



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 1st June, 2021

1. The Senate met at 10:57 a.m. The President of the Senate read prayers. --
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 19th May, 2021.
Question was put and the Votes and Proceedings were approved.
3. **Message from Mr. President:**
The President of the Senate announced that he had received a letter from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

Confirmation of Appointment:



**PRESIDENT
FEDERAL REPUBLIC OF NIGERIA**

27th May, 2021

Distinguished Senator Ahmad Ibrahim Lawan
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.

Dear Distinguished Senate President,

**CONFIRMATION OF APPOINTMENT OF THE CHIEF
OF ARMY STAFF**

In compliance with the provisions of Section 18(1) of the Armed Forces Act, Cap. A.20 Laws of the Federation of Nigeria, 2004, I hereby forward for confirmation by the Senate, the appointment of Major General, Faruk Yahaya as the Chief of Army Staff of the Armed Forces of the Federal Republic of Nigeria. His CV is herewith attached.

It is my hope that the Senate will consider and confirm the nominee in the usual expeditious manner.

Please accept, Distinguished Senate President, the assurances of my highest consideration.

Yours sincerely,

(Signed)

Muhammadu Buhari

4. Announcement

National Public Hearing:

The President of the Senate read a letter from Senator Ovie A. Omo-Agege (*Delta Central*) as follows:



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

Committee on the Review of the 1999 Constitution

National Assembly Complex,
P.M.B. 141, Garki, Abuja-Nigeria.

18th May, 2021

His Excellency

The President of the Senate

Senate Chamber

National Assembly Complex

Abuja

ANNOUNCEMENT

INVITATION TO A 2-DAY NATIONAL PUBLIC HEARING

The Chairman and Members of the Senate Committee on the Review of the 1999 Constitution cordially invite the Leadership of the Senate and Distinguished Senators to a 2-Day National Public Hearing on proposals to alter the Provisions of the Constitution of the Federal Republic of Nigeria 1999, scheduled to hold from Thursday 3rd to Friday 4th June, 2021, at the Africa Hall of the International Conference Centre, Abuja.

Distinguished Senators should endeavour to attend.

(Signed)

Senator Ovie Omo-Agege

Deputy Senate President/Chairman

5. Petitions:

Rising on Order 41, Senator Patrick A. Akinyelure (*Ondo Central*) drew the attention of the Senate to five (5) petitions received from the Office of the President of the Senate as follows:

- (i) Dr. Onwubiko N. Dike and Dr. IK Ajuzieogu, against the Management of Niger Delta Development Commission (NDDC), over alleged atrocious treatment on Ukwa West Local Government Area, Abia State;
- (ii) Dr. Babalola S. and four others, against the Federal Mortgage Bank of Nigeria; Shelter View and Investments Nigeria Limited and two others, over alleged aiding and collusion between Federal Mortgage Bank of Nigeria; Shelter View and Investments Nigeria Limited; Platinum Savings and Loans Limited & Resort Savings and Loans PLC to defraud Shelter View Estate Residents right to their mortgaged houses;
- (iii) E.V. Ugboke, against Engr. Williams Akionbare, Dr. Onanuju & Federal University of Technology, Owerri over alleged victimization, extortion and criminal breach of duty;

- (iv) John Aineter and Arinze S. Egbo, Esq., against the Clerk to the National Assembly and Management, over alleged non-payment for contract awarded and executed in the sum of One Hundred and Sixty-Eight Million, Four Hundred and Forty-Three Thousand, Two Hundred Naira only (₦168,443,200.00) in favour of Bimfirst Multiventures Limited; and
- (v) Chief Abdulfatai Abdulsalam, against Department of State Services (DSS), over alleged gruesome attack and murder of Corporal Rauf Fawale by three Officers of the DSS, Osun State Command and attempt by the DSS to cover up the atrocity of David Olowoporoku and two other officers.

He urged the Senate to look into the matters.

Petitions laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Order 41(3)] to report within four (4) weeks.

6. Matter of Urgent Public Importance:

Rising on Orders 42 and 52, Senator Yahaya A. Abdullahi (*Kebbi North*) drew the attention of the Senate to the incident of boat mishap in Warah, Ngaski Local Government Area, Yawuri Emirate of Kebbi State. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes with trepidation and regret the unfortunate incident of boat mishap that occurred in Warah, Kebbi State on Wednesday, 26th May, 2021 that led to the death and injuries of over one hundred and seventy (170) persons from several States of the Federation, most of whom were indigenes of Kebbi State;

further notes that as at Sunday, 31st May, 2021 eighty-four (84) dead bodies have been recovered and twenty-two (22) persons found alive while the total number of people on the boat is estimated to be between 150 to 200 as the search continues; and

worried that boat mishaps in our inland waterways have become a recurring decimal that require urgent action by the authorities, particularly the National Inland Waterways Authority (NIWA) by way of introducing regulations to guide inland waterways transportation and the conduct of boat operators.

The Senate accordingly resolves to:

- (i) observe a minute silence in honour of the deceased and prayers for the recovery of the injured;
- (ii) urge National Emergency Management Agency (NEMA) to come to the assistance of the victims with food and other forms of support to the bereaved families;
- (iii) appreciate the work and quick responses of the National Inland Waterways Authority (NIWA) and Hydro Power Producing Areas Development Commission (HYPPADEC);
- (iv) send a delegation to sympathize with the Governor of Kebbi State, Emir of Yawuri, Chairman, Ngaski Local Government Area and the people of Kebbi State; and
- (v) urge the National Inland Waterways Authority (NIWA) to develop a standard protocol to regulate inland transport and rules for boat operators in all our Inland Ports and set up the necessary mechanisms to ensure compliance (*Senātor Yahaya A. Abdullahi — Kebbi North*).

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

Question: That the Senate do observe a minute silence in honour of the deceased and prayers for the recovery of the injured — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge National Emergency Management Agency (NEMA) to come to the assistance of the victims with food and other forms of support to the bereaved families — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do appreciate the work and quick responses of the National Inland Waterways Authority (NIWA) and Hydro Power Producing Areas Development Commission (HYPPADEC) — *Agreed to.*

Proposed Resolution (iv):

Question: That the Senate do send a delegation to sympathize with the Governor of Kebbi State, Emir of Yawuri, Chairman, Ngaski Local Government Area and the people of Kebbi State — *Agreed to.*

Proposed Resolution (v):

Question: That the Senate do urge the National Inland Waterways Authority (NIWA) to develop a standard protocol to regulate inland transport and rules for boat operators in all our Inland Ports and set up the necessary mechanisms to ensure compliance — *Agreed to.*

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

“That the Senate do urge the Federal Government to fund National Inland Waterways Authority (NIWA) and Hydro Power Producing Areas Development Commission (HYPPADEC) to effectively tackle the problem of tree trunks in the Kainji Lake to make navigation safe and easy” (*Senator Aliyu S. Abdullahi — Niger North*).

Question put and agreed to.

Resolved:

That the Senate do

- (i) observe a minute silence in honour of the deceased and prayers for the recovery of the injured;
- (ii) urge National Emergency Management Agency (NEMA) to come to the assistance of the victims with food and other forms of support to the bereaved families;
- (iii) appreciate the work and quick responses of the National Inland Waterways Authority (NIWA) and Hydro Power Producing Areas Development Commission (HYPPADEC);
- (iv) send a delegation to sympathize with the Governor of Kebbi State, Emir of Yawuri, Chairman, Ngaski Local Government Area and the people of Kebbi State;
- (v) urge the National Inland Waterways Authority (NIWA) to develop a standard protocol to regulate inland transport and rules for boat operators in all our Inland Ports and set up the necessary mechanisms to ensure compliance; and
- (vi) urge the Federal Government to fund National Inland Waterways Authority (NIWA) and

Hydro Power Producing Areas Development Commission (HYPPADEC) to effectively tackle the problem of tree trunks in the Kainji Lake to make navigation safe and easy (S/Res/110/02/21).

One minute silence accordingly observed in honour of the deceased.

