



# SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

## VOTES AND PROCEEDINGS

Wednesday, 2nd December, 2020

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1. The Senate met at 10:49 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**  
The Senate examined the Votes and Proceedings of Tuesday, 1st December, 2020.

*Question was put and the Votes and Proceedings were approved.*

3. **Announcement:**  
**Wedding Invitation:**  
The President of the Senate read a letter from Senator Abba P. Moro (*Beneue South*) as follows:



**Senator Abba P. Moro**  
BENUE SOUTH SENATORIAL DISTRICT

December 1<sup>st</sup>, 2020

*The Senate President,  
Senate Building,  
National Assembly Complex,  
Three Arms Zone,  
Abuja.*

### **NOTIFICATION OF WEDDING: THERESA ONYEWU MORO**

*I write to formally, through you sir, inform my Distinguished colleagues of the wedding of my daughter, Theresa Onyewu Moro which comes up on Saturday, 5th December, 2020.*

2. *Though wedding notifications have been sent to my individual colleagues, I find it necessary, because of the importance the family attaches to your esteemed presence to further inform you that the wedding comes up on Saturday, 5th December, 2020 at Holy Name Parish, Ugbokolo.*

3. *Accommodation has been reserved at Leach Hotel, almost opposite the residence of Distinguished Senator David A.B. Mark, President of the 6th and 7th Senates.*

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4. Ugbokolo is an hour, thirty minutes (1hr, 30mins) drive away from Akanu Ibiam International Airport, Enugu, where vehicles have been provided to convey Distinguished Senators and guests. This is the easiest gateway for guests coming by air.

5. While the family and I look forward to receiving you, please, my distinguished colleagues, accept the assurances of my very warm regards.

(Signed)

**Sen. Abba Moro** D.Litt, FIAMN, FCPA

**4. Petition:**

Rising on Order 41, Senator Barinada Mpigi (*Rivers South- East*) drew the attention of the Senate to a petition by Mr. Ambrose Owuze, on behalf of his friend, Mr. Chris Nnabugo Akuzuruahu (a Nigerian citizen) who was abducted and imprisoned in Mozambique. 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 four (4) weeks.*

**5. Presentation of Bills:**

- (i) Finance Bill, 2020 (SB. 585) — *Read the First Time.*
- (ii) NDLEA Act CAP N30 LFN 2004 (Amendment) Bill, 2020 (SB. 582) — *Read the First Time.*
- (iii) Nation Wide Toll Bill, 2020 (SB. 583) — *Read the First Time.*
- (iv) FCT Borderline Communities Development Commission (Establishment) Bill, 2020 (SB. 584) — *Read the First Time.*
- (v) National Human Rights Commission Act CAP N46 2004 (Repeal & Enactment) Bill, 2020 (SB. 586) — *Read the First Time.*

**6. Finance Bill, 2020 (SB. 585):**

*Motion made:* Pursuant to Order 79(1), that a Bill for an Act to amend the Capital Gains Tax Act; Companies Income Tax Act; Personal Income Tax Act; Tertiary Education Trust Fund (Establishment) Act; Customs and Excise Tariff, etc (Consolidated) Act; Value Added Tax Act; Federal Inland Revenue Service (Establishment) Act; Nigeria Export Processing Zone Act; Oil and Gas Export Free Zone Act; Fiscal Responsibility Act; Companies and Allied Matters Act 2020; and Public Procurement Act in order to make further provisions in connection with Federal Government Financial Management; Public Revenue and Other Relevant Matters Connected Therewith, 2020 be read the Second Time (*Senate Leader*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committees on Finance; Customs and Excise; Trade and Investment; and Public Procurement to report within One (1) week.*

7. **University of Aerospace and Aeronautics Oka Akoko (Establishment) Bill, 2020 (SB.409):**  
*Motion made:* That a Bill for an Act to provide for the establishment of University of Aerospace and Aeronautics Oka Akoko and for matters of administration, discipline of students and for Other Connected Matters Therewith, 2020 be read the Second Time (*Senator Robert A. Boroffice — Ondo North*).

*Debate:*

*Question put and agreed to.*

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

8. **Federal Medical Centre Owutu Edda (Establishment) Bill, 2020 (SB. 295):**  
*Motion made:* That a Bill for an Act to provide for the Legal Framework to establish the Federal Medical Centre Owutu Edda and for Related Matters, 2020 be read the Second Time (*Senator Michael A. Nnachi — Ebonyi South*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee on Health (Secondary and Tertiary) to report within Four (4) weeks.*

9. **National Integrated Community Development Agency (Establishment) Bill, 2020 (SB.199):**

*Consideration of Bill deferred to another Legislative Day.*

10. **Committee on Tertiary Institutions and TETFUND:**  
***Report on the Federal University of Environmental Technology Saakpenwa, Tai Ogoni, Rivers State (Establishment) Bill, 2020 (SB. 200):***

*Motion made:* That the Senate do consider the Report of the Committee on Tertiary Institutions and TETFUND on the Federal University of Environmental Technology Saakpenwa, Tai Ogoni, Rivers State (Establishment) Bill, 2020 (*Senator Tolulope A. Odebiyi — Ogun West*).

*Question put and agreed to.*

*Report presented.*

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

*Question put and agreed to.*

#### **(SENATE IN THE COMMITTEE OF THE WHOLE)**

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL UNIVERSITY OF ENVIRONMENT AND TECHNOLOGY, SAAKPENWA, TAI Ogoni; AND FOR RELATED MATTERS, 2020.

PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE FEDERAL UNIVERSITY OF ENVIRONMENT AND TECHNOLOGY, SAAKPENWA, TAI Ogoni

**Clause 1: Establishment and Objectives of the University.**

(1) There is Established the Federal University of Environment and

Technology, Saakpenwa, Tai Ogoni (in this Bill, referred to as the "University").

- (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 Environmental Scientists and Technologists 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 in environment technology, environmental chemistry and of all related disciplines as ecology, hydrochemistry, waste water treatment, atmospheric chemistry and environmental microbiology., and to hold out to all persons without discrimination on 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 environmental technology, applied sciences on climate change and allied environmental and ecological related professional disciplines;
  - (c) to produce environmentally and ecologically mature technologists with capabilities not to only understand the environmental and ecology needs of Nigeria as a nation, but to also exploit existing technological infrastructure and improve on it to develop new ones to provide required solutions;
  - (d) to act as agents and catalysts for effective environmental and ecological technology system, through post graduate training, research and innovation, for effective economic utilization and for conservation of its immediate environment and the country's entire natural And human resources;
  - (e) to bring quality transformation in Environmental Science and Technology Education by focusing on practical teaching, research and learning innovations that add value;
  - (f) to collaborate with other national and international institutions involved in training, research and development of ecological and environmental technology solutions, with a view to promoting quality good governance, leadership and management skills among Environmental Scientists and Technologists;

- (g) to identify and promote the principles of sustainable development to represents an important part of the study curriculum with a special emphasis on its biological, chemical and technological aspects of environmental and ecological needs of the society, with a view to finding solutions to them within the

context of overall national development needs;

- (h) to provide and promote sound basic environmental and ecological technology training as a foundation for the development for development of Nigeria, taking into account indigenous environmental challenges, culture and the needs to enhance national response to ecological disasters;
- (i) to provide higher Education and foster a systematic advancement of knowledge that is oriented towards industrial toxicology, ecotoxicology, environmental analysis, decontamination technologies and assessment of environmental impacts;
- (j) to provide for instructions in such branches of Environmental Technology Education as it may deem necessary to provide for research, and for the dissemination of environmental knowledge as it may determine;
- (k) to prepare global experts that have excellent theoretical knowledge, practical skills and experience in basic natural scientific disciplines and related field of engineering with operational competence and knowledge in environmental protection, managing ecological and climate change problems;
- (l) to undertake any other activities that is appropriate for a University of Environment and Technology of the highest standard.

