



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 28th April, 2021

1. The Senate met at 10:50 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 27th April, 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

26th April, 2021

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

Dear Distinguished Senate President,

**APPOINTMENT OF THE EXECUTIVE COMMISSIONER OF THE FEDERAL
COMPETITION AND CONSUMER PROTECTION COMMISSION (FCCPC)**

In accordance with the provision of section 5(1) of the Federal Competition and Consumer Protection Commission Act, 2018, I write to forward, for confirmation by the Senate of the Federal Republic of Nigeria, the appointment of Mr. Kolawole Oladipupo Alabi as Executive Commissioner, Federal Competition and Consumer Protection Commission. The nominee's CV is attached herewith.

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

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

*Yours sincerely,
(Signed)
Muhammadu Buhari*

4. Presentation of Bills:

- (i) National Blood Service Commission (Establishment) Bill, 2021 (HB.181) — *Read the First Time.*
- (ii) Chartered Institute of Directors of Nigeria (Establishment) Bill, 2021 (SB.211) — *Read the First Time.*
- (iii) Real Estate (Regulations and Development) Bill, 2021 (SB.540) — *Read the First Time.*
- (iv) Trade Malpractices (Miscellaneous Offences) Act Cap T12 LFN 2004 (Amendment) Bill, 2021 (SB. 697) — *Read the First Time.*
- (v) Motor Vehicle (Third Party Insurance) Act Cap M23 LFN 2004 (Amendment) Bill, 2021 (SB.700) — *Read the First Time.*
- (vi) Federal Universities of Technology Act Cap F23 LFN 2004 (Amendment) Bill, 2021 (SB. 701) — *Read the First Time.*

5. Committee on Banking, Insurance and Other Financial Institutions:

Report on the Asset Management Corporation of Nigeria Act, No. 2 (Amendment) Bill, 2021 (SB.669):

Motion made: That the Senate do receive and consider the Report of the Committee on Banking, Insurance and Other Financial Institutions on the Asset Management Corporation of Nigeria Act, No. 2 (Amendment) Bill, 2021 (*Senator Uba Sani — Kaduna 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 AMEND THE ASSET MANAGEMENT CORPORATION OF NIGERIA ACT, NO. 2, 2019 TO EXTEND THE TENOR OF THE RESOLUTION COST FUND; GRANT ACCESS TO THE SPECIAL TRIBUNAL ESTABLISHED BY THE BOFIA, 2020 AND TO CONFER ON IT THE POWERS TO TAKE POSSESSION, MANAGE, FORECLOSE OR SELL, TRANSFER, ASSIGN OR OTHERWISE OF ASSET OR PROPERTY USED AS SECURITY FOR ELIGIBLE BANK ASSETS AND FOR OTHER MATTERS, 2021.

Clause 1: **Amendment of Asset Management Corporation of Nigeria Act, No. 2, 2019:** The Asset Management Corporation of Nigeria Act, No. 2, 2019 (in this Act referred to as the "Principal Act") is amended as set out in this Act.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Uba Sani — Kaduna Central*) — *Agreed to.*

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

Clause 2: Certificate of Sale/Transfer

Section 34 of the Principal Act is amended by substituting for the existing subsections (1)(a) and (1)(b) with new subsections (1)(a), (1)(b) and (1) (c) as follows:

“(1)(a) Subject to Paragraphs (c), (i) and (d), become vested with and acquire legal title to the eligible bank assets and all assets or property tangible or intangible belonging to, traced to and in which the debtor has interest in, whether or not such assets or property is used as security for the eligible bank asset, and the Corporation shall be vested with power, to the exclusion of all other creditors, to take possession of, manage, foreclose or sell, transfer, assign or otherwise dispose of the eligible bank asset and any tangible or intangible asset or property is used as security for the eligible bank asset, in full or partial satisfaction of the debt owed to the Corporation by reason of the acquisition of the eligible bank asset notwithstanding that the interest of the debtor in such asset or property is equitable only.

(1)(b) Any certification of sale or certificate of transfer of title executed by the Corporation in exercise of its powers under subsection (1) (a) above shall constitute a valid registrable instrument under all applicable land registration laws applicable in the Federation and in all Land and Corporate Registries in the Federation.”

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Uba Sani — Kaduna Central*) — *Agreed to.*

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

Clause 3: Commencement of Action at Special Tribunal

The Principal Act is amended by inserting a new section 54 (1) and (2) as follows and renumber appropriately:

"Commencement of Action at Special Tribunal

(1) The Corporation in exercise of its discretion may decide to commence debt recovery actions at the Special Tribunal For Enforcement & Recovery of Eligible Loans set up under the provisions of S.102 of the Banks and Other Financial Institutions Act (Amendment 2020) and the Rules and Practice Direction of the Tribunal shall apply in such proceedings commenced by the Corporation.

(2) Where the Corporation commences an action pursuant to subsection (1) above, the Corporation may apply to the Tribunal for special orders availed eligible financial institutions under the BOFIA and its Special Practice Directions. Without prejudice to the provisions of BOFIA and the Special Practice Directions of the Tribunal, AMCON may bring applications before the Tribunal pursuant to the provisions of the AMCON Act and the Tribunal shall be bound to hear such applications".

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Uba Sani — Kaduna Central*) — *Agreed to.*

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

Clause 4: Corporation not required as owner of security

Section 45 of the Principal Act is amended by substituting for the existing subsection (2), a new subsection (2) as follows:

"(2) A certificate of Judgement obtained in a proceeding or any document presented by the Corporation as evidencing title; whether legal, equitable or traced in a property constitutes an instrument of title of the interest of the Corporation in all land registries in the Federation."

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Uba Sani — Kaduna Central*) — *Agreed to.*

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

Clause 5: Interpretation

Section 61 of the Principal Act is amended by:

- (a) substituting the definition of the word "tenor" with a new definition:
"tenor" when used in Part IX of this Bill means a period of 5 years from the expiration of the current tenor but may be extended by a resolution of the National Assembly for such further period as the Corporation may determine with the approval of the Central Bank of Nigeria -
- (b) inserting in alphabetical order a new definition:
"dissolution date" means a date to be determined by the Board of Directors of the Corporation with the approval of the Central Bank of Nigeria".
- (c) substituting for the existing definition of "Court" a new definition that is;
"court" means the Federal High Court, the Special Tribunal for Enforcement & Recovery of Eligible Loans and other superior courts exercising appellate jurisdictions over the Federal High Court and the Special Tribunal for Enforcement & Recovery of Eligible Loans".

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Uba Sani — Kaduna Central*) — *Agreed to.*

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

Clause 6: Citation

This Bill may be cited as the Asset Management Corporation of Nigeria (Amendment No. 3) Bill, 2021.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Uba Sani — Kaduna Central*) — *Agreed to.*

Question that Clause 6 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 Banking, Insurance and Other Financial Institutions on the Asset Management Corporation of Nigeria Act, No. 2 (Amendment) Bill, 2021 and approved as follows:

Clauses 1 - 6 — 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.

6. **Committee on Finance:**

Report on the 2021 Budget of the Federal Inland Revenue Service (FIRS):

Motion made: That the Senate do receive and consider the Report of the Committee on Finance on the 2021 Budget of the Federal Inland Revenue Service (FIRS) (*Senator Solomon O. Adeola — Lagos West*).

Question put and agreed to.

Report Laid and Presented.

Debate:

Proposed Resolution:

Question: That the Senate do approve a total expenditure of Two Hundred and Sixteen Billion, Six Hundred and Forty-Six Million, Five Hundred and Seventy-Nine Thousand, Two Hundred and Thirty-One Naira (₦216,646,579,231) for the Service, to fund the proposed Personnel, Overhead and Capital Expenditure Cost of the Federal Inland Revenue (FIRS) Service during the 2021 fiscal year — *Agreed to.*

Resolved:

The Senate approved a total expenditure of Two Hundred and Sixteen Billion, Six Hundred and Forty-Six Million, Five Hundred and Seventy-Nine Thousand, Two Hundred and Thirty-One Naira (₦216,646,579,231) for the Service, to fund the proposed Personnel, Overhead and Capital Expenditure Cost of the Federal Inland Revenue (FIRS) Service during the 2021 fiscal year (*S/Res/095/02/21*).

7. **Committee on Judiciary, Human Rights and Legal Matters:**

Report on the Confirmation of the Nomination of Hon. Justice Salisu Garba Abdullahi as the Chief Judge for the High Court of the Federal Capital Territory, Abuja:

Motion made: That the Senate do receive and consider the Report of the Committee on Judiciary, Human Rights and Legal Matters on the confirmation of the nomination of Hon. Justice Salisu Garba Abdullahi as the Chief Judge for the High Court of the Federal Capital Territory, Abuja (*Senator Micheal O. Bamidele — Ekiti 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 the Report of the Committee on Judiciary, Human Rights and Legal Matters on the Confirmation of the Nomination of Hon. Justice Salisu Garba Abdullahi as the Chief Judge for the High Court of the Federal Capital Territory, Abuja:

Nominee recommended for confirmation:

Hon. Justice Salisu Garba Abdullahi

—

Agreed to.

Chairman to report progress.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Judiciary, Human Rights and Legal Matters on the confirmation of the nomination of Hon. Justice Salisu Garba Abdullahi as the Chief Judge for the High Court of the Federal Capital Territory, Abuja and approved the nomination.

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

Confirmation of nomination:

Question:

“Will the Senate confirm the nomination of Hon. Justice Salisu Garba Abdullahi as the Chief Judge for the High Court of the Federal Capital Territory, Abuja?” — *Resolved in the Affirmative.*

Nomination of Hon. Justice Salisu Garba Abdullahi as the Chief Judge for the High Court of the Federal Capital Territory, Abuja accordingly confirmed.

8. Committee on Tertiary Institutions and TETFUND:

Report on the Federal University of Education, Ankpa (Establishment) Bill, 2021 (SB. 146):

Motion made: That the Senate do receive and consider the Report of the Committee on Tertiary Institutions and TETFUND on the Federal University of Education, Ankpa (Establishment) Bill, 2021 (*Senator Betty J. Apiafi — Rivers West*).

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 FEDERAL UNIVERSITY OF EDUCATION, ANKPA, TO TAKE OVER THE ASSETS AND LIABILITIES, INCLUDING STAFF OF KOGI STATE COLLEGE OF EDUCATION ANKPA, TO PROVIDE FOR TRAINING AND TEACHING INSTRUCTION IN EVERY ASPECT OF EDUCATION AND SUCH OTHER FIELDS OF APPLIED LEARNING RELEVANT TO THE NEEDS OF THE DEVELOPMENT OF EDUCATION IN NIGERIA, MATTERS OF ADMINISTRATION AND DISCIPLINE OF STUDENTS AND FOR RELATED MATTERS 2021.

PART I

ESTABLISHMENT, CONSTITUTION AND FUNCTIONS
OF FEDERAL UNIVERSITY OF EDUCATION, ANKPA.

Clause 1: Establishment, Constitution and Functions of Federal University of Education, Ankpa.

