



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 25th November, 2020

1. The Senate met at 10:43 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 24th November, 2020.
Question was put and the Votes and Proceedings were approved.
3. **Announcements:**
 - (a) **All Progressive Congress (APC) Caucus Meeting:**
The President of the Senate read a letter from Senator Yahaya A. Abdullahi (*Kebbi North*) as follows:



SENATE LEADER
Federal Republic of Nigeria

25th November, 2020.

*President of the Senate,
National Assembly,
Three Arms Zone,
Abuja.*

Your Excellency,

NOTICE OF MEETING

There shall be a meeting of the All Progressive Congress (APC) Caucus as follows:

Date: Today, 25th November, 2020

Time: 2pm (Immediately after Plenary)

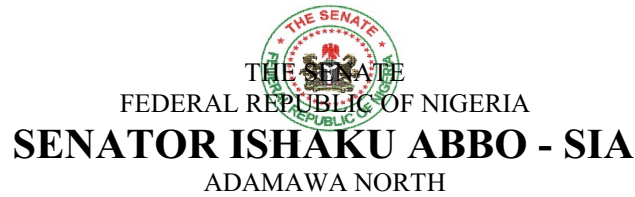
Venue: Meeting Room 1, White House

Agenda: Matters of Urgent National Importance

*(Signed)
Senate Leader*

(b) **Change of Party Affiliation:**

The President of the Senate read a letter from Senator Elisha C. Ishaku (*Adamawa North*) as follows:



November 25th, 2020

The Senate President,
9th National Assembly,
National Assembly Complex,
Abuja.

The President of the Senate,

MOVEMENT OF GOD'S PEOPLE FROM THE PEOPLES DEMOCRATIC PARTY (PDP) TO THE ALL PROGRESSIVES CONGRESS (APC)

I write to formally inform you Sir, the Senate and indeed Nigerians of my defection from the Peoples Democratic Party (PDP) to the All Progressives Congress (APC).

This is as a result of the mismanagement of the PDP by Governor Ahmadu Umaru Fintiri in Adamawa State which led to the crisis in the party that in turn led to the division and polarization within the party in the State (PDP and rPDP). This has made it difficult and increasingly impossible for me to discharge my responsibility as a Distinguished Senator of the Federal Republic of Nigeria.

Today I join the APC and the President of the Federal Republic of Nigeria, President Muhammadu Buhari to build the Nigeria of our dreams.

The journey may be long, but we are on the right track as I strongly believe that by the end of the tenure of Mr. President, Nigeria will be a better place.

My Senate President Sir, it is worthy of note that in the history of Nigeria's Nascent democracy, specifically from 1999 till date, no President has paid attention to the welfare of Nigerian Citizens like President Muhammadu Buhari as it is evident in packages such as:

- i. Conditional Cash Transfer (CCT);
- ii. Homegrown School Feeding Program (HSFP);
- iii. Trader Money;
- iv. Market Money;
- v. Farmers' Money;
- vi. nPower;
- vii. Special Public Works Programme; currently employing 1000 persons from each of the 774 local Government Areas;
- viii. National Agricultural Land Development Authority (NALDA): Buhari Young Farmer's Network;
- ix. Artisans and Transportation Grants;
- x. Guaranteed Off-take Scheme.
- xi. CAC Business Formalization Scheme;
- xii. Micro, Small & Medium Enterprises (MSME) Grants among others.

Thus, in living up to the expectation of the good people of Adamawa North Senatorial District, I hereby defect from the Peoples Democratic Party (PDP) to the All Progressives Congress (APC) with effect from today being Wednesday, the 25th day of November, 2020 .

(Signed)

Senator Ishaku Abbo - SIA

4. Petition:

Rising on Order 41, Senator Matthew A. Urhohide (*Edo South*) drew the attention of the Senate to a petition from his constituent, Venerable Peter Elakhe Ayeni, demanding payment of his deposit from Union Homes Savings and Loans Limited. He urged the Senate to look into the matter.

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

5. Matter of Urgent Public Importance:

Rising on Orders 42 and 52, Senator Emmanuel Bwacha (*Taraba South*) drew the attention of the Senate to the spate of growing insecurity in Nigeria. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes that the rate of insecurity in Nigeria has not only increased astronomically but has reached a melting point. This challenge manifest in varied forms, e.g. kidnapping, banditry, armed robbery, assassination and a host of other criminal activities. The assassination of Nasarawa State APC Chairman and other high profile cases are still fresh in our memories. A Chinese National was recently abducted in my community, his whereabouts is still unknown;

worried that there is growing suspicion of complicity of officials of State saddled with the responsibility of protecting lives and properties of the citizens, but compromised in the process. This is heightened by arrest of several security operatives involved in armed robbery and kidnapping activities across the country. Its only in Nigeria that communication facilities can be used without a biometric process, no valid identification of passport details (in the case of foreigners) in place to check abuse. Bandits, terrorists negotiate for ransom using telephones and getting away with it. How can we be so negligent and insensitive to the safety and security of our citizens?;

concerned that the confidence between the protected and the protector is being increasingly eroded resulting to breakdown of law and order as demonstrated in the #EndSars protest which was subsequently hijacked by miscreants; and

further notes that political permutations across the landscape is attracting politicians to recruit criminals for the purpose of destabilizing the corporate existence of Nigeria. These evil intents can be easily achieved given the poor control over communication facilities viz, inability of our security apparatus and service providers to effectively manage this all important sector.

Accordingly resolves to:

Set up an ad hoc Committee to interface with:

- a. Ministry of Communications
- b. Nigeria Communications Commission(NCC)
- c. All Service providers for a lasting solution to the collapsed Security Architecture

Debate:

Proposed Resolution:

Question: That the Senate do set up an ad hoc Committee to interface with:

- a. Ministry of Communications

- b. Nigeria Communications Commission(NCC)
- c. All Service providers for a lasting solution to the collapsed Security Architecture.

Amendment Proposed:

Leave out the Proposed Resolution and *insert* the following instead thereof:

“That the Senate mandates Committees on Legislative Compliance; and Communications to invite the Hon. Minister of Communications and Digital Economy to impress on him the need to implement Resolutions of the Senate regarding security related to the mandate of his Ministry”(Senator Yahaya A. Abdullahi — Kebbi North).

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

Resolved:

That the Senate mandates Committees on Legislative Compliance; and Communications to invite the Hon. Minister of Communications and Digital Economy to impress on him the need to implement Resolutions of the Senate regarding security related to the mandate of his Ministry (*S/Res/040/02/20*).

6. Matter of Urgent Public Importance:

Rising on Orders 42 and 52, Senator Nicholas O. Tofowomo (*Ondo South*) drew the attention of the Senate to the urgent need to rescue Ayetoro community, Ondo State from Ocean Surge. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes that Ayetoro which used to be called Ayetoro floating city in the 1970s has suffered a severe ocean current disaster which has depleted the floating city and destroying 308 houses, swept away fishing tools and rendered many people homeless;

regrets that Ayetoro which is part of the Niger Delta Region is yet to receive any support from the Niger Delta Development Commission (NDDC), same also from Ondo State Oil Producing and Development Corporation (OSOPADEC) which oversees Oil Producing part of Ondo State;

regrets also that Crude Oil Exploring Companies which operates around the region with its Offices at Ilaje Local Government has not fared better;

concerned that Ayetoro floating city's major occupation is fishing hence most of the residents have suffered losses of their fishing tools and these has rendered most of them helpless and jobless; and

posits that Ayetoro community has been neglected by Niger Delta Development Commission (NDDC) and Ondo State Government by not building ocean barriers to curtail the effect of the flooding and Ocean waves.

Accordingly resolves to:

- (i) urge the Niger Delta Development Commission (NDDC) and Ondo State Government to respond and assist victims in the community as well as develop a master plan that includes building of ocean barriers to control flooding and ocean surge in the region;
- (ii) urge the Nigeria Maritime, Administration and Safety Agency (NIMASA) to visit Ayetoro and ascertain the level of destruction in the community with a view to proffer solution to prevent future occurrence; and

- (iii) urge Oil Producing Companies operating in Ayetoro to assist the community in re-building some of the infrastructures destroyed by the surge.

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Niger Delta Development Commission (NDDC) and Ondo State Government to respond and assist victims in the community as well as develop a master plan that includes building of ocean barriers to control flooding and ocean surge in the region — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the Nigeria Maritime, Administration and Safety Agency (NIMASA) to visit Ayetoro ascertain the level of destruction in the community with a view to proffer solution to prevent future occurrence — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge Oil Producing Companies operating in Ayetoro to assist the community in re-building some of the infrastructures destroyed by the surge — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge the Niger Delta Development Commission (NDDC) and Ondo State Government to respond and assist victims in the community as well as develop a master plan that includes building of ocean barriers to control flooding and ocean surge in the region;
- (ii) urge the Nigeria Maritime, Administration and Safety Agency (NIMASA) to visit Ayetoro ascertain the level of destruction in the community with a view to proffer solution to prevent future occurrence; and
- (iii) urge Oil Producing Companies operating in Ayetoro to assist the community in re-building some of the infrastructures destroyed by the surge (*S/Res/041/02/20*).

7. Presentation of Bills:

- (i) Firearms Act CAP F28 LFN 2004 (Amendment) Bill, 2020 (SB. 549) — *Read the First Time.*
- (ii) Motor Vehicles Third Party Insurance CAP M23 LFN 2004 Act (Amendment) Bill, 2020 (SB. 579) — *Read the First Time.*
- (iii) Oil and Gas Export Free Zone CAP C05 LFN 2004 Act (Amendment) Bill, 2020 (SB. 573) — *Read the First Time.*
- (iv) Stamp Duties Act CAP S8 LFN 2004 (Amendment) Bill, 2020 (SB. 544) — *Read the First Time.*
- (v) Nigeria Correctional Services Academy (Establishment, etc.) Bill, 2020 (SB. 545) — *Read the First Time.*

8. Committee on Aviation:

Report on the Unfair Competition: Urgent Need to Protect Nigeria's Indigenous Airlines from Extinction due to Multiple Designations and Multiple Frequencies granted Foreign Airlines in Nigeria:

Presentation of Report deferred to another Legislative Day.

9. Executive Communication:

Confirmation of the Nominations for Appointment as Chairman and Members of the National Commission for Persons with Disabilities:

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the Confirmation of the Nominations for Appointment as Chairman and Members of the National Commission for Persons with Disabilities:

S/No.	Name	Position	Zone
(i)	Hon. Dr. Hussaini Suleiman Kangiwa	Chairman	North West
(ii)	Oparaku Onyejelam Jaja	Member	South East
(iii)	Philomena Isioma Konwea	Member	South South
(iv)	Omopariola Busuyi Oluwasola	Member	South West
(v)	Amina Rahma Audu	Member	North West
(vi)	Mrs. Esther Andrew Awu	Member	North Central
(vii)	Abba Audu Ibrahim	Member	North East

(Senate Leader).

Question put and agreed to.

Request accordingly referred to the Committee on Sports and Youth Development to report within two (2) weeks.