***Committee's Recommendation:***

That the provision of Clause 1 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *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 of Clause 2 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

**Clause 3: Powers of Federal University of Environmental Technology, Saakpenwa, Tai Ogoni, and its exercise**

- (1) For the carrying out of its objects as specified in section 1 of this Bill, the Federal University of Environmental Technology, Saakpenwa, Tai Ogoni shall have power:—
  - (a) to offer courses of instruction, training and research in Environmental Technology and allied areas for the production of quality and skilled technologists required at lower, middle and higher levels of manpower in Nigeria in particular and the world at large;
  - (b) to establish such Colleges, Campuses, Institutes, Schools, Departments and other Teaching and Research units within the University as may from time to time be deemed necessary or desirable subject to the approval of National Universities Commission;
  - (c) to institute Professorships, Readerships or Associate Professorships, Lectureships, and other posts and offices and to make appointments thereto;
  - (d) to institute and award Fellowships, Scholarships, Exhibitions, Bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
  - (e) to provide for the discipline and welfare of members of the University;

- (f) to hold examinations and grant Degrees, Diplomas, Certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;
- (g) to grant Honorary Degrees, Fellowships or academic titles;
- (h) to demand and receive from any student or any other person

attending the University for the 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, not being immediately required for current expenditure in any investments or securities or in the purchase or improvement of land, with power from time to time, to vary any such investments to deposit any moneys for the time being not invested with any bank on deposit or current account;
- (o) to borrow, whether on interest or not and if need be upon the security of any or all of the property, movable or immovable, of the University, such moneys as the Council may from time to time in its discretion find it necessary or expedient to borrow or 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 of Clause 3 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *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 of Clause 4 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

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

- (1) The Council of the University shall consist of:—
  - (a) the Pro-Chancellor who shall be 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;
    - i. the Teacher's Registration Council;
    - ii. Tertiary Education Trust Fund; and
    - iii. two other persons, one of whom shall be a representative of the University host community.
  - (e) four persons appointed by the Senate from among its members;
  - (f) two persons appointed by Congregation from among its members;
  - (g) one person appointed by Convocation from among its members;
  - (h) 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 of Clause 5 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *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 of Clause 6 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *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 of Clause 7 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *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 of Clause 8 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

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

**Clause 9: General fund of the University**

- (1) There shall be a general fund of the University which shall consist of the following:—
  - (a) grants-in-aid;
  - (b) fees;
  - (c) income derived from investments;
  - (d) gifts, legacies, endowments and donations not accepted for a particular purpose;

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- (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
- (2) The general fund shall be applied for the purposes of the University.

***Committee's Recommendation:***

That the provision of Clause 9 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *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 of Clause 10 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — 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 of Clause 11 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — 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 of Clause 12 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — 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 of Clause 13 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — 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 of Clause 14 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — 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 of Clause 15 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) —  
*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

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- (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 of Clause 16 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) —  
*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 pursuant to this section, to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it is related.

***Committee's Recommendation:***

That the provision of Clause 17 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) —  
*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:—
  - (a) that the student shall not, during such period as may be specified in the directions, participate in such activities of the University, or make use of such facilities of the University, as may be so specified, or
  - (b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified, or
  - (c) that the student be rusticated for such period as may be specified in the direction; or
  - (d) that the student be expelled from the University.
- (3) Where a direction is given under subsection (1)(c) or (d) of this section in respect of any student, that student may, within the prescribed period and in the prescribed manner, appeal to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be

made in the matter as the Council considers just either confirm or set aside the direction or modify it in such manner as the Council thinks fit.

- (4) The fact that an appeal from a direction is brought in pursuance 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; and
  - (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 of Clause 18 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) —  
*Agreed to.*

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

PART V— MISCELLANEOUS AND GENERAL

***Committee's Recommendation:***

That the provision of Clause 18 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) —  
*Agreed to.*

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

**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 of Clause 19 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) —

*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 of Clause 20 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) —  
*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 of Clause 21 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) —  
*Agreed to.*

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

**Clause 22: Appointment of committee, etc.**

- (1) Any body or 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 of Clause 22 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *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 of Clause 23 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *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**

- (1) 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.
- (2) Notwithstanding subsection (1) where the professor has not served up to retirement age, he shall be entitled to the rate of pension mentioned under subsection (1), provided that he has served a minimum of 20 years as a professor in a recognised University.
- (3) Where an academics joins a Nigerian University as a Professor, such a Professor shall have served continuously for at least 20 years in a recognised University.

***Committee's Recommendation:***

That the provision of Clause 24 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — 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, Registrar 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 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 any body 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.

***Committee's Recommendation:***

That the provision of Clause 26 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — Agreed to.

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

**Clause 26: Restriction of suits and execution**

- (1) Pre-Action Notice:—
- (a) No legal proceeding shall be instituted and/or commenced against the University or any of its agents in the course of their official duties unless a 3 months' Pre-Action Notice of such intention is served on the University by an aggrieved party;
  - (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;

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- (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.

*Service of Notices*

- (2) 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 of Clause 26 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

**Clause 27: Interpretation**

- (1) In this Bill —

"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;

"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;

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

"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 Environment and Technology, Saakpenwa, Tai Ogoni, established pursuant to section 1 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 of Clause 27 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — Agreed to.

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

**Clause 28: Short Title**

This Bill may be cited as the Federal University of Environment and Technology, Saakpenwa, Tai Ogoni, (Establishment, Etc.) Bill, 2020.

**Committee's Recommendation:**

That the provision of Clause 28 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — Agreed to.

*Question that Clause 28 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.

**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 the First schedule stand part of the Bill— Agreed to.*

**SECOND SCHEDULE***Transitional Provisions as to Property, Functions, Etc.***Transfer of Property to the 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

*Question that the provisions of the Second schedule stand part of the Bill— Agreed to.*

THIRD SCHEDULE

*Section 9 (3)*

*Federal University of Environmental Technology, Saakpenwa, Tai Ogoni*

**Statute No. 1**

**ARRANGEMENT OF ARTICLES**

**ARTICLES**

1. The Council.
2. The Finance and General Purposes Committee
3. The Senate
4. The Congregation
5. Convocation
6. Division of Colleges
7. College/School Boards
8. Dean of the College
9. Selection of certain Principal Officers
10. Creation of academic posts
11. Appointment of academic staff
12. Appointment of administrative and professional staff
13. Interpretation.
14. Short Title

**The Council**

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

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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;

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

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

**Gifts, donations, etc.**

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

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

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

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

**Payment into bank**

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

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

**Audit**

- 3. (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**

- 4. (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 May or 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) The "total of non-elected members" means in respect of 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**

5. (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 recognised 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.
- (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**

6. (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**

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

#### **College Boards**

8. (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**

9. (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**

10. (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**

11. (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**

12. 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**

13. 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**

14. (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; and
  - (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**

15. (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**

16. In this Statute, the expression "the Bill" means the Federal University of Environmental Technology, Saakpenwa, Tai Ogoni Bill and any word or expression defined in the Bill has the same meaning in this Statute.

**Short Title**

17. This Statute may be cited as the Federal University of Environmental Technology, Saakpenwa, Tai Ogoni Statute No. I.

*Question that the provisions of the Third schedule stand part of the 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 the Report of the Committee on Tertiary Institutions and TETFUND on the Federal University of Environmental Technology Saakpenwa Tai Ogoni, Rivers State (Establishment) Bill, 2020 and approved as follows:

Clauses 1 - 28 — 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.*

**11. Committee on Tertiary Institutions and TETFUND:  
Report on the Federal University of Agriculture and Technology Oke-Ogun, Oyo State  
(Establishment) Bill, 2020 (SB. 159):**

*Motion made: That the Senate do consider the Report of the Committee on Tertiary Institutions and TETFUND on the Federal University of Agriculture and Technology Oke-Ogun, Oyo State (Establishment) Bill, 2020 (Senator Tolulope A. Odebiyi — Ogun West).*

*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 FOR A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL UNIVERSITY OF AGRICULTURE AND TECHNOLOGY OKE-OGUN AND FOR OTHER MATTERS CONNECTED THEREWITH, 2020.

PART I - ESTABLISHMENT, CONSTITUTION, AND FUNCTIONS OF  
THE UNIVERSITY AND ITS CONSTITUENT BODIES, ETC.

**Clause 1: Incorporation and objects of the Federal University of Agriculture and Technology Oke-Ogun:**

1. There is established the Federal University of Technology Oke-Ogun (hereafter in this Bill referred to as "the University").
2. The University.
  - (a) shall be a body corporate with perpetual succession and a common seal;

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- (b) may sue and be sued in its corporate name.

