

**8TH NATIONAL ASSEMBLY
THIRD SESSION
NO.7**



Committee on Tertiary Institutions and TetFund

**REPORT OF THE COMMITTEE ON A BILL TO
AMEND THE FEDERAL POLYTECHNIC ACT
CAP.F17 (LFN.2004) 2018**

(SB.241)

MAY, 2018

REPORT ON THE FEDERAL POLYTECHNICS AMENDMENT BILL

2018 (SB. 241)

1.0 INTRODUCTION:

The **FEDERAL POLYTECHNICS AMENDMENT BILL 2018 (SB. 241)** was sponsored by Sen. MALAM Ali WAKILLI, MNI. On Wednesday, 12th October, 2016, the Senate deliberated on the general principles of the Bill. During the debate, Senators commended the sponsor of the Bill for coming up with the proposed legislation, as it sought to address the call to reposition the Nigerian polytechnic system to enhance the quality and relevance of polytechnic learning and foster employability of the graduates. After extensive debate on the general principles of the Bill, it was read the *Second Time* and referred to the Senate Committee on Tertiary Institutions and TetFund for further legislative action and to report back its recommendations.

The Federal Polytechnics Act, 1978 was originally conceptualized within the framework of a lean economy and a non-globalized world. The Act was amended in 1987, 1993 and in 2004. Despite these amendments, the Act is still replete with structural flaws and archaic provisions. This is particularly so because, over the years, the advancement in technology have made factories to become more automated, and industries have become more knowledge-driven. These have brought to the fore the short comings of the existing Act. Equally, the pressure of a robust and complex economy and a globalised learning environment demand a fundamental review of the Act to reflect contemporary realities.

The core areas intended to be strengthened by this present amendment are: Functions of Each Polytechnic, the structures of the Governing Boards, the Academic Boards, and the Management, as well as the Tenure of Principal Officers.

The Bill is also intended to formally schedule nine Federal Polytechnics which had hitherto not been included in the existing law in previous amendments.

2.0 COMMITTEE'S CONSIDERATION OF THE BILL:

The Committee held meetings and then Public Hearings where the various stakeholders in the education sector were in attendance. The Public Hearing was well attended and all the stakeholders were in agreement with the intendment of the Bill. The outcome assisted the Committee in scrutinizing the Bill.

3.0 COMMITTEE'S RECOMMENDATIONS:

In making a case for this review of the Federal Polytechnics Act, we have compared the extant Act with the laws establishing the institutions in the other tiers of tertiary education in Nigeria, to wit, universities and colleges of education, which are clearly more suited for tertiary institutions.

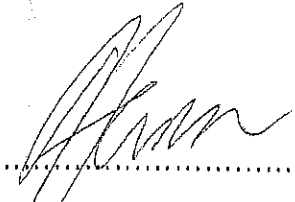
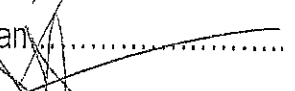
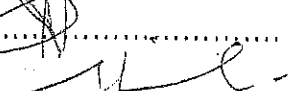
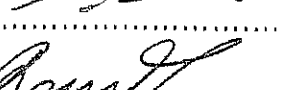
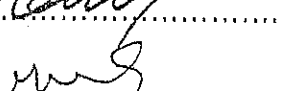
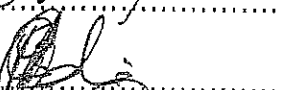
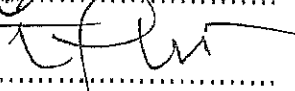
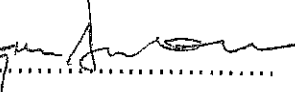
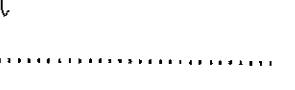
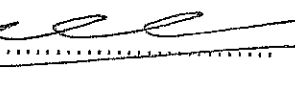

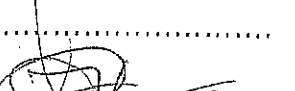

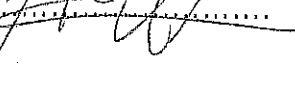

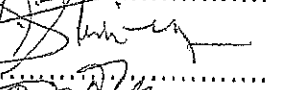
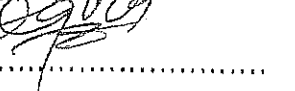


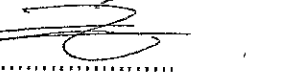

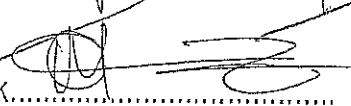
The Committee has therefore made recommendations as captured in the foregoing tabular report.

4.0 CONCLUSION:

The suggested amendments reflect the content of the laws establishing universities and are intended to realign the laws of the Polytechnics to suit the operations of contemporary technical educational institutions. Among other things, the passage of this amendment Bill will relieve polytechnics of the encumbrances inherent in the subsisting Act and make the institutions more efficient and functional as institutions of higher learning.

The Committee therefore recommends that the Senate do approve the recommendations and expresses its profound gratitude to the entire Senate for support it always extends to this committee.