10. Executive Communication:

Confirmation of the Nomination of Professor Mahmood Yakubu for Appointment as Chairman, Independent National Electoral Commission (INEC):

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the Confirmation of the Nomination of Professor Mahmood Yakubu for Appointment as Chairman, Independent National Electoral Commission (INEC)*(Senate Leader).*

Question put and agreed to.

Request accordingly referred to the Committee on Independent National Electoral Commission (INEC) to report on Tuesday, 1st December, 2020.

11. Executive Communication:

Confirmation of the Nomination of Professor Abdullahi Abdu Zuru for Appointment as National Commissioner, Independent National Electoral Commission (INEC):

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the Confirmation of the Nomination of Professor Abdullahi Abdu Zuru for Appointment as National Commissioner, Independent National Electoral Commission (INEC)*(Senate Leader).*

Question put and agreed to.

Request accordingly referred to the Committee Independent National Electoral Commission (INEC) to report on Tuesday, 1st December, 2020.

12. Executive Communication:

Confirmation of the Nominations for Appointment as Chairman, Vice Chairman and Commissioner for the Nigeria Electricity Regulatory Commission (NERC):

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the Confirmation of the Nominations for Appointment as Chairman, Vice Chairman and Commissioner for the Nigeria Electricity Regulatory Commission (NERC):

No.	Names	Position	
(i)	Engineer Sanusi Garba	Executive Chairman	
(ii)	Dr. Musiliu Olalekan Oseni	Executive Vice Chairman	
(iii)	Aisha Mahmud	Commissioner	<i>(Senate Leader).</i>

Question put and agreed to.

Request accordingly referred to the Committee on Power to report on Tuesday, 1st December, 2020.

13. Executive Communication:

Confirmation of the Nomination of Chief Onuemuche Nnamani for Appointment as Member of the Police Service Commission:

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the Confirmation of the Nomination of Chief Onyemuche Nnamani for Appointment as Member of the Police Service Commission (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Police Affairs to report within two (2) weeks.

14. Executive Communication:

Confirmation of the Nominations for Appointment as the Governing Council of the Hydroelectric Power Producing Areas Development Commission (HYPADEC):

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the Confirmation of the Nominations for Appointment as the Governing Council of the Hydroelectric Power Producing Areas Development Commission (HYPADEC):

S/No.	Name	State	Position
(i)	Ityav Joseph Terfa	Benue	Chairman
(ii)	Abubakar Sadiq Yelwa	Kebbi	Managing Director
(iii)	Alh. Isa Ozi Salami, OFR	Kogi	Member
(iv)	Taoheed Daud Toyin	Kwara	Member
(v)	Hon. Mikail A. Bmitosahi	Niger	Member
(vi)	Saleh Mohammed Galadima Kanam	Plateau	Member
(vii)	Engr. Aminu Muhammed Ganda	Sokoto	Member
(viii)	Chief (Barr) Utum Eteng	Cross River	Member

(Senate Leader).

Question put and agreed to.

Request accordingly referred to the Committee on Power to report within two (2) weeks.

15. Executive Communication:

Confirmation of the Nomination of Umaru Farouk Aminu for Appointment as Full-time Commissioner representing the North-West Geopolitical Zone in the National Pension Commission:

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the Confirmation of the Nomination of Umaru Farouk Aminu for Appointment as Full-time Commissioner representing the North-West Geopolitical Zone in the National Pension Commission (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Establishment and Public Service to report within two (2) weeks.

16. Committee on Trade and Investment:

Report on the Confirmation of the Nominations for Appointment as Chairman, Executive Vice Chairman/Chief Executive, Executive Commissioners and Non-Executive Commissioners of the Federal Competition and Consumer Protection Commission:

Motion made: That the Senate do consider the Report of the Committee on Trade and Investment on the Confirmation of the Nominations for Appointment as Chairman, Executive Vice Chairman/Chief Executive, Executive Commissioners and Non-Executive Commissioners of the

Federal Competition and Consumer Protection Commission:

No.	Names	Position	Zone
(i)	Emeka Nwankpa	Chairman	South-East
(ii)	AVM Wakili Abdullahi Ahmed	Non-Executive Commissioner	North-West
(iii)	Babatunde Irukera	Executive Vice Chairman/CEO	North Central
(iv)	Ben Obi Nwoye (JD)	Non- Executive Commissioner	South-East
(v)	Adamu Ahmed Abdullahi	Executive Commissioner	North-East
(vi)	Theophilus S. Oyebiyi	Non-Executive Commissioner	North-Central
(vii)	Ayang Francis Eyam	Non-Executive Commissioner	South-South
(viii)	Mrs. Yinka Osoba Apata	Executive Commissioner	South-West

(Senate Leader).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Consideration of the Report of the Committee on Trade and Investment on the Confirmation of the Nominations for Appointment as Chairman, Executive Vice Chairman/Chief Executive, Executive Commissioners and Non-Executive Commissioners of the Federal Competition and Consumer Protection Commission.

Nominees recommended for confirmation:

(i)	Emeka Nwankpa(Chairman)(South-East)	—	<i>Agreed to.</i>
(ii)	AVM Wakili Abdullahi Ahmed (Non-Executive Commissioner)(North-West)	—	<i>Agreed to.</i>
(iii)	Babatunde Irukera (Executive Vice Chairman/CEO)(North Central)	—	<i>Agreed to.</i>
(iv)	Ben Obi Nwoye (JD) (Non- Executive Commissioner)(South-East)	—	<i>Agreed to.</i>
(v)	Adamu Ahmed Abdullahi (Executive Commissioner)(North-East)	—	<i>Agreed to.</i>
(vi)	Theophilus S. Oyebiyi (Non-Executive Commissioner)(North-Central)	—	<i>Agreed to.</i>
(vii)	Ayang Francis Eyam (Non-Executive Commissioner)(South-South)	—	<i>Agreed to.</i>
(viii)	Mrs. Yinka Osoba Apata (Executive Commissioner)(South-West)	—	<i>Negated.</i>

Chairman to report progress.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Trade and Investment on the Confirmation of the Nominations for Appointment as Chairman, Executive Vice Chairman/Chief Executive, Executive Commissioners and Non-Executive Commissioners of the Federal Competition and Consumer Protection Commission, and rejected the nomination of Mrs. Yinka Osoba Apata (Executive Commissioner)(South-West) and approved the nominations of the following:

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- (i) Emeka Nwankpa (Chairman)(South-East)
- (ii) AVM Wakili Abdullahi Ahmed (Non-Executive Commissioner)(North-West)
- (iii) Babatunde Irukera (Executive Vice Chairman/CEO)(North Central)
- (iv) Ben Obi Nwoye (JD) (Non- Executive Commissioner)(South-East)
- (v) Adamu Ahmed Abdullahi (Executive Commissioner)(North-East)
- (vi) Theophilus S. Ovebivi (Non-Executive Commissioner)(North-Central)
- (vii) Avang Francis Evam (Non-Executive Commissioner)(South-South)

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

Confirmation of nominations:

Question:

“Will the Senate confirm the nomination of Emeka Nwankpa for Appointment as Chairman for the Federal Competition and Consumer Protection Commission?” — *Resolved in the Affirmative.*
Nomination of Emeka Nwankpa for Appointment as Chairman for the Federal Competition and Consumer Protection Commission accordingly confirmed.

Question:

“Will the Senate confirm the nomination of AVM Wakili Abdullahi Ahmed for Appointment as Non-Executive Commissioner for the Federal Competition and Consumer Protection Commission?” — *Resolved in the Affirmative.*

Nomination of AVM Wakili Abdullahi Ahmed for Appointment as Non-Executive Commissioner for the Federal Competition and Consumer Protection Commission accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Babatunde Irukera for Appointment as Executive Vice Chairman/CEO for the Federal Competition and Consumer Protection Commission?” — *Resolved in the Affirmative.*

Nomination of Babatunde Irukera for Appointment as Executive Vice Chairman/CEO for the Federal Competition and Consumer Protection Commission accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Ben Obi Nwoye (JD) for Appointment as Non-Executive Commissioner for the Federal Competition and Consumer Protection Commission?” — *Resolved in the Affirmative.*

Nomination of Ben Obi Nwoye (JD) for Appointment as Non- Executive Commissioner for the Federal Competition and Consumer Protection Commission accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Adamu Ahmed Abdullahi for Appointment as Executive Commissioner for the Federal Competition and Consumer Protection Commission?” — *Resolved in the Affirmative.*

Nomination of Adamu Ahmed Abdullahi for Appointment as Executive Commissioner for the Federal Competition and Consumer Protection Commission accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Theophilus S. Oyebiyi for Appointment as Non-Executive Commissioner for the Federal Competition and Consumer Protection Commission?” — *Resolved in the Affirmative.*

Nomination of Theophilus S. Oyebiyi for Appointment as Non-Executive Commissioner for the Federal Competition and Consumer Protection Commission accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Ayang Francis Eyam for Appointment as Non-Executive Commissioner for the Federal Competition and Consumer Protection Commission?” — *Resolved in the Affirmative.*

Nomination of Ayang Francis Eyam for Appointment as Non-Executive Commissioner for the Federal Competition and Consumer Protection Commission accordingly confirmed.

- 17. Committee on Tertiary Institutions and TETFUND:
Report on the Federal College of Education Mutum Biyu (Establishment) Bill, 2020 (SB. 101):**

Motion made: That the Senate do consider the Report of the Committee on Tertiary Institutions and TETFUND on the Federal College of Education Mutum Biyu (Establishment) Bill, 2020 (*Senator Sandy O. Onor — Cross River Central*).

Question put and agreed to.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE OF EDUCATION MUTUM BIYU, TARABA STATE; AND FOR RELATED MATTERS, 2020.