3. The objects of the University shall be to:
  - (a) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring a higher and liberal education;
  - (b) provide courses of instruction and other facilities for the pursuit of learning in all its branches faculties, outfits and to make those facilities available on proper terms to such persons as are equipped to benefit from them;
  - (c) encourage and promote scholarship and conduct research in all fields of learning with emphasis on technical education;

- (d) relate its activities to the social, cultural and economic needs of the people of Nigeria; and
- (e) undertake any other activities appropriate for a university of the highest standard.

***Committee's Recommendation:***

That the provision in Clause 1 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *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 faculties, schools, 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; and
  - (j) all other persons who are members of the University in accordance with provision 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 therein mentioned.

- (3) Provision shall be made by Statute with respect to the Constitution of the following bodies, namely the Council, the Senate, Congregation and Convocation.

***Committee's Recommendation:***

That the provision in Clause 2 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

**Clause 3: Powers of the Federal University of Agriculture and Technology Oke-ogun, and its Exercise:**

- (1) For the carrying out of its objects as specified in section 1 of this Bill the University shall have power:
  - (a) to establish such campuses, colleges, faculties, institutes, schools, extra-mural departments and other teaching and research units within the University as it may from time to time seem necessary or desirable subject to the approval of the



National Universities Commission;

- (b) to institute professorships, readerships, lectureships and other posts and offices and to make appointments thereto;
- (c) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
- (d) to provide for the discipline and welfare of members of the University;
- (e) to hold examinations and grant degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;
- (f) to grant honorary degrees, fellowships or academic titles;
- (g) to demand and receive from any student or any other person attending the University for the purposes of instruction such fees as the University may from time to time determine, subject to the overall directives of the Minister;
- (h) to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate subject to section 21 of this Bill;
- (i) to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto;
- (j) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;

- (k) to erect, provide, equip and maintain libraries, laboratories, workshops, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary or suitable or convenient for any of the objects of the University;
- (l) to hold public lectures and to undertake printing, publishing and bookselling;
- (m) to invest any moneys appertaining to the University by way of endowment, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investments or securities or in the purchase or improvement of land, with power from time to time to vary any such investments, to deposit any moneys for the time being uninvested with any bank on deposit or current account subject to any limitations or conditions imposed by statute;
- (n) to borrow, whether on interest or not and if need be upon the security of any or all of the property movable or immovable of the University, such moneys as the Council may from time to

time in its discretion find it necessary to borrow or guarantee any loan, advances or credit facilities;

- (o) to make gifts for any charitable purpose;
  - (p) to arrange for the general welfare of children of members of staff;
  - (q) to do anything which it is authorised 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 any other manner which may be authorised by 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 Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

**Clause 4: 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) one person from the Ministry responsible for Agriculture;
- (f) three 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.
- (g) four persons appointed by the Senate from among its members;
- (h) two persons appointed by Congregation from among its members;

- (i) one person appointed by Convocation from among its members.
- (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 4 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

**Clause 5: Functions of the Chancellor and Pro-Chancellor:**

1. The Chancellor shall, in relation to the University, take precedence before all other members of the University, and when he is present shall preside at all meetings of convocation held for conferring degrees.
2. The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and 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 5 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *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 Purposes 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 auditors appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation; and that an annual report is published by the University together with certified copies of the said accounts as audited.
5. Subject to this Bill the statutes, the Council and the finance and general purposes committee may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.
6. Rules made under subsection (5) of this section by the finance and general purposes committee shall not come into force unless approved by the Council; and in so far and to the extent that any rules so made by that committee conflict with any directions given by the Council

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(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 of the Council, of the finance and general purposes committee and of any other committee set up by the Council respectively allowances in respect of traveling and other reasonable expenses, at such rates as may from time to time be fixed by the Council.
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 twenty-eight days after the receipt of such request call a meeting of the Council and the request 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 Tolulope A. Odebiyi — Ogun West*) — *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 to the provisions of this Bill relating to the Visitor, it shall be the general function of the Senate to organise and control the teaching

by the University, the admission 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, organisation and control of campuses, colleges, faculties, departments, schools, institutes and other teaching and research units of the University, and the allocation of responsibility for different branches of learning;
  - (b) the organisation and control of courses of study at the University and the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
  - (c) the award of degrees, and such other qualifications as may be prescribed, in connection with examinations held as aforesaid;
  - (d) the making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus;
  - (e) the establishment, organisation and control of halls or residence and similar institutions at the University;

- (f) the supervision of the welfare of students at the University and the regulation of their conduct;
  - (g) the granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University; and
  - (h) determining of what descriptions of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.
3. The Senate shall not establish any new campus, college, faculty, department, school, institute or other teaching and research units of the University, or any hall 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 regulation is authorised 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 a right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree,

diploma, or other award of the University which has been conferred upon him if after due enquiry he is shown to have been guilty of dishonourable or scandalous conduct in gaining admission into the University or obtaining that award.

***Committee's Recommendation:***

That the provision in Clause 7 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *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 16 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.

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- (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 Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC, TO THE UNIVERSITY AND  
CONDITION OF SERVICE OF EMPLOYEES

**Clause 9: General Fund of the University:**

- (1) There shall be a general fund of the University which shall consist of the following:
  - (a) grants-in-aid;
  - (b) fees;
  - (c) income derived from investments;
  - (d) gifts, legacies, endowments and donations not accepted for a particular purpose;
  - (e) income derived from the exercise of any functions conferred or imposed on the University by this Bill;
  - (f) any other amounts, charges or dues recoverable by the University;

- (g) revenue, from time to time, accruing to the University by way of subvention;
- (h) 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 Tolulope A. Odebiyi — Ogun West*) — *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 Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

PARTS III - STATUTES OF THE UNIVERSITY

**Clause 11: Power of University to make Statutes. Cap. 192:**

- 1. Subject to this Bill, the University may make statutes for any of the following purposes, that is to say:
  - (a) make provision with respect to the composition and constitution of any authority of the University;
  - (b) specify and regulate the powers and duties of any authority of the University, and regulate any other matter connected with the University or any of its authorities;
  - (c) regulate the admission of students where it is done by the University, and their discipline and welfare;
  - (d) determine 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 authorised or required by this Bill.

2. Subject to section 27 (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 27 (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.
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 Tolulope A. Odebiyi — Ogun West*) — *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. Cap. 192:**

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 before the other.
4. A statute which:
  - (a) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University; or
  - (b) provides for the establishment of a new campus or college or for the amendment or revocation of any statute whereby a campus or college is established, shall not come into operation unless it has been approved by the National Council of Ministers.
5. For the purposes 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 National Council of Ministers.

***Committee's Recommendation:***

That the provision in Clause 12 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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



**Clause 13: Proof of Statutes:**

A statute may be proved in any court by the production of a copy thereof bearing or having affixed to it a certificate purporting to be signed by the Vice-Chancellor or the Registrar to the 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 Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

**Clause 14: Power of Visitor to Decide Meaning of Statutes:**

1. In the event of any doubt or dispute arising at any time as to the meaning of any provision of a statute, the matter may be referred to the Visitor, who shall take such advice and make such decision thereon as he deems fit.
2. The decision of the Visitor on any matter referred to him under this section shall be binding upon the authorities, staff and students of the University, and where any question as to the meaning of any provision of a statute has been decided by the Visitor under this section, no question as to the meaning of that provision shall be entertained by any court of law in Nigeria.

Provided that nothing in this subsection shall affect any power of a 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.

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

***Committee's Recommendation:***

That the provision in Clause 14 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

PART IV - SUPERVISION AND DISCIPLINE

**Clause 15: The Visitor:**

1. The President shall be the Visitor of the University.
2. The Visitor shall as often as the circumstances may require, not being less than once every five years, conduct a visitation of the University or direct that such a visitation be conducted by such persons as the Visitor may deem fit and in respect of any of the affairs of the University.
3. It shall be the duty of the bodies and persons comprising the University:

- (a) to make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation; and
- (b) to give effect to any instructions consistent with the provisions of this Bill which may be given by the Visitor in consequence of a visitation.

