The Officers of the University mentioned in Schedule 1 to the Act;
 - (b) All teachers within the meaning of the Act; and
 - (c) All other persons whose names are registered in accordance with paragraph (2) below.
- (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;
 - (b) He applies for the registration of his name in the prescribed manner and pays the prescribed fee; and regulations shall provide for the establishment and maintenance of a register for the purposes of this paragraph and, subject to paragraph (3) below, 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.
- (3) 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 convocation by virtue of paragraph (1) (a) or (b) of this article are entered and retained on the register.
- (4) 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 offices of the University at all reasonable times.
- (5) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is, and that any person not 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.
- (6) The quorum of convocation shall be fifty or one-third (or the whole number nearest to one-third) of the total number of members of Convocation, whichever is less.

- (7) Subject to section 4 of the Act, the Chancellor shall be Chairman at all meetings of Convocation when he is present, and in his absence the Vice-Chancellor shall be the chairman at the meeting.
- (8) Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by statute.

Organization of Faculties and Branches Thereof

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

- (1) There shall be established in respect of each Faculty a Faculty Board, which, subject to the provisions of this Act, and subject to the directions of the Vice-Chancellor, shall: —
 - (a) regulate the teaching and study of, the conduct of examinations connected with, the subjects assigned to the Faculty;
 - (b) deal with any other matter assigned to it by statute or by the Vice-Chancellor or by Senate; and
 - (c) advise the Vice-Chancellor or Senate on any matter referred to it by the Vice-Chancellor or Senate.
- (2) Each Faculty Board shall consist of:—
 - (a) The Vice-Chancellor;
 - (b) The persons severally in charge of the branches of the Faculty;
 - (c) Such of the teachers assigned to the Faculty and having the prescribed qualifications as the Board may determine; and
 - (d) Such person whether or not members of the University as the Board may determine with the general or special approval of 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 to any provision made by regulations in that behalf, the Board may regulate its own procedure.

The Dean of the Faculty

- 8.
- (1) The Dean of a Faculty shall be a professor elected by the Faculty Board and such Dean shall hold office for a term of two years. He will be eligible for re-election for another term of two years after which he may not be elected again until two years have elapsed.
 - (2) If there is no professor in a faculty, the Vice-Chancellor shall appoint an Acting Dean who shall not be below the rank of Senior Lecturer for the faculty who will act for a period of one year in the first instance, renewable for another one year only.
 - (3) In the absence of the Vice-Chancellor, the Dean shall be the chairman at all meetings of the Faculty Board when he is present and he shall be a member of all committees and other boards appointed by the faculty.

- (4) The Dean of a Faculty shall exercise general superintendence over the academic and administrative affairs of the faculty. It shall be the function of the Dean to present to convocation for the conferment of Degrees (and Diplomas) person who have qualified for the Degrees (and Diplomas) of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.
- (5) There shall be a Committee to be known as the Committee of Deans consisting of all the Deans of the several Faculties and that Committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the Committee by Senate.
- (6) The Dean of a Faculty may be removed from office for good cause by the Faculty 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 faculty board meeting an election shall be held for a new Dean.
- (7) In this article, "good cause" has the same meaning as in section 15 (4) of the Act.

Selection of Certain Principal Officers

9. (1) When a vacancy occurs in the Office of the Registrar, Bursar, University Librarian, a Selection Board shall be constituted by the Council and shall consist of:—
 - (i) The Pro-Chancellor
 - (ii) The Vice-Chancellor
 - (iii) Two members appointed by the Council, not being members of Senate, and
 - (iv) Two members appointed by the Senate not being members of Council.
- (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.

Other Officers of the University

- (3) A person selected/appointed to the office of Director of Works or Director of Health Services shall hold office for a period of five years single term from the effective date of his appointment, provided that the Council, acting through the Vice-Chancellor, may for good cause, within the meaning of section 15 (4) of this Act, and notwithstanding section 15 (1) of the same Act, suspend or remove such appointees.
- (4) Where on the commencement of this Act a Director of Works or Director of Health Services has held office for five years, he shall be deemed to have served his term and shall relinquish his post and be assigned other duties in the University.

Creation of Academic Post

10. Recommendation for the creation of posts other than those mentioned in Article 9 of this Statute shall be made by the Senate to the Council through the Finance and General Purposes Committee.

Appointment of Academic Staff

11. Subject to the Act and the Statutes, the filling of vacancies in academic posts (including newly created ones) shall be as prescribed from time to time by Statutes.

Appointment of Administrative and Technical Staff

12. (1) The administrative and technical staff of the University, other than those mentioned in Article 9 of this Act, shall be appointed by the Council or on its behalf by the Vice-Chancellor or the Registrar in accordance with any delegation of powers made by the Council or on its behalf.
- (2) In the case of administrative or technical staff who have close and important contacts 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 Federal University of Maritime Studies, Oron Act and any expression defined in the Act has the same meaning in this Statute.

Short Title

14. This Statute may be cited as Federal University of Maritime Studies, Oron.

Savings and Transitional Provisions

Repeal of Maritime Academy of Nigeria Act No 16 of 1988

15. (1) The Maritime Academy of Nigeria Act No 16 of 1988 Laws of the Federation of Nigeria shall be deemed to have been repealed under this Act.
- (2) Anything done or purported to have been done under the Maritime Academy of Nigeria Act No 16 of 1988 Laws of the Federation of Nigeria remains valid, except otherwise provided under this Act.
- (3) Subsidiary legislation made or deemed to have been made under the repealed Maritime Academy of Nigeria Act No 16 Laws of the Federal Republic of Nigeria if it was in force immediately before the commencement of this Act, shall continue in force with necessary modification and may be amended or revoked as if it had been made under this Act.
- (4) The rights, Assets, obligations and liabilities of the Maritime Academy of Nigeria Act as established by the repealed Maritime Academy of Nigeria Act Cap.16 Laws of the Federation of Nigeria, 1988 shall, at the commencement of this Act, rest in and devolve on the Federal University of Maritime studies, Oron.

Question that the provision of the Third Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Tertiary Institutions and TETFUND on the Federal University of Maritime Studies, Oron Bill, 2017 and approved as follows:

- | | | |
|-----------------|---|----------------|
| Clauses 1- 27 | — | 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.

9. Committee on Establishment and Public Service:

Report on the National Institute for Legislative Studies (NILS) Act Amendment Bill, 2017 (SB.359):

Motion made: That the Senate do consider the Report of the Committee on Establishment and Public Service on the National Institute for Legislative Studies (NILS) Act Amendment 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 AMEND THE NATIONAL INSTITUTE FOR LEGISLATIVE STUDIES ACT, 2011 TO AMONG OTHER THINGS CHANGE THE NAME OF THE INSTITUTE FROM NATIONAL INSTITUTE FOR LEGISLATIVE STUDIES TO NATIONAL INSTITUTE FOR LEGISLATIVE AND DEMOCRATIC STUDIES IN ORDER TO EMPOWER THE INSTITUTE TO PROVIDE TRAINING AND RESEARCH SERVICES IN LEGISLATIVE AND DEMOCRATIC STUDIES AND FOR OTHER RELATED MATTERS, 2017.

Clause 1: Amendment of the National Institute for Legislative Studies Act, 2011:
The National Institute for Legislative Studies Act 2011 (in this Bill referred to as "the Principal Act") is amended as set out in this Bill.

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: Amendment of Section 1.

Section 1 of the Principal Act is amended by inserting after the word "Legislative" the Words "and Democratic".

There is established the National Institute for Legislative and Democratic Studies (in this Act referred to as "the Institute").

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: Amendment of the Functions and Objectives of the Institute.

Section 2 of the Principal Act is amended-

(a) in subsection (2), by inserting new paragraph "(n)" after the existing paragraph (m)-

"(n) act as the centre for continuing education and advocacy on democratic processes and institutions";

(b) in subsection (3) (a) by inserting after the word "democratic" a coma (,) and legislative practice";

(c) in subsection (3) (d) by inserting after the word "tertiary" the word "professional";

(d) in subsection (3) (h) by inserting after the word "schools" the word "professional";

(e) in subsection (3) (i) by substituting the existing paragraph (i)-
"(i) provide training courses on democracy, party policies, electoral process, legislative practice and procedures, political culture and development"; and

(f) in subsection (3) (j) by inserting after the word "its" the words "professional and;"

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: Substitution of the Interpretation of the word "institute"

Section 24 of the Principal Act is amended by substituting the existing interpretation of the word "Institute" to mean the "National Institute for Legislative and Democratic Studies".

