



# SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

## VOTES AND PROCEEDINGS

Tuesday, 25<sup>th</sup> January, 2022

1. The Senate met at 10:44 a.m. The President of the Senate read prayers.
2. **Closed Session:**  
Closed Session — 10:45 a.m.  
Open Session — 11:03 a.m.

The President of the Senate reported that the Senate in a Closed Session deliberated on issues bordering on the workings of the Senate in particular and the National Assembly in general.

3. **Votes and Proceedings:**  
The Senate examined the Votes and Proceedings of Wednesday, 19<sup>th</sup> January, 2022.

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

4. **Announcement:**  
*Meeting:*

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



**THE SENATE**  
**FEDERAL REPUBLIC OF NIGERIA**  
Committee on the Review of the 1999 Constitution  
National Assembly Complex  
P.M.B. 141, Garki, Abuja-Nigeria

25<sup>th</sup> January, 2022

*His Excellency*  
*The President of the Senate*  
*Senate Chamber*  
*National Assembly Complex*  
*Abuja*

### ANNOUNCEMENT

*The Senate Committee on the Review of the 1999 Constitution will meet today, Tuesday 25<sup>th</sup> January, 2022, immediately after plenary at Senate Meeting Room 022, Senate Building.*

(Signed)

Senator Ovie Omo-Agege

Deputy President of the Senate/Chairman

5.

Petitions:

Rising on Order 40, 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) Robert Bolokor against the Head of Service of the Federation and Director General of National Lottery Regulatory Commission over his alleged unlawful dismissal from service;

(ii) Dr. Mba Oluchi and 3 others on behalf of General Medical Interns of the National Assembly, against the Clerk of the National Assembly, over an alleged nine (9) months unpaid salaries;

(iii) Abetosola Jacob and four others on behalf of Guards and Officers of Close Security Limited, Wesley Guild Hospital, Ilesha, Osun State, against Close Watch Security Services Nigeria Limited, over an alleged unpaid wages;

(iv) Akwa Ibom Co-operative Fisheries Association Limited, against EXXONMOBIL over an alleged refusal to pay compensation to victims in respect of oil spillage from 1998-2012; and

(v) Wilson Legal Solicitors, Advocates and Mediators on behalf of Bambo Consulting Engineers Limited, Bambo Nigeria Limited and Deyang Gateway Limited against the Federal Road Maintenance Agency (FERMA) over an alleged non-payment of ₦30 billion debts owed contractors.

He urged the Senate to look into the matters.

Petitions laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Order 40(3)] to report within four (4) weeks.

Presentation of Bills:

(i) Mandatory Inclusion of Agricultural Science in Secondary School Curriculum in Nigeria Bill, 2022 (HB. 244) — Read the First Time.

(ii) National Agricultural Extension Services Centre Otuogwe 1, Ogbia, Bayelsa State (Establishment) Bill, 2022 (SB. 895) — Read the First Time.

(iii) Federal University of Medicine and Medical Sciences Egbé, Kogi State (Establishment) Bill, 2022 (SB. 896) — Read the First Time.

(iv) National Innovation Agency (Establishment) Bill, 2022 (SB. 898) — Read the First Time.

(v) National Social Security Commission (Establishment) Bill, 2022 (SB. 899) — Read the First Time.

7.

Motion:

Rescission on Clause 84 of the Electoral Act No. 6, 2010 (Repeal and Re-Enactment) Bill, 2022 and Commital to the Committee of the Whole:

Motion made: That the Senate recalls that on Wednesday, 19<sup>th</sup> January, 2022, Section 84 of the Electoral Act No. 6, 2010 (Repeal and Re-Enactment) Bill was reconsidered in the

Committee of the Whole following the withholding of Assent by the President, Commander-in-Chief of the Armed Forces of the Federation with observations;

*observes* that some fundamental issues which require fresh legislative action on the Clause and in order to give Nigerians an enduring Electoral Act emerged; and

*relying* on order 1(b) and order 52(6) of Senate Standing Orders, 2022 (As Amended).

*The Senate accordingly resolves to:*

Rescind its decision on the affected Clause of the Bill as passed and re-commit same to the Committee of the Whole for re-consideration and passage (*Senate Leader*).

*Debate:*

*Proposed Resolution:*

*Question:* That the Senate do rescind its decision on the affected Clause of the Bill as passed and re-commit same to the Committee of the Whole for re-consideration and passage — *Agreed to.*

*Resolved:*

That the Senate do rescind its decision on the affected Clause of the Bill as passed and re-commit same to the Committee of the Whole for re-consideration and passage (*S/Res/059/03/22*).

*Motion made:* Pursuant to Resolution (*S/Res/059/03/22*), that the Senate do resolve into Committee of the Whole to consider the Bill.

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

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE ELECTORAL ACT NO. 6, 2010 AND ENACT THE ELECTORAL ACT, TO REGULATE THE CONDUCT OF ELECTIONS IN THE FEDERAL, STATES AND AREA COUNCILS IN THE FEDERAL CAPITAL TERRITORY; AND FOR RELATED MATTERS, 2022.

#### Clause 84: **Nomination of Candidates by Parties.**

- (1) A political party seeking to nominate candidates for elections under this Act shall hold primaries for aspirants to all elective positions which shall be monitored by the Commission.
- (2) The procedure for the nomination of candidates by political parties for the various elective positions shall be by direct, indirect primaries or consensus.

#### **Qualifications of Aspirants and Candidates**

- (3) A political party shall not impose nomination qualification or disqualification criteria, measures, or conditions on any aspirant or candidate for any election in its constitution, guidelines, or rules for nomination of candidates for elections, except as prescribed under sections 65, 66, 106, 107, 131, 137, 177 and 187 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

#### **Direct Primaries**

- (4) A political party that adopts the direct primaries procedure shall ensure that all aspirants are given equal opportunity of being voted for by members of the party and shall adopt the procedure outlined below:—

(a) In the case of Presidential Primaries, all registered members of the party shall vote for aspirants of their choice at a designated centre at each ward of the Federation.

(b) The procedure in paragraph (a) above of this subsection shall be adopted for direct primaries in respect of gubernatorial, Senatorial, Federal and State Constituencies.

(c) Special Conventions or Congresses shall be held to ratify the candidate with the highest number of votes at designated centres at the National, State, Senatorial, Federal and State Constituencies, as the case may be.

#### Indirect Primaries

(5) A political party that adopts the system of indirect primaries for the choice of its candidate shall adopt the procedure outlined below:—

(a) In the case of nominations to the position of Presidential candidate, the political party shall —

(i) hold a Special Presidential Convention at a designated centre in the Federal Capital Territory or any other place within the Federation that is agreed to by the National Executive Committee of the party where delegates shall vote for aspirants of their choice.

(ii) the aspirant with the highest number of votes cast at the end of voting shall be declared the winner of the Presidential primaries of the political party and that aspirant's name shall be forwarded to the Commission as the candidate of the party.

(b) In the case of nominations to the position of a Governorship candidate, the political party shall, where it intends to sponsor candidates —

(i) hold a special congress in the State Capital or any other place within the State with delegates voting for aspirants of their choice at the congress to be held on a specified date appointed by the National Executive Committee (NEC) of the party; and

(ii) the aspirant with the highest number of votes cast at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the Commission as the candidate of the party, for the particular State.

(c) In the case of nominations to the position of a Senatorial candidate, a Member of the House of Representatives and a Member of a State House of Assembly, the political party shall, where it intends to sponsor candidates:—

(i) hold special congresses in the Senatorial District, Federal Constituency and the State Assembly Constituency respectively, with delegates voting for aspirants of their choice in designated centres on specified dates; and

- (ii) the aspirant with the highest number of votes cast at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the Commission as the candidate of the party.
- (d) In the case of the position of a Chairmanship candidate of an Area Council, the political party shall, where it intends to sponsor a candidate:—
  - (i) hold special congresses in the Area Councils, with delegates voting for aspirants of their choice at designated centres on a specified date; and
  - (ii) the aspirant with the highest number of votes cast at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the Independent National Electoral Commission as the candidate of the party.
- (6) In the case of a Councillorship candidate, the procedure for the nomination of the candidate shall be by direct primaries in the ward, and the name of the candidate with the highest number of votes cast shall be submitted to the Independent National electoral commission as the candidate of the party.
- (7) Where there is only one aspirant or a consensus candidate in a political party for any of the elective positions mentioned in subsection (5)(a), (b), (c) and (d), the party shall convene a special convention or congress at a designated Centre on a specified date for the confirmation of such aspirant and the name of the aspirant shall be forwarded to the Independent National Electoral Commission as the candidate of the party.
- (8) A political party that adopts the system of indirect primaries for the choice of its candidate shall clearly outline in its constitution and rule the procedure for the democratic election of delegates to vote at the convention, congress or meeting.

#### **Consensus Candidate**

- (9)
  - (a) A political party that adopts a consensus candidate shall secure the written consent of all cleared aspirants for the position, indicating their voluntary withdrawal from the race and their endorsement of the consensus candidate;
  - (b) Where a political party is unable to secure the written consent of all cleared aspirants for the purpose of a consensus candidate, it shall revert to the choice of direct or indirect primaries for the nomination of candidates for the aforesaid elective positions.
  - (c) A Special Convention or nomination Congress shall be held to ratify the choice of consensus candidates at designated centres at the National, State, Senatorial, Federal and State Constituencies, as the case may be.

**Political Appointee not Eligible as a Voting Delegate or Aspirant**

(10) No political appointee at any level shall be a voting delegate or be voted for at the Convention or Congress of any political party for the purpose of the nomination of candidates for any election.

(11) Where a political party fails to comply with the provisions of this Act in the conduct of its primaries, its candidate for election shall not be included in the election for the particular position in issue.

(12) Notwithstanding the provisions of this Act or rules of a political party, an aspirant who complains that any of the provisions of this Act and the guidelines of a political party have not been complied with in the selection or nomination of a candidate of a political party for election, may apply to the Federal High Court for redress.

(13) Nothing in this section shall empower the Courts to stop the holding of primaries or general elections under this Act pending the determination of a suit.

**Committee's Recommendation:**

That the provision in Clause 84 be retained (Senate Leader) — Agreed to.

Question that Clause 84 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 A Bill for an Act to Repeal the Electoral Act No. 6, 2010 and Enact the Electoral Act, to Regulate the Conduct of Elections in the Federal, States and Area Councils in the Federal Capital Territory; and for Related Matters, 2022 and approved as follows:

Clause 84 — 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.

Committee on Tertiary Institutions and TETFUND:

Report on the Federal University, Wukari (Establishment) Bill, 2022 (SB. 24):  
 Motion made: That the Senate do receive and consider the Report of the Committee on Tertiary Institutions and TETFUND on the Federal University, Wukari (Establishment) Bill, 2022 (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 Whole to consider the Report (Senate Leader).

*Question put and agreed to.*

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION A BILL FOR AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY, WUKARI AND TO MAKE COMPREHENSIVE PROVISIONS FOR ITS DUE MANAGEMENT, ADMINISTRATION AND FOR OTHER MATTERS CONNECTED THEREWITH, 2022

PART I — ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF  
FEDERAL UNIVERSITY, WUKARI

**Clause 1: Establishment of the Federal University, Wukari**

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

***Committee's Recommendation:***

That the provision in Clause 1 be retained (*Senator 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 University**

- [1] The objects of the University shall be to —
- [a] encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring higher and liberal education;
- [b] Provide courses of instruction and other facilities for the pursuit of learning in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them;
- [c] encourage and promote scholarship and conduct research in restricted fields of learning and human endeavour;
- [d] relate its activities to the social, cultural and economic needs of the people of Nigeria; and
- [e] undertake other activities appropriate for a University of the highest standard

***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 members of Council

[1] The University shall consist of —

[a] a Chancellor;

[b] a Pro-Chancellor and a Council;

[c] a Vice Chancellor and a Senate;

[d] a Deputy Vice Chancellor;

[e] a body to be called Congregation;

[f] a body to be called Convocation;

[g] the campuses and colleges of the University;

[h] the faculties, schools, institutes and other teaching and research units of the University;

[i] the persons holding the offices constituted by the First Schedule to This Bill other than those mentioned in paragraphs [a] to [c] of this Sub clause;

[j] all graduates and undergraduates; and

[k] all other persons who are members of the University in accordance with provisions made by Statute in that behalf.

[2]

The First Schedule to This Bill shall have effect with respect to the Principal Officers of the University mentioned therein.

[3]

Provision shall be made by Statute with respect to the constitution of the following bodies, namely —

[a] the Council;

[b] the Senate;

[c] the Congregation; and

[d] the Convocation.

Committee's Recommendation:

That the provision in Clause 3 be retained (Senator 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.

[1]

For the carrying out of its objects as specified in Clause 2 of This Bill, the University shall have power to —

[a] establish such campuses, colleges, faculties, institutes, schools, extra-mural departments and other teaching and research units within the University as may from time to time seem necessary or desirable, subject to the approval of the National Universities Commission;



- [b] institute professorships, readerships / and associate professorships, lectureships and other posts and offices and to make appointments thereto;
- [c] institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
- [d] provide for the residence, discipline and welfare of members of the University;
- [e] hold examinations and award degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;
- [f] award honorary degrees, fellowships or academic titles;
- [g] demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may from time to time determine, subject to the overall directives of the appropriate authority;
- [h] subject to Clause 22 of This Bill, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situated;
- [i] accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto;
- [j] enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
- [k] erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University;
- [l] hold public lectures and undertake printing, publishing and book selling;
- [m] subject to any limitations or conditions imposed by Statute, to invest any moneys appertaining to the University by law of endorsement, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investments or securities or in the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any moneys for the time being un-invested with any bank on deposit or current account;

[n] borrow, whether on interest or not, and if need be, upon the security of any or all of the property movable or immovable of the University, such moneys as the Council may from time to time in its discretion find necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;

[o] make gifts for any charitable purpose;

[p] do anything which it is authorized or required by This Bill or by any other Statute to do; and

[q] do all such acts or things, whether or not incidental to the foregoing powers, as may advance the objects of the University.

[2] Subject to the provisions of This Bill and of the Statutes made there under and without prejudice to Clause 9 [2] of This Bill, the powers conferred on the University by Sub clause [1] of this Clause shall be exercisable on behalf of the University by the Council or by the Senate or in any other manner which may be authorized by This Bill.