***Committee's Recommendation:***

That the provision in Clause 15 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — Agreed to.

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

**Clause 16: Removal of Certain Members of Council:**

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

***Committee's Recommendation:***

That the provision in Clause 16 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — Agreed to.

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

**Clause 17: Removal of and Discipline of Academic, Administrative and Professional Staff:**

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic or administrative or professional staff of the University other than the Vice-Chancellor, should be removed from his office or employment on the ground of misconduct or of inability to perform the functions of his office or employment the Council shall:
  - (a) give notice of those reasons to the person in question;
  - (b) afford him an opportunity of making representations in person on the matter to the Council; and
  - (c) if he or any three members of the Council so request within the period of one month beginning with the date of the notice, make arrangements for:
    - i. a joint Committee of the Council and the Senate to investigate the matter and to report on it to the Council, or

- ii. 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 staff which in the opinion of the Vice-Chancellor is prejudicial to the interests of the University, suspend such member and any such suspension shall forthwith be reported to the Council.
3. For good cause, any member of staff may be suspended from his duties or his appointment may be terminated by Council; and for the purposes of this subsection "good cause" means:
  - (a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office; 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.
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 to:
  - (a) whether to continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him);
  - (b) whether to reinstate such person in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
  - (c) whether to terminate the appointment of the person concerned, in which case such a person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; 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; 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 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 to subsection (1) above to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

6. Nothing in the foregoing provisions of this section shall prevent the Council from making regulations for the discipline of other categories of staff and workers of the University as may be prescribed.

***Committee's Recommendation:***

That the provision in Clause 17 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

**Clause 18: Removal of Examiners:**

1. If on the recommendation of the Senate, it appears to the Vice-Chancellor that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then except in such cases as may be prescribed, he may, after affording the examiner an opportunity of making representation in person on the matter to the Vice-Chancellor, remove the examiner from the appointment by an instrument in writing signed by the Vice-Chancellor and, subject to the provisions of regulations made in pursuance of section 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 this subsection.
2. It shall be the duty of the Vice-Chancellor, on signing an instrument of removal in pursuance of this section, to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

***Committee's Recommendation:***

That the provision in Clause 18 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

**Clause 19: 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:

- (a) the student shall not, during such period as may be specified in the direction, participate in such activities of the University, or make use of such facilities of the University, as may be so specified; or
  - (b) the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified; or
  - (c) the student be rusticated for such period as may be specified in the direction; or
  - (d) the student be, expelled from the University.
3. Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, 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 thinks fit.
  4. The fact that an appeal from a direction is brought in pursuance of the last foregoing subsection shall not affect the operation of the direction while the appeal is pending.
  5. 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.
  6. Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University otherwise than on the ground of misconduct.
  7. A direction under subsection (1) (a) of this section may be combined with a direction under subsection 1 (b) of this section.

***Committee's Recommendation:***

That the provision in Clause 19 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — Agreed to.

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

PART V - MISCELLANEOUS AND GENERAL

**Clause 20: Exclusion of Discrimination on Account of Race, Religion, etc:**

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

Notwithstanding the above provision, the University shall have power to justify such in the national interest.

***Committee's Recommendation:***

That the provision in Clause 20 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

**Clause 21: Restriction on Disposal of Land by University, Cap. 202:**

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 Minister:

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

***Committee's Recommendation:***

That the provision in Clause 21 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

**Clause 22: Quorum and Procedure of Bodies Established by this Bill:**

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

***Committee's Recommendation:***

That the provision in Clause 22 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

**Clause 23: Appointment of Committees, etc:**

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

- (a) to exercise, on its behalf, such of its functions as it may determine; and
- (b) to co-opt members, and may direct whether or not co-opted members (if any) shall be entitled to vote in that committee.

2. Any two or more such bodies may arrange for the holding of joint meetings of those bodies, or for the appointment of committees consisting of members of those bodies, for the purpose of considering any matter within the competence of those bodies or any of them, and either 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 foregoing provisions of this section shall be construed as:
  - (a) enabling statutes to be made otherwise than in accordance with section 13 of this Bill; or
  - (b) enabling the Senate to empower any other body to make regulations or to award degrees or other qualifications.
5. The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council (other than a committee appointed to inquire into the conduct of the officer in question); and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

***Committee's Recommendation:***

That the provision in Clause 23 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

**Clause 24: Retiring age of Academic Staff:**

- (1) Notwithstanding anything to the contrary in the Pension Act, the compulsory retiring age of the following categories of staff shall be as follows:
  - (a) Academic staff of the University in the non-Professorial cadre shall be 65 years;
  - (b) Academic staff of the University in the Professorial Cadre shall be 70 years;
  - (c) Non-academic staff of the University shall be 65 years.
- (2) A law or rule requiring a person to retire from the public service after serving for 35 years shall not apply to an academic staff of the University.

***Committee's Recommendation:***

That the provision in Clause 24 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) — *Agreed to.*

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

**Clause 25: Special Provisions relating to Pension of Professors:**

An academic staff of the University who retires as a Professor in the University shall be entitled to pension at a rate equivalent to his annual salary provided that the Professor has served continuously in the University up to the retirement age.

That the provision in Clause 25 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) —  
*Agreed to.*

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

**Clause 26: Miscellaneous Administrative Provisions. Cap. 192:**

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, Registrar or any other person authorized by statute.
2. Any document purporting to be a document executed under the seal of the University shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
3. Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the University by any person generally or specially authorized to do so by the Council.
4. The validity of any proceedings of any a body 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 proceedings.
5. Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith disclose his interest to the body and shall not vote on any question relating to that matter.
6. Nothing in section 12 of the Interpretation Act (which provides for the application, in relation to subordinate legislation, of certain incidental provisions) shall apply to statutes or regulations made in pursuance of this Bill; but the power conferred by this Bill 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.
7. No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 11 and 22 of this Bill or the Second Schedule to this Bill.
8. 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.

***Committee's Recommendation:***

That the provision in Clause 26 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) —  
*Agreed to.*

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

**Clause 27: Interpretation:**

1. In this Bill, unless the context otherwise requires:  
"campuses" means any campus which may be established by the University;



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

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

"graduate" means a person on whom a degree (other than an honorary degree) has been conferred by the University;

"Minister" means the Minister charged with responsibility for 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 provision made in that behalf by statute or by regulations;

"property" includes rights, liabilities and obligations;

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

"statute" means the statute of the University under section 11 of this Bill and in accordance with the provisions of section 13 of this Bill, and "the statute" means all such statutes as are in force from time to time;

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

"undergraduate" means a person in statu pupillari at the University, other than:

(a) a graduate; and

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

"University" means the Federal University of Technology and Agriculture as incorporated and constituted by this Bill.

2. Where in any provision of this Bill it is laid down that proposals are to be submitted or a recommendation is to be made by one authority to another through one or more intermediate authorities, it shall be the duty of every such intermediate authority to forward any proposals or recommendations received by it in 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 27 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) —  
*Agreed to.*

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

**Clause 28: Short Title:**

This Bill may be cited as the Federal University of Technology and Agriculture Oke- Ogun Bill, 2020.

**Committee's Recommendation:**

That the provision in Clause 28 be retained (*Senator Tolulope A. Odebiyi — Ogun West*) —  
*Agreed to.*

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

SCHEDULES  
FIRST SCHEDULE

[Section 2]

PRINCIPAL OFFICERS OF THE UNIVERSITY

**The Chancellor**

1. The Chancellor shall be appointed by the President.
2.
  - i. The chancellor shall hold office for a period of five years.
  - ii. If it appears to the Visitor, that the chancellor should be removed from his office on the ground of misconduct or of inability to perform the functions of his office, the Visitor may by notice in the Federal Gazette remove the Chancellor from office.

**The Pro-Chancellor**

3.
  - i. The Pro-Chancellor shall be appointed or removed by the President on the recommendation of the Minister.
  - ii. Subject to the provisions of this Bill, the Pro-Chancellor shall hold office a period of four years beginning with the date of his appointment.

**The Vice-Chancellor**

4.
  - i. Subject to the provisions of this paragraph, the Vice-Chancellor shall be appointed or removed from his office by the President after consultation with the University Council.
  - ii. The Vice-Chancellor shall hold office for a single term of five years only on such terms and conditions as maybe specified in his letter of appointment.
  - iii. Subject to this paragraph, the Vice-Chancellor shall hold office on such terms as to emoluments and otherwise as may be specified in his instrument of appointment.

