



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 7th July, 2021

1. The Senate met at 10:52 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 6th July, 2021.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**

- (a) **Composition of the South South Caucus in the 9th Senate:**

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



HIS EXCELLENCY

Senator Ovie A. Omo-Agege
DEPUTY PRESIDENT OF THE SENATE
FEDERAL REPUBLIC OF NIGERIA

1st July, 2021

H.E. Dist. Senator Ahmad Ibrahim Lawan, Ph.D, CON
President of the Senate

NOTIFICATION OF THE COMPOSITION OF THE SOUTH SOUTH CAUCUS IN THE 9TH SENATE

Sincere greetings from the South South Caucus of the Senate.

I write to officially notify the Senate under your leadership of the composition of the Caucus of the South South Senators. Please find below the Officials of the Caucus:

- | | | | |
|----|-------------------------------|---|--------------------------|
| 1. | Sen. George Thompson Sekibo | — | Chairman |
| 2. | Sen. Francis Alimikhena | — | Vice Chairman |
| 3. | Sen. Onor Sandy Ojang | — | Secretary |
| 4. | Sen. Eyakenyi Akon Etim | — | Assistant Secretary |
| 5. | Sen. Henry Serlake Dickson | — | Public Relations Officer |
| 6. | Sen. Peter Nwaoboshi Onyeluka | — | Treasurer |
| 7. | Sen. Cleopas Moses Zuwoghe | — | Assistant Treasurer |
| 8. | Sen. Clifford A. Ordia | — | Ex-Officio |

Above is for your information and guidance, please.

Thank you for your kind understanding and be assured of the loyalty and commitment of the South South Caucus to the 9th Senate under your leadership and the National Assembly as a whole.

Sincerely yours,

(Signed)

H.F. Senator Ovie Omo-Agege
Deputy President of the Senate

(b) Meeting of the Senate Petroleum Industry Bill (PIB) Conference Committee:
The President of the Senate read a letter from Senator Yahaya A. Abdullahi (Kebbi North) as follows:



THE SENATE

Senator Yahaya A. Abdullahi
KEBBI NORTH SENATORIAL DISTRICT

Senate President
7th July, 2021

**ANNOUNCEMENT
MEETING OF THE SENATE PIB HARMONIZATION COMMITTEE**

The Senate Committee on the Harmonization of the PIB with the House of Representatives shall meet at the Office of the Senate Leader, immediately after plenary today, 7th July, 2021.

(Signed)

Senator Yahaya A. Abdullahi

Senate Leader

(c) Meeting of the People's Democratic Party (PDP) NASS Minority Caucus:
The President of the Senate read a letter from Senator Enyinnaya H. Abaribe (Abia South) as follows:



OFFICE OF THE

MINORITY LEADER

7th July, 2021

The Senate President,

National Assembly,

Abuja.

NOTICE OF MEETING OF THE PDP NASS MINORITY CAUCUS

There will be a joint meeting of the People's Democratic Party Minority Caucuses (Senate and House) today Wednesday 7th of July, 2021.

Time: 2pm (immediately after plenary).

Venue: Hearing Room 01,

White House building, NASS.

(Signed)

Senator Enyinnaya H. Abaribe

4. Petitions:

- (a) Rising on Order 41, Senator Patrick A. Akinyelure (*Ondo Central*) drew the attention of the Senate to five (5) petitions received from the Office of the President of the Senate as follows:
- (i) Auwalu Inusa, against the Director General of the National Research Institute for Chemical Technology (NARICT), Zaria over an alleged flagrant breach of Public Service Rules and abuse of office by the Director General of NARICT, Zaria;
 - (ii) Comrade Sabastian Onyemaobi and Comrade Aliyu Isa Ohiare against the Head of Service of the Federation over an alleged persistent issuance and implementation of illegal circulars and practices;
 - (iii) Myson A. Nejo Esq., against the Federal Government/Niger Delta Development Commission (NDDC) over an alleged non compliance with the NDDC Act 2000;
 - (iv) Apeiye Becon Clement Esq., against the Nigeria Police Force and Mrs. Mba of NAFDAC over an alleged conspiracy to bring false accusation, unwholesome, discreditable conduct and abuse of office perpetuated by men of the Nigeria Police Force attached to Adeniji Adele Police Station, Lagos; and
 - (v) Chief Abdulfatai Abdulsalam against the Department of State Service over an alleged gruesome attack and murder of Corporal Rauf Fawale.

He urged the Senate to look into the matters.

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

- (b) Rising on Order 41, Senator Ike Ekweremadu (*Enugu West*) drew the attention of the Senate to the provision of this Order and the need for the Senate to receive and entertain petitions from the public in-compliance therewith.

Point of Order noted.

5. Presentation of Bills:

- (i) Copyrights Act Cap C28 LFN 2004 (Repeal & Re-enactment) Bill, 2021 (SB. 769) — *Read the First Time.*
- (ii) Federal University of Agriculture Dadin Kowa (Establishment) Bill, 2021 (HB. 1652) — *Read the First Time.*
- (iii) National Gallery of Arts Act Cap N41 LFN 2004 (Repeal & Re-enactment) Bill, 2021 (SB. 767) — *Read the First Time.*
- (iv) Constitution of the Federal Republic of Nigeria 1999 (Alteration) Bill, 2021 (SB. 771) — *Read the First Time.*
- (v) Anti-Criminal Gang Bill, 2021 (SB. 772) — *Read the First Time.*

6. Committee on Education (Basic & Secondary):

Report on the Oversight visits to Ministry, Departments and Agencies (MDAs):

Motion made: That the Senate do receive the report of the Committee on Education (Basic & Secondary) on the Oversight visits to Ministry, Departments and Agencies (MDAs) (*Senator*

Akon E. Eyakenyi — Akwa-Ibom South).

Question put and agreed to.

Report Laid.

7.

Committee on Appropriations:

Report on the Supplementary Appropriation Bill, 2021 (SB. 754):

Motion made: That the Senate do consider the Report of the Committee on Appropriations on the Supplementary Appropriation Bill, 2021 (Senator Barau I. Jibrin — Kano North).

Question put and agreed to.

Report Presented.

Motion made: That the Senate do resolve into the Committee of Supply to consider the Report of the Committee on Appropriations on Supplementary Appropriation Bill, 2021 (Senate Leader).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF SUPPLY)

CONSIDERATION OF THE REPORT OF THE COMMITTEE ON APPROPRIATIONS ON A SUPPLEMENTARY BILL FOR AN ACT TO AUTHORISE THE ISSUE FROM THE CONSOLIDATED REVENUE FUND OF THE FEDERATION THE TOTAL SUM OF ₦982,729,695,343 (NINE HUNDRED AND EIGHTY-TWO BILLION, SEVEN HUNDRED AND TWENTY-NINE MILLION, SIX HUNDRED AND NINETY-FIVE THOUSAND, THREE HUNDRED AND FORTY-THREE NAIRA) ONLY, OF WHICH ₦123,332,174,164 (ONE HUNDRED AND TWENTY-THREE BILLION, THREE HUNDRED AND THIRTY-TWO MILLION, ONE HUNDRED AND SEVENTY-FOUR THOUSAND, ONE HUNDRED AND SIXTY-FOUR NAIRA) ONLY IS FOR RECURRENT (NON-DEBT) EXPENDITURE WHILE THE SUM OF ₦859,397,521,179 (EIGHT HUNDRED AND FIFTY-NINE BILLION, THREE HUNDRED AND NINETY-SEVEN MILLION, FIVE HUNDRED AND TWENTY-ONE THOUSAND, ONE HUNDRED AND SEVENTY-NINE NAIRA) ONLY IS FOR CONTRIBUTION TO THE DEVELOPMENT FUND FOR CAPITAL EXPENDITURE FOR THE YEAR ENDING ON THE 31ST DAY OF DECEMBER, 2021.

PART A

HEAD REVENUES
Special Funds/Accounts-Receipts 135,000,000,000
Aggregate Revenues/Inflow 135,000,000,000

Question,
That the Expenditure of One Hundred and Thirty-Five Billion Naira (₦135,000,000,000.00) only for the purposes set out under Aggregate Revenue/Inflow for Supplementary Appropriation Bill, 2021 — Agreed to.

SCHEDULE
PART B - AID AND GRANTS & RESTRUCTURED LOANS

Head Aid and Grants
3 Foreign Aid/Grant (In Cash) 6,045,000,000
4 Restructured Existing Loans 39,582,660,000
Total - Aid/Grants & Restructured Loans 45,627,660,000

Question,

That the Expenditure of Forty-Five Billion, Six Hundred and Twenty-Seven Million, Six Hundred and Sixty Thousand Naira (₦45,627,660,000.00) only for the purposes set out under Aid/Grants & Restructured Loans for Supplementary Appropriation Bill, 2021 — *Agreed to.*

PART C - RECURRENT (NON-DEBT) EXPENDITURE

HEAD	MINISTRY/DEPARTMENT/AGENCY	
	EXECUTIVE:	
	MINISTRY OF POLICE AFFAIRS	
1	Ministry of Police Affairs Headquarters	3,500,000,000
	<i>Question,</i>	
	That the Expenditure of Three Billion, Five Hundred Million Naira (₦3,500,000,000.00) only for the purposes set out under Federal Ministry of Police Affairs for Supplementary Appropriation Bill, 2021 — <i>Agreed to.</i>	
2	Police Formations and Commands	33,626,572,050
	<i>Question,</i>	
	That the Expenditure of Thirty-Three Billion, Six Hundred and Twenty-Six Million, Five Hundred and Seventy-Two Thousand, Fifty Naira (₦33,626,572,050.00) only for the purposes set out under Police Formation and Commands for Supplementary Appropriation Bill, 2021 — <i>Agreed to.</i>	
	MINISTRY OF DEFENCE	
3	Defence Headquarters	3,695,420,000
	<i>Question,</i>	
	That the Expenditure of Three Billion, Six Hundred and Ninety-Five Million, Four Hundred and Twenty Thousand Naira (₦3,695,420,000.00) only for the purposes set out under Ministry of Defence Headquarters for Supplementary Appropriation Bill, 2021 — <i>Agreed to.</i>	
4	Nigerian Army	1,590,700,000
	<i>Question,</i>	
	That the Expenditure of One Billion, Five Hundred and Ninety Million, Seven Hundred Thousand Naira (₦1,590,700,000.00) only for the purposes set out under Nigerian Army Headquarters for Supplementary Appropriation Bill, 2021 — <i>Agreed to.</i>	
5	Nigerian Navy	5,901,227,258
	<i>Question,</i>	
	That the Expenditure of Five Billion, Nine Hundred and One Million, Two Hundred and Twenty-Seven Thousand, Two Hundred and Fifty-Eight Naira (₦5,901,227,258.00) only for the purposes set out under Nigerian Navy for Supplementary Appropriation Bill, 2021 — <i>Agreed to.</i>	
6	Nigerian Air Force	8,261,281,654

Question,
That the Expenditure of Eight Billion, Two Hundred and Sixty-One Million, Two Hundred and Eighty-One Thousand, Six Hundred and Fifty-Four Naira (₦8,261,281,654.00) only for the purposes set out under Nigerian Air Force for Supplementary Appropriation Bill, 2021 — Agreed to.

