



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 3 March, 2021

1. The House met at 11.31 a.m. Mr Speaker read the Prayers.
2. The House recited the National Pledge
3. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Tuesday, 2 March, 2021.
The Votes and Proceedings was adopted by unanimous consent.
4. **Announcement**
Ad-hoc Committee to Investigate the ₦19.2 Billion Railway Rehabilitation Contract Awarded to Eser Contracting Industry Company Incorporated (HR.115/12/2020):
Mr Speaker named Hon. Egoh Ajokp-Oghene Emmanuel as Deputy Chairman of the Committee.
5. **Petitions**
 - (i) A petition from Chinenye Umeike and Akintunde Ogunfemi, on behalf of the residents of Akoka community on pollution of underground water of some parts of their community by Total Filling Station, operated by Aleem Maruf, along St Finbarrs College road, Akoka, Lagos State, was presented and laid by Hon. Kuye Ademorin Aliu (*Shomolu Federal Constituency*);
 - (ii) A petition from Mohammed Mustapha, on alleged non-payment of judgement sum in Suit No: FHC/L/C3/954/2015 by the Nigerian Air Force, was presented and laid by Hon. Abdullahi Ibrahim Ali (*Ankpa/Omala/Olamaboro Federal Constituency*);
 - (iii) The following Petitions were presented and laid by Hon. James Adisa Owolabi (*Ifako Ijaiye Federal Constituency*):
 - (a) Odesanmi Emmanuel, on alleged non-payment of compensation by Western Metal Products Company (WEMPCO) for injury suffered while on duty;

- (b) Aruna Sala, on behalf of the Aruna Sala family, on alleged non-payment of compensation for the family land at Ikeja Airport, by the then Federal Ministry of Works, Housing and Urban Development; and
- (iv) A petition from Angbashim Julius and Associates (Legal Practitioners), on behalf of Francis Sabastine Dekaa, on the termination of his appointment by the Nigerian Meteorological Agency, was presented and laid by Hon. Danjuma Usman Shiddi (*Ibi/Wukari Federal Constituency*);

Petitions referred to the Committee on Public Petitions.

6. **Matters of Urgent Public Importance (Standing Order Eight, Rule 4)**

(i) ***Creation of Immediate Public Awareness and Preparedness to Combat Possible Outbreak of Ebola Virus:***

Hon. Unyime Idem (*Ukanafun/Oruk Anam Federal Constituency*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Creation of Immediate Public Awareness and Preparedness to Combat Possible Outbreak of Ebola Virus:

The House:

Aware that Ebola Virus was reported and confirmed by the World Health Organization (WHO) on 25 March, 2014 in West African countries as part of the epidemic which originated from Guinea Bissau and represented the first outbreak of the disease globally, and was subsequently reported in the neighbouring countries of Liberia and Sierra Leone;

Also aware that the index case in Nigeria was a Liberian-American, Patrick Sawyer, who came into Nigeria on 20 July, 2014, and was reported ill upon arrival and died five days later as a result of the epidemic, giving rise to increased surveillance by the Nigerian government;

Notes that on 9 October, 2014, the European Centre for Disease Prevention and Control (ECDC) acknowledged Nigeria's positive role in containing the Ebola outbreak and commended the staff of the Ebola Emergency Centre's coordination and management of cases, containment, treatment of the outbreak in Nigeria;

Also notes that the World Health Organisation (WHO) declared the feat displayed by Nigeria as "a piece of world-class epidemiological detective work and spectacular success story" following which Nigeria was officially declared Ebola free on 20 October, 2014 after no new active cases were reported in the follow up contacts;

Concerned that on 7 February, 2021, the Democratic Republic of Congo (DRC) had announced the re-occurrence of a new case of Ebola virus, with Guinea Bissau's Ministry of Health declaring another outbreak on Sunday, 14 February, 2021;

Cognizant of the need to arrest another outbreak of any virus in Nigeria, as the nation's health institutions are already overstretched with so many infectious diseases and deaths;

Resolves to:

- (i) urge the Federal Ministry of Health to enhance surveillance at points of entry to respond to any suspected outbreak of Ebola coming from neighbouring countries, especially Guinea and the Democratic Republic of Congo;
- (ii) also urge the Federal Ministry of Health to work with the West Africa Health Organisation (WAHO) and World Health Organisation on strategies to bring the Ebola outbreak under control and provide regular updates on preparedness, containment and response measures;
- (iii) further urge the Federal Ministry of Information and Culture to create awareness on the deadly virus; and
- (iv) mandate the Committee on Healthcare Services to ensure compliance (*Hon. Unyime Idem — Ukanafun/Oruk Anam Federal Constituency*).

*Debate.**Agreed to.*

The House:

Aware that Ebola Virus was reported and confirmed by the World Health Organization (WHO) on 25 March, 2014 in West African countries as part of the epidemic which originated from Guinea Bissau and represented the first outbreak of the disease globally, and was subsequently reported in the neighbouring countries of Liberia and Sierra Leone;

Also aware that the index case in Nigeria was a Liberian-American, Patrick Sawyer, who came into Nigeria on 20 July, 2014, and was reported ill upon arrival and died five days later as a result of the epidemic, giving rise to increased surveillance by the Nigerian government;

Noted that on 9 October, 2014, the European Centre for Disease Prevention and Control (ECDC) acknowledged Nigeria's positive role in containing the Ebola outbreak and commended the staff of the Ebola Emergency Centre's coordination and management of cases, containment, treatment of the outbreak in Nigeria;

Also noted that the World Health Organisation (WHO) declared the feat displayed by Nigeria as "a piece of world-class epidemiological detective work and spectacular success story" following which Nigeria was officially declared Ebola free on 20 October, 2014 after no new active cases were reported in the follow up contacts;