- [1] There is hereby established the Federal University of Education, Ankpa [in this Bill referred to as "the University"].
- [2] The University —
- [a] shall be a body corporate with perpetual succession and a common seal; and
- [b] may sue or be sued in its corporate name.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 2: 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, by availing to all qualified persons the opportunity of acquiring tertiary education in Nigeria;
- [b] develop and offer academic and professional programmes leading to the award of diplomas, first degrees, post-graduate research and higher degrees, in Education which emphasise on planning, adaptive, technical, maintenance, developmental and productive skills in education, technology, applied science, agriculture, commerce, art, social science, humanities, management and allied professional disciplines;
- [c] produce socially mature men and women with capability not to only understand the needs of Nigeria as a nation, but also to exploit existing educational infrastructures and improve on them to develop new ones;
- [d] act as agents and catalysts for effective educational system, through postgraduate training, research and innovation, for effective economic utilisation and conservation of the country's human resources;
- [e] bring quality change in education, focusing on teacher education through teaching and learning innovations;

- [f] identify the problems and needs of the Education sector in Nigeria and to find solutions to them within the context of overall national development;
- [g] collaborate with other national and international institutions involved in training, research and development of education with a view to promoting governance, leadership and management skills among educational managers;
- [h] encourage and promote scholarship and conduct research in restricted fields of learning and human endeavor;
- [i] provide and promote sound basic education training as a foundation for the development of Nigeria, taking into account indigenous culture and the need to enhance national unity; and
- [j] undertake any other activities appropriate for a University of Education of the highest standard.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 3: Constitution of the University and its Constituent Bodies, etc.

- [1] The University shall consist of —
 - [a] a Chancellor;
 - [b] a Pro-Chancellor and a Council;
 - [c] a Vice Chancellor and a Senate;
 - [d] a Deputy Vice-Chancellor;
 - [e] a body to be called Congregation;
 - [f] a body to be called Convocation;
 - [g] the Campuses and Colleges of the University;
 - [h] the Faculties, Schools, Institutes and other teaching and research units of the University;
 - [i] the persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraphs [a] to [c] of this subclause;
 - [j] all graduates and undergraduates; and
 - [k] all other persons who are members of the University in accordance with provisions made by Statute in that behalf.
- [2] The First Schedule to this Bill shall have effect with respect to the Principal Officers of the University mentioned therein.

- [3] Provision shall be made by Statute with respect to the Constitution of the following bodies, namely —
- [a] the Council;
 - [b] the Senate;
 - [c] the Congregation; and
 - [d] the Convocation.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 4: Powers of the University.

- [1] For the carrying out of its objects as specified in Clause 2 of this Bill, the University shall have power to —
- [a] establish such Campuses, Colleges, Faculties, Institutes, Schools, Extra-mural Departments and other teaching and research units within the University as may from time to time seem necessary or desirable, subject to the approval of the National Universities Commission;
 - [b] institute professorships, readerships and associate professorships, lectureships and other posts and offices and to make appointments thereto;
 - [c] institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
 - [d] provide for the residence, discipline and welfare of members of the University;
 - [e] hold examinations and award degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;
 - [f] award honorary degrees, fellowships or academic titles;
 - [g] demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may from time to time determine, subject to the overall directives of the appropriate authority;
 - [h] subject to clause 22 of this Bill, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate;
 - [i] accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto;

- [j] enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
 - [k] erect, provide, equip and maintain libraries, laboratories, 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;
 - [l] hold public lectures and undertake printing, publishing and book selling;
 - [m] subject to any limitations or conditions imposed by Statute, to invest any moneys appertaining to the University by law of endorsement, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investments or securities or in the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any moneys for the time being un-invested with any bank on deposit or current account;
 - [n] 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 necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
 - [o] make gifts for any charitable purpose;
 - [p] do anything which it is authorized or required by this Bill or by any other Statute to do; and
 - [q] 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 made thereunder and without prejudice to Clause 9 [2] of this Bill, the powers conferred on the University by sub clause [1] of this clause shall be exercisable on behalf of the University by the Council or by the Senate or in any other manner which may be authorized by this Bill.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

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

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

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 6: Establishment and Composition of Council.

- [1] There shall be a Council for the University consisting of —
- [a] The Pro-Chancellor;
 - [b] The Vice-Chancellor;
 - [c] The Deputy Vice-Chancellor;
 - [d] One person from the Ministry responsible for Education;
 - [e] Four persons representing a variety of interests and broadly representative of the whole Federation;
 - [f] Four persons appointed by the Senate from among its members;
 - [g] Two persons appointed by the Congregation from among its members
 - [h] One representative of the National Universities Commission; and
 - [h] One person appointed by Convocation from among its members.
- [2] Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and familiar with the affairs and tradition of the University.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 7: General Fund of the University.

- [1] there shall be a general fund of the University which shall consist of the following —
- [a] Grants-in-aid;
 - [b] Fees;
 - [c] Income derived from investments;
 - [d] Gifts, legacies, endowments and donations not accepted for a particular purpose;
 - [e] Income derived from the exercise of any functions conferred or imposed on the University by this Bill;

- [f] Any other amounts, charges or dues recoverable by the University;
- [g] Revenue, from time to time, accruing to the University by way of subvention;
- [h] Interest on Investments; and
- [i] Donations and legacies accruing to the University from any source for the general or special purposes of the University.

[2] The general fund shall be applied for the purpose of the University

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 8: Functions of 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, including its public relations.
- [2] There shall be a Committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the 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 the accounts of the University are audited annually by auditors appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation, and that an annual report is published by the University together with certified copies of the said accounts as audited.
- [5] Subject to this Bill 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 where any rule so made by the Committee conflict with any directions given by the Council [whether before or after the coming into force of the rules in question], the direction of the Council shall prevail.
- [7] There shall be paid to the members 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 extant government circulars.

- [8] The Council shall meet as and when necessary for the performance of its functions under this Bill, and shall meet at least four times every year.
- [9] If required 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:

PROVIDED that if after 28 days of the receipt or delivering to him of such request, the Chairman fails or neglects to call a meeting, the Registrar shall within 14 days thereof cause a meeting of the Council to be convened for that purpose. The request shall specify the business to be considered at the meeting and no business not so specified shall be transacted at that meeting.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 9: Functions of the Senate.

- [1] Subject to clause 5 of this Bill and sub clauses [3] and [4] of this clause and to the provisions of this Act relating to the Visitor, it shall be the general function of the Senate to organize and control teaching in the University, admission to Postgraduate courses and other admission of students, the discipline of students and to promote research in the University.
- [2] Without prejudice to the generality of the provisions of sub clause [1] of this clause, it shall in particular be the function of the Senate to make provision for the —
- [a] establishment, organization and control of campuses, colleges, faculties, departments, schools, institutes and other teaching and research units of the University, and the allocation of responsibility for different branches of learning;
 - [b] organization and control of courses of study in the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
 - [c] award of degrees, and such other qualifications as may be prescribed, in connection with examinations conducted by the University;
 - [d] 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] establishment, organization and control of halls of residence and similar institutions in the University;
 - [f] supervision of the welfare of students in the University and the regulation of the conduct;

- [g] granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University; and
 - [h] determination of what description of dress shall be academic dress for the purpose of the University, and regulating the use of academic dress.
- [3] The Senate shall not establish any new campus, college, faculty, department school, institute or other teaching and research units of the University, or any hall of residence or similar institution at the University without the approval of the Council.
- [4] Subject to this Bill and the Statutes, the Senate shall —
- [a] may make regulations for the purpose—of exercising any function conferred on it either by the provisions of this clause or for the purpose of providing for any matter for which provision by regulation is authorized or required by this Bill or by Statute;
 - [b] by regulation, provide that at least one of the persons appointed as examiners at each final or professional examination held in conjunction with any course of study in the University is not a teacher at the University but is a teacher at the branch of learning to which the course relates in some other university of high repute.
- [5] Subject to a 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 on him if after due enquiry he is shown to have been guilty of any dishonorable or scandalous conduct in gaining admission into the University or obtaining that award.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 10: 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 5 of this Bill, the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.
- [2] Subject to the provisions of this Bill, the Vice-Chancellor shall have general functions, in addition to any other functions conferred on him by this Bill or otherwise, of directing the activities of the University, and shall to the exclusion of any other person or authority be the Chief Executive and Academic Officer of the University and Ex-Officio Chairman of the Senate.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

PART II
TRANSFER OF PROPERTY

Clause 11: Transfer of Property to the University.

- [1] All property held by or on behalf of the Provisional Council 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 the transfer of property by this clause and to matters arising there from and with respect to other matters mentioned in that Schedule.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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 —
 - [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 it is done by the University, and their discipline and welfare;
 - [d] determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Bill and of any Statute, regulation or other instrument made there-under; and
 - [e] making provision for other matters for which provision by Statute is authorized or required by this Bill.
- [2] Subject to clause 25 [6] of this Bill, the Interpretation Bill shall apply in relation to any Statute made under this clause as it applies to a subsidiary instrument within the meaning of clause 27 [1] of that Bill.
- [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 Statute 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 (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 13: Mode of Exercising the Power to Make Statutes.

- [1] The power of the University to make Statutes shall be exercised in accordance with the provisions of this clause.
- [2] A proposed Statute shall not have the force of law until it has been approved at a meeting of the —
 - [a] Senate, by the votes of not less than two thirds of the members present and voting; and
 - [b] 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 Council, and may be approved as required by subclause [2] of this clause by both bodies in no particular order.
- [4] A Statute which makes provision for or alters the Composition or Constitution of the Council, the Senate or any other authority of the University; or provides for the establishment of a new campus or college or for the amendment or revocation of any Statute whereby a campus or college is established, shall not come into operation unless it has been approved by the Visitor.
- [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 approved by the Council and the Senate in accordance with sub clause [3] of this clause or in the case of a Statute falling within sub clause [4] of this clause, on the date on which it is approved by the President.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 14: Proof of Statutes.

A Statute may be proved in any Court by the production of a copy thereof bearing or having affixed to it a certificate signed by the Vice Chancellor or the Registrar to the effect that the copy is a true copy of a Statute of that University.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 15: Power to Decide the Meaning of Statute.

- [1] In the event of any doubt or dispute arising at any time as to the meaning of any provision of a Statute, the matter may be referred to the Visitor, who shall take such advice and make such decision thereon as he deems fit.
- [2] The decision of the Visitor on any matter referred to him under this clause shall be binding upon the authorities, staff and students of that 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 other authority in Nigeria:

Provided that nothing in this sub clause shall affect the 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.

- [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, 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 reference 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 non-academic matter.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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 as often as the circumstances may require, not being less than once every five years, conduct a visitation of the University or direct that such a visitation be conducted by such persons as the Visitor may deem fit and in respect of any of the affairs of the University.
- [3] It shall be the duty of the bodies and persons comprising the University to —
- [a] make available to the Visitor, and to any other persons conducting a visitation in pursuance of this clause, such facilities and assistance as he or they may reasonably require for the purpose of the visitation; and
- [b] give effect to any instructions consistent with the provisions of this Bill which may be given by the Visitor in consequence of the visitation.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Betty J. Apiafi — Rivers West*) — Agreed to.

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

Clause 17: Removal of Certain members of the Council.

- [1] If it appears to the Council that a member [other than the Pro-Chancellor or the Vice-Chancellor] should be removed from office on grounds of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to that effect through the Minister to the Federal Executive Council and if the Federal Executive Council after making such enquiries [if any] as may be considered. necessary, approves the recommendation it may direct the removal of the member 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 sub clause [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 (*Senator Betty J. Apiafi — Rivers West*) — Agreed to.