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.

Clause 5: Amendment of the Short Title.

The Short Title of the Principal Act is amended by inserting after the word "Legislative" the words "and Democratic"

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: Amendment of Citation.

Section 25 of the Principal Act is amended by deleting the entire proviso and substituting with the following-

“Citation

25. This Bill may be cited as the National Institute for Legislative and Democratic Studies Bill, 2017.”

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.

Chairman to report Bill.

(SENATE IN PLENARY)

The 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 National Institute for Legislative Studies (NILS) Act Amendment Bill, 2017 and approved as follows:

Clauses 1- 6 — 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.

10. Committee on Environment:

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

Motion made: That the Senate do consider the Report of the Committee on Environment on the Erosion Control and Prevention Commission (Establishment, etc.) Bill, 2017 (*Senator Ovie A. Omo-Agege — Delta 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 PROVIDE FOR THE ESTABLISHMENT OF THE EROSION CONTROL PREVENTION COMMISSION AND VEST IT WITH THE RESPONSIBILITY FOR THE PREVENTION CONTROL, MANAGEMENT AND REDRESS OF EROSION AND FOR RELATED MATTERS, 2017.

PART 1 — ESTABLISHMENT OF THE EROSION PREVENTION AND CONTROL COMMISSION**Clause 1: Establishment of the Commission.**

- (1) There is established a body to be known as Erosion Prevention and Control Commission (in this Bill referred to as "the Commission").

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

HEAD OFFICE OF THE COMMISSION.

- (3) The Head office of the Commission shall be in Abuja and may establish its operational Offices in the 36 States of Federation as the Commission may deem fit.

OBJECTIVES OF THE COMMISSION.

- (4) The Commission shall, subject to the provisions of this Bill, have responsibility for the prevention and control of erosion in all the States of the Federation including the Federal Capital Territory, Abuja.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — *Agreed to.*

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

Clause 2: Establishment and Membership of the Governing Council.

- (1) There is established a Governing Council for the Commission (in this Bill referred to as "the Council") which shall be responsible for the discharge of the functions of the Commission.
- (2) The Council shall consist of:—
- (a) a Chairman;
 - (b) Two representatives each from the six geo-political zones of the Federation
 - (c) a representative not below the rank of a Director from the Federal Ministries in charge of:
 - (i) Environment;
 - (ii) Transportation;
 - (iii) Works;
 - (iv) Agriculture and Rural Development;
 - (v) Finance;
 - (vi) Mines and Steel, and
 - (vii) National Planning.
 - (viii) Federal Ministry of Housing
 - (ix) Federal Ministry of Water Resources
 - (d) the Executive Secretary of the Commission.
 - (e) a representative each from Nigeria environmental society and Nigerian Society of Engineers.

- (3) The Chairman and members of the Council of the Commission shall be:—
- (a) appointed by the President on the recommendation of the Minister subject to the confirmation by the Senate;
 - (b) persons of proven integrity, honour and ability; and
 - (c) Part-time members except the Executive Secretary who shall be a full-time member.

SCHEDULE.

- (4) The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Council and other matters contained therein.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — *Agreed to.*

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

Clause 3: Tenure of Office.

The Chairman and Members of the Council other than the Executive Secretary shall each hold office:—

- (a) for a term of 4 years and may be re-appointed for a further term of 4 years and no more; and
- (b) on such terms and conditions as may be specified in their letters of appointment.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — *Agreed to.*

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

Clause 4: Cessation of Membership.

- (1) A person shall cease to hold office as a member of the Council on the occurrence of any of the following:—
 - (a) he becomes bankrupt, suspends payment or compounds with his creditors;
 - (b) he is convicted of a felony or any offence involving dishonesty or fraud;
 - (c) he becomes of unsound mind or is incapable of carrying out his duties;
 - (d) he is guilty of a serious misconduct in relation to his duties;
 - (e) in the case of a person who possesses any professional qualification and he is disqualified or suspended, other than at his own request from practicing his profession in any part of the world by any order of a competent authority made in respect of that member; or

- (f) he resigns his appointment by a letter addressed to the President.
 - (g) if it appears to the Commission that a member of the Council, shall be removed from office on the grounds of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to the President through the Minister;
- (2) Where a member of the Council ceases to hold office for any reason whatsoever, before the expiration of the term for which he is appointed another person representing the same interest as that member shall be appointed to the Council for the expired term.
 - (3) A member of the Council may be removed by the President on the recommendation of the Minister if he is satisfied that it is not in the interest of the Commission or the public that the member continues in office.
 - (4) Where a vacancy occurs in the membership of the Council, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

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

Clause 5: Allowances of Members.

Members of the Council shall be paid such remunerations and allowances as appropriately placed by the National Incomes, Salaries and Wages Commission.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

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

Clause 6: Powers of the Council.

The Council shall have power to:—

- (a) manage and superintend over the affairs of the Commission;
- (b) make, alter and revoke rules and regulations for the effective running of the Commission;
- (c) employ and pay the staff of the Commission such remunerations and allowances as payable to persons in similar organization in the country;
- (d) enter into contracts and do such other things as may be necessary or expedient for the discharge of its functions and ensure the efficient performance of the functions of the Commission; and
- (e) receive, disburse and account for funds of the Commission.

PART II — FUNCTIONS AND POWERS OF THE COMMISSION

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — *Agreed to.*

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

Clause 7: Functions of the Commission.

The Commission shall:—

- (a) carry out an extensive survey of the extent of erosion in the country;
- (b) manage, control redress and prevent erosion in the country;
- (c) Build capacity, Knowledge and skills at Federal, State and local community levels for effective prevention, control and management of erosion in the country.
- (d) advise on balanced and responsible use of land in the country;
- (e) conceive, plan and implement in accordance with set rules and regulations projects and programmes for erosion prevention, control and management;
- (f) co-ordinate and promote research activities relating to erosion prevention, control and management;
- (g) adopt an integrated approach addressing the physical, biological and socio-economic aspects of the process of erosion;
- (h) monitor the state of preparedness of all organizations or agencies which may contribute to the control of erosion;
- (i) educate and inform the public on erosion prevention and control measures;
- (j) collate data from relevant agencies so as to enhance planning and field operation of erosion prevention, management and control;
- (k) cooperate with relevant inter-governmental organisations;
- (l) facilitate through International cooperation the transfer of technology knowledge and know how on the prevention, control and management of erosion;
- (n) ensure sound and efficient management of the resources available to the Commission from the Federation Account;
- (o) receive financial and technical aid from international organisations and non-governmental agencies for the purpose of prevention management and control of erosion;
- (p) carry out such other functions as the President may from time to time direct.
- (q) aerial mapping and documentation of all critical erosion sites/locations throughout the country;

Amendment Proposed:

Leave out the word "aerial" in line 1, and insert the word "cause" instead thereof (Senator Ahmad I. Lawan — Yobe North).

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

- (r) determination, collation, profiling and categorization (critical, advanced, minor) of the erosion sites/location and the generation of erosion data bank for both prevention and control (*Senator Ovie A. Omo-Agege — Delta Central*).

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

Clause 8: Powers of the Commission.

- (1) The Commission shall have power to do anything which will facilitate the carrying out of its functions and in particular may:—
 - (a) acquire, hold, manage and alienate movable and immovable property;
 - (b) monitor and control erosion in the affected areas;
 - (c) enter into contracts for the prevention, control and management of all erosion problems;
 - (d) purchase or acquire any asset, business or property considered necessary for the proper conduct of its functions;
 - (e) sell, let, lease or dispose of any of its property;
 - (f) undertake or sponsor research where necessary for the performance of its functions; and
 - (g) train managerial, technical or other category of staff for the purpose of running the affairs of the Commission;
 - (h) enter into partnerships, combines, relationships, understandings, agreements and joint ventures for the purpose of carrying out any of the functions.
 - (i) enforce environmental laws to prevent erosion by human activities;

Amendment Proposed:

Leave out the provision in subclause 8(i) (Senator Ahmad I. Lawan — Yobe North).