**OFFICE OF THE NATIONAL SECURITY ADVISER
National Intelligence Agency**

129,650,000

Question,
That the Expenditure of One Hundred and Twenty-Nine Million, Six Hundred and Fifty Thousand Naira (₦129,650,000.00) only for the purposes set out under National Intelligence Agency for Supplementary Appropriation Bill, 2021 — Agreed to.

SERVICE WIDE VOTE

Public Service Wage Adjustment

66,627,323,202

Question,
That the Expenditure of Sixty-six Billion, Six Hundred and Twenty-seven Million, Three Hundred and Twenty-three Thousand, Two Hundred and Two Naira (₦66,627,323,202.00) only for the purposes set out under Service Wide Vote for Supplementary Appropriation Bill, 2021 — Agreed to.

TOTAL RECURRENT (NON-DEBT)

123,332,174,164

Question,
That the Expenditure of One Hundred and Twenty-three Billion, Three Hundred and Thirty-two Million, One Hundred and Seventy-four Thousand, One Hundred Sixty-four Naira (₦123,332,174,164.00) only for the purposes set out under Total Recurrent for Supplementary Appropriation Bill, 2021 — Agreed to.

PART D - CAPITAL EXPENDITURE

EXECUTIVE:

POLICE AFFAIRS

Ministry of Police Affairs

8,500,000,000

Question,
That the Expenditure of Eight Billion, Five Hundred Million Naira (₦8,500,000,000.00) only for the purposes set out under Federal Ministry of Police Affairs for Supplementary Appropriation Bill, 2021 — Agreed to.

Police Formations and Commands

22,586,121,511

Question,
That the Expenditure of Twenty-Two Billion, Five Hundred and Eighty-Six Million, One Hundred and Twenty-One Thousand, Five Hundred and Eleven Naira (₦22,586,121,511.00) only for the purposes set out under Police Formations and Commands for Supplementary Appropriation Bill, 2021 — Agreed to.

**MINISTRY OF DEFENCE
Defence Headquarter (DHO)**

33,673,461,231

Question,

That the Expenditure of Thirty-Three Billion, Six Hundred and Seventy-Three Million, Four Hundred and Sixty-One Thousand, Two Hundred and Thirty-One Naira (₦33,673,461,231.00) only for the purposes set out under Defence Headquarters (DHQ) for Supplementary Appropriation Bill, 2021 — **Agreed to.**

4 Nigerian Army Headquarters 207,543,863,993

Question,

That the Expenditure of Two Hundred and Seven Billion, Five Hundred and Forty-Three Million, Eight Hundred and Sixty-Three Thousand, Nine Hundred and Ninety-Three Naira (₦207,543,863,993.00) only for the purposes set out under Nigerian Army Headquarters for Supplementary Appropriation Bill, 2021 — **Agreed to.**

5 Nigerian Navy 157,780,421,836

Question,

That the Expenditure of One Hundred and Fifty-Seven Billion, Seven Hundred and Eighty Million, Four Hundred and Twenty-One Thousand, Eight Hundred and Thirty-Six Naira (₦157,780,421,836.00) only for the purposes set out under Nigerian Navy for Supplementary Appropriation Bill, 2021 — **Agreed to.**

6 Nigerian Air Force 239,477,882,473

Question,

That the Expenditure of Two Hundred and Thirty-Nine Billion, Four Hundred and Seventy-Seven Million, Eight Hundred and Eighty-Two Thousand, Four Hundred and Seventy-Three Naira (₦239,477,882,473.00) only for the purposes set out under Nigerian Air Force for Supplementary Appropriation Bill, 2021 — **Agreed to.**

7 Defence Space Administration 43,326,943,687

Question,

That the Expenditure of Forty-Three Billion, Three Hundred and Twenty-Six Million, Nine Hundred and Forty-Three Thousand, Six Hundred and Eighty-Seven Naira (₦43,326,943,687.00) only for the purposes set out under Defence Space Administration for Supplementary Appropriation Bill, 2021 — **Agreed to.**

8 Defence Intelligence Agency 16,887,229,426

Question,

That the Expenditure of Sixteen Billion, Eight Hundred and Eighty-Seven Million, Two Hundred and Twenty-Nine Thousand, Four Hundred and Twenty-Six Naira (₦16,887,229,426.00) only for the purposes set out under Defence Intelligence Agency for Supplementary Appropriation Bill, 2021 — **Agreed to.**

MINISTRY OF INTERIOR

9 Nigeria Security and Civil Defence Corps 14,822,575,648

Question,

That the Expenditure of Fourteen Billion, Eight Hundred and Twenty-Two Million, Five Hundred and Seventy-Five Thousand, Six Hundred and Forty-Eight Naira (₦14,822,575,648.00) only for the purposes set out under Nigeria Security and Civil Defence Corps for Supplementary Appropriation Bill, 2021 — **Agreed to.**

10	OFFICE OF THE NATIONAL SECURITY ADVISER Office of the National Security Adviser Hqtrs	17,000,000,000
	<i>Question,</i> That the Expenditure of Seventeen Billion Naira (₦17,000,000,000.00) only for the purposes set out under Office of the National Security Adviser - ONSA for Supplementary Appropriation Bill, 2021 — Agreed to.	
11	Department of State Services	17,500,000,000
	<i>Question,</i> That the Expenditure of Seventeen Billion, Five Hundred Million Naira (₦17,500,000,000.00) only for the purposes set out under Department of State Services for Supplementary Appropriation Bill, 2021 — Agreed to.	
12	National Intelligence Agency	4,870,350,000
	<i>Question,</i> That the Expenditure of Four Billion, Eight Hundred and Seventy Million, Three Hundred and Fifty Thousand Naira (₦4,870,350,000.00) only for the purposes set out under National Intelligence Agency for Supplementary Appropriation Bill, 2021 — Agreed to.	
13	SECRETARY TO THE GOVERNMENT OF THE FEDERATION Economic and Financial Crimes Commission (EFCC)	3,500,000,000
	<i>Question,</i> That the Expenditure of Three Billion, Five Hundred Million Naira (₦3,500,000,000.00) only for the purposes set out under Secretary to the Government of the Federation for Supplementary Appropriation Bill, 2021 — Agreed to.	
14	National Agency for the Control of Aids (NACA)	1,685,000,000
	<i>Question,</i> That the Expenditure of One Billion, Six Hundred and Eighty-Five Million Naira (₦1,685,000,000.00) only for the purposes set out under National Agency for the Control of Aids (NACA) for Supplementary Appropriation Bill, 2021 — Agreed to.	
15	FEDERAL MINISTRY OF HEALTH Molecular Laboratory Equipments to Hospitals:	
	National Orthopaedic Hospital, Igbobi (₦300m), National Eye Centre, Kaduna (₦300m), National Ear Care Centre, Kaduna (₦300m), National Fistula Centre, Abakaliki (₦300m), National Fistula Hospital, Katsina (₦300m), National Fistula Hospital, Ningi (₦300m), Federal Neuro-Psychiatric Hospital, Calabar (₦300m), University of Nigeria Teaching Hospital (₦300m), FMC Asaba Annex Aniocha (₦300m) and FMC Nguru (₦400m)	2,800,000,000
	<i>Question,</i> That the Expenditure of Two Billion, Eight Hundred Million Naira (₦2,800,000,000.00) only for the purposes set out under Federal Ministry of Health for Supplementary Appropriation Bill, 2021 — Agreed to.	

CAPITAL SUPPLEMENTATION

- 16 **Procurement and Installation of New Oxygen Plants Nationwide and Repairs of Oxygen Plants in FCT Hospitals** **6,715,338,874**

Question,

That the Expenditure of Six Billion, Seven Hundred and Fifteen Million, Three Hundred and Thirty-Eight Thousand, Eight Hundred and Seventy-Four Naira (₦6,715,338,874.00) only for the purposes set out under Procurement and Installation of New Oxygen Plants Nationwide and Repairs of Oxygen Plants in FCT Hospitals for Supplementary Appropriation Bill, 2021 — **Agreed to.**

- 17 **Vaccines Procurement Cost:**
Federal Government of Nigeria Funding (\$298,500,000
for 29.85m J&J Vaccines under Avat (45% + 10%, Markup) **60,728,332,500**

Question,

That the Expenditure of Sixty Billion, Seven Hundred and Twenty-Eight Million, Three Hundred and Thirty-Two Thousand, Five Hundred Naira (₦60,728,332,500.00) only for the purposes set out under Vaccines Procurement Cost: Federal Government of Nigeria Funding (\$298,500,00 for 29.85m J&J Vaccines under Avat (45% + 10%, Markup) for Supplementary Appropriation Bill, 2021 — **Agreed to.**

TOTAL CAPITAL EXPENDITURE **859,397,521,179**

Question,

That the Expenditure of Eight Hundred and Fifty-Nine Billion, Three Hundred and Ninety-Seven Million, Five Hundred and Twenty-One Thousand, One Hundred and Seventy-Nine Naira (₦859,397,521,179.00) only for the purposes set out under Total Capital Expenditure for Supplementary Appropriation Bill, 2021 — **Agreed to.**

AGGREGATE EXPENDITURE **982,729,695,343**

Main Question,

That the Expenditure of Nine Hundred and Eighty-Two Billion, Seven Hundred and Twenty-Nine Million, Six Hundred and Ninety-Five Thousand, Three Hundred and Forty-Three Naira (₦982,729,695,343.00) only for the purposes set out under Aggregate Expenditure for Supplementary Appropriation Bill, 2021 — **Agreed to.**

Clause 1: Issue and appropriation of ₦982,729,695,343 from the Consolidated Revenue Fund for 2021

- (i) The Accountant-General of the Federation shall, when authorised to do so by Warrants signed by the Minister charged with responsibility for finance, pay out of the Consolidated Revenue Fund of the Federation during the year ending on the 31st day of December 2021, the sums specified by the warrants, not exceeding in the aggregate ₦982,729,695,343 (Nine Hundred and Eighty-Two Billion, Seven Hundred and Twenty-Nine Million, Six Hundred and Ninety-Five Thousand, Three Hundred and Forty-Three Naira) only, for the year ending on the 31st day of December, 2021.
- (ii) The amount mentioned in subsection (1) of this section shall be appropriated to heads of expenditure as indicated in the Schedule to this Act.

(iii) No part of the amount aforesaid shall be released from the Consolidated Revenue Fund of the Federation after the end of the year mentioned in subsection (1) of this section.

Committee Recommendation:

That the provision in Clause 1 be retained (Senator Barau I. Jibrin — Kano North) — *Agreed* to.

Question that Clause 1 stands part of the Bill — Agreed to.

Clause 2: Release of funds from the Consolidated Revenue Fund

All amounts appropriated under this Supplementary Act shall be released from the Consolidated Revenue Fund of the Federation only for the purpose specified in the Schedule to this Act.

Committee Recommendation:

That the provision in Clause 2 be retained (Senator Barau I. Jibrin — Kano North) — *Agreed* to.

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

Clause 3: Virement

In the event that the implementation of any of the projects intended to be undertaken under this Supplementary Act cannot be completed without virement, such virement shall only be effected with the prior approval of the National Assembly.