Concerned that on 7 February, 2021, the Democratic Republic of Congo (DRC) had announced the re-occurrence of a new case of Ebola virus, with Guinea Bissau's Ministry of Health declaring another outbreak on Sunday, 14 February, 2021;

Cognizant of the need to arrest another outbreak of any virus in Nigeria, as the nation's health institutions are already overstretched with so many infectious diseases and deaths;

Resolved to:

- (i) urge the Federal Ministry of Health to enhance surveillance at points of entry to respond to any suspected outbreak of Ebola coming from neighbouring countries, especially Guinea and the Democratic Republic of Congo;

- (ii) also urge the Federal Ministry of Health to work with the West Africa Health Organisation (WAHO) and World Health Organisation on strategies to bring the Ebola outbreak under control and provide regular updates on preparedness, containment and response measures;
 - (iii) further urge the Federal Ministry of Information and Culture to create awareness on the deadly virus; and
 - (iv) mandate the Committee on Healthcare Services to ensure compliance (HR. - 27/03/2021).
- (ii) ***Need to Investigate the Allocation of Crude Oil Under the Direct Sale/Direct Purchase (DSDP) Scheme:***
 Hon. Abubakar Makki Yalleman (*Mallam Madori/Kaugama Federal Constituency*) introduced the matter and prayed the House to:
- (a) consider and approve the matter as one of urgent public importance; and
 - (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance -- Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith -- Agreed to.

Need to Investigate the Allocation of Crude Oil Under the Direct Sale/Direct Purchase (DSDP) Scheme:

The House:

Notes the publication in *ThisDay* Newspaper of 14 February, 2021, on the unfortunate diversion and stealing of Nigeria's crude oil;

Also notes that the report showed that approximately 5.2 million barrels of crude oil supposedly allocated to Nigerian National Petroleum Corporation (NNPC) refineries in 2018 under Direct Sales/Direct Purchase (DSDP) operations, where almost half of the 10.9 million barrels of crude oil allocated for domestic supply between June 2018 and July 2019 as reported by the NNPC was either stolen or diverted;

Further notes that the average price of Nigerian crude oil in 2018 was \$65, meaning that the unaccounted volume may have denied the country US\$339 million at a time of acute revenue deficit;

Concerned that by this report, there is need to ascertain the status of the 5.2 million barrels allocated for domestic supply in 2018 till date, Crude oil allocation per refineries and the rationale for such allocation and what happened to the unutilized stock of crude oil;

Worried at the spate of missing critical national revenues which are denying the country of the much-needed funds for development;

Resolves to:

Mandate the Committee on Petroleum Resources (Downstream) to investigate:

- (a) allocation of crude oil under DSDP scheme from 2018 till date;

- (b) crude oil allocation per refineries and the rationale for such allocation;
- (c) unutilized stock of crude oil in the case of a refinery with inadequate production capacity (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Debate.

Agreed to.

The House:

Noted the publication in *ThisDay* Newspaper of 14 February, 2021, on the unfortunate diversion and stealing of Nigeria's crude oil;

Also noted that the report showed that approximately 5.2 million barrels of crude oil supposedly allocated to Nigerian National Petroleum Corporation (NNPC) refineries in 2018 under Direct Sales/Direct Purchase (DSDP) operations, where almost half of the 10.9 million barrels of crude oil allocated for domestic supply between June 2018 and July 2019 as reported by the NNPC was either stolen or diverted;

Further noted that the average price of Nigerian crude oil in 2018 was \$65, meaning that the unaccounted volume may have denied the country US\$339 million at a time of acute revenue deficit;

Concerned that by this report, there is need to ascertain the status of the 5.2 million barrels allocated for domestic supply in 2018 till date, Crude oil allocation per refineries and the rationale for such allocation and what happened to the unutilized stock of crude oil;

Worried at the spate of missing critical national revenues which are denying the country of the much-needed funds for development;

Resolved to:

Mandate the Committee on Petroleum Resources (Downstream) to investigate:

- (a) allocation of crude oil under DSDP scheme from 2018 till date;
- (b) crude oil allocation per refineries and the rationale for such allocation;
- (c) unutilized stock of crude oil in the case of a refinery with inadequate production capacity (**HR. 28/03/2021**).

Motion made and Question proposed. "That the House do suspend Order Eight, Rule 4 (4) to enable it take more than 2 matters of urgent public importance" (*Hon. Ndudi Elumelu — Aniocha North/South/Oshimili North/South Federal Constituency*).

Agreed to.

(iii) *Review of the Division of States of the Federation into Federal Constituencies:* Hon. Ndudi Godwin Elumelu (*Aniocha North/South/Oshimili North/South Federal Constituency*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Review of the Division of States of the Federation Into Federal Constituencies:

The House:

Notes that section 71 (b) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) empowers the Independent National Electoral Commission (INEC) to divide the federation into three hundred and sixty federal constituencies for the purpose of elections into the House of Representatives;

Also notes that section 73 (1) expressly authorises the Independent National Electoral Commission to review the creation of States of the Federation into Federal Constituencies at intervals of not less than 10 years, and alteration of Federal Constituencies in accordance with the provisions of this section as may be considered desirable;

Aware that section 49 of the Constitution provides that the House of Representatives shall consist of 360 members representing 360 Federal Constituencies of nearly equal population as far as possible, provided no constituency shall fall within more than one State;

Also aware that from the commencement of the 4th Republic till date, INEC has not deemed it necessary to comply with the above section 73 (1) of the Constitution, thereby depriving some citizens of certain Federal Constituencies of adequate representation;

Cognizant that though the constitution provides a 10 year time frame for the review of Federal Constituencies, INEC has not carried out any known review in the last 22 years including the current democratic dispensation, hence the urgent need to call on INEC to conduct one;

