SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 23rd June, 2016

1. The Senate met at 11:09 a.m. The Senate President read Prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 22nd June, 2016.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**
(a) ***All Progressives Congress (APC) Caucus Meeting:***
The Senate President read a letter from Senator Olusola Adeyeye (*Osun Central*) as follows:

Senator Olusola Adeyeye
(Osun Central - Senatorial District)
Federal Republic of Nigeria

June 23, 2016

There will be a meeting of the Caucus of the All Progressive Congress (APC) (Biggest Party in Africa) immediately after today's sitting.

Venue: *Senate Hearing Room 1.*

(Signed)
Senator Olusola Adeyeye
Senate Chief Whip

(b) ***Acknowledgement:***
The Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:

(*i*) Members of National Association of Public Administration Students, University of Abuja, Gwagwalada, Abuja;

(*ii*) Members of Community of Tiv Students, University of Abuja Chapter, Gwagwalada, Abuja;

(*iii*) Members of National Association of Imo State Students, University of Abuja Chapter, Gwagwalada, Abuja; and

(*iv*) Staff and Students of Kingdom Heritage Model School, Airport Road, Abuja.

4. Petitions:

(*i*) Rising on Rule 41, Senator Ovie A. Omo-Agege *(Delta Central)* drew the attention of the Senate to a petition from his constituent, Lt. Col. Thomas E. Arigbe, over his wrongful retirement from the Nigerian Army. 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 Abdul'Aziz M. Nyako *(Adamawa Central)* drew the attention of the Senate to a petition from his constituent, Mr. Ayodele Edward, on allegation against Mr. Paul Okpala (Teacher) of complicity in the rape of an eight (8) year old child with special needs in Montessori school, Asokoro, Abuja. 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.

5. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Gilbert E. Nnanji (*Enugu East*) drew the attention of the Senate to the reduction of fine imposed by the Nigerian Communications Commission over MTN Communications Nigeria Limited from ₦1.04 Trillion to ₦330 billion. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

aware that the Nigerian Communications Commission (NCC), enabled by the Nigerian Communications Act 2003, is the statutory regulator for the telecommunications industry in Nigeria;

aware that as the regulator, the Commission has been imposing fines on erring telecom operators over the years and proceeds from the redemption of such fines have been lodged in the Commission's designated account;

recall that in October 2015, in line with the Nigerian Communications Commission (Registration of Telephone Subscribers) Regulation, 2011, the Nigerian Communications Commission (NCC) imposed a fine of ₦1.04 trillion on MTN Communications Nigeria Limited for failing to deactivate 5.2 million unregistered subscribers on its network;

note that sections 19 & 20 of the Nigerian Communications Commission (Registration of Telephone Subscribers) Regulation, 2011, does not empower the Commission or any other entity or government official to reduce any fine so imposed;

regrets that this fine was unilaterally reduced to ₦780 billion without the inputs of the Ministry of Communications and the Nigerian Communications Commission which constitutes a flagrant breach of this Regulation and an attempt to whittle down the authority of the Commission;

further regrets that through some negotiation process excluding, the Ministry and the Commission, but championed by the Minister of Justice and Attorney General of the Federation, MTN was requested to pay a sum of ₦50 billion as a gesture of good faith towards the settlement of the fine;

recalls that the attendant confusion created by the claim and counter claim over the veracity of the payment of the said ₦50 billion by MTN and the domiciliation of the money in a CBN Recovery Account, as if the money in question was a stolen fund, prompted the Committee on Communications to embark on a fact-finding meeting of all stakeholders involved on March 10, 2016. These included the Attorney General of the Federation, Accountant General of the Federation, Minister of Communications, Governor of Central Bank of Nigeria, Executive Vice Chairman/CEO, NCC and the Managing Director, MTN Nigeria Limited;

regrets to discover, by the admission of the Accountant General of the Federation at the meeting, that the said ₦50 billion was actually lodged in a CBN Recovery Account on the instruction of the Attorney General of the Federation;

further regrets to discover, through a document available to the Committee, that MTN had already made a proposal for final payment of ₦300 billion as at the time of the meeting in March which led the Committee to conclude that there was a secret agreement between MTN, the Attorney General of the Federation and the Accountant General of the Federation to admit the ₦50 billion as the commencement of the execution of a final agreement of ₦300 billion;

alarmed to observe that the reduced fine of ₦780 billion was further slashed to ₦330 billion through a Settlement Payment Plan that smacks of unpatriotism and insensitivity of the parties that agreed to the new amount inspite of the economic plight currently facing the country;

laments that Nigeria has been shortchanged in this whole process on account of the ridiculous Settlement Payment Plan; coupled with the disparity in the exchange rate regime when the fine was imposed ab initio compared with the current prevailing exchange rate when the value of the Naira is taking a downward slide; and

notes therefore that as the representatives of the Nigerian people, we are saddened about this development coming at a time when the Nigerian economy needs all the available capital infusion to bolster it.

Accordingly resolves to:

(*i*) direct the Committee on Communications to invite all the relevant stakeholders including the Minister of Justice and Attorney General of the Federation; Minister of Communications Technology; Executive Vice Chairman, Nigerian Communications Commission; Accountant-General of the Federation; Governor, Central Bank of Nigeria; Managing Director, MTN Nigeria Limited and all other parties involved in all the negotiations to shed light on the matter and report within two (2) weeks; and

(*ii*) urge the Federal Government to move the initial amount of ₦50 billion from the CBN Recovery Account to the CBN/NCC Treasury Single Account.

Debate:

Proposed Resolution (i):

Question: That the Senate do direct the Committee on Communications to invite all the relevant stakeholders including the Minister of Justice and Attorney General of the Federation; Minister of Communications Technology; Executive Vice Chairman, Nigerian Communications Commission; Accountant-General of the Federation; Governor, Central Bank of Nigeria; Managing Director, MTN Nigeria Limited and all other parties involved in all the negotiations to shed light on the matter and report within two (2) weeks — *Agreed to.*

Proposed Resolution (ii):
Question: That the Senate do urge the Federal Government to move the initial amount of ₦50 Billion from the CBN Recovery Account to the CBN/NCC Treasury Single Account — *Agreed to.*

Resolved:
That the Senate do:

(*i*) direct the Committee on Communications to invite all the relevant stakeholders including the Minister of Justice and Attorney General of the Federation; Minister of Communications Technology; Executive Vice Chairman, Nigerian Communications Commission; Accountant-General of the Federation; Governor, Central Bank of Nigeria; Managing Director, MTN Nigeria Limited and all other parties involved in all the negotiations to shed light on the matter and report within two (2) weeks; and

(*ii*) urge the Federal Government to move the initial amount of ₦50 billion from the CBN Recovery Account to the CBN/NCC Treasury Single Account ***(S/Res/006/02/16).***

6. Matter of Urgent Public Importance:
Rising on Rules 42 and 52, Senator Binta M. Garba (*Adamawa North*) drew the attention of the Senate to the 2016 International Widows Day Theme: Never Alone. She sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes, that June 23 is observed as the International Widows' Day;

recalls, that on the 23rd of June, 2005, the Loomba Foundation, a Non-Governmental Organization (NGO), that provides support to widows and their children for education and rehabilitation declared the first "International Widows Day";

further recalls, that on the 22nd of December 2010, the United Nations at its 65th General Assembly, officially ratified June 23rd as International Widows' Day and urged its member nations to focus on the needs of Widows;

aware, that the International Widows' Day is celebrated to draw attention to the plight of millions of widowed women world-wide;

further aware, that widowed women and their children are often stigmatized and exposed to extreme forms of deprivation. They often experience property theft, eviction, social isolation, forced marriage and physical abuse;

worried, that statistics showed, as at 2015, that there are an estimated Two Hundred and Fifty-Nine Million (259) widows and Five Hundred and Eighty-Eight Million (585) children of widows in the world. Over One Hundred and Fifteen Million (115) widows live in abject poverty and suffer from social stigmatization and economic deprivation;