PART I - ESTABLISHMENT OF THE FEDERAL COLLEGE OF EDUCATION MUTUM BIYU, TARABA STATE

Clause 1: Establishment of the College

- (1) There is established the Federal College of Education Mutum Biyu, Taraba State (in this Bill referred to as "The College"), which shall have such powers and exercise such functions as are conferred by this Bill.
- (2) The College:
 - (a) shall be a body corporate with perpetual succession and a common seal kept in its custody;
 - (b) may sue or be sued in its corporate name.
- (3) The College may acquire, hold or dispose of any movable or immovable property for the purpose of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 2: The Governing Council of the College

- (1) There is established for the College, a Governing Council (in this Bill referred to as "the Council"), which shall be vested with the powers for the general administration and management of the College.
- (2) Without prejudice to the generality of subsection (1) of this section, it shall be the responsibility of the Council to consider and approve:
 - (a) the plan of activities of the College;
 - (b) the programme of studies, courses and research to be undertaken by the College;
 - (c) the annual estimates of the College, and
 - (d) the investment plans of the College.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 3: Membership of the Governing Council

- (1) The membership of the Council of the College shall be appointed by the President and Commander-in-Chief of the Armed Forces, and shall consist following:
 - (a) Chairman
 - (b) a representative of the Federal Ministry responsible for education;
 - (c) a representative of the University, who in the case of degree awarding College; shall come from the university to which the College is affiliated, for the purpose of moderation;
 - (d) a representative of the alumni association of the college;
 - (e) three persons appointed on individual merit on a nationwide/local government basis who should have wide experience of service in the public or private sector;
 - (f) Retained as in the Bill
 - (g) one representative of the Federal Ministry for Women Affairs;
 - (h) a representative of the National Commission for Colleges of Education; and
 - (i) the Provost of the College.
- (2) The supplementary provision set out in the schedule to this Bill shall have effect with respect to the proceedings of the Council and the other matters contained therein.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 4: Tenure of Office of Members of the Council

- (1) A member of the Council (other than an ex-officio member) shall hold office for a term of three years and subject to the provisions of subsection (2) of this section, shall be eligible for re-appointment for a further period of three years.
- (2) The office of a member appointed pursuant to section 3 (1) (a) and (d) of this Bill shall become vacant if:
 - (a) the member resigns his office by notice in writing under his hand, addressed to the Minister/Commissioner; or
 - (b) the Minister is satisfied that it is not in the interest of the College

for the person appointed to continue in office and notifies the member in writing to that effect.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 5: Functions of the College

The functions of the College shall be:

- (a) to provide full-time courses in teaching, instruction and training-
 - (i) in technology, applied science, commerce, arts, social sciences, humanities and management; and
 - (ii) in such other fields of applied learning relevant to the needs of the development of Nigeria in the areas of industrial and agricultural production and distribution and for research in the development and adaptation of techniques as the Council may from time to time determine;
- (b) to conduct courses in education for qualified teachers;
- (c) to arrange conferences, seminars and workshops relative to the fields of learning specified in paragraph (a) of this section; and
- (d) to perform such other functions as in the opinion of the Council may serve to promote the objectives of the College.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 6: Powers of the Council

For the purpose of carrying out the functions of the College, the Council shall have power to-

- (a) hold examinations and grant Certificates of Education, professional certificates and other distinctions to persons who have pursued a course of study approved and accredited by the National Commission for Colleges of Education;
- (b) demand and receive from any student or any other person attending the College for the purpose of instruction, such fees as the Council may, with the prior approval of the Minister, from time to time determine;
- (c) hold public lectures and undertake printing, publishing and bookselling;
- (d) make gifts for any charitable purpose;
- (e) hold examinations in education for qualified teachers;
- (f) provide amenities for and make such other provision for the welfare of the staff of the College;

- (g) invest the funds of the College in securities specified by law in such other securities in Nigeria as may be approved by the Minister;
- (h) borrow money within Nigeria in such manner and upon such security as the Minister may from time to time authorize;
- (i) enter into such contracts as may be necessary or expedient for bringing into effect, the objectives of the College;
- (j) recruit suitable staff and determine the career structure of such staff;
- (k) establish and maintain such Departments and other teaching units within the College or extramural departments as the Council may, from time to time, decide;
- (l) institute and award fellowships, medals, prizes and other titles;
- (m) mount exhibitions and display designs to foster appreciation of trends on the scope and requirements of education;
- (n) erect, provide, equip and maintain such educational, recreational and residential facilities as the College may require;
- (o) create lectureships and other academic posts and offices and make appointments thereto;
- (p) encourage and make provision for research in the College; and
- (q) carry out such other functions whether or not incidental to the foregoing powers as may advance the objects of the College.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Sandy O. Onor — Cross River Central*) — Agreed to.

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

Clause 7: Visitation

- (1) The Minister of Education shall be the Visitor of the College.
- (2) The Visitor shall, not less than one in every five years, conduct a visitation to the College or appoint a visitation panel consisting of not less than five experts to conduct the visitation-
 - (a) for the purpose of evaluating the academic and administrative performance of the College; or
 - (b) for such other purpose or in respect of any other affairs of the College as the Visitor may deem fit.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Sandy O. Onor — Cross River Central*) — Agreed to.

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

Clause 8: The Academic Board and its Functions

- (1) There shall be established for the College a Board to be known as the Academic Board, which shall consist of the following members-
 - (a) the Provost of the College who shall be chairman;
 - (b) all heads of departments;
 - (c) the College Librarian; and
 - (d) not more than two members of the academic staff other than Heads of Departments to be appointed by the Council.
- (2) The Academic Board shall be responsible for-
 - (a) the direction and management of academic matters of the College including the regulation of admission of students, the award of certificates, scholarships, prizes and other academic distinctions;
 - (b) making periodic reports on such academic matters to the Council as the Council may from time to time direct;
 - (c) discharging any other functions which the Council may from time to time delegate to it.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 9: Power Of Minister/Commissioner To Give Directions To The Council

Subject to the provisions of this Bill, the Minister may give to the Council, directions of a general character or relating generally to matters of policy with regard to the exercise by the Council of its functions under this Bill and it shall be the duty of the Council to comply with such directions.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 10: The Provost of the College

- (1) There shall be a Provost of the College (in this Bill referred to as "the Provost") who shall be appointed by the President, in accordance with the provisions of this section.
- (2) Where a vacancy occurs in the post of Provost, the Council shall-
 - (a) advertise a vacancy in a reputable journal or a widely read newspaper in Nigeria specifying-
 - i. the qualities of the person who may apply for the post;
 - ii. the terms and conditions of service applicable to the post; and

- (b) thereafter draw up a short list of suitable candidates for consideration;
 - i. a member of the Council not being a member of the Academic Board, as Chairman;
 - ii. two members of the Academic Board not below the rank of Chief Lecturer;
 - iii. two members of the academic community of the College not below the rank of Chief Lecturer to be selected by the Council, to identify and draw up a short list of suitable persons who are not likely to apply for the post for any reason whatsoever.
- (3) A joint Council and Academic Selection Board consisting of-
 - (a) the Chairman of the Council;
 - (b) two members of the Council not being members of the Academic Board;
 - (c) two members of the Academic Board not below the rank of Chief Lecturer, who are not members of the search team, shall consider the candidates and persons on the short lists drawn up under subsection (2) of this section through an examination of their curriculum vitae and interview with them and make recommendation through the Council to the President, three candidates for his consideration.

- (4) The President shall appoint as Provost one of the candidates recommended to him under the provisions of subsection (3) of this section.
- (5) Subject to the provisions of this Bill and the general control of the Council, the Provost shall be the Chief Executive of the College and shall be charged with general responsibility for matters relating to the day-to-day management and operations of the College.
- (6) The Provost-
 - (a) shall hold office for a period of four years beginning with the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for one further period of four years and no more.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 11: Deputy Provost

- (1) There shall be for the College, a Deputy Provost.
- (2) The Council shall appoint the Deputy Provost from among the Chief Lecturers in the College in one of the following ways, that is-

- (a) from a list of three candidates in order of preference, submitted by the Provost; or
 - (b) on the recommendation of a Selection Board constituted under this section for that purpose; or
 - (c) on the nomination of the Provost.
- (3) The Selection Board referred to in subsection (2) of this section shall -
- (a) Consist of-
 - i. the Chairman of the Council;
 - ii. the Provost;
 - iii. two members of the Council not being members of the Academic Board;
 - iv. two members of the Academic Board; and
 - (b) Make such inquiries as it deems fit before making the recommendation required under subsection (2) of this Section.
- (4) The Deputy Provost shall-
- (a) assist the Provost in the performance of his functions;

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- (b) act in the place of the Provost when the post is vacant or if the Provost is, for any reason, absent or unable to perform his functions as Provost; and
 - (c) Perform such other functions as the Provost or the council may, from time to time, assign to him.
- (5) The Deputy Provost-
- (a) shall hold office for a period of two years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) May be reappointed for one further period of two years and no more.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 12: The Registrar and Other Staff of the College

- (1) The Council shall appoint a Registrar for the College (hereinafter referred to as the "the Registrar") who shall keep the records and conduct the correspondence of the Council and shall perform such other duties as the Council, and subject thereto, as the Provost may from time to time direct.
- (2) The Registrar shall, in addition to other duties conferred on him by this Bill, be the Secretary to the Council, the Academic Board and any

Committee of the Council and in his absence, the Councilor of any of such Committees may appoint some other person to act as Secretary, and he shall not vote on any question before the Councilor and will not count towards a quorum.

- (3) A Registrar-
 - (a) shall hold office for a period of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for one further period of five years and no more.
- (4) Where the Registrar appointed before the commencement of this Bill has held office-
 - (a) for five years or less, he shall be deemed to have served his first term of office and may be reappointed for a further term of five years;
 - (b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the College;

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 13: Other Principal Officers of the College

- (1) There shall be for the College the following Principal Officers in addition to the Registrar, that is-
 - (a) the Bursar; and
 - (b) the College Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under section 9(3) of this Bill.
- (2) The Bursar shall be the Chief Financial Officer of the College and be responsible to the Provost for the day-to-day administration and control of the financial affairs of the College.
- (3) The College Librarian shall be responsible to the Provost for the administration of the College Library and the coordination of the library services in the teaching units of the College.
- (4) A Bursar or Librarian-
 - (a) shall hold office for a period of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) May be reappointed for a further period of five years and no more.

- (5) Where, on the commencement of this Bill, a Bursar or Librarian has held office-
- (a) for five years or less, he shall be deemed to be serving his first term of office and may be reappointed for a further term of five years;
 - (b) for more than five but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the College;

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Sandy O. Onor — Cross River Central*) —
Agreed to.

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

Clause 14: Resignation of Appointment of Principal Officers

A principal officer may resign his appointment-

- (a) in the case of the Provost, by notice to the visitor; and
- (b) in any other case, by notice to the Council.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Sandy O. Onor — Cross River Central*) —
Agreed to.

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

Clause 15: Other Employees of the College

- (1) The Council may appoint such other persons to be employees of the College as the Council may determine to assist the Provost and the Principal Officers of the College in the performance of their functions under this Bill.
- (2) Subject to the provisions of this Bill, the remuneration, tenure of office and conditions of service of the employees of the College shall be determined by the Council in consultation with the Federal Civil Service Commission.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Sandy O. Onor — Cross River Central*) —
Agreed to.

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

Clause 16: Selection Board for other Principal Officers

- (1) There shall be, for the College, a selection Board which shall consist of
 - (a) the Chairman of the Council;
 - (b) the Provost;
 - (c) four members of the Council not being members of the Academic Board; and
 - (d) Two members of the Academic Board.

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

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 17: Pensions

- (1) Service in the Commission shall be approved service for the purposes of the Pension Act.
- (2) The officers and other persons employed in the College shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades as appropriate.

- (3) Nothing in subsections (1) and (2) of this Section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.
- (4) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by the Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the College, and not by any other person or authority.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

PART II - FINANCIAL PROVISIONS

Clause 18: Establishment of Fund of the College

- (1) The Council shall establish and maintain a Fund, which shall be applied towards the promotion of its objectives specified in this Bill.
- (2) There shall be paid and credited to the Fund established under subsection (1) of this section-
 - (a) such sums as may from time to time be granted to the Council by the Federal Government through the National Commission for Colleges of Education;
 - (b) all monies raised for the purposes of the Council by way of gifts, grants-in-aid or testamentary disposition; and
 - (c) income derived from investments;
 - (d) all subscriptions, fees and charges for services rendered by the Council and all other sums that may accrue to the Council from any source.

- (3) The Council shall submit to the Minister through the National Commission for Colleges of Education, not later than three months before the end of each financial year or at such other time as he may direct, an estimate of its revenue and expenditure for the next succeeding financial year.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Sandy O. Onor — Cross River Central*) — Agreed to.