**Committee's Recommendation:**

That the provision in Clause 4 be retained (Senator 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/she 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/she 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:**

[1] Composition, Tenure and Powers of the Council of the University There shall be a Council for the University consisting of —

[a] the Pro-Chancellor;

[b] the Vice-Chancellor;

[c] the Deputy Vice-Chancellor;

- [d] The Permanent Secretary, Federal Ministry of Education or, in his/her absence, one Person from the Federal Ministry responsible for Education to represent him/her.
  - [e] Four persons representing a variety of interests and broadly representative of the whole Federation appointed by the Federal Executive Council; in consonance with Universities Miscellaneous Provisions Act, 1993 [As amended].
  - [f] four persons appointed by the Senate from among its members;
  - [g] two persons appointed by the Congregation from among its members; and
  - [h] one person appointed by Convocation from among its members
- [2] Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and familiar with the affairs and tradition of the University

***Committee's Recommendation:***

That the provision in Clause 6 be retained (*Senator 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 Purpose Committee**

- [1] Subject to the provisions of This Bill relating to the Visitor, the Council shall be the Governing Body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University, including its public relations.
- [2] There shall be a Committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the Council as the Council may from time to time delegate to it.
- [3] Provision shall be made by Statute with respect to the constitution of the Finance and General Purposes Committee.
- [4] The Council shall ensure proper accounts of the University are kept and that the accounts of the University are audited annually by auditors appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation, and that an annual report is published by the University together with certified copies of the said accounts as audited.
- [5] Subject to This Bill and the Statutes, the Council and the Finance and General Purposes Committee may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.

[6] Rules made under Sub clause[s] of this Clause by the Finance and General Purposes Committee shall not come into force unless approved by the Council, and where any rule so made by the Committee conflict with any directions given by the Council [whether before or after the coming into force of the rules in question], the direction of the Council shall prevail.

[7] There shall be paid to the members of the Council, the Finance and General Purposes Committee and of any other Committee set up by the Council, allowances in respect of travelling and other reasonable expenses, at such rates as may from time to time be fixed by extant government circulars.

[8] The Council shall meet as and when necessary for the performance of its functions under This Bill, and shall meet at least four times every year.

[9] If required in writing by any five members of the Council, the Chairman shall within twenty-eight days after the receipt of such request call a meeting of the Council; PROVIDED that if after 28 days of the receipt or delivering to him/her of such request, the chairman fails or neglects to call a meeting, the Registrar shall within 14 days thereof, cause a meeting of the Council to be convened for that purpose. The request shall specify the business to be considered at the meeting and no business not so specified shall be transacted at that meeting

**Committee's Recommendation:**

That the provision in Clause 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.**

[1] Subject to Clause 5 of This Bill and Sub clauses [3] and [4] of this Clause and to the provisions of This Bill relating to the Visitor, it shall be the general function of the Senate to organize and control teaching in the University, admission to Post-graduate courses and other admission of students, the discipline of students and to promote research in the University.

[2] Without prejudice to the generality of the provisions of Sub clause [1] of this Clause, it shall in particular be the function of the Senate to —  
 [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 or 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.
- [3] The Senate shall not establish any new campus, college, faculty, department, school, institute or other teaching and research units of the University, or any hall of residence or similar institution at the University without the approval of the Council.
- [4] [a] Subject to This Bill and the Statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the provisions of this Clause or for the purpose of providing for any matter for which provision by regulation is authorized or required by This Bill or by Statute.
- [b] 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 University of high repute.
- [5] Subject to a right of appeal to the Council from a decision of the Senate under this Sub clause, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred on him/her if after due enquiry he/she 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:

Functions of the Vice Chancellor

[1] The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and subject to clause 4 of this Bill except the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.

[2] Subject to clauses 6, 7 and 14 of this Bill, the Vice-Chancellor shall have the general function, in addition to any other functions conferred on him/her by this Bill or otherwise of directing the activities of the University and shall be the Chief Executive and Accounting Officer of the University and ex-officio Chairman of the Senate.

[3] The Vice Chancellor shall be the Chairman of the University Tenders Board, which is saddled with the responsibility of approving the conduct of public procurement of goods, works and services within the approved threshold from time to time.

[4] It shall be the responsibility of the Vice Chancellor to establish and appoint members of the Tenders Board in line with the extant Public Procurement Rules and Regulations.

Committee's Recommendation:

That the provision in Clause 9 be retained (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:

General Fund of the University

[1] There shall be a general fund of the University which shall consist of the following —  
[a] Annual budgetary allocation by the Federal Government through; Appropriation by the National Assembly

[b] Grants-in-aid;

[c] Fees;

[d] Income derived from investments;

[e] Gifts, legacies, endowments and donations not accepted for a particular purpose;

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

[g] Any other amounts, charges or dues recoverable by the university;

[h] Revenue, from time to time, accruing to the University by way of subvention;

[i] Interest on Investments; and

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

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

**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: Functions of the Vice-Chancellor**

[1] The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and, subject to Clause 5 of This Bill, the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.

[2] Subject to the provisions of This Bill, the Vice-Chancellor shall have general function, in addition to any other functions conferred on him/her 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 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 — TRANSFER OF PROPERTY**

**Clause 12: Transfer of Property**

[1] All property held by or on behalf of the Provisional Council shall, by virtue of this Sub clause and without further assurance, vest in the University and be held by it for the purpose of the University.

[2] The provisions of the Second Schedule to This Bill shall have effect with respect to the transfer of property by this Clause and to matters arising therefrom and with respect to other matters mentioned in that Schedule

**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.*

**PART III — STATUTES OF THE UNIVERSITY**

**Clause 13: Statutes of The University**

[1] Subject to This Bill, the University may make Statutes for any of the following purposes —

[a] making provision with respect to the composition and constitution of any authority of the University;

[b] specifying and regulating the powers and duties of any authority of the University, and regulating any other matter connected with the University or any of its authorities;

[c] regulating the admission of students where it is done by the University, and their discipline and welfare;

[d] determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of This Bill and of any Statute, regulation or other instrument made there-under; and

[e] making provision for other matters for which provision by Statute is authorized or required by This Bill.

[2] Subject to Clause 25 [6] of This Bill, the Interpretation Act shall apply in relation to any Statute made under this Clause as it applies to a subsidiary instrument within the meaning of Clause 27 [1] of that Act.

[3] The Statute contained in the Third Schedule to This Bill shall be deemed to have come into force on the commencement of This Bill and shall be deemed to have been made under this Clause by the University.

[4] The power to make Statute conferred by this Clause shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the Statute contained in the Third Schedule to This Bill or any subsequent Statute.

*Committee's Recommendation:*

That the provision in Clause 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:**

**Power of the University 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, a Statute shall be treated as being made on the date on which it is approved by the Council and the Senate in accordance with Sub clause [3] of this Clause or in the case of a Statute falling within Sub clause [4] of this Clause, on the date on which it is approved by the President.

**Committee's Recommendation:**

That the provision in Clause 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: Proof of Statute**

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

**Committee's Recommendation:**

That the provision in Clause 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: Power to decide the meaning of Statute**

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

[2] The decision of the Visitor on any matter referred to him/her 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 foregoing provisions of this Clause shall apply in relation to any doubt or dispute as to whether any matter is, for the purposes of This Bill, academic or non-academic matter as they apply in relation to any such doubt or dispute as is mentioned in Sub clause [1] of this Clause, and accordingly the reference in Sub clause [2] of this Clause to any question as to the meaning of any provision of a statute shall include references to any question as to whether any matter is for the said purposes an academic or non-academic matter.

PART IV — SUPERVISION AND DISCIPLINE

Clause 17: The Visitor

The Visitor

[1] The President shall be the Visitor of the University.

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

[3] It shall be the duty of the bodies and persons comprising the University to —  
[a] make available to the Visitor, and to any other persons conducting a visitation in pursuance of this Clause, such facilities and assistance as he/she or they may reasonably require for the purpose of the visitation; and  
[b] give effect to any instructions consistent with the provisions of this Bill which may be given by the Visitor in consequence of the visitation

Committee's Recommendation:

That the provision in Clause 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 of certain Members of the Council

[1] If it appears to the Council that a member [other than the Pro-Chancellor or the Vice-Chancellor] should be removed from office on grounds of misconduct or inability to perform the functions of his/her office, the Council shall make a recommendation to that effect through the Minister to the Federal Executive Council and if the Federal Executive Council, after making such enquiries [if any] as may be considered necessary, approves the recommendation it may direct the removal of the member from office.

[2] It shall be the duty of the Minister to use his/her 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 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 and Discipline of Academic, Administrative and Professional Staff.

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/her office Council shall —

- [a] give notice of those reasons to the person in question;
  - [b] afford such person an opportunity of making representation in person on the matter to the Council; and
  - [c] take a decision to terminate or not to terminate the appointment.
- [2] If the affected staff or any three members of the Council so request within a period of one month from the date of receipt of the notice of the Council's decision, the Council shall make arrangements for —
- [a] a joint committee of the Council and the Senate to review the matter and to report on it to the Council;
  - [b] the person in question to be afforded an opportunity to appear before and be heard by an investigating committee with respect to the matter; and 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/her 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/her 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/her 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; and
  - [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/her office or to comply with the terms and conditions of his/her service.
- [5] Any person suspended pursuant to Sub clause [3] of this Clause shall be on half pay and the Council shall before the expiration of a period of three months from the date of such suspension consider the case against that person and come to a decision as to whether to —
- [a] continue such person's suspension and if so on what terms [including the proportion of his/her emoluments to be paid to him/her];

[b] reinstate such person in which case the Council shall restore his/her 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/her emoluments withheld during the period of suspension; or

[d] take such lesser disciplinary action against such person [including the restoration of such proportion of his/her emoluments that might have been withheld] as the Council may determine.

[6] Where the Council, pursuant to this Clause, decides to continue a person's suspension or decides to take further disciplinary action against the person, the Council shall, before the expiration of three months from such decision come to a final determination in respect of the case concerning such a person.

[7] It shall be the duty of the person by whom an instrument of removal is signed in pursuance of Sub clause [1] above to use his/her best endeavors to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

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

*Committee's Recommendation:*

That the provision in Clause 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 of Examiners.**

[1] If, on the recommendation of the Vice-Chancellor, it appears to the Senate that a person appointed as an examiner for any examination of the University ought to be removed from his/her 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 make pursuant to Clause 8 [4] of This Bill, the Vice-Chancellor may, on the recommendation of Senate, appoint an appropriate person as examiner in the place of the examiner removed.

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

***Committee's Recommendation:***

That the provision in Clause 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:

Exclusion or Discrimination on Account of Race, Religion, etc.

[1] No person shall be required to satisfy requirements as to any of the following matters, that is to say, race [including ethnic grouping] sex, place of birth, family origin, religious or political persuasion, as a condition for becoming or continuing to be a —

[a] student in the University;

[b] holder of any degree, appointment or employment in the University; or

[c] member of any body 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 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:

Transfer of Land to the University

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

[2] Where an estate or interest in land is acquired by the Government pursuant to this Clause, the Government may, by a certificate under the hand and seal of the 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 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:

Special Provision Relating to Pension of Professors

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

Committee's Recommendation:

That the provision in Clause 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: Restriction on disposal of land by University.**

Without prejudice to the provisions of the Land Use Act, the University shall not dispose of or charge any land or an interest in any land [including any land transferred to the University by This Bill] except with the prior written consent, either general or special, of the Visitor; PROVIDED that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding twenty-one years of any lease or tenancy to a member of the University for residential purpose.

**Committee's Recommendation:**

That the provision in Clause 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: 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 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: Appointment of Committees, etc.**

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

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

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

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

[3] Except as may be otherwise provided by Statute or Regulations, the quorum and procedure of a committee established or meeting held pursuant to this Clause shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.

[4] The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council, [other than a committee appointed to inquire into the conduct of the officer in question] and the Vice-Chancellor shall be a

member of every committee of which the members are wholly or partly appointed by the Senate.

- [5] Nothing in the foregoing provisions of this Clause shall be construed as enabling —
  - [a] statutes to be made otherwise than in accordance with Clause 11 of This Bill; or
  - [b] the Senate to empower any other body to make Regulations or to award degrees or other qualifications.

**Committee's Recommendation:**

That the provision in Clause 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:**

**Transitional and Savings Provision**

- [1] On the commencement of this Bill, any person employed by or serving in, Federal University Wukari, Taraba State shall be deemed to have been employed or serving in the University established under this Bill.

- [2] All Assets or liabilities belonging to Federal University Wukari, Taraba State shall be deemed to belong to the University established under this Bill.

**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:**

**Retiring age of academic staff**

- [1] Notwithstanding anything to the contrary in the Pension Act, the compulsory retiring age of the following categories of staff shall be as follows —
  - [a] Academic staff of the University in the non-Professorial cadre shall be 65 years;
  - [b] Academic staff of the University in the Professorial Cadre shall be 70 years;
  - [c] Non-academic staff of the University shall be 65 years.
- [2] A law or rule requiring a person to retire from the public service after serving for 35 years and other academic staff 60 year

**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: Pre-Action Notice**

- [1] 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 serve 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 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: 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 any body 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/her 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 made pursuant to This Bill.
- [7] The power conferred by This Bill on any body to make Statute shall include power to revoke or vary any —

[a] Statute [including the Statute contained in the Third Schedule to This Bill; or

[b] regulation by a subsequent Statute or Regulation as the case may be: PROVIDED that the Statutes and Regulations may have different provisions in relation to different circumstances.

[8] No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of 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 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.**

[1] In This Bill —

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

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

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

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

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

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

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

"Notice" means notice in writing;

"Officer" does not include the Visitor;

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

"Professor" means a person designated as a professor of the University in accordance with provisions made in that behalf by Statute or by Regulations;

"Property" includes rights, liabilities and obligations;

"The Provisional Council" means the provisional Council appointed for the University by the President with effect from September 2011;

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

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

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

"The Statutes" means all such Statutes as are in force from time to time;

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

"Government" means the Federal Government of Nigeria;

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

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

[a] a graduate; and

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

"The University" the Federal University, Wukari as incorporated and constituted by This Bill; and

- [2] 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, it shall be the duty of every such intermediate authority to forward any proposals or recommendations received by it pursuant to that provision to the appropriate authority; but any such intermediate authority may, if it thinks fit, forward therewith its own comments thereon.

***Committee's Recommendation:***

That the provision in Clause 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 the Federal University, Wukari [Establishment, etc.] Bill, 2022

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.