Further worried, that 1.5 million widows' children die before their fifth birthday. They often face horrors such as child marriage, illiteracy, forced labour, human trafficking, homelessness and sexual abuse;

recognizes, that Fundamental Rights is clearly captured in chapter IV of the 1999 Constitution of the Federal Republic of Nigeria as amended, and section 34(1) & (a) stipulates that "every individual is entitled to respect for the dignity of his person" "and no person shall be subjected to torture or to inhuman or degrading treatment";

further recognizes, that section 15 of The Violence Against Persons (Prohibition) Act, 2015, stipulates that "any person who subjects a widow to harmful traditional practices commits an offence and will be sent to prison for up to two years or pay a fine of up to ₦500,000.00 or both fine and imprisonment; and

concerned that the above constitutional provisions and legislations of the National Assembly are often flagrantly violated, and the plight of widows world-wide have come to be regarded as "an invisible calamity.

Accordingly resolves to:

(*i*) encourage and reassure Widows world-wide and Nigeria in particular that they will NEVER BE ALONE in their struggles;

(*ii*) urge the Federal and State Governments to ensure that the Widows' right to "Dignity of Human Person" is protected as enshrined in the 1999 Constitution of the Federal Republic of Nigeria (as amended);

(*iii*) urge the Federal and State Governments to ensure the domestication and implementation of the provisions of the Violation Against Persons (Prohibition) Act; and

(*iv*) urge the Federal Ministry of Women Affairs to ensure that programmes for the education and empowerment of Widows are captured and provided for in their annual budget estimates.

Debate:

Proposed Resolution (i):
Question: That the Senate do encourage and reassure Widows world-wide and Nigeria in particular that they will NEVER BE ALONE in their struggles — *Agreed to.*

Proposed Resolution (ii):
Question: That the Senate do urge the Federal and State Governments to ensure that the Widows' right to "Dignity of Human Person" is protected as enshrined in the 1999 Constitution of the Federal Republic of Nigeria (as amended) — *Agreed to.*

Proposed Resolution (iii):
Question: That the Senate do urge the Federal and State Governments to ensure the domestication and implementation of the provisions of the Violation Against Persons (Prohibition) Act — *Agreed to.*

Proposed Resolution (iv):
Question: That the Senate do urge the Federal Ministry of Women Affairs to ensure that programmes for the education and empowerment of Widows are captured and provided for in their annual budget estimates — *Agreed to.*

Resolved:
That the Senate do:

(*i*) encourage and reassure Widows world-wide and Nigeria in particular that they will NEVER BE ALONE in their struggles;

(*ii*) urge the Federal and State Governments to ensure that the Widows' right to "Dignity of Human Person" is protected as enshrined in the 1999 Constitution of the Federal Republic of Nigeria (as amended);

(*iii*) urge the Federal and State Governments to ensure the domestication and implementation of the provisions of the Violation Against Persons (Prohibition) Act; and

(*iv*) urge the Federal Ministry of Women Affairs to ensure that programmes for the education and empowerment of Widows are captured and provided for in their annual budget estimates ***(S/Res/007/02/16)***.

7. Presentation of Bills:

(*i*) National Environmental Standards Regulatory Enforcement Agency Act, 2007 (Amendment) Bill, 2016 (SB. 207) — *Read the First Time.*

(*ii*) Independent National Electoral Commission Act, 2010 (Amendment) Bill, 2016 (SB. 297) — *Read the First Time.*

(*iii*) Tertiary Education Trust Fund Act, 2007 (Amendment) Bill, 2016 (SB. 300) — *Read the First Time.*

(*iv*) Integrated Community Development Agency (Establishment, etc.) Bill, 2016 (SB. 305) — *Read the First Time.*

(*v*) Legal Framework for Public Private Partnership (Establishment, etc.) Bill, 2016 (SB. 306) — *Read the First Time.*

(*vi*) Universal Basic Education Act, 2003 (Amendment) Bill, 2016 (SB. 307) — *Read the First Time.*

(*vii*) Correction, Reformation and Re-integration Centre (Establishment, etc.) Bill, 2016 (SB.308) — *Read the First Time.*

(*viii*) Maritime University of Nigeria, Oron (Establishment, etc.) Bill, 2016 (SB.309) — *Read the First Time.*

(*ix*) Personal Information Protection Bill, 2016 (SB. 310) — *Read the First Time.*

(*x*) Cattle Movement (Control) Bill, 2016 (SB. 311) — *Read the First Time.*

8. Committee on Niger Delta:

Report on the 2016 Budget Proposal of the Niger Delta Development Commission (NDDC):

Motion made: That the Senate do receive and consider the Report of the Committee on Niger Delta on the 2016 Budget Proposal of the Niger Delta Development Commission (NDDC) (*Senator Peter O. Nwaoboshi — Delta North*).

Question put and agreed to.

Report Laid and presented.

Motion made: That the Senate do resolve into the Committee of Supply to consider the Report of the Committee on Niger Delta on the 2016 Budget Proposal of the Niger Delta Development Commission (NDDC) (*Deputy Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF SUPPLY)

SCHEDULE

PART A — RECURRENT EXPENDITURE (PERSONNEL AND OVERHEAD COSTS

		(₦)
1.	**Chairman's Office**	
	Personnel Costs	28,340,701.88
	Overhead Costs	219,887,203.00
	Sub Total	**248,227,904.88**
2.	**Managing Director's Office**	
	Personnel Costs	297,344,345.55
	Overhead Costs	429,739,767.00
	Sub Total	**727,084,112.55**
3.	**Executive Director Finance and Administrator's Office**	
	Personnel Costs	176,252,371.79
	Overhead Costs	237,440,451.00
	Sub Total	**413,692,822.79**
4.	**Executive Director Project's Office**	
	Personnel Costs	214,426,257.14
	Overhead Costs	237,440,451.00
	Sub Total	**451,866,708.14**
5.	**Corporate Affairs Department**	
	Personnel Costs	273,164,714.04
	Overhead Costs	417,396,967.00
	Sub Total	**690,561,681.04**
6.	**Internal Audit Department**	
	Personnel Costs	178,362,624.92
	Overhead Costs	106,705,911.00
	Sub Total	**285,068,535.92**
7.	**Security Department**	
	Personnel Costs	461,412,319.66
	Overhead Costs	216,413,568.00
	Sub Total	**677,825,887.66**
8.	**Public Procurement**	
	Personnel Costs	99,434,335.88
	Overhead Costs	70,367,767.00
	Sub Total	**169,802,102.88**
9.	**Directorate of Legal Services**	
	Personnel Costs	274,573,232.38
	Overhead Costs	821,390,167.00
	Sub Total	**1,095,963,399.38**
10.	**Directorate of Projects Monitoring and Supervision**	
	Personnel Costs	351,759,544.62
	Overhead Costs	246,280,000.00
	Sub Total	**598,039,544.62**