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 office or on grounds of misconduct or inability to perform the functions of his office Council shall —
- [a] give notice of those reasons to the person in question;
- [b] afford such person an opportunity of making representation in person on the matter to the Council; and
- [c] take a decision to terminate or not to terminate the appointment.
- [2] If the affected staff or any three members of the Council so request within a period of one month from the date of receipt of the notice of the Council's decision, the Council shall make arrangements for —
- [a] a Joint Committee of the Council and the Senate to review the matter and to report on it to the Council;
- [b] the person in question to be afforded an opportunity to appear before and be heard by an investigating Committee with respect to the matter; and
- [c] The Council after considering the report of the investigating Committee, is satisfied that the person in question should be removed, the Council may so remove him by an instrument in writing signed on the directions of the Council.

- [3] The Vice-Chancellor may, in a case of gross 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 immediately be reported to the Council.
- [4] Any member of staff may be suspended from duty or his appointment may be terminated by Council for a good cause and for the purposes of this sub clause "good cause" means —
- [a] conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
 - [b] any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold office;
 - [c] conduct of a scandalous or disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold 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.
- [5] Any person suspended pursuant to sub clause [3] of this clause shall be on half pay and the Council shall before the expiration of a period of three months from the date of such suspension consider the case against that person and come to a decision as to whether to —
- [a] continue such person's suspension and if so on what terms [including the proportion of his emoluments to be paid to him];
 - [b] reinstate such person in which case the Council shall restore his full emoluments with effect from the date of suspension;
 - [c] terminate the appointment of the person concerned in which case such a person will not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - [d] 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.
- [6] Where the Council, pursuant to this clause, decides to continue a person's suspension or decides to take further disciplinary action against the person, the Council shall, before the expiration of three months from such decision come to a final determination in respect of the case concerning such a person.
- [7] It shall be the duty of the person by whom an instrument of removal is signed in pursuance of sub clause [1] above to use his best endeavors to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

- [8] Nothing in the foregoing provisions of this clause shall prevent the Council from making regulations for the discipline of staff and workers of the University as may be appropriate.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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 Vice-Chancellor, it appears to the Senate that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then, the Senate may, after affording the examiner an opportunity of making representations in person on the matter, direct the Vice-Chancellor to remove the examiner by an instrument in writing signed by the Registrar.
- [2] Subject to the provisions of any regulation made pursuant to clause 8 [4] of this Bill, the Vice-Chancellor may, on the recommendation of Senate, appoint an appropriate person as examiner in the place of the examiner removed.
- [3] It shall be the duty of the Registrar 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 relates

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 20: Discipline of Students.

- [1] Subject to the provisions of this clause, where after due process it appears to the Vice-Chancellor that any student is guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by Statute or regulations, direct that the —
- [a] student shall not, during such period as may be specified in the direction, participate in such activities of the University or make use of such facilities of the University as may be so specified;
- [b] 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; and
- [c] student be rusticated for such period as may be specified in the direction.
- [2] Where a direction is given under sub clause [1] paragraphs [a] to [d] of this clause in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal against the direction to the Senate.

- [3] Where an appeal is brought pursuant to sub clause [2] of this clause, the Senate shall, after causing such inquiry to be made in the matter as the Senate considers just, either confirm or set aside the direction or modify it in such manner as the Senate thinks fit.
- [4] The fact that an appeal from a direction is brought pursuant to sub clause [3] of this clause shall not affect the operation of the direction while the appeal is pending.
- [5] The Vice-Chancellor may delegate his powers under this clause to a disciplinary Board consisting of such members of the University as he may nominate.
- [6] Nothing in this clause shall be construed as preventing the restriction or termination of a student's activities at the University for conduct which in the opinion of Senate is prejudicial to the interest of the University or to its corporate objective or image.
- [7] A direction under sub clause [1] [a] of this clause may be combined with a direction under sub clause [1] [b] of this clause.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

PART V
MISCELLANEOUS AND GENERAL PROVISIONS

Clause 21: Exclusion or 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, place of birth, family origin, religious or political persuasion, as a condition for becoming or continuing to be a student in the University; holder of any degree, appointment or employment in the University; or member of anybody established by virtue of this Bill.
- [2] No person shall be subjected to any disadvantage or accorded any advantage in relation to the University by reference to any of the matters referred to in sub clause [1] of this clause.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 22: Transfer of Land to the University.

- [1] For the purpose of the Land Use Act [which provides for the compulsory acquisition of land for public purposes] any purpose of the University shall be the same as that of the Federation.

- [2] Where an estate or interest in land is acquired by the Government pursuant to this clause, the Government may, by a certificate under the hand and seal of the person so authorized or any other person authorized in that behalf transfer it to the University.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Betty J. Apiafi — Rivers West*) — Agreed to.

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

Clause 23: 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 Visitor:

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

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Betty J. Apiafi — Rivers West*) — Agreed to.

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

Clause 24: Quorum and Procedure of Bodies Established by this Bill.

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

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Betty J. Apiafi — Rivers West*) — Agreed to.

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

Clause 25: 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 authorize a Committee established by it to —

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

[b] co-opt members and direct whether or not co-opted members shall be entitled to vote in that Committee.

[2] Any two or more 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 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 Regulations, the quorum and procedure of a Committee established or meeting held pursuant to 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] 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.
- [5] Nothing in the foregoing provisions of this clause shall be construed as enabling —
- [a] statutes to be made otherwise than in accordance with clause 11 of this Bill; or
- [b] the Senate to empower any other body to make Regulations or to award degrees or other qualifications.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 26: Transitional and Savings Provision.

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

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 27: Special Provisions Relating to Pension of Professors.

An academic Staff of the University shall be entitled to pension at a rate equivalent to his annual salary provided that the professor has served continuously in the University up to the retirement age.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 28: Interpretation.

[1] In this Bill —

"Appropriate authority" means any person, body or authority authorized by law to act in a specific or general capacity in relation to a subject-matter;

"Campus" means any campus which may be established by the University;

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

"Graduate" means a person on whom a degree [other than an honorary degree] has been conferred by the University;

"Gross Misconduct" means any act of misconduct and improper behavior that may be designated as gross misconduct by any Statute or Regulation made, pursuant to this Bill;

"Minister" means the Minister charged with responsibility for education;

"Misconduct" means any conduct which is prejudicial to the good name of the University and or discipline and the proper administration of the business of the University;

"Notice" means notice in writing;

"Officer" does not include the Visitor;

"Prescribed" means prescribed by Statute or Regulation made under this Bill;

"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;

"The Provisional COUNCIL" means the provisional Council appointed for the University by the President at the take-off of the University;

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

"Senate" means the Senate of the University established by the Bill;

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

"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;

"President" means the President of the Federal Republic of Nigeria;

"Constitution" means the Constitution of the Federal Republic of Nigeria;

"Undergraduate" means a person in statu pupillari at the University, other than —

[a] a graduate; and

[b] a person of such description as may be prescribed for the purposes of this definition.

"The University" the Federal University of Education, Ankpa incorporated and constituted by this Bill; and

"The Bill" means the Federal University of Education, Ankpa Bill.

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

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 29: Citation.

This Bill is cited as the Federal University of Education, Ankpa [Establishment, etc.] Bill, 2021.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

FIRST SCHEDULE
PRINCIPAL OFFICERS OF THE UNIVERSITY

The Chancellor.

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

The Pro-Chancellor.

2. [1] The Pro-Chancellor shall be appointed or removed from office by the President.
- [2] Subject to the provisions of this Bill, the Pro-Chancellor shall hold office for a period of four years from the date of his appointment.

The Vice-Chancellor.

3. The procedure for the appointment and removal of the Vice Chancellor shall be in accordance with the provision of the University [Miscellaneous Provisions] Act 1993 as amended.

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.
- [3] A Deputy Vice-Chancellor shall —
- [a] assist the Vice-Chancellor in the performance of his functions;
 - [b] act in place of the Vice-Chancellor when the post of the Vice Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or unable to perform his functions as Vice-Chancellor; and
 - [c] perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.

Office of the Registrar, Bursar and University Librarian

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

The Registrar.

- [3] [a] The Registrar shall hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment; and
- [b] There shall be for the University, a Registrar, who shall be the Chief Administrative Officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administration of the University and shall be appointed by the Council in accordance with the provision of the Universities [miscellaneous provision] Act ,1993 [as amended].

The Bursar and the University Librarian.

- [1] There shall be for the University, the following Principal Officers in addition to the Registrar, that is: [a] the Bursar; and [b] the University Librarian;
- [2] The Bursar shall be the Chief Financial Officer of the University and shall be responsible to the Vice- Chancellor for the day-today administration and control of the financial affairs of the University;
- [3] The University Librarian shall be responsible to the Vice Chancellor for the administration of the University Library and the coordination of all library services in the University and its campuses, colleges, faculties, schools, departments and institutes and other teaching or research units; and
- [4] The Bursar and the University Librarian shall each hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.

Other Officers of the University.

7. 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.

Resignation and Re-appointment.

8. 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 coordinate all matters relating to the health of all staff and students.
- [1] Any officer mentioned in the foregoing provisions of this schedule may resign his office in —
- [a] the case of the Chancellor or Pro-Chancellor, by notice to the Visitor;
- [b] the case of the Vice-Chancellor by notice to the Council which shall immediately notify the Minister;
- [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, subject to the limits of tenure of office.

Question that the provision in the First Schedule stand part of the Bill, — Agreed to.

SECOND SCHEDULE

Clause 10 [2]

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to the University.

1. Without prejudice to the generality of Clause 10 [1] of this Bill —
- [a] the reference in the sub clause to property held by the provisional Council and the University 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 and the University; and
- [b] all outstanding debts and liabilities of the provisional Council shall become debts and liabilities of the University established by this Bill.
2. [1] All agreements, contracts, deeds and other instruments to which the provisional Council was a party shall, so far as possible and subject to any necessary modifications, have effect as if the University established by this Bill had been a party to it in place of the provisional Council.
- [2] Documents not falling within sub-paragraph [1] above, including enactments, which refer whether specially or generally to the provisional Council shall be construed in accordance with that subparagraph 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 established by this Bill.

Registration of Transfers.

- [1] If the law in force at the place where any property transferred by this Bill is situated 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 the necessary modifications to the transfer of the property in question.

- [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.
- [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 set up under the Third Schedule to this Bill must have been duly constituted.
- [3] The first meetings of the Senate as constituted by this Bill shall be convened by the Vice-Chancellor on such date and in such manner as he may determine.
- [4] The persons who were members of the Senate immediately before the coming into force of this Bill shall be deemed to constitute the Senate of the University until the date when the Senate as set up under the Third Schedule of this Bill must 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 faculties, faculty boards and students of the University immediately before the coming into force of this Bill shall on that day become faculties, faculty boards and students of the University as established by this Bill.
- [6] Persons who were deans or associate deans of faculties or members of faculty boards shall continue to be deans or associate deans or become members of the corresponding faculty boards, until new appointments are made in pursuance of the Statutes under this Bill.
5. Any person who was a member of the staff of the University as established or was otherwise employed by the provisional Council shall be employed at the University on such designation, status and functions which correspond as nearly as possible to those which pertained to him as a member of that staff or as such an employee.
6. Questions as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.

Question that the provision in the Second Schedule stand part of the Bill, — Agreed to.