FIRST SCHEDULES

PRINCIPAL OFFICERS OF THE UNIVERSITY

- 1. The Chancellor
  - [1] The Chancellor shall be appointed by the President
  - [2] The Chancellor shall hold office for a period of five years.
  - [3] If it appears to the visitor, that the chancellor should be removed from his/her office on the ground of misconduct or of inability to perform the functions of his/her office, the visitor may by notice in the Federal Gazette remove the chancellor from office.
- 2. The Pro-Chancellor
  - The Pro-Chancellor shall be appointed or removed from office by the President.
- 3. The Vice Chancellor
  - [1] There shall be a Vice-Chancellor of the University who shall be appointed by the Council in accordance with the provisions of this paragraph.
  - [2] Where a vacancy occurs in the post of a Vice-Chancellor, the Council shall
    - [a] advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying —
      - [i] the qualities of the persons who may apply for the post; and
      - [ii] the terms and conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for the post for consideration;
    - [b] constitute a Search Team consisting of —
      - [i] a member of the Council, who is not a member of the Senate, as chairman;
      - [ii] two members of the Senate who are not members of the Council, one of whom shall be a Professor;
      - [iii] two members of Congregation who are not members of the Council, one of whom shall be a Professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they felt that it is not proper to do so.

[3] A Joint Council and Senate Selection Board consisting of —

- [a] the Pro-Chancellor, as chairman;
- [b] two members of the Council, not being members of the Senate;

- [c] two members of the Senate who are Professors, but who were not members of the Search Team, shall consider the candidates and persons in the shortlist drawn up under Subclause [2] of this paragraph through an examination of their curriculum vitae and interaction with them, and recommend to the Council three candidates for further consideration.
- [4] The Council shall select and appoint as the Vice-Chancellor one candidate from among the three candidates recommended to it under Subclause [3] of this clause and thereafter inform the Visitor.
- [5] The Vice-Chancellor shall hold office for a single term of five years or less on such terms and conditions as may be specified in his/her letter of appointment.
- [6] The Vice Chancellor may be removed from office by the Council on grounds of gross misconduct or inability to discharge the functions of his/her office as a result of infirmity of the body or mind, at the initiative of the Council, Senate or the Congregation after due process.
- [7] When the proposal for the removal of the Vice-Chancellor is made, the Council shall constitute a Joint Committee of Council and Senate of the University consisting of —
- [i] three members of the Council, one of whom shall be the Chairman of the committee; and
- [ii] two members of the Senate, provided that where the ground for removal is infirmity of the body or mind, the Council shall seek appropriate medical opinion.
- [8] The committee shall conduct investigation into the allegations made against the Vice-Chancellor and shall report its findings to the Council.
- [9] The Council may, where the allegations are proved, remove the Vice-Chancellor or apply any other disciplinary action it may deem fit and notify the Visitor accordingly provided that a Vice-Chancellor who is removed shall have right of appeal to the Visitor.
- [10] There shall be no sole administrator in the University.
- [11] In any case of a vacancy in the office of the Vice-Chancellor, the Council shall appoint an acting Vice-Chancellor on recommendation of the Senate.
- [12] An acting Vice Chancellor in all circumstances shall not be in office for more than 6 months.
4. **Deputy Vice-Chancellor**
- [1] There shall be for the University, two Deputy Vice-Chancellors or such number of Deputy Vice Chancellors as the Council may, from time to time, deem necessary for the proper administration of the University.
- [2] The procedure for the appointment and removal of the Deputy Vice-Chancellor shall be in accordance with the provision of the University [Miscellaneous Provisions] Act 1993 as amended.

[3] A Deputy Vice-Chancellor shall —

[a] assist the Vice-Chancellor in the performance of his/her functions;

[b] act in place of the Vice-Chancellor when the post of the Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or unable to perform his/her functions as Vice-Chancellor; and

[c] perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him/her.

5. **Director Of Works**

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

6. **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/she shall be the Chief Medical Officer of the University and shall coordinate all matters relating to the health of all staff and students.

7. **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] below.

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

[3] The Registrar shall hold office for such period and on such terms and conditions as may be specified in his/her letter of appointment

8. **Other Principal Officers, Bursar, the University Librarian**

[4] There shall be for the University, the following Principal Officers in addition to the Registrar, that is —

[a] the Bursar; and

[b] the University Librarian.

[2] The Bursar shall be the Chief Financial Officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administration and control of the financial affairs of the University.

[3] The University Librarian shall be responsible to the Vice-Chancellor for the administration of the University Library and the co-ordination of all library services in the University and its campuses, colleges, faculties, schools, departments and institutes and other teaching or research units.

[4] The Bursar and the University Librarian —

[a] shall hold office for such period and on such terms and conditions may be specified in his/her letter of appointment.

9. **Functions of Registrar and Tenure**

- [1] The Registrar shall keep the records and conduct the correspondence of the Council and shall perform such other duties as the Council may from time to time direct.
- [2] The Registrar shall, in addition to the other duties conferred on him/her by or under this Bill, be a Secretary to the Council, Secretary to Academic Board and any committee of the Council and in his/her absence, the Council or any such committee may appoint some other persons to Act as Secretary. The Registrar shall not vote on any question before the Council or count towards a quorum.
- [3] A Registrar shall —
- [a] hold office for a single term of five years only beginning from the effective date of his/her appointment and such terms and conditions as may be specified in his/her letter of appointment.
- [b] Where on the commencement of this Bill a Registrar appointed before the commencement of this Bill has held office —
- [i] for less than five years, he/she shall be allowed to complete the five years specified in his/her appointment letter and shall not have right for the renewal of his/her appointment for a further term of five years;
- [ii] for more than five years and has more than 1 year to complete his/her second term, the council may allow him/her to serve as Registrar for a further period of one year only and thereafter he/she shall relinquish his/her post and be assigned other duties in the School;
- [iii] for more than five years and has less than 1 year to complete his/her second term, the council may allow him/her to serve as Registrar for a further period of one year only and thereafter he/she shall relinquish his/her post and be assigned other duties in the School.

10. **Functions of the Bursar and Tenure**

- [1] The Bursar shall be the Chief Financial Officer of the University and be responsible to the Vice Chancellor for the day-to-day administration and control of financial affairs of the University.
- [2] [a] A Bursar shall hold office for a single term of five years only beginning from the effective date of his/her appointment on such terms and conditions as may be specified in his/her letter of appointment.
- [b] Where on the commencement of this Bill a Bursar appointed before the commencement of this Bill has held office —
- [i] for less than five years, he/she shall be allowed to complete the five years specified in his/her appointment letter and shall not have right for the renewal of his/her appointment for a further term of five years;
- [ii] for more than five years and has more than 1 year to complete his/her second term, The Council may allow him/her to serve as Bursar for a further period of one year only and thereafter he/she shall relinquish his/her post and be assigned other duties in the University;

11. **Functions of the University Librarian and Tenure**

[1] The University Librarian shall be responsible to the Vice Chancellor for the administration of the University Library and co-ordination of the Library services in the teaching units of the University.

[2] A University Librarian shall —

[a] hold office for a single term of five years only and upon such terms and conditions as may be specified in his/her letter of appointment.

[b] Where on the commencement of this Bill a University Librarian appointed before the commencement of this Bill has held office —

[i] for less than five years, he/she shall be allowed to complete the five years specified in his/her appointment letter and shall not have right for the renewal of his/her appointment for a further term of five years;

[ii] for more than five years and has more than 1 year to complete his/her second term, the Council may allow him/her to serve as University Librarian for a further period of one year only and thereafter he/she shall relinquish his/her post and be assigned other duties in the University;

[iii] for more than 5 years and has less than 1 year to complete his/her second term, the Council may allow him/her to serve as University Librarian to complete his/her second term and thereafter he/she shall relinquish his/her post and be assigned other duties in the University.

12. **Resignation and Appointment**

[1] Any officer mentioned in the foregoing provisions of this schedule may resign his/her office in —

[a] 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.

*Question that the provision in the First Schedule stand part of the bill — Agreed to.*

SECOND SCHEDULE

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC

1. **The Provisional Council**

[1] All agreements, contracts, deeds and other instruments to which the provisional Council was a party shall, so far as possible and subject to any necessary modifications, have effect as if the University established by This Bill had been a party to it in place of the provisional Council.

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



- [3] Any legal proceedings or application to any authority pending by or against the provisional Council may be continued by or against the University established by This Bill.

**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 of any other matter] apply, with the necessary modifications to the transfer of the property in question.

- [2] It shall be the duty of the body to which any property is transferred by This 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/she may determine.

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

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

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

- [5] Subject to any regulations which may be made by the Senate after the date on which This Bill is made, the facilities, faculty boards and students of the University immediately before the coming into force of This Bill shall on that day become faculties, faculty boards and students of the University as established by This Bill.

- [6] Persons who were deans or associate deans of faculties or members of faculty boards shall continue to be deans or associate deans or become members of the corresponding faculty boards, until new appointments are made in pursuance of the Statutes under This Bill.

**4. The Staff**

Any person who was a member of the staff of the University as established or was otherwise employed by the provisional Council shall be employed at the University on such designation, status and functions which correspond as nearly as possible to those which pertained to him/her as a member of that staff or as such an employee.

**5. The Scope**

Questions as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.

*Question that the provision in the Second Schedule stand part of the bill — Agreed to.*

THIRD SCHEDULE

The Council

1.

[1] The Council shall consist of —

[a] the Pro-Chancellor;  
[b] the Vice-Chancellor and the deputy Vice-Chancellor;

[c] Four persons representing a variety of interests and broadly representative of the whole Federation appointed by the Federal Executive Council; by virtue of the Universities Miscellaneous Provisions Act, 1993 [As amended];

[d] four persons appointed by the Senate from among the members of that body;

[e] Two Persons appointed by congregation from amongst the members of that body; of the Universities Miscellaneous Act, 1993 [As Amended]

[f] one person appointed by convocation from among the members of that body;

[g] The Permanent Secretary, Federal Ministry of Education or, in his/her absence, one Person from the Federal Ministry responsible for Education to represent him/her;

[h] one person to represent the armed forces of the Federation and the Police Force.

[2] Any member of the Council holding office otherwise than in pursuance of paragraph [1] [a], [b], [g] or [h] of this article may, by notice to the Council, resign his/her office.

[3] A member of the Council holding office otherwise than in pursuance of paragraph [1] [a], [b], [g] or [h] of this article shall, unless he/she previously vacates it, vacate that office on the expiration of the period of four years beginning with effect from the 1st of August in the year in which he/she was appointed.

[4] Where a member of the Council holding office otherwise than in pursuance of paragraph [1] [a], [b], [g] or [h] of this article vacates office before the expiration of the period aforesaid, the body or person by whom he/she was appointed may appoint a successor to hold office for the residue of the term of his/her predecessor.

[5] A person ceasing to hold office as a member of the Council otherwise than by the removal for misconduct shall be eligible for re-appointment for only one further period of four years.

[6] The quorum of the Council shall be five at least one of whom shall be a member appointed pursuant to paragraph [1] [c], [f], [g] and [h] of this article.

[7] If the Pro-Chancellor is not present at a meeting of the Council such other member of the Council present at the meeting as the Council may appoint as respects that meeting shall be the chairman at that meeting, and subject to clause 4 of the Bill and the foregoing provisions of this paragraph, the Council may regulate its own procedure.

[8] Where the Council desires to obtain advice to with respect to any particular matter, it may co-opt not more than two persons for that purpose; and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.

## 2. The Finance And General Purpose Committee

[1] The Finance and General Purposes Committee of the Council shall consist of

[a] the Pro-Chancellor, who shall be the chairman of the Committee at any meeting at which he/she is present;

[b] the Vice-Chancellor and Deputy Vice-Chancellors;

[c] six other members of the Council appointed by the Council, two of whom shall be selected from among the four members of the Council appointed by the Senate and one member appointed to the Council by Congregation

[2] The quorum of the Committee shall be five.

[3] Subject to any directions given by the Council, the Committee may regulate its own procedure.

## 3. The Senate

[1] There shall be a Senate for the University consisting of —

[a] the Vice-Chancellor;

[b] the Deputy Vice-Chancellor;

[c] all Professors of the University;

[d] all Deans, Vice Chancellors 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/she is present and in his/her absence, one of the Deputy Vice-Chancellors appointed by him/her shall be the Chairman at the meeting.

[3] The quorum of the Senate shall be one-quarter [or the nearest whole number less than one quarter], and subject to paragraph [2] above the Senate may regulate its own procedure.

[4] If so requested in writing by any ten members of the Senate, the Vice-Chancellor, or in his/her absence a person duly appointed by him/her, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.

4. Congregation

[1] Congregation shall consist of —  
 [a] the Vice-Chancellor and the Deputy Vice-Chancellor

[b] the full time members of the academic staff;

[c] the Registrar;

[d] the Bursar; and

[e] Every member of the administrative and technical staff who holds a degree of any University recognized for the purpose of this Statute by the Vice-Chancellor, not being an honorary degree.

[2] Subject to Clause 5 of This Bill, the Vice-Chancellor shall be the Chairman at all meetings of congregation when he/she is present, and in his/her absence one of the Deputy Vice-Chancellors appointed by him/her shall be the Chairman at the meeting.

[3] The quorum of congregation shall be one-third [or the nearest whole number to one-third] of the total number of members of congregation or fifty, whichever is less

[4] A certificate signed by the Vice-Chancellor specifying —

[a] the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation; or

[b] the names of the persons who are members of Congregation during a particular period; shall be conclusive evidence of that number or as the case may be of the names of those persons.

[5] Subject to the provisions of this schedule, congregation may regulate its own procedure.

[6] Congregation shall be entitled to express by resolution or otherwise its opinion on all matters affecting the interest and welfare of the University and shall have such other functions in addition to the function of electing a member of the Council, as may be provided by Statute.

5. Convocation

[1] Convocation shall consist of —

[a] the Officers of the University mentioned in Schedule 1 to This Bill;

[b] all teachers within the meaning of This Bill; and

[c] all other persons whose names are registered in accordance with paragraph [2] below.