11.	**Directorate of Finance and Supply**	
	Personnel Costs	476,796,007.84
	Overhead Costs	311,230,240.00
	Sub Total	**788,026,247.84**
12.	**Directorate of Administration and Human Resources**	
	Personnel Costs	1,310,949,779.66
	Overhead Costs	674,930,974.00
	Sub Total	**1 ,985,880,753.66**
13.	**Directorate of Planning, Research, Statistic and MIS**	
	Personnel Costs	463,690,178.56
	Overhead Costs	157,216,903.00
	Sub Total	**620,907,081.56**
14.	**Directorate of Agriculture and Fisheries**	
	Personnel Costs	174,365,878.84
	Overhead Costs	120,817,567.00
	Sub Total	**295,183,445.84**
15.	**Directorate of Environmental Protection and Control**	
	Personnel Costs	222,291,926.07
	Overhead Costs	120,998,304.00
	Sub Total	**343,290,230.07**
16.	**Directorate of Education, Health and Social Services**	
	Personnel Costs	232,435,439.68
	Overhead Costs	133,783,620.00
	Sub Total	**366,219,059.68**
17.	**Directorate of Community and Rural Development**	
	Personnel Costs	205,663,949.54
	Overhead Costs	219,734,283.00
	Sub Total	**425,395,232.54**
18.	**Directorate of Utilities Infrastructure Development and Waterways**	
	Personnel Costs	511,039,328.45
	Overhead Costs	98,849,676.00
	Sub Total	**609,889,004.45**
19.	**Directorate of Commercial and Industrial Development**	
	Personnel Costs	171,037,576.01
	Overhead Costs	76,220,464.00
	Sub Total	**247,258,040.01**
20.	**Directorate of Youth, Women, Sports and Culture**	
	Personnel Costs	135,938,773.51
	Overhead Costs	97,053,666.00
	Sub Total	**232,992,439.51**
21.	**Design Department**	
	Personnel Costs	0
	Overhead Costs	108,711,000.00
	Sub Total	**108,711,000.00**

22.	**Project Management Department**	
	Personnel Costs	0
	Overhead Costs	231,668,640.00
	Sub Total	**231,668,640.00**
23.	**Information Technology Department**	
	Personnel Costs	0
	Overhead Costs	67,821,000.00
	Sub Total	**67,821,000.00**
24.	**Public Private Partnership**	
	Personnel Costs	0
	Overhead Costs	126,263,620.00
	Sub Total	**126,263,620.00**
25.	**SERVICOM**	
	Personnel Costs	0
	Overhead Costs	37,749,767.00
	Sub Total	**37,749,767.00**
26.	**Headquarters**	
	Personnel Costs	0
	Overhead Costs	3,368,912,880.00
	Sub Total	**3,368,912,880.00**
27.	**Abuja Liaison Office**	
	Personnel Costs	273,125,552.68
	Overhead Costs	125,555,800.00
	Sub Total	**398,681,352.68**
28.	**Abia State Office**	
	Personnel Costs	428,174,748.42
	Overhead Costs	67,020,045.00
	Sub Total	**495,194,793.42**
29.	**Akwa Ibom State Office**	
	Personnel Costs	586,670,056.94
	Overhead Costs	85,143,621.00
	Sub Total	**671,813,677.94**
30.	**Bayelsa State Office**	
	Personnel Costs	581,875,903.56
	Overhead Costs	77,164,600.00
	Sub Total	**659,040,503.56**
31.	**Cross River State Office**	
	Personnel Costs	462,462,501.14
	Overhead Costs	56,584,019.00
	Sub Total	**519,046,520.14**
32.	**Delta State Office**	
	Personnel Costs	717,825,553.39
	Overhead Costs	85,725,650.00
	Sub Total	**803,551,203.39**

33.	**Edo State Office**	
	Personnel Costs	382,810,491.37
	Overhead Costs	57,195,019.00
	Sub Total	**440,005,510.37**
34.	**Imo State Office**	
	Personnel Costs	394,394,012.08
	Overhead Costs	73,374,050.00
	Sub Total	**467,765,062.08**
35.	**Ondo State Office**	
	Personnel Costs	485,233,067.22
	Overhead Costs	72,341,767.00
	Sub Total	**557,574,834.22**
36.	**Rivers State Office**	
	Personnel Costs	673,858,131.96
	Overhead Costs	145,606,000.00
	Sub Total	**819,191,131.96**
37.	**Aides to Regional Board Members**	
	Personnel Costs	451,466,680.89
	Overhead Costs	0
	Sub Total	**451,466,680.89**
38.	**Security Personnel yet to be Deployed**	
	Personnel Costs	0
	Overhead Costs	208,184,780.98
	Sub Total	**208,184,780.98**
39.	**22.5% Contributory Pension**	2,631,803,171.77
40.	**Pension Past service Liabilities**	494,519,860.00
41.	**Staff Group Staff Assurance Scheme**	240,000,000.00
42.	**Staff welfare**	600,000,000.00
43.	**Combined Workmen Compensation/Group Personal Accident**	265,000,000.00
44.	**Decentralization (Transfer entitlements)**	186,650,598.25
45.	**Severance Benefits**	587,942,314.03
46.	**Human Resources Services/Employee Relation**	96,900,000.00
47.	**Retirees Pension Scheme**	0
48.	**Staff Housing Scheme**	0
49.	**National Health Insurance Scheme (NHIS)**	622,800,000.00
50.	**Recruitment Services/others** (Sensitization induction Orientation, etc.)	108,000,000.00

51.	**Actuarial Valuation**	30,000,000.00
	Total (Personnel and Overhead Expenses)	**27,540,518,930.00**

Question,
That the Expenditure of Twenty-Seven Billion, Five Hundred and Forty Million, Five Hundred and Eighteen Thousand, Nine Hundred and Thirty Naira (₦27,540,518,930.00) for the purposes set out under Part A — Recurrent Expenditure stand part of the Schedule to the Niger Delta Development Commission Budget, 2016 — *Agreed to.*

PART B — INTERNAL CAPITAL EXPENDITURE

		(₦)
1.	Chairman's office	22,985,000.00
2.	Managing director's Office	30,432,000.00
3.	Executive Director Finance and Administration's Office	25,432,000.00
4.	Executive Director Project's Office	24,225,000.00
5.	Corporate Affairs Department	20,461,280.00
6.	Internal Audit Department	8,909,360.00
7.	Security Department	87,015,000.00
8.	Public Procurement Unit	16,575,808.00
9	Information Department	15,320,040.00
10.	Public Private Partnership	14,552,040.00
11.	Design	28,020,040.00
12.	Project Management	16,315,000.00
13	SERVICOM	15,900,040.00
14.	Directorate of Legal Services	12,630,040.00
15.	Directorate of Project Monitoring and Supervision	36,395,040.00
16.	Directorate of Finance and Supply	20,419,040.00
17.	Directorate of Administration and Human Resources	108,273,120.00
18.	Directorate of Planning Research and Statistics and MIS	13,405,040.00
19.	Directorate of Agriculture and Fisheries	19,860,040.00
20.	Directorate of Environmental Protection and Control	15,977,040.00
21.	Directorate of Education Health and Social Services	15,615,040.00
22.	Directorate of Community and Rural Development	11,661,040.00
23.	Directorate of Utilities Infrastructural Dev. and Water ways	15,422,000.00
24.	Directorate of Commercial and Industrial Development	12,488,040.00
25.	Directorate of Youth, Women, Sports and Culture	18,356,040.00
26.	Headquarters	301,868,160.00
27.	Abuja Liaison Office	47,913,000.00
28.	Abia State Office	29,002,040.00
29.	Akwa Ibom State Office	30,475,080.00
30.	Bayelsa State Office	33,835,000.00
31.	Cross River State Office	31,329,080.00
32.	Delta State Office	28,096,000.00
33.	Edo State Office	27,756,040.00
34.	Imo State Office	30,731,040.00
35.	Ondo State Office	65,814,080.00
36.	Rivers State Office	46,537,080.00
	Total	**1,300,000,000.00**