Delegation to Kebbi State

The President of the Senate named the following Senators as delegation to Kebbi State to condole with the people and Government of Kebbi State over the tragic boat mishap:

(i)	Senator Muhammad A. Adamu	-	Leader
(ii)	Senator Aliyu M. Wamakko	-	Member
(iii)	Senator Yahaya A. Abdullahi	-	Member
(iv)	Senator Olubunmi A. Adetunmbi	-	Member
(v)	Senator Orji U. Kalu	-	Member
(vi)	Senator Mohammed D. Goje	-	Member
(vii)	Senator Aliyu S. Abdullahi	-	Member
(viii)	Senator Eremienyo B.W. Degi	-	Member

7. Matter of Urgent Public Importance:

Rising on Orders 42 and 52, Senator Ibikunle O. Amosun (*Ogun Central*) drew the attention of the Senate to the need to curb the rising cases of gas related fire incidents, explosions and deaths in Ogun State. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

aware that natural Gas found in abundance in the country has continued to gain acceptance among most homes in Nigeria as it is used for cooking, welding, cooling, power generation, and transportation and is the desired option given the advantage of limited pollution and impact on the people and the environment;

notes that this essential commodity if not well managed and regulated can be a curse rather than a blessing because of the loss of lives and destruction of properties that are usually associated with it whenever anything goes wrong;

saddened about the loss of at least eight lives including an infant while several others sustained various degrees of injury in Gas related explosions and fire incidents in Abeokuta metropolis, Ogun State, in quick successions within a period of two weeks in the month of May, 2021;

worried that a Gas explosion, the fifth of such incidents, which occurred at the yard of a construction company in Onikoko area of Abeokuta, Ogun State, on Friday, 21st May, 2021, left at least two persons seriously injured;

deeply worried that this latest incident happened barely 24 hours after two persons were killed in a Gas explosion within the Olusegun Obasanjo Presidential Library (OOPPL) in Abeokuta, Ogun State, on Thursday, 20th May, 2021 which occurred when technicians were conducting routine servicing of the air conditioning units within the premises;

concerned that similar incident took place on Tuesday, 18th May, 2021 when technicians were working on a revolving door at the Conference Hotel, Abeokuta, which is a short distance away from the Library and left two persons dead;

deeply concerned that on Wednesday 12th May 2021, three other persons, including an infant, were burnt to death in a Gas explosion that occurred in Oke-Egunyan, along NTA Road in Abeokuta when a technician was refilling gas of a faulty refrigerator;

alarmed that barely 24 hours after the incident at Oke Eggunyan, another Gas explosion occurred on Mercy Road, Panseke, Abeokuta, on Thursday, 13th May, 2021, when a technician, Sanya Shonde was working on refrigerators and lost his life as a result of the injury he sustained in the explosion;

deeply notes that these incidents are the latest in a string of similar accidents that have occurred as a result of gas explosions from cylinders;

aware that the Standards Organisation of Nigeria (SON) established standards for Gas cylinders in Nigeria (NISS87) which among others specifies a 15-year life cycle for gas cylinders and provides for every gas cylinder to go through mandatory requalification process every 5 years, but there are no facilities for requalification, certification and re-certification of gas cylinders in Nigeria;

further aware that in order to curb the domestic production and importation of substandard and fake gas cylinders, the then Director-General of Standards Organisation of Nigeria in 2014, assured Nigerians of the implementation of a new policy on the ownership of gas cylinders;

disturbed that almost seven (7) years after the conception of the policy, the relevant Agencies are yet to commence the implementation of the new policy on ownership of cylinders in Nigeria while the production and importation of fake and substandard cylinders continue unabated and lives being lost;

believes that in line with the provisions of Section 14(2) (b) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), relevant Government Agencies need to take more appropriate steps to protect Nigerians from avoidable deaths by adopting relevant practices obtainable in other climes, especially in effectively monitoring the validity of LPG cylinders and the purity of the Gas being dispensed;

notes that Regulatory Agencies in the Liquefied Petroleum Gas (LPG) sector need to live up to their responsibilities to enforce standards, clamp down on influx of sub-standard cylinders and retailers who dispense adulterated gas, thereby, leading to an increase in gas explosions and associated deaths in Ogun State, and indeed throughout the 36 States and the FCT.

The Senate accordingly resolves to:

- (i) observe a minute silence in honour of all the victims of the unfortunate explosions;
- (ii) mandate the Committees on Gas; and Industries to investigate the cause(s) of the recent cases of Gas explosions in Ogun State and in the 35 States of the Federation and the FCT, in order to find permanent and sustainable solutions that will save the lives of the people, and report back to the Senate;
- (iii) urge the Federal and State Fire Services to enforce the mandatory use of fire safety equipment, such as fire extinguishers and other safety equipment, in homes and places of work;
- (iv) urge the Standards Organization of Nigeria (SON), the Department of Petroleum Resources (DPR), the National Orientation Agency (NOA) and Marketers of gas and highly inflammable products to embark on aggressive, consistent sensitization and awareness campaigns on safe ways of using gas cylinders and other inflammable materials to save lives;
- (v) urge the Department of Petroleum Resources (DPR) to:
 - (a) put in place systems and structures for the enforcement of the Federal Government's ban on consumer ownership of Liquefied Petroleum Gas (LPG) cylinders to enhance safety and deepen cooking gas penetration in the country;

- (b) Step up the clamping down on illegal roadside retailers of Liquefied Petroleum Gas (LPG) who either operate without a valid license or who operate within residential areas, or licensed plants who lack basic and standard minimum requirements like fire extinguishers and detectors, water sprinkler, temperature gauge, pressure and volume measuring equipment, among others (*Senator Ibikunle O. Amosun — Ogun Central*)

Debate:

Proposed Resolution (i):

Question: That the Senate do observe a minute silence in honour of all the victims of the unfortunate explosions — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do mandate the Committees on Gas; and Industries to investigate the cause(s) of the recent cases of Gas explosions in Ogun State and in the 35 States of the Federation and the FCT, in order to find permanent and sustainable solutions that will save the lives of the people, and report back to the Senate — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge the Federal and State Fire Services to enforce the mandatory use of fire safety equipment, such as fire extinguishers and other safety equipment, in homes and places of work — *Agreed to.*

Proposed Resolution (iv):

Question: That the Senate do urge the Standards Organization of Nigeria (SON), the Department of Petroleum Resources (DPR), the National Orientation Agency (NOA) and Marketers of gas and highly inflammable products to embark on aggressive, consistent sensitization and awareness campaigns on safe ways of using gas cylinders and other inflammable materials to save lives — *Agreed to.*

Proposed Resolution (v):

Question: That the Senate do urge the Department of Petroleum Resources (DPR) to:

- (a) put in place systems and structures for the enforcement of the Federal Government's ban on consumer ownership of Liquefied Petroleum Gas (LPG) cylinders to enhance safety and deepen cooking gas penetration in the country;
- (b) Step up the clamping down on illegal roadside retailers of Liquefied Petroleum Gas (LPG) who either operate without a valid license or who operate within residential areas, or licensed plants who lack basic and standard minimum requirements like fire extinguishers and detectors, water sprinkler, temperature gauge, pressure and volume measuring equipment, among others — *Agreed to.*

Resolved:

That the Senate do:

- (i) observe a minute silence in honour of all the victims of the unfortunate explosions;
- (ii) mandate the Committees on Gas; and Industries to investigate the cause(s) of the recent cases of Gas explosions in Ogun State and in the 35 States of the Federation and the FCT, in order to find permanent and sustainable solutions that will save the lives of the people, and report back to the Senate;
- (iii) urge the Federal and State Fire Services to enforce the mandatory use of fire safety equipment, such as fire extinguishers and other safety equipment, in homes and places of work;

- (iv) urge the Standards Organization of Nigeria (SON), the Department of Petroleum Resources (DPR), the National Orientation Agency (NOA) and Marketers of gas and highly inflammable products to embark on aggressive, consistent sensitization and awareness campaigns on safe ways of using gas cylinders and other inflammable materials to save lives;
- (v) urge the Department of Petroleum Resources (DPR) to:
 - (a) put in place systems and structures for the enforcement of the Federal Government's ban on consumer ownership of Liquefied Petroleum Gas (LPG) cylinders to enhance safety and deepen cooking gas penetration in the country;
 - (b) Step up the clamping down on illegal roadside retailers of Liquefied Petroleum Gas (LPG) who either operate without a valid license or who operate within residential areas, or licensed plants who lack basic and standard minimum requirements like fire extinguishers and detectors, water sprinkler, temperature gauge, pressure and volume measuring equipment, among others (S/Res/111/02/21).

One minute silence accordingly observed in honour of the deceased.

8. Personal Explanation:

Rising on Order 43, Senator Ovie A. Omo-Agege (*Delta Central*) drew the attention of the Senate to the gruesome murder of Alhaji Ahmed Gulak on Sunday, 30th May, 2021 in Imo State where he attended the Zonal Constitution Review Hearing as a Consultant. He stated that the late Alhaji Gulak was Speaker of Adamawa State House of Assembly, Special Adviser on Political Matters to the former President, Goodluck Jonathan Ebele, a lawyer, leader of All Progressive Congress (APC) Adamawa North, and a detribalised and peace loving Nigerian. He urged the Senate to observe a minute silence in his honour, ensure that the perpetrators are brought to book and also convene the condolences of the Senate to the family, Government and people of Adamawa State.