**Other Principal Officers of the University**

5.
  - i. There shall be a Registrar, who shall be the chief administrative officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administrative work of the University except as regards matters for which the Bursar is responsible in accordance with subparagraph (3) of this Schedule.

- ii. The person holding the office of Registrar shall by virtue of that office be Secretary to the Council, the Senate, Congregation and Convocation.
- iii. There shall be a Bursar, who shall be the Chief Financial Officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administration and control of the financial affairs of the University.
- iv. There shall be a Librarian who shall be responsible to the Vice-Chancellor for the administration of the University library and the co-ordination of all library service in the University and its campuses, colleges, faculties, schools, departments and institutes and other teaching or research units.

- v. The Officers aforesaid shall be appointed in such manner as may be specified by statute and shall hold office for such period and on such terms as to the emoluments of their offices and otherwise as may be specified.
- vi. Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.

**Resignation and Re-Appointment**

- 6. i. Any officer mentioned in the foregoing provisions of this Schedule may resign his office:
  - (a) in the case of the chancellor, by notice to the President; and
  - (b) in any other case, by notice to the Council and the Council shall immediately notify the Minister in the case of the Vice-Chancellor.
- ii. Subject to paragraph 4 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

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

SECOND SCHEDULE

*[Section 9 (3)]*

FEDERAL UNIVERSITY OF TECHNOLOGY AND AGRICULTURE OKE-OGUN (ESTABLISHMENT) BILL, 2020

*Statute No. 1*

*Arrangement of Articles*

*Articles*

- 1. The Council.
- 2. The Senate.
- 3. Congregation.
- 4. Convocation.
- 5. Organisation of Academic Work of the University.
- 6. The Dean of the Faculty.
- 7. Selection of certain Principal Officers.
- 8. Creation of academic posts.
- 9. Appointments of academic staff.
- 10. Appointment of Administrative and Professional Staff.
- 11. Interpretation.

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**Wednesday, 2nd December, 2020**

**No. 26**

- 12. Short Title.

The Council

- 1. (1) The Council shall consist of-
  - (a) the Pro-Chancellor;
  - (b) the Vice-Chancellor and the Deputy Vice-Chancellor;
  - (c) six persons representing a variety of interests and broadly representative of the whole Federation appointed by the National Council of Ministers.
  - (d) four persons appointed by the Senate from among the members of that body;
  - (e) one person appointed by congregation from among the members of that

- body;
- (f) one person appointed by convocation from among the members of that body;
  - (g) the Permanent Secretary, Federal Ministry of Education or, in his absence, such member of his Ministry as may be designated to represent him; and
  - (h) one person to represent the Armed Forces of the Federation and the Police Force.
- (2) Any member of the Council holding office other than in pursuance of paragraph (1) (a), (b), (g) or (h) of this article may, by notice to the Council, resign his office.
  - (3) A member of the Council holding office other than in pursuance of paragraph (1) (a), (b), (g) or (h) of this article shall, unless he previously vacates it, vacate that office on the expiration of the period of four years beginning with effect from the 1st of August in the year in which he was appointed.
  - (4) Where a member of the Council holding office otherwise than in pursuance of paragraph (1) (a), (b), (g) or (h) of this article 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 the 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 paragraph (1) (c), (f), (g) and (h) of this article.
  - (7) If the Pro-Chancellor is not present at a meeting of the Council such other member of the Council present at the meeting as the Council may appoint as respects that meeting shall be the chairman at that meeting, and subject to section 4 of the 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, it may co-opt not more than two persons for that purpose; and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.
- 2. (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 the Deputy Vice-Chancellor;
    - (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 Council by the congregation;
    - (d) the Permanent Secretary, Federal Ministry of Finance or, in his absence, such member of his Ministry as may be designated 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.

The Senate

3. (1) The Senate shall consist of-
  - (a) the Vice-Chancellor and the Deputy Vice-Chancellor;
  - (b) the Deans of the several faculties;
  - (c) the Directors of the several institutes;
  - (d) the Professors;
  - (e) the Librarian;
  - (f) the persons for the time being holding such appointments on the staff of the University as may be specified by the Vice-Chancellor; and
  - (g) such teachers (of seniors lecturer rank and above and not being more than two in respect of each faculty) as may be elected from among the members of each faculty, the total number thereto to be determined from time to time by the Senate; and
  - (h) such persons, not exceeding two in number, whether or not members of the University, as may be appointed by the Senate to be members of the Senate.
- (2) The Vice-Chancellor shall be the Chairman at all meetings of the Senate when he is present; and in his absence such other member of the Senate present at the meeting as the Senate may appoint for that meeting, shall be the Chairman at the meeting.

- (3) The quorum of the Senate shall be one-quarter (or the nearest whole number less than one-quarter); and subject to paragraph (2) of this article, the Senate may regulate its own procedure.
- (4) An elected member may, by notice to the Senate, resign his office.
- (5) Subject to paragraph (7) of this article, there shall be elections for the selection of elected members which shall be held in the prescribed manner on such day in the month of May or June in each year as the Vice-Chancellor may from time to time determine.
- (6) An elected member shall hold office for a period of two years beginning with 1st August in the year of his election, and may be a candidate at any election held in pursuance of paragraph (5) above 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 would have held office as an elected member for a continuous period of six years or would have so held office if he had not resigned it.
- (7) No election shall be held in pursuance of this article in any year if the number specified in the certificate given in pursuance of paragraph(9) of this article does not exceed by more than the figure which is thrice the number of those elected

members holding office on the date of the certificate who do not vacate office during that year in pursuance of paragraph (6) of this article;

No person shall be precluded from continuing in or taking office as an elected member by reason only of a reduction in the total of non-elected members occurring on or after 30th April in any year in which he is to continue in or take office as an elected member.

- (8) If so requested in writing by any ten members of the Senate, the vice- Chancellor, or in his absence a person duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.
- (9) The "total of non-elected members" means, in respect of any year, such number as may be certified by the Vice-Chancellor on the 30 April of that year to be the number of persons holding office as members of Senate on that day.

#### Congregation

4. (1) Congregation shall consist of-
  - (a) the Vice-Chancellor;
  - (b) the full time members of the academic staff;
  - (c) the Registrar;
  - (d) the Bursar; and
  - (e) every member of the administrative staff who holds a degree of any university recognised for the purposes of this statute by the Vice-Chancellor, not being an honorary degree.

- (2) Subject to section 4 of the Bill, the Vice-Chancellor shall be the Chairman at all meetings of congregation when he is present; and in his absence such other member of congregation present at the meeting as congregation may appoint for that meeting, shall be the Chairman at the meeting.
- (3) The quorum of the congregation shall be one-third (or the whole number nearest to one-third) of the total number of members of the congregation or fifty, whichever is less.
- (4) A certificate signed by the Vice-Chancellor specifying-
  - (a) the total number of members of congregation for the purposes of any particular meeting or meetings of congregation; or
  - (b) the names of the persons who are members of congregation during a particular period; shall be conclusive evidence of that number or, as the case may be, of the names of those persons.
- (5) Subject to the foregoing provisions of this article, congregation may regulate its own procedure.
- (6) Congregation shall be entitled to express by resolution or otherwise its opinion on all matters affecting the interest and welfare of the University and shall have such other functions in addition to the function of electing a member of the Council, as may be provided by statute or regulations.

## Convocation

5. (1) Convocation shall consist of-
- (a) the officers of the University mentioned in the First Schedule to the Bill;
  - (b) all teachers within the meaning of the Bill; and
  - (c) all other persons whose names are registered in accordance with paragraph (2) of this article.
- (2) A person shall be entitled to have his name registered as a member of convocation if-
- (a) he is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
  - (b) he applies for the registration of his name in the prescribed manner and pays the prescribed fees;
- regulations shall provide for the establishment and maintenance of a register for the purposes of this paragraph and, subject to paragraph (3) below, may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.
- (3) The person responsible for maintaining the register shall, without the payment of any fees, ensure that the names of all persons who are for the time being members of convocation by virtue of paragraph (1) (a) or (b) of this article are entered and retained on the register.