[2] A person shall be entitled to have his/her name registered as a member of convocation if he/she —

- [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/her name in the prescribed manner and pays the prescribed fee.
- [3] Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and, subject to paragraph [3] below, may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.
- [4] The person responsible for maintaining the register shall, without the payment of any fees, ensure that the names of all persons who are for the time being members of convocation by virtue of paragraph [1][a] or [b] of this paragraph are entered and retained on the register.
- [5] A person who reasonably claims that he/she is entitled to have his/her name on the register shall be entitled on demand to inspect the register, or a copy of the register at the principal offices of the University at all reasonable times.
- [6] The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is, and that any person not named therein is not, a member of convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.
- [7] The quorum of convocation shall be fifty or one-third [or the whole number nearest to one-third] of the total number of members of convocation whichever is less.
- [8] Subject to Clause 5 of This Bill, the Chancellor shall be Chairman at all meetings of convocation when he/she is present, and in his/her absence the Vice Chancellor shall be the Chairman at the meeting.
- [9] Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by Statute.
6. **Annual budget and estimates, etc.**
- [1] The estimates of income and expenditure for a financial year shall be presented by the Vice-Chancellor to the Council and may be approved by the Council before the beginning of that financial year; Provided that the Vice-Chancellor may during any financial year present and the Council may approve supplementary estimates of income or expenditure.
- [2] The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Council may direct.
7. **Gift, Donations etc**
- [1] The Council may on behalf of the University accept by way of grants, gift, testamentary disposition or otherwise, property and money in aid of the finances of the University on such conditions as it may approve.

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

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

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

8. Payment into Bank

All sums of money received on account of the University shall be paid into such bank as may be approved by the Council for the credit of the University's general, current or deposit account: Provided that the Council may invest, as it deems fit, any money not required for immediate use other than donations of money referred to in Subclause [1] of this clause.

9. Audit

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

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

10. Organization of Faculties and Branches thereof

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

[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.

**11. The Dean of the Faculty**

- [1] The Dean of a faculty shall be a professor elected by the Faculty Board and such Dean shall hold office for a term of two years. He/she will be eligible for re-election for another term of two years after which he/she may not be elected again until two years have elapsed.
- [2] If there is no professor in a faculty, the Vice-Chancellor shall appoint an Acting Dean who shall not be below the rank of Senior Lecturer for the faculty, who will act for a period of one year in the first instance, renewable for another one year only.
- [3] In the absence of the Vice-Chancellor, the Dean shall be the Chairman at all meetings of the Faculty Board when he/she is present and he/she shall be a member of all committees and other boards appointed by the faculty.
- [4] The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty and it shall be the function of the Dean to present to the convocation for the conferment of Degrees, persons who have qualified for the Degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.
- [5] There shall be a committee to be known as the Committee of Deans which shall consist of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the Committee by the Senate.
- [6] The Dean of a faculty may be removed from office for a good cause by the Faculty Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of the Dean, an Acting Dean may be appointed by the Vice-Chancellor provided that at the next faculty board meeting an election shall be held for a new Dean.
- [7] In this article, "good cause" has the same meaning as in Clause 17 [4] of This Bill.

**12. Departmental Board of Studies**

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

13. Selection of Certain Principal and other Key Officers

[1] When a vacancy occurs in the Office of the Registrar, Bursar, the University Librarian, Director of Works or Director of Health Services, a Selection Board shall be constituted by the Council and shall consist of — [i] the Pro-Chancellor; [ii] the Vice-Chancellor;

[iii] two members appointed by the Council, not being members of Senate; and

[iv] two members appointed by the Senate not being members of Council.

[2] The Selection Board, after making such inquiries as it thinks fit, shall recommend a candidate to the Council for appointment to the vacant office, and after considering the recommendation of the Board the Council may make an appointment to that office.

[3] A person appointed to the office of Director of Works or Director of Health Services shall hold office for such period and on such terms and conditions as may be specified in his/her letter of appointment.

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

15. 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.

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

17. Appointment of Administrative and Technical Staff [1] The administrative and technical staff of the University, other than those mentioned in paragraph 9 of this schedule shall be appointed by the Council or on its behalf by the Vice-Chancellor or the Registrar in accordance with any delegation of powers made by the Council in that behalf. [2] In the case of administrative or technical staff that has close and important contacts with the academic staff, there shall be Senate participation in the process of selection.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Tertiary Institutions and TETFUND on a Bill for an Act to Establish the Federal University, Wukari and to Make Comprehensive Provisions for its Due Management, Administration and for Other Matters Connected Therewith, 2022 and approved as follows:



Clauses 1-33	—	As Recommended
Schedules 1-3	—	As Recommended

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

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

*Question put and agreed to.*

*Bill accordingly Read the Third Time and Passed.*

9. **Committee on Tertiary Institutions and TETFUND:  
Report on the Federal Colleges of Education Act, 1998 (Repeal & Re-enactment) Bill, 2022 (SB. 531):**

*Motion made:* That the Senate do receive and consider the Report of the Committee on Tertiary Institutions and TETFUND on the Federal College of Education Act, 1998 (Repeal & Re-enactment) Bill, 2022 (*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 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 REPEAL THE FEDERAL COLLEGES OF EDUCATION ACT 1998 AND TO RE-ENACT THE FEDERAL COLLEGES OF EDUCATION AND FOR OTHER MATTERS CONNECTED THEREWITH, 2022.

**PART I - ESTABLISHMENT OF FEDERAL COLLEGES OF EDUCATION**

**Clause 1: Establishment of Federal Colleges of Education and Legal Status of the Colleges:**

[1] There are hereby established, the Federal Colleges of Education, specified in Schedule 1 to this Bill [hereinafter referred to as "Colleges"], which shall have such powers and exercise such functions as are conferred on them by this Bill.

[2] Each College shall be a body corporate with perpetual succession and a common seal and shall have power to acquire and dispose of interests in movable and immovable property and may sue or 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:

Functions of each College

The functions of each College shall be:—

- [a] To provide full-time and part-time courses in teaching, instruction and training in:—
  - [i] Technology, Sciences/Applied Sciences, Commerce, Arts, Social Sciences, Humanities and Management; and
  - [ii] Such other fields of applied learning, relevant to the needs of the development of Nigeria, in the areas of Industrial and Agricultural production and distribution, and for research in the development and adaptation techniques, as the Council may, from time to time, determine;

[b] To conduct research in fields of learning and courses in Education, to qualified teachers;

[c] To conduct Research; Conferences, Seminars, Inaugural Lectures, Workshops and Consultancy Services, relative to the field of learning, specified in subclause [a] [i-ii] of this clause; and

[d] To perform such other functions, which in the opinion of the Council, in consultation with the Academic Board, may serve to promote the objectives of the College.

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:

Governing Structure of each College and Visitor to the College

[i] The Governing Structure of each College shall consist of the following:—

[a] Governing Council;

[b] Management Committee;

[c] Academic Board;

[d] School Board; and

[e] Departmental Board

[2] [i] the President, Federal Republic of Nigeria shall be The Visitor to the Colleges;

[iii] The Visitor shall, not less than once in every five years, conduct a visitation of the College or appoint a Visitation Panel, consisting of not less than five experts, to conduct the visitation:—

[a] for the purpose of evaluating the Academic and Administrative Performance of the College;

[b] for such other purpose or in respect of any other affairs of the College, as the Visitor may deem fit.

- [3] The provisions set out in the Second Schedule to this Bill, shall apply in relation to the Council Governing structure and other matters specified in the Schedule.

***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: Governing Council of each College**

- [1] The governance of each College and the direction of its affairs shall vest in the Governing Council of the College concerned [hereafter in the Bill, referred to as the "Council"].
- [2] Without prejudice to the generality of subclause [1] of this clause, it shall be the responsibility of the Council to consider and approve:—
- [a] the plan of activities of the College;
  - [b] the programme of Studies, Courses and Research to be undertaken by the College;
  - [c] the annual estimates of the College; and
  - [d] the investment plans of the College.
- [3] The Provisions of schedule 2 to this Bill shall have effect with respect to the Council as specified therein.

***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: Membership of Governing Council**

- [1] The Council of each College, other than a Federal College of Education [Technical] shall consist of a Chairman, to be appointed by the President, Federal Republic of Nigeria; and the following other members:—
- [a] four persons of note in the areas of Arts, Sciences and Technical Education, who shall be former or serving Teachers/Educationists/Seasoned Administrators and broadly, representative of the whole Federation; one of whom shall be a woman, appointed by the President, Federal Republic of Nigeria;
  - [b] A representative of the Federal Ministry of Education;
  - [c] A representative of the regulatory agency/Commission;
  - [d] The Provost;
  - [e] A representative of College Alumni

[f] Two persons, not below the rank of Chief Lecturer, elected by the Academic Board, from among its member; and

[g] Four persons to be elected by the Congregation, from amongst its members, in which two [2] persons shall be not below the rank of Chief Lecturer or its equivalent, and the remaining two [2] persons shall be non-teaching staff, not below the rank of Deputy Registrar or its equivalent.

[h] The Registrar shall be Secretary;

[2] The Council of each Federal College of Education [Technical] shall consist of a Chairman, to be appointed by the President, Federal Republic of Nigeria; and the following other members:—

[a] Four persons in the areas of Science and Technology, Technical Education, or Seasoned Administrator, who shall be former or serving Teacher/Educationalist/ Administrator, and broadly representative of the whole Federation, one of whom shall be a woman, appointed by the President, Federal Republic of Nigeria;

[b] A representative of the Federal Ministry of Education;

[c] A representative of the regulatory agency/Commission;

[d] The Provost;

[e] two persons, not below the rank of Chief Lecturer, elected by the Academic Board from among its members;

[f] Four persons to be elected by the Congregation, from amongst its members, in which two [2] persons shall be not below the rank of Chief Lecturer or its equivalent, and the remaining two [2] persons shall be non-teaching staff, not below the rank of Deputy Registrar or its equivalent.

[g] A Representative of Nigeria Society of Engineers

[h] A Representative of College Alumni

[i] The Registrar shall be the secretary

[3] For Federal College of Education [Special], in addition to the above composition, there shall be 2 members who are Physically Challenged

**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:**

**Tenure of office of Council Member**

[1] A member of the Council shall hold office for a term of three [3] years and, subject to the provisions of subclause [2] of this clause, may be eligible for re-appointment/ re- election as the case may be, for a further period of three [3] years and no more. However, there

shall be no vacuum in the exiting of Council in any College. At any time, the President Dissolves Council of a College, an immediate replacement shall be made.

- [2] The office of a member appointed under clause 5, subclauses [1], [2] and
- [3] of this Bill shall become vacant if:—
- [a] the member resigns his/her office by notice in writing under his/her hand; or
- [b] the Minister, in consultation with the Council, is satisfied that it is not in the interest of the College for the person[s] appointed to continue in office and notifies the member in writing to that effect.

***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: Powers of the Council**

- [1] for the carrying out of the functions of each College, the Council shall have power to:—
- [a] Approve for the College to receive from any student or any other person attending the College for the purpose of teaching or instruction, such fees as the Council may, with the prior approval of the regulatory Commission, from time to time determine;
- [b] Provide amenities for and make such other provision for the welfare of staff of the College;
- [c] Invest the funds of the College in securities, specified by law or in such other securities in Nigeria, as may be approved by the Regulatory Commission;
- [d] Source for funds within Nigeria for the purpose of development of the College, in such manner and upon such security, as the Regulatory Commission may, from time to time authorize;
- [e] Recruit qualified and competent staff for the College;
- [f] ratify the establishment and maintenance of such Schools, Departments and other teaching units within the College or extramural departments as may be recommended by the Academic Board;
- [g] Provide such course of instruction, either alone or in association with other institutions whether in Nigeria or not, as the Council may determine and approve;
- [h] Encourage and make provision for research and research grants in the College;

[2] The power of the Council to establish further Schools and Departments within the College shall be exercisable by order and not otherwise within the stipulated guidelines

**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:**

**The Academic Board and its Function**

[1] There shall be established for each College, a Board to be known as the Academic Board, which shall consist of the following members:—  
[a] The Provost of the College, who shall be the Chairman;

[b] The Deputy Provost;

[c] The College Librarian;

[d] Deans;

[e] Academic Directors;

[f] All Heads of Academic Departments/Units;

[g] All Chief Lecturers; and

[h] Two members from the Academic Staff Congregation.

[i] The quorum for any Academic Board meeting shall be ½ of its members.

[2] The Academic Board shall be responsible for:—

[a] The direction and management of academic matters of the College

[b] Regulation of admission of students;

[c] Award Nigeria Certificate in Education [NCE], Diplomas, Professional Certificates, Degrees in Education [Under the Supervision of National Universities Commission], Prizes, Scholarships and other Academic Distinctions of the College, to persons who may have pursued a course of study approved by the Regulatory Agency/Commission and who have satisfied such other requirements as have been accredited by the Regulatory Commission/Agency.

[d] Consideration of awards of Certificates, Prizes, Scholarships and other Academic Distinctions;

[e] Teaching and Research;

[f] Making periodic reports on such academic matters to the Council; and

[g] Discharging any other functions which the Council may from time to time delegate to it;

- [h] Mount exhibitions and displays, designed to foster an appreciation of trends in the scope and requirements of Education;
  - [i] Institute and award fellowships, medals, prizes and other titles;
  - [j] Erect, provide, equip and maintain such educational, recreational and residential facilities as the College may require;
  - [k] Create lectureships and other academic posts and offices and to make appointments thereto;
  - [l] Hold inaugural and public lectures and undertake printing, publishing and bookselling;
  - [m] Make gifts for any charitable purpose
- [3] The College Management Committee, School Board and Department Board.
- [1] There shall be a Management Committee consisting of all the Principal Officers of the College.
  - [2] The Provost shall be the Chairman of the Management Committee.
  - [3] The Management Committee shall meet at least once in a month to discuss and take decisions on matters of general interest to the College, while its quorum shall be  $\frac{1}{2}$  of its members.
  - [4] There shall be a School Board for each school in the College, consisting of all academic staff in the school.
  - [5] The School Board shall deal with all academic matters and any other matter of interest to the school or any matter assigned to it by the Council, the Academic Board or the Provost.
  - [6] The Dean shall be the chairman of the School Board, while its quorum shall be  $\frac{1}{2}$  of its members.
  - [7] The Dean shall be elected from among the Academic staff, not below the rank of a Chief Lecturer in that school, for a term of two years, renewable once.
  - [8] There shall be a Departmental Board for each Department in the College consisting of all academic staff in that Department.
  - [9] The Departmental Board shall deal with all academic matters and any other matter of interest to the Department.

[10] The Head of Department shall be the chairman of the Departmental Board, while its quorum shall be 1/2 of its members.

[11] The Head of Department shall be appointed from among the Academic Staff not below the rank of a Principal Lecturer in the Department for a term of two years, renewable once.

[12] Where there is no qualified candidate for the position of Dean or Head of Department, the Provost shall appoint an Acting Dean, not below the rank of Senior Lecturer or Acting Head of Department not below the rank of Lecturer I, for a term of one year in the first instance and renewable only once.