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

- (2) The powers conferred on the Commission may be exercised by it or through any of its officers, employees, agents authorized in that behalf by the Commission (*Senator Ovie A. Omo-Agege — Delta Central*).

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

PART III — APPOINTMENT OF EXECUTIVE SECRETARY AND
OTHER STAFF OF THE COMMISSION

Clause 9: Appointment and duties of the Executive Secretary of the Commission.

- (1) There shall be an Executive Secretary of the Commission who shall be appointed by the President.
- (2) The Executive Secretary shall:—
 - (a) the Executive Secretary shall be a registered professional Engineer or an Environmentalist with not less than 15 years continuous cognate professional experience

Amendment Proposed:

Leave out the figure "15" in line 2, and insert the figure "10" instead thereof (Senator Kabiru I. Gaya — Kano South).

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

- (b) be the chief executive and accounting officer of the Commission;
and
- (c) be responsible to the Council for the execution of the policies and the administration of the daily affairs of the Commission (Senator Ovie A. Omo-Agege — Delta Central).

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

Clause 10: Tenure/remuneration of office of the Executive Secretary.

- (1) The Executive Secretary shall be appointed for a term of 5 years in the first instance and may be re-appointed for a further term of 5 years and no more, subject to satisfactory performance.
- (2) The Executive Secretary shall:—
 - (a) be paid such remuneration as may be prescribed in his letter of appointment; and
 - (b) ensure compliance with the provision of section 21 of this Bill relating to power to borrow.

Committee's Recommendation:

That the provision in Clause 10 be retained (Senator Oluremi S. Tinubu — Lagos Central) — Agreed to.

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

Clause 11: Executive Secretary.

The Executive Secretary shall hold office on such terms and conditions as are specified in his letter of appointment, and may resign his appointment by writing a letter to the President through the Minister

Committee's Recommendation:

That the provision in Clause 11 be retained (Senator Ovie A. Omo-Agege — Delta Central) — Agreed to.

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

Clause 12: Appointment and duties of Administrative Secretary.

The Council shall employ or appoint for the Commission an Administrative Secretary who shall:—

- (a) be a Public Administrative Officer and is so qualified for a period of not less than 10 years

Amendment Proposed:

Leave out the provision subclause 12(a) and *insert* the following instead thereof:

“(a) be a legal practitioner and is so qualified for a period of not less than 10 years;”
(*Senator Joshua M. Lidani — Gombe South*).

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

- (b) keep the records of transactions and correspondence of the Commission; and
- (c) perform such other functions as the Council or Executive Secretary may direct (*Senator Ovie A. Omo-Agege — Delta Central*).

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

Clause 13: Staff of the Commission and their functions and remuneration.

The Council shall employ or appoint for the Commission such number of employees as may in the opinion of the Council be expedient and necessary for the proper and efficient performance of the Commission and pay them remuneration and allowances as provided by the Salaries and Wages Commission.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — *Agreed to.*

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

Clause 14: Pensions and Gratuity (Service in the Commission).

The staff of the Commission shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grade in the Civil Service of the Federation.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — *Agreed to.*

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

Clause 15: Appointment and Secondment from Public service.

- (1) Notwithstanding the provisions of sections 12 and 13 of this Bill, the Council shall have power to employ or appoint for the Commission either directly or on secondment from any Public Service in the Federation, of employees may, in the opinion of the Council be required to assist the Commission in the discharge of any of its function under this Bill.
- (2) The person seconded under this section may choose to be transferred to the service of the Commission, and all previous years of service he may have rendered in the Public Service shall count as service to the Commission for the purpose of pension subsequently payable by the Commission (*Senator Ovie A. Omo-Agege — Delta Central*).

Amendment Proposed:

Leave out the provision in Clause 15 (Senator Ike Ekweremadu — Enugu West).

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

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

Clause 16: Engagement of Consultants and Advisers.

Without prejudice to the provisions of sections 13 and 14 of this Bill, the Council may engage such consultant and advisers certified by recognized professional body as it may require for the effective discharge of the functions of the Commission (Senator Ovie A. Omo-Agege — Delta Central).

Amendment Proposed:

Leave out the provision in Clause 16 (Senator Kabiru I. Gaya — Kano South).

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

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

Clause 17: The structure of the Commission.

- (1) There shall be established in the Head Office of the Commission, the following Departments:—
 - (a) Administration and Finance;
 - (b) Education and Public Awareness;
 - (c) Works and Services;
 - (d) Planning, Research and Statistics;
 - (e) Monitoring and Evaluation; and
 - (f) Legal Services.
- (2) The Council shall set up its own monitoring panel to monitor the projects being executed by the Commission.
- (3) The Council, may create such other departments, units or offices in any part of the Federation as may be required for the proper performance of the functions of the Commission.

Amendment Proposed:

Leave out the provision in subclause 17(3) (Senator Ike Ekweremadu — Enugu West).

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

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

PART IV — FINANCIAL PROVISIONS AND AUDIT**Clause 18: Provision of Superannuation.**

The Commission shall pay gratuities or provide and maintain superannuation scheme (whether contributory or not) for the employees (Senator Ovie A. Omo-Agege — Delta Central).

Amendment Proposed:

Leave out the provision in Clause 18 (Senator Ike Ekweremadu — Enugu West).

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

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

Clause 19: Funds of the Commission.

- (1) The Commission shall establish and maintain a fund into which all moneys accruable to the Commission shall be paid and from which all the activities of the Commission shall be funded.
- (2) There shall be paid and credited to the fund of the Commission:—
 - (a) 15 percent of Ecological Fund relating to erosion;

Amendment Proposed:

Leave out the provision in subclause 19(2)(a) (Senator Ovie A. Omo-Agege — Delta Central).

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

- (b) Federal Government contribution to the Fund of the Commission; annual subventions and budgetary allocations from the Federal Government

Amendment Proposed:

Immediately after the word “allocations” in line 2, insert the words “and intervention from the Ecological Fund” (Senator Ike Ekweremadu — Enugu West).

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

- (c) donations, gifts, grants and testamentary disposition from individuals or corporate organisations at home or abroad;
 - (d) all other assets that may, from time to time, accrue to the Commission.
 - (3) The Commission shall apply the proceeds of the Fund established pursuant to section 19 (1) of this Bill to:—
 - (a) the cost of administration of the Commission;
 - (b) the payment of salaries, fees, remuneration, allowances, pensions and gratuities payable to the members of the Governing Council and the employees of the Commission;
 - (c) the payment of all contracts, including mobilisation, fluctuations variations, legal fees and cost on contract administration;
 - (d) the payment for all purchases; and
 - (e) undertaking such other activities as are connected with all or any of the functions of the Commission under this Bill.
 - (4) The Council shall cause the accounts of the Commission to be audited quarterly and shall be externally audited once every year (*Senator Ovie A. Omo-Agege — Delta Central*).

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

Clause 20: Power to accept gifts.

- (1) The Commission may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Commission shall not accept any gift if the conditions attached are inconsistent with the functions of the Commission under this Bill

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

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

Clause 21: Power to borrow.

- (1) The Commission may, from time to time, borrow money as it may require to execute or complete some special projects of the Commission.
- (2) The Commission shall with the approval of the President borrow such sums of money as may be required from time to time to execute or complete any special project of the Commission (*Senator Ovie A. Omo-Agege — Delta Central*).

Amendment Proposed:

Leave out the provision in Clause 21 (*Senator Ike Ekweremadu — Enugu West*).

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

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

Clause 22: Annual estimates and expenditure.

- (1) The Council shall not later than 30th September, of each year, submit to the National Assembly through the Minister an estimate of the expenditure of the Commission during the next succeeding year.
- (2) The Council shall approve all expenditure of the Commission subject to the recommendation of the National Assembly (*Senator Ovie A. Omo-Agege — Delta Central*).

Amendment Proposed:

Leave out the word "recommendation" in line 2, and insert the word "appropriation" instead thereof (*Senator Ahmad I. Lawan — Yobe North*).

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

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

Clause 23: Proper account to be kept by Commission.

The Commission shall:—

- (a) cause to be kept proper accounts and records of the transactions and affairs of the Commission and ensure that all payments out of its moneys are correctly made and properly authorized;

- (b) ensure that adequate control is maintained over the assets belonging to or in the custody of the Commission and over its incurring of liabilities;
- (c) prepare in respect of each financial year a statement of accounts in such forms as the Auditor-General may direct.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

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

Clause 24: Audit.