- (4) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register, or a copy of the register at the principal offices of the University at all reasonable times.
- (5) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is, and that any person not named therein is not, a member of convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that shall be disregarded.
- (6) The quorum of convocation shall be fifty or one-third (or the whole number nearest to one-third) of the total number of members of convocation, whichever is less.
- (7) Subject to section 4 of the Bill, the Vice-Chancellor shall be Chairman at all meetings of convocation when he is present, and in his absence the Deputy Vice Chancellor shall be the Chairman at the meeting.
- (8) Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by statute.

## Organisation of Academic Work of the University

6. Each faculty shall be divided into such number of branches as may be prescribed.
7. (1) There shall be established in respect of each faculty a faculty board, which, subject to the provisions of this Statute, and subject to the directions of the Vice-Chancellor, shall-
- (a) regulate the teaching and study of, and the conduct of examinations

- connected with, the subjects assigned to the faculty;
- (b) deal with any other matter assigned to it by the statute or by the Vice-Chancellor or by the Senate; and
  - (c) advise the Vice-Chancellor or the Senate on any matter referred to it by the Vice-Chancellor or the Senate.
- (2) Each faculty board shall consist of-
    - (a) the Vice-Chancellor;
    - (b) the persons severally in charge of the branches of the faculty;
    - (c) such of the teachers assigned to the faculty and having the prescribed qualifications as the board may determine; and
    - (d) such 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 (which is greater) of the members for the time being of the board; and subject to the provisions of this statute and to any provisions made by regulations in that behalf, the board may regulate its own procedure.

#### The Dean of the Faculty

8. (1) The dean of a faculty shall be a professor elected by the faculty board and each dean shall hold office for four years. He will be eligible for re-election for another term of two years after which he may not be elected again until two years have elapsed.

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- (2) If there is no Professor in a faculty, the Office of the Dean of the faculty shall be held in rotation by members of the faculty holding the ranks of Reader or Senior Lecturer on the basis of seniority as determined by the statute.
- (3) The Dean shall be the Chairman at all meetings of the faculty board when he is present and he shall be a member of all committees and other boards appointed by the faculty.
- (4) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty. It shall be the function of the Dean to present to convocation for the conferment of Degrees to persons who have qualified for the degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.
- (5) There shall be a Committee to be known as the Committee of Deans consisting of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the University Council by Senate.
- (6) The Dean of a faculty may be removed from office for good cause by the faculty board after a vote would have been taken at a meeting of the board, and in the event of a vacancy occurring following the removal of a Dean, an Acting Dean may be appointed by the Vice-Chancellor provided that at the next faculty board meeting an election shall be held for a new Dean.
- (7) In this article, "good cause" has the same meaning as in section 15 (3) of the Bill.

#### Selection of Certain Principal Officers

9. (1) When a vacancy occurs in the office of the Registrar, Bursar, Librarian, or



Director of works, a selection board shall be constituted by the Council and shall consist of-

- (a) the Pro-Chancellor;
- (b) the Vice-Chancellor;
- (c) two members appointed by the Council, not being members of the Senate; and
- (d) two members appointed by the Senate.

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

#### Creation of Academic Posts

10. Recommendations for the creation of posts other than those mentioned in article 9 of this Statute shall be made by the Senate to the Council through the finance and general purposes committee.

#### Appointment of Academic Staff

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

#### Appointment of Administrative and Professional Staff

12. (1) The Administrative and Professional staff of the University other than those mentioned in article 9 of this Statute, shall be appointed by the Council or on its behalf by the Vice-Chancellor or the Registrar in accordance with any delegation of powers made by the Council in that behalf.
- (2) In the case of Administrative or Pprofessional staff who have close and important contacts with the academic staff, there shall be Senate participation in the process of selection.

#### Interpretation

13. In this Statute, the expression "the Bill" means the Federal University of Agriculture and Technology, Oke-Ogun Bill and any expression defined in the Bill has the same meaning in this Statute.

#### Short Title

14. The Statute may be cited as Federal University of Agriculture and Technology, Oke-Ogun Statute No. 1.

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

Chairman to report Bill.

### (SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Tertiary Institutions and TETFUND on the Federal University of Agriculture and Technology Oke-Ogun, Oyo State (Establishment) Bill, 2020 and approved as follows:

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

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

*Question put and agreed to.*

*Bill accordingly Read the Third Time and Passed.*

**12. Motions:**

**(a) *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:***

*Motion made:* That the Senate notes the decision of the Federal High Court Abuja on the 13th of January 2005 in the case of Ushongo Local Government vs. INEC suit No. FHC/ABJ/CS/562/2004 which ordered the Independent National Electoral Commission to restore the suppressed Mata and Mbagwa State Constituencies in Ushongo Local Government Area of Benue State;

*further notes*, that the decision of the Supreme Court on the 10/10/2018 in the case of INEC vs. GUMA LGA and 2 Ors suit No. SC/195/2016 wherein the apex court affirmed the decision of the Court of Appeal delivered on 16/06/2015 in suit No.CA/MK/137/2012 on the immediate restoration of Agasha State Constituency in Guma Local Government of Benue State;

*recalls*, that sequel to the said decisions of the Federal High Court and that of the Supreme Court on the restoration of the Mata, Mbagwa and Agasha State Constituencies respectively, and upon the request of INEC, the House of Representatives and the Senate on 14th May, 2019; 21st May, 2019; and 28th May, 2019 at the twilight of the 8th National Assembly respectively passed a concurrent resolution unanimously approving the restoration of two State Constituencies of Mata and Mbagwa from Ushongo, and the restoration of Agasha State Constituency from Guma Local Government Area of Benue State in compliance with the orders of the Courts and the provision of Section 115 of the Constitution of the Federal Republic of Nigeria, 1999, as amended;

*recalls further*, that due to the dissolution of the 8th National Assembly, its concurrent resolution on the restoration of the two suppressed state constituencies from Ushongo State Constituency and the restoration of Agasha State Constituency from Guma Local Government could not be transmitted to INEC for implementation hence the need for another resolution to approve the exercise as ordered by the Courts and in compliance with Sections 91 and 115 of the 1999 Nigerian Constitution; and

*observes*, that the delay in complying with the order of the Federal High Court in Suit No FHC/ABJ/CS/562/2004 and that of the Supreme Court in Suit No.SC/195/2016 on the restoration of Mata and Mbagwa State Constituencies from Ushongo State Constituency and Agasha State Constituency from Guma State Constituency of Benue State is a serious constitutional aberration against the spirit of Section 91 and 115 of the 1999 Nigerian constitution and has over the years unjustly denied the people of Mata, Mbagwa and Agasha of their due representation in the Benue State House of Assembly.

*Accordingly resolves to:*

(i) approve the restoration of Mata State Constituency from Ushongo State

Constituency as directed by the Federal High Court comprising:

- i. Ikov (2);
- ii. Mbagba (07);
- iii. Mbagwaza (08);
- iv. Mbayegh (10);
- v. Utange (11).

(ii) approve the restoration of Mbagwa State Constituency from Ushongo State Constituency as directed by the Federal High Court comprising:

- i. Artikyese (01);
- ii. Lessel (03);
- iii. Mbaaka (04);
- iv. Mbaanyam (05);
- v. Mbaawe (06); and
- vi. Mbakuha (09).

(iii) approve the restoration of Agasha State Constituency by altering the boundaries of the current Guma State Constituency to create two State constituencies namely: Agasha State Constituency comprising Sagheo, Ndzorov, Kaambe and Abinsi council wards, and Guma State Constituency comprising Uvir, Mbaduiem, Mbabai, Mbawa, Nyiev and Mbayer/Yandev council wards;

(iv) urge the Independent National Electoral Commission to comply with this resolution to ensure the restoration of Mata and Mbagwa State Constituencies from Ushongo State and the restoration of Agasha State Constituency from Guma State Constituency takes effect in the next State Houses of Assembly election after the current life of the Benue State House of Assembly in compliance with Section 115 of the Constitution of the Federal Republic of Nigeria, 1999, as amended;

(v) seek the concurrence of the House of Representatives in line with Section 115 of the Constitution of the Federal Republic of Nigeria, 1999, as amended (*Senator Gabriel T. Suswam — Benue North East*).