One minute silence accordingly observed in honour of the deceased.

9. Personal Explanation:

Rising on Order 43, Senator Aishatu A. Dahiru (*Adamawa Central*) drew the attention of the Senate to the demise of Alhaji Abdullahi Dan Buram Jada (1924-2021), which occurred on Monday, 24th May, 2021. She stated that the late Dan Buram Jada was a member of the defunct Northern Nigerian Parliament, a Minister in the cabinet of Sir Ahmadu Bello, the Sarkuna of Sokoto, a former Pro-Chancellor and Chairman Governing Council of three (3) Federal Government Universities and a pioneer Chairman of North-Eastern State Public Service Commission in 1967. She prayed Allah (SWT) to grant him Aljannatul firdaus and urged the Senate to observe a minute silence in his honour.

One minute silence accordingly observed in honour of the deceased.

10. Personal Explanation:

Rising on Order 43, Senator Mohammed A. Ndume (*Borno South*) drew the attention of the Senate to the ill-fated plane crash that occurred on Friday, 21st May, 2021 which led to the death of the Chief of Army Staff, Lt. General Ibrahim Attahiru and ten (10) others in line of duty and service to their fatherland. He noted the patriotic and exemplary leadership of the late Chief of Army Staff within his short period of service to the Nation. He urged the Senate to observe a minute silence in his honour, immortalize him and also send a delegation to commiserate with the family.

One minute silence accordingly observed in honour of the deceased.

11. Personal Explanation:

Rising on Order 43, Senator Aliyu S. Abdullahi (*Niger North*) drew the attention of the Senate to the spate of attacks by armed bandits in Niger State especially in Rafi Local Government Area in Niger East, Kontagora, Mariga, Rijau, Magama, Mashegu and Wushishi Local Government Areas. He stated that the bandits operated on Kontagora road and have attacked Kamfanin Bobi and Maigoge villages in Tgina and Beri towns where they killed over eight (8) persons and seriously injured many. He urged the Senate to observe a minute silence in their honour.

One minute silence accordingly observed in honour of the deceased.

12. Presentation of Bills:

- (i) Nigerian Film Commission Bill, 2021 (HB. 324) — *Read the First Time.*
- (ii) National Environmental Standards and Regulations Enforcement Agency (NESREA) Act 2007 (Amendment) Bill, 2021 (SB. 731) — *Read the First Time.* —
- (iii) Federal College of Agriculture Shani, Borno State (Establishment) Bill, 2021 (SB. 732) — *Read the First Time.*
- (iv) Federal University of Agriculture and Technology, Aboh (Establishment) Bill, 2021 (SB. 733) — *Read the First Time.*
- (v) National Pediatric Centre Yala, Cross River State (Establishment) Bill, 2021 (SB. 734) — *Read the First Time.*

13. Executive Communication:

Confirmation of the Nomination of Mr. Kolawole Oladipupo Alabi as Executive Commissioner, Federal Competition and Consumer Protection Commission:

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the confirmation of the nomination of Mr. Kolawole Oladipupo Alabi as Executive Commissioner, Federal Competition and Consumer Protection Commission (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Trade and Investment to report within two (2) weeks.

14. Executive Communication:

2018-2020 Federal Government External Borrowing (Rolling) Plan:

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the approval of Donor Funded Projects under the 2018- 2020 Federal Government External Borrowing (Rolling) Plan (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Local and Foreign Debts to report within two (2) weeks.

15. **Executive Communication:**

External Borrowing of ₦2.343 Trillion (About USD 6.183 Billion) in the 2021 Appropriation Act:

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the implementation of the External Borrowing of ₦2.343 Trillion (About USD6.183 Billion) in the 2021 Appropriation Act (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Local and Foreign Debts to report within two (2) weeks.

16. **Committee on Health (Secondary & Tertiary):**

Report on the Modibbo Adama University Teaching Hospital, Yola (Establishment) Bill, 2021 (SB. 630):

Motion made: That the Senate do receive and consider the Report of the Committee on Health (Secondary & Tertiary) on the Modibbo Adama University Teaching Hospital, Yola (Establishment) Bill, 2021 (*Senator Yahaya I. Oloriegbe — Kwara Central*).

Question put and agreed to.

Report Laid and Presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE MODIBBO ADAMA UNIVERSITY TEACHING HOSPITAL AND A MANAGEMENT BOARD FOR THE HOSPITAL, FOR THE PURPOSE OF PROVIDING SUCH FACILITIES FOR THE TRAINING OF MEDICAL AND OTHER HEALTH PROFESSIONALS, PROVIDING TERTIARY HEALTH CARE SERVICES, CONDUCTING HEALTH RELATED RESEARCHES, AND OTHER RELATED MATTERS, 2021.

Clause 1: Establishment of the Hospital.

There is hereby upgraded the Federal Medical Centre Yola to be known as the Modibbo Adama University Teaching Hospital, for the purpose of training of medical and other health professionals, providing tertiary health care services, conducting health related researches, and other related matters.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 2: Establishment of the Hospital and the Management Board.

There shall be established for the management of the hospital, a body to be known as the Modibbo Adama University Teaching Hospital Management Board (in this Bill referred to as "the Board") which shall be a body corporate with perpetual succession and a common seal.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 3: Composition, functions, etc., of Board.

The composition, functions and powers of the Board established under subsection (2) of section 2 shall be as provided for in the University Teaching Hospitals (Reconstruction of Boards, etc.) Act, Cap. U15, LFN 2004.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Clause 4: Short Title.

This Bill may be cited as the Modibbo Adama University Teaching Hospital, Yola (Establishment) Bill, 2021.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*).

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

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Health (Secondary & Tertiary) on the Modibbo Adama University Yola Teaching Hospital (Establishment) Bill, 2021 and approved as follows:

Clauses 1 - 4 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

17. Committee on Tertiary Institutions and TETFUND:

Report on the Federal University of Technology Ilaro, Ogun State (Establishment) Bill, 2021 (SB. 84):

Motion made: That the Senate do receive and consider the Report of the Committee on Tertiary Institutions and TETFUND on the Federal University of Technology Ilaro, Ogun State (Establishment) Bill, 2021 (*Senator Babbā K. Ahmad — Katsina North*).

Question put and agreed to.

Report Laid and Presented.

Motion Made: That the Senate do Resolve into the Committee of the Whole to Consider the Report.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL UNIVERSITY OF TECHNOLOGY, ILARO; TO MAKE COMPREHENSIVE PROVISIONS FOR ITS DUE MANAGEMENT AND ADMINISTRATION AND FOR OTHER MATTERS CONNECTED THEREWITH, 2021.

**PART I — ESTABLISHMENT, CONSTITUTION AND FUNCTIONS
OF THE FEDERAL UNIVERSITY OF TECHNOLOGY, ILARO**

Clause 1: Establishment of the Federal University of Technology, Ilaro.

- [1] There is hereby established a body to be called The Federal University of Technology, Ilaro.
- [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.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 2: Constitution and Principal Officers of the University.

- [1] The University shall consist of—
 - [a] A Chancellor;
 - [b] A Pro-Chancellor and a Council;
 - [c] A Vice-Chancellor and a Senate;
 - [d] A body to be called Congregation;
 - [e] A body to be called Convocation;
 - [f] The campuses and Colleges of the University;
 - [g] The Colleges, institutes and other teaching and research units of the University;
 - [h] The persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraphs [a] to [c] of this subclause;
 - [i] All graduates and undergraduates of the University; and
 - [j] All other persons who are members of the University in accordance with provisions made by statute in that behalf.
- [2] The First Schedule to this Bill, shall have effect with respect to the principal officers of the University.

- [3] Subject to clause 5 of this Bill provision shall be made by statute with respect to the constitution of the Council, the Senate, Congregation and Convocation.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 3: Objects of the University.

The objects of the University shall be to —

- [a] encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring higher and liberal education;
- [b] provide courses of instruction and other facilities for the pursuit of learning in all its branches.
- [c] Encourage and promote scholarship and conduct research in restricted fields of learning and human endeavor;
- [d] Relate its activities to the social, cultural and economic needs of the people of Nigeria; and
- [e] Undertake other activities appropriate for the highest standard of an Institute.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 4: Powers of Federal University of Technology, Ilaro and its Exercise.