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

Clause 19: Power to Accept Gifts

- (1) The Council may accept gifts of land, money or other property upon such terms and conditions if any, as may be specified by the person making the gift.

- (2) The Council shall not accept any gift if the conditions attached by the person making the gift are inconsistent with the functions of the Council.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Sandy O. Onor — Cross River Central*) — Agreed to.

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

Clause 20: Accounts and Audit

The Council shall keep proper accounts of its receipt, payments, assets and liabilities and shall in respect of each year cause the accounts to be audited.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Sandy O. Onor — Cross River Central*) — Agreed to.

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

Clause 21: Annual Reports

The Council shall soon as may be after the expiration of each financial year, prepare and submit to the Minister a report of its activities during the immediately preceding financial year and shall include in the report, audited accounts of the College for that year and of the auditor's report on the accounts.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Sandy O. Onor — Cross River Central*) — Agreed to.

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

PART III - MISCELLANEOUS AND SUPPLEMENT

Clause 22: Offices And Premises

- (1) For the purpose of providing offices and premises necessary for the performance of its functions, the Council may-
 - (a) purchase any interest in or take on lease any land; and

- (b) Build, equip and maintain offices and premises.
- (2) The Council may, with the approval of the Minister, sell any interest in or lease any land, offices or premises held by it and no longer required for the performance of its functions.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Sandy O. Onor — Cross River Central*) —
Agreed to.

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

Clause 23: Discipline of Students

- (1) The Council may make rules providing for the Provost to conduct enquiries into alleged breaches of discipline (including lack of diligence) by students and such rules may make different provisions for further circumstances.
- (2) The rules shall provide for the procedure and rules of evidence to be followed at enquiries under this section.
- (3) Subject to the provisions of subsection (1) of this section, where it is proved during the enquiry that any student of the College is guilty of misconduct, the Provost may, without prejudice to any other disciplinary powers conferred on him by this Bill or any regulations made thereunder, direct-
 - (a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the College, or make use of such facilities of the College, as may be specified; or
 - (b) that the activities of the student shall during such period as may be specified in the directions, be restricted in such manner as may be so specified; or
 - (c) that the student may be suspended for such period as may be specified in the direction; or
 - (d) that the student be expelled from the College.
- (4) Where there is temporarily no Provost or where the Provost refuses to apply any disciplinary measures, the Council may, either directly or through some other staff, apply such disciplinary measures as specified in subsection (3) of this section to any student of the College who is guilty of misconduct.
- (5) Where a direction is given under subsection (3) (c) or (d) of this section in respect of any student, the student may, within 21 days from the date of the letter communicating the decision to him, appeal from the direction to the Council, and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the Council may think fit.

- (6) The fact that an appeal from a direction is brought in pursuance of subsection (5) of this section shall not affect the operation of the direction while the appeal is pending.
- (7) The Provost may delegate his powers under this section to a disciplinary committee consisting of such members of the College as he may nominate.
- (8) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the College other than on the ground of misconduct.

- (9) It is hereby declared that the direction under subsection (3) (a) of this section may be combined with a direction under subsection (3) (b) of this section.
- (10) In all cases under this section, the decision of the Council shall be final unless reversed by the Minister on appeal by the student.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 24: Interpretation

In this Bill -

"Chairman" means the Chairman of the Governing Council;

"College" means the Federal College of Education Mutum Biyu, Taraba State, specified in the Schedule to this Bill;

"Council" means the Governing Council of the Colleges established by or pursuant to section 2 of this Bill;

"Provost" means the Provost of a College appointed under section 9 of this Bill;

"Function" includes powers and duties;

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

"Member" means a member of the Council including the Chairman.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 25: Short Title

This Bill may be cited as the Federal College of Education Mutum Biyu, Taraba State Bill, 2020.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Sandy O. Onor — Cross River Central*) — Agreed to.

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

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

[Section 3 (2)]

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Terms of Service

1. There may be paid to members of the Council, other than ex-officio members, such remuneration and allowances as may from time to time be determined by the President.
2. Where a vacancy occurs in respect of the membership specified in Section 3 (1) (a) and (d), it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor in office shall represent the same interest as his predecessor.
3. The validity of proceedings of the Council shall not be adversely affected, notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

Proceedings

4. (1) The Council shall meet for the conduct of business at such times, places and on such days as the Chairman may appoint but shall not be less than once every four months.
- (2) The Chairman may at any time and shall, at the request in writing of not less than six members, convene a meeting of the Council.
- (3) At any meeting of the Council the Chairman shall preside; but in his absence, members present shall elect one of their members to preside at the meeting.
- (4) Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt persons who are not members of the Council but persons co-opted shall not be entitled to vote at a meeting of the Council.
- (5) The quorum of the Council shall be one half of the total members of the Council, at least one of whom shall be a member appointed by the President.
- (6) Decisions of the Council shall be made on approval by a simple majority of members.

Miscellaneous

5. (1) The fixing of the seal of the College shall be authenticated by the signature of the chairman, Provost and of some other members of the Council authorized generally or specially by the Council for that purpose.
- (2) Any contract or instrument which, if made or executed by a person other than a body corporate would not be required to be under seal, may be made or executed on behalf of the College by any person generally or specially authorized to act for that purpose by the Council.

- (3) Any document purporting to be duly executed under the seal of the College shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

Question that the provision in this schedule stand part of this Bill — Put and agree to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered Report of the Committee on Tertiary Institutions and TETFUND on the Federal College of Education Mutum Biyu (Establishment, etc.) Bill, 2020 and approved as follows:

Clauses 1 - 25 — As Recommended

Schedule — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

**18. Committee on Tertiary Institutions and TETFUND:
Report on the Federal University of Technology Manchok, Kaduna State (Establishment, etc.)
Bill, 2020 (SB. 141):**

Motion made: That the Senate do consider the Report of the Committee on Tertiary Institutions and TETFUND on the Federal University of Technology Manchok, Kaduna State (Establishment, etc.) Bill, 2020 (*Senator Sandy O. Onor — Cross River Central*).

Question put and agreed to.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION FOR A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF
THE FEDERAL UNIVERSITY OF TECHNOLOGY, MANCHOK; AND
FOR OTHER RELATED MATTERS, 2020

PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE
FEDERAL UNIVERSITY OF TECHNOLOGY, MANCHOK

**Clause 1: Establishment and Objectives of the Federal University of Technology,
Manchok**

- (1) There is hereby Federal College of Statistics, Manchok Kaduna State upgraded and established as the Federal University of Technology, Manchok.
- (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 teacher Education in the country.

- (4) The University shall be supervised by the Federal Ministry of Education through the National Universities Commission (NUC) who shall be responsible for approving and regulating all academic programmes run in the University, to ensure quality compliance and provide funds for academic and research programmes, infrastructures and remunerations of employees.
- (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.
 - (b) to develop and offer academic and professional programmes leading to the award of certificates, first degrees, post-graduate research, diploma and higher degrees with emphasis on planning, developmental and adaptive skills in Engineering, technology, applied science, agriculture, commerce, arts, social science, humanities, management and allied professional disciplines.
 - (c) to produce socially mature technical men and women with capabilities not to only understand technological need of Nigeria as a nation, but also to exploit existing technical infrastructure and improve on it to develop new ones.
 - (d) to act as agents and catalysts for effective technical system, through post graduate training , research and innovation, for effective economic utilization and conservation of the country's human resources.
 - (e) development of technical, engineering scientific and productive skills in young persons for manpower needs of the growing industrial sector;
 - (f) to collaborate with other national and international institutions involved in training, research and development of technology with a view to promoting governance, leadership and management skills among Nigerians .
 - (g) to identify technological needs of the society with a view to finding solutions to them within the context of overall national development.
 - (h) to provide and promote sound basic technical training as a foundation for the development of Nigeria, taking into account indigenous culture and the need to enhance national unity.

- (i) to provide higher systematic advancement of the science and technology.
- (j) to provide for instruction in such branches of technology as it may deem necessary to make provision for research advancement and dissemination of knowledge in such manner as it may determine.

- (k) to provide teachers with operational competence for teaching in pre-tertiary institutions, basic, senior secondary schools and non-formal Education institutions.
- (l) to undertake any other activities that is appropriate for a University of Education of the highest standard.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 2: Constitution and Principal Officers of the University.

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

Agreed to.

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

Clause 3: Powers of Federal University of Technology, Manchok and its Exercise.

(1) For the carrying out of its objects as specified in section 1 of this Bill, Federal; University of Technology shall have power:

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- (a) to offer courses of instruction, training and research in Technology and allied areas for the production of quality technologist in Nigeria .
- (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 purposes 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 20 of this Bill, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever it is situate;
- (j) to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attached thereto;
- (k) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
- (l) to erect, provide, equip and maintain libraries, laboratories, workshops, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the 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 Sandy O. Onor — Cross River Central*) — *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 Sandy O. Onor — Cross River Central*) — *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 appointed by the President on the recommendation of the Honourable Minister of Education;
 - (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 Council for the Regulation of Engineers in Nigeria (COREN);
 - (ii) Tertiary Education Trust 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.
 - (i) two persons representing the community appointed by the President.
- (2) Persons to be appointed to the Council shall be of proven integrity, knowledgeable and familiar with the affairs and tradition of the 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.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Sandy O. Onor — Cross River Central*) — Agreed to.

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

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

- (1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University.
- (2) There shall be a committee of the Council, to be known as the Finance, and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the University and perform such other functions of the Council as the Council may from time to time delegate to it.
- (3) Provision shall be made by statute with respect to the constitution of the Finance and General Purposes Committee.
- (4) The Council shall ensure that proper accounts of the University are kept and that the accounts of the University are audited annually by an independent firm of auditors approved by the Council and that an annual report is published by the University together with certified copies of the said accounts as audited.
- (5) Subject to this Bill and the statutes, the Council and the Finance and General Purposes Committee may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.
- (6) Rules made under 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 Sandy O. Onor — Cross River Central*) — *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 and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
 - (c) the award of degrees, and such other qualifications as may be prescribed in connection with examinations held as aforesaid;
 - (d) the making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus;
 - (e) the establishment, organization and control of halls of residence and similar institutions at the 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 found to have been guilty of dishonourable or scandalous conduct in gaining admission into the University or obtaining that award.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Sandy O. Onor — Cross River Central*) —
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 Sandy O. Onor — Cross River Central*) —
Agreed to.

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

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) interests on investments;
 - (i) donations and legacies accruing to the University from any source for the general or special purposes of the University; and
 - (j) Regular TETFUND interventions;
- (2) The general fund shall be applied for the purposes of the University.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 10: Transfer of Property.

- (1) All property held by or on behalf of the Provisional Council of the University shall, by virtue of this 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 Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

PART III - STATUTES OF THE UNIVERSITY

Clause 11: Power of the University to make Statutes.

- (1) Subject to this Bill, the University may make statutes for 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 25(6) of this Bill, the Interpretation Act shall apply in relation to any statute made under this section as it applies to a subsidiary instrument within the meaning of section 28(1) of that Act.
 - (3) The statute contained in the Third Schedule to this Bill shall be deemed to have come into force on the commencement of this Bill and shall be deemed to have been made under this section by the University.