SIGNATURE

1. Senator Barau I. Jibrin - Chairman..... 
 2. Senator Tijjani Yahaya Kaura - Vice Chairman..... 
 3. Senator Emmanuel Bwacha CON - Member..... 
 4. Senator Muhammed Ubali Shitu - Member..... 
 5. Senator Tinubu Oluremi Shade - Member..... 
 6. Senator Omogunwa O. Yale - Member..... 
 7. Senator Cliffod Ordia - Member..... 
 8. Senator John Owan Enoch - Member..... 
 9. Senator Samuel O. Egwu - Member..... 
 10. Senator Abaribe E. Harcourt - Member..... 
 11. Senator Joshua Chibi Dariye (JP) FCA - Member..... 
 12. Senator Danjuma Goje - Member..... 
 13. Senator Aliyu M. Wamakko - Member..... 
 14. Senator Shaaba Lafiagi - Member..... 
 15. Senator Suleiman Nazif - Member..... 
 16. Senator Kabiru Gaya - Member..... 
 17. Senator Yahaya A. Abdullahi - Member..... 
 18. Senator Binta Masi Garba - Member..... 
 19. Senator Foster Ogola - Member..... 
 20. Senator Magnus Abe - Member..... 
 21. Senator Baba Kaka Garbai - Member..... 
- Ngozi Nkemdirim (Mrs) Committee Clerk..... 

**A BILL
FOR**

AN ACT TO AMEND THE FEDERAL POLYTECHNICS ACT (CAP F17, LAWS OF THE FEDERATION OF NIGERIA, 2004) – 2018 (SB.241)

Clauses	PRINCIPAL ACT	AMENDMENT BILL	COMMITTEE RECOMMENDATION	REMARKS
<i>Long title</i>	A Bill For An Act To Amend The Federal Polytechnics Act (Cap F17, Laws Of The Federation Of Nigeria, 2004), To Review The Retirement Age Of Staff Of Federal Polytechnics, Harmonize The Tenure Of The Office Of The Rector And Other Principal Officers Of The Federal Polytechnics In Nigeria And For Other Related Matters	A Bill For An Act To Amend The Federal Polytechnics Act (Cap F17, Laws Of The Federation Of Nigeria, 2004), To Review The Retirement Age Of Staff Of Federal Polytechnics, Harmonize The Tenure Of The Office Of The Rector And Other Principal Officers Of The Federal Polytechnics In Nigeria And For Other Related Matters		
<i>Commencement</i>		BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows	Retained as in the Bill	
1. Establishment of Federal Polytechnics	1. There are hereby established the Federal Polytechnics specified in the First Schedule to this Act severally referred to as "the polytechnic" which shall have such powers and exercise such function as are specified in this Act . [1987 No. 28 First Schedule].	1. Amendment of the Federal Polytechnics Act, Cap F17, Laws of the Federation of Nigeria, 2014 <i>Section 1 of the Principal Act is amended as follows:</i> The Federal Polytechnics Act, Cap F17, Laws of the Federation of Nigeria, 2004 (in this Act referred to as "the Principal Act") is amended as set out in this Bill.	Retained as in the Bill	
2. Functions of each Polytechnic	<p>2. (1) The functions of each polytechnic shall be—</p> <p>(a) to provide full-time courses of instruction and training:</p> <p>(i) in technology, applied science, commerce and management; and</p> <p>(ii) in such other fields of applied learning relevant to the needs of the development of Nigeria in the area of industrial and agricultural production and distribution and for research in the development and adaption of techniques as the Council may from time to time determine;</p> <p>(b) to arrange conference, seminars and study groups relative to the fields of learning specified in paragraph (a) of this subsection(1);</p>	<p>2. <i>Section 2 (1) (a) of the Principal Act is amended by substituting for the existing as follows:</i></p> <p>(1) The functions of each polytechnic shall be:</p> <p>(a) To provide full-time or part-time courses of instruction and training to produce middle and high level manpower:</p> <p>(i) in technology, applied science, commerce and management; and</p> <p>(ii) in such other fields of applied learning relevant to the needs of the development of Nigeria in the areas of industrial and agricultural production and</p>	<p>Retained as in the Bill</p> <p>(1) (b), (c) and (2) Retained as in the Principal Act.</p>	

	<p>(c) to perform such other functions as in the opinion of the Council may serve to promote the objectives of the polytechnic.</p> <p>(2) Nothing in this section shall preclude the government of a State or any of its agencies from setting up a polytechnic similar to any polytechnic established under this Act.</p>	<p>distribution and for research in the development and adaptation of techniques as the Council may from time to time determine;</p>	
<p>3. Establishment and Constitution of each Council, etc.</p>	<p>3. (1) There shall be established for each polytechnic a Council (hereafter in this Act referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.</p> <p>(2) The Council shall consist of a Chairman and the following other members, that is-</p> <p>(a) one person to represent the universities;</p> <p>(b) one person to represent the Manufacturer's Association of Nigeria;</p> <p>(c) One person to represent professional bodies whose disciplines are taught at the polytechnic;</p> <p>(d) one person selected from a Federal or State public utility statutory corporation;</p> <p>(e) one person of standing in the community where the polytechnic is situate;</p> <p>(f) the Rector of the polytechnic;</p> <p>(g) one representative of the Minister charged with responsibility for matters relating to polytechnics;</p> <p>(h) one representative of the Permanent Secretary of the Ministry charged with responsibility for matters relating to industries;</p> <p>(i) one representative of the academic board of the</p>	<p>3. Section 3 of the Principal Act is amended by substituting for the existing a new Section 3 as follows:</p> <p>(1) There shall be established for each polytechnic a Governing Council (hereafter in this Act referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.</p> <p>(2) The Council shall consist of a Chairman and the following other members:</p> <p>(a) Four persons representing a variety of interests and broadly representative of the whole federation, at least one of whom shall be a woman;</p> <p>(b) one person to representing the alumni association;</p> <p>(c) A representative of the community where the polytechnic is situated;</p> <p>(d) The Rector;</p> <p>(e) The Deputy Rector(s);</p> <p>(f) one person representing the Federal Ministry of Education or regulatory agency;</p> <p>(g) Two persons not below the rank of Chief Lecturer elected by the Academic Board from among its members;</p> <p>(h) Three persons not below the rank of Senior Lecturer or its equivalent elected by</p>	<p>(1), (2)(a)-(h) Retained as in the Bill</p>