- [1] For the carrying out of its objects as specified in clause 1 of this Bill, Federal; University of Technology, Ilaro shall have power —
 - [a] to offer courses of instruction, training and research in Technology and allied areas for the production of quality and skilled technologists required at lower, middle and higher levels of manpower in Nigeria in particular and the world at large.
 - [b] to establish such colleges, campuses, institutes, schools, departments and other teaching and research units within the University as may from time to time be deemed necessary or desirable subject to the approval of National Universities Commission;
 - [c] to institute professorships, readerships or associate professorships, lectureships, and other posts and offices and to make appointments thereto;
 - [d] to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;

- [e] to provide for the discipline and welfare of members of the University;
- [f] to hold examinations and grant degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;
- [g] to grant honorary degrees, fellowships or academic titles;
- [h] to demand and receive from any student or any other person attending the University for the purposes of instruction, such fees as the University may from time to time determine subject to the overall directives of the Minister;
- [i] subject to clause 20 of this Bill, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever it is situated;
- [j] to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attached thereto;
- [k] to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
- [l] to erect, provide, equip and maintain libraries, laboratories, workshops, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University;
- [m] to hold public lectures and to undertake printing, publishing and book selling;
- [n] subject to any limitations or conditions imposed by statute, to invest any moneys appertaining to the University by way of endowment, it not being immediately required for current expenditure in any investments or securities or in the purchase or improvement of land, with power from time to time, to vary any such investments to deposit any moneys for the time being not invested with any bank on deposit or current account;
- [o] to borrow, whether on interest or not and if need be upon the security of any or all of the property, movable or immovable, of the University, such moneys as the Council may from time to time, in its discretion, find it necessary or expedient to borrow 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 this Bill or by statute to do; and

- [r] to do all such acts or things, whether or not incidental to the foregoing powers, as may advance the objects of the University.
- [2] Subject to the provisions of this Bill and of the statutes and without prejudice to clause 7[2] of this Bill, the powers conferred on the University by subclause [1] of this clause shall be exercisable on behalf of the University by the Council or by the Senate or in many other manners which may be authorized by the statute.
- [3] The power of the University to establish further campuses and colleges within the University shall be exercisable by statute and not otherwise.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

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

- [1] The Chancellor shall, in relation to the University, take precedence before all other members of the University, and when he is present, shall preside at all meetings of Convocation held for conferring degrees.
- [2] The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University, except the Chancellor and except the Vice-Chancellor when acting as chairman of Congregation or Convocation and the Pro-Chancellor shall, when he is present, be the chairman at all meetings of the Council

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 6: Composition of the Council of each University.

The Council of each University shall consist of —

- [a] the Pro-Chancellor;
- [b] the Vice-Chancellor;
- [c] the Deputy Vice-Chancellor;
- [d] one person from the Ministry responsible for education;
- [e] nine persons representing a variety of interests and broadly representative of the whole Federation to be appointed by the President;
- [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.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 7: Functions of the Council and its Finance and General Purpose Committee

- [1] Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University.
- [2] There shall be a committee of the Council, to be known as the Finance, and General Purposes Committee, which shall, subject to the directives of the Council, exercise control over the property and expenditure of the University and perform such other functions of the Council as the Council may from time to time delegate to it.
- [3] Provision shall be made by statute with respect to the constitution of the Finance and General Purposes Committee.
- [4] The Council shall ensure that proper accounts of the University are kept and that the accounts of the University are audited annually by an independent firm of auditors approved by the Council and that an annual report is published by the University together with certified copies of the said accounts as audited.
- [5] Subject to this Bill and the statutes, the Council and the Finance and General Purposes Committee may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.
- [6] Rules made under sub-clause [5] of this clause 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 directives of the Council shall prevail.
- [7] There shall be paid to the members respectively of the Council, the Finance and General Purposes Committee and of any other committee set up by the Council, allowances in respect of travelling and other reasonable expenses, at such rates as may from time to time be fixed by the Minister.
- [8] The Council shall meet as and when necessary for the performance of its functions under this Bill and shall meet at least three times in every year.
- [9] If requested in writing by any five members of the Council, the chairman shall within 28 days after the receipt of such request call a meeting of the Council.

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

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Babba K. Ahmad—Katsina North*).

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

Clause 8: Functions of the Senate of the University.

- [1] Subject to clause 6 of this Bill and subclauses [3] and [4] of this clause 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 subclause [1] of this clause and subject as therein mentioned, it shall in particular be the function of the Senate to make provision for —
- [a] the establishment, organization and control of campuses, colleges, schools, institutes and other teaching and research units of the University and the allocation of responsibility for different branches of learning;
 - [b] the organization and control of courses of study at the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
 - [c] the award of degrees, and such other qualifications as may be prescribed in connection with examinations held as aforesaid;
 - [d] the making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus;
 - [e] the establishment, organization and control of halls of residence and similar institutions at the University;
 - [f] the supervision of the welfare of students at the University and the regulation of their conduct;
 - [g] the granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University; and
 - [h] determining what descriptions of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.
- [3] The Senate shall not establish any new campus, college, school, department, institute or other teaching and research units of the University, or any hall of residence or similar institution at the University without the approval of the Council.

- [4] Subject to this Bill and the statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the foregoing provisions of this clause or otherwise or for the purpose of making provision for any matter for which provision by regulations is authorized or required by this Bill or by statute.
- [5] Regulations shall provide that at least one of the persons appointed as the examiners at each final or professional examination held in conjunction with any course of study at the University is not a teacher at the University but is a teacher of the branch of learning to which the course relates at some other University of high repute or a person engaged in practicing the profession in a reputable organization or institution.
- [6] Subject to right of appeal to the Council from a decision of the Senate under this sub-clause, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred upon him if after due enquiry he is found to have been guilty of dishonourable or scandalous conduct in gaining admission into the University or obtaining that award.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 9: Functions of the Vice Chancellor.

- [1] The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and subject to clause 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 clauses 6, 7 and 14 of this Bill, the Vice-Chancellor shall have the general function, in addition to any other functions conferred on him by this Bill or otherwise of directing the activities of the University and shall be the Chief Executive and Accounting Officer of the University and ex-officio Chairman of the Senate.
- [3] The Vice Chancellor shall be the Chairman of the University Tenders' Board, which is saddled with the responsibility of approving the conduct of public procurement of goods, works and services within the approved threshold from time to time.
- [4] It shall be the responsibility of the Vice Chancellor to establish and appoint members of the Tenders' Board in line with the extant Public Procurement Rules and Regulations.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

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

Clause 10: General fund of the University.

- [1] Annual budgetary allocation by the Federal Government through; Appropriation by the National Assembly.
- [2] 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;
- [3] The general fund shall be applied for the purposes of the University.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 11: Transfer of Property.

- [1] All property held by or on behalf of the Provisional Council of the University shall, by virtue of this sub-clause and without further assurance, vest in the University and be held by it for the purpose of the University.
- [2] The provisions of the Second Schedule to this Bill shall have effect with respect to, and to matters arising from, the transfer of property by this clause and with respect to the other matters mentioned in that Schedule.

Committee's Recommendation:

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

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

PART III — STATUTES OF THE UNIVERSITY**Clause 12: Power of the University to make Statutes.**

- [1] Subject to this Bill, the University may make statutes for any of the following purposes, that is to say —
 - [a] Making provision with respect to the composition and constitution of any authority of the University;
 - [b] Specifying and regulating the powers and duties of any authority of the University, and regulating any other matter connected with the University or any of its authorities;
 - [c] Regulating the admission of students [where no other enactment provides to the contrary], and their discipline and welfare;
 - [d] Determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Bill and of any statute, regulation or other instrument made thereunder; or
 - [e] Making provision for any other matter for which provision by statute is authorized or required by this Bill.
- [2] Subject to clause 25[6] of this Bill, the Interpretation Act shall apply in relation to any statute made under this clause as it applies to a subsidiary instrument within the meaning of clause 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 clause by the University.
- [4] The power to make statutes conferred by this clause shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the statute contained in the Third Schedule to this Bill or any subsequent statute.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 13: Mode of Exercising Power to Make Statutes.

- [1] The power of the University to make statutes shall be exercised in accordance with the provisions of this clause 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 subclause [2] of this clause 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 clause 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 subclause [4] of this clause, 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-clause [6] of this clause shall be binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a statute has been decided by the Visitor under that sub-clause, no question as to the meaning of that provision shall be entertained by any court of law in Nigeria.
- [8] Nothing in sub-clause [7] of this clause shall affect any power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution of the Federal Republic of Nigeria, 1999.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

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

- [1] In the event of any doubt or dispute arising at any time as to the meaning of any provision of a statute, the matter may be referred to the visitor, who shall take such advice and make such decision thereon as he shall deem fit.