Third Schedule:

- (4) The power to make statutes conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the statute contained in the Third Schedule to this Bill or any subsequent statute.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Sandy O. Onor — Cross River Central*) —
Agreed to.

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

Clause 12: Mode of Exercising Power to Make Statutes.

- (1) The power of the University to make statutes shall be exercised in accordance with the provisions of this section 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.
- (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 vires or as being inconsistent with the Constitution of the Federal Republic of Nigeria, 1999.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Sandy O. Onor — Cross River Central*) —
Agreed to.

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

Clause 13: Proof of Statute.

A statute may be proved in any court by the production of a copy thereof bearing or having affixed to it a certificate purporting to be signed by the Vice-Chancellor or the 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 13 be retained (*Senator Sandy O. Onor — Cross River Central*) —
Agreed to.

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

PART IV - SUPERVISION AND DISCIPLINE

Clause 14: The Visitor.

- (1) The President shall be the Visitor of the University.
- (2) The Visitor shall cause a visitation to the University when necessary, at least every five years, or direct that such a visitation be conducted by such person or persons as the Visitor may deem fit and in respect of any of the affairs of the University.
- (3) It 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 14 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 15: Removal of Certain Members of Council.

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

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

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

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the University, other than the Vice-Chancellor, should be removed from his office or employment on the ground of misconduct or 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.
- (5) In any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary

action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.

- (6) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) of this section to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.
- (7) Nothing in the foregoing provisions of this section shall:
 - (a) apply to any directive given by the Visitor in consequence of any visitation; or
 - (b) prevent the Council from making regulations for the discipline of other categories of workers of the University as may be prescribed.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 17: Removal of Examiners.

- (1) If, on the recommendation of the Senate, it appears to the Vice-Chancellor that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then, except in such cases as may be prescribed by the Vice-Chancellor 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 17 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 18: Participation and Discipline of Students.

- (1) The Students shall be:
 - (a) represented in the 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:
- 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;
- (3) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, that student may, within the prescribed period and in the prescribed manner, appeal to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just either confirm or set aside the direction or modify it in such manner as the Council thinks fit.
- (4) The fact that an appeal from a direction is brought in pursuance to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending:
- (a) The 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 18 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

PART V - MISCELLANEOUS AND GENERAL

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

- (1) No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, account of race, place of birth or of family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the University, the holder of any degree of the University or of any appointment or employment at the University, or a member of anybody established by virtue of this 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 wilfully 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 19 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 20: Restriction on disposal of land by University:

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

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

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

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

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

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 22: Appointment of Committee, etc.

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

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

(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 22 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 23: Retiring Age of Academic Staff.

- (1) Notwithstanding anything to the contrary in the Pension Act, the compulsory retiring age of the following categories of staff shall be as follows:
 - (a) Academic staff of the 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 23 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 24: Special Provisions Relating to Pension of Professors.

An academic staff of the University who retires as a Professor in the University 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 24 be retained (*Senator Sandy O. Onor — Cross River Central*) —
Agreed to.

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

Clause 25: Miscellaneous Administrative Provisions.

- (1) The seal of the University shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall be authenticated by any member of the Council and by the Vice-Chancellor, Secretary to the Council or any other person 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 authorized to 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.
 - (i) Pre-Action Notice:
 - (a) No legal proceeding shall be instituted and/or commenced against the University or any of its agents in the course of their official duties unless a 3 months' Pre-Action Notice of such intention is served on the University by an aggrieved party.

- (b) The Notice shall state the reason and the cause of action intended to be taken against the University, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.
- (c) For the avoidance of doubt, it is hereby declared that no suit shall be commenced against an officer or servant of the University, in any case where the University is vicariously liable for any alleged act, neglect or default of the officer or servant in the performance or intended performances of his duties, unless three months at least has elapsed after written notice of intention to commence the same shall have been served on the University by the intending plaintiff or his agent.
- (d) In any suit against this University, no execution or attachment or process in the nature thereof shall be issued against the University, but any sums of money which may be judgment of the court be awarded against the University shall, subject to any direction given by the court where notice of appeal has been given by the University in respect of the said judgment, be paid by the University from its general fund.

- (ii) 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 25 be retained (*Senator Sandy O. Onor — Cross River Central*) — Agreed to.

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

Clause 26: Interpretation.

- (1) In this Bill, unless the context otherwise requires:-
"Campus" means any campus which may be established by the University;
- "College" means the College established pursuant to section 2 (1) (b) of this Bill for the University;
- "Council" means the Governing Council of the University established by section 5 of this Bill.
- "Functions" includes powers and duties
- "Graduate" means a person on whom a degree, other than an honorary degree, has been conferred by the University and any other person as may be designated as a graduate by the Council, acting in accordance with the recommendation of the Senate; (Erroneously omitted)
- "Minister" means the Hon. Minister of Education;
- "Notice" means notice in writing;
- "Officer" does not include the Visitor

"Prescribed" means prescribed by statute or regulations;

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

"Property" includes rights, liabilities and obligations;

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

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

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

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

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

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

"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;

"University" means the Federal University of Technology Manchok established by section I of this Bill.

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

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

Clause 27: Short Title.

This Bill may be cited as the Federal University of Technology, Manchok Bill, 2020.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

SCHEDULES
FIRST SCHEDULE

[Section 2(2)]

PRINCIPAL OFFICERS OF THE UNIVERSITY

The Chancellor

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

The Pro-Chancellor

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

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

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The Vice-Chancellor

3. (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.

(4) 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.

- (5) The Vice-Chancellor shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.
- (6) The Vice Chancellor may be removed from office by the Council on grounds of gross misconduct or inability to discharge the functions of his office as a result of infirmity of the body or mind, at the initiative of the Council, Senate or the Congregation after due process.
- (7) When the proposal for the removal of the Vice-Chancellor is made, the Council shall constitute a Joint Committee of Council and Senate consisting of:
 - (i) three members of the Council, one of whom shall be the Chairman of the committee; and
 - (ii) two members of the Senate,

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

- (8) The committee shall conduct investigation into the allegations made against the Vice-Chancellor and shall report its findings to the Council.
- (9) The Council may where the allegations are proved remove the Vice-Chancellor or apply any other disciplinary action it may deem fit and notify the Visitor accordingly provided that a Vice-Chancellor who is removed shall have right of appeal to the Visitor.
- (10) There shall be no sole administrator in the University.
- (11) In any case of a vacancy in the office of the Vice-Chancellor, the Council shall appoint an acting Vice-Chancellor on recommendation of the Senate.
- (12) An acting Vice Chancellor in all circumstances shall not be in office for more than 6 months.

Deputy Vice-Chancellor

4. (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.

Office of the Registrar

5. (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.

Other Principal Officers of the University

6. (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.

Selection Board for other Principal Officers

7. (1) There shall be, for the University, a Selection Board for the appointment of principal officers, other than the Vice-Chancellor or Deputy Vice-Chancellor, which shall consist of:
 - (a) the Pro-Chancellor, as chairman;
 - (b) the Vice-Chancellor;
 - (c) four members of the Council not being members of the Senate; and

- (d) two members of the Senate.
- (2) The functions, procedure and other matters relating to the Selection Board constituted under 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.

Resignation and Re-appointment

- 8. (1) Any officer mentioned in the foregoing provisions of this Schedule may resign his office:
 - (a) in the case of the Chancellor or Pro-Chancellor, by notice to the Visitor;
 - (b) in any other case, by notice to the Council and the Council shall, in the case of the 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 the provisions of First Schedules stand part of this Bill— Agreed to.

SECOND SCHEDULE

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

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. (1) All agreements, contracts, deeds and other instruments to which the Provisional Council was a party shall, so far as possible and subject to any necessary modifications, have effect as if the University had been a party thereto in place of the Provisional Council.
- (2) Documents not falling within subsection (1) of this paragraph, including enactment which refer, whether specially or generally, to the Provisional Council, shall be construed in accordance with that sub-section so far as applicable.
- (3) Any legal proceedings or application to any authority pending by or against the Provisional Council may be continued by or against the University.

Registration of Transfers

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

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

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

Transfer of Functions, etc.

4. (1) The first meeting of the Council shall be convened by the Pro-Chancellor 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 Academic Board 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 of schools and Heads of Academic Departments shall continue to be Deans or HODs of the corresponding School/Department, until new appointments are made in pursuance of the statutes.
- (7) Any person who was a member of the staff of the University as established or was otherwise employed by the Provisional Council shall become the holder of an appointment at the University with the status, designation and functions which correspond as nearly as may be to those which appertained to him as member of that staff or as such an employee.

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

THIRD SCHEDULE

[Section 9 (3)]

FEDERAL UNIVERSITY OF TECHNOLOGY, MANCHOK (ESTABLISHMENT) BILL, 2020

Statute No. 1

Arrangement of Articles

Articles

1. The Council.

2. The Finance and General Purposes Committee;
3. The Senate
4. The Congregation.
5. Convocation.
6. Division of schools.

7. College Boards/Schools Boards.
8. Dean of the school.
9. Departmental Board of Studies
10. Selection of certain principal officers.
11. Tenure of Directors
12. Creation of academic posts.
13. Appointment of academic staff.
14. Appointment of administrative and professional staff.
15. Interpretation.
16. Short Title.

The Council

1. (1) The composition of the Council shall be as provided in section 5 of this Bill.
- (2) Any member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c), or (d) of this Bill may, by notice to the Council, resign his office.
- (3) A member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c), or (d) of this Bill shall, unless he previously vacates it, vacate that office on the expiration of the period of four years beginning with effect from 1 August in the year which he was appointed.
- (4) Where a member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (g), or (h) of this Bill vacates office before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.
- (5) A person ceasing to hold office as a member of the Council otherwise than by removal for misconduct shall be eligible for re-appointment for only one further period of four years.
- (6) The quorum of the Council shall be five, at least one of whom shall be a member appointed pursuant to section 5 (d) or (e) of this Bill.
- (7) If the Pro-Chancellor is not present at a meeting of the Council, such other member of the Council present at the meeting as the Council may appoint as respects that meeting shall be the chairman at that meeting, and subject to section 4 of this Bill and the foregoing provisions of this paragraph, the Council may regulate its own procedure.

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

The Finance and General Purposes Committee

2. (1) The Finance and General Purposes Committee of the Council shall consist of:
- (a) the Pro-Chancellor, who shall be the chairman of the Committee at any meeting at which he is present;
 - (b) the 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.

Annual budget and estimates, etc.

- (4) (i) The estimates of income and expenditure for a financial year shall be presented by the Vice-Chancellor to the Council and may be approved by the Council before the beginning of that financial year;
- (ii) The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Council may direct.

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

Gifts, donations, etc.

- (5) (i) The Council may on behalf of the University accept by way of grants, gift, testamentary disposition or otherwise, property and money in aid of the finances of the University on such conditions as it may approve.
- (ii) Registers shall be kept of all donations to the University including the names of donors and any special conditions under which any donation may have been given.

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

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

Payment into bank:

- (6) All sums of money received on account of the University shall be paid into such bank as

may be approved by the Council for the credit of the University's general, current or deposit account:

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

Audit

- (7) (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.