Committee Recommendation:

That the provision in Clause 3 be retained (Senator Barau I. Jibrin — Kano North) — *Agreed* to.

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

Clause 4: Interpretation

For the purposes of this Supplementary Act the term "schedule" includes the detailed estimates of expenditure attached thereto.

Committee Recommendation:

That the provision in Clause 4 be retained (Senator Barau I. Jibrin — Kano North) — *Agreed* to.

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

Clause 5: Short Title

This Act may be cited as the Supplementary Appropriation Act 2021.

Committee Recommendation:

That the provision in Clause 5 be retained (Senator Barau I. Jibrin — Kano North) — *Agreed* to.

Question that Clause 5 stands 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 Supply considered the Report of the Committee on Appropriations on Supplementary Appropriation Bill, 2021 and approved as follows:

Schedules:

<i>Part A - Aggregate Revenue/Inflow</i>	---	<i>As Recommended</i>
<i>Part B - Aid and Grants and Restructured Loans</i>	---	<i>As Recommended</i>
<i>Part C - Recurrent (Non- Debt) Expenditure</i>	---	<i>As Recommended</i>
<i>Part D - Capital Expenditure</i>	---	<i>As Recommended</i>
<i>Clauses 1-5</i>	---	<i>As Recommended</i>

Question: That the Senate do approve the Report of the Committee of Supply on the Supplementary Appropriation Bill, 2021 — *Resolved in the Affirmative.*

Question put and agreed to.

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.

8. Committee on Local and Foreign Debts:

Report on the External Borrowing of ₦2.343 Trillion (About \$6.183 Billion USD) in the 2021 Appropriation Act through the Issuance of Eurobond in the International Capital Market:

Motion made: That the Senate do receive and consider the Report of the Committee on Local and Foreign Debts on the Request for a Resolution authorizing the Implementation of the External Borrowing of ₦2.343 Trillion (About \$6.183 Billion USD) in the 2021 Appropriation Act through the Issuance of Eurobond in the International Capital Market (*Senator Clifford A. Orida — Edo Central*).

Question put and agreed to.

Report Laid and presented.

Debate:

Proposed Resolution (i):

Question: That the Senate do approve the request of the President of the Federal Republic of Nigeria for the issuance of \$3,000,000,000 (Three Billion USD) but not more than \$6,183,081,643.40, (Six Billion, One Hundred and Eighty three Billion, and Eighty One Thousand, Six Hundred and Forty Three USD and Forty Cents) Eurobond in the International Capital Market for the implementation of the new External Borrowing of ₦2,343,387,942,848.00 (Two Trillion, Three Hundred and Forty-Three Billion, Three Hundred and Eighty-Seven Million, Nine Hundred and Forty-Two Thousand, Eight Hundred and Forty-Eight Naira) only and for the financing of part of the deficit authorized in the 2021 Appropriation Act — *Agreed to.*

Proposed Resolution (ii):
Question: That the Senate do approve that the amount authorized be raised from multiple sources such as the International Capital Market and any other Multilateral or Bilateral sources as may be available — *Agreed to.*

Proposed Resolution (iii):
Question: That the Senate do urge the Minister of Finance, Budget and National Planning, the Director General of the Debt Management Office and the Governor of the Central Bank of Nigeria to submit to the National Assembly within Ten (10) working days (excluding the day of close of trading) a letter containing the United State Dollars amount so raised and received as a result of the above approval together with the applicable exchange rate — *Agreed to.*

Resolved:

That the Senate do:

(i) approve the request of the President of the Federal Republic of Nigeria for the issuance of \$3,000,000,000 (Three Billion USD) but not more than \$6,183,081,643.40, (Six Billion, One Hundred and Eighty three Billion, and Eighty One Thousand, Six Hundred and Forty Three USD and Forty Cents) Eurobond in the International Capital Market for the implementation of the new External Borrowing of ₦2,343,387,942,848.00 (Two Trillion, Three Hundred and Forty-Three Billion, Three Hundred and Eighty-Seven Million, Nine Hundred and Forty-Two Thousand, Eight Hundred and Forty-Eight Naira) only and for the financing of part of the deficit authorized in the 2021 Appropriation Act;

(ii) approve that the amount authorized be raised from multiple sources such as the International Capital Market and any other Multilateral or Bilateral sources as may be available; and

(iii) urge the Minister of Finance, Budget and National Planning, the Director General of the Debt Management Office and the Governor of the Central Bank of Nigeria to submit to the National Assembly within Ten (10) working days (excluding the day of close of trading) a letter containing the United State Dollars amount so raised and received as a result of the above approval together with the applicable exchange rate (S/Res/009/03/21).

9.

Committee on Tertiary Institutions and TETFUND:
Report on the University of Maritime Studies, Oron (Establishment) Bill, 2021 (SB. 265): Motion made: That the Senate do receive and consider the Report of the Committee on Tertiary Institutions and TETFUND on the University of Maritime Studies, Oron (Establishment) Bill, 2021 (Senator Sandy O. Onor — Cross River 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)

PART-I — ESTABLISHMENT OF UNIVERSITY OF MARITIME STUDIES
ORON AND ITS GOVERNING COUNCIL

Clause 1: Establishment of University of Maritime Studies, Oron.

There is hereby established a body to be called the University of Maritime Studies, Oron, Akwa Ibom State [in this Bill referred to as 'the University'].

Committee's Recommendation:

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

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

Clause 2: Objectives of the University:

The objects of the University shall be to -

- [a] provide courses of instruction and training to various levels of personnel required for running and operating ships of the merchant navy and also in marine technology, nautical science, marine engineering, applied research and applied marine sciences. The University shall have powers to award its own degrees in accordance with the highest standards as may be prescribed by the National Universities Commission [NUC];
- [b] encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction, the opportunity of acquiring a higher education in shipping, applied maritime sciences and maritime technology, ship building and the management thereof;
- [c] develop and offer academic and professional programmes, post graduate research leading to the award of diplomas, first degrees, and higher degrees in various aspects of shipping, merchant navy and related fields concerning the improvement of maritime studies, maritime safety and security, the protection of the maritime environment and efficiency of national and international shipping;
- [d] provide a centre for middle and high level maritime education, research, scholarship and capacity-building and an effective means for the sharing of maritime technology with/from other maritime national, with a view to promoting the achievement nationally and globally of the highest practicable standards in matters concerning maritime technology, ports, marine engineering, piloting and navigation, marine insurance, hydrography, Marine safety and security, efficiency of navigation and the prevention and control of marine pollution including air pollution from ships;
- [e] establish appropriate relationships with other national and international institutions involved in training, research and development of maritime studies and maritime matters;
- [f] identify the maritime problems and needs of the society and to find solutions to them within the context of the overall national development.
- [g] undertake any other activities appropriate for a maritime university of the highest standard;

- [h] make plans, and arrangements for perpetual development of the maritime industry;
- [i] teach science and technology contributory to the maritime profession; and
- [j] know and comply with the provisions and standards prescribed by the International Maritime Organization [IMO].

Committee's Recommendation:

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

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

Clause 3: Constitution of principal officers of the University

- [1] The University shall consist of-
 - [a] Chancellor;
 - [b] Pro-Chancellor;
 - [c] Vice Chancellor;
 - [d] two 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, 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 sub-clause;
 - [j] all graduates and undergraduates;
 - [k] a representative of National Universities Commission, not below directorate grade; and
 - [l] 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 Act shall have effect with respect to the Principal Officers of the University mentioned [therein].
- [3] A provision shall be made by a Statute with respect to the constitution of the following bodies-
 - [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 Sandy O. Onor — Cross River Central*) —
Agreed to.

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

Clause 4: Powers of the University.

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, 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 21 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;

[i] hold public lectures and undertake printing, publishing and book selling;

[m] subject to any limitation or condition 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 investment or security or in the purchase or improvement of land, with power from time to time to vary any such investment and to deposit any money for the time being un-invested with any bank on deposit or current account;

[n] borrow, whether on interest or not, 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, advance or credit facility;

[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.

Subject to the provisions of this Bill and of the Statutes made there under and without prejudice to Clause 9 [2] of this Bill, the powers conferred on the University by sub-clause [i] 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 Sandy O. Onor — Cross River Central) —

Agreed to.

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

Clause 5: Functions of the 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 Sandy O. Onor — Cross River Central) —

Agreed to.

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

Clause 6: Composition of the Council of each University

- [1] There shall be a Council for the University consisting of-
- [a] the Pro-Chancellor;
 - [b] the Vice Chancellor;
 - [c] the Deputies Vice Chancellor;
 - [d] The Permanent Secretary, Federal Ministry of Education or, in his absence, one Person from the Federal Ministry responsible for Education to represent him.
 - [e] Four persons representing a variety of interests and broadly representative of the whole Federation appointed by the National Council of Ministers; by virtue of Clause 2 [e] of the Universities [Miscellaneous Provisions] Act 1993 [As amended].
 - [f] four persons representing a variety of interest and broadly representative of the whole Federation to be appointed by the President;
 - [g] four persons appointed by the Senate from among its members;
 - [h] two persons appointed by the Congregation from among its members;
 - [i] one person appointed by the Convocation from among its members; and
 - [j] the Registrar, who shall be the Secretary of the Council.
- [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 Sandy O. Onor — Cross River Central*) — *Agreed to.*

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

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

- [1] Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University, 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 for 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 conflicts with any direction 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 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 and the request shall specify the business to be considered at the meeting and no business not so specified shall be transacted at that meeting.

Committee's Recommendation:

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

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

Clause 8:

Functions of the Senate

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 Post-graduate courses and other admission of students, the discipline of students and to promote research in the University.

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 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] determination of what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.

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.

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 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.

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 is not a teacher at the University but is a teacher at the branch of learning to which the course relates in some other Institute of high repute.

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 8 be retained (*Senator Sandy O. Onor — Cross River Central*) —

Agreed to.

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

Clause 9: General Funds of The University

[1] There shall be a general fund for the University which shall consist of the following:

[2] Annual budgetary allocation by the Federal Government through;

[a] Appropriation by the National Assembly

[b] Statutory grants from the Nigerian Maritime Administration and Safety Agency [NIMASA] to augment 4 [2] [a] for day to day running and managing research on Maritime and Maritime related discoveries

[c] pursuant to subclause [b], Nigerian Maritime Administration and Safety Agency [NIMASA] shall not later than 30th September in each financial year prepare and forward to the Minister for presentation to the National Assembly for approval a statement of estimated income and expenditure to augment subclause [a]

[d] grants-in-aid;

[e] fees;

[f] income derived from investments;

[g] gifts, legacies, endowments and donations not accepted for a particular purpose;

[h] income derived from the exercise of any functions conferred or imposed on the University by this Bill;

[i] any other amounts, charges or dues recoverable by the University;

[j] revenue, from time to time, accruing to the University by way of subvention;

[k] interests on investments;

[l] donations and legacies accruing to the University from any source for the general or special purposes of the University; and

[m] Regular TETFUND interventions;

Committee's Recommendation:

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

Agreed to.

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

Clause 10: 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 function 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 Sandy O. Onor — Cross River Central*)
— *Agreed to.*

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

Clause 11: Transfer of Property

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

Committee's Recommendation:

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

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

PART II — STATUTES OF THE UNIVERSITY

Clause 12: Statutes of the University.