Concerned that some Federal Constituencies are twice the size of others in both size and population which is clearly at variance with the letters and dictates of the Constitution and to guarantee effective, qualitative and adequate representation in the House of Representatives, INEC should, wherever necessary, carve out new Federal Constituencies given that the continued delay/failure of INEC to do so is portraying not only INEC but the entire government institutions, including the National Assembly in bad light;

Resolves to:

- (i) urge the Independent National Electoral Commission (INEC) to, without further delay, review constituency delineation as enshrined in the Constitution;
- (ii) also urge INEC to, in the course of the review, take into consideration Aniocha/Oshimili Federal Constituency in Delta state which has 4 Local Government Areas and one of the largest Federal Constituencies in both population and land mass in the entire Nation by splitting it into Aniocha North/Aniocha South Federal Constituency and Oshimili North/Oshimili South Federal Constituency and Iseyin/Kajola/Iwajowa/Itesiwaju in Oyo State with 4 Local Government Areas into Iseyin/Kajola Federal Constituency and Iwajowa/Itesiwaju Federal Constituency;
- (iii) mandate the Committee on Electoral Matters to interface with the leadership of INEC and report back within six weeks (*Hon. Ndudi Godwin Elumelu — Aniocha North/South/Oshimili North/South Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that section 71 (b) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) empowers the Independent National Electoral Commission (INEC) to divide the federation into three hundred and sixty federal constituencies for the purpose of elections into the House of Representatives;

Also noted that section 73 (1) expressly authorises the Independent National Electoral Commission to review the creation of States of the Federation into Federal Constituencies at intervals of not less than 10 years, and alteration of Federal Constituencies in accordance with the provisions of this section as may be considered desirable;

Aware that section 49 of the Constitution provides that the House of Representatives shall consist of 360 members representing 360 Federal Constituencies of nearly equal population as far as possible, provided no constituency shall fall within more than one State;

Also aware that from the commencement of the 4th Republic till date, INEC has not deemed it necessary to comply with the above section 73 (1) of the Constitution, thereby depriving some citizens of certain Federal Constituencies of adequate representation;

Cognizant that though the constitution provides a 10 year time frame for the review of Federal Constituencies, INEC has not carried out any known review in the last 22 years including the current democratic dispensation, hence the urgent need to call on INEC to conduct one;

Concerned that some Federal Constituencies are twice the size of others in both size and population which is clearly at variance with the letters and dictates of the Constitution and to guarantee effective, qualitative and adequate representation in the House of Representatives, INEC should, wherever necessary, carve out new Federal Constituencies given that the continued delay/failure of INEC to do so is portending not only INEC but the entire government institutions, including the National Assembly in bad light;

Resolved to:

- (i) urge the Independent National Electoral Commission (INEC) to, without further delay, review constituency delineation as enshrined in the Constitution;
- (ii) also urge INEC to, in the course of the review, take into consideration Aniocha/Oshimili Federal Constituency in Delta state which has 4 Local Government Areas and one of the largest Federal Constituencies in both population and land mass in the entire Nation by splitting it into Aniocha North/Aniocha South Federal Constituency and Oshimili North/Oshimili South Federal Constituency and Iseyin/Kajola/Iwajowa/Itesiwaju in Oyo State with 4 Local Government Areas into Iseyin/Kajola Federal Constituency and Iwajowa/Itesiwaju Federal Constituency;
- (iii) mandate the Committee on Electoral Matters to interface with the leadership of INEC and report back within six weeks (HR, 29/03/2021).

7. Presentation of Bills

The following Bills were read the *First Time*:

- (1) Civil Aviation (Fire and Security Measures) Act (Amendment) Bill, 2021 (HB. 1228).

- (2) Official Secrets Act (Amendment) Bill, 2021 (HB. 1229).
- (3) World Meteorological Organisation (Protection) Act (Amendment) Bill, 2021 (HB.1230).
- (4) Federal Savings Bank Act (Amendment) Bill, 2021 (HB. 1231).
- (5) Umar Ibn El-Kanemi College of Education, Science and Technology, Bama, Borno State (Establishment) Bill, 2021 (HB. 1226).
- (6) Constitution of the Federal Republic of Nigeria, 1999 (Alteration) Bill, 2021 (HB. 1234).
- (7) Constitution of the Federal Republic of Nigeria, 1999 (Alteration) Bill, 2021 (HB. 1235).
- (8) Public Health Council of Nigeria Bill, 2021 (HB. 1236).
- (9) Constitution of the Federal Republic of Nigeria, 1999 (Alteration) Bill, 2021 (HB. 1237).
- (10) Sheriffs and Civil Process Act (Amendment) Bill, 2021 (HB. 1238).
- (11) Constitution of the Federal Republic of Nigeria, 1999 (Alteration) Bill, 2021 (HB. 1239).
- (12) National Unity Corps (Establishment, etc.) Bill, 2021 (HB. 1240).
- (13) Renewable Energy Development Agency (Establishment) Bill, 2021 (HB. 1241).
- (14) National Security Agencies Personnel Identity Bill, 2021 (HB. 1242).

8. **A Bill for an Act to Amend the National Primary Health Care Development Agency Act, Cap. N69, Laws of the Federation of Nigeria, 2004; and for Related Matters (HB. 39) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Amend the National Primary Health Care Development Agency Act, Cap. N69, Laws of the Federation of Nigeria, 2004; and for Related Matters (HB. 39) be now read the Third Time" (*Hon. Akpatason Peter — Deputy House Leader*).

Agreed to.

Bill read the Third Time and passed.

9. **A Bill for an Act to Amend the Asset Management Corporation of Nigeria Act, Cap. A24A, Laws of the Federation of Nigeria, 2004; and for Related Matters (HB.203) — Second Reading**

Order read; deferred by leave of the House.