The Senate

3. (1) The Senate shall consist of:
- (i) the Vice-Chancellor
 - (ii) Deputy Vice-Chancellors;
 - (iii) the Deans of respective Colleges;
 - (iv) the Professors in the University;
 - (v) Heads of Academic Departments and Units;
 - (vi) the University Librarian;
 - (vii) One elected representative of each College;
 - (viii) Two members of Academic Staff elected by the Congregation;
 - (ix) One elected representative of each department;
 - (x) Two members representing a variety of interests of the professional bodies outside the 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.

Congregation

4. (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
 - (vi) Every member of the administrative staff who holds a degree, other than honorary degree, of any University recognized for the purposes of this statute by the Vice-Chancellor.
- (2) Subject to section 4 of this Bill, the Vice-Chancellor shall be the chairman at all meetings of 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.

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- (3) The quorum of Congregation shall be one third or the whole number nearest to one third of the total number of members of Congregation of fifty, whichever is less.
 - (4) A certificate signed by the Vice-Chancellor specifying:
 - (a) the total number of members of Congregation for the purpose of any particular meeting or meetings of Congregation; or
 - (b) the names of the persons who are members of Congregation during a particular period, shall be conclusive evidence of that number or, as the case may be, of the names of those persons.
 - (5) 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.

Convocation

5. (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.

Division of Colleges

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

College/School Boards

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

Deans of the Colleges

8. (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.

Departmental Board of Studies

9. (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.

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

10. (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.

Tenure of Directors

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

Creation of Academic Posts

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

Appointment of Academic Staff

13. (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.

Appointment of Administrative and Professional Staff

14. (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.

Interpretation

15. In this Statute, the expression "the Act" means the Federal University of Technology, Manchok Act and any word or expression defined in the Act has the same meaning in this Statute.

Short Title

16. This Statute may be cited as the Federal University of Technology, Manchok Act Statute No. 1.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered Report of the Committee on Tertiary Institutions and TETFUND on the Federal University of Technology, Manchok; and for Other Related Matters, 2020 and approved as follows:

Clauses 1 - 27	—	As Recommended
Schedules 1 - 3	—	As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

19. Committee on Tertiary Institutions and TETFUND:

Report on the Federal Polytechnic Aba (Establishment, etc.) Bill, 2020 (SB. 10):

Motion made: That the Senate do consider the Report of the Committee on Tertiary Institutions and TETFUND on the Federal Polytechnic Aba (Establishment, etc.) Bill, 2020 (*Senator Sandy O. Onor — Cross River Central*).

Question put and agreed to.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF BILL FOR AN ACT TO ESTABLISH THE FEDERAL POLYTECHNIC ABA, ABIA STATE (ESTABLISHMENT, ETC.) BILL, TO PROVIDE FULL-TIME COURSES IN TECHNOLOGY, APPLIED SCIENCE, MANAGEMENT AND OTHER FIELDS OF STUDIES AND TO MAKE PROVISIONS FOR THE GENERAL ADMINISTRATION OF SUCH POLYTECHNICS AND FOR RELATED MATTERS 2020.

Clause 1: Establishment of the Federal Polytechnic, Aba, Abia State

- (1) There is hereby Abia State Polytechnic upgraded and established as the Federal Polytechnic Aba, Abia State which shall have such powers and exercise such functions as is conferred on it by this Act. .
- (2) The Polytechnic shall be a body corporate with perpetual succession and a common seal and shall have power to acquire and dispose of interests in movable and immovable property and may sue and be sued in its corporate name.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 2: Functions of the Polytechnic

- (1) The functions of the polytechnic shall be —
 - (a) To provide full-time and part-time courses of instruction and training to produce middle and high level manpower —
 - (i) in technology, applied science, commerce and management; and
 - (ii) in such other fields of applied learning relevant to the needs of the development of Nigeria in the areas of industrial and agricultural production and distribution and for research in the development and adaptation of techniques as the Council may from time to time

determine;

- (b) to arrange conference, seminars and study groups relative to the fields of learning specified in paragraph (a) of this subsection(1);
 - (c) to perform such other functions as in the opinion of the Council may serve to promote the objectives of the polytechnic.
- (2) Nothing in this section shall preclude the government of a State or any of its agencies from setting up a polytechnic similar to any polytechnic established under this Act.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 3: Establishment and Constitution of the Council, etc.

- (1) There shall be established for the polytechnic a Governing Council.
- (2) The Council shall consist of a Chairman and the following other members —
 - (a) Four persons representing a variety of interests and broadly representative of the whole federation, at least one of whom shall be a woman;
 - (b) one person to representing the alumni association;
 - (c) A representative of the community where the polytechnic is situated;
 - (d) The Rector;
 - (e) The Deputy Rector(s);
 - (f) one person representing the Federal Ministry of Education or regulatory agency;
 - (g) Two persons not below the rank of Chief Lecturer elected by the Academic Board from among its members;

- (h) Three persons not below the rank of Senior Lecturer or its equivalent elected by the Congregation from among its members in which one shall be non-teaching staff.
- (3) (i) The Chairman and members of the Council other than ex-officio members shall be appointed by the President and Commander-in-Chief of the Armed Forces.
- (ii) Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and acquainted with the working and tradition of the Technical and Vocational education.
- (4) Any member of the Council other than an ex-officio member shall hold office for a period of three years at the first instance and may be eligible

for re-appointment for another period of three years and no more.

- (5) The governance structure of the polytechnic shall be composed of —
 - (a) Governing Council;
 - (b) Academic Board;
 - (c) Management Committee;
 - (d) School Board; and
 - (e) Departmental Board.
- (6) The provisions set out in the First Schedule to this Bill, shall apply in relation to the Council, governance structure and other matters therein specified.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 4: Visitation

- (1) The President and Commander-in-Chief of the Armed Forces shall be the Visitor to the Polytechnic.
- (2) The Visitor shall, not less than once in every five years, conduct a visitation of the college or appoint a Visitation Panel, consisting of not less than five experts, to conduct the visitation —
 - (a) for the purpose of evaluating the academic and administrative performance of the polytechnic;
 - (b) for such other purpose or in respect of any other affairs of the polytechnic as the Visitor may deem fit. [1993 No. 5]

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 5: Registrar of the Polytechnic

- (1) There shall be a Registrar to the polytechnic who shall be responsible to the Rector for the day-to-day administration of the polytechnic and shall perform such other duties as the Council or as the case may be, the Rector may from time to time require him.
- (2) The Registrar shall be the secretary to the Council, the Academic Board and any committee of the Council and shall attend all the meetings of those bodies unless excused for good reason by the chairman of the Council.
- (3) In the absence of the Registrar, the Chairman of the Council may, after consultation with the Rector, appoint a suitable person to act as secretary for any particular meeting of the Council.
- (4) The Secretary to the Council or a person appointed to act under subsection (3) of this section, shall not vote on any question before the Council or count towards a quorum unless he is so entitled as a member

of the Council.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 6: Tenure of office of the Registrar

- (1) A Registrar shall hold office for a single tenure of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in the letter of his appointment;
- (2) Where a Registrar has held office for five years or less on the commencement of this Act, he shall be deemed to have been serving his final term of office.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 7: General functions of the Council

- (1) Subject to provision of this Act, the Council shall be the governing body of the polytechnic concerned and shall have the general management of the affairs of the polytechnic, and in particular, the control of the property and finances of the polytechnic; and shall have power to do anything which in its opinion is calculated to facilitate the carrying out of the activities of the polytechnic and promote its best interests.
- (2) The Council may acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Act, and for the same purpose may sell, lease, mortgage or otherwise alienate or dispose of any property so acquired.
- (3) The Council may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Act.

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- (4) The Minister may give to the Council directions of a general character or relating generally to particular matters (but not any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 8: The Rector of the Polytechnic

- (1) There shall be a Rector of the polytechnic ("the Rector") who shall be appointed by the President, Commander-in-Chief of the Armed Forces in accordance with the provision of this section.
- (2) Where a vacancy occurs in the post of the Rector, the Council shall —
 - (a) advertise the vacancy not later than six (6) months to the expiration of the term of the seating Rector in not less than two national newspapers in Nigeria, specifying —
 - (i) the qualifications of the persons who may apply for the post, which shall be a Chief Lecturer in the Polytechnic sector with at least five years of experience on that

position among other criteria ; and

- (ii) the terms and conditions of service applicable to the post, and thereafter, draw up a short list of suitable candidates for consideration;
- (b) constitute a Search Team consisting of —
 - (i) a member of the Council, not being a member of the Academic Board, as Chairman;
 - (ii) two members of the Academic Board, not below the rank of Chief Lecturer;
 - (iii) two members of Academic Staff not below the rank of Chief Lecturers to be elected from among its members.
- (3) A Joint Council, Academic Board and Congregation Selection Board consisting of —
 - (a) the Chairman of the Council;
 - (b) two members of the Council not being members of the Academic Board;
 - (c) two members of the Academic Board not below the rank of Chief Lecturer, who were not members of the Search Team elected among its members; and
 - (d) two members of the Congregation not below the rank of Chief Lecturer who were not members of the Search Team elected among its members, shall consider the candidates on the short list drawn up under subsection (2) of this section through an examination of their curriculum vitae and interaction with them and recommend in order of performance ranking through the Council, to the President and Commander-in-Chief of the Armed Forces, three candidates for his consideration.

- (4) The President shall appoint, as Rector, one of the candidates recommended to him under the provisions of subsection (3) of this section.
- (5) Subject to this Act and the general control of the Council, the Rector shall be the Chief Executive of the Polytechnic and shall be charged with general responsibility for matters relating to the day-to-day management operations of the polytechnic.
- (6) The Rector shall —
 - (a) (i) hold office for a single term of five years beginning with the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment"
 - (ii) where a Rector was appointed on four-year tenure on the commencement of this Act, his tenure shall be extended for a period of one year to complete the single-tenure of five years in line with subsection (6a) above.
 - (iii) where a Rector is serving second tenure of four years on the commencement of this Act, he shall be deemed to have been serving his final term of office.

- (b) have power to exercise general authority over staff and be responsible for discipline in the polytechnic; and
- (c) his remuneration shall be determined by the National Salaries and Wages Commission.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 9: Deputy Rectors

- (1) There shall be for the polytechnic such number of Deputy Rectors as the Council may, from time to time, deem necessary for the proper administration of the Polytechnic.
- (2) Where a vacancy occurs in the post of Deputy Rector, the Rector shall forward to the Academic Board a list of two candidates for each post of Deputy Rector that is vacant.
- (3) The Academic Board shall elect for each vacant post one candidate from each list forwarded to it under subsection (2) of this section and forward his name to the Council for confirmation.
- (4) Where —
 - (a) the Academic Board rejects the two candidates forwarded to it by the Rector under subsection (2) of this section, the Rector shall submit another list.