- [1] Subject to this Bill, the University may make Statutes for any of the following purposes that is to say-
- [a] making provision with respect to the composition and constitution of any authority of the University;
- [b] specifying and regulating the powers and duties of any authority of the University, and regulating any other matter connected with the University or any of its authorities;
- [c] regulating the admission of students where 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 24 [6] of this Bill, the Interpretation Act shall apply in relation to any Statute made under this Clause as it applies to a subsidiary instrument within the meaning of Clause 27 [1] of this 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 Second Schedule to this Bill.

Committee's Recommendation:

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

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

Clause 13:

Mode of exercising power to make statutes

[1] The power of the University to make Statutes shall be exercised in accordance with the provisions of this Clause.

[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 sub-Clause [2] of this Clause 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 Clause 2 [2] of the Interpretation Act, Statute shall be treated as being made on the date on which it is approved by the Council and the Senate in accordance with subClause [3] of this Clause or in the case of a Statute falling within subClause [4] of this Clause, on the date on which it is approved by the President.

Committee's Recommendation:

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

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

Clause 14: 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 Institute.

Committee's Recommendation:

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

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

Clause 15: Power of Visitor to decide meaning of statutes

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

[2] The decision of the Visitor on any matter referred to him under this Clause shall be binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a Statute has been decided by the Visitor under this Clause, no question as to the meaning of that provision shall be entertained by any 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 provisions of this Clause shall apply in relation to any doubt or dispute as to whether any matter is, for the purposes of this Bill, an academic or 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 the Statute shall include references to any question as to whether any matter is for the said purposes an academic or Proof of Statute in court Visitor's decision in case of dispute in academic or non-academic matter.

Committee's Recommendation:

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

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

PART III — 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]

The bodies and persons comprising the University shall —

[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 instruction 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 Sandy O. Onor — Cross River Central) — Agreed to.

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

Clause 17:

Removal of certain members of Council

[1]

If it appears to the Council that a member [other than 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]

The Minister shall use his best endeavors 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 Sandy O. Onor — Cross River Central) — 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 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 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 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 under 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; and

[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] The person by whom an instrument of removal is signed in pursuance of sub-clause [1] of this Clause shall 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 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 Sandy O. Onor — Cross River Central) — 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 or, it examiner 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 under 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] The Registrar shall on signing an instrument of removal under this Clause, 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.

Committee's Recommendation:

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

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

Clause 20: 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;
- [c] student be rusticated for such period as may be specified in the direction; or
- [d] student be expelled from the University.
- [2] Where a direction is given under sub-clause [1] [c] or [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 under 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 under sub-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 Sandy O. Onor — Cross River Central*)
— *Agreed to.*

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

Clause 21: Exclusion of Discrimination on Account of Race, Religion, etc

[1] No person shall be required to satisfy requirements as to 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 sub-clause [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 willfully 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 Sandy O. Onor — Cross River Central) — Agreed to.

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

Clause 22: Application of the Land Use Act

[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 Chief Federal Lands Officer 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 Sandy O. Onor — Cross River Central) — 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 Act, 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 21 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 Sandy O. Onor — Cross River Central*)
— Agreed to.

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

Clause 24: Quorum.

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 Sandy O. Onor — Cross River Central*)
— Agreed to.

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

Clause 25: Appointment of Committees.

- [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 coopted members shall be entitled to vote in that committee.
- [2] Any two or more of such bodies may arrange for 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 a Statute or regulation, 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 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 to award degrees or other qualifications.

Committee's Recommendation:

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

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

Clause 26:

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—

- [a] any vacancy in the membership of the body;
- [b] any defect with appointment of a member of the body; or
- [c] by reason that any person not entitled to do so took part in the proceedings.

[5] Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall disclose his interest to the body and shall not vote on any question relating to that matter.

[6] Nothing in Clause 12 of the Interpretation Act, which provides for the application, in relation to subordinate legislation, of certain incidental provisions, shall apply to Statutes or Regulations made under this Bill.

[7] The power conferred by this Bill on anybody to make Statutes or Regulations shall include power to revoke or vary any—

- [a] Statute, including the Statute contained in the Second 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 Clauses 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 Sandy O. Onor — Cross River Central*)
— *Agreed to.*

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

Clause 27: Proposal and Recommendation.

Where in any provisions 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, every such intermediate authority shall forward any proposal or recommendation 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 27 be retained (*Senator Sandy O. Onor — Cross River Central*)
— *Agreed to.*

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

Clause 28: Pre-Action Notice.

A person who has a cause of action against the University shall—

- [a] give the University three months' notice, in writing, of intention to commence an action, disclosing the cause of action and served the processes to the principal office of the University; and
- [b] commence the legal action within two years from the date the cause of action arose.

Committee's Recommendation:

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

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

Clause 29: Savings and Transitional Provisions.

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

Committee's Recommendation:

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

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

Clause 30:

Interpretation.

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;

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

"Government" means the Federal Government of Nigeria; "Graduate" means a person on whom a degree, other than an honorary degree, has been conferred by the University to him;

"Gross Misconduct" means any act of misconduct and improper behavior that may be designated as gross misconduct by any Statute or regulation made, under 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;

"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 regulations;

"Property" includes rights, liabilities and obligations; "regulations" means regulations made by the Senate or Council;

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

"Statute" means a Statute made by the University under Clause 11 of this Bill;
"The Provisional Council" means the provisional Council appointed for the University by the President;

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

"The University" means the University of Maritime Studies, Oron, Akwa Ibom State.

Committee's Recommendation:

That the provision in Clause 30 be retained (Senator Sandy O. Onor — Cross River Central) — Agreed to.

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

Clause 31: Short Title

This Bill is cited as University of Maritime Studies, Oron, Akwa Ibom State, Bill, 2021.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Sandy O. Onor — Cross River Central*) — *Agreed to.*

Question that Clause 31 do stand part of the Bill, put and agreed to.

FIRST SCHEDULE
PRINCIPAL OFFICERS OF THE UNIVERSITY

1. The Chancellor

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

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

2. The Pro-Chancellor

[1] The Pro-Chancellor 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 beginning with the date of his appointment.

3. The Vice Chancellor

[1] Subject to the provisions of this paragraph, the Vice-Chancellor shall be appointed or removed from his office by the Governing Council; this is in line with the provisions of Clause 3[1] of the Universities [Miscellaneous Provision] Act 1993 [As amended]

[2] The Vice-Chancellor shall hold office for a single term of Five years; this is in line with the provisions of 3[7] of the Universities [Miscellaneous Provision] Act 1993 [As amended]

4. The Deputy Vice Chancellor

[1] There shall be for the University, two Deputy Vice-Chancellors or such number of Deputy Vice Chancellors as the Council may, from time to time, deem necessary for the proper administration of the University.

[2] The procedure for the appointment and removal of the Deputy Vice Chancellor shall be in accordance with the provisions of the Universities [Miscellaneous Provisions] Act, 1993 [as amended].

**5. Other Principal Officers of the University
Office of the Registrar**

[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] of this schedule.

- [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.

The Bursar

- [4] 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.

The University Librarian

- [5] 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.

- [6] 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 their letters of appointment

6.

Selection Board for other Principal Officers

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

- [2] The functions, procedure and other matters relating to the Selection Board constituted under subparagraph [1] of this paragraph shall be as the Council may, from time to time, determine.

- [3] The Registrar, Bursar and Librarian shall hold office for such period and on such terms as to the emoluments of their offices and otherwise as may be specified in their letters of appointment

7.

Resignation and Re-Appointment

- [1] Any officer mentioned in the foregoing provisions of this Schedule may resign his office—
- [a] in the case of the Chancellor or Pro-Chancellor, by notice to the President;
- [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.

8. Director of Works

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

9. Director of Health Services

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

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

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

(1) Without prejudice to the generality of Clause 9 [1] of this Bill—

[a] the reference in that sub clause to property held by the provisional council shall include a reference to the right to receive and give a good discharge for any grants or contributions which may have been voted or promised to the provisional council;

[b] all debts and liabilities of the provisional council outstanding shall become debts or liabilities of the University.

[2] All agreements, contracts, deeds and other instruments to which the provisional council was a party shall, so far as possible and subject to any necessary modifications, have effect as if the University had been a party thereto in place of the provisional council.

[3] Documents not falling within sub-paragraph [1] of this paragraph, including enactments, which refer, whether specially or generally, to the provisional council, shall be construed in accordance with that sub-paragraph so far as applicable.

[4] Any legal proceedings or application to any authority pending by or against the provisional council may be continued by or against the University.

2. 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 property aforesaid.

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

3. Transfer of Functions. etc

[1] The first meeting of the Council shall be convened by the Pro-Chancellor on such date and in such manner as he may determine.

[2] The persons who were members of the provisional council shall be deemed to constitute the Council until the date when the Council as set up under the Third Schedule to this Bill shall have been duly constituted.

[3] The first meeting of the Senate as constituted by this Bill shall be convened by the Vice-Chancellor on such date and in such manner as he may determine.

[4] The persons who were members of the Senate immediately before the coming into force of this Legislation shall be deemed to constitute the Senate of the University until the date when the Senate as set up under the Third Schedule to this Bill shall have been duly constituted.

[5] Subject to any regulations which may be made by the Senate after the date on which this Bill is made, the schools, school boards and students of the University immediately before the coming into force of this Legislation shall on that day become schools, school boards and students of the University as constituted by this Bill.

[6] Persons who were Deans or associate Deans of schools or members of school boards shall continue to be Deans or associate Deans or become members of the corresponding school boards, until new appointments are made in pursuance of the statutes.

[7] Any person who was a member of the staff of the University as established or was otherwise employed by the provisional council shall become the holder of an appointment at the University with the status, designation and functions which correspond as nearly as may be to those which appertained to him as member of that staff or as such an employee.

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

Third Schedule

(1)

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.

[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 re-appointment 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.
- (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 Education or, in his absence, one person from the Federal Ministry responsible for Education
- [2] The quorum of the Committee shall be six.
- [3] Subject to any direction 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 Chancellors;
- [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], the Senate may regulate its own procedure.

[4] If so requested in writing by any 10 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] The Congregation shall consist of-

[a] the Vice Chancellor and the Deputy Vice Chancellors;

[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 Institute 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 the Congregation for the purposes of any particular meeting or meetings of the 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, the Congregation may regulate its own procedure.

[6] The 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

The Convocation

[1] The Convocation shall consist of-

[a] the Officers of the University mentioned in the First Schedule to this Bill;

- [b] all teachers within the meaning of this Bill; and
 - [c] all other persons whose names are registered in accordance with sub-paragraph [2] of this paragraph.
- [2] A person shall be entitled to have his name registered as a member of the 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 sub-paragraph [3], 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 fee, ensure that the names of all persons who are for the time being members of the Convocation by virtue of sub-paragraph [1][a] or [b] of this paragraph are entered and retained in 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 the convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entry in, and deletion from, the register made on or after that date shall be disregarded.
- [7] The quorum of the Convocation shall be fifty or one-third, or the whole number nearest to one-third, of the total number of members of the Convocation whichever is less.
- [8] Subject to Clause 5 of this Bill, the Chancellor shall be Chairman at all meetings of the Convocation when he is present, and, in his absence, the Vice Chancellor shall be the Chairman at the meeting.
- [9] The Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by Statute.
6. Division of Schools
Each Faculty shall be divided into such number of branches as may be prescribed.
7. School boards
- [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, the Vice Chancellor or 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 8 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 any provision made by regulations in that behalf, the Board may regulate its own procedure

8.