- (1) The Auditor-General of the Federation shall:—
 - (a) inspect and audit the accounts and records of financial transaction of the Commission;
 - (b) inspect records relating to assets of the Commission; and
 - (c) draw the attention of the Minister to any irregularity revealed and disclosed by the inspection and audit.
- (2) The Auditor-General may dispense with all or any part of detailed inspection and audit of any account or record referred to in subsection (1) of this section.
- (3) The Auditor-General or any officer authorized by him is entitled at all reasonable time to a full and free access to all accounts, records, documents and papers of the Commission relating directly or indirectly to the receipt or payment of money by the Commission or to the acquisition, receipt, custody or disposal of assets by the Commission.
- (4) there shall be an internal auditor of the Commission whose duties will include:—
 - (a) provision of complete and continuous account and records of revenue, expenditure and assets of the Commission;
 - (b) making sure that assets of the Commission are safe and guarded;
 - (c) detection and correction of any errors or omission in the account of the Commission;
 - (d) making reports on the audited account to the Chairman of the Commission;
 - (e) submit the audited report to the auditor general of the federation.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

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

Clause 25: Annual Report.

The Commission shall submit to the President through the Minister not later than 30th June, of each financial year, a report of its activities during the preceding financial year and it shall include a copy of the audited accounts of the Commission for that year and a copy of Auditors Report on it.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

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

Clause 26: Power to acquire land. Cap. L5 LFN, 2004

- (1) For the purposes of providing offices and premises necessary for the performance of its functions under this Bill, the Commission may, subject to the Land Use Act:—
 - (a) purchase or take on lease any interest in land, or other property; and
 - (b) construct offices and premises and equip and maintain same.
- (2) The Commission may, subject to the Land Use Act, sell or lease out any office or premises held by it, which office or premises is no longer required for the performance of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

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

PART V — MISCELLANEOUS PROVISIONS**Clause 27: Limitation of Suits against the Commission. Cap. 379 LFN**

- (1) The provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against the Commission or any of the officers or employees of the Commission.
- (2) No suit shall be commenced against a member of the Council, the Executive Secretary, officer or employee of the Commission before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Commission by the intending plaintiff or his agent.
- (3) The notice referred to in subsection (2) shall state the cause of action the particulars of the claims, the name and place of abode of the intending plaintiff and the relief which he claims.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

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

Clause 28: Offences and Penalties.

- (1) any Staff found guilty of an offence under this section shall after being found guilty by properly constituted disciplinary Committee be subjected to relevant punishment stipulated under the Public Service Rule(Disipline);
- (2) A person who obstructs an officer of the Commission in the performance of his duties under section 7 of this Bill commits an offence and is liable on conviction to a fine of not less than ₦200,000 or imprisonment for a term not exceeding one year or both for an individual, or a fine of ₦2,000,000 in the case of a cooperate body.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

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

Clause 29: Service of Documents.

A notice, summons or other document required or authorized to be served upon the Commission under the provisions of this Bill or any other Law or enactment may be served by delivering it to the Executive Secretary or by sending it by registered post and addressed to the Executive Secretary at the principal office of the Commission.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

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

Clause 30: Restriction on Execution against Property of the Commission.

- (1) No execution or attachment of process shall be issued against the Commission or its properties in any action or suit without the consent of the Attorney-General of the Federation.
- (2) Notwithstanding the provisions of subsection (1) of this section, in any action or suit against the Commission, no execution or attachment of process in the nature thereof shall be issued against the Commission unless not less than three months' notice in writing of the intention to execute or attach has been given to the Commission.
- (3) Any sum of money which by the judgment of any Court is awarded against the Commission shall, subject to any direction given by the Court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Commission.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

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

Clause 31: Indemnity of Officers.

A member of the Council, the Executive Secretary, any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any proceedings, whether civil or criminal, in which judgment is given in his favour, or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member of the Council, the Executive Secretary, officer or employee of the Commission.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

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

Clause 32: Engagement of Professionals other than staff.

The Executive Secretary may with the approval of the Council engage persons with knowledge or experience in erosion prevention and control or in matters relevant to the functions of the Commission to assist otherwise than on the basis of full - time employment.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

Question that Clause 32 do stand part of the Bill, put and agreed to.

Clause 33: Power of the Minister to give directive.

The Minister may give to the Commission directives of a general or special nature with respect to any of its functions.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

Question that Clause 33 do stand part of the Bill, put and agreed to.

Clause 34: Regulations.

The Council may, with the approval of the Minister, make Regulations for the purpose of carrying out or giving full effect to the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

Question that Clause 34 do stand part of the Bill, put and agreed to.

Clause 35: Interpretation.

In this Bill unless the context otherwise requires:—

"Chairman" means the Chairman of the Governing Council of the Commission;

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

"Commission" means Erosion Prevention and Control Commission;

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

"Council" means a Governing Council of the Commission;

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

"Erosion" means land degradation and destruction resulting from various factors including natural causes (activities of rivers, rain, weathering) and human activities creating thereby gullies, ravines, craters, landslides and mudslide;

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

"Member" means a member of the Council and includes the Chairman;

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

"Minister" means the Minister in charge of matters relating to the Environment;

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

"Power" includes functions and duty; and

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

"President" means the President of the Federal Republic of Nigeria.

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

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

Question that Clause 35 do stand part of the Bill, put and agreed to.

Clause 36: Citation.

This Bill may be cited as the Erosion Prevention and Control Commission Bill, 2017.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Ovie A. Omo-Agege — Delta Central*) — Agreed to.

Question that Clause 36 do stand part of the Bill, put and agreed to.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

[SECTION 2(4)]

1. (1) Subject to this Bill and section 27 of the Interpretation Act, the Council may make standing orders regulating its proceedings or those of any of its Committees.
- (2) The quorum of the Council shall be the Chairman or the person presiding at the meeting and five other members of the Council, one of whom shall be ex-officio member and the quorum of any Committee of the Council shall be as determined by the Council.
2. (1) The Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than eight other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
- (2) At any meeting of the Council, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of them to preside at the meeting.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him to the Council for such a period as it deems fit, but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

COMMITTEES

3. (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 such number of persons as may be determined by the Council and a person shall hold office in the Committee in accordance with the terms of his appointment.
- (3) A decision of a committee of the Council shall be of no effect until it is ratified by the Council.

MISCELLANEOUS

4. (1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Council generally or specifically authorized by the Council to act for that purpose and the Executive Secretary.
- (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 Commission by the Executive Secretary or any person generally or specifically authorized by the Council to act for that purpose.
- (3) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall unless and until contrary is proved, be presumed to be so executed.

5. The validity of any proceedings of the Council or of a Committee shall not be adversely affected by:—
- (a) a vacancy in the membership of the Council or Committee; or
 - (b) a defect in the appointment of a member of the Council or Committee;
 - (c) Reason that a person not entitled to do so took part in the proceedings of the Council or Committee.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Environment on the Erosion Control and Prevention Commission (Establishment, etc.) Bill, 2017 and approved as follows:

Clauses 1- 6	—	As Recommended
Clauses 7- 9	—	As Amended
Clauses 10 & 11	—	As Recommended
Clause 12	—	As Amended
Clauses 13 & 14	—	As Recommended
Clauses 15-19	—	As Amended
Clause 20	—	As Recommended
Clauses 21 & 22	—	As Amended
Clauses 23 - 36	—	As Recommended
Schedule	—	As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

11. Joint Committee on Science and Technology; and Judiciary, Human Rights and Legal Matters:

Report on the National Research and Innovation (Establishment, etc.) Bill, 2017 (SB. 239):

Motion made: That the Senate do consider the Report of the Joint Committee on Science and Technology; and Judiciary, Human Rights and Legal Matters on the National Research and Innovation (Establishment, etc.) Bill, 2017 (*Senator Robert A. Boroffice — Ondo 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 PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL RESEARCH AND INNOVATION COUNCIL, NATIONAL RESEARCH AND INNOVATION FOUNDATION; AND FOR MATTERS RELATED THERETO, 2017.

PART I — ESTABLISHMENT OF THE NATIONAL RESEARCH AND INNOVATION COUNCIL

Clause 1: There is hereby established the National Research and Innovation Council (In this Bill referred to as "the Council").