- [2] The decision of the visitor on any matter referred to him under this clause shall be binding upon the authorities, staff and students of the University, and where any question as to the meaning of any provision of a statute has been decided by the visitor under this clause, no question as to the meaning of that provision shall be entertained by any court of law in Nigeria: Provided that nothing in this sub clause shall affect any power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution of the Federal Republic of Nigeria.
- [3] The foregoing provisions of this clause shall apply in relation to any doubt or dispute as to whether any matter is for the purposes of this Bill an academic or a non-academic matter as they apply in relation to any such doubt or dispute as is mentioned in sub clause-[1] of this clause; and accordingly the references in sub clause [2] of this clause to any question as to the meaning of any provision of a statute shall include references to any question as to whether any matter is for the said purposes an academic or a non-academic matter.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 15: Proof of Statute.

A statute may be proved in any court by the production of a copy thereof bearing or having affixed to it a certificate purporting to be signed by the Vice-Chancellor or the Secretary to the Council to the effect that the copy is a true copy of a statute of the University.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

PART IV — SUPERVISION AND DISCIPLINE

Clause 16: 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 clause, such facilities and assistance as he or they may reasonably require for the purposes of a visitation.
- [4] The Visitor shall make the report of such visitations and white paper thereon available to the Council which shall implement same.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 17: Removal of Certain Members of Council.

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

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 18: 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 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 subclause "good cause" means —

- [a] conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
 - [b] any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office; or
 - [c] conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office; or
 - [d] conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service; or
 - [e] conduct which the Council considers to be generally of such nature as to render the continued appointment or service of the person concerned prejudicial or detrimental to the interest of the University.
- [4] Any person suspended pursuant to subclause [2] or [3] of this clause 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 clause, 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 subclause [1] of this clause to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

- [7] Nothing in the foregoing provisions of this clause shall —
 - [a] apply to any directive given by the Visitor in consequence of any visitation; or
 - [b] prevent the Council from making regulations for the discipline of other categories of workers of the University as may be prescribed.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 19: 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 clause 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 subclause [1] of this clause.
- [3] It shall be the duty of the Vice-Chancellor on signing an instrument of removal pursuant to this clause, to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it is related.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 20: 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 clause, 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 subclause [1][c] or [d] of this clause in respect of any student, that student may, within the prescribed period and in the prescribed manner, appeal to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just either confirm or set aside the direction or modify it in such manner as the Council thinks fit.
- [4] The fact that an appeal from a direction is brought in pursuance to subclause [2] of this clause shall not affect the operation of the direction while the appeal is pending—
- [a] The Vice-Chancellor may delegate his powers under this clause to a disciplinary board consisting of such members of the University as she may nominate.
 - [b] Nothing in this clause 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 subclause [2][a] of this clause may be combined with a direction under subclause [2][b] of this clause.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Babba K. Ahmad—Katsina North*).

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

PART V — MISCELLANEOUS AND GENERAL

Clause 21: 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 subclause [1] of this clause shall be construed as preventing the University from imposing any disability or restriction on any of the persons mentioned in that subclause where such person willfully refuses or fails on grounds of religious belief to undertake any duty generally and uniformly imposed on all such person or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the University reasonably justifiable in the national interest.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 22: Restriction on Disposal of Land by University.

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

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

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 23: Quorum and Procedure of Bodies Established by this Bill.

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

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 24: Appointment of Committee, etc.

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

[a] to exercise, on its behalf, such of its functions as it may determine;

[b] to co-opt members, and

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

- [3] Except as may be otherwise provided by statute or by regulations, the quorum and procedure of a committee established or meeting held in pursuance of this clause, 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 subclause [1], [2] and [3] of this clause shall be construed as —
 - [a] enabling the statutes to be made otherwise than in accordance with clause 1 of this Bill; or
 - [b] enabling the Senate to empower any other body to make regulations of the award of degrees or other qualifications.
- [5] The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council [other than a committee appointed to inquire into the conduct of the officer in question]; and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 25: Retiring Age of Academic Staff.

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

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 26: Special Provisions Relating to Pension of Professors.

A person who retires as a professor having served —

- [a] a minimum period of fifteen years as a professor in the University or continuously in the service of a university in Nigeria up to the retiring age; and

- [b] who during the period of service was absent from the University only on approved national or University assignments, shall be entitled to pension at a rate equivalent to his last annual salary and such allowances as the Council may, from time to time, determine as qualifying for pension and gratuity, in addition to any other retirement benefits to which he may be entitled.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 27: Miscellaneous Administrative Provisions.

- [1] The seal of the University shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall be authenticated by any member of the Council and by the Vice-Chancellor, Secretary to the Council or any other person authorized by statute.
- [2] Any document purporting to be a document executed under the seal of the University shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
- [3] Any contract or instrument which if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specially authorized to do so by the Council.
- [4] The validity of any proceedings of anybody established in pursuance of this Bill shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the preceding.
- [5] Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith disclose his interest to the body and shall vote on any question relating to that matter.
- [6] Nothing in clause 12 of the Interpretation Act [which provides for the application in relation to subordinate legislation of certain incidental provisions] shall apply to statutes or regulations made in pursuance to this Bill.
- [7] The power conferred by this Bill on anybody to make statutes or regulations shall include power to revoke or vary any statute [including the statute contained in the Third Schedule of this Bill] or any regulation by a subsequent statute or as the case may be, by a subsequent regulation and statutes and regulations may make different provisions in relation to different circumstances.
- [8] No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of clause 8 or clause 18 of this Bill or the Second Schedule to this Bill.

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

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 28: Transitional and Savings Provision.

- [1] On the commencement of this Bill, any person employed by or serving in, Federal Polytechnic Ilaro, shall be deemed to have been employed or serving in the University established under this Bill.
- [2] All Assets or liabilities belonging to Federal Polytechnic Ilaro, shall be deemed to belong to the University established under this Bill.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 29: Interpretation.

- [1] In this Bill, unless the context otherwise requires —
- "Campus" means any campus which may be established by the University;
- "College" means the College established pursuant to clause 2 [1] [b] of this Bill for the University;
- "Council" means the Governing Council of the University established by clause 5 of this Bill.
- "Functions" includes powers and duties
- "Graduate" means a person on whom a degree, other than an honorary degree, has been conferred by the University and any other person as may be designated as a graduate by the Council, acting in accordance with the recommendation of the Senate; [Erroneously omitted]
- "Minister" means the Hon. Minister of Education;
- "Notice" means notice in writing;
- "Officer" does not include the Visitor
- "Prescribed" means prescribed by statute or regulations;
- "Professor" means a person designated as a Professor of the University in accordance with provisions made in that behalf by statute or by regulations;
- "Property" includes rights, liabilities and obligations;
- "Provisional Council" means the provisional council appointed for the University.

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

"Senate" means the Senate of the University established pursuant to clause 2[1][c] of this Bill;

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

"Statute" means a statute made by each University under clause 12 of this Bill and in accordance with the provisions of clause 11 of this Bill, and

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

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

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

"University" means Federal University of Technology, Ilaro established and incorporated by clause I of this Bill.

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

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senate Babba K. Ahmad— Katsina North*).

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

Clause 30: Short Title.

This Bill may be cited as the Federal University of Technology, Ilaro, Bill, 2021.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senate Babba K. Ahmad— Katsina North*).

Question that Clause 30 do stand part of the Bill, put and agreed to.

FIRST SCHEDULE
PRINCIPAL OFFICERS OF THE UNIVERSITY

1. The Chancellor.

- [1] The Chancellor shall hold office for a period of five years.

- [2] If it appears to the visitor, that the chancellor should be removed from his office on the ground of misconduct or of inability to perform the functions of his/her office for insanity or otherwise illness of incapacitation, the visitor may by notice in the Federal Gazette remove the chancellor from office.

2. The Pro-Chancellor.

- [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.

3. The Vice-Chancellor.

- [1] Subject to the provisions of this paragraph, the Vice-Chancellor shall be appointed or removed from his office by the Governing Council; this is in line with the provisions of Clause 3[1] of the Universities [Miscellaneous Provision] Act 1993 [As amended].
- [2] The Vice-Chancellor shall hold office for a single term of Five years; this is in line with the provisions of 3[7] of the Universities [Miscellaneous Provision] Act 1993 [As amended].

4. Deputy Vice-Chancellor.

- [1] There shall be for the University, two Deputy Vice-Chancellors or such number of Deputy Vice Chancellors as the Council may, from time to time deem necessary for the proper administration of the University.
- [2] The procedure for the appointment and removal of the Deputy Vice Chancellor shall be in accordance with the provisions of the Universities [Miscellaneous Provisions] Act, 1993 [As amended].