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 and may 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 shall 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 shall 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 taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of the Dean, a Billing 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.

9. 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-
- [a] the Pro-Chancellor;
- [b] the Vice Chancellor;
- [c] two members appointed by the Council, not being members of Senate; and
- [d] 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
10. 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.
11. Appointment of academic staff
- [1] Subject to the Bill and statutes, the filling of vacancies in academic posts [including newly created ones] shall be the responsibility of the Senate.
- [2] For the purpose of filling such vacancies, suitable selection boards to select and make appointments on behalf of the Council shall be set up.
- [3] For appointments to professorships, associate professorship or readerships or equivalent posts, a board of selection, with power to appoint, shall consist of-
- [a] the Vice-Chancellor;
- [b] two members appointed by the Council;
- [c] four members appointed by the Senate, at least two of whom shall be members of the Senate, while the other two members shall be professional peers in the professional area in which an appointment is to be considered;
- [d] if the post is tenable at a college, the Provost of the college;
- [e] if the post is within a school, institute or other teaching unit in the University, the Dean of the school or the teaching unit, or the director of the institute, as the case may be; and
- [f] such other persons, not exceeding two in number, deemed capable of helping the board in assessing both the professional and academic suitability of a candidate under consideration, as the Senate may from time to time appoint.

[4] For other academic posts, a selection board, with power to appoint, shall consist of-
[a] the Vice-Chancellor;

[b] four members appointed by the Senate, at least two of whom shall be members of the Senate, while the other two members shall be professional peers in the professional area in which an appointment is to be considered;

[c] four members appointed by the Senate, at least two of whom shall be members of the Senate, while the other two members shall be professional peers in the professional area in which an appointment is to be considered;

[d] if the post is tenable at a college, the Provost of the college;
[e] if the post is within a school, institute or other teaching unit in the University, the Dean of the school or the teaching unit or the director of the institute, as the case may be; and

[f] such other persons, not exceeding two in number, deemed capable of helping the board in assessing both the professional and academic suitability of a candidate under consideration, as the Senate may from time to time appoint.

[5] All appointments to senior library posts shall be made in the same way as equivalent appointments in the academic cadre; and for all such posts other than that of the Librarian, the Librarian shall be a member of the selection board.

[6] Boards of selection may interview candidates directly or consider the reports of specialists interviewing panels and shall in addition, in the case of professorships, associate professorships, readerships or equivalent posts, consider the reports of external assessors relevant to the area in which the appointment is being considered.

12 Appointment of administrative and professional 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.

13 Interpretation
In this Statute, the expression "the Act" means the Universities of Maritime Studies Bill, 2021 and any word or expression defined in the Bill has the same meaning in this Statute.

Question that 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 a Bill for an Act to Repeal the Maritime Academy of Nigeria Act Cap. M3 Laws of the Federation of Nigeria 2004; and Establish University of Maritime Studies, Oron and for Other Matters Connected Therewith, 2021 and approved as follows:

Clauses 1-31 — 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 Tertiary Institutions and TETFUND:

Report on the Institute of Information and Communication Technology, Ogoja (Establishment) Bill, 2021:

Motion made: That the Senate do receive and consider the Report of the Committee on Tertiary Institutions and TETFUND on the Institute of Information and Communication Technology, Ogoja (Establishment) Bill, 2021 (*Senator Sandy O. Onor — Cross River 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 PROVIDE FOR THE ESTABLISHMENT OF THE INSTITUTE OF INFORMATION AND COMMUNICATION TECHNOLOGY OGOJA, AND FOR OTHER MATTERS CONNECTED THEREWITH, 2021

PART— I ESTABLISHMENT OF INSTITUTE OF INFORMATION
AND COMMUNICATION TECHNOLOGY OGOJA

Clause 1: Establishment of Institute of Information and Communication Technology Ogoja.

[1] There is hereby established a body to be called Institute of Information and Communication Technology Ogoja, [herein referred to as "the Institute"].

[2] The Institute shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name;

Committee's Recommendation:

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

— Agreed to.

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

Clause 2:

Objects of the Institute

The objects of the University shall be to —

[1]

help students to become competent and confident users who can use the basic knowledge and skills acquired to assist them in their daily lives. It is also supposed to prepare students for the world of tomorrow. It aims to help learners to have an open and flexible mind. This will help them to adjust to the inevitable future changes.

[2]

empowers students who are unable to use this technology outside the school premises by ensuring sufficient access to those students. Through this, it will also ensure equity among all learners, as they will all have the same opportunities to use the ICT facilities in school. Also it facilitates good communication between the students, thus promoting better social understanding.

[3]

assist students to appreciate the beauty and diversity of culture. It also aims to help students become well-cultured citizens of the modern world. It achieves this as it facilitates the discovery and appreciation of various cultural heritages of different countries around the world. Global citizenship is fostered through worldwide networks that make it possible for people to take diverse classes, conduct business or socialize in real time, regardless of location. Geographical barriers are easily transcended, which expands awareness of the other societies and distant places.

[4]

assist students to grow personally by facilitating different methods of learning. Distance-learning programs are now provided by most Institutions. It also aims to allow the public to easily access the necessary information over the Internet.

Committee's Recommendation:

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

— Agreed to.

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

Clause 3:

Constitution of Principal Officers of the Institute

[1]

There shall be established a Council for the Institute [in this Bill referred to as "the Council"] which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

[2]

The Council shall consist of a Chairman and the following other members, that is —

[a]

the Rector of the Institute;

[b]

one representative of the Academic Board of the Institute elected by the Board.

- [c] one representative of National Information Technology Development Agency;
 - [d] one representative of Universities [to be submitted by NUC];
 - [e] one representative of Professional Bodies [to be coordinated by NBTE];
 - [f] one representative of a Federal Utility Statutory Corporation;
 - [g] one representative of the community where the Institute is situated [to be coordinated by the Polytechnic];
 - [h] one representative of the Minister charged with responsibilities for matters relating to polytechnics;
 - [i] one representative of the Permanent Secretary, Federal Ministry of Education [to be coordinated by the FME];
 - [j] one representative of the Permanent Secretary, Federal Ministry of Industry, Trade and Investment [to be coordinated by the NBTE];
 - [k] one representative of the State Ministry of Education;
 - [l] five [5] other persons, at least one of whom must be a woman to be selected each on personal merit based on contributions to development of industry, technology or commerce or special interest in technical education;
 - [m] the Registrar [non-member] shall be Secretary to the Governing Council.
- [3] The Chairman and members for the Council other than ex-officio members shall be appointed by the President on the recommendation of the Minister of Education.
- [4] The provision of the Schedule to this Bill shall have effect with respect to the proceedings of the Council and the other matters mentioned therein.

Committee's Recommendation:

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

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

Clause 4: Visitation.

- [a] The Rector shall be a person with knowledge of maritime affairs, in addition he should hold a minimum qualification equivalent to a PhD.
- [b] The Rector shall hold office for such a term not exceeding four years which term may be renewed for a further term not exceeding four years.

[c] The Rector shall be the Chief Executive and Accounting Officer of the Institute and shall be responsible for —
[i] The execution of the policies and decisions of the Institute's Governing Board;

[ii] The organization, control and management of the day-to-day business of the Institute;

[iii] The implementation of the Institute's functions and ensuring that the Institute achieves its goals;

[iv] The direction, supervision and control of other employees and students of the Institute, subject to any direction and restriction imposed on him by the Board;

[v] Ensuring the adherence of academic performance and discipline.

[d] The Rector may be suspended or removed from office by the President if he —
[i] Has demonstrated inability to effectively perform the duties of his office; or

[ii] Is guilty of serious misconduct in relation to his duties as Rector; or

[iii] In the case of a person possessed of professional qualifications, he is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority; or.

[iv] Is guilty of a conflict of interest as stipulated in of this Act.

Committee's Recommendation:

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

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

Clause 5: Tenure of Office of Council Members

[1] The Chairman and other members of the Governing Council shall hold office for a period of three [3] years from the date of appointment and may be eligible for re-appointment for a further term of three [3] years and thereafter he shall no longer be eligible for re-appointment.

[2] Where a vacancy exists due to resignation, death, or removal of a member, a successor representing the same interest group shall be appointed to hold office for the remaining tenure of his predecessor, so however, that the successor shall represent the same interest as his predecessor.

[3] Every member shall be paid appropriate stipends during his tenure in office in accordance with rates specified from time to time by the National Council of Ministers.

- [4] A member of Council may resign his appointment by a notice in writing addressed to the Minister of Education

Committee's Recommendation:

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

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

PART II — FUNCTIONS AND POWERS

Clause 6: Functions of the Institute

- [1] The functions of the Institute shall be —
- [a] to provide Full-time and Part-time courses in Information and Communication Technology, Engineering Technology, Applied Sciences, Management Sciences and other fields of study leading to the award of Ordinary National Diploma, Higher National Diploma, and Certificates in specialized programmes;
 - [b] to provide facilities and encourage research in all its area of focus to aid the development of Nigeria in the areas of Industry, Commerce, Technology and Engineering etc.
 - [c] to arrange conferences, seminars and study groups relevant to the fields of learning specified in sub clause [1] [a] in this clause;
 - [d] to perform such other functions which in the opinion of the Institute, may serve to promote its objectives;
 - [e] to provide a well-developed and articulate technical education through consistent research, development and constant contact with renowned institutions and appropriate industries;
 - [f] to provide appropriate training and vocational dexterity for a self-reliant and focused Nigerian student, and also to provide industrial skills for those who want to be employers of labour or gainfully employed;
 - [g] to perform such other functions as in the opinion of the Council, may serve to promote the objectives of the Institute; and
 - [h] to carry out other activities as are necessary and expedient for the full discharge of any of its functions pursuant to this Bill.

Committee's Recommendation:

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

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

Clause 7:

Functions of the Governing Council

[1] Subject to the provisions of this Bill, the Council —

[a] shall be responsible for the general management of the affairs of the Institute and in particular, the control of the property and finances of the Polytechnic;

[b] shall have power to do anything which in its opinion is calculated to facilitate the carrying out of activities of the polytechnic and promote its best interest;

[c] shall set up committees for the purpose of working on specific matters and making recommendations to the Board for necessary action;

[d] shall provide pieces of advice as may be necessary, for the interest of the Institute on any matter referred to it;

[e] may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of the Federal Polytechnics Act.

[f] shall perform such other functions as in the opinion of the Council may serve to promote the objectives of the Institute.

[2] The Minister may give to the Institute directives of a general character or relating generally to matters of policy with regard to the exercise by the Institute of its functions under this Bill and it shall be the duty of the Institute to comply with such directives.

Committee's Recommendation:

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

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

Clause 8:

Powers of the Institute.