*Debate:*

***Proposed Resolution (i):***

*Question:* That the Senate do approve the restoration of Mata State Constituency from Ushongo State Constituency as directed by the Federal High Court comprising:

- i. Ikov (2);
- ii. Mbagba (07);
- iii. Mbagwaza (08);
- iv. Mbayegh (10);
- v. Utange (11) — *Agreed to.*

***Proposed Resolution (ii):***

*Question:* That the Senate do approve the restoration of Mbagwa State Constituency from Ushongo State Constituency as directed by the Federal High Court comprising:

- i. Artikyese (01);
- ii. Lessel (03);
- iii. Mbaaka (04);
- iv. Mbaanyam (05);
- v. Mbaawe (06); and
- vi. Mbakuha (09) — *Agreed to.*

***Proposed Resolution (iii):***

*Question:* That the Senate do approve the restoration of Agasha State Constituency by

altering the boundaries of the current Guma State Constituency to create two State constituencies namely: Agasha State Constituency comprising Sagheo, Ndzorov, Kaambe and Abinsi council wards, and Guma State Constituency comprising Uvir, Mbaduiem, Mbabai, Mbawa, Nyiev and Mbayer/Yandev council wards — *Agreed to.*

***Proposed Resolution (iv):***

*Question:* That the Senate do urge the Independent National Electoral Commission to comply with this resolution to ensure the restoration of Mata and Mbagwa State Constituencies from Ushongo State and the restoration of Agasha State Constituency from Guma State Constituency takes effect in the next State Houses of Assembly election after the current life of the Benue State House of Assembly in compliance with Section 115 of the Constitution of the Federal Republic of Nigeria, 1999, as amended — *Agreed to.*

***Proposed Resolution (v):***

*Question:* That the Senate do seek the concurrence of the House of Representatives in line with Section 115 of the Constitution of the Federal Republic of Nigeria, 1999, as amended — *Agreed to.*

*Resolved:*

That the Senate do:

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- (i) approve the restoration of Mata State constituency from Ushongo State Constituency as directed by the Federal High Court comprising:
  - i. Ikov (2);
  - ii. Mbagba (07);
  - iii. Mbagwaza (08);
  - iv. Mbayergh (10);
  - v. Utange (11).
- (ii) approve the restoration of Mbagwa State Constituency from Ushongo State Constituency as directed by the Federal High Court comprising:
  - i. Artikyese (01);
  - ii. Lessel (03);
  - iii. Mbaaka (04);
  - iv. Mbaanyam (05);
  - v. Mbaawe (06); and
  - vi. Mbakuha (09).
- (iii) approve the restoration of Agasha State Constituency by altering the boundaries of the current Guma State Constituency to create two State constituencies namely: Agasha State Constituency comprising Sagheo, Ndzorov, Kaambe and Abinsi council wards, and Guma State Constituency comprising Uvir, Mbaduiem, Mbabai, Mbawa, Nyiev and Mbayer/Yandev council wards;
- (iv) urge the Independent National Electoral Commission to comply with this resolution to ensure the restoration of Mata and Mbagwa State Constituencies from Ushongo State and the restoration of Agasha State Constituency from Guma State Constituency takes effect in the next State Houses of Assembly election after the current life of the Benue State House of Assembly in compliance with Section 115 of the Constitution of the Federal Republic of Nigeria, 1999, as amended;
- (v) seek the concurrence of the House of Representatives in line with Section 115 of the Constitution of the Federal Republic of Nigeria, 1999, as amended (*S/Res/046/02/20*).

**Extension of Time:**

*Motion made:* That the Senate do sit this day beyond the time appointed for the termination of the Sitting of the Senate (Order 13) (*Senate Leader*).

*Question put and agreed to.*

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

*Motion made:* That the Senate notes that road infrastructure is very critical for economic and commercial development of any developing economy;

*further notes,* that the Kano - Dambatta - Kazaure - Daura - road is a very important gateway that connects the North Western part of the country to neighbouring Niger Republic;

*observes,* that the volume of traffic on the road which has led to congestion thereby slowing down the free flow of vehicular movement has become a source of worry to drivers and commuters alike;

*concerned* that travel time on the road has tripled owing to the narrow nature of the road with its attendant traffic resulting to a slow-down of commercial activities as well as movement of goods;

*disturbed* that armed robbers, taking advantage of the narrowness and non-dualization state of the road have become a law unto themselves, ambushing, robbing, dispossessing and killing commuters at will;

*notes* that the state of the road requires immediate reconstruction and dualization to reduce the unacceptable level of accidents and robbery on the road; and

*notes* that the importance of the road lies not only on the fact that it is a gateway to our neighbouring country, but also of its importance as the commercial, agricultural and other economic viability, especially the evacuation of agricultural and industrial produce which these cities have in abundance.

*Accordingly resolves to:*

- (i) urge the Federal Ministry of Works and Housing to designate the road for immediate re-construction and dualization; and
- (ii) urge the Federal Government to allocate adequate funds in the 2021 budget, for the reconstruction and dualization of the Kano - Dambatta - Kazaure - Daura road (*Senator Jibrin I. Barau — Kano North*).

*Debate:*

***Proposed Resolution (i):***

*Question:* That the Senate do urge the Federal Ministry of Works and Housing to designate the road for immediate re-construction and dualization — *Agreed to.*

***Proposed Resolution (ii):***

*Question:* That the Senate do urge the Federal Government to allocate adequate funds in the 2021 budget, for the reconstruction and dualization of the Kano - Dambatta - Kazaure - Daura road to the Niger border — *Agreed to.*

*Resolved:*

That the Senate do:

- (i) urge the Federal Ministry of Works and Housing to designate the road for immediate re-construction and dualization; and
- (ii) urge the Federal Government to allocate adequate funds in the 2021 budget, for

the reconstruction and dualization of the Kano - Dambatta - Kazaure - Daura road to the Niger border (*S/Res/047/02/20*).

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

*Motion made:* That the Senate notes that the Federal Government of Nigeria has had the Yenegwe-Okaki-Kolo-Nembe-Brass Road project on the drawing board from the colonial era and eventually appropriated funds for its construction in the 1973 Budget proposal coded F227;

*aware* that the Yenegwe-Okaki-Kolo-Nembe-Brass Road alignment leads to Communities such as Ogbia, Nembe (Bassambiri), Nembe (Ogbolomabiri), Okpoma, Twon Brass, Egwema etc. in Ogbia, Nembe and Brass LGAs respectively;

*further aware* that these Communities play host to Federal Government oil and gas critical assets of high Strategic National economic interests;

*reminded specifically,* of the presence of Nigeria Agip Oil Company multi-billion dollars oil export terminal and tank farm as well as Brass LNG project; the multi-billion dollars Brass fertilizer and petro chemical project in and around Brass Island besides Oloibiri, Bassambiri-Santa Babara, Nembe Creek SPDC oil fields all located along the main alignment of this road;

*notes,* that Brass oil and gas city project is proposed to position Nigeria as a leading hub for downstream oil and gas industrial and manufacturing activities in Africa and the world; and Brass is the terminal location of the Yenegwe-Okaki-Kolo-Nembe-Brass Road;

*worried,* that absence of good roads in this area had negatively affected our foreign exchange earnings and national revenue. The fluctuations in oil production is attributable among other factors to the complex challenges bordering on surveillance and security of pipelines and other oil installations located in the swampy mangrove terrain with crisscrossing rivulets, tributaries, rivers and large bodies of water which empty into the Atlantic ocean. This situation has implication of threat to our National Security;

*further worried,* that the Federal Government loses several millions of Petro dollars on account of the non-completion of the Yenegwe-Okaki-Kolo-Nembe-Brass Road;

*disturbed,* that over the years, the attention of Government and occasional paltry budgetary provisions had never matched the socio-economic value derivable from the road when completed. Apparently, the five hundred and thirty five million, eight hundred thousand naira provided for the project by the Federal Ministry of Works and Housing in the 2020 budget can be likened to a drop of water in an ocean; and

*convinced,* that if this road is given priority attention and completed it will serve as a main supply route to the Nigerian Naval Base at Egwema and other Military formations on the alignment of this road with the strategic benefits of effectively enforcing coordinated surveillance and security in the Central Niger Delta region where major oil and gas national critical assets are situated.