Question,
That the Expenditure of One Billion, Three Hundred Million Naira (₦1,300,000,000.00) for the purposes set out under Part B — Internal Capital Expenditure stand part of the Schedule to the Niger Delta Development Commission Budget, 2016 — *Agreed to.*

PART C — PROJECTS DEVELOPMENT EXPENDITURE

		(₦)
1.	Head Office/Regional Projects	70,375,844,199.00
2.	Abia State	7,719,950,879.00
3.	Akwa Ibom State	31,293,716,241.00
4.	Bayelsa State	21,869,133,664.00
5.	Cross River State	6,837,098,065.00
6.	Delta State	25,177,940,957.00
7.	Edo State	9,112,487,022.00
8.	Imo State	7,677,344,420.00
9.	Ondo State	9,965,861,297.00
10.	Rivers State	22,244,104,326.00
	Total	**212,273,481,070.00**

Question,
That the Expenditure of Two Hundred and Twelve Billion, Two Hundred and Seventy-Three Million, Four Hundred and Eighty-One Thousand and Seventy Naira (₦212,273,481,070.00) for the purposes set out under Part C — Project Development Expenditure stand part of the Schedule to the Niger Delta Development Commission Budget, 2016 — *Agreed to.*

Summary:	
Personnel Expenditure	**₦17,560,518,930.00**
Overhead Expenditure	**₦9,980,000,000.00**
Internal Capital Expenditure	**₦1,300,000,000.00**
Development Projects	**₦212,273,481,070.00**
Grand Total	**₦241,114,000,000.00**

Main Question,
That the Expenditure of Two Hundred and Forty-One Billion, One Hundred and Fourteen Million Naira (₦241,114,000,000.00) only for the purposes set out under Recurrent for the Personnel and Overhead Cost; and Internal Capital Expenditure and Development Projects do stand part of the Schedule to the Niger Delta Development Commission Budget 2016 — *Agreed to.*

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of Supply considered the Report of the Committee on Niger Delta, on the Niger Delta Development Commission Budget, 2016 and approved the recommendations.

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

9. **Committee on Federal Capital Territory (FCT):**
Report on the 2016 Federal Capital Territory Statutory Appropriation Bill, 2016:
Motion made: That the Senate do receive the Report of the Committee on Federal Capital Territory (FCT) on Report on the 2016 Federal Capital Territory Statutory Appropriation Bill, 2016 (*Senator Dino Melaye — Kogi West*).

Question put and agreed to.

Report Laid.

10. Committee on Public Account:
Report on the Auditor General for the Federation on the Audited Account of Five Parastatals:
Motion made: That the Senate do receive the Report of the Committee on Public Account on Report of the Auditor General for the Federation on the Audited Account of Five Parastatals of Federal Government of Nigeria (*Senator Andy E. Uba — Anambra South*).

Question put and agreed to.

Report Laid.

11. Committee on Ethics, Privileges and Public Petitions:
Report on the Petitions in respect of a Petition from Mr. Akinnigbagbe Akinniyi against National Insurance Commission (NAICOM):

Consideration of Report deferred to another Legislative Day.

12. Committee on Ethics, Privileges and Public Petitions:
Report on the Petition by Lawright Associates against the Department of Parks and Recreation, Federal Capital Territory Administration (FCTA):

Consideration of Report deferred to another Legislative Day.

13. Committee on Tertiary Institutions and TETFUND:
Report on the Federal University of Petroleum Resources, Effurun (Establishment, etc.) Bill, 2016 (SB. 226):
Motion made: That the Senate do consider the Report of the Committee on Tertiary Institutions and TETFUND on the Federal University of Petroleum Resources, Effurun (Establishment, etc.) Bill, 2016 (*Senator Binta M. Garba — Adamawa 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 *(Deputy Senate Leader).*

Question put and agreed to.

Extension of Time:
Motion made: That the Senate do sit this day beyond the time appointed for the termination of the Sitting of the Senate (Rule 13) (*Deputy 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 FEDERAL UNIVERSITY OF PETROLEUM RESOURCES, EFFURUN; AND FOR OTHER MATTERS CONNECTED THEREWITH

PART I —ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE FEDERAL UNIVERSITY OF PETROLEUM RESOURCES, EFFURUN

Clause1: Establishment and Objectives of the Federal University of Petroleum Resources, Effurun.

(1) There is hereby established the Federal University of Petroleum Resources, Effurun.

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

(3) The University shall be a training institution for the development of middle and high-level manpower for the oil and gas sector.

(4) The University shall be supervised by the Federal Ministry of Education with the following responsibilities:

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

(b) The Federal Ministry of Petroleum Resources, Petroleum Technology Development Fund (PTDF) and Nigerian Content Development and Monitoring Board shall provide 2% of their Annual Budget for research programmes in Petroleum Technology acquisition, and facilities.

(5) The objects of the University shall be—

(a) to encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction, the opportunity of acquiring a higher education in science and technology;

(b) to develop and offer academic and professional programmes leading to the award of diplomas, first degrees, post-graduate research and higher degrees with emphasis on planning, adaptive, technical, maintenance, developmental and productive skills in the engineering, scientific, and allied professional disciplines relating to Petroleum resources with the aim of producing socially mature men and women with capability not only to understand, use and adapt existing technology in petroleum industry, but also to improve on it and develop new ones;

(c) to act as agents and catalysts, through post-graduate training, research and innovation for the effective and economic utilization, exploitation and conservation of the country's petroleum resources;

(d) to offer to the general population particularly the petroleum industry, as a form of public service, the results of training and research and to foster the practical applications of these results;

(e) to establish appropriate relationships with other national institutions involved in training, research and development of technologies in petroleum sector;

(f) to identify the technological problems and needs of the petroleum industry and to find solutions to them within the context of overall national development;

(g) to provide and promote sound basic scientific training as a foundation for the development of petroleum technology and applied sciences, taking into account indigenous culture and the need to enhance national unity; and

(h) to undertake any other activities appropriate for a university of petroleum resources, of the highest standard.

Committee's Recommendation:
That the provision in Clause 1 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 2: Constitution and Principal Officers of the University.

(1) The University shall consist of:—

(a) a Chancellor;

(b) a Pro-Chancellor and a Council;

(c) a Vice-Chancellor and a Senate;

(d) a body to be called Congregation;

(e) a body to be called Convocation;

(f) the campuses and colleges of the University;

(g) the schools, institutes, departments and other teaching and research units of the University;

(h) the persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraphs (a) to (c) of this subsection;

(i) all graduates and undergraduates of the University; and

(j) all other persons who are members of the University in accordance with provisions made by statute in that behalf.

(2) The First Schedule to this Bill shall have effect with respect to the principal officers of each University therein mentioned.