THIRD SCHEDULE

FEDERAL UNIVERSITY OF EDUCATION ANKPA STATUTE NO. 1

Articles.

1. The Council
2. Finance and General Purpose Committee
3. The Senate
4. The Congregation
5. Convocation

6. Organization of Faculties and the Branches thereof
7. Faculty Board
8. The Dean of the Faculty
9. Selection of Certain Principal and other key officers
10. Creation of Academic Post
11. Appointment of Academic Staff
12. Appointment of Administrative and Technical Staff

The Council.

- [1] Any member of Council holding office pursuant to clause 6 [e] [f] [g] or [h] of this Bill may, by notice to the Council resign his office.
- [2] A member of Council holding office pursuant to clause 6 [e] [f] [g] or [h] of this Bill shall, unless he previously vacates it, vacate that office on the expiration of a period of four years starting from 1st August in the year in which he was appointed.
- [3] Where a member of Council holding office pursuant to clause 6 [e] [f] [g] or [h] of this Bill vacates office before the expiration of his tenure, the body that appointed him may appoint a successor to hold office for the residue of his unexpired term.
- [4] A person ceasing to hold office as a member of Council otherwise than by removal for misconduct shall be eligible for reappointment for only one further period of four years.
- [5] The quorum of the Council shall be five, at least one of whom shall be a member pursuant to Clause 6 [d] and [e] of this Bill.
- [6] If the Pro-Chancellor is not present at a meeting of the Council, the members present at the meeting may appoint one of them to be the Chairman at that meeting, and subject to clause 5 of this Bill and the provisions of this paragraph the Council may regulate its own procedure.
- [7] 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.
- [8] The Council constituted by this Bill shall have a four-year tenure from the date of its inauguration provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the visitor and a new Council shall be immediately constituted for the effective functioning of the University.
- [9] The powers of the Council shall be exercised in accordance with the laws and Statutes of the University, and to that extent, establishment circulars that are inconsistent with the laws and Statutes of the University shall not apply to the University.

The Finance and General Purpose Committee.

- [1] The Finance and General Purpose 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 a Deputy Vice-Chancellor;

- [c] Six other members of the Council appointed by the Council two of whom shall be selected from among the four members of the Council appointed by the Senate and one of whom shall be selected from among members of the Council appointed by the congregation; and
 - [d] The Permanent Secretary, Federal Ministry of Education or, in his absence, such member of his Ministry as he may designate to represent him.
- [2] The quorum of the Committee shall be six.
- [3] Subject to any directions given by the Council, the committee may regulate its own procedure.

The Senate.

- [1] There shall be a Senate for the University consisting of —
- [a] the Vice-Chancellor;
 - [b] the Deputy Vice-Chancellor;
 - [c] all Professors of the University;
 - [d] all Deans, Provosts and Directors of Academic units of the University;
 - [e] all Heads of Academic Departments, Units and Research Institutes of the University;
 - [f] the University Librarian; and
 - [g] academic members of the congregation who are not Professors as specified in the Laws of the University.
- [2] The Vice-Chancellor shall be the Chairman at all meetings of the Senate when he is present and in his absence, one of the Deputy Vice Chancellors appointed by him shall be the chairman at the meeting.
- [3] The quorum of the Senate shall be one-quarter [or the nearest whole number less than one quarter], and subject to paragraph [2] above the Senate may regulate its own procedure.
- [4] If so requested in writing by any ten members of the Senate, the Vice-Chancellor, or in his absence a person duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.

Congregation.

- [1] Congregation shall consist of —
- [a] the Vice-Chancellor and the Deputy Vice-Chancellor;
 - [b] the full time members of the academic staff;
 - [c] the Registrar;
 - [d] the Bursar; and
 - [e] every member of the administrative and technical staff who holds a degree of any University recognized for the purpose of this Statute by the Vice-Chancellor, not being an honorary degree.

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

Convocation.

- [1] Convocation shall consist of —
- [a] The Officers of the University mentioned in Schedule 1 to this Bill;
 - [b] All teachers within the meaning of this Bill; and
 - [c] All other persons whose names are registered in accordance with paragraph [2] below.
- [2] A person shall be entitled to have his name registered as a member of convocation if he:
- [a] Is either a graduate of the university or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
 - [b] Applies for the registration of his name in the prescribed manner and pays the prescribed fee.
- [3] Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and, subject to paragraph [3] below, may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.
- [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 Convocation by virtue of paragraph [1] [a] or [b] of this paragraph 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 offices 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, and that any person not named therein is not, a member of convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.
- [7] The quorum of Convocation shall be fifty or one-third [or the whole number nearest to one-third] of the total number of members of convocation whichever is less.
- [8] Subject to Clause 5 of this 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.
6. Each Faculty shall be divided into such number of branches as may be prescribed.

Organisation of Faculties and Branches thereof.

- [1] There shall be established in respect of each Faculty, a Faculty Board, which, subject to the provisions of this Bill, and subject to the directions of the Vice-Chancellor, shall —
- [a] regulate the teaching and study of, and the conduct of examinations connected with the subjects assigned to the faculty;
 - [b] deal with other matters assigned to it by Statute, by the Vice Chancellor or by the Senate; and
 - [c] advise the Vice-Chancellor or Senate on any matter referred to it by the Vice-Chancellor or Senate.
- [2] Each Faculty Board shall consist of —
- [a] the Vice-Chancellor;
 - [b] the persons severally in charge of the branches of the faculty;
 - [c] such number of the teachers assigned to the faculty and having the prescribed qualifications as the Board may determine; and
 - [d] such persons whether or not members of the University as the Board may determine with the general or special approval of Senate.
- [3] The quorum of the Board shall be eight members or one-quarter of the members of the Board for the time being whichever is greater.
- [4] Subject to the provisions of this statute and to any provision made by regulations in that behalf, the Board may regulate its own procedure.

The Dean of the Faculty.

- [1] The Dean of a faculty shall be a professor elected by the Faculty Board and such Dean shall hold office for a term of two years. He will be eligible for re-election for another term of two years after which he may not be elected again until two years have elapsed.
- [2] If there is no Professor in a faculty, the Vice-Chancellor shall appoint an Acting Dean who shall not be below the rank of Senior Lecturer for the faculty, who will act for a period of one year in the first instance, renewable for another one year only.

- [3] In the absence of the Vice-Chancellor, the Dean shall be the Chairman at all meetings of the Faculty Board when he is present and he shall be a member of all committees and other boards appointed by the faculty.
- [4] The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty and it shall be the function of the Dean to present to the Convocation for the conferment of Degrees, persons who have qualified for the Degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.
- [5] There shall be a committee to be known as the Committee of Deans which shall consist of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the Committee by the Senate.
- [6] The Dean of a faculty may be removed from office for a good cause by the Faculty Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of the Dean, an Acting Dean may be appointed by the Vice-Chancellor provided that at the next faculty board meeting an election shall be held for a new Dean.
- [7] In this article, "good cause" has the same meaning as in clause 17 [4] of this Bill.

Selection of Certain Principal and other key Officers.

- [1] When a vacancy occurs in the Office of the Registrar, Bursar, the University Librarian, Director of Works or Director of Health Services, a Selection Board shall be constituted by the Council and shall consist of —
- [i] the Pro-Chancellor;
 - [ii] the Vice-chancellor;
 - [iii] two members appointed by the Council, not being members of Senate; and
 - [iv] two members appointed by the Senate not being members of Council.
- [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.
- [3] A person appointed to the office of Director of Works or Director of Health Services shall hold office for such period and on such terms and conditions as may be specified in his letter of appointment

Creation of Academic Post.

10. Recommendation for the creation of posts other than those mentioned in paragraph 9 of this Schedule shall be made by the Senate to the Council through the Finance and General Purposes Committee/Appointment of Academic Staff

Subject to this Bill and the Statutes derived from it, the filling of vacancies in academic posts [including newly created ones] shall be as prescribed from time to time by Statutes.

Appointment of Administrative and Technical Staff.

- [1] The administrative and technical staff of the University, other than those mentioned in paragraph 9 of this Schedule shall be appointed by the Council or on its behalf by the Vice-Chancellor or the Registrar in accordance with any delegation of powers made by the Council in that behalf.

- [2] In the case of administrative or technical staff that has close and important contacts with the academic staff, there shall be Senate participation in the process of selection.

Question that the provision in the Third Schedule stand part of the Bill, — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

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

Clauses 1 - 29 — 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.

9. Committee on Tertiary Institutions and TETFUND:

Report on the Federal University of Agriculture, Kabba (Establishment) Bill, 2021:

Motion made: That the Senate do receive and consider the Report of the Committee on Tertiary Institutions and TETFUND on the Federal University of Agriculture, Kabba (Establishment) Bill, 2021 (*Senator Betty J. Apiafi — Rivers West*).

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 FEDERAL UNIVERSITY OF AGRICULTURE, KABBA TO MAKE COMPREHENSIVE PROVISIONS FOR ITS DUE MANAGEMENT AND ADMINISTRATION AND OTHER MATTERS CONNECTED THEREWITH.

Clause 1: Establishment and Objects of the Federal University of Agriculture, Kabba

[1] There is hereby established the Federal University of Agriculture Kabba [in this Bill referred to as "the University"].

[2] The University -
[a] Shall be a body corporate with perpetual succession and a common seal; and

[b] May sue or be sued in its corporate name.

[3] Shall have power to acquire, hold and dispose of movable and immovable property for the purpose of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 2: 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 degrees in Agriculture

[b] Develop and offer academic and professional programmes leading to the award of diplomas, first degrees, post-graduate: degrees and diplomas in research with emphasis on planning, adaptive, technical, maintenance, developmental and productive skills in Agricultural engineering, livestock, aquatic, horticulture and crop sciences and allied professional disciplines relating to Agriculture with the aim of producing socially mature men and women with capacity and capability not only to understand, use and adapt existing technologies in Agriculture, but also to improve on them and develop new ones;

[c] Utilize Omi Dam to support the faculty of Agriculture and water related courses; aquatic, horticulture and Animal Sciences with arable land in Omi, Ejiba-Ogar;

[d] Act as agents and catalysts, through post-graduate training, research and innovation for the effective and economic utilization, exploitation and conservation of the country's Agricultural resources;

[e] To offer to the general population particularly in the area of Agriculture as a form of public service, the results of training and research and to foster the practical applications of these results;

[f] To establish appropriate relationships with other national institutions involved in training, research and development of technologies in the Agricultural sector;

[g] To identify the problems and needs of the Agricultural sector in Nigeria and to find solutions to them within the context of overall national development;

[h] To provide and promote sound basic scientific training as a foundation for the development of Agriculture in Nigeria, taking into account indigenous cultures and the need to enhance national unity;

[i] To encourage and promote scholarship and conduct research in restricted fields of learning and human endeavor;

[j] To relate its activities to the technological, social, cultural and economic needs of the people of Nigeria; and

- [k] To undertake any other activities appropriate for a University of Agriculture of the highest standard.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 3: Composition of the University and its Constituent Bodies, etc.