- (b) the Council rejects the name sent to it under subsection (3) of this section, the Academic Board shall send the name of the other candidate on the list forwarded to it by the Rector under subsection (2) of this section.
- (5) The Deputy Rector(s) shall —
 - (a) assist the Rector in the performance of his functions;
 - (b) act in the place of the Rector when the post of Rector is vacant or if the Rector is for any reason absent or unable to perform their functions as Rector; and
 - (c) perform such other functions as the Rector or the Council may from time to time assign to him.
- (6) The Deputy Rectors —
 - (a) shall hold office for a single tenure of four years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment.
 - (b) where a Deputy Rector was appointed on two year tenure on the commencement of this Act, his tenure shall be extended for a period of two years to complete the single-tenure of four years in line with subsection (6a) above.
 - (c) where a Deputy Rector is serving second tenure of two years on the commencement of this Act, he shall be deemed to have been

serving his final term of office.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 10: Other Principal Officers of the Polytechnic

- (1) There shall be for the polytechnic the following other principal officers in addition to the Deputy Rector(s) —
 - (a) the Registrar;
 - (b) the Bursar; and
 - (c) the polytechnic Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under section 12 of this Act.
- (2) The Bursar shall be the Chief Financial Officer of the polytechnic and be responsible to the Rector for the day-to-day administration and control of the financial affairs of the polytechnic.
- (3) The polytechnic Librarian shall be responsible to the Rector for the administration of the polytechnic library and the co-ordination of the library services in the teaching units of the polytechnic.
- (4) The Bursar or Librarian —

- (a) shall hold office for a single tenure of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment;
- (b) where a Bursar or Librarian has held office for five years or less on the commencement of this Act, he shall be deemed to have been serving his final term of office.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 11: Resignation of Appointment of Principal Officers:

- A principal officer may resign his appointment —
- (a) In the case of the Rector, by notice to the Visitor;
 - (b) In any other case; by notice to the Council.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Babba K. Ahmad — Katsina North*).

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

Clause 12: Selection Board for Other Principal Officers

- (1) There shall be, for the Polytechnic a Selection Board which shall consist of—
 - (a) the chairman of the Council;

- (b) the Rector;
 - (c) four members of the Council not being members of the Academic Board;
 - (d) two members of the Academic Board not being members of Council and not below the rank of Chief Lecturer elected from among its members; and.
 - (e) three members of the congregation not below the rank of Principal Lecturer or its equivalent elected from among its members in which one shall be non-teaching staff.
- (2) The functions and procedure and other matters relating to the Selection Board constituted under subsection (1) of this section shall be as the Council may, from time to time, determine.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 13: Other Employees of the Polytechnic

- (1) The Council may appoint such other persons to be employees of the polytechnic as the Council may determine to assist the Rector and the principal officers of the polytechnic in the performance of their functions under this Act.
- (2) The power to appoint all other employees of the polytechnic shall be exercised —
 - (a) in the case of senior employees, by the Council on the recommendation of Appointment and Promotions Committee set up under the provisions of paragraph 3(2)(a) of the First Schedule to this Act;
 - (b) in the case of junior employees, by the Rector on the recommendation of the Junior Staff Appointment and Promotions Committee constituted under paragraph 3(2)(b) of the First Schedule to this Act.
- (3) Subject to the provisions of this Act, the remuneration, tenure of office and conditions of service of the employees of the Council shall be determined by the Council in consultation with the Federal Civil Service Commission.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 14: Application of the Pensions Act

- (1) The Federal Civil Service Commission may by order published in the Federal Gazette declare the office of the Rector or any other person

employed by the Council to be a pensionable office for the purposes of the Pensions Act.

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- (2) Nothing in the provisions of subsection (1) of this section shall prevent the appointment of any person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.
- (3) A law or rule requiring a person to retire from the Public Service after serving for thirty five (35) years or having attained the age of 60 years in service, shall not apply to staff of Polytechnic.
- (4) Notwithstanding anything to the contrary contained in the Pensions Reform Act, the compulsory retirement age of staff of Polytechnic shall be sixty-five (65) years.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 15: Establishment of the Academic Board

- (1) There shall be established for the polytechnic a board to be known as the Academic Board which shall consist of the following members —
 - (a) the Rector of the polytechnic, as the Chairman;
 - (b) the Deputy Rector(s) of the polytechnic;
 - (c) all Heads of academic Departments and units;
 - (d) the polytechnic Librarian;
 - (e) not more than two members of the academic staff who are not members of the Academic Board and not below the rank of Senior Lecturer elected from among its members, such members shall serve for non-renewable term of three (3) years.
 - (f) all Deans and academic Directors; and
 - (g) all Chief Lecturers.
- (2) The Academic Board shall be responsible for —
 - (a) the direction and management of academic matters of the polytechnic including the regulation of admission of students, the award of certificates and diplomas, scholarships, prizes and other academic distinctions;
 - (b) the making to the Council of such periodic reports on such academic matter as the Academic Board may think fit or as the Council may from time to time direct; and
 - (c) the discharge of any other functions which the Council may delegates to it.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Tenure of Office

Clause 16: Removal from Office of Members of the Council and the Rector

- (1) Where it appears to the Governing Council that a member of the Council other than an ex-officio member or the Rector should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make a recommendation through the Minister to the Federal Executive Council approves of it, the Minister shall declare the office of such member or Rector vacant.
- (2) The Minister may recommend the removal of any member of the Governing Council or Rector to the Federal Executive Council, if he is satisfied that it is not in the interest of the Public or of the Polytechnic that such a person should continue as a member of the Council.
- (3) In case of vacancy in the office of the Rector, the Council shall appoint an acting Rector who shall not be in office for more than 6 months.

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- (4) There shall be no sole administration in any Polytechnic in Nigeria.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 17: Removal and Discipline of Academic, Administrative and Technical Staff

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or technical staff of the polytechnic, other than the Rector, should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall —
 - (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter to the Council; and
 - (c) if he or any three members of the Council so request within the period of one month beginning with the date of the notice, make arrangements —
 - (i) if he is an academic staff, for a joint committee of the Council and the Academic Board to investigate the matter and to report on it to the Council, or
 - (ii) for a committee of the Council to investigate the matter, where it relates to any other member of the staff of the polytechnic and to report on it to the Council; and
 - (iii) 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 Rector may, in a case of misconduct by a member of the staff which in the opinion of the Rector is prejudicial to the interests of the polytechnic, suspend such member and any such suspension shall forthwith be reported to the Council.
- (3) For good cause, any member of staff may be suspended from office or his appointment may be terminated by the Council and for the purpose of this subsection, "good cause" means —
 - (a) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
 - (b) any physical or mental incapacity which the Council, after medical advice, considers to be such as to render the person concerned unfit to continue to hold his office;

- (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office;
 - (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.
- (4) Any person suspended pursuant to subsection (2) or (3) of this section, shall be placed on half pay and the Council shall before the expiration of the period of three months after the date of such suspension consider the case against that person and come to a decision as to —
 - (a) whether to continue such person's suspension and if so on what terms (including the proportion of this 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 in question, in which case such a person, will not be entitled to the proportion of his emoluments withheld during the period of suspension;
 - (d) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine, and in any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.
- (5) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) of this section, to use his best

endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

- (6) Nothing in the foregoing provisions of this section shall prevent the Council from making such regulations for the discipline of other categories of staff and workers of the polytechnic as it may think fit.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 18: Discipline of Students

- (1) Subject to the provisions of this section, where it appears to the Rector that any student of the polytechnic has been guilty of misconduct, the Rector may, without prejudice to any other disciplinary powers conferred on him by this Act or regulations made hereunder direct —

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- (a) that the student shall not during such period as may be specified in the direction, participate in such activities of the polytechnic, or make use of such facilities of the polytechnic, as he may specify;
- (b) that the activities of the student shall, during such period as may be specified in the directions, be restricted in such manner as may be so specified;
- (c) that the student be suspended for such period as may be specified in the directions; and
- (d) that the student be expelled from the polytechnic.
- (2) Where there is temporarily no Rector or where the Rector refuses to apply any disciplinary measures, the Council, either directly or through some other staff, may apply such disciplinary actions as are specified in subsection (1) of this section to any student of the polytechnic who is guilty of misconduct.
- (3) Where a direction is given under subsection (1)(c) or (d) of this section in respect of any student, the student may, within a period of 21 days from the date of the letter communicating the decision to him, appeal from the direction to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the Council may think fit.
- (4) The fact that an appeal from a direction is brought in pursuance of subsection (3) of this section shall not affect the operation of the direction while the appeal is pending.
- (5) The Rector may delegate his power under this section to a disciplinary committee considering of such members of the polytechnic as he may nominate.
- (6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the polytechnic otherwise than on the ground of misconduct.

- (7) It is hereby declared that a direction under subsection (1)(a) of this section may be combined with a direction under subsection (1)(b) of this section.
- (8) In all cases under this section, the decision of the Council shall be final.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 19: Discipline of Junior Staff

- (1) If any junior staff is accused of misconduct or inefficiency, the Rector may suspend him for not more than three months and forthwith shall direct the Junior Staff Appointments and Promotions Committee —
 - (a) to consider the case; and

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- (b) to make recommendations as to the appropriate action to be taken by the Rector.
- (2) In all cases under this section, the officer shall be informed of the charge against him and shall be given reasonable opportunity to defend himself.
- (3) The Rector may, after considering the recommendation made pursuant to subsection (1)(b) of this section, dismiss, terminate, retire or down-grade the officer concerned.
- (4) Any person aggrieved by the Rector's decision under subsection (3) of this section, may within a period of 21 days from the date of the letter communicating the decision to him, address a petition to the Council to consider his case and the Council's decision thereon shall be final.
- (5) In any case of gross misconduct on the part of a junior staff, the Rector shall forthwith suspend him and thereafter refer the matter to the Junior Staff Appointments and Promotions Committee to be dealt with according to the foregoing provision of this section.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 20: Audit of Accounts

- (1) The Council shall keep proper accounts and proper records in relation thereto and shall cause to be prepared, not later than 1 October in each financial year, an estimate of its revenue and expenditure for the ensuing financial year and when prepared, the estimate shall be submitted to the National Board for Technical Education for approval.
- (2) At the end of each financial year but not later than 30 June the Council shall cause to be prepared a statement of its income and expenditure during the previous financial year.
- (3) The statement of accounts referred to in subsection (2) of this section shall, when certified by the Rector, be audited by a firm of auditors appointed from the list and in accordance with the guidelines supplied by the Auditor General of the Federation and shall be published in the annual report of the polytechnic.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 21: Funds of the Council

The funds of the Council shall include —

- (a) fees charged by and payable to the Council in respect of students;
- (b) any other amounts due to or recoverable by the Council;

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- (c) revenue from time to time accruing to the Council from the Federal Government by way of subvention, grant-in-aid, endowment or otherwise howsoever; and
- (d) donations and legacies accruing to the Council from any source for the special purpose of the Council.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 22: Donations for Particular Purposes

- (1) Donations of money to be applied to any particular purpose shall be placed to the credit of a special reserve account approved by the Council until such time as they may be expended in fulfillment of such purpose.
- (2) No Council shall be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 23: Payment into Bank

All sums of money received on account of the Council shall be paid into such bank for the credit of the Council as may be approved by the Council.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 24: Annual Report

The Council shall on or before 31 December in each year prepare and submit to the President through the Minister, a report of the activities during the preceding financial year and shall include in the report, the audited accounts of the polytechnic in respect of that financial year and the auditor's comments on the account.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 25: Power to Make Bye-laws

- (1) The Council may make bye-laws relating to any matter within its competence under this Act other than matters for which provision is to be made by standing orders pursuant to paragraph 7 of the Schedule to this Act.