The Institute shall have power to —

[a] award certificates for courses provided by it under clause 4 [1] [a] of this Bill;

[b] enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Bill;

[c] acquire, hold, lease, sell, mortgage or otherwise alienate or dispose of any property, movable or immovable;

[d] invest its funds in such manner and to such extent as it may deem necessary or expedient;

[e] establish and maintain a library, comprising such books, journals, records, reports and other publications and information systems as may be required for the discharge of the functions conferred on the Institute by this Bill;

- [f] accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organisation making the gift; provided that the Institute shall not accept any gift if the terms and conditions attached thereto are inconsistent with its functions under this Bill.
- [g] Hold examinations and award of First degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study Approved by the Institute and have satisfied such other requirements as the Institute may lay down.

Committee's Recommendation:

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

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

PART III — STAFF OF THE INSTITUTE

Clause 9: Appointment of the Rector

- [1] The President shall appoint for the Institute a Rector who shall be the chief academic and administrative officer of the Institute —
 - [a] Where a vacancy occurs in the position of Rector, the Council shall advertise and follow such procedure as provided in clauses 8 [2], [3], [4] and [5] of the Federal Polytechnics Act.
 - [b] The Rector shall be responsible for—
 - [i] the day-to-day administration of the Institute;
 - [ii] the exercise of general authority over the employees of the Institute;
 - [iii] the discipline of students in the Institute.
 - [c] The Rector shall hold office for a period of four [4] years from the effective date of his appointment and on such terms and conditions as may be determined by the Minister as set out in his letter of appointment.
 - [d] The Rector may be re-appointed for a further period of four [4] years and no more.

Committee's Recommendation:

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

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

Clause 10: Appointment of the Deputy Rector

- [1] The Deputy Rector shall be appointed by the Council as specified in clause 9 of the Federal Polytechnics Act —
 - [a] The Deputy Rector shall assist the Rector in the performance of his functions and shall act in the place of the Rector when the Rector is absent or unable to perform his functions or when the position of Rector is vacant.

[b] The Deputy Rector shall perform such other functions as the Rector may from time to time assign.

[c] The Deputy Rector shall hold office for the period of two [2] years from the effective date of his appointment and on such terms and conditions as may be specified in the letter of appointment. He may be re-appointed for a further period of two [2] years and no more.

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

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

Clause 11: Appointment of the Registrar [1] There shall be for the Institute, a Registrar, who shall be the Chief Administrative Officer of the Institute and shall be responsible to the Rector for the day-to-day administration of the Institute except as regards matters for which the Bursar is responsible.

[2] The person holding the office of Registrar shall, by virtue of that office, be Secretary to the Council and the Academic Board.

[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.

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

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

Clause 12: Appointment of the Bursar [a] The Bursar shall be the Chief Financial Officer of the Institute and shall be responsible to the Rector for the day-to-day administration and control of the financial affairs of the polytechnic.

[b] The Bursar shall hold office for a period of five [5] years and may be re-appointed for a further period of five [5] years and no more.

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

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

Clause 13: Appointment of the Librarian [1] The Librarian shall be appointed by the Council on recommendation of the Selection Board constituted under clause 9 [3] of the Federal Polytechnics Act.

- [2] The Librarian shall be responsible to the Rector for the administration of the polytechnic library and the coordination of library services in the academic unit of the polytechnic.
- [3] The Librarian shall hold office for a period of five [5] years in the first instance, and may be re-appointed for a further period of five [5] years and no more.

Committee's Recommendation:

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

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

Clause 14: Resignation of Appointment by Principal Officers

- [1] Any officer mentioned in this Schedule may resign his office in —
- [a] The case of the Chairman of the Governing Council, by notice to the Visitor;
- [b] In the case of the Rector, 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.

Committee's Recommendation:

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

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

Clause 15: Other Staff of the Institute

- [1] The Council may appoint such other persons to be employees of the Institute to assist the Rector or other principal officers in performance of their functions under the Federal Polytechnics Act;
- [2] The Power to appoint senior employees shall be exercised by the Council on the recommendation of the Appointments and Promotions Committee, Senior and in the case of junior employees, by the Council on the recommendation of the Appointments and Promotions Committee, Junior under the power vested in the Council pursuant to paragraph 3 of the Schedule of this Bill.

Committee's Recommendation:

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

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

Clause 16: Transfer of Land

- [1] For the purpose of the Land Use Act [which provides for the compulsory acquisition of land for public purposes] any purpose of the Institute 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 Institute.

Committee's Recommendation:

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

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

Clause 17: Staff Regulations

[1] **Staff Regulations**

The Council may, subject to the provisions of this Bill, make staff regulations relating generally to the conditions of service of the staff of the Institute and, without prejudice to the generality of the foregoing, such regulations may provide for —
[a] the appointment, promotion and discipline [including dismissal] of employees of the Institute; and

[b] appeals by such employees against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service of public officers in the polytechnic system shall be applicable with such modifications as may be necessary to employees of the Institute.

[2]

Staff regulations made under subclause [1] of this clause shall not have effect until approved by the President and when so approved, they need not to be published in the Gazette but the Council shall cause them to be brought to the notice of all affected persons in such a manner as it may, from time to time, determine.

Committee's Recommendation:

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

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

Clause 18: Pensions

[1] **Pensions**

Pension service in the Institute shall be approved service for the purposes of the Pensions Reform Act.

[2]

Officers and other persons employed in the Institute shall be entitled to pensions, gratuities and other retirement benefits as prescribed in the Pensions Reform Act, so nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude that grant of a pension, gratuity or other retirement benefit in respect of that office.

[3]

For the purpose of the application of the provisions of the Pensions Reform Act, any power exercisable thereunder by a Minister or other Authority of the Government of the Federation, other than the power to make regulations under clause 23 thereof, is vested in and shall be exercisable by the Council and not by any other person or authority.

Committee's Recommendation:

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

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

PART IV — DISCIPLINE

Clause 19: Removal of a Member of Council.

If it appears to the Council that a member [other than Chairman of the Governing Council or the Rector] 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.

Committee's Recommendation:

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

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

Clause 20: Removal from Office of a Staff of the Institute.

- [1] If there are reasons for believing that any person employed as a member of the academic, administrative or technical staff of the polytechnic, other than the Rector, should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall —
- [a] give notice to the person of the reasons in question;
 - [b] afford him an opportunity to make representations in person on the matter to the Council; and carry out such investigations and actions pursuant to clause 17 [1] [c] of the Federal Polytechnics Act.
- [2] The Rector may, in a case of misconduct by a member of the staff which in the opinion of the Rector is prejudicial to the interests of the polytechnic, suspend such member and any such suspension shall forthwith be reported to the Council.
- [3] For good cause, any member of staff may be suspended from office or his, appointment may be terminated by the Council by virtue of its power pursuant to clause 171 [3] of the Federal Polytechnics Act.

Committee's Recommendation:

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

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

Clause 21: Removal of Examiner

If, on the recommendation of the Rector or, it appears to the Academic Board that a person appointed as an examiner for any examination of the Institute ought to be removed from his office or appointment, then, the Academic Board may, after affording the examiner an opportunity of making

representations in person on the matter, direct the Rector to remove the examiner by an instrument in writing signed by the Registrar.

Committee's Recommendation:

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

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

Clause 22:

Discipline of Students.

[1] Where it appears to the Rector that any student of the Institute has been guilty of misconduct, the Rector may, without prejudice to any other disciplinary powers conferred on him by this Bill or any regulations made thereunder, direct that —
[a] the student shall not, during such periods as may be specified in the direction, participate in such activities of the Institute or make use of such facilities of the Institute, as he may specify;

[b] the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified;

[c] the student be suspended for such period as may be specified in the direction; or

[d] the student be expelled from the Institute.

[2] Where there is temporarily no Rector or where the Rector refuses to apply any disciplinary measures, the Council may, either directly or through some other staff, apply such disciplinary actions as are specified in subclause [3] of this clause to any student of the Institute who is guilty of misconduct.

[3] Where a direction is given under sub clause [1] [c] or [d] of this clause in respect of any student, the student may within 21 days from the date of the letter communicating the decision to him, appeal to the Council and the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the Council may deem fit.

[4] The fact that an appeal from a direction is brought in pursuance of subclause [5] of this clause, shall affect the operation of the direction while the appeal is pending.

[5] The Rector may delegate his powers under this clause to disciplinary committee, consisting of such staff of the Institute 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 Institute other than on the ground of misconduct.

[7] It is declared that a direction under subclause [1] [a] of this clause may be combined with a direction under subclause [1] [b] of this clause.

Committee's Recommendation:

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

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

PART V — ACADEMIC BOARD

Clause 23: Establishment of Academic Board of the Institute

- [1] There is established as an integral part of the Institute an Academic Board which shall consist of —
- [a] the Rector of the Institute;
 - [b] the Deputy Rector;
 - [c] the Registrar as secretary;
 - [d] the Librarian;
 - [e] Deans / Directors of Schools;
 - [f] Heads of Academic Departments / Units;
 - [g] not more than two [2] members of the academic staff other than Heads of Departments/Units, to be appointed by the Academic Board.
- [2] The Academic Board shall —
- [a] give the direction and management of academic matters of the polytechnic including the regulation of admission of students, the award of certificates and diplomas, school prizes and other academic distinctions;
 - [b] formulate and continuously evaluate the academic programme of the Institute;
 - [c] make periodic reports to the Council on such academic matters as the Board may deem fit or as the Council may from time to time direct;
 - [d] the discharge of any other functions which the Council may delegate to it.
- [3] The Rector shall be the Chairman at the meeting of the Academic Board and in his absence the Deputy Rector shall preside at such meeting, but in the absence of both, the members present at the meeting shall appoint one of their number to preside at the meeting.
- [4] Subject to subclause [3] of this clause, the Academic Board shall have the power to regulate its own procedure.

Committee's Recommendation:

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

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

PART VI — FINANCIAL PROVISIONS

Clause 24:

Fund of the Institute.

[1] The Institute shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Institute in the performance of its functions under this Bill.

[2]

The fund of the Institute shall include —
[a] such sums as may, from time to time, be granted to the Institute by the Federal Government;

[b]

fees charged by and payable to the Institute in respect of students;

[c]

any other amount charged or dues recoverable by the Institute;

[d]

revenue from time to time accruing to the Institute by way of subvention, grants in-aid, endowment or otherwise;

[e]

interest on investment; and

[f]

donations and legacies accruing to the Institute from any source, for the general or special purposes of the Institute.

Committee's Recommendation:

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

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

Clause 25:

Donations for particular purpose.

[1]

Donations of money to be applied for any particular purpose shall be placed to the credit of a special reserve account and may be invested in such securities or other investments as may be approved by the Minister, until such time as they may be expended in fulfilment of such purpose; provided that the Institute shall not accept a donation from a particular purpose, if the terms and conditions attached to such donation are inconsistent with the actions of the Institute under this Bill.

[2]

The interest derived from the investments referred to in subclause [1] of this clause [unless the terms of the donations otherwise required] shall be deemed to be revenue of the Institute.

Committee's Recommendation:

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

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

Clause 26:

Payment into Bank.

Payment of all sums of money accruable to the Institute except donations and gifts shall be made through the Federal Government recognized Remita online platform.