- [1] The University shall consist of:
- [a] A Chancellor;
 - [b] A Pro-Chancellor and a Council;
 - [c] A Vice Chancellor and a Senate;
 - [d] A Deputy Vice-Chancellor;
 - [e] A body to be called Congregation;
 - [f] A body to be called Convocation;
 - [g] The campuses and Colleges of the University;
 - [h] the faculties, schools, institutes and other teaching and research units of the University;
 - [i] The persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraphs [a] to [c] of this subsection;
 - [j] All graduates and undergraduates; and
 - [k] All other persons who are members of the University in accordance with provisions made by Statute in that behalf.
- [2] The First Schedule to this Bill shall have effect with respect to the Principal Officers of the University mentioned therein.
- [3] Provision shall be made by Statute with respect to the constitution of the following bodies, namely -
- [a] The Council;
 - [b] The Senate;
 - [c] The Congregation; and
 - [d] The Convocation.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 4: Powers of the University.

- [1] For the carrying out of its objects as specified in Section 2 of this Bill, the University shall have power to -
- [a] Establish such campuses, colleges, faculties, institutes, schools, extra-mural departments and other teaching and research units within the University as may from time to time seem necessary or desirable, subject to the approval of the National Universities Commission;
 - [b] Institute professorships, readerships and associate professorships, lectureships and other posts and offices and to make appointments thereto;
 - [c] Institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
 - [d] Provide for the residence, discipline and welfare of members of the University;
 - [e] Hold examinations and award degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;
 - [f] Award honorary degrees, fellowships or academic titles;
 - [g] Demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may from time to time determine, subject to the overall directives of the appropriate authority;
 - [h] Accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto;
 - [i] Enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
 - [j] Erect, provide, equip and maintain libraries, laboratories, 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;
 - [k] Hold public lectures and undertake printing, publishing and book selling;
 - [l] Subject to any limitations or conditions imposed by Statute, to invest any moneys appertaining to the University by law of endorsement, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investments or securities or in the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any moneys for the time being un-invested with any bank on deposit or current account;

- [m] 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 necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
- [n] Make gifts for any charitable purpose;
- [o] Do anything which is authorized or required by this Bill or by any other Statute to do; and
- [p] 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 made thereunder and without prejudice to Section 9 [2] of this Bill, the powers conferred on the University by sub clause [1] of this clause shall be exercisable on behalf of the University by the Council or by the Senate or in any other manner which may be authorized by this Bill.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

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

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

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 6: General Fund of the University.

- [1] there shall be a general fund of the University which shall consist of the following:
 - [a] Grants-in-aid;
 - [b] Fees
 - [c] Income derived from investments;
 - [d] Gifts, legacies, endowments and donations not accepted for a particular purpose
 - [e] Income derived from the exercise of any functions conferred or imposed on the University by this Bill;

- [f] Any other amounts, charges or dues recoverable by the University;
- [g] Revenue, from time to time, accruing to the University by way of subvention;
- [h] Interest on Investments; and
- [i] Donations and legacies accruing to the University from any source for the general or special purposes of the University.

[2] The general fund shall be applied for the purpose of the University

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 7: Establishment and Composition of Council.

- [1] There shall be a Council for the University consisting of:
 - [a] The Pro-Chancellor;
 - [b] The Vice-Chancellor;
 - [c] The Deputy Vice-Chancellor;
 - [d] One person from the Ministry responsible for -
 - [i] Agriculture;
 - [ii] Water resources; and
 - [iii] Education
 - [e] Four persons representing a variety of interest and broadly representative of the whole Federation;
 - [f] Four persons appointed by the Senate from among its members;
 - [g] Two persons appointed by the congregation from among its members; and
 - [h] One persons appointed by Convocation from among its members.
- [2] Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and familiar with the affairs and tradition of a standard University of Agriculture.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

- Clause 8: 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, including its public relations.
- [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 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 proper accounts of the University are kept and that the accounts of the University are audited annually by auditors appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation, and that an annual report is published by the University together with certified copies of the said accounts as audited.
- [5] Subject to this Bill 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 Clause [5] of this clause by the Finance and General Purposes Committee shall not come into force unless approved by the Council, and where any rule so made by the Committee conflict with any directions given by the Councils [whether before or after the coming into force of the rules in question], the direction of the Council shall prevail.
- [7] There shall be paid to the members 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 extant government circulars.
- [8] The Council shall meet as and when necessary for the performance of its functions under this Bill, and shall meet at least four times every year.
- [9] If required in writing by any five members of the Council, the Chairman shall within twenty-eight days after the receipt of such request call a meeting of the Council:
- Provided that if after 28 days of the receipt or delivering to him of such request, the chairman fails or neglects to call a meeting, the Registrar shall within 14 days thereof, cause a meeting of the Council to be convened for that purpose. The request shall specify the business to be considered at the meeting and no business not so specified shall be transacted at that meeting.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 9: Functions of the Senate of the University.

- [1] Subject to clause 5 of this Bill and sub clauses [3] and [4] of this clause and to the provisions of this Bill relating to the Visitor, it shall be the general function of the Senate to organize and control teaching in the University, admission to Postgraduate courses and other admission of students, the discipline of students and to promote research in the University.
- [2] Without prejudice to the generality of the provisions of sub clause [1] of this clause, it shall in particular be the function of the Senate to make provision for the -
 - [a] Establishment, organization and control of cāmpuses, colleges, faculties, departments, schools, institutes and other teaching and research units of the University, and the allocation of responsibility for different branches of learning;
 - [b] Organization and control of courses of study in the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
 - [c] Award of degrees, and such other qualifications as may be prescribed, in connection with examinations conducted by the University;
 - [d] 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] Establishment, organization and control of halls of residence and similar institutions in the University;
 - [f] Supervision of the welfare of students in the University and the regulation of their conduct;
 - [g] Granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University; and
 - [h] Determine of what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.
- [3] The Senate shall not establish any new campus, college, faculty, department, school, institute or other teaching and research units of the University, or any hall of residence or similar institution at the University without the approval of the Council.

- [4] [a] 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 provisions of this section or for the purpose of providing for any matter for which provision by regulation is authorized or required by this Bill or by Statute; and
- [b] The Senate shall, by regulation, provide that at least one of the persons appointed as examiners at each final or professional examination held in conjunction with any course of study in the University should not be a teacher at the University but is a teacher at the branch of learning to which the course relates in some other university of high repute.
- [5] Subject to a right of appeal to the Council from a decision of the Senate under this clause, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred on him if after due enquiry he is shown to have been guilty of any dishonourable or scandalous conduct in gaining admission into the University or obtaining that award.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 10: 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 5 of this Bill, the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.
- [2] Subject to the provisions of this Bill, the Vice-Chancellor shall have 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 to the exclusion of any other person or authority be the Chief Executive and Academic officer of the University and ex-officio Chairman of the Senate.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

PART II - TRANSFER OF PROPERTY

Clause 11: Transfer of Property to the University.

- [1] All property held by or on behalf of the Provisional Council 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 the transfer of property by this clause and to matters arising therefrom and with respect to other matters mentioned in the Schedule.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Betty J. Apiafi — Rivers West*) — Agreed to.

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 -
- [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 it is done by the University, and their discipline and welfare;
 - [d] Determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Bill and of any Statute, regulation or other instrument made there-under; and
 - [e] Making provision for other matters 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 section as it applies to a subsidiary instrument within the meaning of clause 27 [1] of that Bill.
- [3] The Statute contained in the Third Schedule to this Bill shall be deemed to have come into force on the commencement of this Bill and shall be deemed to have been made under this section by the University.
- [4] The power to make Statute 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 (*Senator Betty J. Apiafi — Rivers West*) — Agreed to.

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

Clause 13: Mode of Exercising the Power to Make Statutes.

- [1] The power of the University to make Statutes shall be exercised in accordance with the provisions of this section.
- [2] A proposed Statute shall not have the force of law until it has been approved at a meeting of the -
- [a] Senate, by the votes of not less than two thirds of the members present and voting; and

- [b] 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 Council, and may be approved as required by subsection [2] of this section by both bodies in no particular order.
- [4] A Statute which -
- [a] Makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University; or
- [b] Provides for the establishment of a new campus or college or for the amendment or revocation of any Statute whereby a campus or college is established; shall not come into operation unless it has been approved by the Visitor.
- [5] For the purpose of section 2 [2] of the Interpretation Act, a Statute shall be treated as being made on the date on which it is approved by the Council and the Senate in accordance with subsection [3] of this section or in the case of a Statute falling within subsection [4] of this section, on the date on which it is approved by the President.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Betty J. Apiafi — Rivers West*) — Agreed to.

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

Clause 14: Proof of Statute.

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

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Betty J. Apiafi — Rivers West*) — Agreed to.

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

Clause 15: Power to Decide the Meaning of Statute.

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

Provided that nothing in this subsection shall affect the 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.

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

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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 as often as the circumstances may require, not being less than once every five years, conduct a visitation of the University or direct that such a visitation be conducted by such persons as the Visitor may deem fit and in respect of any of the affairs of the University.
- [3] It shall be the duty of the bodies and persons comprising the University to -
- [a] Make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purpose of the visitation; and
- [b] Give effect to any instructions consistent with the provisions of this Bill which may be given by the Visitor in consequence of the visitation.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 17: Removal of Certain Members of the Council.

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

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Betty J. Apiafi — Rivers West*) — Agreed to.

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 office on grounds of misconduct or inability to perform the functions of his office, the Council shall -
- [a] Give notice of those reasons to the person in question;
 - [b] Afford such person an opportunity of making representation in person on the matter to the Council; and
 - [c] Take a decision to terminate or not to terminate the appointment.
- [2] If the affected staff or any three members of the Council so request within a period of one month from the date of receipt of the notice of the Council's decision, the Council shall make arrangements for -
- [a] A joint committee of the Council and the Senate to review the matter and to report on it to the Council; and
 - [b] The person in question to be afforded an opportunity to appear before and be heard by an 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, the Council may so remove him by an instrument in writing signed on the directions of the Council.
- [3] The Vice-Chancellor may, in a case of gross 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 immediately be reported to the Council.
- [4] Any member of staff may be suspended from duty or his appointment may be terminated by Council for a good cause and for the purposes of this subsection "good cause" means -
- [a] Conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
 - [b] Any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold office;
 - [c] Conduct of a scandalous or disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold 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.
- [5] Any person suspended pursuant to subsection [3] of this clause shall be on half pay and the Council shall before the expiration of a period of three months from the date of such suspension consider the case against that person and come to a decision as to whether to -
- [a] Continue such person's suspension and if so on what terms [including the proportion of his emoluments to be paid to him];
- [b] Reinstatement such person in which case the Council shall restore his full emoluments with effect from the date of suspension;
- [c] Terminate the appointment of the person concerned in which case such a person will not be entitled to the proportion of his emoluments withheld during the period of suspension; or
- [d] 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.
- [6] Where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against the person, the Council shall, before the expiration of three months from such decision come to a final determination in respect of the case concerning such a person.
- [7] It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection [1] above to use his best endeavors to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.
- [8] Nothing in the foregoing provisions of this clause shall prevent the Council from making regulations for the discipline of staff and workers of the University as may be appropriate.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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 Vice-Chancellor, it appears to the Senate that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then, the Senate may, after affording the examiner an opportunity of making representations in person on the matter, direct the Vice-Chancellor to remove the examiner by an instrument in writing signed by the Registrar.

- [2] Subject to the provisions of any regulation made pursuant to section 8 [4] of this Bill, the Vice-Chancellor may, on the recommendation of Senate, appoint an appropriate person as examiner in the place of the examiner removed.
- [3] It shall be the duty of the Registrar 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 relates.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 20: Discipline of Students.