10. **A Bill for an Act to Provide for the Establishment of the Chartered Institute of Power Engineers of Nigeria to Regulate, Control and Determine the Standards of Knowledge to be Attained by Persons seeking to become Chartered Power Engineers; and for Related Matters (HB. 1086) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Provide for the Establishment of the Chartered Institute of Power Engineers of Nigeria to Regulate, Control and Determine the Standards of Knowledge to be Attained by Persons seeking to become Chartered Power Engineers; and for Related Matters (HB. 1086) be read a Second Time" (*Hon. Sani Umar Bala — Tsanniyawa/Kunchi Federal Constituency and 5 Others*).

Debate.

Question that the Bill be now read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Commerce.

11. A Bill for an Act to Repeal the Federal Housing Authority Act, Cap. F14, Laws of the Federation of Nigeria, 2004 and Enact the Federal Housing Authority Bill; and for Related Matters (HB.129) — *Second Reading*

Order read; deferred by leave of the House.

12. A Bill for an Act to Alter Section 254F (2) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) to delete the entire Provision on the ground that the Reflection of the Evidence Act, the Criminal Procedure Act and Criminal Procedure Code in this Provision is superfluous; and for Related Matters (HB. 1063) — *Second Reading*

Motion made and Question proposed, "That a Bill for an Act to Alter Section 254F (2) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) to delete the entire Provision on the ground that the Reflection of the Evidence Act, the Criminal Procedure Act and Criminal Procedure Code in this Provision is superfluous; and for Related Matters (HB. 1063) be read a Second Time" (*Hon. Abbas Tajudeen — Zaria Federal Constituency*).

Debate.

Question that the Bill be now read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Special Ad-hoc Committee on Constitution Review.

13. A Bill for an Act to Establish the Federal University of Agriculture and Entrepreneurship, Saki, Oyo State; and for Related Matters (HB. 548) — *Second Reading*

Motion made and Question proposed, "That a Bill for an Act to Establish the Federal University of Agriculture and Entrepreneurship, Saki, Oyo State; and for Related Matters (HB. 548) be read a Second Time" (*Hon. Olajide Olatubosun Boladale — Saki East/Saki West/Atisbo Federal Constituency*).

Debate.

Question that the Bill be now read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Agricultural Colleges and Institutions.

14. **Extension of Time for Committee Assignments:**

Motion made and Question proposed:

The House:

Notes that some Bills and measures were, at different times, referred to some Committees which were given time limit within which to report back;

Also notes that the Committees had exceeded the sixty (60) days allowed for Committees to turn in their reports due to the effect of Corona Virus (COVID-19) Pandemic that led to a total lockdown across the country which made it impossible for the identified stakeholders to make inputs on the measures before the Committees;

Aware that the Committees are making necessary efforts to conclude their assignments within the limited resources at their disposal;

Further notes that the Bills and measures referred to the Committees are as listed below;

<i>S/No.</i>	<i>Bill/Measure</i>	<i>Committee</i>
1.	Nuclear Safety and Radiation Protection Act (Repeal and Enactment) Bill, 2020 (HB 586)	Science and Technology
2.	National Innovation Agency (Establishment) Bill, 2020 (HB. 872)	Science and Technology
3.	Need to Investigate the Degrading Sex Slavery Nigerian Women are subjected to (HR. 62/02/2020)	Human Rights
4.	Need to Address the Menace of Baby Factories in Nigeria (HR.96/03/2020)	Human Rights
5.	<i>Ad-hoc</i> Committee on the Need to Relocate Tank Farms in Residential Areas of Ijegan, Kirikiri and Others	<i>Ad-hoc</i> Committee on the Need to Relocate Tank Farms
6.	Need to Review Nigeria's Foreign Policy towards liberating the Black Men from Racial Oppression and Discrimination across the World (HR. 184/06/2020)	Foreign Affairs
7.	Incessant Malpractices associated with Diplomatic Postings and Deliberate Draining of Resources in the Ministry of Foreign Affairs (HR.64/1112020)	Foreign Affairs
8.	Deliberate attempts by a member of the British House of Commons, Mr Tom Tugendhat to cause Crisis in Nigeria by making False Allegations capable of Inciting Violence against the Former Head of State, Gen Yakubu Gowon and to cause Breach of Peace (HR.68/12/2020).	Foreign Affairs

Resolves to:

Extend the time by an additional fourteen (14) days to enable the Committees conclude their assignments (*Hon. Fulata Abubakar Hassan — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

Agreed to.

15. **Need to Investigate the Alleged Debts Incurred by the Non-Functional Refineries**

Order read; deferred by leave of the House.

16. **Parlous State of Hostels in Tertiary Institutions in Nigeria**
Motion made and Question proposed:

The House:

Notes the deplorable state of infrastructure in Nigeria's tertiary institutions marked by dilapidated hostels, roads and transportation network, non-provision of potable water, poor power supply and lack of sewage treatment facilities;

Also notes that students' academic performances are hinged primarily on provisions of adequate learning infrastructure and basic amenities;

Observes that a demeaning environment would invariably expose students to recurrent environmental and health hazards such as cholera, dysentery, food poisoning, gastroenteritis, skin infections, frequent visits to the hospitals and sometimes death;

Cognizant that hostel accommodation deficit being faced by Nigeria's higher institutions requires Public-Private Partnership (PPP) intervention, a situation, if exploited by higher institutions, can accommodate 10% of their students;

Also cognizant that living in squalor reduces the self-worth of students and ultimately, the quality of output as future leaders of the society as ten or more students are sometimes officially assigned to a room meant for not more than five students;

Resolves to:

- (i) urge all Tertiary Institutions to partner with private institutions to go into Public Private Partnership Contract Agreement (PPA) to build hostels in tertiary institutions based on build and operate by the developers in a way that would allow the developers to dispose of the property to the University after an agreeable time;
- (ii) also urge the government to pay adequate attention to the education sector, ranging from funding, curriculum review and infrastructural development;
- (iii) mandate the Committee on Tertiary Education and Services to ensure compliance (*Hon. Olalekan Rasheed Afolabi — Odo-Otin/Ifelodun/Boripe Federal Constituency*).