(3) Subject to section 5 of this Bill provision shall be made by statute with respect to the constitution of the Council, the Senate, Congregation and Convocation.

Committee's Recommendation:
That the provision in Clause 2 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 3: **Powers of the University and its exercise.**

Section 3(1)(a) was altered by inserting the phrase and allied areas

(a) to offer courses of instruction, training and research in Petroleum Technology and allied areas for the production of middle and high level manpower and other skilled personnel required to run the oil and gas industry in Nigeria in particular and the world at large.

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

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

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

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

(f) 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;

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

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

(i) subject to section 19 of this Bill, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate;

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

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

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

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

(n) subject to any limitations or conditions imposed by statute, to invest any moneys appertaining to the University by way of endowment it, not being immediately required for current expenditure in any investments or securities or in the purchase or improvement of land, with power from time to time, to vary any such investments to deposit any moneys for the time being not invested with any bank on deposit or current account;

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

(p) to make gifts for any charitable purpose;

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

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

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

(3) The power of the University to establish further campuses and colleges within the University shall be exercisable by statute and not otherwise.

Committee's Recommendation:
That the provision in Clause 3 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

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

(1) The Chancellor shall, in relation to the 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 Binta M. Garba — Adamawa North*) — *Agreed to.*

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

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

(1) The Council of the University shall consist of:-

(a) the Pro-Chancellor who shall be representative of the Honourable Minister of Petroleum Resources;

(b) the Vice-Chancellor;

(c) the Deputy Vice-Chancellor(s);

(d) one person from the Ministry responsible for education;

(e) Four persons representing a variety of interests and broadly representative of the whole Federation to be appointed from:

(i) the Nigerian National Petroleum Corporation;

(ii) Petroleum Technology Development Fund; and

(iii) two other persons, one of whom shall be a representative of the University host community.

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

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

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

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

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

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

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

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

(a) personnel cost;

(b) overhead cost;

(c) research and development;

(d) library developments; and

(e) the balance in expenditure between academic vis-à-vis non-academic activities (*Senator Binta M. Garba — Adamawa North*).

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

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

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

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

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

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

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

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

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

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

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

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

Committee's Recommendation:
That the provision in Clause 6 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 7: Functions of the Senate of the University.

(1) Subject to section 6 of this Bill and subsections (3) and (4) of this section and the provisions of this Bill relating to the Visitor, it shall be the general function of the Senate to organize and control the teaching by the University, the admission of student where no other enactment provides to the contrary and the discipline of students; and to promote research at the University.

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

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

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

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

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

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

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

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

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

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

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

(5) Regulations shall provide that at least one of the persons appointed as the examiners at each final or professional examination held in conjunction with any course of study at the University is not a teacher at the University but is a teacher of the branch of learning to which the course relates at some other University of high repute or a person engaged in practicing the profession in a reputable organization or institution.

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

Committee's Recommendation:
That the provision in Clause 7 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 8: Functions of the Vice Chancellor.

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

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

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

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

Committee's Recommendation:
That the provision in Clause 8 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

PART 11 — GENERAL FUND, TRANSFER OF PROPERTY, ETC, TO THE UNIVERSITY AND CONDITION OF SERVICE OF EMPLOYEES

Clause 9: General fund of the University.

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

(a) grants-in-aid;

(b) fees;

(c) income derived from investments;

(d) gifts, legacies, endowments and donations not accepted for a particular purpose;

(e) income derived from the exercise of any functions conferred or imposed on the University by this Bill;

(f) any other amounts, charges or dues recoverable by the University;

(g) revenue, from time to time, accruing to the University by way of subvention;

(h) donations and legacies accruing to the University from any source for the general or special purposes of the University.

(i) Annually, TETFund shall give to the University a special project in oil and gas infrastructure in addition to regular normal interventions.

(2) (a) The Federal Ministry of Petroleum Resources shall ensure that special funding is made available to the University on an annual basis as follows:

(b) The Oil and Gas companies operating in Nigeria shall also contribute half (1/2) percent of gross profit for the academic and infrastructural development of the University.

(c) The Nigerian Content Development and Monitoring Board shall contribute at least two percent of its gross revenues for the Research and Development of materials, processes, equipment and systems for local content realization of the Petroleum industry by the University.

(d) The Nigerian National Petroleum Corporation shall provide the equivalent of the annual Personnel Cost of the University as Oil Industry Incentive Allowance to staff of the University.

Amendment Proposed:
Leave out the Provision in Clause 9(2) (*Senator Mao A. Ohuabunwa — Abia North*).

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

(3) The general fund shall be applied for the purposes of the University

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

Clause 10: Transfer of Property.

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

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

Committee's Recommendation:
That the provision in Clause 10 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 11: Condition of Service of Employees:
The Condition of Service of Employees in the University shall be in line with what is obtainable in the oil and gas industry to enable the University attract best brains for the training and research in Petroleum Technology.

Committee's Recommendation:
That the provision in Clause 11 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

PART 111 — STATUTES OF THE UNIVERSITY

Clause 12: Power of the University to make Statutes.

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

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

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

(c) Regulating the admission of students (where no other enactment provides to the contrary), and their discipline and welfare;

(d) Determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Bill and of any statute, regulation or other instrument made thereunder; or

(e) Making provision for any other matter for which provision by statute is authorized or required by this Bill.

(2) Subject to section 26(6) of this Bill, the Interpretation Act shall apply in relation to any statute made under this section as it applies to a subsidiary instrument within the meaning of section 29(1) of that Act.

(3) The statute contained in the Third Schedule to this Bill shall be deemed to have come into force on the commencement of this Bill and shall be deemed to have been made under this section by each University. Third Schedule

Committee's Recommendation:
That the provision in Clause 12 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 13: 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 votes of not less than two thirds of the members present and voting; and

(b) at a meeting of the Council, by the votes of not less than two thirds of the members present and voting.

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

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

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

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

(6) In the event of any doubt or dispute arising at any time—
(a) as to the meaning of any provision of a statute; or

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

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

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

Committee's Recommendation:
That the provision in Clause 13 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 14: **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 Secretary to the Council to the effect that the copy is a true copy of a statute of the University.

Committee's Recommendation:
That the provision in Clause 14 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

PART IV — SUPERVISION AND DISCIPLINE

Clause 15: **The Visitor.**

(1) The President shall be the Visitor of the University.

(2) The Visitor shall cause a visitation to the University when necessary, at least every five years, or direct that such a visitation be conducted by such person or persons as the Visitor may deem fit and in respect of any of the affairs of the University.

(3) It shall be the duty of the bodies and persons comprising the University to make available to the Visitor and to any other person conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation.

(4) The Visitor shall make the report of such visitations and white paper thereon available to the Council which shall implement same.

Committee's Recommendation:
That the provision in Clause 15 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 16: Removal of certain Members of Council.

(1) If it appears to the Council that a member of the Council (other than the Pro-Chancellor or the Vice-Chancellor) should be removed from office on the ground of misconduct or inability to perform the functions of his office or employment, the Council shall make a recommendation to that effect through the Minister to the President, and the President, after making such enquiries (if any) as he may consider appropriate approves the recommendation, he may direct the removal of the person in question from office.

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

Committee's Recommendation:
That the provision in Clause 16 be retained (*Senator Binta M. Garba — Adamawa 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, administrative or professional staff of the University, other than the Vice-Chancellor, should be removed from his office or employment on the ground of misconduct or of professional inability to perform the functions of his office or employment, the Council shall:—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) 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 cone to a final determination in respect of the case concerning any such person.