- [1] Subject to the provisions of this clause, where it appears to the Vice-Chancellor that any student is guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by Statute or regulations, direct that the -
- [a] Student shall not, during such period as may be specified in the direction, participate in such activities of the University or make use of such facilities of the University as may be so specified;
- [b] 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] Student be suspended, expelled or rusticated for such period as may be specified in the direction.
- [2] Where a direction is given under clause [1] paragraphs [b] or [c] of this clause in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal against the direction to the Senate.
- [3] Where an appeal is brought pursuant to clause [2] of this clause, the Senate shall, after causing such inquiry to be made in the matter as the Senate considers just, either confirm or set aside the direction or modify it in such manner as the Senate deem fit.
- [4] The fact that an appeal from a direction is brought pursuant to clause [2] of this clause shall not affect the operation of the direction while the appeal is pending.
- [5] The Vice-Chancellor may delegate his powers under this clause to a disciplinary board consisting of such members of the University as he may nominate.
- [6] Nothing in this clause shall be construed as preventing the restriction or termination of a student's activities at the University for conduct which in the opinion of the Senate is prejudicial to the interest of the University or to its corporate objective or image.

- [7] A direction under sub clause [1] [a] of this clause may be combined with a direction under sub clause [1] [b] of this clause.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

PART V - MISCELLANEOUS AND GENERAL PROVISIONS

Clause 21: Exclusion or 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, place of birth, family origin, religious or political persuasion, as a condition for becoming or continuing to be a -
- [a] Student in the University;
 - [b] Holder of any degree, appointment or employment in the University; or
 - [c] Member of anybody established by virtue of this Bill.
- [2] No person shall be subjected to any disadvantage or accorded any advantage in relation to the University by reference to any of the matters referred to in sub clause [1] of this clause.
- [3] Nothing in subsection [1] of this clause shall be construed as preventing the University from imposing any disability or restriction on any of the persons specified in sub clause [1] of this clause where such persons wilfully refuse or fail on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances, is in the opinion of the University reasonably justifiable in the national interest.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 22: Transfer of Land to the University.

- [1] For the purpose of the Land Use Act [which provides for the compulsory acquisition of land for public purposes] any purpose of the University shall be the same as that of the Federation.
- [2] Where an estate or interest in land is acquired by the Government pursuant to this clause, the Government may, by a certificate under the hand and seal of the registrar of deeds or any other person authorized on that behalf, transfer it to the University.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Betty J. Apiafi — Rivers West*) — Agreed to.

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

Clause 23: 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 Visitor:

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

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Betty J. Apiafi — Rivers West*) — Agreed to.

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

Clause 24: Quorum and Procedure of Bodies Established by this Bill.

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

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Betty J. Apiafi — Rivers West*) — Agreed to.

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

Clause 25: Appointment of Committees, 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 authorize a committee established by it to -

[a] Exercise on its behalf, such of its functions as it may determine; and

[b] co-opt members and direct whether or not co-opted members shall be entitled to vote in that committee.

[2] Any two or more such bodies may arrange for the holding of joint meetings of those bodies or for the appointment of committees consisting of members of those bodies, for the purpose of considering any matter within the competence of those bodies or any of them and either 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 Regulations, the quorum and procedure of a committee established or meeting held pursuant to 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] 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.
- [5] Nothing in the foregoing provisions of this section shall be construed as enabling -
- [a] Statutes to be made otherwise than in accordance with section 11 of this Bill; or
- [b] The Senate to empower any other body to make Regulations or to award degrees or other qualifications.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 26: Miscellaneous Administrative Provisions.

- [1] The seal of the University shall be such as may be determined by the Council and approved by the Chancellor and the affixing of the seal shall -
- [a] In the case of certificates issued by the University, be authenticated by the Vice-Chancellor and the Registrar; and
- [b] In the case of any other document, be authenticated by any member of Council, the Vice-Chancellor and the Registrar or any other person authorized by Statute.
- [2] Any document purporting to be a document executed under the seal of the University shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
- [3] Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specially authorized to do so by the Council without seal.
- [4] The validity of the proceedings of anybody established pursuant to this Bill shall not be affected by-
- [5] Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall disclose his interest to the body and shall not vote on any question relating to that matter.
- [6] Nothing in section 12 of the Interpretation Act [which provides for the application, in relation to subordinate legislation, of certain incidental provisions] shall apply to Statutes or Regulations made pursuant to this bill

- [7] The power conferred by this Bill on anybody to make Statute or Regulations shall include power to revoke or vary any -
- [a] Statute [including the Statute contained in the Third Schedule to this Bill; or
- [b] regulation by a subsequent Statute or Regulation as the case may be:
- Provided that the Statutes and Regulations may have 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 sections 10, 21 and 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 26 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 27: Special Provisions Relating to Pension of Professors.

An academic Staff of the University shall be entitled to pension at a rate equivalent to his annual salary provided that the professor has served continuously in the University up to the retirement age.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Betty J. Apiafi — Rivers West*) — *Agreed to.*

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

Clause 28: Interpretation.

[1] In this Bill -

"appropriate authority" means any person, body or authority authorized by law to act in a specific or general capacity in relation to a subject-matter;

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

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

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

"Gross misconduct" means any act of misconduct and improper behavior that may be designated as gross misconduct by any Statute or Regulation made, pursuant to this Bill.

"Minister" means the Minister charged with responsibility for Agriculture;

"misconduct" means any conduct which is prejudicial to the good name of the University and or discipline and the proper administration of the business of the University;

"notice" means notice in writing;

"officer" does not include the Visitor;

"prescribed" means prescribed by Statute or Regulation made under this Bill;

"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;

"the provisional Council" means the provisional Council appointed for the University by the President with effect from assent;

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

"Senate" means the Senate of the University established by the Bill;

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

"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;

"President" means the President of the Federal Republic of Nigeria;

"Constitution" means the Constitution of the Federal Republic of Nigeria;

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

[a] A graduate; and

[b] A person of such description as may be prescribed for the purposes of this definition.

"the University" the Federal University of Agriculture, Kabba incorporated and constituted by this Bill; and

"The Bill" means the Federal University of Agriculture, Kabba Bill.

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

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Betty J. Apiafi — Rivers West*) — Agreed to.

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

Clause 29: Short Title.

This Bill may be cited as the Federal University of Agriculture, Kabba [Establishment, etc.] Bill, 2021.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Betty J. Apiafi — Rivers West*) — Agreed to.

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

SCHEDULES

First Schedule

Section 3 [2]

Principal Officers of the University

1. The Chancellor
 1. The Chancellor shall be appointed by and hold office at the pleasure of the President.
2. The Pro-Chancellor
 - [1] The Pro-Chancellor shall be appointed or removed from office by the President.
 - [2] Subject to the provisions of this Bill, the Pro-Chancellor shall hold office for a period of four years from the date of his appointment.
3. The Vice-Chancellor
 3. The procedure for the appointment and removal of the Vice-Chancellor shall be in accordance with the provision of the University [Miscellaneous Provisions] 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].

- [3] A Deputy Vice-Chancellor shall -
- [a] Assist the Vice-Chancellor in the performance of his functions;
 - [b] Act in place of the Vice-Chancellor when the post of the Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or unable to perform his functions as Vice-Chancellor; and
 - [c] Perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.
5. Office of the Registrar, Bursar and University Librarian
- [1] There shall be for the University, a Registrar, who shall be the Chief Administrative Officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administration of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 [2] below.
 - [2] The person holding the office of Registrar shall by virtue of that office be Secretary to the Council, the Senate, Congregation and Convocation.
 - [3] The Registrar shall hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.
 - [4] There shall be for the University, the following Principal Officers in addition to the Registrar, that is -
 - [a] The Bursar; and
 - [b] The University Librarian.
6. The Bursar and the University Librarian
- [2] The Bursar shall be the Chief Financial Officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administration and control of the financial affairs of the University.
 - [3] The University Librarian shall be responsible to the Vice-Chancellor for the administration of the University Library and the co-ordination of all library services in the University and its campuses, colleges, faculties, schools, departments and institutes and other teaching or research units.
 - [4] The Bursar and the University Librarian -
 - [a] Shall each hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.
7. Other Officers of the University
- 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.
8. 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 coordinate all matters relating to the health of all staff and students.
9. Resignation and re-appointment
- [1] Any officer mentioned in the foregoing provisions of this schedule may resign his office in -

- [a] the case of the Chancellor or Pro-Chancellor, by notice to the Visitor;
 - [b] 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.

Question that the Provision in the First Schedule stand part of the Bill — agreed to

SECOND SCHEDULE

Section 10 [2]

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

1. Transfer of Property to the University

Without prejudice to the generality of Section 10 [1] of this Bill—

- [a] the reference in the subsection to property held by the provisional Council and the University 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 and the University; and
- [b] all outstanding debts and liabilities of the provisional Council shall become debts and liabilities of the University established by this Bill.

Registration of Transfers

- [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 established by this Bill had been a party to it in place of the provisional Council.
 - [2] Documents not falling within sub-paragraph [1] above, including enactments, which refer whether specially or generally to the provisional Council shall be construed in accordance with that subparagraph 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 established by this Bill.
- [1] If the law in force at the place where any property transferred by this Bill is situated 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 of any other matter] apply, with the necessary modifications to the transfer of the property in question.
 - [2] It shall be the duty of the body to which any property is transferred by this Act 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.
- [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 set up under the Third Schedule to this Bill must have been duly constituted.

- [3] The first meetings of the Senate as constituted by this Bill shall be convened by the Vice-Chancellor on such date and in such manner as he may determine.
- [4] The persons who were members of the Senate immediately before the coming into force of this Bill shall be deemed to constitute the Senate of the University until the date when the Senate is set up under the Third Schedule of this Bill must 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 faculties, faculty boards and students of the University immediately before the coming into force of this Bill shall on that day become faculties, faculty boards and students of the University as established by this Bill.
- [6] Persons who were deans or associate deans of faculties or members of faculty boards shall continue to be deans or associate deans or become members of the corresponding faculty boards, until new appointment are made in pursuance of the Statutes under this Bill.
5. Any person who was a member of the staff of the University as established or was otherwise employed by the provisional Council shall be employed at the University on such designation, status and functions which correspond as nearly as possible to those which pertained to him as a member of that staff or as such an employee.
6. Questions as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.

Question that the Provision in the Second Schedule stand part of the Bill — agreed to

THIRD SCHEDULE

Section 11 [3]

Federal University of Agriculture, Kabba Statute No. 1

Articles:

1. The Council.
 2. Finance and General Purpose Committee
 3. The Senate.
 4. The Congregation.
 5. Convocation.
 6. Organization of Faculties and the Branches thereof.
 7. Faculty Board.
 8. The Dean of the Faculty.
 9. Selection of Certain Principal and other key officers.
 10. Creation of Academic Post.
 11. Appointment of Academic Staff.
 12. Appointment of Administrative and Technical Staff.
1. The Council
 - [1] Any member of Council holding office pursuant to section 6 [e] [f] [g] or [h] of this Act may, by notice to the Council resign his office.
 - [2] A member of Council holding office pursuant to section 6 [e] [f] [g] or [h] of this Bill shall, unless he previously vacates it, vacate that office on the expiration of a period of four years starting from 1st August in the year in which he was appointed.