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

Clause 2: Membership of the Council

- (1) The Council shall consist of the President of the Federal Republic of Nigeria, as the Chairman and the following other members —
 - (a) Vice President of the Federal Republic of Nigeria as the Vice Chairman;
 - (b) relevant Ministers of the Government of the Federal Republic of Nigeria as may be appointed into the Council by the President;
 - (c) a representative of the Manufacturers Association of Nigeria (MAN);
 - (d) President, Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture (NACCIMA);
 - (e) Executive Secretary, National Research and Innovation Foundation as the Secretary of the Council; and
 - (f) President, Nigerian Society of Engineers;
 - (g) President, Academy of Science ;
 - (h) representative of Committee of Vice Chancellors of Nigerian Universities;
 - (i) Minister charged with the responsibility of Science and Technology who shall also serve as the secretary of the Council; and

- (j) such other number of persons not exceeding five appointed by the President on the joint recommendation of the Governing Board of the Foundation and the Technical Advisory Committee to further assist the Council in the discharge of its functions.
- (2) The persons recommended for appointment under subsection 1 (f) shall be persons who have —
 - (a) a minimum qualification of a university degree or its equivalent in relevant disciplines;
 - (b) a proven track record of contribution to research and development;
 - (c) necessary skills and abilities;
 - (d) Cognate experience, professional or specialized knowledge, to make special contributions to the work of the Council.
- (3) The President and Vice -President shall respectively be the chairman and Vice-Chairman of the Council during the subsistence of their offices as the President and Vice -President of the Federal Republic of Nigeria.
- (4) Cabinet Ministers appointed into the Council by the President shall cease to be members of the Council in case of removal or vacation of offices as ministers of the Federal Republic of Nigeria.
- (5) All other members of the Council shall hold office for a maximum period of 4 years, subject to renewal for another 4 years but may be removed by the President in the interest of the public or on the grounds of non - performance or misconduct.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

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

Clause 3: Proceedings of the Council

- (1) The Council shall have power to regulate its own proceedings and may make standing orders for that purpose.
- (2) The Council shall meet not less than four times in a year, or at such times as may be convened by the President
- (3) The quorum at meetings shall be 1/3 of members of the Council.
- (4) Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt that person to be a member for as many meetings as may be necessary and that person while so co-opted shall have all the privileges of a member except that he shall not be entitled to vote and shall not be counted in forming the quorum.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

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

Clause 4: Functions of the Council

- (1) The functions of the Council are to —
 - (a) set national priorities on research, innovation and development ;
 - (b) set directions to coordinate research and innovations generally (including research and development) in line with national priorities;
 - (c) recommend to the President, the establishment of additional research institutes or the reform and strengthening of existing ones.
 - (d) facilitate fund raising activities to support innovation in areas of national needs and priorities.
 - (e) facilitate sectoral, state and local level innovations by encouraging Federal Ministries, State and Local Governments to establish sectoral, State and Local Innovation Councils respectively;
 - (f) explore new strategies and alternatives for innovations and collaborations;
 - (g) identify ways and means to scale and sustain innovations;
 - (h) encourage universities, polytechnics, Research and Development Institutions, Centres of Excellence, Colleges of Education, Monotechnics, States, Local Governments and MDAs to innovate.
 - (i) encourage all important sectors of the economy to innovate.
 - (k) encourage innovation in public service delivery;
 - (l) encourage multi disciplinary and globally competitive approach to innovation;
- (2) To facilitate the attainment of its objectives under section 1 of this Bill, the Council shall formulate a roadmap for innovation and create a framework for—
 - (a) evolving a Nigerian model of innovation with focus on inclusive growth;
 - (b) institutionalizing innovation as a culture in Nigeria from the lowest level up;
 - (c) delineating policy initiatives within the Government aimed at promoting innovation;
 - (d) developing and championing innovation attitudes and approaches with special focus on youths;

- (e) creating appropriate environment to foster inclusive innovation;
- (f) exploring new strategies and alternatives for innovations and collaborations;
- (g) identifying ways and means to scale and sustain innovations;
- (h) encouraging State, Local and Small and Medium Enterprises (SMEs) to innovate;
- (i) facilitating innovations by Small and Medium Enterprises (SMEs);
- (j) encouraging innovation in public service delivery;
- (k) Encouraging multi disciplinary and globally competitive approaches for innovations;
- (l) Convening an annual Nigeria Innovation Round Table or Summit; and
- (m) Carrying out such other activities connected with its functions to develop and enforce codes in order to give full expression to the general intendment of the Bill;
- (n) facilitate the establishment of Sectoral Innovation Committees by heads of various Ministries, Departments; and Agencies at their various offices.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

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

Clause 5: Establishment, Composition, etc., of the Technical Advisory Committees of the Council.

- (1) There is hereby established a technical arm of the Council known as the Technical Advisory Committee (in this Bill referred to as the "Advisory Committee").
- (2) The Advisory Committee shall comprise of the following as may be appointed by the Council —
 - (a) the Executive Secretary of the Foundation as a Member.
 - (b) ten technocrats drawn from relevant Ministries, Departments, Agencies, Organized Private Sector and professional regulatory bodies as may be approved by the Council.
 - (c) five renowned home based Nigerian researchers and innovators on of whom shall be Chairman.
 - (d) Three internationally acclaimed Nigerian researchers or innovators in the diaspora.
 - (e) Special Adviser to the President on Research and Innovation shall be a member.

- (f) Any other individual expert or group that may be appointed as a member by the Advisory Committee by the Council.
- (3) The Technical Committee shall provide expert advice to the Council on strategies to accomplish its mandate.
- (4) In compliance with subsection 3 of this section, the Advisory Committee shall-
 - (a) prepare memos for the consideration and approval of the Council;
 - (b) develop the national research and innovation priority agenda for consideration and adoption by the Council;
 - (c) recommend for approval of the Council, operational Guidelines and Annual Work Plans of Sectoral Committees ; and
 - (d) monitor and report on activities of Sectoral Innovation Committee to the Council.
- (5) Tenure of the Technical Advisory Committee shall be five (5) years subject to renewal for another 5 years and no more.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

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

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

Clause 6: Establishment of the Foundation:

- (1) There is established the National Research and Innovation Foundation (in this Bill referred to as the "Foundation") to raise, manage, disburse, and monitor funds, grants, assets as intervention for research , innovation and development activities and carry out other functions in connection with the policies of the Council as provided in this Bill.
- (2) The Foundation shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
- (3) The headquarters of the Foundation shall be in the Federal Capital Territory, Abuja with field offices in the six (6) geo-political zones of the federation.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

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

Clause 7: Functions of the Foundation.

- (1) The functions of the Foundation are to —
 - (a) raise funds for innovation, research and development from legitimate means as stipulated under this Bill;

- (b) implement the national research agenda based on the needs of the nation, make grants from the research fund and constitute Research Proposals Evaluation Committee to process and approve applications for grants in accordance with the national research policy;
- (c) to provide synergy to facilitate the dissemination of research information including landmark research achievements and breakthroughs at the local, national and international levels in the media and other fora in order to boost the nation's research profile;
- (d) Organize Annual Research Conferences or other events to review and evaluate progress made on the promotion of research, innovation, and invention.
- (e) Announce and publicize calls for research proposals.
- (f) Establish and maintain accurate and comprehensive research database, containing information about research activities, facilities, competencies, skills of the nation.
- (g) compile an Annual Research Report and publish an Annual Magazine containing a summary of the nature and scope of the main research activities in a given year;
- (h) analyse Research Management data of the Nation for decisions on areas of need;
- (i) provide strategic pre and post award support (technical and administrative) to researchers in the public and private sectors in accordance with the National Research policy;
- (j) provide support for applications by innovators and inventors for the protection of the property rights of Innovations/inventions based on national research agenda.
- (k) identify innovations and inventions that have high potential for commercialization, and display operational prototypes of such innovations and inventions in the National Technology Parks.
- (l) promotion of commercially viable prototype to products in collaboration with the Ministry of Science and Technology.
- (m) source and provide funds for the establishment of Science and Innovation Parks to create markets where they do not exist to develop market and demonstrate the viability of innovations that others will not necessarily adopt and therefore promote sales of the national intellectual property.
- (n) monitor and assess research projects and product development processes to ascertain the quality and quantity of deliveries and adherence to relevant funding modelling guidelines;

- (o) source and provide financial support to existing Research, Development and Innovation Institutes to ensure their contribution to the realization of the national research agenda.
 - (p) promote relative merit and professionalism in both academic and innovative research;
 - (q) enter into collaborative and cooperation agreements or arrangements with agencies, foundations and bodies with similar objectives within and outside Nigeria;
 - (r) submit annual report of its incomes, expenditure and activities to the National Assembly; and
 - (s) carry out such activities as are necessary or expedient for the performance of its functions under the Bill.
- (2) The Foundation shall have administrative and financial autonomy to execute its functions independently, free from external control and influence.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

Clause 8: Appointment of Executive Secretary.