(2) 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.

(3) 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 tile Council from making regulations for the discipline of other categories of workers of the University as may be prescribed.

Committee's Recommendation:
That the provision in Clause 17 be retained (*Senator Binta M. Garba — Adamawa 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 Senate, it appears to the Vice-Chancellor that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then, except in such cases as may be prescribed by the Vice-Chancellor may, after affording the examiner an opportunity of making representations in person on the matter to the Vice-Chancellor, remove the examiner from the appointment by an instrument in writing signed by the Vice-Chancellor.

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

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

Committee's Recommendation:
That the provision in Clause 18 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 19: Participation and Discipline of Students.

(1) The Students shall be:—
(a) represented in the University's Students Welfare Board and other committees that deal with the affairs of students;

(b) Participate in various aspects of curriculum development;

(c) Participate in the process of assessing academic staff in respect of teaching; and

(d) Be encouraged to be more self-assured as part of the national development process.

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

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

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

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

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

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

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

(a) 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.

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

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

Committee's Recommendation:
That the provision in Clause 19 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

PART V — MISCELLANEOUS AND GENERAL

Clause 20: Exclusion of discrimination on account of race, religion, etc.

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

(2) Nothing in subsection (1) of this section shall be construed as preventing the University from imposing any disability or restriction on any of the persons mentioned in that subsection where such person willfully refuses or fails on grounds of religious belief to undertake any duty generally and uniformly imposed on all such person or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the University reasonably justifiable in the national interest.

Committee's Recommendation:
That the provision in Clause 20 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 21: Restriction on disposal of land by University.

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

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

Committee's Recommendation:
That the provision in Clause 21 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 22: Quorum and procedure of bodies established by this Bill.

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

Committee's Recommendation:
That the provision in Clause 22 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 23: Appointment of committee, etc.

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

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

(b) to co-opt members, and

(2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies, or for the appointment of committees consisting of members of those bodies, for the purpose of considering any matter within the competence of those bodies or any of them, and either of dealing with it or of reporting on it to those bodies or any of them.

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

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

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

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

(5) The Pro-Chancellor and the 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 23 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 24: Retiring age of academic staff.

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

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

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

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

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

Committee's Recommendation:
That the provision in Clause 24 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 25: **Special Provisions relating to Pension of Professors.**
An academic staff of the University who retires as a Professor in the University shall be entitled to pension at a rate equivalent to his annual salary provided that the Professor has served continuously in the University up to the retirement age.

Committee's Recommendation:
That the provision in Clause 25 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 26: **Miscellaneous Administrative Provisions.**

(1) The seal of each University shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall be authenticated by any member of the Council and by the Vice-Chancellor, Secretary to the Councilor 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 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 authorizedto do so by the Council.

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

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

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

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

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

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

(10) All Oil and Allied companies working in Nigeria shall make their facilities available for research purposes on demand (*Senator Binta M. Garba — Adamawa North*).

Amendment Proposed:
Leave out the provision in Sub-Clause (10) (*Senator Donald O. Alasoadura — Ondo Cebtral).*

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

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

Clause 27: Restriction of suits and execution.

(1) Pre-Action Notice:—

(a) No legal proceeding shall be instituted and/or commenced against the University or any of its agents in the course of their official duties unless a 3 months' Pre-Action Notice of such intention is served on the University by an aggrieved party. The Notice shall state the reason and the cause of action intended to be taken against the University, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

(b) For the avoidance of doubt, it is hereby declared that no suit shall be commenced against an officer or servant of the University, in any case where the University is vicariously liable for any alleged act, neglect or default of the officer or servant in the performance or intended performances of his duties, unless three months at least has elapsed after written notice of intention to commence the same shall have been served on the University by the intending plaintiff or his agent.

(c) In any suit against this University, no execution or attachment or process in the nature thereof shall be issued against the University, but any sums of money which may be judgment of the court be awarded against the University shall, subject to any direction given by the court where notice of appeal has been given by the University in respect of the said judgment, be paid by the University from its general fund.

(2) Service of Notices

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

Committee's Recommendation:
That the provision in Clause 27 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 28: Interpretation.
In this Bill, unless the context otherwise requires:—
"Campus" means any campus which may be established by the University;

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

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

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

"Council" means the Governing Council of the University established by section 5 of this Bill.(Erroneously omitted)

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

"Functions" includes powers and duties

Question: That the word "functions" 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 and any other person as may be designated as a graduate by the Council, acting in accordance with the recommendation of the Senate; (Erroneously omitted)

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

"Minister" means the Hon. Minister of Petroleum Resources;

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

"Notice" means notice in writing;

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

"Officer" does not include the Visitor

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

"Prescribed" means prescribed by statute or regulations;

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

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

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

"Property" includes rights, liabilities and obligations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"University" means Federal University of Petroleum Resources, Effurun established and incorporated by section I of this Bill.

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

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

Committee's Recommendation:
That the provision in Clause 28 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

Clause 29: **Short title.**
This Bill may be cited as the Federal University of Petroleum Resources, Effurun Bill, 2016.

Committee's Recommendation:
That the provision in Clause 29 be retained (*Senator Binta M. Garba — Adamawa North*) — *Agreed to.*

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

SCHEDULE
FIRST SCHEDULE

[SECTION 2(2)]

PRINCIPAL OFFICERS OF THE UNIVERSITY

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

2. The Pro-Chancellor
(1) The Pro-Chancellor who shall be the representative of the Minister of Petroleum Resources shall be appointed or removed from office by the President upon recommendation by the Minister.

Amendment Proposed:
Leave out the Provision in paragraph 2(1) and *insert* the following instead thereof:
"The Pro-Chancellor and Chairman of Council shall be appointed or removed by the President on the recommendation of the Minister of Education;" (*Senator Abdullahi A. Yahaya — Kebbi North*).

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

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

3. The Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be appointed by the Council in accordance with the provisions of this paragraph.

(2) Where a vacancy occurs in the post of a Vice-Chancellor, the Council shall:—

(a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying:—

(i) the qualities of the persons who may apply for the post; and

(ii) the terms of conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for the post for consideration:—

(b) constitute a Search Team consisting of:—

(i) a member of the Council, who is not a member of the Senate, as chairman;

(ii) two members of the Senate who are not members of the Council, one of whom shall be a Professor;

(iii) two members of Congregation who are not members of the Council, one of whom shall be a Professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they felt that it is not proper to do so.

(3) A Joint Council and Senate Selection Board consisting of:-

(a) the Pro-Chancellor, as chairman:

(b) two members of the Council, not being members of the Senate;

(c) two members of the Senate who are Professors, but who were not members of the Search Team, shall consider the candidates and persons in the shortlist drawn up under subsection (2) of this paragraph through an examination of their curriculum vitae and interaction with them, and recommend to the Council three candidates for further consideration.

The Council shall select and appoint as the Vice-Chancellor one candidate from among the three candidates recommended to it under subsection (3) of this section and thereafter inform the Visitor.

(4) The Vice-Chancellor shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.

(5) The Vice Chancellor may be removed from office by the Council on grounds of gross misconduct or inability to discharge the functions of his office as a result of infirmity of the body or mind, at the initiative of the Council, Senate or the Congregation after due process.