Agreed to.

(HR. 30/03/2021).

Motion referred to the Committee on Tertiary Education and Services, pursuant to Order Eight, Rule 9 (5).

17. **Consideration of Report**

A Bill for an Act to Provide for the Establishment of the Federal University of Education, Aguleri; and for Related Matters (HB. 1138) (Committee of the Whole):

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Provide for the Establishment of the Federal University of Education, Aguleri; and for Related Matters (HB. 1138)" (Hon. Obidigwe Chinedu Benjamin — Anambra East/Anambra West Federal Constituency).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE
FEDERAL UNIVERSITY OF EDUCATION, AGULERI; AND FOR
OTHER MATTERS CONNECTED HEREWITH (HB. 1138)

PART I — ESTABLISHED, CONSTITUTION AND FUNCTIONS OF THE
FEDERAL UNIVERSITY OF EDUCATION, AGULERI, ANAMBRA STATE

- Clause 1: Establishment and Objectives of the Federal University of Education, Aguleri.**
- (1) There is hereby established the Federal University of Education, Aguleri, Anambra State.
 - (2) The University shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.
 - (3) The University shall be a training institution for the development of teacher education in the Country.
 - (4) The University shall be supervised by the Federal Ministry of Education through the National Universities Commission (NUC) who shall be responsible for approving and regulating all academic programmes run in the University, to ensure quality compliance and provide funds for academic and research programmes, infrastructures and remunerations of employees.
 - (5) The objects of the University shall be:
 - (a) to encourage the advancement of learning and to hold out to all persons without dictation of race, creed, sex or political conviction.
 - (b) to develop and offer academic and professional programmes leading to the award of certificates, first degrees, post-graduate research, diploma and higher degrees with emphasis on planning, developmental and adaptive skills in education, technology, applied science, agriculture, commerce, arts, social sciences, humanities, management and allied professional disciplines.
 - (c) to provide socially mature educational men and women with capabilities not to only understand educational need of Nigeria as a nation, but also to exploit existing educational infrastructure and improve on it to develop new ones;
 - (d) to act as agents and catalysts for effective educational system, through post graduate training, research and innovation, for effective economics utilization and conservation of the country's human resources;
 - (e) to bring quality change in education by focusing on teacher education through teaching and learning innovations;
 - (f) to collaborate with other national and international institutions involved in training, research and development of education with a view to promoting governance, leadership and management skills among educational managers;
 - (g) to identify educational needs of the society with a view to finding solutions to them within the context of overall national development;
 - (h) to provide and promote sound basic education training as a foundation for the development of Nigeria, taking into account indigenous culture and the need to enhance national unity;

- (i) to provide higher education and foster a systematic advancement of the science and art of teacher education;
- (j) to provide for instruction in such branches of teacher education as it may deem necessary to make provision for research advancement and dissemination of knowledge in such manner as it may determine;
- (k) to provide teachers with operational competence for teaching in pre-tertiary institutions, basic, senior secondary schools and non-formal education institutions;
- (l) to undertake any other activities that is appropriate for a university of education of the highest standard (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 1 stands part of the Bill — 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 Deputy Vice-Chancellor(s);
 - (e) a body to be called Congregation;
 - (f) a body to be called Convocation;
 - (g) the campuses and Colleges of the University;
 - (h) the colleges, institutes and other teaching and research units of the University;
 - (i) 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;
 - (j) all graduates and undergraduates of the University; and
 - (k) 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 to the University.
- (3) Subject to section 5 of the Bill, provisions shall be made by statute with respect to the constitution of the Council, the Senate, Congregation and Convocation (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 2 stands part of the Bill — Agreed to.

Clause 3:**Powers of Federal University of Education, Aguleri and its exercise.**

- (1) For the carrying out of its objects as specified in section 1 of this Bill, Federal University of Education, Aguleri shall have power:
- (a) to offer courses of instruction, training and research in education and allied areas of the production of quality and skilled teachers required to teach at lower, middle and higher levels of education in Nigeria in particular and the world at large;
 - (b) to establish such colleges, campuses, institutes, schools, departments and other teaching and research units within the University as may from time to time be deemed necessary or desirable subject to the approval of National Universities Commission;
 - (c) to institute professorships, readerships or associate professorships, lectureships, and other posts and offices and to make appointments thereto;
 - (d) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
 - (e) to provide for the discipline and welfare of members of the University;
 - (f) to hold examinations and grant degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;
 - (g) to grant honorary degrees, fellowships or academic titles;
 - (h) to demand and receive from any student or any other person attending the University for the purpose of instruction, such fees as the University may from time to time determine subject to the overall directives of the Minister;
 - (i) subject to section 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, sport 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 to it, not being immediately required for current expenditure in any investments or securities or in the purchase or improvement of land, with power from time to time, to vary any such investments to deposit any moneys for the time being not invested with any bank on deposit or current account;
 - (o) to borrow whether on interest or not and if need be upon the security of any or all of the property, movable or immovable, of the University, such moneys as the Council may from time to time in its discretion find it necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
 - (p) to make gifts for any charitable purpose;
 - (q) to do anything which it is authorized or required by the 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 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 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 3 stands part of the Bill — Agreed to.