- [3] Where a member of Council holding office pursuant to section 6 [e] [f] [g] or [h] of this Bill vacates office before the expiration of his tenure, the body that appointed him may appoint a successor to hold office for the residue of his unexpired term.
- [4] A person ceasing to hold office as a member of Council otherwise than by removal for misconduct shall be eligible for reappointment for only one further period of four years.
- [5] The quorum of the Council shall be five, at least one of whom shall be a member pursuant to Section 6 [d] and [e] of this Bill.
- [6] If the Pro-Chancellor is not present at a meeting of the Council, the members present at the meeting may appoint one of them to be the Chairman at that meeting, and subject to section 5 of this Act and the provisions of this paragraph the Council may regulate its own procedure.
- [7] 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.
- [8] The Council constituted by this Bill shall have a four-year tenure from the date of its inauguration, provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the visitor and a new Council shall be immediately constituted for the effective functioning of the University.
- [9] The powers of the Council shall be exercised in accordance with the laws and Statutes of the University, and to that extent, establishment circulars that are inconsistent with the laws and Statutes of the University shall not apply to the University.

2. The Finance and General Purpose Committee

- [1] The Finance and General Purpose 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 a Deputy Vice-Chancellor;
 - [c] six other members of the Council appointed by the Council two of whom shall be selected from among the four members of the Council appointed by the Senate and one of whom shall be selected from among members of the Council appointed by the congregation; and
 - [d] the Permanent Secretary, Federal Ministry of Agriculture or, in his absence, such member of his Ministry as he may designate to represent him.
- [2] The quorum of the Committee shall be six.
- [3] Subject to any directions given by the Council, the committee may regulate its own procedure.

3. The Senate

- [1] There shall be a Senate for the University consisting of:
- [a] the Vice-Chancellor;

- [b] the Deputy Vice-Chancellor;
 - [c] all Professors of the University;
 - [d] all Deans, Provosts and Directors of Academic units of the University;
 - [e] all Heads of Academic Departments, Units and Research Institutes of the University;
 - [f] the University Librarian; and
 - [g] Academic members of the congregation who are not Professors as specified in the Laws of the University.
- [2] The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present and in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the chairman at the meeting.
- [3] The quorum of the Senate shall be one-quarter [or the nearest whole number less than one quarter], and subject to paragraph [2] above the Senate may regulate its own procedure.
- [4] If so requested in writing by any ten members of the Senate, the Vice-Chancellor, or in his absence a person duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.
4. Congregation
- [1] Congregation shall consist of -
- [a] The Vice-Chancellor and the Deputy Vice-Chancellor;
 - [b] The full time members of the academic staff;
 - [c] The Registrar;
 - [d] The Bursar; and
 - [e] Every member of the administrative and technical staff who holds a degree of any University recognized for the purpose of this Statute by the Vice-Chancellor, not being an honorary degree.
- [2] Subject to section 5 of this Bill, the Vice-Chancellor shall be the Chairman at all meetings of congregation when he is present, and in his absence one of the Deputy Vice Chancellors appointed by him shall be the chairman at the meeting.
- [3] The quorum of congregation shall be one-third [or the nearest whole number to one-third] of the total number of members of congregation or fifty, whichever is less.
- [4] A certificate signed by the Vice-Chancellor specifying -
- [a] the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation; or
 - [b] the names of the persons who are members of Congregation during a particular period; shall be conclusive evidence of that number or as the case may be of the names of those persons.

- [5] Subject to the provisions of this schedule, congregation may regulate its own procedure.
- [6] Congregation shall be entitled to express by resolution or otherwise its opinion on all matters affecting the interest and welfare of the University and shall have such other functions in addition to the function of electing a member of the Council, as may be provided by Statute or Regulations.

5. Convocation

- [1] Convocation shall consist of -
 - [a] the Officers of the University mentioned in Schedule 1 to this Bill;
 - [b] all teachers within the meaning of this Bill; and
 - [c] all other persons whose names are registered in accordance with paragraph [2] below.
- [2] A person shall be entitled to have his name registered as a member of convocation if he -
 - [a] is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
 - [b] Applies for the registration of his name in the prescribed manner and pays the prescribed fee.
- [3] Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and, subject to paragraph [3] Below, may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.
- [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 convocation by virtue of paragraph [1] [a] or [b] of this paragraph 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 offices 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, and that any person not named therein is not, a member of convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.
- [7] The quorum of convocation shall be fifty or one-third [or the whole number nearest to one-third] of the total number of members of convocation whichever is less.
- [8] Subject to clause 5 of this 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.
6. Each Faculty shall be divided into such number of branches as may be prescribed
Organisation of Faculties and Branches thereof:
- [1] There shall Be established in respect of each Faculty, a Faculty Board, which, subject to the provisions of this Bill, and subject to the directions of the Vice-Chancellor, shall -
- [a] regulate the teaching and study of, and the conduct of examinations connected with the subjects assigned to the faculty;
- [b] deal with other matters assigned to it by Statute, by the Vice-Chancellor or by the Senate; and
- [c] Advise the Vice-Chancellor or Senate on any matter referred to it by the Vice-Chancellor or Senate.
- [2] Each Faculty Board shall consist of -
- [a] The Vice-Chancellor;
- [b] the persons severally in charge of the branches of the faculty;
- [c] Such number of the teachers assigned to the faculty and having the prescribed qualifications as the Board may determine; and
- [d] Such persons whether or not members of the University as the Board may determine with the general or special approval of Senate.
- [3] The quorum of the Board shall be eight members or one-quarter of the members of the Board for the time being whichever is greater.
- [4] Subject to the provisions of this statute and to any provision made by regulations in that behalf, the Board may regulate its own procedure.
7. The Dean of the Faculty
- [1] The Dean of a faculty shall be a professor elected by the Faculty Board and such Dean shall hold office for a term of two years. He will be eligible for re-election for another term of two years after which he may not be elected again until two years have elapsed.
- [2] If there is no professor in a faculty, the Vice-Chancellor shall appoint an Acting Dean who shall not be below the rank of Senior Lecturer for the faculty, who will act for a period of one year in the first instance, renewable for another one year only.
- [3] In the absence of the Vice-Chancellor, the Dean shall be the chairman at all meetings of the Faculty Board when he is present and he shall be a member of all committees and other boards appointed by the faculty.
- [4] The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty and it shall be the function of the Dean to present to the convocation for the conferment of Degrees, persons who have qualified for the Degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.

- [5] There shall be a committee to be known as the Committee of Deans which shall consist of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the Committee by the Senate.
- [6] The Dean of a faculty may be removed from office for a good cause by the Faculty Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of the Dean, an Acting Dean may be appointed by the Vice-Chancellor provided that at the next faculty board meeting an election shall be held for a new Dean.
- [7] In this article, "good cause" has the same meaning as in section 17 [4] of this Bill.
8. Selection of Certain Principal and other key Officers
- [1] When a vacancy occurs in the Office of the Registrar, Bursar, the University Librarian, Director of Works or Director of Health Services, a Selection Board shall be constituted by the Council and shall consist of -
- [i] The Pro-Chancellor;
 - [ii] The Vice-chancellor;
 - [iii] Two members appointed by the Council, not being members of Senate; and
 - [iv] Two members appointed by the Senate not being members of Council.
- [2] The Selection Board, after making such inquiries as it deems 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.
- [3] A person appointed to the office of Director of Works or Director of Health Services shall hold office for such period and on such terms and conditions as may be specified in his letter of appointment.
9. Creation of Academic Post
Recommendation for the creation of posts other than those mentioned in paragraph 9 of this Schedule shall be made by the Senate to the Council through the Finance and General Purposes Committee.
10. Appointment of Academic Staff
Subject to this Bill and the Statutes derived from it, the filling of vacancies in academic posts [including newly created ones] shall be as prescribed from time to time by Statutes.
11. Appointment of Administrative and Technical Staff
- [1] The administrative and technical staff of the University, other than those mentioned in paragraph 9 of this schedule shall be appointed by the Council on its behalf by the Vice-Chancellor or the Registrar in accordance with any delegation of powers made by the Council in that behalf.
- [2] In the case of administrative or technical staffs that have close and important contacts with the academic staff, there shall be Senate participation in the process of selection.

Question that the Provision in the Third Schedule stand part of the Bill — agreed to

Chairman to report Bill.

(SENATE IN PLENARY)

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

Clauses 1 - 29 — 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.

10. **Committee on Ethics, Privileges and Public Petitions:**

Reports on Petitions:

Motion made: That the Senate do consider the Reports of the Committee on Ethics, Privileges and Public Petitions in respect of:

- a. Mr. Kingsley Torru on behalf of Riverman Technologies Limited against the Department of Petroleum Resources (DPR) for non-payment of the sum of Nine Trillion, Three Hundred and Seventy-Five Billion, Six Hundred and Sixteen Million, Seven Hundred Thousand Naira only (₦9,375,616,700) for contract executed (*Senator Patrick A. Akinyelure — Ondo Central*).

Question put and agreed to.

Report Presented.

Debate

Further consideration of Report deferred to another Legislative Day.

- b. Mr. Olaniyan Shehu Muhib and other affected staff of Digital Bridge Institute (DBI) against the Institute for non-implementation of the directive of the Secretary to the Government of the Federation (SGF) as regards the staff of the Institute whose appointments were terminated in March, 2019 (*Senator Patrick A. Akinyelure — Ondo Central*).

Question put and agreed to.

Report Presented.

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Digital Bridge Institute (DBI) to reinstate Mr. Olaniyan Shehu Muhib and the other affected staff of Digital Bridge Institute (DBI) and pay all their outstanding salaries and allowances up to 2019 in accordance with the NCC Staff Conditions of Service 2003 which was the contractual document they signed at the point of their engagement in the service of NCC and later DBI — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge Mr. Olaniyan Shehu Muhib and the other affected staff of Digital Bridge Institute (DBI) to accept and sign the Staff Conditions of Service of the Digital Bridge Institute (DBI) if they desire to continue their service with DBI because the DBI is a corporate legal entity that can sue and be sued in its own name — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge the Digital Bridge Institute (DBI) that after the payment of the outstanding salaries and allowances to Mr. Olaniyan Shehu Muhib and the other affected staff, further payment of salaries and allowances to its staff should be based on the Staff Conditions of Service of the Institute — *Agreed to.*

Resolved:

- (i) That the Senate do urge the Digital Bridge Institute (DBI) to reinstate Mr. Olaniyan Shehu Muhib and the other affected staff of Digital Bridge Institute (DBI) and pay all their outstanding salaries and allowances up to 2019 in accordance with the NCC Staff Conditions of Service 2003 which was the contractual document they signed at the point of their engagement in the service of NCC and later DBI;
 - (ii) That the Senate do urge Mr. Olaniyan Shehu Muhib and the other affected staff of Digital Bridge Institute (DBI) to accept and sign the Staff Conditions of Service of the Digital Bridge Institute (DBI) if they desire to continue their service with DBI because the DBI is a corporate legal entity that can sue and be sued in its own name; and
 - (iii) That the Senate do urge the Digital Bridge Institute (DBI) that after the payment of the outstanding salaries and allowances to Mr. Olaniyan Shehu Muhib and the other affected staff, further payment of salaries and allowances to its staff should be based on the Staff Conditions of Service of the Institute (*S/Res/096/02/21*).
- c. Mr. Isa Usman Kunini on behalf of 126 Retired Officers of Nigerian Ports Authority (NPA) against the Nigerian Ports Authority (NPA) for alleged non-payment of the balance of 100% of 280% of their Gratuity Benefit by the Authority since 2018 (*Senator Patrick A. Akinyelure — Ondo Central*).