<p>polytechnic;</p> <p>(j) one representative of the State Commissioner of Education; and</p> <p>(k) five other persons, at least one of whom shall be a woman, to be selected each on his personal merit based on his contribution to either the development of industry, technology or commerce or special interest in technical education.</p> <p>(3) The Chairman and members of the Council other than ex-officio members shall be appointed by the President.</p> <p>(4) The provisions set out in the Second Schedule to this Act shall apply in relation to the constitution of the Council and the other matters therein specified. [Second Schedule]</p>	<p>the Congregation from among its members in which one shall be non-teaching staff.</p> <p>(3)(i) The Chairman and members of the Council other than ex-officio members shall be appointed by the President and Commander-in-Chief of the Armed Forces.</p> <p>(ii) Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and acquainted with the working and tradition of the Technical and Vocational education.</p> <p>(4) Any member of the Council other than an ex-officio member shall hold office for a period of three years at the first instance and may be eligible for re-appointment for another period of three years and no more.</p> <p>(5) The governance structure of each polytechnic shall be composed of:</p> <p>(a) Governing Council;</p> <p>(b) Academic Board;</p> <p>(cc) Management Committee;</p> <p>(d) School Board; and</p> <p>(e) Departmental Board.</p> <p>(6) The provisions set out in the Second Schedule to this Bill, shall apply in relation to the Council, governance structure and other matters therein specified.</p>	<p>(3)(i)(ii) (4) and (5) Retained as in the Bill</p> <p>(6) Retained as in the Bill.</p>	
<p>4. Visitation</p>	<p>4. (1) the Minister of Education shall be the Visitor to each Polytechnic [1993 No. 5]</p> <p>(2) The Visitor shall, not less than once in every five years, conduct a visitation of the college or appoint a Visitation Panel, consisting of not less than five experts, to conduct the visitation-</p> <p>(a) for the purpose of evaluating the academic and administrative performance of the polytechnic;</p> <p>(b) for such other purpose or in respect of any other affairs of the polytechnic as the Visitor may deem fit. [1993 No. 5]</p>	<p>4. Section 4(1) of the Principal Act is amended by substituting for the existing Subsection (1) as follows:</p> <p>(1) The President and Commander-in-Chief of the Armed Forces shall be the Visitor to each Polytechnic.</p>	<p>Retained as in the Bill</p>

<p>5. Tenure of office of the Registrar</p>	<p>6. (1) 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 the letter of his appointment; and (b) may be re-appointed for one further period of five years and no more. (2) Where on the commencement of this section, a Registrar has held office- (a) for five years or less, he shall be deemed to be serving his first term of office and may be re-appointed for a further term of five years; (b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the polytechnic; (c) for ten years or more, the Council may allow him to serve as Registrar for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the polytechnic.</p>	<p>5. Section 6 of the Principal Act is amended by substituting for the existing a new Section 6 as follows:</p> <p>(1) A Registrar shall hold office for a single tenure of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in the letter of his appointment;</p> <p>(2) Where a Registrar has held office for five years or less on the commencement of this Act, he shall be deemed to have been serving his final term of office.</p>	<p>Retained as in the Bill</p>
<p>6. The Rector of each Polytechnic</p>	<p>8. (1) There shall be a Rector of each polytechnic ("the Rector") who shall be appointed by the President in accordance with the provision of this section. (2) Where a vacancy occurs in the post of Rector; the Council shall: (a) advertise the vacancy in a reputable journal or widely read newspaper in Nigeria, specifying- (i) the qualities of the person who may apply for the post; and(ii) the terms and conditions of service applicable to the post, and thereafter, draw up a short list of suitable candidates for consideration; (b) constitute a Search Team consisting of: (i) a member of the Council, not being a member of the Academic Board, as Chairman;</p>	<p>6. Section 8 of the Principal Act is amended by substituting for the existing wit a new Section 8 as follows:</p> <p>(1) There shall be a Rector of each polytechnic ("the Rector") who shall be appointed by the President, Commander-in-Chief of the Armed Forces in accordance with the provision of this section. (2) Where a vacancy occurs in the post of the Rector, the Council shall: (a) advertise the vacancy not later than six (6) months to the expiration of the term of the seating Rector in not less than two national newspapers in Nigeria, specifying: (i) the qualifications of the persons who may apply for the post, which shall be a Chief Lecturer in the Polytechnics sector with at least five years of experience on that</p>	<p>Retained as in the Bill.</p>