- (2) All such bye-laws shall be in writing and shall come into force when sealed with the seal of the Council unless some other date for their commencement is prescribed therein.
- (3) (Nothing in subsection (2) of this section, shall make it obligatory for the Council to publish any of the said bye-laws in the Federal Gazette but the Council shall bring such bye-laws to the notice of all affected thereby.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 26: Exclusion of Discrimination on Account of Race, Religion, etc.

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

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

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 27: Quorum and Procedure of Bodies Established Under this Act

Subject to the provisions of paragraph 6(2) of the First Schedule to this Act and any standing orders or bye-law made under this Act, the quorum and procedure of any body of persons established by this Act shall be such as may be determined by that body.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 28: Interpretation

In this Act, unless the context otherwise requires —
"the Academic Board" means the board established under section 10 of this Bill;

"the Appointments and Promotions Committee" means a body by that name established under paragraph 3(2)(a) of the Schedule to this Bill;

"polytechnic" means the respective Polytechnic set up under this section 1 of this Act;

"the Junior Staff Appointments and Promotion Committee" means a body by that name set up under paragraph 3(2)(b) of the Schedule to this Act;

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

"the Registrar" means the Registrar of the polytechnic appointed under section 4(1) of this Bill.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

Clause 29: Short Title

This Act may be cited as the Federal Polytechnic Aba, Abia State, 2020.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Sandy O. Onor — Cross River Central*).

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

FIRST SCHEDULE

[Section 7]

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

Terms of office of members

1. (1) A member of the Council other than an ex-officio member shall hold office for a period of three years beginning with the date on which he was appointed and shall be eligible for re-appointment for a further term of three years and thereafter he shall no longer be eligible for re-appointment.
- (2) Members of the Council holding office as specified in paragraph 1(1) of this Schedule, shall be paid remuneration or allowance in accordance with rates specified from time to time by the National Council of Ministers.
- (3) A member of the Council holding office as specified in paragraph 1(1) of this Schedule may by notice in writing to the Minister resign his office.
2. (1) Where a vacancy occurs in the membership of the Council, that vacancy shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest as his predecessor.
- (2) The Council may act notwithstanding any vacancy in its membership or the absence of any member or that a person not entitled to do so took part in its proceedings.

Committees

3. (1) The Council may appoint one or more committees to which it may delegate any of its functions.

- (2) Without prejudice to the generality of sub-paragraph (1) of this Schedule, the Council shall appoint the following committees, that is —
- (a) the Appointments and Promotions Committees which shall —
- (i) consist of Rector as the chairman and four other members who shall be appointed by the Council;
- (ii) be charged with the responsibility for making recommendations to the Council on the appointment and promotion of the academic and senior non-teaching staff of the polytechnic and have a quorum of three members:
- (b) the Junior Staff Appointments and Promotions Committee which shall consist of a Deputy Rector as chairman and four other members to be appointed by the Rector and shall have the powers set out in section 13(2)(b) and section 19 of this Act;
- (c) the Committee on Students' Affairs which shall consist of the following members —
- (i) a Deputy Rector as chairman;
- (ii) one member of the Council;
- (iii) Dean of Students Affairs;
- (iv) two members of the academic staff not below the rank of Senior Lecturer; and
- (d) two representatives of the Students Union of the polytechnic; and a committee on students affairs shall be charged with the duty of —
- (i) considering any matter which relates to the welfare of students;
- (ii) any other matter referred to it by either the Council or management of the polytechnic;
- (iii) any matter which the students wish to refer to the Council shall be referred to the management in the first instance which may in turn refer the matter to the Committee on Students' Affairs.
- (3) No decision of a committee of the council shall have effect unless it is confirmed by the Council.

Proceedings of the Council

4. (1) The Council shall meet for the conduct of business once in a quarter except for emergency.
- (2) The chairman of the Council may at any time and shall at the request in writing of not less than five members of the Council summon a meeting of the Council.
- (3) Particulars of the business to be transacted shall be circulated to members with the notice of the meeting at least two weeks before the date of the meeting.
5. Where the Council desires to obtain the advice of any person on any particular matter, it may co-opt such person as a member for a meeting whether or not expressly convened for

the purpose of considering the particular matter but no co-opted member shall be entitled to vote or shall count towards quorum.

6. (1) Every question put before the Council at a meeting shall be decided by a simple majority of the members present and voting.
- (2) Two third of members shall form a quorum at any meeting of the Council.
- (3) The Chairman shall, at any meeting of the Council, have a vote and, in the case of an equality of votes, may exercise a casting vote.
7. Subject as aforesaid, the Council may make standing orders with respect to the holding of meetings, the nature of notices to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.
8. If the Chairman of the Council is absent from a meeting of the Council, the members present shall elect one of their number to act as chairman for the purposes of the meeting.

Miscellaneous

9. Composition and Functions of Management Committee, School and Departmental Boards—
 - (a) (i) There shall be a Management Committee made up of all the Principal Officers of the Polytechnic, all Deans and Directors in the Polytechnic;
 - (ii) the Rector shall be the Chairman of the Management Committee; and
 - (iii) the Management Committee shall meet at least once in a month to discuss and take decisions on matters of general interest to the Polytechnic.
 - (b) (i) There shall be a School Board for each school in the Polytechnic made up of all the Academic Staff in that School;
 - (ii) the School Board deal with academic matters and any other matter of interest to the School or any matter assigned to it by the Council, the Rector or the Academic Board;
 - (iii) the Dean shall be the chairman of the School Board; and
 - (iv) the Dean shall be elected from among the Academic Staff not below the rank of Chief Lecturer in that School for a tenure of three years and not immediately renewable.
 - (c) (i) there shall be a Departmental Board for each Department in the Polytechnic made up of all the Academic Staff in that department;
 - (ii) the Departmental Board shall deal with academic matters and any other matter of interest to the Department;
 - (iii) the Head of Department shall be chairman of the Departmental Board; and
 - (iv) the Head of Department shall be elected from among the Academic staff not below the rank of Senior Lecturer in that department for a tenure of three years and not immediately renewable.

- (d) Where there is no qualified candidate for the position of Dean or Head of Department, the Rector shall appoint an Acting Dean not below the rank of Senior Lecturer or Acting Head of Department not below the rank of Lecturer I for a period of one year in the first instance and renewable once and no more.
- (e) Nothing in this Act shall prevent the management Committee and Boards from making supplementary rules to guide their proceedings provided such rules are not inconsistent with the provisions of this Act.
10. Establishment of the Congregation:
There shall be for the polytechnic, a Congregation made of both Academic and Senior Non-Teaching staff, who holds at least a first degree or its equivalent —
- (a) the Rector shall be the Chairman of the Congregation; and
- (b) the Congregation shall meet at least once in a year.
11. Any contract or instrument which if entered into by a person not being a body corporate would not be required to be under seal, may in like manner be entered into or executed on behalf of the Council by any person generally or specifically authorized by it for that purpose.
12. (1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting.
- (2) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman of the Council and some other member authorized generally or specifically by the Council to act for that purpose.
- (3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
13. Any member of the Council or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement.

Question that the provision in this schedule stand part of this Bill — Put and agree to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered Report of the Committee on Tertiary Institutions and TETFUND on the Federal Polytechnic Aba, Abia State (Establishment, Etc.) Bill, to Provide Full-time Courses in Technology, Applied Science, Management and Other Fields of Studies and to Make Provisions for the General Administration of Such Polytechnics and for Related Matters 2020 and approved as follows:

Clauses 1 - 29 — As Recommended

Schedule — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole —

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.

20. Federal Capital Territory Appropriation Act (Repeal and Enactment) Bill, 2020 (SB.539):

Motion made: That a Bill for an Act to authorize the issue from the Federal Capital Territory Administration Statutory Revenue Fund of the Federal Capital Territory Administration Account, the total sum of ₦189,512,094,100 (One Hundred and Eighty Nine Billion, Five Hundred and Twelve Million, Ninety Four Thousand, One Hundred Naira) only, of which the sum of ₦71,898,469,314.00 (Seventy One Billion, Eight Hundred and Ninety Eight Million, Four Hundred and Sixty Nine Thousand, Three Hundred and Fourteen Naira) only, is for Personnel Costs; and the sum of ₦55,691,319,788.00 (Fifty Five Billion, Six Hundred and Ninety One Million, Seven Hundred and Eighty Eight Naira) only, is for Overhead Costs; while the balance of ₦61,922,304,998.00 (Sixty One Billion, Nine Hundred and Twenty Two Million, Three Hundred and Four Thousand, Nine Hundred and Ninety Eight Naira) only, is for Capital Projects; for the service of the Federal Capital Territory Abuja, for the financial year commencing from 1st January and ending on 31st December, 2020 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Federal Capital Territory to report within one (1) week.

21. National Commission Against the Proliferation of Small Arms and Light Weapons (Establishment, etc.) Bill, (SB. 513):

Motion made: That a Bill for an Act to Establish the Nigeria National Commission Against the Proliferation of Small Arms and Light Weapons to coordinate and implement activities to combat the problem of the proliferation of small arms and light weapons in Nigeria inline with the Economic Community of West African States convention on Small Arms and Light Weapons, and for Related Matters be read the Second Time (*Senator Yahaya A. Abdullahi — Kebbi North*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on National Security and Intelligence to report within four (4) weeks.

22. Tertiary Education Trust fund Act 2007 (Establishment, etc.) Bill, (SB. 428):

Motion made: That a Bill for an Act to Amend the Tertiary Education Trust Fund Act 2007 and Other Matters Connected Therewith, 2020 be read the Second Time (*Senator Micheal O. Bamidele — Ekiti Central*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Tertiary Institutions and TETFUND to report within four (4) weeks.

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- 23. Federal University of Agriculture, Kabba (Establishment, etc.) Bill, (SB. 282):**
Motion made: That a Bill for an Act to Establish the Federal University of Agriculture, Kabba to make comprehensive provisions for its due management and administration and Other Related Matters, 2020 be read the Second Time (*Senator Smart Adeyemi — Kogi West*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Tertiary Institutions and TETFUND to report within four (4) weeks.

24. Motions:

- (a) *Need for the Re-Construction and Dualization of Kano - Dambatta - Kazaure - Daura - Niger Boarder Road:***

Consideration of Motion deferred to another Legislative Day.

- (b) *The Urgent Need for Priority Attention and Completion of the Yenegwe-Okaki-Kolo-Nembe-Brass Road in Bayelsa State:***

Consideration of Motion deferred to another Legislative Day.

- (c) *Approval for the restoration of two (2) State Constituencies from Ushongo State Constituency of Benue State and further approve the restoration of Agasha State Constituency from Guma State Constituency in compliance with the decisions of the Courts and Section 115 of the Constitution:***

Consideration of Motion deferred to another Legislative Day.

- (d) *Urgent Need for National Communication Commission to Curb the DSTV Act of Arbitrary Charges on Customers:***

Consideration of Motion deferred to another Legislative Day.

25. Adjournment:

Motion made: That the Senate do now adjourn till Tuesday, 1st December, 2020 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:42 p.m.

Ahmad Ibrahim Lawan, Ph.D, CON
President,
Senate of the Federal Republic of Nigeria.