- (1) There is for the Foundation an Executive Secretary who shall be appointed by the President on the recommendation of the Board.
- (2) The Executive Secretary shall hold office for a term of four years and may be re-appointed for a further term of four years and no more
- (3) The Executive Secretary shall be a person —
 - (a) with the minimum of 15 years demonstrable research experience in science and technology, engineering, medicine and other relevant disciplines and professions, preferably at doctorate level, and must demonstrate or show capacity for innovation and creativity.
 - (b) who has at least ten years cognate working experience post Master's Degree; and
 - (c) who has proven record of cognate experience in Research Management.
- (4) A candidate who must have won and managed research grants shall have an added advantage.
- (5) The Executive Secretary shall be —
 - (a) the Chief Accounting Officer of the Foundation;
 - (b) shall be responsible for the execution of programmes as approved by the Board of the Foundation and take charge of the day to day administration of the Foundation.

- (c) responsible for general direction and superintendence of the affairs of the Foundation;
- (d) Facilitate and support the efficient performance of the activities of Sectoral Research or Innovation Councils.
- (e) carry out such other duties as may be assigned to him by the Board of the Foundation.
- (f) ensure proper dissemination of decisions of the Board of the Foundation to appropriate bodies, institutions or authorities.
- (g) carry out such other functions and duties as the Council may assign to him.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

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

Clause 9: Directorates of the Foundation.

There shall be for the Foundation the Directorates as listed in the Second Schedule to this Bill for the effective implementation of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

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

Clause 10: Other staff of the Foundation.

The Foundation may subject to the approval of the Board, appoint such other staff as may consider necessary —

- (a) for the efficient performance of the Foundation's activities; and
- (b) On such terms and conditions as may be specified from time to time by the Board.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

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

Clause 11: Conditions of service of employees of the Foundation.

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

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

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

Clause 12: Establishment and Membership of the Governing Board of the Foundation.

- (1) There is established for the Foundation a Governing Board (in this Act referred to as "the Board").
- (2) The Board shall consist of -
 - (a) a chairman-
 - (i) whose appointment shall be made by President on the recommendation of the panel referred to in subsection 3(a) of this section,
 - (ii) who must hold a minimum qualification of a university degree in either engineering, science, technology or other related discipline, and
 - (iii) who has made outstanding contributions in the areas of applied research and innovation.
 - (b) not less than nine and not more than eleven other members, appointed by the Council; and
 - (c) The Executive Secretary of the Foundation.
- (3)
 - (a) For the purposes of appointing the members of the Board referred to in subsection (2) (b) , the Council shall appoint a panel comprising eminent scientists which shall compile a shortlist of candidates of not more than 20 persons;
 - (b) The panel shall compile the shortlist after following transparent and competitive processes including advertising existing vacancies on the Board of the Foundation in at least two national newspapers; receiving and scrutinizing curricula vitae submitted by interested applicants in response to news advertisements, and conducting oral interviews for shortlisted applicants, etc.,
- (4) Members of the Board must be persons who have achieved distinction in the field of science, technology and innovation, research and technology management, engineering, business and entrepreneurship or public affairs.
- (5) Without prejudice to the principle of federal character as enshrined in the Nigerian Constitution, Members of the Board referred to in subsection (2)(b) shall be appointed by the President broadly representing the following sectors.
 - (a) Universities and Federal government constituted Research Institutes and Allied colleges.
 - (b) Agricultural and environmental sciences;
 - (c) Natural resources management;
 - (d) Information and communication technologies;
 - (e) Natural sciences and engineering;
 - (f) Social sciences and humanities;
 - (g) Business and industrial growth;

- (h) Building and construction;
 - (i) National security;
 - (j) Nuclear science and biotechnology;
 - (k) Energy; and
 - (l) Health.
- (6) The supplementary provisions set out in the First Schedule to this Bill shall have effect with respect to the proceedings of the Board and related matters.
- (7) The supplementary provisions set out in the First Schedule to this Bill shall have effect with respect to the proceedings of the Board and related matters.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

Clause 13: Tenure of Office

- (1) (a) Subject to the provisions of section 14 of this Bill, a person appointed to be a member of the Board of the Foundation shall hold office for a period of four years from the date of his appointment and shall be eligible for re-appointment for another four years and no more.
- (b) To ensure continuity in the leadership of the Board, at least one third of the Board must at all times consist of reappointed members.
- (c) A person appointed in accordance with section 12(3) of this Bill to fill a vacancy on the Board shall be appointed from the same constituency and interest group as that of his predecessor and shall be entitled to only serve out the unexpired term of his predecessor.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

Clause 14: Cessation of Membership

- (1) Notwithstanding the provisions of section 8 of this Bill, a member of the Board shall cease to hold office if the member —
- (a) resigns his appointment by notice under his hand addressed to the President;
 - (b) becomes of unsound mind;
 - (c) becomes bankrupt or makes a compromise with his creditors;

- (d) is convicted of a felony or of any offence involving dishonesty or corruption;
 - (e) becomes incapable of carrying out the functions of his office either arising from an infirmity of mind or body or any other cause.
- (2) Where the Council is satisfied that it is not in the interest of the Foundation or the public for a member to continue in office, the President may remove that member from the Board.
 - (3) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor and the successor shall represent the same interest, discipline or constituency as his predecessor.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

Clause 15: Remuneration of Members of the Board

The Chairman and members of the Board shall be paid such emoluments, allowances, and benefits as may be determined by the Revenue Mobilization, Allocation and Fiscal Commission.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

Clause 16: Powers and Functions of the Board

The Board shall have power to —

- (a) approve annual estimates, reports and statements of accounts of the Foundation;
- (b) determine the terms and conditions of service of the employees of the Foundation;
- (c) recommend the creation of research institutes and laboratories to be designated as National facilities for research required for efficient performance of the functions of the Foundation;
- (d) approve the award of research grants to be given by the Foundation in line with national priorities;
- (e) consider and approve the creation of additional Directorates as may be necessary and in accordance with the provisions of this Bill;
- (f) carry out such other activities as may, in the opinion of the Board be necessary for the advancement of science, technology and innovations in Nigeria.
- (g) consider and recommend to the Council, innovators and outstanding Researchers deserving of award and special recognition;

- (h) consider and approve the annual activities of the Foundation and cause same to be presented to the President and National Assembly.
- (i) approve intervention fund for such other activities as may, in the opinion of the Board, be necessary for the advancement of science, engineering, technology, entrepreneurship and innovation in Nigeria.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

PART III — FINANCIAL PROVISIONS

Clause 17: Establishment of the National Research and Innovation Fund

- (1) The Foundation shall establish and maintain a Research and Innovation Fund to which the following sources of funds shall be paid and credited—
 - (a) 1% of the National Gross Domestic Product (GDP) to be sourced from the Federal Government;
 - (b) 5% of the annual allocation to the following organizations—
 - (i) Raw materials Research and Development Council,
 - (ii) Tertiary Education Trust (TET) Fund,
 - (iii) Automotive Development Fund (ADF),
 - (iv) National Communications Development Fund (NCDF),
 - (v) Information Technology and Development Fund,
 - (vi) Agricultural Development Fund,
 - (vii) Ecological Fund,
 - (viii) Lottery Fund,
 - (ix) Sugar Development Fund,
 - (x) Industrial Training Fund,
 - (xi) Development and Donor Agencies, etc,
 - (xii) Petroleum Technology Development Fund (PTDF), and
 - (xiii) Organized Private Sector (OPS) - 0.5% of Technology Transfer fee;
 - (c) 5% of loanable funds from development finance Institutions such as the Bank of Industry, Nigerian Export - Import Bank (NEXIM), Development Bank of Nigeria, set aside for manufacturing industries;
 - (d) foreign aid or assistance from bilateral or multilateral agencies;
 - (e) Other Internally generated revenues of the Foundation; and