	<p>(ii) two members of the Academic Board, not below the rank of Chief Lecturer;</p> <p>(iii) two members of the Academic Community of the college not below the rank of Chief Lecturer, to be selected by Council, to identify and draw up a short list of persons who are not likely to apply on their own volition because they feel that it is not proper to do so.</p> <p>(3) A Joint Council and Academic Board Selection Board consisting of:</p> <p>(a) the Chairman of the Council;</p> <p>(b) two members of the Council not being members of the Academic Board;</p> <p>(c) two members of the Academic Board not below the rank of Chief Lecturer, who were not members of the Search Team, shall consider the candidates 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, through the Council, to the President, three candidates for his consideration. (4) The President shall appoint, as Rector, one of the candidates recommended to him under the provisions of subsection (3) of this section.</p> <p>(5) Subject to this Act and the general control of the Council, the Rector shall be charged with the Polytechnic and shall be responsible for matters relating to the day-to-day management operations of the polytechnic.</p> <p>(6) The Rector:</p> <p>(a) shall hold office for a period of four years beginning with the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment;</p> <p>(b) may be re-appointed for a further period of four years and no more</p>	<p>position among other criteria ; and</p> <p>(ii) the terms and conditions of service applicable to the post, and thereafter, draw up a short list of suitable candidates for consideration;</p> <p>(b) constitute a Search Team consisting of:</p> <p>(i) a member of the Council, not being a member of the Academic Board, as Chairman;</p> <p>(ii) two members of the Academic Board, not below the rank of Chief Lecturer;</p> <p>(iii) two members of Academic Staff not below the rank of Chief Lecturers to be elected from among its members.</p> <p>(3) A Joint Council, Academic Board and Congregation Selection Board consisting of:</p> <p>(a) the Chairman of the Council;</p> <p>(b) two members of the Council not being members of the Academic Board;</p> <p>(c) two members of the Academic Board not below the rank of Chief Lecturer, who were not members of the Search Team elected among its members; and</p> <p>(d) two members of the Congregation not below the rank of Chief Lecturer who were not members of the Search Team elected among its members, shall consider the candidates 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 in order of performance ranking through the Council, to the President and Commander-in-Chief of the Armed Forces, three candidates for his consideration.</p> <p>(4) The President shall appoint, as Rector, one of the candidates recommended to him under the provisions of subsection (3) of this section.</p> <p>(5) Subject to this Act and the general control of the Council, the Rector shall be the Chief Executive of the Polytechnic and shall be charged with general responsibility for matters</p>	
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		<p>relating to the day-to-day management operations of the polytechnic.</p> <p>(6) The Rector shall:</p> <p>“(a) (i) hold office for a single term of five years beginning with the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment”</p> <p>(ii) where a Rector was appointed on four-year tenure on the commencement of this Act, his tenure shall be extended for a period of one year to complete the single-tenure of five years in line with subsection (6a) above.</p> <p>(iii) where a Rector is serving second tenure of four years on the commencement of this Act, he shall be deemed to have been serving his final term of office.</p> <p>(b) have power to exercise general authority over staff and be responsible for discipline in the polytechnic; and</p> <p>(c) his remuneration shall be determined by the National Salaries and Wages Commission.</p>	<p>Retained as in the Bill.</p>
<p>7. Deputy Rectors</p>	<p>9. (1) There shall be for each polytechnic a Deputy Rector.</p> <p>(2) The Council shall appoint the Deputy Rector from among the chief lecturers in the polytechnic in one of the following ways:</p> <p>(a) from a list of three candidates, in order of preference, submitted by the Rector;</p> <p>(b) on the recommendation of a Selection Board constituted under this section for that purpose; or</p> <p>(c) on the nomination of the Rector.</p> <p>(3) The Selection Board referred to in subsection (2) of this section shall-</p> <p>(a) consist of-</p> <p>(i) the Chairman of the Council;</p> <p>(ii) the Rector;</p> <p>(iii) two members of the Council not being members of the Academic Board;</p> <p>(iv) two members of the Academic Board; and</p>	<p>7. 1. Section 9(1)-(3) of the Principal Act is amended by-</p> <p><i>Substituting for the existing a new Section 9(1)-(4) as follows:</i></p> <p>(1) There shall be for each polytechnic such number of Deputy Rectors as the Council may, from time to time, deem necessary for the proper administration of the Polytechnic.</p> <p>(2) Where a vacancy occurs in the post of Deputy Rector, the Rector shall forward to the Academic Board a list of two candidates for each post of Deputy Rector that is vacant.</p> <p>(3) The Academic Board shall elect for each vacant post one candidate from each list forwarded to it under subsection (2) of this section and forward his name to the Council for confirmation.</p> <p>(4) Where-</p> <p>(a) the Academic Board rejects the two</p>	<p>Retained as in the Bill.</p>

<p>8. Other Principal officers of each polytechnic</p>	<p>(b) make such inquiries as it deems fit before making the commendation required under that subsection.</p> <p>(4) The Deputy Rector-</p> <p>(a) shall assist the Rector in the performance of his functions;</p> <p>(b) act in the place of the Rector when the post of Rector is vacant or if the Rector is for any reason absent or unable to perform his functions as Rector; and</p> <p>(c) perform such other functions as the Rector may, from time to time, assign to him.</p> <p>(5) The Deputy Rector:</p> <p>(a) shall hold office for a period of two years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and</p> <p>(b) may be re-appointed for one further period of two years and no more.</p>	<p>candidates forwarded to it by the Rector under subsection (2) of this section, the Rector shall submit another list.</p> <p>(b) the Council rejects the name sent to it under subsection (3) of this section, the Academic Board shall send the name of the other candidate on the list forwarded to it by the Rector under subsection (2) of this section.</p> <p>2. <i>The existing subsections (4) and (5) are to be renumbered as (5) and (6) accordingly.</i></p> <p>(5) The Deputy Rector(s) shall:</p> <p>(a) assist the Rector in the performance of his functions;</p> <p>(b) act in the place of the Rector when the post of Rector is vacant or if the Rector is for any reason absent or unable to perform their functions as Rector; and</p> <p>(c) perform such other functions as the Rector or the Council may from time to time assign to him.</p> <p>(6) The Deputy Rectors:</p> <p>(a) shall hold office for a single tenure of four years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment.</p> <p>(b) where a Deputy Rector was appointed on two year tenure on the commencement of this Act, his tenure shall be extended for a period of two years to complete the single-tenure of four years in line with subsection (6a) above.</p> <p>(c) where a Deputy Rector is serving second tenure of two years on the commencement of this Act, he shall be deemed to have been serving his final term of office.</p>	
<p>8. Other Principal officers of each polytechnic</p>	<p>10. (1) There shall be for each polytechnic the following other principal officers in addition to the Registrar, that is:</p> <p>(a) the Bursar; and</p> <p>(b) the polytechnic Librarian,</p> <p>Who shall be appointed by the Council on the</p>	<p>8. <i>Section 10 of the Principal Act is amended by substituting for the existing a new Section 10 as follows:</i></p> <p>(1) There shall be for each polytechnic the following other principal officers in addition to the Deputy Rector(s):</p>	<p>Retained as in the Bill</p> <p>Retained as in the Bill</p>