Committee's Recommendation:

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

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

Clause 27: Annual Estimate Accounts and Audit

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

Committee's Recommendation:

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

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

Clause 28: Annual Report.

Each council shall cause to be prepared and presented to the president through the minister, a report of the activities during the preceding financial year, inclusive of the audited accounts of the polytechnic in respect of the financial year and the auditors comment not later than 31 December each year.

Committee's Recommendation:

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

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

PART VII — MISCELLANEOUS

Clause 29: Power to make bye-laws.

- [1] The Council may, within the scope of its authority under this Bill, make bye-laws relating to any internal domestic matters placed by this Bill under its control and superintendence other than matters for which provision is to be made by standing orders under paragraph 1 [1] of the Schedule to this Bill or in pursuance of paragraph 2 [2] of the said Schedule.
- [2] All such bye-laws shall be in writing and shall come into force when sealed with the seal of the Institute, unless some other date for commencement be therein prescribed.

[3] Nothing in subclause [2] above shall make it obligatory for the Council to publish any of the said bye-laws in the Gazette.

Committee's Recommendation:

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

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

Clause 30: Power of the Minister for Directives and Visitation

[1] The minister shall have the power to give to the Council, such directives which are not inconsistent with the provision of this Bill and it shall be the duty of the Council to comply with such directives;

[2] The minister responsible for education shall be the visitor of the Institute;

[3] The visitor shall, not less than one in every five years, conduct a visitation to the Institute or appoint a visitation panel consisting of not less than five experts to conduct the visitation.

[4] The purpose of the visitation shall be to —
[a] assess the academic and administrative performance of the Institute; and

[b] for such other purposes the visitor may deem fit.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Sandy O. Onor — Cross River Central*) — Agreed to.

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

Clause 31: Regulations.

[1] The Council may, with the approval of the Minister, make regulations for giving effect to the provisions of this Bill and without prejudice to the foregoing regulations shall provide —
[a] the entry into and the type of courses approved for the Institute;

[b] the duration of the courses and academic standards; and

[c] the certificates, diplomas or degrees which may be awarded by the Institute.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Sandy O. Onor — Cross River Central*) — Agreed to.

Question that Clause 31 do stand part of the Bill, put and agreed to.

Clause 32:

Interpretation.

In this Bill, unless the context otherwise requires —
"Bye-laws" means bye-laws made under clause 22 of this Bill;

"Council" means governing body of the Institute established under clause 2 of this Bill;

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

"Visitor" means Minister of Education;

"Property" includes rights, liabilities and obligations;

"Registrar" means the Registrar of the Institute;

"Institute" means Institute of Information and Communication Technology Ogoja established under clause 1 of this Bill;

"Staff" means all persons employed by the Council to serve at the Institute

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Sandy O. Onor — Cross River Central*)
— *Agreed to.*

Question that Clause 32 do stand part of the Bill, put and agreed to.

Clause 33: Short Title

This Bill may be cited as Institute of Information and Communication Technology Ogoja, Bill, 2021.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Sandy O. Onor — Cross River Central*)
— *Agreed to.*

Question that Clause 33 do stand part of the Bill, put and agreed to.

SCHEDULE

1. Proceedings of the Board

- [1] The Council may, subject to the provisions of this Bill, make standing orders to regulate its proceedings or those of any of its Boards, Committee or subcommittee[s] for the purpose of giving effect to the objectives set out in this Bill.
- [2] The quorum of the Council shall be the chairman or the secretary and four other members of the Council —
- [a] The Council shall meet quarterly and whenever circumstances so dictate, it may organize such other number of meetings provided it is summoned by the chairman or by notice given to him by not less than four other members of the Council.
- [b] Where the chairman receives such notice he shall summon a meeting of the Council to be held not later than seven [7] days from the date on which the notice is served.
- [3] The chairman shall preside at all meetings of the Council but if he is absent, other members present at the meeting shall elect one of the members amongst them to preside at such meetings.

[4] Whenever the Council requires the advice of any person or institution on any matter related to the objectives set out in this Bill, the Council shall co-opt the said person for a period of time it considers necessary.

[5] A person co-opted for the purpose stated above shall not be entitled to vote at any of the meetings of the Council and shall also not be counted for the purpose of forming a quorum.

Committee

[1] The Council may appoint one or more committee[s] to carry out on behalf of the Council such functions as the Council may determine.

[2] A committee appointed under this paragraph shall consist of such number of persons [not necessarily all members of the Council] as may be determined by the Council; and a person, other than a member of the Council, shall hold office on the committee in accordance with the terms of his appointment.

[3] A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

[4] The Chairman of the Governing Council and the Rector 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 Rector shall be a member of every committee of which the members are wholly or partly appointed by the Academic Board

3.

Miscellaneous

[1] The fixing of the seal of the Council shall be authenticated by the signature of the Chairman and of any other member authorized generally or specially by the Council to act for that purpose.

[2] Any contract or instrument which, if made 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 Institute by the Rector or any person generally or specially authorized to act for that purpose by the Council.

[3] Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

[4] Members of the Council who are not public officers shall be paid out of moneys at the disposal of the Council such remuneration, fee or allowances in accordance with such scale as may be approved, from time to time, by the President.

[5] The validity of any proceedings of the committee of a Council thereof shall not be adversely affected by a vacancy in the membership of the committee of a Council or by reason that a person not entitled to do so took part in the proceedings.

[6] Any member of the Council or any person holding office in a committee of the Council who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or committee thereof shall forthwith disclose his interest to the Council or committee and shall not vote on any question relating to the contract or arrangement.

Question that this Schedule Stand part of this Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Tertiary Institutions and TETFUND on a Bill for an Act to Provide for the Establishment of the Institute of Information and Communication Technology Ogoja, and for Other Matters Connected Therewith, 2021 and approved as follows:

Clauses 1-33 — As Recommended

Schedule — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

11. Committee on Health (Secondary & Tertiary):

Report on the Psychiatric Hospitals Act (Amendment) Bill, 2021 (SB. 376):

Motion made: That the Senate do receive and consider the Report of the Committee on Health (Secondary & Tertiary) on the Psychiatric Hospitals Act (Amendment) Bill, 2021 (*Senator Yahaya I. Oloriegbe — Kwara Central*).

Question put and agreed to.

Report Laid and presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE PSYCHIATRIC HOSPITALS MANAGEMENT BOARD ACT CAP P34 LAWS OF THE FEDERATION OF NIGERIA 2004; TO ESTABLISH THE FEDERAL PSYCHIATRIC HOSPITAL BUDO-EGBA, KWARA STATE; PROVIDE A LEGAL FRAMEWORK FOR THE ESTABLISHED PSYCHIATRIC HOSPITALS; FACILITATE THE TRAINING OF SPECIALIST PERSONNEL AT ALL LEVELS AND FOR RELATED MATTERS, 2021

Clause 1: Amendment of the Psychiatric Hospitals Management Board Act Cap P34 Laws of the Federation of Nigeria 2004.

The Psychiatric Hospitals Management Board Act Cap P34 Laws of the Federation of Nigeria 2004, (in this Bill referred to as 'the Principal Act') is amended as set out under this Bill.

Committee's Recommendation:

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

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

Clause 2:

Amendment of Section 1

Section 1(1) of the Principal Act is amended by substituting for the existing subsection (1) for a new subsection ("1") -

(1) Each Hospital shall have a Governing Board which shall consist of-

(a) a Chairman;

(b) a representative of the Federal Ministry of Health, not below the rank of a Director;

(c) a representative of the National Association of Nurses and Midwives;

(d) three persons to represent the public interest;

(e) representative of state Ministry of Health, not below the rank of a Director;

(f) representative of state Ministry of Social Welfare, not below the rank of a Director;

(g) the Medical Director of the Hospital, and

(h) the Director of Administration of the Hospital, who shall be the Secretary of the Board.

Committee's Recommendation:

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

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

Clause 3:

Amendment of Section 2

Section 2(2) of the Principal Act is amended by substituting for the existing (2) for a new "2" -

"(2) The Chairman and three persons to represent the public interest shall be appointed by the President on the recommendation of the Minister."

Committee's Recommendation:

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

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

Clause 4:

Amendment of Section 6

(a) Section 6(2) of the Principal Act is deleted,

(b) Section 6(3) of the Principal Act is amended, by substituting the existing subsection (3) for a new subsection "(3)" -

"(3) The members of the committee shall comprise-

(a) the Medical Director of the Hospital, as Chairman;

- (b) Heads of Clinical and Administrative Departments of the Hospital; and
- (c) Director of Administration of the Hospital, who shall be Secretary of the Committee."

Committee's Recommendation:

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

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

Clause 6: Amendment of Section 11

Section 11 of the Principal Act is deleted.

Committee's Recommendation:

That the the provision in Clause 6 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

Clause 7: Amendment of Section 15

Section 15(3) of the Principal Act is deleted.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

Clause 8: Amendment of Section 16

Section 16 of the Principal Act is deleted.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

Clause 9: Amendment of Section 17

Section 17 of the Principal Act is deleted.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

Clause 10: Amendment of the second schedule to the Principal Act.

The Second Schedule to the Principal Act is amended by substituting the existing schedule for a new "schedule"—

"The Psychiatric Hospitals and Federal Neuro-Psychiatric Hospital established under this schedule are —

1. The Psychiatric Hospital Aro, Abeokuta.
2. The Psychiatric Hospital Benin.

3. The Psychiatric Hospital Lagos.
4. Federal Neuro-Psychiatric Hospital, Kaduna.
5. Federal Neuro-Psychiatric Hospital Kware, Sokoto.
6. Federal Neuro-Psychiatric Hospital, Maiduguri.
7. Federal Neuro-Psychiatric Hospital, Calabar.
8. Federal Neuro-Psychiatric Hospital, Enugu.
9. Federal Psychiatric Hospital Budo-egba, Kwara State.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

Clause 11:**Amendment of the Third Schedule.**

The Third Schedule to the Principal Act is amended by inserting, after the existing number "3", a new number "4" —
"4 Federal Psychiatric Hospital Budo-egba, Kwara State —

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

Clause 12:**Citation**

This Bill may be cited as the Psychiatric Hospitals Management Board Act (Amendment) Bill, 2021.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

EXPLANATORY MEMORANDUM

This Bill seeks amend the Psychiatric Hospitals Management Board Act Cap P34 Laws of the Federation of Nigeria 2004; to establish the Federal Psychiatric Hospital Budo-egba, Kwara State; provide a legal framework for the established Psychiatric Hospitals; facilitate the training of specialist personnel at all levels.

Committee's Recommendation:

That the explanatory memorandum be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

Question that the explanatory memorandum do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Health (Secondary and Tertiary) on a Bill for an Act to amend the Psychiatric Hospitals Management Board Act Cap P34 Laws of the Federation of Nigeria 2004; to establish the Federal Psychiatric Hospital Budo-egba, Kwara State; provide a legal framework for the established Psychiatric Hospitals; facilitate the training of specialist personnel at all levels and for Related Matters, 2021 and approved as follows:

Clauses 1-12 — 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.