*Accordingly resolves to:*

- (i) commend the Federal Government on efforts at building and maintaining critical road infrastructure in various regions of the Country;
- (ii) urge the Federal Government through the Federal Ministry of Works and Housing to make adequate provision in the 2021 Budget to expeditiously execute the Yenegwe-Okaki-Kolo-Nembe-Brass Road with the aim of completing it before the end of 2023; and

- (iii) urge the Federal Government to classify the Yenegwe-Okaki-Kolo-Nembe-Brass Road as a top priority project deserving possible external funding for National Economic Interest and Security (*Senator Wangagha B. Degi-Eremienyo, — Bayelsa East*).

*Debate:*

***Proposed Resolution (i):***

*Question:* That the Senate do commend the Federal Government on efforts at building and maintaining critical road infrastructure in various regions of the Country — *Agreed to.*

***Proposed Resolution (ii):***

*Question:* That the Senate do urge the Federal Government through the Federal Ministry of Works and Housing to make adequate provision in the 2021 Budget to expeditiously execute the Yenegwe-Okaki-Kolo-Nembe-Brass Road with the aim of completing it before the end of 2023 — *Agreed to.*

***Proposed Resolution (iii):***

*Question:* That the Senate do urge the Federal Government to classify the Yenegwe-Okaki-Kolo-Nembe-Brass Road as a top priority project deserving possible external funding for National Economic Interest and Security.

***Amendment Proposed:***

Leave out the proposed resolution and insert the following instead thereof:

“urge the Federal Government to classify the Yenegwe-Okaki-Kolo-Nembe-Brass Road as top priority project for government funding” (*Senator Yahaya A. Abdullahi — Kebbi North*).

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

*Resolved:*

That the Senate do:

- (i) commend the Federal Government on efforts at building and maintaining critical road infrastructure in various regions of the Country;
- (ii) urge the Federal Government through the Federal Ministry of Works and Housing to make adequate provision in the 2021 Budget to expeditiously execute the Yenegwe-Okaki-Kolo-Nembe-Brass Road with the aim of completing it before the end of 2023; and
- (iii) urge the Federal Government to classify the Yenegwe-Okaki-Kolo-Nembe-Brass Road as top priority project for government funding (*S/Res/048/02/20*).
- (d) ***Urgent need to deal with the outbreak of a strange ailment suspected to be Yellow Fever, ravaging Epeilo-Otukpa and Itabono-Owukpa communities in Ogbadibo Local Government Area of Benue State:***

*Motion made:* That the Senate notes with grave pain, the outbreak of a strange ailment suspected to be yellow fever in Epeilo-Otukpa and Itabono-Owukpa communities of Ogbadibo Local Government Area of Benue South Senatorial District, Benue State, Nigeria;

*notes further,* that the strange ailment has not yet been effectively diagnosed by health authorities, even though, the Benue State Ministry of Health and Human Services has been able to intervene to some extent having collected samples and sent same to the National Reference Laboratory to be able to establish the kind of organism that is causing the ailment and is availing victims of interim treatment; and

*deeply saddened*, that people are affected in the rural localities and dying on a daily basis in their numbers with Epeilo and Itabono Communities recording 20 and 25 deaths respectively, while death toll increases hourly and the disease is spreading to Ichama in Okpokwu where three deaths have been recorded.

*Accordingly resolves to:*

(i) urge the Federal Ministry of Health, the National Arbovirus and Vector Research Centre (NAVRC) to investigate each case and respond to the outbreaks;

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(ii) urge the Federal Ministry of Health to mobilize focal persons to the area to quickly complement the efforts of the Benue State Government to ascertain the nature of the ailment;

(iii) urge the Nigeria Centre for Disease Control (NCDC) to promptly put up surveillance to contain the disease and see to the treatment of victims and protect others from further contracting it;

(iv) urge the Nigeria Centre for Disease Control (NCDC) and the National Primary Health Care Development Agency (NPHCDA), to synergize and support the people of Benue South Senatorial District and in particular the Epeilo-Otukpa and Itabono-Owukpa Communities, to treat, prevent and or reduce the number of cases and deaths; and

(v) urge the Federal Ministry of Health to immediately activate and set up a multi-agency yellow fever Emergency Operatives Centre (EOC) in Benue South, should the result come out positive for yellow fever, to conduct mass vaccination and awareness campaigns in Benue South Senatorial District, being that yellow fever is a completely vaccine-preventable disease as a single shot of the yellow fever vaccine protects for a lifetime (*Senator Abba P. Moro — Benue South*).

*Debate:*

***Proposed Resolution (i):***

*Question:* That the Senate do urge the Federal Ministry of Health, the National Arbovirus and Vector Research Centre (NAVRC) to investigate each case and respond to the outbreaks — *Agreed to.*

***Proposed Resolution (ii):***

*Question:* That the Senate do urge the Federal Ministry of Health to mobilize focal persons to the area to quickly complement the efforts of the Benue State Government to ascertain the nature of the ailment — *Agreed to.*

***Proposed Resolution (iii):***

*Question:* That the Senate do urge the Nigeria Centre for Disease Control (NCDC) to promptly put up surveillance to contain the disease and see to the treatment of victims and protect others from further contracting it.

***Amendment Proposed:***

*Leave out* the words “put up surveillance” in line 2, and *insert* the words “take action” instead thereof” (*Senator Abubakar S. Kyari — Borno North*).

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

***Proposed Resolution (iv):***

*Question:* That the Senate do urge the Nigeria Centre for Disease Control (NCDC) and the National Primary Health Care Development Agency (NPHCDA), to synergize and support the people of Benue South Senatorial District and in particular the Epeilo-Otukpa and Itabono -Owukpa Communities, to treat, prevent and or reduce the number of cases and deaths — *Agreed to.*



**Proposed Resolution (v):**

*Question:* That the Senate do urge the Federal Ministry of Health to immediately activate and set up a multi-agency yellow fever emergency Operatives Centre (EOC) in Benue South, should the result come out positive for yellow fever, to conduct mass vaccination and awareness campaigns in Benue South Senatorial District, being that

yellow fever is a completely vaccine-preventable disease as a single shot of the yellow fever vaccine protects for a lifetime — *Agreed to.*

**Additional Proposed Resolution:**

Insert Additional Proposed Resolution as follows:

“urge the Federal Government to approve a special grant to the relevant authorities to tackle the strange ailment in Benue State” (*Senator Akon E. Eyakenyi — Akwa Ibom South*).

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

*Resolved:*

That the Senate do:

- (i) urge the Federal Ministry of Health, the National Arbovirus and Vector Research Centre (NAVRC) to investigate each case and respond to outbreaks;
- (ii) urge the Federal Ministry of Health to mobilize focal persons to the area to quickly complement the efforts of the Benue State Government to ascertain the nature of the ailment;
- (iii) urge the Nigeria Centre for Disease Control (NCDC) to promptly take action to contain the disease and see to the treatment of victims and protect others from further contracting it;
- (iv) urge the Nigeria Centre for Disease Control (NCDC) and the National Primary Health Care Development Agency (NPHCDA), to synergize and support the people of Benue South Senatorial District and in particular the Epeilo-Otukpa and Itabono-Owukpa Communities, to treat, prevent and or reduce the number of cases and deaths;
- (v) urge the Federal Ministry of Health to immediately activate and set up a multi-agency yellow fever emergency Operatives Centre (EOC) in Benue South, should the result come out positive for yellow fever, to conduct mass vaccination and awareness campaigns in Benue South Senatorial District, being that yellow fever is a completely vaccine-preventable disease as a single shot of the yellow fever vaccine protects for a lifetime; and
- (v) urge the Federal Government to approve a special grant to the relevant authorities to tackle the strange ailment in Benue State (*S/Res/049/02/20*).

**13. Adjournment:**

And it being 2:42 p.m. the President of the Senate adjourned the Senate till Thursday, 3rd December, 2020 at 10.00 a.m.

*Adjourned accordingly at 2:42 p.m.*

*President,  
Senate of the Federal Republic of Nigeria.*