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

- (1) (a) 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.

Qualification of Chairman of Governing Council.

- (b) A person to be appointed Chairman of Governing Council shall be an accomplished personality with proven integrity, knowledgeable and familiar with the affairs and tradition of the University.
- (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 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 4 stands part of the Bill — Agreed to.

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

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

- (a) the Pro-Chancellor who shall be appointed by the President on the recommendation of the Honourable Minister of Education;
 - (b) the Vice-Chancellor;
 - (c) the Deputy Vice-Chancellor(s);
 - (d) one person from the Ministry responsible for Education;
 - (e) four persons representing a variety of interests and broadly representative of the whole Federation to be appointed from:
 - (i) the 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.
 - (f) four persons appointed by the Senate from among its members;
 - (g) two persons appointed by Congregation from among its members;
 - (h) one person appointed by Convocation from among its members; and
 - (i) two persons representing the community appointed by the President.
- (2) Persons to be appointed to the Council shall be of proven integrity, knowledgeable and familiar with the affairs and tradition of the University.
 - (3) The Council so constituted shall have a tenure of four years from the date of its inauguration provided that where a council is found to 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 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-a-vis non-academic activities (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 5 stands part of the Bill — 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.
- (2) There shall a committee of council to be known as Finance, general Purpose committee, which shall, subject to the direction of the council, exercise control over the property and expenditure of the university and perform such other unction of the council as the council will from time to tie 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 Purpose 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 the meeting (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

**Question that Clause 6 stands part of the Bill — 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) determine 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 campuses, 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 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 purpose of making provisions 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 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 7 stands part of the Bill — Agreed to.

Clause 8: Functions of the Vice Chancellor.

- (1) The Vice-Chancellor shall, in relation to the University, take precedence before all functions of the vice chancellor 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 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 8 stands part of the Bill — 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 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 9 stands part of the Bill — Agreed to.

Clause 10: Transfer of Property.

- (1) (a) 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.

Intellectual Property rights within the university.

- (b) Where an invention is made in the course of employment or in the execution of a contract for the performance of a specified work, the right to patent in the invention is vested in the university or as the case may be, the person who commissioned the work:
- (i) rights to patents as expressed in section 1 above, relates to:
 - (a) work published by the university,
 - (b) work undertaken by the fellows, academic employees and all other staff employed or engaged by or on behalf of the university,
 - (c) work commissioned by or on behalf of the university,
 - (d) work commissioned by a third party from the university, and
 - (e) work undertaken by students of the university:

Provided that where an inventor is an employee then:

- (a) his contract of employment does not require him to exercise any inventive activity but has in making the invention used or data means that the employment has put at his disposal, or

- (b) the invention is of exceptional importance, he is entitled to a fair remuneration taking into account his salary and importance of the invention, and
 - (c) the entitlement in question is not modifiable by contract and may be enforced by civil proceedings;
 - (ii) no person shall use another author's language, thoughts, ideas or expressions without due authority or reference to the author (Plagiarism);
 - (iii) no person shall make or cause to be made for sale, use, hire, duplication or distribution of the intellectual property of an owner without his or her consent;
 - (iv) intellectual property rights includes, copyrights, moral rights, performing rights, broadcast rights, patents, trade secrets, database rights, registered and unregistered design rights, or trademarks rights in work developed through individual works or the work of the central academic bodies and any other relevant or related rights.
- (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 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 10 stands part of the Bill — 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 there under; 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.
- (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 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 11 stands part of the Bill — 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 subsection, no question as to the meaning of that provision shall be entertained by any court of law in Nigeria.
- (8) Nothing in subsection (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 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 12 stands part of the Bill — 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 Secretary to the Council to the effect that the copy is a true copy of a statute of the University (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 13 stands part of the Bill — 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 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 14 stands part of the Bill — 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 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 (*Hon. Obidigwe Chinédu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 15 stands part of the Bill — 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;
 - (b) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office;
 - (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office;
 - (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service;

- (e) conduct which the Council considers to be generally of such nature as to render the continued appointment or service of the person concerned prejudicial or detrimental to the interest of the University.
- (4) Any person suspended pursuant to subsection (2) or (3) of this section shall be on half pay and the Council shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as:
- (a) whether to continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him);
- (b) whether to reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
- (c) whether to terminate the appointment of the person concerned, in which case such a person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
- (d) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine.
- (5) In any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.
- (6) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) of this section to use his best endeavors 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 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 16 stands part of the Bill — 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 endeavors to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it is related (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*):

Question that Clause 17 stands part of the Bill — 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 prescribe manner, appeal to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just either confirm or set aside the direction or modify it in such manner as the Council thinks fit.
- (4) The fact that an appeal from a direction is brought in pursuance to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending:

- (a) the Vice Chancellor may delegate his powers under this section to a disciplinary board consisting of such members of the University as he may nominate;
- (b) nothing in this section shall be construed as preventing the restriction or termination of students' activities at the University otherwise than on the ground of misconduct;
- (c) a direction under subsection (2) (a) of this section may be combined with a direction under subsection (2) (b) of this section (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 18 stands part of the Bill — Agreed to.

PART V — MISCELLANEOUS AND GENERAL

Clause 19: Exclusion of discrimination on account of race, religion, etc.

- (1) No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, account of race, place of birth or of family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the university, the holder of any degree of the University or of any appointment or employment at the University, or a member of anybody established by virtue of this Bill; and no person shall be subject to any disadvantage or accorded any advantage relation to the University, by reference to any of those matters.
- (2) Nothing in subsection (1) of this section shall be construed as preventing the university from imposing any disability or restriction on any of the persons mentioned in that subsection where such person willfully refuses or fails on grounds of religious belief to undertake any duty generally and uniformly imposed on all such person or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the university reasonably justifiable in the national interest (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 19 stands part of the Bill — Agreed to.