**12. Committee on Judiciary, Human Rights and Legal Matters:
Report on the Federal Capital Territory (FCT) Customary Court Act 2007 (Amendment) Bill, 2021 (SB. 315):**

Motion made: That the Senate do consider the report of the Committee on Judiciary, Human Rights and Legal Matters on the Federal Capital Territory (FCT) Customary Court Act 2007 (Amendment) Bill, 2021 (*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 A BILL FOR AN ACT TO AMEND THE FEDERAL CAPITAL TERRITORY CUSTOMARY COURT ACT, 2007 TO ALTER THE QUORUM OF THE COURT FOR THE PURPOSE OF ENSURING TIMELY DISPENSATION OF JUSTICE; EXPAND THE CRIMINAL JURISDICTION OF THE COURT; AND FOR RELATED MATTERS, 2021.

Clause 1: Amendment of the Federal Capital Territory Customary Court Act, 2007 No. 8.

The Federal Capital Territory Customary Court Act, 2007 (in this Bill referred to as the "principal Act") is amended as set out in this Bill.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

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

Clause 2: Amendment of Section 2 "Composition of Customary Court and Quorum"

Section 2 of the principal Act is amended by substituting for subsections (2) and (1), new subsections "(2)" and "(3)", and inserting a new subsection "(4)" immediately after the new subsections "(2)" and "(3)";

"(2) For the Purpose of hearing any civil cause or matter, the Customary Court shall be properly constituted by one member of the court present and sitting.

(3) Any member who did not participate at the trial shall not participate in the judgement of the court.

(4) For the purpose of exercising any Criminal Jurisdiction herein granted, the court shall be duly constituted by one member of the court present and sitting".

Committee's Recommendation:
That the provision in Clause 2 be retained (*Senate Michael O. Barnidele — Ekiti Central*) — Agreed to.

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

Clause 3: Amendment of section 14 "Persons subject to Court's jurisdiction and civil jurisdiction schedule"

(1) Section 14 of the principal Act is amended by substituting for subsection (2), a new subsection "(2)":

(2) A Customary Court shall have and exercise Civil and Criminal jurisdiction over causes and matters as set out in the Schedule to this Bill".

Committee's Recommendation:
That the provision in Clause 3 be retained (*Senate Michael O. Barnidele — Ekiti Central*) — Agreed to.

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

Clause 4: Amendment of section 48 "Right of Appeal, Conditions of Appeals and Appeals out of time"

Section 48 of the principal Act is amended by substituting for subsections (1), (2) and (3), new subsections "(1)", "(2)" and "(3)":

"(1) Any party, who is aggrieved by the decision or order of Customary Court, may within thirty (30) days from the date of such decision or order, appeal to —

(a) The Customary Court of Appeal of the Federal Capital Territory in Civil causes or matters; or

(b) The High Court of the Federal Capital Territory in Criminal matters.

(2) The right of appeal to the Customary Court of Appeal or the High Court shall be subject to the conditions and in accordance with the provisions of any law or rules of the court, if any, for the time being in force regulating the practice and procedure of the court with respect to appeals.

- (3) Leave to appeal out of time may, upon reasonable cause being shown, be granted by the appellate courts upon such terms as it shall consider just".

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Michael O. Bamidele — Ekiti Central*) — Agreed to.

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

- Clause 5: Amendment of Section 49 "Power of Appellate Court in Civil Appeal"**
Section 49 of the principal Act is amended in line 1, by inserting immediately after the word "Appeal", the words " or the High Court", and by inserting after the words "exercise of", the words "their respective appellate jurisdiction as conferred "

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Michael O. Bamidele — Ekiti Central*) — Agreed to.

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

- Clause 6: Amendment of Section 50 "Court may inspect Records"**
Section 50 of the principal Act is amended in line 2 by inserting after word " Appeal", the words " or the High Court as the case may be"

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Michael O. Bamidele — Ekiti Central*) — Agreed to.

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

- Clause 7: Applicability of Certain Provisions of Evidence Act, ACJA, Etc.**
Section 65 of the Principal Act is renumbered as sub-clause (1) and new sub-clause (2) introduced thereof:

"65. (1) The Customary Court and Customary Court of Appeal FCT Abuja shall in Judicial Proceedings be bound by the provisions of sections 14, 15, 59, 76, 77, 78, 92, 93, 135, 136, 155, 177 and 227 of the Evidence Act.

- (2) The Customary Court, in the exercise of its criminal jurisdiction, shall apply the provisions of the Evidence Act, Administration of Criminal Justice Act and any other Act or rules of practice and procedure made pursuant to any written law for the time being in force for the realisation of the provisions of this Bill".

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Michael O. Bamidele — Ekiti Central*) — Agreed to.

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

- Clause 8: Interpretation**
Section 66 of the Principal Act is amended by modifying the definition of some terms:

"In this Bill —

"action" means civil or criminal proceedings instituted in a Customary Court in accordance with this Bill or Rules made thereunder.

"Defendant" includes every person served with any writ of summons or process or with notice of, or entitled to attend any proceedings in a civil or criminal causes;

"Judgment debtor" includes every person ordered by a judgment or order in a civil or criminal causes or matter to pay money or to do or abstain from doing any act.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Michael O. Bamidele — Ekiti Central*) —
Agreed to.

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

Clause 9:

Amendment to the Schedule "Schedule (Sections 1 and 14)"
The Schedule to the principal Act is amended as follows:

"PART 1 — CIVIL CAUSES UNIT OF JURISDICTION AND POWERS"

(a) in Part I, line 6 columns Grade B and C respectively of Paragraph (3), by substituting for the amount ₦200,000, new amount "₦3,000,000; and for the amount ₦100,000, new amount "₦2,000,000", and in line 7 columns Grade B and C respectively of Paragraph (4), by substituting for the word "unlimited", the amount ₦3,000,000, and for amount "₦100,000", new amount "₦2,000,000";

(3) Civil causes and matters including bye-laws where the debt, demand including dowry, bride price or damages do not exceed the amounts specified in the respective columns hereof.

Unlimited ₦3,000,000 ₦2,000,000

(4) Causes and matters relating to succession to property and administration of estate under customary law where the value of the property does not exceed the amounts specified in the respective columns hereof.

Unlimited ₦3,000,000 ₦2,000,000

"PART II — CRIMINAL CAUSES"

Type of Offences

(b) In Part II, by substituting for Paragraphs (1), (2), and (3), new paragraphs "(1)", "(2)" and "(3)" and inserting immediately after the new paragraph "(3)", paragraphs "(4)", "(5)", "(6)", "(7)", "(8)", "(9)" and "(10)":

"1. Interference with persons acting under this Act (fine of ₦100,000.00 or 12 months imprisonment or both).

2. Giving false evidence (fine of ₦100,000.00 or 18 months imprisonment or both).

3. Refusal to give evidence and insulting behavior (fine of ₦20,000.00 or 1 month imprisonment or both).

4. Refusal to obey summons of court of Customary Court (fine of ₦10,000.00 or in default of payment, to a term of imprisonment for 14 days).
5. Causing persons to refrain, delay, etc from giving evidence (fine of ₦100,000.00 or 6months imprisonment or both).
6. Acts prejudicial to process of judgment (a fine of ₦100,000.00 or imprisonment for 5 years or both).
7. Falsification of records of Proceedings (a fine of ₦150,000.00 or imprisonment for 5 years or both).
8. Statutory offences as may be provided in any other law or bye-law of Area Councils or statutory corporations (as provided in the other law or bye-law).
9. Offences created by any written law punishable by a fine not exceeding the amount provided against each grade of Customary Court or the corresponding term of imprisonment or both.

GRADE A: ₦500,000.00 or 7 years imprisonment or Both

GRADE B: ₦300,000.00 or 5 years imprisonment or Both

GRADE C: ₦200,000.00 or 3 years imprisonment or Both

10. Recovery of penalties, fines, costs and expenses pursuant to the Abuja Environmental Protection Board Act (as provided by the Abuja Environmental Protection Board Act).

Question that the Schedule Stand part of the Bill -- Agreed to.

Clause 10: Citation

The Federal Capital Territory Customary Court Act, 2007 (Amendment) Bill, 2021.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 10 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 Judiciary, Human Rights and Legal Matters on a Bill for an Act to Amend the Federal Capital Territory Customary Court Act, 2007 to Alter the Quorum of the Court for the Purpose of Ensuring Timely Dispensation of Justice; Expand the Criminal Jurisdiction of the Court; and for Related Matters, 2021 and approved as follows:

Clauses 1-10 — 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.

13. Orthopedic Hospitals Management Board Act Cap O10 LFN 2004 (Amendment) Bill,

2021 (SB. 660):

Motion made: That a Bill for an Act to amend the Orthopedic Hospitals Management Board Act Cap O10 LFN 2004 to provide for the establishment of the Federal Orthopedic Hospital Laflagi, Kwara State and for other related matters, 2021 be read the Second Time (Senator Sadiq S. Umar — Kwara North).

Question put and agreed to.

Debate:

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

14. Explosives Act No 34 1967 CAP E18 LFN 2004 (Repeal and Re-Enactment) Bill, 2021

(SB. 749):

Motion made: That a Bill for an Act to repeal the Explosives Act No 34 1967 CAP E18 LFN 2004 and re-enact Explosives Bill, 2021 to make comprehensive provisions for the use and control of explosives and for Other Connected Matters Therein, 2021 be read the Second Time (Senator Umaru T. Al-Makura — Nasarawa South).

Question put and agreed to.

Debate:

Bill accordingly read the Second Time and referred to the Committee on Solid Minerals to report within four (4) weeks.

15. Federal University of Education, Numan, Adamawa State, (Establishment) Bill, 2021

(SB.522):

Motion made: That a Bill for an Act to provide for the establishment of the Federal University of Education, Numan, Adamawa State and for Other Matters Connected Therewith, 2021 be read the Second Time (Senator Binos D. Yaroe — Adamawa South).

Question put and agreed to.

Debate:

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

16. Institute of Information and Communication Technology, Iwo, Osun State,

(Establishment) Bill, 2021 (SB. 486):

Motion made: That a Bill for an Act to provide for the establishment of the Institute of Information and Communication Technology, Iwo, Osun State and for Other Matters Connected Therewith, 2021 be read the Second Time (Senator Adelere A. Oriolowo — Osun West).

Question put and agreed to.

Debate:

Bill accordingly read the Second Time and referred to the Committee on ICT and Cyber Crime to report within four (4) weeks.

17. Recovery of Premises Act, 1945 (Repeal and Re-Enactment) Bill, 2021 (SB. 746):

Motion made: That a Bill for an Act to repeal the Recovery of Premises Act, 1945 and enact the Recovery of Premises Bill, 2021 to provide a comprehensive legal and institutional framework for the recovery of premises in Nigeria and for Other Related Matters, 2021 be read the Second Time (*Senator Stephen A. Odey — Cross River North*).

Question put and agreed to.

Debate:

Bill accordingly read the Second Time and referred to the Committee on Judiciary, Human Rights and Legal Matters to report within four (4) weeks.

18. Adjournment:

Motion made: That the Senate do now adjourn till Tuesday, 13th July, 2021 at 10:00 a.m. (*Senate Leader*).

Question put and agreed to.

Adjourned accordingly at 1:59 p.m.

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