5. Other Principal Officers of the University.

The officers aforesaid shall be appointed by the Governing Council for a tenure for a single term of Five years and Council may upon satisfactory performance, extend the tenure of the Registrar, Bursar or Librarian for a further period of one year and thereafter such Registrar, Bursar or Librarian shall relinquish his post and be assigned to other duties in the University. This is in line with the provisions of section 5 of the Universities [Miscellaneous Provision] Act 1993 [As amended].

6. Selection Board for other Principal Officers.

- [1] There shall be, for the University, a Selection Board for the appointment of principal officers, other than the Vice-Chancellor or Deputy Vice-Chancellor, which shall consist of —
 - [a] the Pro-Chancellor, as chairman;
 - [b] the Vice-Chancellor;
 - [c] four members of the Council not being members of the Senate; and
 - [d] two members of the Senate.
- [2] The functions, procedure and other matters relating to the Selection Board constituted under subclause [1] of this paragraph shall be as the Council may, from time to time, determine.
- [3] The Registrar, Bursar and Librarian shall hold office for a single term of five years only beginning from the effective date of their appointments and on such terms and conditions as may be specified in their letters of appointment.

7. **Resignation and Re-appointment.**

- [1] the case of the Vice-Chancellor by notice to the Council which shall immediately notify the Minister; and
- [2] 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.

8. **Director of Works.**

There shall be for the University, a Director of Works, who shall be responsible to the Vice Chancellor for the administration of the Works Department. He shall be responsible for all works, services and maintenance of University facilities

9. **Director of Health Services.**

There shall be for the University, a Director of Health Services, who shall be responsible to the Vice Chancellor for the administration of the Health Centre. He shall be the Chief Medical Officer of the University and shall co-ordinate all matters relating to the health of all staff and students

Question that the provision in the First schedule stand part of the bill, put and agreed to.

SECOND SCHEDULE

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

1. **Transfer of Property to University.**

Without prejudice to the generality of clause 9 [1] of this Bill —

- [a] the reference in that subclause to property held by the provisional council shall include a reference to the right to receive and give a good discharge for any grants or contributions which may have been voted or promised to the provisional council;
- [b] all debts and liabilities of the provisional council outstanding shall become debts or liabilities of the University.

[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 sub-paragraph [1] of this paragraph, including enactments, which refer, whether specially or generally, to the provisional council, shall be construed in accordance with that sub-paragraph 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.

3. **Registration of Transfers.**

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

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

4. Transfer of Functions, etc.

- [1] The first meeting of the Council shall be convened by the Pro-Chancellor on such date and in such manner as he may determine.
- [2] The persons who were members of the Provisional Council shall be deemed to constitute the Council until the date when the Council as set up under the Third Schedule to this Bill shall have been duly constituted.
- [3] The first meeting of the Senate as constituted by this Bill shall be convened by the Vice-Chancellor on such date and in such manner as he may determine.
- [4] The persons who were members of the Academic Board immediately before the coming into force of this Bill shall be deemed to constitute the Senate of the University until the date when the Senate as set up under the Third Schedule to this Bill shall have been duly constituted.
- [5] Subject to any regulations which may be made by the Senate after the date on which this Bill is made, the schools, school boards and students of the University immediately before the coming into force of this Bill shall on that day become schools, school boards and students of the University as constituted by this Bill.
- [6] Persons who were Deans of Schools and Heads of Academic Departments shall continue to be Deans or HODs of the corresponding School/Department, until new appointments are made in pursuance of the statutes.
- [7] Any person who was a member of the staff of the University as established or was otherwise employed by the Provisional Council shall become the holder of an appointment at the University with the status, designation and functions which correspond as nearly as may be to those which appertained to him/her as member of that staff or as such an employee.

Question that the provision in the Second schedule stand part of the bill, put and agreed to.

THIRD SCHEDULE**FEDERAL UNIVERSITY OF TECHNOLOGY, ILARO.****1. The Council.**

- [1] The Council shall consist of —
 - [a] the Pro-Chancellor;
 - [b] the Vice-Chancellor and the deputy Vice-Chancellor;
 - [c] Four persons representing a variety of interests and broadly representative of the whole Federation appointed by the National Council of Ministers; by virtue of section 2 [e] of the Universities [Miscellaneous Provisions] Act 1993 [As amended].
 - [d] Four persons appointed by the Senate from among the members of that body;
 - [e] Two person appointed by congregation from amongst the members of that body; section 2 [g] of the Universities [Miscellaneous Provisions] Act 1993 [As amended];

- [f] One person appointed by convocation from among the members of that body;
- [g] The Permanent Secretary, Federal Ministry of Education or, in his absence, one Person from the Federal Ministry responsible for Education to represent him.
- [2] Any member of the Council holding office otherwise than in pursuance of paragraph [1] [a], [b], [g] or [h] of this article may, by notices to the Council, resign his office.
- [3] A member of the Council holding office otherwise than in pursuance of paragraph [1] [a], [b], [g] or [h] of this article shall, unless he previously vacates it, vacate that office on the expiration of the period of four years beginning with effect from the 1st of August in the year in which he was appointed.
- [4] Where a member of the Council holding office otherwise than in pursuance of paragraph [1] [a], [b], [g] or [h] of this article vacates office before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.
- [5] A person ceasing to hold office as a member of the Council otherwise than by the removal for misconduct shall be eligible for re-appointment for only one further period of four years.
- [6] The quorum of the Council shall be five at least one of whom shall be a member appointed pursuant to paragraph [1] [c], [f], [g] and [h] of this article.
- [7] If the Pro-Chancellor is not present at a meeting of the Council such other member of the Council present at the meeting as the Council may appoint as respects that meeting shall be the chairman at that meeting, and subject to clause 4 of the Bill and the foregoing provisions of this paragraph, the Council may regulate its own procedure.
- [8] Where the Council desires to obtain advice with respect to any particular matter, it may co-opt not more than two persons for that purpose; and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.

2. The Finance and General Purposes Committee.

- [1] The Finance and General Purposes Committee of the Council shall consist of—
 - [a] the Pro-Chancellor, who shall be the chairman of the Committee at any meeting at which he is present;
 - [b] the Vice-Chancellor and Deputy Vice-Chancellors;
 - [c] six other members of the Council appointed by the Council, two of whom shall be selected from among the four members of the Council appointed by the Senate and one member appointed to the Council by Congregation;
 - [d] the Permanent Secretary, Federal Ministry of Education or, in his absence, one person from the Federal Ministry responsible for Education

- [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 attached 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 subclause [1] of this clause.

3. Audit.

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

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

4. The Senate.

- [1] The Senate shall consist of —
 - [i] the Vice-Chancellor
 - [ii] Deputy Vice-Chancellors;
 - [iii] the Deans of respective Colleges;
 - [iv] the Professors in the University;
 - [v] Heads of Academic Departments and Units;
 - [vi] the University Librarian;
 - [vii] One elected representative of each College;
 - [viii] Two members of Academic Staff elected by the Congregation;
 - [ix] One elected representative of each department;
 - [x] Two members representing a variety of interests of the professional bodies outside the University appointed by the Senate on the recommendation of the Vice-Chancellor;
 - [xi] Registrar - Secretary.
- [2] The procedure for election of members of Senate to the Council shall be prescribed by Regulations.
- [3] The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present, and in his absence any of the Deputy Vice-Chancellors present at the meeting as the Senate may appoint for that meeting shall be the chairman at the meeting.
- [4] The quorum of the Senate shall be one quarter or the nearest whole number less than one quarter; and subject to paragraph [3] of this Article, the Senate may regulate its own procedure.
- [5] An elected member may, by notice to the Senate, resign his office.
- [6] Subject to paragraph [8] of this article, there shall be elections for the selection of elected members which shall be held in the prescribed manner on such day in the month of May or June in each year as the Vice-Chancellor may from time to time determine.
- [7] An elected member shall hold office for the period of two years beginning with 1 August in the year of his election, and may be a candidate at any election held in pursuance to paragraph [6] of this article in the year in which his period of office expires, so however that no person shall be such a candidate if at the end of his current period of office he will have held office as an elected member for a continuous period of six years or would have so held office if he had not resigned it.

- [8] No election shall be held in pursuance of this article in any year if the number specified in the certificate given in pursuance to paragraph [11] of this article does not exceed by more than one the figure which is thrice the number of those elected members holding office on the date of the certificate who do not vacate office during that year in pursuance of paragraph [7] of this article.
- [9] For the avoidance of doubt it is hereby declared that no person shall be precluded from continuing in or taking office as an elected member by reason only of reduction in the after 30 April in any year in which he is to continue in or take office as all elected member.
- [10] If so requested in writing by any fifteen members of the Senate, the Vice-Chancellor or in his absence any of the Deputy Vice-Chancellor duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.
- [11] In this article "total of non-elected members" means as respect any year, such number as may be certified by the Vice-chancellor on 30 April of that year to be the number of persons holding office as members of the Senate on that day otherwise than as elected members.