Clause 20: Restriction on disposition of land by University.

Without prejudice to the provisions of 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 lease or tenancy to a member of the university for residential purpose (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 20 stands part of the Bill — Agreed to.

Clause 21: Quorum and procedure of bodies established by the Bill.

Except as may be otherwise provided by status or by regulations, the quorum and procedure of any body of person established by this Bill shall be as determined by that body (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 21 stands part of the Bill — Agreed to.

Clause 22: Appointment of Committee, etc.

- (1) Anybody of persons established by this Bill shall, without prejudice to the generally of the powers of that body, have power to appoint committees, which need not consist exclusively of members of that body, and to authorize a committee established by it:
 - (a) to exercise, on its behalf, such of its functions as it may determine; and
 - (b) to co-opt members.
- (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 status 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 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 22 stands part of the Bill — 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) Academics staff of the University in the non-Professorial cadre shall be 65 years;
 - (b) Academics 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 from the public service after serving for 35 years shall not apply to an academic staff of the university (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 23 stands part of the Bill — Agreed to.

Clause 24: Special Provisions relating to Pension of Professors.

An academic staff of the University who retires as a Professor in the University shall be entitled to pension at a rate equivalent to his annual salary provided that the Professor has served continuously in the University up to the retirement age (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 24 stands part of the Bill — Agreed to.

Clause 25: Miscellaneous Administrative Provisions.

- (1) The seal of the University shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall be authenticated by any member of the Council and by the Vice-Chancellor, Secretary to the Council or any other person authorized by statute.
- (2) Any document purporting to be a document executed under the seal of the University shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
- (3) Any contract or instrument which if made or executed by a person not being a body corporate would not require 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) Validity of any proceeding of anybody established in pursuance of this Bill shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the proceeding.
- (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 questions relating to that matter.
- (6) Nothing in section 12 of the Interpretation Act (which provided 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) Not 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 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 25 stands part of the Bill — Agreed to.

**Clause 26: Restriction of suits and execution.
Pre-Action Notice.**

- (1) (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 state the reason and the cause of action intended to be taken against the University, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims;
- (c) For the avoidance of doubt, it is hereby declared that no suit shall 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 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 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 26 stands part of the Bill — Agreed to.

Clause 27: Interpretation.

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

"Campus" means any campus which may be established by the University (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that the meaning of the word "Campus" be as defined in the interpretation to this Bill — Agreed to.

"College" means the College established pursuant to section 2 (1) (b) of this Bill for the University (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that the meaning of the word "College" be as defined in the interpretation to this Bill — Agreed to.

"Council" means the governing Council of the University established by section 5 of this Bill (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that the meaning of the word "Council" be as defined in the interpretation to this Bill — Agreed to.

"Functions" includes powers and duties (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that the meaning of the word "Functions" be as defined in the interpretation to this Bill — Agreed to.

"Graduate" means a person on whom a degree, other than an honorary degree, has been conferred by the University and any other person as may be designated as a graduate by the Council, acting in accordance with the recommendation of the Senate (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that the meaning of the word "Graduate" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Hon. Minister of Education (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"Notice" means notice in writing (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that the meaning of the word "Notice" be as defined in the interpretation to this Bill — Agreed to.

"Officer" does not include the Visitor (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that the meaning of the word "Officer" be as defined in the interpretation to this Bill — Agreed to.

"Prescribed" means prescribed by statute or regulations (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that the meaning of the word "Prescribed" be as defined in the interpretation to this Bill — Agreed to.

"Professor" Means a person designated as a Professor of the University in accordance with provisions made in that behalf by statute or by regulations (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that the meaning of the word "Professor" be as defined in the interpretation to this Bill — Agreed to.

"Property" includes rights, liabilities and obligations (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that the meaning of the word "Property" be as defined in the interpretation to this Bill — Agreed to.

"Provisional" Council" means the provisional appointed for the University (Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency).

Question that the meaning of the word "Provisional" be as defined in the interpretation to this Bill — Agreed to.

"Regulation" means the Senate of the University established pursuant to section 2 (1) of this Bill (Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency).

Question that the meaning of the word "Regulation" be as defined in the interpretation to this Bill — Agreed to.

"School" means a unit of closely related academic programme (Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency).

Question that the meaning of the word "School" be as defined in the interpretation to this Bill — Agreed to.

"Statute" means a statute made by each University under section 10 of this bill and in accordance with the provisions of section 11 of this Bill; and (Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency).

Question that the meaning of the word "Statute" be as defined in the interpretation to this Bill — Agreed to.

"the Statutes" means all such statutes as are in force from time to time (Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency).

Question that the meaning of the words "the Statutes" be as defined in the interpretation to this Bill — Agreed to.

"Teacher" means a person holding a full-time appointment as a member of the teaching or research staff of the University (Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency).

Question that the meaning of the word "Teacher" be as defined in the interpretation to this Bill — Agreed to.

"Undergraduate" means a person registered as a student undergoing a course of study for a first degree of the University or such other course in the University as may be approved by the Senate as qualifying a student undergoing it for the status of an undergraduate (Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency).

Question that the meaning of the word "Undergraduate" be as defined in the interpretation to this Bill — Agreed to.

"University" means Federal University of Education, Aguleri established and incorporated by section 1 of this Bill (Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency).

Question that the meaning of the word "University" be as defined in the interpretation to this Bill — Agreed to.

- (2) It is hereby declared that where in any provision of this Bill 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.

Question that Clause 27 stands part of the Bill — Agreed to.

Clause 28: Short Title.