<p>9. Selection Board for other Principal Officers:</p>	<p>recommendation of the Selection Board constituted under section 9(b) of this Act.</p> <p>(2) The Bursar shall be the Chief Financial Officer of the polytechnic and be responsible to the Rector for the day-to-day administration and control of the financial affairs of the polytechnic.</p> <p>(3) The polytechnic Librarian shall be responsible to the Rector for the administration of the polytechnic library and the co-ordination of the library services in the teaching units of the polytechnic.</p> <p>(4) The Bursar or Librarian:</p> <p>(a) shall hold office for a period of five years in the first instance and on such terms and conditions as may be specified in his letter of appointment;</p> <p>(b) may be re-appointed for a further period of five years and no more.</p> <p>(5) Where on the commencement of this section, a Bursar or Librarian has held office:</p> <p>(a) for five years or less, he shall be deemed to be serving his first term of office and may be re-appointed for a further term of five years;</p> <p>(b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the polytechnic;</p> <p>(c) for ten years or more, the Council may allow him to serve as Registrar for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the polytechnic.</p>	<p>(a) the Registrar, (b) the Bursar; and (c) the polytechnic Librarian,</p> <p>who shall be appointed by the Council on the recommendation of the Selection Board constituted under section 12 of this Act.</p> <p>(2) The Bursar shall be the Chief Financial Officer of the polytechnic and be responsible to the Rector for the day-to-day administration and control of the financial affairs of the polytechnic.</p> <p>(3) The polytechnic Librarian shall be responsible to the Rector for the administration of the polytechnic library and the co-ordination of the library services in the teaching units of the polytechnic.</p> <p>(4) The Bursar or Librarian-</p> <p>(a) shall hold office for a single tenure 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;</p> <p>(b) where a Bursar or Librarian has held office for five years or less on the commencement of this Act, he shall be deemed to have been serving his final term of office.</p>	<p>Retained as in the Bill.</p>
<p>9. Selection Board for other Principal Officers:</p>	<p>12. (1) There shall be, for each college, a Selection Board which shall consist of:</p> <p>(a) the chairman of the Council;</p> <p>(b) the Rector;</p> <p>(c) four members of the Council not being members</p>	<p>9. Section 12 of the Principal Act is amended by substituting for the existing a new subsection 1 as follows:</p> <p>(1) There shall be, for each Polytechnic a Selection Board which shall consist of:</p>	<p>Retained as in the Bill.</p>

	<p>of the Academic Board; (d) two members of the Academic Board.</p> <p>(2) The functions and procedure and other matters relating to the Selection Board constituted under subsection (1) of this section shall be as the Council may, from time to time, determine.</p>	<p>(a) the chairman of the Council; (b) the Rector; (c) four members of the Council not being members of the Academic Board; (d) two members of the Academic Board not being members of Council and not below the rank of Chief Lecturer elected from among its members; and. (e) three members of the congregation not below the rank of Principal Lecturer or its equivalent elected from among its members in which one shall be non-teaching staff.</p>	Section 12(2) as retained as in the Act	
<p>10. Application of the Pensions Act</p>	<p>14. (1) The Federal Civil Service Commission may by order published in the Federal Gazette declare the office of the Rector or any other person employed by the Council to be a pensionable office for the purposes of the Pensions Act. [Cap. P4]</p> <p>(2) Nothing in the provisions of subsection (1) of this section shall prevent the appointment of any person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.</p>	<p>10. Section 14 of the Principal Act is amended by inserting new Subsections (3) and (4) as follows:</p> <p>“(3) A law or rule requiring a person to retire from the Public Service after serving for thirty five (35) years or having attained the age of 60 years in service, shall not apply to staff of polytechnics. “(4) Notwithstanding anything to the contrary contained in the Pensions Reform Act, the compulsory retirement age of staff of Polytechnics shall be sixty-five (65) years.</p>	<p>14(1) and (2) retained as in the Act</p> <p>(2) and (4) retained as in the Bill.</p>	
<p>11. Establishment of the Academic Board:</p>	<p>15. (1) There shall be established for each polytechnic a board to be known as the Academic Board which shall consist of the following members: (a) the Rector of the polytechnic, as the Chairman; (b) the Deputy Rector of the polytechnic; (c) all Heads of Departments;</p>	<p>11. Section 15 (1) of the Principal Act is amended by substituting for the existing a new Section (1) as follows: (1) There shall be established for each polytechnic a board to be known as the Academic Board which shall consist of the following members:</p>	<p>Retained as in the Bill</p>	