5. Congregation.

- [1] Congregation shall consist of—
 - [i] Vice-Chancellor
 - [ii] the Deputy Vice-Chancellors;
 - [iii] the full-time members of the academic staff
 - [iv] The Registrar;
 - [v] The Librarian
 - [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 clause 4 of this Bill, the Vice-Chancellor shall be the chairman at all meetings of Congregation when he is present; and in his absence any of the Deputy Vice Chancellors present at the meeting as Congregation may appoint for that meeting, shall be the chairman at the meeting.
- [3] The quorum of Congregation shall be one third or the whole number nearest to one third of the total number of members of Congregation of fifty, whichever is less.
- [4] A certificate signed by the Vice-Chancellor specifying —
 - [a] the total number of members of Congregation for the purpose of any particular meeting or meetings of Congregation; or
 - [b] the names of the persons who are members of Congregation during a particular period, shall be conclusive evidence of that number or, as the case may be, of the names of those persons.
- [5] The procedure for election of members of Congregation to the Council and the Senate shall be prescribed by Regulations.

- [6] Subject to the foregoing provisions of this article, Congregation may regulate its own procedure.
- [7] Congregation shall be entitled to express by resolutions or otherwise its opinion on all matters affecting the interest and welfare of the University and shall have such other functions, in addition to the function of electing a member of the Council, as may be provided by statute or regulations.

6. Convocation.

- [1] Convocation shall consist of —
 - [i] the officers of the University mentioned in the First Schedule to this Bill;
 - [ii] All teachers within the meaning of this Bill;
 - [iii] All other persons whose names are registered in accordance with paragraph [2] of this article.
- [2] A person shall be entitled to have his name registered as a member of convocation if —
 - [a] he is either a graduate of a University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
 - [b] he applies for the registration of his name in the prescribed manner and pay the prescribed fees.
- [3] Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and subject to paragraph [4] of this article may provide for the payment, from time to time, of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.
- [4] The person responsible for maintaining the register shall, without the payment of any fees, ensure that the names of all persons who are for the time being members of the Convocation by virtue of paragraph [1] [a] or [b] of this article are entered and retained on the register.
- [5] A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register or a copy of the register at the principal times of the University at all reasonable times.
- [6] The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is not, a member of Convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.
- [7] The quorum of Convocation shall be fifty or one third or the whole number nearest to one third or the whole number of members of Convocation whichever is less.
- [8] Subject to clause 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.

7. Division of Schools.

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

8. School Boards.

- [1] There shall be established in respect of each College, a Board of Studies which, subject to the provisions of this Statute, and subject to the directions of the Vice-Chancellor, shall —

- [a] Regulate the teaching and study of, and the conduct of examinations connected with, the subjects assigned to the college;
- [b] Deal with any other matter assigned to it by statute or by the Vice-Chancellor or by the Senate; and
- [c] Advise the Vice-Chancellor or the Senate on any matter referred to it by the Vice-Chancellor or the Senate.

- [2] Each College Board of Studies shall consist of —

- [a] the Vice-Chancellor;
- [b] the Dean;
- [c] the persons severally in charge of the branches of the school;
- [d] the College Examination Officer;
- [e] such of the teachers assigned to the college and having the prescribed qualifications as the Board may determine; and
- [f] such persons, whether or not members of the University, as the Board may determine with the general or special approval of the Senate.

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

9. Deans of the School.

- [1] The Board of each College shall, at a meeting in the last term of any academic year which the term of office of the Dean expires, nominate one of its members, being one of the Professors assigned to that teaching unit, for appointment by the Senate as Dean of the College
- [2] The person appointed under paragraph 1 of this Article shall act as Dean of the College and chairman of all meetings of the College Board when he is present and shall be a member of all committees and other boards appointed by the College.
- [3] The Dean shall hold office for two years and shall be eligible for re-appointment one further period of two years. Thereafter he shall not be eligible for re-appointment until two years have elapsed.
- [4] The Dean of a College shall exercise general superintendence over the academic and administrative affairs of the College.

- [5] It shall be the function of the Dean to present to Convocation for the conferment of degrees to persons who have qualified for the degrees of the University at examination held in the branches of learning for which responsibility is allocated to that College.
- [6] There shall be a committee to be known as the Committee of Deans consisting of all the Deans of the several Colleges and that Committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the University by the Senate.
- [7] The Dean of a College may be removed from office for good cause by the College Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of a Dean, an acting Dean may be appointed by the Vice-Chancellor:

Provided that at the next College Board meeting an election shall be held for a new Dean.
- [8] In this article "good cause" has the same meaning as in clause 15[3] of the Bill.

10. **Departmental Board of Studies.**

- [1] There shall be a Departmental Board of Studies whose membership shall be made of all academic staff of the Department;
- [2] It shall be headed by a Professor who shall be appointed by the Vice Chancellor and in the absence of a Professor, a senior academic staff shall be appointed in acting capacity;
- [3] For a Professor the term is for 3 years while 1 year is for acting capacity.
- [4] The Board shall superintend over all teachings and examinations in the Department;
- [5] The Board shall handle all disciplinary matters in the Department and make recommendations to the College where necessary;
- [6] Allocation of courses in the department shall be done by the Departmental Board on recommendation of the Head of Department.

11. **Selection of Certain Principal Officers.**

- [1] When a vacancy occurs in the office of the Directors of Physical Planning and Development, Works and Services and Health, a Selection Board shall be constituted by the Council which shall consist of —
 - [a] the Pro-Chancellor;
 - [b] the Vice-Chancellor;
 - [c] two members appointed by the Council, not being members of the Senate;
 - [d] Two members appointed by the Senate.
- [2] The Selection Board after making such inquiries as it thinks fit, shall recommend a candidate to the Council for appointment to the vacant office; and after considering the recommendation of the board the Council may make an appointment to that office.

12. Tenure of Directors.

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

13. Creation of Academic Posts.

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

14. Appointment of Academic Staff.

- [1] Subject to the Act and statutes, the filling of vacancies in academic posts [including newly created ones] shall be the responsibility of the Council through the Departments and Colleges.
- [2] For the purpose of filling such vacancies, suitable selection boards to select and make appointments on behalf of the Council shall be set up.
- [3] For appointment to Professorships, Associate Professorship or Readerships or equivalent posts, a Board of Selection, with power to appoint, shall consist of—
 - [a] the Vice-Chancellor - Chairman
 - [b] Deputy Vice-Chancellor - Member
 - [c] The Dean of the College - Member
 - [d] Head of Department - Member
 - [e] such other person[s], not exceeding two in number, deemed capable of helping the Board in assessing both the professional and academic suitability of a candidate under consideration, as the Senate may from time to time appoint.
 - [f] Registrar - Secretary
- [4] For other academic posts, a Selection Board, with power to appoint, shall consist of—
 - [a] the Vice-Chancellor or his representative- Chairman:
 - [b] The Dean of the College - Member
 - [c] Head of the Department concerned - Member
 - [d] An internal member of Council [not below the Rank of Senior Lecturer from the sister college in the candidate's subject-area] - Member
 - [e] Registrar or his representative - Secretary
- [5] All appointments to senior library posts shall be made in the same way as equivalent appointments in the academic cadre; and for all such posts other than that of the Librarian, the Librarian shall be a member of the Selection Board.
- [6] Boards of Selection may interview candidates directly or consider the reports of specialist interviewing panels and shall in addition, in the case of Professorships, Associate Professorship, Readerships or equivalent Posts, consider the reports of External Assessors relevant to the area in which the appointment is being considered. Quorum shall be three [3] including the Chairman.

15. Appointment of Administrative and Professional Staff.

- [1] The administrative and professional staff of the University other than principal officers, shall be appointed by the Council or on its behalf by the Vice-Chancellor or the Registrar in accordance with delegation of any powers made by the Council in that behalf.
- [2] In the case of administrative or professional staff who have close and important contacts with the academic staff, there shall be Senate participation in the process of selection.

16. Interpretation.

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

Question that the provision in the Third schedule stand part of the bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered Report of the Committee on Tertiary Institutions and TETFUND on the Federal University of Technology Ilaro, Ogun State (Establishment) Bill, 2021 and approved as follows:

Clauses 1-30 — As Recommended

Schedules 1-3 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

18. National Emergency Medical Services Agency (Establishment) Bill, 2021 (SB. 717):

Motion made: That a Bill for an Act to Establish the National Emergency Medical Services Agency to be saddled with the responsibilities of coordination and handling of the emergency treatment of patients ranging from victims of road traffic accidents, home accidents and injuries, industrial and work place accidents, to sufferers of acute emergency medical conditions that may lead to loss of life or limb; and the managing of emergency ambulance services for conveying emergency patients from the locations of their acute ill-health to designated hospitals for emergency medical attention across the federation and for related matters, 2021 be read the Second Time (*Senator Yahaya I. Oloriegbe — Kwara Central*).