[13] Nothing in the Bill shall prevent the Management Committee and Board from making supplementary rules to guide their proceedings provided such rules are consistent with the provision of this Bill.

**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:**

**Congregation: —**

[a] There shall be for the College of Education, a Congregation made of both Academic and Senior Non - Teaching staff, who hold at least a first degree or its equivalent;

[b] The provost shall be the Chairman of the Congregation; while the Registrar shall be the Secretary

[c] The Congregation shall meet at least once in a year;

[d] The quorum of congregation shall be at least half the total number of its members;

[e] Congregation may regulate its own proceedings and procedures;

**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:**

**Visitation**

[1] The President shall be the Visitor of the College.

[2] The Visitor shall, not less than one in every five years, conduct a visitation to the college or appoint a visitation panel consisting of not less than five experts to conduct the visitation

**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: Power of the Minister over Councils**

Subject to the provisions of this Bill, the Minister may give to the Council, directives of a general character or relating generally to matters of policy with regard to the exercise by the Council, of its functions under this Bill, and it shall be the duty of the Council to comply with such directives.

***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: Office of the Provost, Functions, Appointment and Tenure**

[1] There shall be a Provost of each College [in this Bill referred to as "the Provost"] who shall be appointed by the Council, in accordance with the provisions of this clause.

[2] Where vacancy occurs in the post of Provost, the Council shall:—

[a] advertise the vacancy in not less than two widely read newspapers in Nigeria, not less than Six [6] months before the expiration of the office of the sitting Provost, specifying:—

[i] The qualities of the person who may apply for the post; and

[ii] The terms and Conditions of Service applicable to the post, and

[iii] Thereafter draw up a short list of suitable candidates for consideration;

[b] Constitute a Search Team consisting of:—

[i] A member of Council, not being a member of the Academic Board, as Chairman;

[ii] Two members of the Academic Board, not below the rank of Chief Lecturer/Professor;

[iii] two members of the Academic Community of the College, who are not below the rank of Principal Lecturer/Associate Professor and not members of the Academic Board, to be selected by the Academic Staff Congregation to identify and draw up a short list of suitable persons who are not likely to apply for the post for any reason whatsoever.

[iv] a senior non-teaching staff, not below the rank of a Deputy Registrar, who shall serve as member/secretary.

[c] the congregation shall conduct election to decide acceptability level of the candidates by the College and forward the results, in order of rating to the Joint Council, Academic Board and Congregation Selection Committee, as established under sub clause 3 [a] to [d] of this clause, provided the score from this exercise shall not exceed 5 points.

[3] Joint Council, Academic Board and Congregation Selection Committee consisting of:—  
[a] the Chairman of the Council;

[b] two members of the Council, not being members of the Academic Board; and

[c] two members of the Academic Board, not below the rank of Chief Lecturer, who were not members of the Search Team; and

[d] A senior non-teaching staff, not below the rank of a Deputy Registrar; who shall recommend three best candidates in order of performance and rating from the shortlist drawn up under subclause 2[c] of this clause.

[4] The Council shall appoint as Provost the candidate that is most suitably qualified and inform the Visitor.

[5] Subject to this Bill and the general control of the Council, the Provost shall be the Chief Executive of the College and shall be charged with general responsibility for matters relating to the day-to-day management and operations of the College.

[6] [a] The Provost shall hold office for a single term of five [5] years only, beginning with the effective date of his/her appointment and on such terms and conditions, as may be specified in his/her letter of appointment.

[b] Where on the commencement of this clause a Provost appointed before the commencement of this Bill has held office:—  
[i] for less than five years, he shall be deemed to be serving his/her 5 years' single tenure and shall not have right for the renewal of his/her appointment for a further term of four years.

[ii] for more than five years and serving his/her second term of office, be deemed to be serving his/her last term of office without any further extension

*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: Tenure and procedure for the removal of provost [a] The Provost may be removed from office by the Governing Council on grounds of gross misconduct or inability to discharge the functions of his/her office as a result of infirmity of the body or mind, at the initiative of the Council, Separate or the Congregation after due process.

- [b] When the proposal for the removal of the Provost is made, the Council shall constitute a Joint Committee of Council and Academic Board consisting of:—
- [i] Three members of the Council, one of whom shall be the Chairman of the Committee;
  - [ii] Two members of Academic Board;
  - [iii] The Registrar, who shall serve as Secretary;
- [c] Where the ground for the removal is based on infirmity of the body or mind, the Council shall seek appropriate medical opinion to determine the Provost's incapacitation.
- [d] The Committee shall conduct investigation into the allegations made against the Provost and shall report its findings to the Council.
- [e] The Council may, where the allegations are proved, remove the Provost or apply any other disciplinary action it may deem fit and notify the Visitor accordingly, provided that a Provost who is removed shall have right of appeal to the Visitor.
- [f] There shall be no Sole Administrator in the College of Education system.
- [g] In any case of a vacancy in the Office of the Provost, the Council shall appoint a Deputy Provost in an acting capacity on the recommendation[s] of the Academic Board.
- [h] An Acting Provost in all circumstances shall not be in office for more than 6 months.

***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: Office of the Deputy Provost; Functions; Appointment; Tenure and Procedure for Removal**

- [1] There shall be for each College, such number of Deputy Provost, as the Council may deem necessary to appoint for proper administration;
- [2] Where a vacancy occurs in the post of Deputy Provost, the Provost shall forward to the Academic Board, a list of two candidates for the post of Deputy Provost that is vacant;
- [3] The Academic Board shall elect for each vacant post, one candidate from the list forwarded to it under sub-clause [2] of this clause, and forward his/her name to the Council for confirmation;
- [4] Where the:—
  - [a] Academic Board rejects the two candidates forwarded to it by the Provost under sub-clause [2] of this clause, the Provost shall submit another list; and

[b] Council rejects the name sent to it under sub-clause [3] of this clause, the Academic Board shall send the name of the other candidate on the list forwarded to it by the Provost under sub-clause [2] of this clause

[5] The Deputy Provost shall:—  
 [a.] Assist the Provost in the performance of his/her functions, as contained in this Bill;

[b] Act in the place of the Provost when the post of the Provost is vacant or if the Provost is, for any reason, absent or unable to perform his/her functions as Provost and  
 [c] Perform such other functions for the Provost or as the Council may, from time to time, assign to him.

[6] The Deputy Provost:—  
 [a] shall hold office for a period of two years, beginning from the effective date of his/her appointment and on such terms and conditions as may be specified in his/her letter of appointment; and  
 [b] May be re-appointed for further period of two years and no more;

[c] A Deputy Provost may be removed from office for good cause by the Council, acting on the recommendation of the Provost and Academic Board;  
 [d] "Good cause" for the purpose of this clause means gross misconduct or inability to discharge the functions of the office, arising from infirmity of body or mind.

**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 Principal Officers**

There shall be for each College, the following Principal Officers, in addition to the Provost. These are:—  
 [a] The Registrar;  
 [b] The Bursar; and  
 [c] The College Librarian; Who shall be appointed by the Council, on the recommendation of the Selection Board, constituted under clause 18, sub clause [1] [a-d] and [2] 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: Functions of Registrar and Tenure**

- [1] [a] The Registrar shall be the Chief Administrative Officer of the College; and shall be responsible to the Provost for the day-to-day general administrative work and running of the College.
- [b] He shall keep all records of staff and students; conduct and receive all correspondence of Council and Management; and shall perform such other duties of the Council, and as the Provost may, from time to time direct.
- [2] The Registrar shall, in addition to the other duties conferred on him/her by or under this Bill, be a Secretary to the Council; Secretary to Management Committee; Secretary to Academic Board and any Committee of the Council; and in his/her absence, the Council may appoint some other persons in the Registry, to Act as Secretary.
- [3] [a] A Registrar shall hold office for a single term of five years only, beginning from the effective date of his/her appointment, and such terms and conditions as may be specified in his/her letter of appointment.
- [b] Where on the commencement of this clause a Registrar appointed before the commencement of this Bill has held office:—
- [i] for less than five years, he shall be deemed to be serving his/her 5 years' single tenure and shall not have right for the renewal of his/her appointment for a further term of five years.
- [ii] for more than five years and serving his/her second term of office, be deemed to be serving his/her last term of office, without further extension.

***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: The College Bursar**

- [1] The Bursar shall be the Chief Financial Officer of the College and be responsible to the Provost for the day-to-day administration and control of financial affairs of the College.
- [2] A Bursar shall hold office for a single term of five years only, beginning from the effective date of his/her appointment and such terms and conditions as may be specified in his/her letter of appointment.
- [3] [a] Where on the commencement of this clause, a Bursar appointed before the commencement of this Bill has held office:—
- [i] for less than five years, he shall be deemed to be serving his/her 5 years' single tenure and shall not have right for the renewal of his/her appointment for a further term of five years.

[ii] for more than five years and serving his/her second term of office, be deemed to be serving his/her last term of office, without further extension

**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:**

**The College Librarian**

[1] The College Librarian shall be responsible to the Provost for the administration of the College Library and co-ordination of the Library services in the teaching units of the College;

[2] A College Librarian shall hold office for a single term of five years only, beginning from the effective date of his/her appointment and such terms and conditions as may be specified in his/her letter of appointment;

[3] [a] Where on the commencement of this clause a College Librarian appointed before the commencement of this Bill has held office:—  
[i] for less than five years, he shall be deemed to be serving his/her 5 years' single tenure and shall not have right for the renewal of his/her appointment for a further term of five years.

[ii] for more than five years and serving his/her second term of office, be deemed to be serving his/her last term of office, without further extension

**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:**

**Selection Board**

[1] There shall be for each College, a Selection Board which shall consist of:—  
[a] the Chairman of the Council;  
[b] The Provost  
[c] Four members of the Council not being members of Academic Board;  
[d] two members of Academic Board; and  
[e] a senior non-teaching staff, not below the rank of a deputy registrar who shall serve as member/secretary.

[2] The functions, procedures and other matters relating to the Selection Board, constituted under subclause [1, a-d] of this clause, shall be as the Council may determine from time to time.

**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: Other Principal Officers of the College**

- [1] A Principal Officer may resign his/her appointment:—
- [a] in the area of the Provost, by notice to the Visitor, through the Council; and
  - [b] in any other case, by notice to the Council

**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: Tenure of Service of Other Principal Officers**

- [1] The Council may appoint such other persons to be employees of the College as the Council may determine, to assist the Provost and other Principal Officers of the College, in the performance of their functions under this Bill.
- [2] Subject to the provisions of this Bill, the remuneration, tenure of office and Conditions of Service of the employees of the College, shall be determined by the Council, in consultation with the regulatory agency/Commission and the National Salaries, Incomes and Wages Commission.
- [3] The Council may appoint such other persons to be employees of the College, as the Council may determine, to assist the Provost in the exercise of his/her functions under this Bill.

**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: Remuneration of the Provost, other Principal Officers and other employees of the College**

The remuneration, tenure of office and Conditions of Service of the Provost and other employees of the Council, shall be determined by the Council, in consultation with the Regulatory Agency/Commission, Revenue Mobilization, Allocation and Fiscal Commission, National Salaries, Income and Wages Commission

**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: Pension Act Provisions

[1] It is hereby declared that Service in each College shall be approved Service for the purposes of the Pensions Act and accordingly, officers and other persons employed in each College, except Principal Officers, shall, in respect of their services in the College, be entitled to pensions, gratuities and other retirement benefits as are prescribed there under, so however, that, nothing in this Bill, shall prevent the appointment of a person to any office, on terms which precludes the grant of a pension and gratuity in respect of that office.

[2] Staff of Colleges shall retire at the age of 65 years.

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: Retirement age for staff of Colleges of Education

Notwithstanding anything to the contrary, as contained in the Pensions Reform Act, [2014], as amended, or any other extant rules; the compulsory retirement age of staff of Colleges of Education shall be 65 years

PART II — FINANCIAL PROVISIONS

Clause 25: Establishment of Colleges of Education Fund

[1] The Council shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in this Bill;

[2] There shall be paid and credited to the fund established under subclause [1] of this clause:—

[a] Such sums as may, from time to time, be granted to the College by the Government of the Federation;

[b] All monies raised for the purposes of the College by way of gifts, grants-in-aid or testamentary dispositions; and

[c] All subscriptions, fees and charges for services rendered by the Council and all other sums that may accrue to the Council from any source.

[3] The Council shall submit to the Minister, not later than 3 months before the end of each financial year or at least, at such other time as he may direct, an estimate of its revenue and expenditure for the succeeding financial year.

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: Power To Accept Gifts

[1] The Council may accept gifts of land, money or other property, upon such terms and conditions, if any, as may be specified by the person making the gift; and



- [2] The Council shall not accept any gift if the conditions attached by the person making the gift are inconsistent with the functions of the Council.

**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: Accounts**

The Council shall keep proper accounts of its receipts, payments, assets and liabilities, and shall, in respect of each year, cause the accounts to be audited.

**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: Audits**

The Council shall, as soon as it may be possible, after the expiration of each financial year, prepare and submit to the Minister, through the Regulatory Agency/Commission, a report of its activities during the immediate preceding financial year and shall include in the report, a copy of the audited accounts of the College, for that year and of the Auditor's report on the accounts.

PART III — OFFICES AND PREMISES

**Clause 29: Office Premises**

- [1] For the purpose of providing offices and premises necessary for the performance of its functions, the Council may:—

[a] Purchase any interest in, or take on lease, any land; and

[b] Build, equip and maintain offices and premises.

- [2] The Council may, with the approval of the Minister, sell any interest in, or lease any land, offices or premises held by it and no longer required for the performance of its functions.

**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: Discipline of Students**

- [1] The Council may make rules, providing for the Provost to conduct enquiries into alleged breaches of discipline [including lack of diligence] by students and such rules may make different provisions for different circumstances;

- [2] The rules shall provide for the procedure and rules of evidence to be followed at enquiries under this clause;

[3] Subject to the provisions of subclause [1] of this clause, where it is proved during the enquiry that any student of the College has been found culpable or guilty of misconduct; the Provost may, without prejudice to any other disciplinary powers conferred on him/her by this Bill or any regulations made thereunder, direct:—

[a] that the student shall not, during such period as may be specified in the direction, participate in such activities of the College, or make use of such facilities of the College, as he may specify; or

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

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

[d] that the student shall be expelled from the College.

[4] Where the Provost 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 [a-d] of this clause, to any student of the College who is guilty of misconduct.

[5] Where a direction is given under subclause 3[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 from the decision, to the Council, and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the decision or modify it in such manner as the Council may think fit.