Question put and agreed to.

Report Presented.

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Nigerian Ports Authority (NPA) to pay the balance of One Billion, One Hundred and Thirty-Seven Million, Six Hundred and Eighty-One Thousand, Nine Hundred and Eight Naira, Eleven Kobo only (₦1,137,681,908.11) which is the difference between the old 180% that was paid and the new 280% that was not fully paid to officers who retired from 1st January - 11th July, 2018 — *Agreed to.*

Proposed Resolution (ii):

Question: That all retired staff from 1st January, 2018 be paid 20% outstanding gratuity as demanded by the petitioners and consented to be paid by NPA Management amounting to Two Hundred and Twenty-Four Billion, Ninety-Eight Million, Four Hundred and Thirty-Five Thousand Naira, Seventy-Three Kobo only (₦224,098,435.73) in line with provision of 2018 Appropriation Act, the Pension Reform Act and in accordance with the 2018 NPA Condition of Service — *Agreed to.*

Proposed Resolution (iii):

Question: That NPA should capture the above payments amounting to One Billion, Three Hundred and Sixty-One Million, Seven Hundred and Eighty Thousand, Three Hundred and Forty-Three Naira, Eighty-Four Kobo only (₦1,361,780,343.84) in the 2021 Supplementary Budget to be presented to the relevant Committees of the National Assembly for consideration and approval to effect the payments as agreed with the Senate Committee on Ethics for implementation — *Agreed to.*

Resolved:

- (i) That the Senate do urge the Nigerian Ports Authority (NPA) to pay the balance of One Billion, One Hundred and Thirty-Seven Million, Six Hundred and Eighty-One Thousand, Nine Hundred and Eight Naira, Eleven Kobo only (₦1,137,681,908.11) which is the difference between the old 180% that was paid and the new 280% that was not fully paid to officers who retired from 1st January - 11th July, 2018;
 - (ii) That all retired staff from 1st January, 2018 be paid 20% outstanding gratuity as demanded by the petitioners and consented to be paid by NPA Management amounting to Two Hundred and Twenty-Four Million, Ninety-Eight Thousand, Four Hundred and Thirty-Five Naira, Seventy-Three Kobo only (₦224,098,435.73) in line with provision of 2018 Appropriation Act, the Pension Reform Act and in accordance with the 2018 NPA Condition of Service; and
 - (iii) That NPA should capture the above payments amounting to One Billion, Three Hundred and Sixty-One Million, Seven Hundred and Eighty Thousand, Three Hundred and Forty-Three Naira, Eighty-Four Kobo only (₦1,361,780,343.84) in the 2021 Supplementary Budget to be presented to the relevant Committees of the National Assembly for consideration and approval to effect the payments as agreed with the Senate Committee on Ethics for implementation (*S/Res/097/02/21*).
- d. Arthur C. Nwosu, Esq., on behalf of Deputy Comptroller of Customs (DC), Idris Aloma Zamdai against the Nigeria Customs Service for unlawful dismissal from the Service (*Senator Patrick A. Akinyelure — Ondo Central*).

Question put and agreed to.

Report Presented.

Debate:

Proposed Resolution:

Question: That since due process was not fully followed by the Nigeria Customs Service in dismissing DC Idris Aloma Zamdai from the Service, he be reinstated and paid his salaries and other entitlements from the date he was dismissed (having served for 32 years) till the date he should have retired, and be retired — *Agreed to.*

Resolved:

That since due process was not fully followed by the Nigeria Customs Service in dismissing DC Idris Aloma Zamdai from the Service, he be reinstated and paid his salaries and other entitlements from the date he was dismissed (having served for 32 years) till the date he should have retired, and be retired (S/Res/098/02/21).

11. Motion:

Urgent need for the rehabilitation of the Ikorodu-Shagamu and Ikorodu-Itoikin-Epe roads to further bridge the infrastructural gap and enhance economic growth in Nigeria.

Motion made: The Senate is aware that roads indirectly contribute to the economic growth of a nation and additionally, roads development bring social, cultural and economic changes in the lives of the people in terms of providing connectivity between people and places and thus help in reducing poverty;

further aware that in Nigeria, many roads are in bad shape leading to negative economic effects and the total economic effects, of such bad roads to the nation, the health of the citizens, operation of businesses, safety of lives and properties are unquantifiable;

mindful that the Ikorodu-Shagamu road which starts from Ikorodu roundabout terminating in Isale-Oko, Shagamu, Ogun State and the Ikorodu-Itoikin-Epe road starts from Sabo, Ikorodu and terminates in Ijebu-Ode, Ogun State are Federal roads;

further mindful that the Ikorodu-Shagamu road is an old alignment, and is one of the busiest roads in the south - west zone which was constructed in the 1960s before the construction of Lagos-Ibadan expressway and was a major route carrying traffic from Lagos towards the Northern part of the country, until the commissioning of Lagos - Ibadan expressway in 1978;

convinced that the Lagos-Shagamu road still serves as a great commercial route for the South West, South South and indeed the whole nation with several commercial ventures and Educational Institutions situated in that corridor such as, Lafarge Cement, NNPC depot Mosimi, PZ, Knorr, several Metal Fabrication companies, Thomas Valley College and Christ Redeemers College;

aware that the Ikorodu-Itoikin-Epe Road also which had previously been constructed by Messrs Taylor Woodrow Nigeria Limited was completed and commissioned by the then Head of State, General Yakubu Gowon in 1975;

further aware that over the years, communities which had previously been off the road alignment expanded closer to the road and eventually prevented proper drainage and percolation of water thus the rapid deterioration of the pavement, particularly at locations where Petrol Filling Stations are sited;

notes that the road pavement has outlived its service life considering the increased truck axle load/volume as well as rapid urbanization of the communities along the alignment with the attendant demand for infrastructural upgrades;

further notes that the past and continuous volume of traffic on the road has caused a lot of damages on the road corridor. In some part of the road, the existing surface dressing is fully eroded, and traffic has shifted to the shoulders. The condition of the road creates so much discomfort to the road users and longer travel time;

persuaded that the rehabilitation of Ikorodu-Shagamu and Ikorodu-Itoikin-Epe roads will facilitate easy transfer of goods and services between the interconnecting towns and adjacent States of the country, maintaining and increasing the economic activities along the project corridor;

concerned that currently, a subsisting Federal Government contract for the rehabilitation of the Ikorodu - Shagamu road which was awarded on 5th June, 2018 with a completion period of 36 months with a value of ₦20,845,336,248.20 is being executed by Messrs Arab Contractors O.A.O. Nigeria Limited has only attained 24.04% completion due to lack of funding;

further concerned that in spite of the importance of the Ikorodu-Itoikin-Epe road successive Administrations have not deemed it fit to rehabilitate or upgrade this road 46 years later even though periodically, the Lagos and Ogun State Governments, have repeatedly carried out rehabilitation works on different sections of the road due to neglect from Federal Agencies [FMW&H and FERMA];

assured of the importance of these roads to our nation's economic growth because they are access points from other parts of the country: Ogun, Edo and the Northern parts of the country and also routes to New Lekki-Ibeju corridor where we have the Dangote Refinery, Lagos Deep Seaport, Free Trade Zone, etc;

further assured of the urgent need to rehabilitate these roads to further bridge the huge infrastructural gaps in the country to boost economic development as it will also provide an alternative access road to Lagos; and

convinced that any investment in the reconstruction and proper maintenance of Nigerian roads (at all levels) will enormously ease road transportation of goods and services and improve on the standard of living of the citizens through addressing the issue of unemployment.

The Senate accordingly resolves to:

mandate the Committee on Works to liaise with the Federal Ministry of Works and Housing to:

- Include further funding for the rehabilitation of the Ikorodu - Shagamu road in the 2022 Appropriation Bill;
- Provide appropriate funding for the reconstruction of the Ikorodu-Itoikin-Epe road in the 2022 Appropriation Bill (*Senator Mukhail A. Abiru — Lagos East*).

Debate:

Proposed Resolution:

Question: That the Senate do mandate the Committee on Works to liaise with the Federal Ministry of Works and Housing to:

- Include further funding for the rehabilitation of the Ikorodu - Shagamu road in the 2022 Appropriation Bill;
- Provide appropriate funding for the reconstruction of the Ikorodu-Itoikin-Epe road in the 2022 Appropriation Bill — *Agreed to*.

Additional Proposed Resolutions:

Insert Additional Proposed Resolutions as follows:

“(i) That the Senate do urge alternatively the Federal Ministry of Works and Housing to cede the Ikorodu-Shagamu road to Lagos and Ogun State Governments (*Senator Ibikunle O. Amosun — Ogun Central*).

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

(ii) That the Senate do urge the Federal Government to significantly improve on the funding of Federal Emergency Road Maintenance Agency (FERMA), to enhance the level of intervention by the Agency (*Senator Jibrin Isah — Kogi East*).

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

- (iii) That the Senate do urge the Federal Ministry of Works and Housing in appropriating funds for the reconstruction of Ikorodu-Itoikin-Epe road in 2022 appropriation, the concluding section of the road from Itoikin to Ijebu-Ode should be added to the project (*Senator Olalekan R. Mustapha — Ogun East*)”.

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

Resolved:

That the Senate do:

- (i) mandate the Committee on Works to liaise with the Federal Ministry of Works and Housing to:
- Include further funding for the rehabilitation of the Ikorodu - Shagamu road in the 2022 Appropriation Bill; and
 - Provide appropriate funding for the reconstruction of the Ikorodu-Itoikin-Epe road in the 2022 Appropriation Bill;
- (ii) urge alternatively, the Federal Ministry of Works and Housing to cede the Ikorodu-Shagamu road to Lagos and Ogun State Governments
- (iii) urge the Federal Government to significantly improve on the funding of Federal Emergency Road Maintenance Agency (FERMA), to enhance the level of intervention by the Agency; and
- (iv) urge the Federal Ministry of Works and Housing in appropriating funds for the reconstruction of Ikorodu-Itoikin-Epe road in 2022 appropriation, the concluding section of the road from Itoikin to Ijebu-Ode should be added to the project (*S/Res/099/02/21*).
12. **Orthopaedic Hospitals Management Board Act Cap O10 LFN 2004 (Amendment) Bill, 2021 (HB. 886) — Concurrence:**
- Consideration of Bill deferred to another Legislative Day.*
13. **School of Mines and Geological Studies, Akoko Edo (Establishment) Bill, 2021 (HB. 441) — Concurrence:**
- Consideration of Bill deferred to another Legislative Day.*
14. **Pharmacy Council of Nigeria Act CAP. P17 LFN 2004 (Repeal & Re-enactment) Bill, 2021 (HB. 334) — Concurrence:**
- Consideration of Bill deferred to another Legislative Day.*
15. **Institute of Environmental Practitioners of Nigeria (Establishment) Bill, 2021 (HB. 353) — Concurrence:**
- Consideration of Bill deferred to another Legislative Day.*

16. **Adjournment:**

Motion made: That the Senate do now adjourn till Tuesday, 4th May, 2021 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:51 p.m.

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