Debate:

Question put and agreed to.

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

19. **Bankruptcy Act of 1979 (Repeal and Enactment) Bill, 2021 (SB 330):**

Motion made: That a Bill for an Act to repeal the Bankruptcy Act of 1979 and enact a new Bankruptcy and Insolvency Act to make provision for corporate and individual insolvency; to provide for the rehabilitation of the insolvent debtor and to create the office of Supervisor of Insolvency and for matters connected therewith, 2021 be read the Second Time (*Senator Biodun C. Olujimi — Ekiti South*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Banking, Insurance and Other Financial Institutions to report within four (4) weeks.

20. **Nigerian Merchant Navy Coast Guard Security and Safety Corps (Establishment) Bill, 2021 (SB. 591):**

Consideration of Bill deferred to another Legislative Day.

21. **Motion:**

Urgent Need for a consolidated and effective economic and regulatory approach to address the infrastructure crisis in Nigeria's transportation system:

Motion made: That the Senate is worried of Nigeria's infrastructure deficit in the transportation system and the need for a consolidated, effective regulatory approach to address the crisis;

concerned that according to a November 2020 report by Moody's Investors Service, it is estimated that Nigeria would require at least \$3 trillion over 30 years to close its infrastructure deficit, which signifies the level of infrastructural neglect and decay;

further concerned that many infrastructural shortcomings in the country have been as a result of economic, administrative and legislative deficiencies. Legislation such as the Nigerian Railway Corporation (NRC) Act, 1995 remains in effect and does not create an enabling environment for public-private partnerships in Nigeria's infrastructural development. Legislative Bills such as the National Roads Fund (Establishment) Bill and the Federal Roads Authority (Establishment, etc.) Bill, which were not assented to by the Executive, sought to restructure the legal framework for the financing, ownership, administration and maintenance and sustainable sources of funding for infrastructure development;

aware that the privately-managed, Infrastructure Corporation of Nigeria Limited (InfraCorp), was established by the Executive in February 2021. It is to be funded by the Central Bank of Nigeria (CBN), Nigerian Sovereign Wealth Investment Authority (NSIA) and Africa Finance Corporation (AFC), with a seed capital of ₦1 trillion. The Executive seeks to use this independently-managed entity to bridge the nation's infrastructure gap through end-to-end bankable projects that will provide a firm basis for increasing national economic growth;

recognizes that this is a commendable initiative. However, given the intricate regulatory framework that is required to guarantee a workable, transparent, accountable and effective apparatus for infrastructural development, it is essential that a legislative and executive synergy is established in the execution of their respective functions, to this end;

further recognizes that careful articulation through relevant government and private stakeholders' collaboration is essential, in order to create a modern legal and economic framework that is in line with international standard and pertinent to the Nigerian infrastructure ecosystem;

convinced that an overhaul of archaic legislation and the introduction of a relevant modern legal framework would foster development in the transportation sector. The enactment of comprehensive and effective legislation such as the Nigerian Railway Corporation Act (Repeal & Re-enactment) Bill, National Roads Fund Bill, Federal Roads Authority Bill, and any other relevant legislation; and

further convinced that such an infrastructural framework would support private-public partnerships that secure sustained funding and the provision of technical management and operations expertise. It would also seek to guarantee a well-aligned and non-conflicting regulatory entity, backed by sound legislative framework and clear management and implementation policies, within a seamless system that fosters infrastructural development and economic growth.

The Senate accordingly resolves to:

- (i) mandate the Committees on National Planning; Legislative Compliance; Finance; Works; Power; Land Transport; and Marine Transport to invite the Governor of the Central Bank of Nigeria and the Chief Executive Officer of the Nigeria Sovereign Investment Authority; the Attorney General of the Federation; and the Honourable Ministers of Works and Housing; Finance, Budget and National Planning; and Transportation to address the Committees on the proposed legal and economic framework for the establishment of the newly created Infrastructure Corporation of Nigeria Limited (InfraCorp) and articulate the regulatory parameters that will ensure a synergy between the powers and operations of the InfraCorp, and those of any existing or proposed institutions established pursuant to Legislation, in order to ensure seamless operations within the Nigerian infrastructure ecosystem; and
- (ii) mandate the Committees on National Planning; Legislative Compliance; Finance; Works; Power; Land Transport; and Marine Transport to:
 - a. review the existing legal framework regulating the financing, administration and management of the infrastructural development sector, in order to articulate an effective structure that secures a sustained source of funds for infrastructural development and create an enabling environment for private participation;
 - b. identify and repeal archaic legislation and policies that are at odds with international best practices and impede on the establishment of a seamless framework for infrastructural development; and
 - c. Take the necessary steps to establish relevant legislation and policies that will promote a more effective and efficient infrastructural development ecosystem in Nigeria (*Senator Gershom H. Bassey — Cross River South*).

Debate:

Proposed Resolution (i):

Question: That the Senate do mandate the Committees on National Planning; Legislative Compliance; Finance; Works; Power; Land Transport; and Marine Transport to invite the Governor of the Central Bank of Nigeria and the Chief Executive Officer of the Nigeria Sovereign Investment Authority; the Attorney General of the Federation; and the Honourable Ministers of Works and Housing; Finance, Budget and National Planning; and Transportation to address the Committees on the proposed legal and economic framework for the establishment of the newly created Infrastructure Corporation of Nigeria Limited (InfraCorp) and articulate the regulatory parameters that will ensure a synergy between the powers and operations of the InfraCorp, and those of any existing or proposed institutions established pursuant to Legislation, in order to ensure seamless operations within the Nigerian infrastructure ecosystem — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do mandate the Committees on National Planning; Legislative Compliance; Finance; Works; Power; Land Transport; and Marine Transport to:

- a. review the existing legal framework regulating the financing, administration and management of the infrastructural development sector, in order to articulate an effective structure that secures a sustained source of funds for infrastructural development and create an enabling environment for private participation;
- b. identify and repeal archaic legislation and policies that are at odds with international best practices and impede on the establishment of a seamless framework for infrastructural development; and
- c. Take the necessary steps to establish relevant legislation and policies that will promote a more effective and efficient infrastructural development ecosystem in Nigeria — *Agreed to.*

Resolved:

That the Senate do:

- (i) mandate the Committees on National Planning; Legislative Compliance; Finance; Works; Power; Land Transport; and Marine Transport to invite the Governor of the Central Bank of Nigeria and the Chief Executive Officer of the Nigeria Sovereign Investment Authority; the Attorney General of the Federation; and the Honourable Ministers of Works and Housing; Finance, Budget and National Planning; and Transportation to address the Committees on the proposed legal and economic framework for the establishment of the newly created Infrastructure Corporation of Nigeria Limited (InfraCorp) and articulate the regulatory parameters that will ensure a synergy between the powers and operations of the InfraCorp, and those of any existing or proposed institutions established pursuant to Legislation, in order to ensure seamless operations within the Nigerian infrastructure ecosystem; and
- (ii) mandate the Committees on National Planning; Legislative Compliance; Finance; Works; Power; Land Transport; and Marine Transport to:
 - a. review the existing legal framework regulating the financing, administration and management of the infrastructural development sector, in order to articulate an effective structure that secures a sustained source of funds for infrastructural development and create an enabling environment for private participation;
 - b. identify and repeal archaic legislation and policies that are at odds with international best practices and impede on the establishment of a seamless framework for infrastructural development; and
 - c. Take the necessary steps to establish relevant legislation and policies that will promote a more effective and efficient infrastructural development ecosystem in Nigeria (*S/Res/112/02/21*).

21. **Raw Materials Research and Development Council Act Cap R3 LFN 2004 (Repeal & Re-enactment) Bill, 2021 (HB. 47) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

22. **Chartered Institute of Public Administration of Nigeria (Establishment) Bill, 2021 (HB. 329) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

23. Chartered Institute of Treasury Management (Establishment) Bill, 2021 (HB. 57) —
Concurrence:

Consideration of Bill deferred to another Legislative Day.

24. Federal College of Education (Special) Birnin-kudu (Establishment) Bill, 2021 (HB. 169)
— Concurrence:

Consideration of Bill deferred to another Legislative Day.

25. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 2nd June, 2021 at 10.00 a.m.
(Senate Leader).

Question put and agreed to.

Adjourned accordingly at 1:47 p.m.

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