	<p>(d) the polytechnic Librarian; and (e) not more than two members of the academic staff, other than heads of departments, who may be appointed by the Academic Board.</p> <p>(c) The Academic Board shall be responsible for:</p> <p>(a) the direction and management of academic matters of the polytechnic including the regulation of admission of students, the award of certificates and diplomas, scholarships, prizes and other academic distinctions;</p> <p>(b) the making to the Council of such periodic reports on such academic matter as the Academic Board may think fit or as the Council may from time to time direct; and</p> <p>(c) the discharge of any other functions which the Council may delegate to it.</p>	<p>(a) the Rector of the polytechnic, as the Chairman;</p> <p>(b) the Deputy Rector(s) of the polytechnic;</p> <p>(c) all Heads of academic Departments and units;</p> <p>(d) the polytechnic Librarian;</p> <p>(e) not more than two members of the academic staff who are not members of the Academic Board and not below the rank of Senior Lecturer elected from among its members, such members shall serve for non-renewable term of three (3) years.</p> <p>(f) all Deans and academic Directors; and</p> <p>(g) all Chief Lecturers.</p>	<p>15(2) retained as in the Act</p>
<p>12. Removal from office of members of the Council and the Rector:</p>	<p><i>Tenure of Office</i></p> <p>16. (1) If it appears to the Council that a member of the Council (other than an <i>ex-officio</i> member) or the Rector should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to that effect to the President, and if the President, after making such inquiries as he considers necessary, approves the recommendation, the President shall, in writing, declare the office of such member vacant.</p> <p>(2) The President may remove any member of the Council if he is satisfied that it is not in the public interest or in the interest of the polytechnic that such member should continue as a member of the</p>	<p><i>Tenure of Office</i></p> <p>12. Section 16 of the Principal Act is amended by substituting for the existing a new Section 16 as follows:</p> <p>(1) Where it appears to the Governing Council that a member of the Council other than an <i>ex-officio</i> member or the Rector should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make a recommendation through the Minister to the Federal Executive Council approves of it, the Minister shall declare the office of such member or Rector vacant.</p> <p>(2) The Minister may recommend the removal</p>	<p>Retained as in the Bill</p>

	Council.	of any member of the Governing Council or Rector to the Federal Executive Council, if he is satisfied that it is not in the interest of the Public or of the Polytechnic that such a person should continue as a member of the Council. (3) In case of vacancy in the office of the Rector, the Council shall appoint an acting Rector who shall not be in office for more than 6 months. (4) There shall be no sole administration in any Polytechnic in Nigeria.	
13. Vesting of property of Kaduna Polytechnic	30. By virtue of this Act, all property (movable and immovable) held by or on behalf of the Kaduna Polytechnic by the Kaduna Polytechnic Board of Governors or any State, shall vest in the Federal Polytechnic, Kaduna with effect from 27 August 1991. [1991 No. 40]	13. Section 30 of the Principal Act is amended by inserting a new subsection (2). (1) By virtue of this Act, all property (movable and immovable) held by or on behalf of the Kaduna Polytechnic by the Kaduna Polytechnic of Governors or any State, shall vest in the Federal Polytechnic, Kaduna with effect from 27 August 1991. [1991 No. 40] (2) All property (movable or immovable) held by or on behalf of the Councils of Auchi Polytechnic, Bali Polytechnic, the Polytechnic Ekowe, Hussaini Adamu Polytechnic, Kazaura, Waziri Umaru Polytechnic, Birnin Kebbi shall vest on them with effect from the time of passage of the Bill".	Retained as in the Bill
14. Short Title	32. This Act may be cited as the Federal Polytechnics Act.	This Bill may be cited as the Federal Polytechnics (Amendment) Bill, 2018	This Bill may be cited as the Federal Polytechnic (Amendment) Bill, 2018
	FIRST SCHEDULE POLYTECHNICS [Section 1]	FIRST SCHEDULE POLYTECHNICS [Section 1]	FIRST SCHEDULE POLYTECHNICS [Section 1]
	The polytechnics referred to in section 1 of this Act are as follows— (a) the Federal Polytechnic, Ado-Ekiti; (b) the Federal Polytechnic, Bauchi; (c) the Federal Polytechnic, Bida; (d) the Federal Polytechnic, Idah; (e) the Federal Polytechnic, Ilaro; (f) the Federal Polytechnic, KauraNamoda;	The First Schedule to the Principal Act is amended by substituting for the existing Section 1 with new Section 1 as follows: The polytechnics referred to in section 1 of this Act are as follows (a) the Federal Polytechnic, Ado-Ekiti; (b) the Federal Polytechnic, Bauchi;	The polytechnics referred to in section 1 of this Act are as follows The polytechnics referred to in section 1 of this Act are as follows (a) the Federal Polytechnic, Ado-Ekiti; (b) the Federal Polytechnic, Bauchi;

<p>(g) the Yaba College of Technology, Yaba; (h) the Federal Polytechnic, Mubi; (i) the Federal Polytechnic, Nasarawa; (j) the Federal Polytechnic, Unwana-Afikpo; (k) the Federal Polytechnic, Kaduna; (l) Federal Polytechnic, Ede; (m) Federal Polytechnic, Offa; (n) Federal Polytechnic, Damaturu; (o) Federal Polytechnic, Oko; (p) Federal Polytechnic, Nekede;</p>	<p>(c) the Federal Polytechnic, Bida; (d) the Federal Polytechnic, Idah; (e) the Federal Polytechnic, Ilaro; (f) the Federal Polytechnic, KauraNamoda; (g) the Yaba College of Technology, Yaba; (h) the Federal Polytechnic, Mubi; (i) the Federal Polytechnic, Nasarawa; (j) the Federal Polytechnic, Unwana-Afikpo; (k) the Federal Polytechnic, Kaduna; (l) Federal Polytechnic, Ede; (m) Federal Polytechnic, Offa; (n) Federal Polytechnic, Damaturu; (o) Federal Polytechnic, Oko; (p) Federal Polytechnic, Nekede; (q) Auchi Polytechnic, Auchi; (r) The Polytechnic, Bali; (s) The Polytechnic, Ekowe; (t) Hussaini Adamu Polytechnic, Kazaure; (u) Waziri Umaru Polytechnic, Birnin Kebbi; (v) Federal Polytechnic, Ukana; (w) Federal Polytechnic Oil and Gas, Bonny; and (x) Federal Polytechnic, Ile-Iluji</p>	
		<p>Paragraph 3(1)(2) and (3) retained as in the Bill</p>

SECOND SCHEDULE

[Section 7]

PUBLIC OFFICERS FOR THE PURPOSES OF THE CODE OF CONDUCT SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Committees