This Bill may be cited as the Federal University of Education Aguleri, Anambra State (Establishment, etc.) Bill, 2021 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Question that Clause 28 stands part of the Bill — 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 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,
 - (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's:
 - (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 person 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 of 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-Chancellors; and
 - (c) perform such other functions as the Vice-Chancellors or the Council may, from time to time, assign to him.
- (5) A Deputy Vice-Chancellor:
 - (a) shall hold office for a period of two years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment;
 - (b) may be 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-Chancellors and Senate; and
 - (d) "Good Cause" for the purpose of this section means gross misconduct, 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 be 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) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.

Selection of 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-Chancellors or Deputy Vice-Chancellor, which shall consist of:
 - (a) the Pro-Chancellor, as Chairman;
 - (b) the Vice-Chancellors;
 - (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 appointment 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, 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 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

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 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 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 statute 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 to 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 the Senate after the date on which this Bill is made, the schools, school boards and students of the University immediately before the coming into force of this Bill shall on that day become schools, school boards and students of the University as constituted by this Bill.
- (6) Persons who were Deans of schools and Heads of Academic Departments shall continue to be Deans or HODs of the corresponding School/Department, until new appointments are made in pursuance of the statutes.
- (7) Any person who was a member of the Staff of the University as established or was otherwise employed by the Provisional Council shall become the holder of an appointment at the University with the status, designation and functions which correspond as nearly as may be to those which appertained to him as member of that staff or such an employee (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

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

THIRD SCHEDULE

[Section 9(3)]

FEDERAL UNIVERSITY OF EDUCATION, AGULERI, 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 Principles 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 they previously vacates it, vacate that office on the expiration of the period of four years beginning with effect from 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 vacate that 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 whom shall be a member appointed in 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 preset at the meeting as the council may appoint as respect that meeting shall be the chairman at that meeting, and subject to section 4 of this bill and the forgoing 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 deliberation 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;
 - (d) the Permanent Secretary of the Federal Ministry of Education, or in his absence, such member of is ministry as my designate to represent him; and 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-Chancellors;
 - (ii) Deputy Vice-Chancellors;
 - (iii) the Dean of respective Colleges;
 - (iv) the Professors in the University;
 - (v) Head of Academic Department 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) one elected representative of each department;
 - (xii) 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;
 - (xiii) 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) In this article "total of non-elected members" means as respect any year, such number as may be certified by the Vice-chancellor on 30 April of that year to be the number of persons holding office as members of the Senate on that day otherwise than as elected members.
- (12) Subject to the foregoing provisions of this article, Congregation may regulate its own procedure.
- (13) 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.

Congregation

5. (1) Congregation shall consist of:
 - (i) Vice-Chancellors;
 - (ii) the Deputy Vice-Chancellors;
 - (iii) the full-time members of the academic staff;
 - (iv) the Registrar;
 - (v) the Librarian;
 - (vi) every member of the administrative staff who holds a degree, other than honorary degree, of any University recognized for the purposes of this Statute by the Vice-Chancellor.

- (2) Subject to section 4 of this Bill, the Vice-Chancellor shall be the Chairman at all meeting 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 the Congregation during a particular period, shall be conclusive evidence of the 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 the Regulations.
- (6) Subject to the foregoing provisions of this article, Congregation may regulate its own procedure.
- (7) Congregation shall be entitled to express by resolution or otherwise the 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 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 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 Bill, 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.
 - (a) regulate the teaching and study of, and the conduct of examinations connected with the subjects assign 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) advice 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 Boards and subjects 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 be 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 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 the College.
- (6) It shall be a committee to be known as the Committee of Deans consisting of all the Deans of several Colleges and that Committee shall advise the Vice-Chancellor on all academics 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 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 Bill.

Departmental Board of Studies

10. (1) There shall be a departmental Board of Studies whose membership shall be made of all academic's 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 the acting capacity.
- (3) For a professor the term is for three (3) years while one (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 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 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 subjects to the extant regulations.

Creation of Academics Posts

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

Appointment of Academics Staff

14. (1) Subject to the Act and Statutes, the filling of vacancies in academics posts (including newly created ones) shall be the responsibilities of the Council through the Department 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) Registrar — Secretary;
 - (f) such other person(s); not exceeding two in number, capable of helping Board in assessing both the professional and academic suitable under consideration, as the Senate may from time to time appoint.
- (4) For other academics posts, a selection Board, with the power to appoint shall consist of:
- (a) the Vice-Chancellor or his representative — Chairman;
 - (b) Deputy Vice-Chancellor;
 - (c) the Dean of the College — Member;
 - (d) Head of the Department — Member;
 - (e) Registrar — 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, Associates Professorships, 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 of the university other than principal officers shall be appointed by the Council 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 the power to appoint shall consist of:
- (i) Vice Chancellor;
 - (ii) Deputy Vice Chancellor;
 - (iii) Registrar;
 - (iv) Bursar;
 - (v) University Librarians;
 - (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 Act" means the Federal university of Education, Aguleri Act and any word or expression defined in the act has the same meaning in this statute.

Short title

17. This statute may be cited as Federal University of Education, Aguleri Statute No.1 (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to upgrade the Federal College of Education, Aguleri to Federal University of Education, Aguleri (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Provide for the Establishment of the Federal University of Education, Aguleri; and for Other Matters Connected Herewith (HB. 1138) (*Hon. Obidigwe Chinedu Benjamin — Anambra East/West Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Provide for the Establishment of the Federal University of Education, Aguleri; and for Related Matters (HB. 1138), and approved Clauses 1 - 28, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

18. Adjournment

That the House do adjourn till Tuesday, 9 March, 2021 at 11.00 a.m. (Hon. Peter Akpatason — Deputy House Leader).

The House adjourned accordingly at 1.04 p.m.

Femi Hakeem Gbajabamila
Speaker