[6] The fact that an appeal from a decision is brought in pursuance of the last foregoing subclause, shall not affect the operation of the decision while the appeal is pending, except the Council directs otherwise.

[7] The Provost may delegate his/her powers under this clause to a Disciplinary Committee, consisting of such members of the College, as he may nominate.

[8] Nothing in this clause shall be construed as preventing or restriction or termination of a student's activities at the College, otherwise than on the ground of misconduct and, or cultism.

[9] It is hereby declared that a direction under subclause [3] [a] of this clause may be combined with a direction under subclause [3] [b] of this clause.

[10] In all cases under this clause, the decision of the Council shall be final, unless reversed by the Minister, on appeal by the student.

[11] There shall be Committee on Students' Affairs which shall consist of:—

[a] a Deputy Provost as Chairman,

[b] one member of the Council,

- [c] Dean of students Affairs,
  - [d] Two members of academic staff not below the rank of Senior Lecturer, and
  - [e] Two representatives of the students Union of the College.
- [12] A Committee on Students Affairs shall be charged with the duty of considering any:—
- [a] Matter which relates to the welfare of students;
  - [b] Other matter referred to it by either the Council or management of the College; and
  - [c] Matters which the students wish to refer to Council which shall be referred to the Management in the first instance, which may in turn refer the matter to the Committee on Student affairs.
- [13] No decision of a Committee of the Council shall have effect unless it is confirmed by the Council

***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: Interpretations**

In this Bill, unless the context otherwise requires:—

"Chairman" means the Chairman of the Council;

"College" means any of the Federal Colleges of Education specified in Schedule 1 to this Act; and

"Colleges" shall be construed accordingly;

"Council" means the Governing Council of any of the Colleges established by or pursuant to clause 2 of this Act;

"Congregation" means gathering of senior staff [teaching and non-teaching], with at least a degree or its equivalent, with a view to addressing all matters affecting the interest and welfare of staff of the College.

"Provost" means the Provost of a College, appointed under clause 11 of this Bill;

"Function" includes powers and duties;

"Minister" means the Minister charged with the responsibility for matters relating to Education;

"Member" means a member of the Council, including the Chairman.

*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:**

**Repeal**

This Bill repeal the federal college of education Act, 1998.

*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 the Federal Colleges of Education Bill, 2022

*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 I**

**Section 1**

[1] Federal College of Education, Abeokuta, Ogun State;

[2] Federal College of Education, [Technical] Akoka, Yaba, Lagos;

[3] Federal College of Education, [Technical] Asaba, Delta State;

[4] Federal College of Education, [Technical] Bichi, Kano State;

[5] Federal College of Education Eha-Amufu, Enugu State;

[6] Federal College of Education, [Technical] Gombe, Gombe State;

[7] Federal College of Education, [Technical] Gusau, Zamfara State;

[8] Federal College of Education, Kano, Kano State;

[9] Federal College of Education, Katsina, Katsina State.

[10] Federal College of Education, Kontagora, Niger State;

[11] Federal College of Education, Obudu, Cross River State;

[12] Federal College of Education, Okene, Kogi State;

[13] Federal College of Education, [Technical], Omoku, Rivers State;

[14] Adeyemi Federal College of Education, Ondo, Ondo State;

- [15] Alvan Ikoku Federal College of Education, Owerri, Imo State;
- [16] Federal College of Education, [Special], Oyo Town, Oyo State;
- [17] Federal College of Education, Pankshin, Plateau State;
- [18] Federal College of Education, [Technical], Potiskum, Yobe State;
- [19] Federal College of Education, [Technical], Umunze, Anambra State;
- [20] Federal College of Education, Yola, Adamawa State;
- [21] Federal College of Education, Zaria, Kaduna State.
- [22] Federal College of Education, Jama'are, Bauchi State
- [23] Federal College of Education, Odugbo, Benue State
- [24] Federal College of Education, Isu, Ebonyi State,
- [25] Federal College of Education [Technical], Ekiadolor, Edo State
- [26] Federal College of Education, Iwo, Osun State; and
- [27] Federal College of Education, Gidan Madi, Sokoto State

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

## SCHEDULE II

### SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC

1. Remuneration of Council Members
  - [1] There may be paid to the members of the Council or any Committee, such remuneration and allowances as may, from time to time be determined by the President, Commander-in-Chief of the Armed Forces.
  - [2] Where a vacancy occurs in respect of the membership specified in clause 5, subclauses [1] [a-i], [2] [a-i], and [3], of this Bill, it shall be filled by the appointment of a successor, through the same process, to hold offices for the remainder of the term of office of his/her predecessor.
  - [3] The Council may act, notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member
2. Proceedings
  - [a] The Council shall meet for the conduct of business in the college at such times that it may appoint once in every three months;
  - [b] The Chairman may, at any time, and shall, at the request in writing of not less than 8 members, convene a meeting of the Council;
  - [c] At any meeting of the Council, the Chairman shall preside; but in his/her absence, members present shall elect one of their members to preside at the meeting;

[d] Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt persons who are not members of the Council, but persons co-opted shall not be entitled to vote at a meeting of the Council;

[e] The quorum of the Council shall be simple majority of the total members of the Council, at least one of whom shall be a member appointed by the President, Commander-in-Chief of the Armed Forces;

[f] Decisions of the Council shall be made on approval by a simple majority of members present at the meeting.

3. Miscellaneous

[a] The fixing of the seal of the College shall be authenticated by the signature of the Chairman, Provost and some other members of the Council, authorized generally or specially by the Council to act for that purpose;

[b] Any contract or instrument which, if made executed by a person other than a body corporate, would not be required to be under seal, may be made and executed on behalf of the College by any person, generally or specially authorized to act for that purpose, by the Council;

[c] Any document purporting to be duly executed under the seal of the College, shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed;

Question that the Provisions in Second 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 TBTFUND on A Bill for an Act to Repeal the Federal Colleges of Education Act 1998 and to Re-enact the Federal Colleges of Education and for Other Matters Connected Therewith, 2022 and approved as follows:

Clauses 1-33 — As Recommended

Schedules 1-2 — 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 Aviation:

Report on the Federal Airport Authority of Nigeria (FAAN) Act, CAP FSLFN 2004 (Repeal & Re-enactment) Bill, 2022 (SB. 196):

Motion made: That the Senate do consider the Report of the Committee on Aviation on the Federal Airport Authority of Nigeria (FAAN) Act CAP FSLFN 2004 (Repeal & Re-enactment) Bill, 2022 (Senator Smart Adeyemi — Kogi West).

*Question put and agreed to.*

*Report presented.*

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

*Question put and agreed to.*

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE FEDERAL AIRPORTS AUTHORITY OF NIGERIA ACT, CAP F5 LAWS OF THE FEDERATION OF NIGERIA, 2004; TO ENACT THE FEDERAL AIRPORTS AUTHORITY OF NIGERIA ACT TO PROVIDE FOR THE EFFECTIVE MANAGEMENT OF AIRPORTS IN NIGERIA; AND FOR RELATED MATTERS, 2022.

PART I - ESTABLISHMENT OF THE FEDERAL AIRPORTS AUTHORITY OF NIGERIA

**Clause 1: Establishment of the Federal Airports Authority of Nigeria**

- (1) There is established a body to be known as the Federal Airports Authority of Nigeria (in this Act referred to as 'the Authority').
- (2) The Authority -
  - (a) shall be a body corporate with perpetual succession and common seal;
  - (b) may sue or be sued in its corporate name; and
  - (c) shall acquire, hold or dispose of property (whether movable or immovable).
- (3) The Authority shall manage the airports listed in the First Schedule to this Act and any other airport that may be assigned to it by the Minister, from time to time.

***Committee's Recommendation:***

That the provision in Clause 1 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 2: Establishment and composition of the Governing Board.**

- (1) There is established for the Authority a Governing Board (in this Act referred to as the "Board") which shall have the functions set out in this Act.
- (2) The composition of the Board shall reflect equity and fairness as enshrined in Section 14(3) of the 1999 Constitution (as amended)
- (3) The Board shall consist of -
  - (a) a Chairman;
  - (b) one representative each, not below the rank of a Director from the Ministries responsible for matters relating to -
    - (i) Aviation,
    - (ii) Defence,

(iii) Justice, and

(iv) Tourism;

(c) I representative of the Nigerian College of Aviation Technology not below the rank of a director;

(d) 2 other persons outside the public service with requisite qualification and experience in the field of aviation;

(e) the Managing Director of the Authority; and

(f) the Secretary who shall be the Director Legal Services/Company Secretary of the Authority.

(g) The Secretary to the Board shall be a Legal Practitioner and shall have been so qualified for a period of not less than 15 years.

(3) The Supplementary Provisions set out in the Second Schedule to this Act, shall have effect with respect to proceedings of the Board and any other matter contained in it.

*Committee's Recommendation:*

That the provision in Clause 2 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 3: Appointment and tenure of office of the Chairman and members of the Board**

(1) The Chairman and other members of the Board, other than ex-officio members, shall -

(a) be appointed by the President on the recommendation of the Minister; and

(b) hold office for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more and on such terms and conditions as may be specified in their letters of appointment;

(c) be paid such remuneration and allowances as may be determined from time to time in accordance with extant laws and regulations; and

(d) be persons with proven integrity and ability.

(2) The Chairman shall be a person with at least 20 years cognate experience in aviation, administration or related field.

*Committee's Recommendation:*

That the provision in Clause 3 be retained (*Senator Smart Adeyemi — Kogi West*).

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



**Clause 4: Cessation of membership**

- (1) A member of the Board appointed by the President may resign their appointment by notice in writing addressed to the President through the Minister.
- (2) A member of the Board shall cease membership, if the member -
  - (a) lacks physical or mental capacity to perform his or her functions;
  - (b) dies;
  - (c) becomes of unsound mind;
  - (d) becomes bankrupt or makes a compromise with creditors;
  - (e) is convicted of a felony, gross misconduct or any offence involving dishonesty or fraud;
  - (f) is disqualified or suspended from professional practice in any part of the world, by an order of a competent Authority; or
  - (g) in the case of an ex-officio member, ceases to hold the office on the basis of which the member became a member of the Board.
- (3) A member of the Board may be removed from office by the President, if the President is satisfied that it is not in the interest of the Authority or public that the member should continue in that office.
- (4) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of the predecessor.

***Committee's Recommendation:***

That the provision in Clause 4 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**PART II — FUNCTIONS AND POWERS****Clause 5: Functions of the Authority**

- (1) The Authority shall -
  - (a) develop, provide and maintain airports within Nigeria and provide all necessary services and facilities for the safe, secure, orderly, expeditious and economic operation of air transport;
  - (b) provide adequate airport facilities and services under which passengers and goods may be transported by air and under which aircraft may be used for other gainful purposes;
  - (c) provide accommodation and other facilities and services for the effective handling of passengers and freight at airports;
  - (d) develop and provide facilities and services for surface transport within airports;

(e) provide adequate facilities, services and personnel for effective security at airports owned by the Federal Government;

(f) provide personnel for fire and security services at State and private airports;

(g) promote economic development of airports and air transport services;

(h) do such other things as are necessary for the efficient performance of functions and powers of the Authority under this Bill.

(4) in executing its functions, conform to all binding international agreements, on standards and recommended practices of safety, security and regulation of civil aviation; and

**Committee's Recommendation:**

That the provision in Clause 5 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 6:**

**Powers of the Authority**

The Authority shall have power to -

(a) charge total cost recovery charges for services it shall provide at airports;

(b) carry out at airports, either by itself, an agent or in partnership with any other person or body corporate, such -  
(i) economic activities that are relevant to air transport, and

(ii) commercial and non-aeronautical activities which in the opinion of the Authority are not prejudicial to the functions of the Authority under this Act;

(c) notwithstanding the provision of any other law, policy or circular in force, any fees imposed by and on behalf of the Authority shall not be subject to any deduction by or remittance to any other body;

(d) procure temporary or intermittent service of experts or consultants with requisite qualifications;

(e) negotiate and enter into agreements with individuals, private entities, departments and agencies of government, governments of foreign countries or international organizations for giving effect to the provisions of the Act;

(f) ensure adequate trainings for its employees for the proper performance of their functions under the Act; and

(g) invest its funds as it deems fit, in line with extant Government Regulations.

**Committee's Recommendation:**

That the provision in Clause 6 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 7: Functions and powers of the Board**

The Board shall -

- (a) formulate and ensure implementation of general policies, guidelines and programmes of the Authority;
- (b) consider terms and conditions of service at the Authority including remuneration, appointment, promotion, termination, dismissal and exercise of disciplinary control over staff of the Authority;
- (c) structure the Authority into such number of directorates, departments and units as it deems fit for the effective discharge of its functions; and
- (d) do such other things which in the opinion of the Board is considered necessary or expedient to ensure the performance of the functions of the Board under this Act.

***Committee's Recommendation:***

That the provision in Clause 7 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 8: Delegation of functions**

The functions of the Authority in this Act are vested in the Managing Director of the Authority who may exercise them directly or through the Directors, any staff of the Authority or any other person he may deem fit.

***Committee's Recommendation:***

That the provision in Clause 8 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**PART III - STAFF OF THE AUTHORITY**

**Clause 9: Managing Director of the Authority**

- (1) There shall be for the Authority, a Managing Director who shall be appointed -
  - (a) by the President on the recommendation of the Minister; and
  - (b) on such terms and conditions as may be specified in the letter of appointment or as may be determined, from time to time, by the President.
- (2) The Managing Director shall be the Chief Executive and Accounting Officer of the Authority, and shall be responsible for the -
  - (a) day to day administration, organisation, control and management of the affairs of the Authority;
  - (b) the execution of the policies of the Authority and decisions of the Board;
  - (c) direction, supervision and control of other employees of the Authority;

(d) transparent maintenance of accounting records in accordance with applicable laws; and

(e) performance of such other duties as the Board may assign from time to time.

(3) The Managing Director shall be a person with recognised qualification and experience in aviation and administration or related field for a period of not less than 15 years, 5 of which shall be in the senior management cadre.

(4) The Managing Director shall be appointed for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more.

(5) The Managing Director may be suspended or removed from office by the President, where the Managing Director -  
(a) demonstrates inability to effectively perform the duties of the office;

(b) is guilty of serious misconduct in relation to his or her duties;

(c) is disqualified or suspended from professional practice;

(d) is in contravention of the conflict of interest provisions contained under paragraphs 20-23 of the Second Schedule to this Act; or

(e) in the case of a person possessed of professional qualifications, is disqualified or suspended from practising his profession in any part of the world by an order of a competent authority.