- (f) all other sums accruing to the Foundation from time to time by way of gifts, grants, emolument or bequest.
- (2) All monies standing to the credit of the Foundation shall be paid directly into the Fund's Bank Account.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

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

Clause 18: Expenditure of the Foundation

- (1) The Foundation shall apply the Fund established under Section 17 of this Bill to —
 - (a) the administration of the Foundation;
 - (b) the performance of its functions;
 - (c) the payment of emoluments and entitlements of members of the Council, and the members of the Board of the Foundation.
 - (d) the payment of personnel, overhead, allowances, benefits and other administrative costs;
 - (e) the cost of maintaining the head office, field offices and operating the Directorates and other interventions concerning the Sectorial Innovation Councils;
 - (f) the training of members of staff of the Foundation
 - (g) the publication and promotion of research and innovation results from public and private sector research and development institutes.
 - (h) the support of national research, innovation and development bodies and for the payment of contributions to international organizations to which the Foundation subscribes; and
 - (i) Undertake any other expenditure in connection with all or any of the functions of the Foundation under this Bill.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

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

Clause 19: Exemption from Tax

- (1) The Foundation shall be exempt from the payment of tax on any income accruing from investments made by the Foundation.
- (2) The provisions of any enactment relating to the taxation of companies or Trust Funds shall not apply to the Foundation.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

Clause 20: Investment of Income

Subject to the approval of the Board, the Foundation may invest its income in profitable production of goods by Joint Venture, Partnerships, or Shareholding as the case may be and the net income so generated shall be paid into the fund of the Foundation.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

Clause 21: Annual Estimates, Income and Expenditure

The Foundation shall, not later than 30th September in each year, submit to the Board for approval, its programme of work and estimate of its income and payments into the Foundation's Fund for the next succeeding year.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

Clause 22: Accounts and Audits

- (1) The Foundation shall keep proper accounts in respect of each year and proper records in relation thereto and cause same to be audited.
- (2) The Accounts of the Foundation shall be audited not later than 6 months after the end of the year to which they relate by Auditors appointed by the Foundation from a list of Auditors supplied and in accordance with the guidelines issued by the Auditor-General of the Federation.
- (3) The Foundation shall prepare and submit to the Board not later than 30th September in each year, a report on the activities of the Foundation, the Audited Accounts of the Foundation and the Auditor's report for the immediate preceding year.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

Clause 23: Annual Reports

The Foundation shall prepare and submit to the Board not later than 30th September in each year, a report on its activities, the Audited Accounts of the Foundation and the auditor's report for the immediate preceding year.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

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

Clause 24: Borrowing Powers

The Foundation may with the approval of the Board or in accordance with any general guidelines approved by the Board, borrow by way of loan, or overdraft from any source, any monies required by the Foundation for meeting its obligations and discharging its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

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

Clause 25: Power to Accept Gifts

- (1) The Foundation may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (2) The Board shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the objectives of the Foundation under this Bill.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

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

PART IV— LEGAL PROCEEDINGS**Clause 26: Commencement of Suit or Action and Service of Notice**

- (1) A Suit shall not be commenced against the Council, before the expiration of one month, after a written notice of intention to commence the suit have been served upon the Foundation by the intending plaintiff or his agent, and the notice shall clearly and explicitly state the —
 - (a) cause of the action;
 - (b) particulars of claim;
 - (c) name and place of the abode of intending plaintiff; and
 - (d) Relief which he claims.
- (2) The notice referred to in subsection (1) of this section and any summons, notice or other documents required or authorized to be served upon the Council under this Bill or any other enactment or law, may be served by—
 - (a) delivering same to the Executive Secretary; or
 - (b) Sending it by registered post addressed to the Executive Secretary at the head office of the Foundation.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

Clause 27: Restriction on Execution Against Property of the Council

- (1) In any action or suit against the Foundation, execution or attachment of process shall not be issued against the Foundation except—
 - (a) a three month notice of Intention to execute or attach has been given to the Foundation;
 - (b) a written Consent of the Honourable Attorney - General of the Federation and Minister of Justice is obtained and not less than three months.
- (2) Any sum of money which by the Judgment of any court has been awarded against the Foundation shall, subject to the directives given by the court, where notice of appeal against the judgments has been given, be paid from the funds of the Foundation

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

PART V — MISCELLANEOUS**Clause 28: Power to purchase or take on lease property**

The Foundation may, subject to the Land Use Act, purchase, lease any interest in land, building or property, or build, equip and maintain such other offices and premise for efficient performance of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

Clause 29: Power to sell or lease out property

The Foundation may, subject to the Land Use Act, sell or lease out any land, or office belonging to the Foundation.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

Clause 30: Indemnity.

The Executive Secretary or any officer or employee of the Foundation shall be indemnified out of the assets of the Foundation against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member of the Board, Executive Secretary of the Foundation, officer or other employees of the Foundation under this Bill.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

Clause 31: Power to make regulations

- (1) The Foundation may with the approval of the Board, make such regulations generally for the purpose of giving full effect to the Provisions of this Bill, and in facilitating the discharge of the functions of the Foundation.
- (2) The Council may issue guidelines to give effect to the respective relevant provisions of this Bill.
- (3) Regulations made shall be published in the Federal official Gazette and in such other manner as the Foundation may prescribe.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Robert A. Boroffice — Ondo North*) — *Agreed to.*

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

Clause 32: Interpretation

In this Bill—

"innovation" - means the act or process of Innovating, or introducing a new product, technology, or method;

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

"research" - means a process intended to create new or improved technology that can provide competitive advantage at the business, development, national or global level;

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

"development" - means systematic utilization of knowledge or understanding gained from research towards the production of materials, devices, systems, or methods, including design and development of prototypes and processes;

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

"Board" means Governing Board of the Foundation established under this Bill.

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

"Geopolitical zone" - means North East, North West, North Central, South East, South West and South Southgeopolitical zones of the Federation.

Question: That the words "Geopolitical zone" be as defined in the Interpretation to this Act, put and agreed to.

"Public officer" - means any person working in the public service of the Federation or of a State as defined in the 1999 Constitution of the Federal Republic of Nigeria (as amended)

Question: That the word "Public officer" be as defined in the Interpretation to this Act, put and agreed to.

"Science" - includes any system of knowledge attained by verifiable means and the organized body of knowledge humans have gained by research.

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

"Research Institution" - includes any organization practicing research as recognized by this Bill or any Act of the National Assembly.

Question: That the words "Research Institution" be as defined in the Interpretation to this Act, put and agreed to.

"National Facilities" means facilities designated as such by the Foundation pursuant to the provisions of this Bill.

Question: That the words "National facilities" be as defined in the Interpretation to this Act, put and agreed to.

"Relevant Ministers" - means Ministers of Science and Technology, Finance, Agriculture, Health, Education, Works and Power, Industries, Trade and Investments, Communication Technology, Justice and such other ministers as may be determined by the president.

Question: That the word "Relevant Ministers" be as defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

Question that Clause 32 do stand part of the Bill, put and agreed to.

Clause 33: Citation

This Bill may be cited as the National Research and Innovation Bill, 2017.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Robert A. Boroffice — Ondo North*) — Agreed to.

Question that Clause 33 do stand part of the Bill, put and agreed to.

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

[Section 12(6)]

1. Subject to this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating the proceedings of the Board and any committee thereof.
2. Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their members to preside at the meeting.
3. The quorum at a meeting of the Board shall consist of the Chairman (or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule and six other members.
4. Upon any special occasion, the Board may co-opt any person to be member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.

Committees

5. (1) Subject to its standing orders, the Board may appoint such number of standing and ad hoc committees as it thinks fit to consider and report on any matter with which the Foundation is concerned.

(2) Every committee appointed under the provisions of sub-paragraph (1) of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.
6. The decision of a committee shall be of no effect until it is confirmed by the Foundation.