3. (1) The Council may appoint one or more committees to which it may delegate any of its functions.
(2) Without prejudice to the generality to sub-paragraph (1) of this Schedule, the Council shall appoint the following committees, that is:
(a) the Appointments and Promotions Committees which shall without prejudice to section 7(4) of

Paragraph 3 of Second Schedule is amended by substituting for the existing a new paragraph 3 as follows:

3. (1) The Council may appoint one or more committees to which it may delegate any of its functions.
(2) Without prejudice to the generality of sub-paragraph (1) of this Schedule, the Council

	<p>(g) the Yaba College of Technology, Yaba; (h) the Federal Polytechnic, Mubi; (i) the Federal Polytechnic, Nasarawa; (j) the Federal Polytechnic, Unwana-Afikpo; (k) the Federal Polytechnic, Kaduna; (l) Federal Polytechnic, Ede; (m) Federal Polytechnic, Offa; (n) Federal Polytechnic, Damaturu; (o) Federal Polytechnic, Oko; (p) Federal Polytechnic, Nekede;</p>	<p>(c) the Federal Polytechnic, Bida; (d) the Federal Polytechnic, Idah; (e) the Federal Polytechnic, Ilaro; (f) the Federal Polytechnic, KauraNamoda; (g) the Yaba College of Technology, Yaba; (h) the Federal Polytechnic, Mubi; (i) the Federal Polytechnic, Nasarawa; (j) the Federal Polytechnic, Unwana-Afikpo; (k) the Federal Polytechnic, Kaduna; (l) Federal Polytechnic, Ede; (m) Federal Polytechnic, Offa; (n) Federal Polytechnic, Damaturu; (o) Federal Polytechnic, Oko; (p) Federal Polytechnic, Nekede; (q) Auchu Polytechnic, Auchu; (r) The Polytechnic, Bali; (s) The Polytechnic, Ekowe; (t) Hussaini Adamu Polytechnic, Kazaura; (u) Waziri Umaru Polytechnic, Birnin Kebbi; (v) Federal Polytechnic, Ukana; (w) Federal Polytechnic Oil and Gas, Bonny; and (x) Federal Polytechnic, Ile-Oluji</p>	
	<p>SECOND SCHEDULE [Section 7] PUBLIC OFFICERS FOR THE PURPOSES OF THE CODE OF CONDUCT SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL</p>		
	<p><i>Committees</i></p> <p>3. (1) The Council may appoint one or more committees to which it may delegate any of its functions. (2) Without prejudice to the generality to sub-paragraph (1) of this Schedule, the Council shall appoint the following committees, that is: (a) the Appointments and Promotions Committees which shall without prejudice to section 7(4) of</p>	<p><i>Committees</i></p> <p>Paragraph 3 of Second Schedule is amended by substituting for the existing a new paragraph 3 as follows:</p> <p>3. (1) The Council may appoint one or more committees to which it may delegate any of its functions. (2) Without prejudice to the generality of sub-paragraph (1) of this Schedule, the Council</p>	<p>Paragraph 3(1)(2) and (3) retained as in the Bill</p>

	<p>this Act:</p> <p>(i) consist of a chairman to be appointed by the Rector from members of the senior staff of the polytechnic and four other members who shall be appointed by the Council;</p> <p>(ii) be charged with the responsibility for making recommendations to the Council on the appointment;</p> <p>(b) the Junior Staff Appointment and Promotions Committee which shall consist of a chairman and four other members to be appointed by the Council and shall have the powers set out in section 7(5) and 14 of this Act;</p> <p>(c) the Committee on Students' Affairs which shall consist of the following members:</p> <p>(i) a chairman who shall be appointed by the Rector from among the senior employees of the polytechnic;</p> <p>(ii) one member of the Council;</p> <p>(iii) two members of the academic staff of the polytechnic; and</p> <p>(iv) four students of the polytechnic, and the Committee on Students' Affairs shall be charged with the duty of:</p> <p>(i) considering any matter which relates to the welfare of students;</p> <p>(ii) any other matter referred to it by either the Council or students of the polytechnic;</p> <p>(iii) any matter which the students wish to refer to the Council shall be referred to the Committee on Students' Affairs in the first instance.</p> <p>(3) No decision of a committee shall have effect unless it is confirmed by the Council.</p>	<p>shall appoint the following committees, that is:</p> <p>(a) the Appointments and Promotions Committees which shall:</p> <p>(i) consist of Rector as the chairman and four other members who shall be appointed by the Council;</p> <p>(ii) be charged with the responsibility for making recommendations to the Council on the appointment and promotion of the academic and senior non-teaching staff of the polytechnic and have a quorum of three members:</p> <p>(b) the Junior Staff Appointments and Promotions Committee which shall consist of a Deputy Rector as chairman and four other members to be appointed by the Rector and shall have the powers set out in section 13(2)(b) and section 19 of this Act;</p> <p>(c) the Committee on Students' Affairs which shall consist of the following members:</p> <p>(i) a Deputy Rector as chairman;</p> <p>(ii) one member of the Council;</p> <p>(iii) Dean of Students Affairs;</p> <p>(iv) two members of the academic staff not below the rank of Senior Lecturer; and</p> <p>(v) two representatives of the Students Union of the polytechnic; and a committee on students affairs shall be charged with the duty of:</p> <p>(i) considering any matter which relates to the welfare of students;</p> <p>(ii) any other matter referred to it by either the Council or management of the polytechnic;</p> <p>(iii) any matter which the students wish to refer to the Council shall be referred to the management in the first instance which may in turn refer the matter to the Committee on Students' Affairs.</p> <p>(3) No decision of a committee of the council shall have effect unless it is confirmed by the Council.</p>	
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<i>Proceedings of the Council</i>	<i>Proceedings of the Council</i>		
<p>4.-(1) The Council shall meet for the conduct of business at such times as the chairman of the Council may appoint but shall meet not less than twice in a year.</p> <p>(2) The chairman of the Council may at any time and shall at the request in writing of not less than five members of the Council summon a meeting of the Council.</p> <p>(3) Particulars of the business to be transacted shall be circulated to members with the notice of the meeting at least two weeks before the date of the meeting.</p>	<p>4. Amendment of Paragraph 4(1) and 6(2) of the Second Schedule to the Principal Act:</p> <p>Paragraph 4 and 6 of the Second Schedule to the Principal Act is amended by substituting for the existing 4(1) and 6(2) with new subparagraphs as follows:</p> <p>4.-(1) The Council shall meet for the conduct of business once in a quarter except for emergency.</p>	<p>6.-(1) Every question put before the Council at a meeting shall be decided by a simple majority of the members present and voting.</p> <p>(2) Seven members shall form a quorum at any meeting of the Council.</p> <p>(3) The Chairman shall, at any meeting of the Council, have a vote and, in the case of an equality of votes, may exercise a casting vote.</p>	<p>Retained as in the Bill</p> <p>4(2) and (3) retained as in the Principal Act</p> <p>6(1) retained as in the Act</p>
<p>9. Any contract or instrument which if entered into by a person not being a body corporate would not be required to be under seal, may in like manner be entered into or executed on behalf of the Council by any person generally or specifically authorized by it for that purpose.</p>	<p><i>Miscellaneous</i></p> <p>The Second Schedule to the Principal Act is amended by inserting new paragraph 9 and 10 as follows:</p> <p>9. Composition and Functions of Management Committee, School and Departmental Boards:</p> <p>(a)(i) There shall be a Management Committee made up of all the Principal Officers of the Polytechnic, all Deans and Directors in the Polytechnic;</p> <p>(ii) the Rector shall be the Chairman of the Management Committee; and</p> <p>(iii) the Management Committee shall meet at least once in a month to discuss and take decisions on matters of general interest to the Polytechnic.</p> <p>(b) (i) There shall be a School Board for each school in the Polytechnic made up of all the Academic Staff in that School;</p>	<p>(2) Two third of members shall form a quorum at any meeting of the Council.</p>	<p>Retained as in the Bill</p> <p>6(3) retained as in the Act</p>
			<p>Retained as in the Bill</p>