**Committee's Recommendation:**

That the provision in Clause 9 be retained (*Senator Smart Adeyemi - Kogi West*):

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

**Clause 10:**

**Other staff of the Authority**

(1)

The Authority shall, subject to the approval of the Board -

(a) employ either directly or on transfer or secondment from any civil or public service in the Federation such number of employees as may, in the opinion of the Authority, be required to assist the Board and the Managing Director in the discharge of their functions;

(b) employ such other persons from outside the public service of the Federation or of a State, where it deems it necessary;

(c) recruit security officers for the Authority and the officers so recruited shall subject to the general laws and regulations relating to the use of fire arms, be entitled to carry fire arms on their persons while on duty; and

- (d) pay to persons so employed such remuneration including allowances, benefits and pensions, as may be determined by the Board.
- (2) The composition of the Directors and Senior Management staff of the Agency appointed under sub-section (a) of this Section shall reflect equity and fairness as enshrined in Section 14(3) of the 1999 Constitution (as amended)
- (3) Other Security Personnel at the Airports
- (a) The Authority shall have overall responsibility for security at all airports, and shall for this purpose have the Authority to:
- (i) Request from the Inspector General of Police, the Director General of the State Security Services, the Commandant General of the National Security and Civil Defence Corps and the Service Chiefs of the Armed Forces, such number of security personnel as the Authority may require to ensure adequate security at all airports.
- (ii) Make regulations and establish guidelines for the conduct of security personnel assigned to all airports.
- (iii) Reject the assignment of unauthorized security personnel to all airports; and
- (4) The deployment of security personnel to all airports whether by the Armed Forces, the Nigerian Police Force, the State Security Services and the Nigerian Security and Civil Defence Corps shall be for a maximum term of eighteen (18) months, except where the Airports Authority request for a replacement and redeployment of any security personnel found to be acting beyond the scope of the Authority's guidelines and regulations.
- (5) Personnel of the Armed Forces, the Nigerian Police Force, the State Security Services and the Nigerian Security and Civil Defence Corps deployed to all Airports are for the duration of their deployment, subject to the regulations and established guidelines for the conduct of security personnel at the Airport.

***Committee's Recommendation:***

That the provision in Clause 10 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 11: Staff Regulations**

- (1) Subject to the provisions of this Bill, the Authority shall make staff regulations relating to the Conditions of Service, including -
- (a) the appointment, promotion and discipline of staff; and
- (b) such other matters as it may deem necessary to ensure the efficient performance of the functions of the Authority under this Bill.
- (2) The Staff regulations made under sub-section (1) shall not have effect until approved by the Board.

**Committee's Recommendation:**

That the provision in Clause 11 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 12:**

**Pension**

(1) Service in the Authority shall be public service for the purpose of the Pension Reform Act No. 4 of 2014 and accordingly, officers and other staff of the Authority shall in respect of their service in the Authority, be entitled to such pension and retirement benefits as are prescribed in the Pension Reform Act No. 4 of 2014.

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension and retirement benefits in respect of that office.

**Committee's Recommendation:**

That the provision in Clause 12 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 13:**

**Structure of the Authority.**

(1) The Authority shall have powers, with the approval of the Board to -  
(a) set up directorates, departments, special units, technical committees, working groups and task forces to assist the Authority in the performance of its duties and functions under this Act; and  
(b) make changes to or vary its structure.

(2) There shall be appointed for each of the departments and special units a principal officer who shall be known by such designation as the Authority may determine.

**Committee's Recommendation:**

That the provision in Clause 13 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**PART IV — FINANCIAL PROVISIONS**

**Clause 14:**

**Fund of the Authority**

(1) There shall be established and maintained for the Authority, a Fund (in this Act referred to as "the Fund"), into which shall be paid and credited all -  
(a) subventions and budgetary allocations from the Government of the Federation;  
(b) fees and funds accruing from -  
(i) landing fees,

- (ii) parking fees,
- (iii) passenger service charge (local and international),
- (iv) rents,
- (v) Management fees,
- (vi) VIP lounge charges,
- (vii) utilities,
- (viii) fuel charge,
- (ix) port charge,
- (x) air cargo fee,
- (xi) cargo vehicular fee,
- (xii) frontier service charge,
- (xiii) sales of information,
- (xiv) rental of warehouse,
- (xv) rental of plant and equipment,
- (xvi) fines (for violation of bye law),
- (xvii) car park charges,
- (xviii) aviobridge charges,
- (xix) public affairs protocol service fee,
- (xx) training and consultancy fees,
- (xxi) common use terminal charges,
- (xxii) advertisement charges,
- (xxiii) transshipment fee,
- (xxiv) premium,
- (xxv) ground rent,
- (xxvi) service recovery charge,
- (xxvii) car hire charges,
- (xxviii) vehicle towing fee,

(xxix) processing fee,

(xxx) 5% custom levy,

(xxxi) access fee; and

(xxxii) cost and sustainability recovery charges; and

(c) other sums which may, from time to time, accrue to the Authority.

(2) Funds accruing from the charges referred to under subsection (1)(b)(iii) of this Act shall be shared in the following manner -  
(a) Federal Airports Authority of Nigeria - 95%; and  
(b) NSIB - 5%.

(3) Funds accruing from the charges referred to under subsection (1)(b)(i) of this Act shall be shared in the following manner -  
(a) Federal Airports Authority of Nigeria - 90%; and  
(b) Nigerian Meteorological Agency - 10%.

**Committee's Recommendation:**

That the provision in Clause 14 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 15:**

**Expenditure of the Authority**

The Authority shall apply the proceeds of the Fund established pursuant to Section 14 of this Act to -

- (a) the cost of administration of the Authority;
- (b) the working and establishment expenses, and expenditure on, or provision for, the maintenance and renewal of any of the undertakings of the Authority;
- (b) the reimbursement of members of the Board or any Committee set up by the Board or the Authority for authorised expenses;
- (c) the payment of salaries, fees, allowances and other remunerations, payable to members of the Board, employees, experts or professionals appointed by the Authority;
- (d) the payment for all purchases and contracts, including mobilization, fluctuations, variations, legal fees and cost on contract administration;
- (e) the maintenance of any property acquired or vested in the Authority; and
- (f) undertake any other activity or matter connected with all or any of the functions of the Authority under this Act.



**Committee's Recommendation:**

That the provision in Clause 15 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 16: Annual estimate and expenditure.**

The Authority shall, not later than 30th September in each year, submit to the President, through the Minister, an estimate of the expenditure and income of the Authority during the next succeeding year.

**Committee's Recommendation:**

That the provision in Clause 16 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 17: Borrowing powers.**

- (1) The Authority may from time to time, with the approval of the Board, borrow by overdraft or otherwise, such monies as it may require for the performance of its functions under this Act.
- (2) Notwithstanding the provisions of subsection (1) of this section, the Authority may, with the approval of the Minister, borrow monies in foreign currency.

**Committee's Recommendation:**

That the provision in Clause 17 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 18: Power to accept gifts**

- (1) The Authority may accept gift of land, money or other property or things on such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Authority shall not accept any gift where the terms or conditions attached by the person or organisation making the gift are inconsistent with the objectives and functions of the Authority under this Act.

**Committee's Recommendation:**

That the provision in Clause 18 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 19: Accounts and audit**

The Authority shall cause to be kept proper accounts and records of the Authority in respect of each year and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

**Committee's Recommendation:**

That the provision in Clause 19 be retained (*Senator Smart Adeyemi — Kogi West*).

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

Clause 20:

Annual Report

- (1) The Authority shall prepare and submit to the Minister through the Board not later than 30th June in each year, a report in such form as the Minister may direct, the activities of the Authority during the immediate preceding year, and shall include in the report, a copy of the audited accounts of the Fund for that year and the auditor's report.
- (2) The Minister shall, upon receipt of the report referred to in Subsection (1) cause a copy of the report and the audited accounts of the Fund and the auditor's report to be submitted to each House of the National Assembly.

Committee's Recommendation:

That the provision in Clause 20 be retained (Senator Smart Adeyemi — Kogi West).

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

Clause 21:

Exemption from tax and statutory remittances

- (a) The Authority shall be exempted from the payment of all - taxes and tenement rates; and
- (b) statutory remittances.

Committee's Recommendation:

That the provision in Clause 21 be retained (Senator Smart Adeyemi — Kogi West).

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

PART V - OTHER POWERS OF THE AUTHORITY

Clause 22:

Power to discontinue use of airport

- The Authority shall -
- (a) with the consent of the Minister, discontinue the use of any airport maintained by it pursuant to this Act, and
- (b) make and submit the valuation of the discontinued airport to the Federal Government.

Committee's Recommendation:

That the provision in Clause 22 be retained (Senator Smart Adeyemi — Kogi West).

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

Clause 23:

Management of additional airport

Without prejudice to section 1 (3) of this Act, the Authority may, with the consent of the Minister, assume the management of any airport in Nigeria in addition to those assigned to it under this Act

Committee's Recommendation:

That the provision in Clause 23 be retained (Senator Smart Adeyemi — Kogi West).

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

**Clause 24: Compulsory acquisition of land.**

- (1) For the purposes of the Land Use Act, Cap L4, Laws of the Federation of Nigeria, 2004 or any State Land Administration Law which provides for the compulsory acquisition of land for overriding interest, any requirement of land by the Authority shall be deemed to be for public purposes of the Federation.
- (2) The compensation if any, payable under the Land Use Act, Cap L4, Laws of the Federation of Nigeria, 2004 for the acquisition of any land under this section or, payable under the appropriate law for the revocation of any right relating to the land, as the case may be, shall be paid by the Federal Government or the State Government.

***Committee's Recommendation:***

That the provision in Clause 24 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 25: Power to enter land to make survey, etc.**

- (1) Subject to the provisions of this section, the Authority may by its officers or agents enter any land from time to time to discharge the functions of the Authority under this Act for -
  - (a) survey;
  - (b) construction, placing, maintenance, examination, repair, alteration or removal of any beacon for the purposes of any survey; or
  - (c) cutting and removal of such trees and under wood as may interfere with such surveys.
- (2) The Authority shall when practicable serve on the occupier of any land on which it intends to enter pursuant to subsection (1) of the section, a notice which shall be in writing giving a description of the nature of the purpose of such entry.
- (3) In the discharge of its functions pursuant to subsection (1) of this section, the officers and agents referred to in it may remain on the land for such reasonable time as may enable them to execute and do all the work and things as may be necessary.
- (4) The Authority shall not construct, place, maintain, examine, repair, alter or remove any beacon in or upon any land, road, building, embankment, dock, harbour or pier under the control of any Agency of government without prior approval of the head of the Agency.
- (5) In the exercise of the powers conferred under subsections (1)-(4) of this section, the Authority, its officers or agents shall ensure that buildings, crops, and economic trees are protected from damage and the Federal or State Government, as the case may be, shall pay compensation for any damage done to any building, crops and economic trees.

*Committee's Recommendation:*

That the provision in Clause 25 be retained (*Senator Smart Adeyemi — Kogi West*).

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

## Clause 26:

## Establishment of staff housing scheme

The Authority may with the approval of the Minister establish a staff housing scheme and issue guidelines for its management.

*Committee's Recommendation:*

That the provision in Clause 26 be retained (*Senator Smart Adeyemi — Kogi West*).

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

## PART VI — LEGAL PROCEEDINGS

## Clause 27:

## Limitations of suits against Authority

(1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Authority.

(2)

Notwithstanding anything contained in any other law, no suit shall be or be instituted in any court against the Authority, any member of the Board, the Managing Director or any other officer or employee of the Authority for an act done in pursuance or execution of this Act or any law, or any public duty or authority or in respect of any alleged neglect or default in the execution of this Act or such law, duty or authority, unless -

(a) It is commenced within 3 months after the act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within 6 months after the ceasing of it.

(3)

A suit shall not be commenced against the Authority, a member of the Board, the Managing Director, officer or employee of the Authority before the expiration of a period of 2 months after written notice of intention to commence the suit have been served upon the Authority by the intending plaintiff or their agent; and the notice shall explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

*Committee's Recommendation:*

That the provision in Clause 27 be retained (*Senator Smart Adeyemi — Kogi West*).

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

## Clause 28:

## Service of documents

Any notice, summons or other document required or authorised to be served upon the authority under the provision of this Act or any other law shall be served by delivering the same to the office of the Managing Director of the Authority, or by sending it by registered post addressed to the Managing Director at the headquarters of the Authority.

**Committee's Recommendation:**

That the provision in Clause 28 be retained (*Senator Smart Adeyemi — Kogi, West*).

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

**Clause 29: Restriction on execution of judgment against the Authority**

- (1) In any action or suit against the Authority, no execution, attachment or process shall be issued against the Authority, unless at least 3 months' notice of the intention to execute or attach the Authority property has been given to the Authority and approval of the Attorney-General of the Federation obtained.
- (2) Any sum of money, which may by the judgment of any court be awarded against the Authority, shall, subject to any direction given by a competent court where notice of appeal of the said judgement has not been given, be paid from the fund of the Authority.

**Committee's Recommendation:**

That the provision in Clause 29 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 30: Indemnity of officers.**

A member of the Board, the Managing Director, employees or agents of the Authority shall be indemnified from liability incurred in defending any proceeding brought against the person under this Bill, in the person's capacity as a member of the Board, Managing Director, employee or agent of the Authority.

**Committee's Recommendation:**

That the provision in Clause 30 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 31: Arresting an officer on essential services**

- An officer or agent of the Authority shall not be arrested while on essential duty where his arrest may result in danger to life or goods unless -
- (a) the head of department in which he is employed; or
  - (b) his immediate supervisor, has been given the opportunity to immediately assign a substitute to replace the officer.

**Committee's Recommendation:**

That the provision in Clause 31 be retained (*Senator Smart Adeyemi — Kogi West*).

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

**Clause 32: Representation of the Authority at hearing of suit**

- (1) In any proceeding before a court of law or tribunal, the Authority may be represented by its legal officers who shall have the right to appear at any stage of a proceeding.

(2) The Legal Officers of the Authority or the Police shall prosecute any offence under this Act or Regulation made pursuant to this Act.

PART VII — JURISDICTION

*Committee's Recommendation:*

That the provision in Clause 32 be retained (*Senator Smart Adeyemi — Kogi West*).

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

Clause 33:

Jurisdiction

The Federal High Court shall have jurisdiction to try matters under this Act.

*Committee's Recommendation:*

That the provision in Clause 33 be retained (*Senator Smart Adeyemi — Kogi West*).