(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 the Council, one of whom shall be the Chairman of the committee; and

(ii) two members of the Senate,

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

(7) The committee shall conduct investigation into the allegations 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 it may deem fit and notify the Visitor accordingly provided that a Vice-Chancellor who is removed shall have right of appeal to the Visitor.

(9) There shall be no sole administrator in the University.

(10) In any case of a vacancy in the office of the Vice-Chancellor, the Council shall appoint an acting Vice-Chancellor on recommendation of the Senate.

(11) An acting Vice Chancellor in all circumstances shall not be in office for more than 6 months.

4. Deputy Vice-Chancellor

(1) There shall be for the University such number of Deputy Vice—Chancellors as Council may from time to time deem necessary for the proper administration of the University.

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

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

(4) A Deputy Vice-Chancellor shall:—

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

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

(c) perform such other functions as the Vice-Chancellor or the Council may, 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; and

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

(c) may be removed from office for good cause by the Council acting on the recommendations of the Vice-Chancellor and Senate.

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

5. Office of the Registrar.

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

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

6. Other Principal Officers of the University

(1) There shall be for the University the following principal officers, in addition to the Registrar, that is:—

(a) the Bursar; and

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

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

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

(4) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.

7. Selection Board for other Principal Officers.

(1) There shall be, for the University, a Selection Board for the appointment of principal officers, other than the Vice-Chancellor or Deputy Vice-Chancellor, which shall consist of:—

(a) the Pro-Chancellor, as chairman;

(b) the Vice-Chancellor;

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

(d) two members of the Senate.

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

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

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

8. Resignation and Re-appointment.

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

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

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

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

Question that paragraphs 1,2,3,4,5,6,7,and 8 Under the heading Principal officers of the University do as amended stand part of the First Schedules to the Bill, put and agreed to.

SECOND SCHEDULE

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

1. Transfer of Property to University

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

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

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

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

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

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

2. Registration of transfers

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

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

3. Transfer of Functions, etc.

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

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

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

(4) The persons who were members of the Senate immediately before the coming into force of this Bill 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 Bill shall have been duly constituted.

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

(6) Persons who were Deans or Associate Deans of Colleges, schools or members of College/School Boards shall continue to be Deans or Associate Deans or become members of the corresponding College/School Boards, until new appointments are made in pursuance of the statutes.

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

Question that paragraphs 1,2, and 3, under the heading "Transitional Provisions as to property, Functions, Etc," do stand part of the Second Schedules to the Bill, put and agreed to.

THIRD SCHEDULE

[Section 9 (3)]

FEDERAL UNIVERSITY OF PETROLEUM RESOURCES, EFFURUN

Statute No. 1
Arrangement of Articles
Articles

1. The Council.

2. The Finance and General Purposes Committee

3. The Senate

4. The Congregation

5. Convocation

6. Division of Colleges/Schools.

7. College/School Boards

8. Dean of the College/School.

9. Selection of certain Principal Officers

10. Creation of academic posts

11. Appointment of academic staff

12. Appointment of administrative and professional staff

13. Interpretation.

The Council

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

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

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

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

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

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

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

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

2. The Finance and General Purposes Committee

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

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

(b) the Vice-Chancellor and Deputy Vice-Chancellors;

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

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

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

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

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

(4) Annual budget and estimates, etc.

(i) The estimates of income and expenditure for a financial year shall be presented by the Vice-Chancellor to the Council and may be approved by the Council before the beginning of that financial year;

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

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

(5) Gifts, donations, etc.

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

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

Provided that the University shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attaching to such donation.

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

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

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

3. Audit

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

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

4. The Senate

(1) The Senate shall consist of:—

(i) the Vice-Chancellor

(ii) Deputy Vice-Chancellors;

(iii) the Deans of several Colleges;

(iv) the Professors in the University;

(v) Heads of Academic Departments Units;

(vi) the University Librarian;

(vii) One elected representative of each College;

(viii) Two members of Academic Staff elected by the Congregation;

(ix) The persons for the time being holding such appointments on the staff of the University as may be specified by the Vice-Chancellor and approved by Senate;

(x) Two members representing a variety of interests of the professional bodies outside the University appointed by the Senate on the recommendation of the Vice-Chancellor;

(xi) Registrar - Secretary.

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

(3) The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present, and in his absence any of the Deputy Vice-Chancellors present at the meeting as the Senate may appoint for that meeting shall be the chairman at the meeting.

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

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

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

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

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

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

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

(11) In this article "total of non-elected members" means as respect any year, such number as may be certified by the 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.

5. Congregation

(1) Congregation shall consist of:—

(i) Vice-Chancellor

(ii) the Deputy Vice-Chancellors;

(iii) the full-time members of the academic staff

(iv) The Registrar;

(v) The Librarian Chancellor.

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

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

(4) A certificate signed by the Vice-Chancellor specifying:—

(a) the total number of members of Congregation for the purpose of any particular meeting or meetings of Congregation; or

(vi) Every member of the administrative staff who holds a degree, other than honorary degree, of any University recognised for the purposes of this statute by the Vice—

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

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

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

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

6. Convocation

(1) Convocation shall consist of:—

(i) the officers of the University mentioned in the First Schedule to this Bill;

(ii) All teachers within the meaning of this Bill;

(iii) All other persons whose names are registered in accordance with paragraph (2) of this article.

(2) A person shall be entitled to have his name registered as a member of convocation if—

(a) he is either a graduate of a University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and

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

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

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

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

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

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

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

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

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

8. College/School Boards
(1) There shall be established in respect of each College/School, a Board of Studies which, subject to the provisions of this Statute, and subject to the directions of the Vice-Chancellor, shall:—
(a) Regulate the teaching and study of, and the conduct of examinations connected with, the subjects assigned to the college;

(b) Deal with any other matter assigned to it by statute or by the Vice-Chancellor or by the Senate; and

(c) Advise the Vice-Chancellor or the Senate on any matter referred to it by the Vice-Chancellor or the Senate.

(2) Each College School/Board of Studies shall consist of:—
(a) the Vice-Chancellor:

(b) the Dean;

(c) the persons severally in charge of the branches of the school;

(d) such of the teachers assigned to the college and having the prescribed qualifications as the Board may determine; and

(e) such persons, whether or not members of the University, as the Board may determine with the general or special approval of the Senate.

(3) The quorum of the Board shall be eight members or one quarter, whichever is greater, of the members for the time being of the board; and subject to the provisions of this statute and to any provision made by regulations in that behalf, the Board may regulate its own procedure.

9. Deans of the Colleges

(1) The Board of each College shall, at a meeting in the last term of any academic year which the term of office of the Dean expires, nominate one of its members, being one of the Professors assigned to that teaching unit, for appointment by the Senate as Dean of the College.

(2) The person appointed under paragraph 1 of this Article shall act as Dean of the College and chairman of all meetings of the College Board when he is present and shall be a member of all committees and other boards appointed by the College.

(3) The Dean shall hold office for two years and shall be eligible for re-appointment one further period of two years. Thereafter he shall not be eligible for re-appointment until two years have elapsed.

(4) The Dean of a College shall exercise general superintendence over the academic and administrative affairs of the College.

(5) It shall be the function of the Dean to present to Convocation for the conferment of degrees to persons who have qualified for the degrees of the University at examination held in the branches of learning for which responsibility is allocated to that College.

(6) There shall be a committee to be known as the Committee of Deans consisting of all the Deans of the several Colleges and that Committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the University by the Senate.