Miscellaneous

7. The fixing of the seal of the Foundation shall be authenticated by the signature of the Chairman and of the Executive Secretary of the Foundation or such other member authorized generally or specifically by the Board to act for that purpose.
8. Any contract or instrument which, if made 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 Foundation by the Executive Secretary or by any other person generally or specifically authorized by the Board to act for that purpose.
9. Any document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Foundation shall be received in evidence and, unless the contrary is proved, be presumed, without further proof, to have been so signed and sealed.
10. The validity of a proceeding of the Board or a committee thereof shall not be adversely affected—
 - (a) by any vacancy in the membership of the Board; or
 - (b) by any defect in the appointment of a member of the Board or committee; or
 - (c) by reason that a person not entitled to do so took part in the proceeding.
11. A member of the Board or committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or committee shall declare his interest and shall not vote on any question relating to the contract or arrangement.

Question that the provision of First Schedules stand part of this Bill —Agreed to.

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE DIRECTORATE OF FOUNDATION

[Section 9]

1. (1) The Foundation shall have —
 - (a) a Research Policy and Strategy Directorate to be headed by a Director;
 - (b) a Research and Innovation Fund Directorate to be headed by a Director;
 - (c) a Finance and Administration Directorate to be headed by a Director who shall also be the Secretary of the Foundation
 - (d) a Research Directorate to be headed by a Director;
 - (e) an Innovation and Product Development Directorate to be headed by a Director;
 - (f) a Monitoring and Evaluating Directorate to be headed by a Director;
 - (g) a Coordinating Directorate for Sectors , Regions, States, LGAs, Industries and other Stakeholders to be headed by a Director;
 - (h) Legal Services Directorate to be headed by a Director; and
 - (i) such other Directorates as may be approved by the Board for the proper performance of the functions of the Foundation.
2. The Board shall on the recommendation of the Executive Secretary appoint Directors who shall be in charge of the Directorates provided under Section 9 of this Bill.
3. (1) A Director who is in charge of the Finance and Administration Directorate shall possess a University degree or its equivalent and a minimum of twelve (12) year experience in the field of Finance, Accounting or Administration or related expertise.
 - (2) The Director of Finance and Administration shall;
 - (a) be the head of the Finance and Administration Directorate of the Foundation.
 - (b) prepare draft expenditure estimates and budget;
 - (c) be the Secretary of the Board; and
 - (d) perform such other functions as may be assigned to him by the Executive Secretary.
4. (1) A Director who is in charge of the Research, Policy and Strategy shall possess a university degree or its equivalent in either law, intellectual property rights policy or other relevant qualification in policy formulation and a minimum of twelve (12) year experience to hold the office of Director Research , Policy and Strategy Directorate of the Foundation.

- (2) The Director Research, Policy and Strategy Directorate shall—
 - (a) be the head of the Research Policy and Strategy Directorate of the Foundation;
 - (b) formulate a National Research Policy for the country and devise strategies to implement the policies and ensure compliance with the policy document;
 - (c) receive feedback from Stakeholders and take same into consideration in the review of the national Research Policy document.
- 5.
 - (1) A Director who is in charge of the Research and Innovation Fund Shall possess a university degree or its equivalent in Accounting, Economics or other relevant qualification and a minimum of twelve (12) year experience to hold the office of Director Research and Innovation of the Foundation.
 - (2) The Director of Research and Innovation Fund shall be —
 - (a) be vested with the responsibility of initiating and coordinating funding raising activities for the Foundation as provided under this Bill;
 - (b) establish a unit each to attend to each source of fund;
 - (c) perform such other functions as may be assigned to him by the Executive secretary.
- 6.
 - (1) A Director who is in charge of the Research Directorate shall possess at least 10 years demonstrable research experience in Science and Technology, Engineering, Education, Medicine, humanities, Law and other related subjects preferably at Ph.D. level and must be knowledgeable in the field of innovation;
 - (2) The Director of Research shall —
 - (a) draw out a national research agenda, make grants from research fund, established under this Bill, constitute relevant units for the Directorate and constitute the Research Proposals Evaluation Committee to process and approve applications for grants in accordance with the national research policy;
 - (b) perform such other functions as may be assigned to him by the Executive Secretary.
- 7.
 - (1) A Director who is in charge of Innovation and Product Development Directorate shall possess —
 - (a) 10 years demonstrable research experience in either Science and Technology, Engineering, Education, medicine, humanities, Intellectual Property law preferably at doctoral level and must also be knowledgeable in the field of innovation;
 - (b) at least 10 years cognate working experience post Master Degree;

- (c) proven record of cognate experience in innovation and product Development. A candidate who has patented and developed research product or has proven product development managerial skills shall have an added advantage.
- (2) The Director Innovation and Product Development shall —
 - (a) be responsible for formulating and reviewing a National Innovation and Product Development Strategy.
 - (b) Intellectual Property right policy and ensure compliance by Innovators to the document.
 - (c) Provide administrative support for applications by innovators/Inventors for protection of property rights of the innovations/Inventions from the National Office of Technology Acquisition and Promotion (NOTAP).
 - (d) perform such other functions as may be assigned to him by the Executive Secretary;
- 8. (1) A Director who is in charge of Monitoring and Evaluation Directorate must be well qualified and experienced to hold the office of the Director Monitoring and Evaluation of the Foundation.
- (2) The Director Monitoring and Evaluation Shall—
 - (a) monitor and assess research projects and products development processes to ascertain the quality and quantity of deliverables and adherence to funding guidelines;
 - (b) submit satisfactory progress report and Monitoring and Evaluation Report of evaluators to guarantee the release of funds after the first instalment and winning subsequent awards.
 - (c) perform such other functions as may be assigned to him by the Executive Secretary;
- 9. A Director who is in charge of the Directorate for Sectors, Regions, States, LGAs, Industries and other stakeholders must be well qualified and experienced to hold the office of the Directorate for Sectors, Regions, States, LGAs, Industries and other Stakeholders of the Foundation.
- 10. The Coordinating Director for Sectors, Regions, States, LGAs, Industries and other Stakeholders shall perform such other functions as may be assigned to him by the Executive Secretary.
- 11. (1) A Director who is in charge of the Legal Services Directorate Shall possess—
 - (a) 12 years demonstrable experience in product development management and patent registration;
 - (b) a Ph.D. in Law preferably in Intellectual Property Law or related fields;
 - (c) at least 10 years cognate working experience post Master Degree;

- (2) The Director Legal Services Directorate shall—
- (a) have oversight responsibility over all legal and compliance related matters of the Foundation;
 - (b) serve as the Legal Adviser and Secretary of the Foundation as well as the Secretary of the Governing Board and therefore coordinate all matters having legal content including legal publications, Regulations. Litigations involving the Foundation;
 - (c) Provide legal advice on all matters in which the Foundation has interest;
 - (d) provide legal advice regarding the making of regulations, offer legal opinions and interpretation of laws relating to patents , intellectual property and other related laws relevant to the mandate of the Foundation;
 - (e) drafting of regulations of the Foundation or that of its Governing Board;
 - (f) drafting/vetting of all agreements in which the Foundation is a party or an interested party;
 - (g) advising the Foundation on all litigations in which the Foundation is a party Including appointment of external solicitors and coordinating and monitoring litigations involving the Foundation; and
 - (h) be the Secretary of the Foundation
 - (i) perform such other functions as may be assigned to him by the Executive Secretary.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Joint Committee on Science and Technology; and Judiciary, Human Rights and Legal Matters on the National Research and Innovation (Establishment, etc.) Bill, 2017 and approved as follows:

Clauses 1- 33 — As Recommended

Schedules 1 & 2 — 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. **Animal Health and Husbandry Technologies (Registration, etc.) Bill, 2017 (HB. 320) - Concurrence:**

Consideration of Bill deferred to another Legislative Day.

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

Consideration of Bill deferred to another Legislative Day.

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

Consideration of Bill deferred to another Legislative Day.

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

Consideration of Bill deferred to another Legislative Day.

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

Consideration of Bill deferred to another Legislative Day.

17. **National Intelligence Agency Pension Board (Establishment, etc.) Bill, 2017 (HB. 842) - Concurrence:**

Consideration of Bill deferred to another Legislative Day.

18. **Adjournment:**

Motion made: That the Senate do now adjourn till Tuesday, 11th July, 2017 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:04 p.m.

Abubakar Olubukola Saraki, CON
President,
Senate of the Federal Republic of Nigeria.