- (ii) the School Board deal with academic matters and any other matter of interest to the School or any matter assigned to it by the Council, the Rector or the Academic Board;
- (iii) the Dean shall be the chairman of the School Board; and
- (iv) the Dean shall be elected from among the Academic Staff not below the rank of Chief Lecturer in that School for a tenure of three years and not immediately renewable.
- (c)(i) there shall be a Departmental Board for each Department in the Polytechnic made up of all the Academic Staff in that department;
- (ii) the Departmental Board shall deal with academic matters and any other matter of interest to the Department;
- (iii) the Head of Department shall be chairman of the Departmental Board; and
- (iv) the Head of Department shall be elected from among the Academic staff not below the rank of Senior Lecturer in that department for a tenure of three years and not immediately renewable.
- (d) Where there is no qualified candidate for the position of Dean or Head of Department, the Rector shall appoint an Acting Dean not below the rank of Senior Lecturer or Acting Head of Department not below the rank of Lecturer I for a period of one year in the first instance and renewable once and no more.
- (e) Nothing in this Act shall prevent the management Committee and Boards from making supplementary rules to guide their proceedings provided such rules are not inconsistent with the provisions of this Act.

	<p>10. (1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting.</p> <p>(2) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman of the Council and some other member authorized generally or specifically by the Council to act for that purpose.</p> <p>(3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.</p>	<p>10. Establishment of the Congregation: There shall be for the polytechnic, a Congregation made of both Academic and Senior Non-Teaching staff, who holds at least a first degree or its equivalent:</p> <p>(a) the Rector shall be the Chairman of the Congregation; and</p> <p>(b) the Congregation shall meet at least once in a year.</p>	<p>Retained as in the Bill</p>	
<p>11. Any member of the Council or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement.</p>	<p><i>The existing paragraph 9, 10 and 11 are re-numbered as 11, 12 and 13 as follows:</i></p> <p>11. Any contract or instrument which if entered into by a person not being a body corporate would not be required to be under seal, may in like manner be entered into or executed on behalf of the Council by any person generally or specifically authorized by it for that purpose.</p> <p>12. (1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting.</p> <p>(2) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman of the Council and some other member authorized generally or specifically by the Council to act for that purpose.</p> <p>(3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.</p> <p>13. Any member of the Council or a committee</p>	<p><i>The existing paragraph 9, 10 and 11 are re-numbered as 11, 12 and 13 as follows:</i></p> <p>11. Any contract or instrument which if entered into by a person not being a body corporate would not be required to be under seal, may in like manner be entered into or executed on behalf of the Council by any person generally or specifically authorized by it for that purpose.</p> <p>12. (1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting.</p> <p>(2) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman of the Council and some other member authorized generally or specifically by the Council to act for that purpose.</p> <p>(3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.</p> <p>13. Any member of the Council or a committee</p>	<p>Retained as in the Bill</p>	

		<p>thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement.</p>		
		<p>EXPLANATORY MEMORANDUM This Bill seeks to amend the Federal Polytechnics Act Cap F17 LFN 2004 to among other things review the retirement age of staff of Federal Polytechnics in Nigeria and to harmonize the tenure of the office of the Rector and other principal officers of the Federal Polytechnics in Nigeria.</p>	<p>Retained as in the Bill</p>	