(7) The Dean of a College may be removed from office for good cause by the College Board after a vote 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 College Board meeting an election shall be held for a new Dean.

(8) In this article "good cause" has the same meaning as in section 15(3)of the Act.

10. Departmental Board of Studies

(1) There shall be a Departmental Board of Studies whose membership shall be made of all academic staff of the Department;

(2) It shall be headed by a Professor who shall be appointed by the Vice Chancellor and in the absence of a Professor, a senior academic staff shall be appointed in acting capacity;

(3) For a Professor the term is for 3 years while 1 year is for acting capacity;

(4) The Board shall superintend over all teachings and examinations in the Department;

(5) The Board shall handle all disciplinary matters in the Department and make recommendations to the College where necessary;

(6) Allocation of courses in the department shall be done by the Departmental Board on recommendation of the Head of Department.

11. Selection of Directors of Physical Planning and Development, Works and Services and Health

(1) When a vacancy occurs in the office of the Directors of Physical Planning and Development, Works and Services and Health, a Selection Board shall be constituted by the Council which shall consist of:—

(a) the Pro-Chancellor;

(b) the Vice-Chancellor;

(c) two members appointed by the Council, not being members of the Senate;

(d) Two members appointed by the Senate.

(2) The Selection Board after making such inquiries as it thinks fit, shall recommend a candidate to the Council for appointment to the vacant office; and after considering the recommendation of the board the Council may make an appointment to that office.

12. Tenure of Directors

A Director shall hold office on such terms and conditions as may be specified in his letter of appointment subject to the extant Regulations.

13. Creation of Academic Posts

Recommendations for the creation of academic posts other than principal officers shall be made by the Senate to the Council through the Finance and General Purposes Committee.

14. Appointment of Academic Staff

(1) Subject to the Act and statutes, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Council through the Departments and Colleges.

(2) For the purpose of filling such vacancies, suitable selection boards to select and make appointments on behalf of the Council shall be set up.

(3) For appointment to Professorships, Associate Professorship or Readerships or equivalent posts, a Board of Selection, with power to appoint, shall consist of:—

(a) the Vice-Chancellor - Chairman

(b) Deputy Vice-Chancellor - Member

(c) The Dean of the College - Member

(d) Head of Department - Member

(e) such other person(s), not exceeding two in number, deemed capable of helping the Board in assessing both the professional and academic suitability of a candidate under consideration, as the Senate may from time to time appoint.

(f) Registrar - Secretary

(4) For other academic posts, a Selection Board, with power to appoint, shall consist of—

(a) the Vice-Chancellor or his representative- Chairman:

(b) The Dean of the College - Member

(c) Head of the Department concerned - Member

(d) An internal member of Council (not below the Rank of Senior Lecturer from the sister college in the Candidate's subject-area) - Member

(e) Registrar or his representative - Secretary

(5) All appointments to senior library posts shall be made in the same way as equivalent appointments in the academic cadre; and for all such posts other than that of the Librarian, the Librarian shall be a member of the Selection Board.

(6) Boards of Selection may interview candidates directly or consider the reports of specialist interviewing panels and shall in addition, in the case of Professorships, Associate Professorship, Readerships or equivalent Posts, consider the reports of External Assessors relevant to the area in which the appointment is being considered. Quorum shall be three (3) including the Chairman.

15. Appointment of Administrative and Professional Staff.

(1) The administrative and professional staff of the University other than principal officers shall be appointed by the Council or on its behalf by the Vice-Chancellor in accordance with delegation of powers made by the Council on its behalf.

(2) A Selection Board, with power to appoint, shall consist of:—

(i) Vice Chancellor;

(ii) Deputy Vice Chancellor;

(iii) Registrar

(iv) Bursar

(v) University Librarian

(vi) The Head of Department concerned

(vii) Establishment and Human Resources Officer who shall serve as Secretary Quorum shall be three (3) including the Chairman.

16. Interpretation
In this Statute, the expression "the Act" means the Federal University of Petroleum Resources, Effurun Act and any word or expression defined in the Act has the same meaning in this Statute.

17. Short Title
This Statute may be cited as the Federal University of Petroleum Resources, Effurun Statute No. 1.

Question that paragraphs (1,2,3,4,5,6,7,8,9,10,11,12,13,14,15, 16 and 17) under the heading Federal University of Petroleum Resources, Effurun stand part of the Third Schedules to 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 Tertiary Institutions and TETFUND on the Federal University of Petroleum Resources, Effurun (Establishment, etc.) Bill, 2016 and approved as follows:

Clauses 1- 4	—	As Recommended
Clause 5	—	As Amended
Clauses 6- 8	—	As Recommended
Clause 9	—	As Amended
Clauses 10- 25	—	As Recommended
Clause 26	—	As Amended
Clauses 27- 29	—	As Recommended
Schedule 1	—	As Amended
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.

14. Committee on Sports and Youth Development:
Report on the Discrimination against Persons with Disabilities (Prohibition) Bill, 2016 (SB. 22):

Consideration of Report deferred to another Legislative Day.

15. Motions:

(a) ***The urgent need to investigate the Mismanagement of Grants from Global Fund Financial Institution:***

Consideration of Motion deferred to another Legislative Day

(b) ***The Investigation of the Violation of the Nation's Constitutional Federal Character Principle by the Federal Inland Revenue Service (FIRS):***

Consideration of Motion deferred to another Legislative Day.

(c) ***State of National Preparedness against Possible Zika Virus Outbreak in Nigeria:***

Consideration of Motion deferred to another Legislative Day.

(d) ***Need to Investigate Pre-shipment Inspection of Export Activities in Nigeria:***

Consideration of Motion deferred to another Legislative Day.

(e) ***Indiscriminate Rock Blasting in the FCT and other parts of Nigeria (Bearing in mind that with the passage of the 2016 Appropriation Act, construction works will soon commence):***

Consideration of Motion deferred to another Legislative Day.

(f) ***Need to give recognition to Anambra and Kogi as Oil Producing States and to forestall further hostilities between the warring communities of Odeke Echeno in Ibaji Local Government Area of Kogi State; Enugu-Otu Aguleri; and Eziagulu-Otu Communities in Anambra East Local Government Area of Anambra State:***

Consideration of Motion deferred to another Legislative Day.

(g) ***The need to ascertain the Degree of Local Content in the Nigerian Oil and Gas Industry:***

Consideration of Motion deferred to another Legislative Day.

(h) ***The need to sustain the laudable Anti-Polio campaign in Nigeria:***

Consideration of Motion deferred to another Legislative Day.

(i) ***Need to include Pan- Africanism in Nigerian Secondary Schools Curriculum:***

Consideration of Motion deferred to another Legislative Day.

(j) ***The urgent need for value orientation and re-introduction of history as a course of study in the nation's educational sector:***

Consideration of Motion deferred to another Legislative Day.

(k) ***Urgent need to decongest the Nigerian Prisons:***

Consideration of Motion deferred to another Legislative Day.

(l) ***Need to revisit the regulatory conflict between Joint Admissions and Matriculation Board (JAMB) and Universities in offering admissions in Nigeria:***

Consideration of Motion deferred to another Legislative Day.

16. Adjournment:

And it being 2:08 p.m. the Senate President adjourned the Senate till Tuesday, 12th July, 2016 at 10:00 a.m.

Adjourned accordingly at 2:08 *p.m.*

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