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

PART VIII - OFFENCES AND PENALTIES

Clause 34:

Prohibition of construction or reconstruction by unauthorized persons or body corporate.

(1) A person or body corporate shall not commence construction or reconstruction of an aerodrome or airport in Nigeria without consultation with the Authority in line with its functions under this Act.

(2) Any person or body corporate that contravenes the provisions of sub-clause (1) commits an offence, and shall be liable on conviction to a fine not exceeding ₦2,000,000.00 in the case of an individual or ₦5,000,000.00 in the case of a corporate body.

*Committee's Recommendation:*

That the provision in Clause 34 be retained (*Senator Smart Adeyemi — Kogi West*).

*Question that Clause 34 do stand part of the Bill, put and agreed to.*

Clause 35:

Failure to remit funds.

Any person or body corporate that collects and fails to remit to the Authority any monies due to it under this Act, commits an offence and shall be liable on conviction -

(a) in the case of an individual, to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦2,000,000.00, or to both fine and imprisonment;

(b) in the case of a body corporate, to a fine not exceeding ₦5,000,000.00; and

(c) refund of the monies owed.

*Committee's Recommendation:*

That the provision in Clause 35 be retained (*Senator Smart Adeyemi — Kogi West*).

*Question that Clause 35 do stand part of the Bill, put and agreed to.*

**Clause 36: Offences by staff of a body corporate.**

Where an offence under this Act has been committed by a body corporate, and is proven to have been committed with the consent or connivance of, or attributable to any neglect on the part of the Managing Director, a Director, Manager, Secretary or other similar officer of the body corporate or any person purporting to act in any of those capacities, the person, shall be liable on conviction to a fine not exceeding ₦500,000.00 or a term of imprisonment not exceeding six months, or to both.

***Committee's Recommendation:***

That the provision in Clause 36 be retained (*Senator Smart Adeyemi — Kogi West*).

*Question that Clause 36 do stand part of the Bill, put and agreed to.*

**Clause 37: Offences by Security Personnel**

- (a) It is an offence to carry arms and ammunitions within the airports unless specifically authorized by the Airport Manager.
- (b) Violators of this Section may be prosecuted by the Authority and, if found guilty, will be liable to a fine of ₦100,000.00 (One Hundred Thousand Naira) only or a term of imprisonment of not more than sixty (60) days.

***Committee's Recommendation:***

That the provision in Clause 37 be retained (*Senator Smart Adeyemi — Kogi West*).

*Question that Clause 37 do stand part of the Bill, put and agreed to.*

**PART IX - MISCELLANEOUS**

**Clause 38: Power of the Minister to issue directives to the Authority**

The Minister may issue to the Authority, such directives of a general nature or relating to particular matters of policy with regards to the exercise of its functions, as may be considered necessary and it shall be the duty of the Authority to comply with the directives.

***Committee's Recommendation:***

That the provision in Clause 38 be retained (*Senator Smart Adeyemi — Kogi West*).

*Question that Clause 38 do stand part of the Bill, put and agreed to.*

**Clause 39: Power to make bye-laws**

The Authority may, with the approval of the Minister, make, alter and revoke bye-laws, rules and guidelines for the purpose of giving effect to the provisions of this Act.

***Committee's Recommendation:***

That the provision in Clause 39 be retained (*Senator Smart Adeyemi — Kogi West*).

*Question that Clause 39 do stand part of the Bill, put and agreed to.*

## Clause 40:

## Designation of essential services

(1) All services which facilitate and maintain the smooth, orderly and safe takeoff, flight and landing of aircraft, embarkation and the disembarkation and evacuation of passengers and cargo respectively in all aerodromes in Nigeria are hereby designated as essential services pursuant to the provisions of section 11(1) of the Constitution of the Federal Republic of Nigeria, 1999 (As Altered).

(2) The Minister may by regulations prohibit all or such class or classes of workers, officers and other employees or persons whether corporate or natural, engaged in the provision of the services specified in subsection (1) of this section from taking part in a strike or other industrial action.

*Committee's Recommendation:*

That the provision in Clause 40 be retained (*Senator Smart Adeyemi — Kogi West*).

*Question that Clause 40 do stand part of the Bill, put and agreed to.*

## Clause 41:

## Application of Cap T9 LFN, 2004

(1) The provisions of the Trade Disputes (Essential Services) Act, Cap T9 Laws of the Federation of Nigeria, 2004 shall apply to service in the Authority, facilities managed by the Authority and in the implementation of this Bill.

(2) There shall be no strikes, lock-outs, pickets, blockades, service disruptions, etc. of any kind within all facilities managed by the Authority and where any labour dispute arises, such dispute shall be resolved by the Authority.

*Committee's Recommendation:*

That the provision in Clause 41 be retained (*Senator Smart Adeyemi — Kogi West*).

*Question that Clause 41 do stand part of the Bill, put and agreed to.*

## Clause 42:

## Repeal

The Federal Airports Authority of Nigeria Act, Cap F5, Laws of the Federation of Nigeria, 2004 (in this Bill referred to as "the Repealed Act") is hereby repealed.

*Committee's Recommendation:*

That the provision in Clause 42 be retained (*Senator Smart Adeyemi — Kogi West*).

*Question that Clause 42 do stand part of the Bill, put and agreed to.*

## Clause 43:

## Savings and Transitional Provisions.

(1) The repeal of the Act under section 40 shall not affect anything done or purported to have been done under the repealed Act.

(2) The Managing Director and all staff of the Authority employed under the repealed Act, and existing before the commencement of this Act, shall continue in office and be deemed to have been appointed under this Act in accordance with the same terms and conditions.



- (3) There shall be vested in the Authority all assets, funds, resources and other immovable property, which immediately before the commencement of this Act were vested in the Authority under the repealed Act.
- (4) All rights, interests, obligations and liabilities of the Authority under the repealed Act existing immediately before the commencement of this Act under any contract or instrument, or in law or in equity shall by virtue of this Act be assigned to and vested in the Authority established under this Act.

***Committee's Recommendation:***

That the provision in Clause 43 be retained (*Senator Smart Adeyemi — Kogi West*).

*Question that Clause 43 do stand part of the Bill, put and agreed to.*

**Clause 44: Interpretation**

In this Act, unless the context otherwise requires -

"Aerodrome" means a defined area on land or water (including any buildings, installations, and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

"Airport " means any defined area on land or water including any building, installation and equipment intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

"Authority" means the Federal Airports Authority of Nigeria established by section 1 of this Act;

"Board" means the Governing Board of the Authority;

"Management fee" means the concession fee paid on management contract;

"Managing Director" means the Managing Director of the Authority appointed pursuant to Section 9 of this Act;

"Minister" means the Minister charged with responsibility for matters relating to Aviation; and

"strike" means the cessation of work by a body of persons employed, acting in combination or a concerted refusal or a refusal under a common understanding of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer, or the Government of the Federation of Nigeria or any part of it, or to aid any other worker in compelling his employer or any person or body of persons employed, to accept or not to accept terms of employment and physical conditions of work or any government economic policy or pricing of any essential product; and in this definition -

- (a) "cessation of work" includes working at less than usual speed or with less than usual efficiency without reasonable operational justification; and

(b) "refusal to continue to work" includes a refusal to work at usual speed or with usual efficiency.

**Committee's Recommendation:**

That the provision in Clause 44 be retained (*Senator Smart Adeyemi — Kogi West*).

*Question that Clause 44 do stand part of the Bill, put and agreed to.*

**Clause 45:**

**Short title**

This Bill may be cited as the Federal Airports Authority of Nigeria Act (Repeal and Re-enactment) Bill, 2022.

**SCHEDULES**

**FIRST SCHEDULE**

**LIST OF AIRPORTS MAINTAINED BY THE FEDERAL AIRPORTS AUTHORITY OF NIGERIA**

[Section 1(3)]

S/N	STATE	CITY SERVED	ICAO	IATA	AIRPORT NAME
1.	Adamawa	Yola	DNYO	YOL	Yola Airport
2.	Benue	Makurdi	DNMK	MDI	Makurdi Airport
3.	Borno	Maiduguri	DNMA	MU	Maiduguri International Airport
4.	Cross River	Calabar	DNCA	CBQ	Margaret Ekpo International Airport
5.	Edo	Benin	DNBB	BNI	Benin Airport
6.	Enugu	Enugu	DNEN	ENU	Akanu Ibiam International Airport
7.	FCT	Abuja	DNAA	ABV	Nnamdi Azikiwe International Airport
8.	Imo	Owerri	DNMI	QOW	Sam Mbakwe International Cargo Airport
9.	Kaduna	Kaduna	DNKA	KAD	Kaduna Airport
10.	Kaduna	Zaria	DNZA	ZAR	Zaria Airport
11.	Kano	Kano	DNKN	KAN	Mallam Aminu Kano International Airport
12.	Katsina	Katsina	DNKT	DKA	Umaru Musa Yar'Adua International Airport
13.	Kwara	Ilorin	DNIL	ILR	Ilorin Airport
14.	Lagos	Ikeja	DNMM	LOS	Murtala Mohammed International Airport
15.	Niger	Minna	DNMN	MXI	Minna Airport
16.	Ondo	Akure	DNAK	AKR	Akure Airport
17.	Oyo	Ibadan	DNIB		Ibadan Airport
18.	Plateau	Ibadan			Ibadan Airport
19.	Rivers	Port Harcourt	DNPO	PHC	Port Harcourt International Airport
20.	Sokoto	Sokoto	DNKO	SKO	Sadiq Abubakar III International Airport

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

**SECOND SCHEDULE**

**SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD**

*[Section 2 (5)]*

## Proceedings of the Board

1. Subject to this Act and section 27 of the Interpretation Act, Cap 123 Laws of the Federation of Nigeria, 2004, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings and those of its committees, notices to be given, keeping of minutes of its proceedings, custody and production for inspection of such minutes and such other matters as the Board may, from time to time determine.
2. The Board shall meet not less than 4 times in each year, and whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice given by not less than 4 other members, the Chairman shall summon a meeting of the Board to be held within 30 days from the date on which the notice is given.
3. At any meeting of the Governing Board, the Chairman shall preside but if absent, the members present at the meeting shall appoint one of them to preside at that meeting.
4. The minutes of the Board shall be recorded by the Secretary and signed by the Chairman or the person who presided at the meeting, after confirmation by the Board.
5. A quorum at a meeting of the Board shall be one-third of the total number of members.

## Convening of Meeting of the Board

6. The Chairman shall, at any time, if 5 other members request in writing, convene an emergency meeting of the Board, provided that not less than 48 hours' notice is given to members for the meeting.
7. Where the office of Chairman is at any time vacant, or the Chairman is absent from Nigeria or is in the opinion of the Board permanently or temporarily unable to perform the functions of the office, the Managing Director shall convene such meetings of the Board as are required during the period of vacancy, absence or otherwise.
8. The Board shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.
9. A question put before the Board at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.
10. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to the Chairman's deliberative vote.
11. Where the Board seeks the advice of any person on a particular matter, the Board may invite that person to attend its meeting for such period as it may deem fit provided that a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

## Committees

12. The Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine and report on any matter with which the Board is concerned.

13. A committee appointed under paragraph 13 of this Schedule shall be presided over by a member of the Board and shall consist of such number of persons (not necessarily all members of the Board) as, may be determined by the Board.
14. A person who is not a member of the Board shall hold office on the committee in accordance with his letter of appointment.
15. A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.
16. The application of the common seal of the Authority shall be authenticated by the signature of the Managing Director on behalf of the Authority.
17. A contract or an instrument which, if made or executed by any person not being a body corporate, and not required to be under seal, may be made or executed on behalf of the Authority by the Managing Director or by any person generally or specifically authorised to act for that purpose by the Board.
18. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Authority shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been properly signed or sealed.
19. The Minister, members of the Governing Board, the Managing Director and employees of the Ministry in charge of civil aviation and the Authority shall not control, manage or operate any air transport undertaking while in office.
20. Any of the persons specified in paragraph 18 of this Schedule, having a financial interest in any air transport undertaking shall make full disclosure of such interest to their respective appointing authorities.
21. The persons mentioned in paragraph 18 of this Schedule are prohibited from participating in any action or decision that may, whether directly or indirectly affect their financial interest in any air transport undertaking or other concern which the Authority proposes to carry out or with which the Authority proposes to make any contract or arrangement.
22. Any member of the Board or committee who has a personal interest in any arrangement entered into or proposed to be considered by the Board or any committee shall -
  - (a) disclose his interest to the Board or committee; and
  - (b) not vote on any question relating to the arrangement.
23. Miscellaneous
  - (a) any vacancy in the membership of the Board or its committees;
  - (b) reason that a person not entitled to do so took part in the proceedings; or
  - (c) any defect in the appointment of a member.

24. A resolution of the Board is valid, even though it is not passed at a meeting of the Board, where the -
- (a) the notice in writing of the proposed resolution was given to each member; and
  - (b) the resolution is signed or assented to by a majority of members of the Board, including the Managing Director.

*Question that the Provision in the Second 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 Aviation on A Bill for an Act to Repeal the Federal Airports Authority of Nigeria Act, Cap F5 Laws of the Federation of Nigeria, 2004; to Enact the Federal Airports Authority of Nigeria Act to Provide for the Effective Management of Airports in Nigeria; and for Related Matters, 2022 and approved as follows:

Clauses 1-45 — As Recommended

Schedules 1-2 — 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. **Witness Protection and Management Framework (Establishment) Bill, 2022 (SB. 641):**  
*Motion made:* That a Bill for an Act to Establish the legal and institutional framework to protect witnesses and related persons, with responsibilities for carrying out all administrative duties relating to witnesses in respect to disclosures made for public interest and for Other Related Matters Therewith, 2022 be read the Second Time (*Senator Suleiman A. Kwari — Kaduna North*).

*Debate:*

*Question put and agreed to.*

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

12. **Federal Polytechnic Shagamu (Establishment) Bill, 2022 (SB. 779):**  
*Motion made:* That a Bill for an Act to establish the Federal Polytechnic Shagamu to provide full-time courses in technology, applied sciences, management and other fields of studies and to make provisions for the General Administration and for Other Related Matters, 2022 be read the Second Time (*Senator Olalekan R. Mustapha — Ogun East*).

Debate:

Question put and agreed to.

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

13.

Adjournment:

Motion made: That the Senate do adjourn till Wednesday, 26<sup>th</sup> January, 2022 at 10:00 a.m. (Deputy Senate Leader).

Question put and agreed to.

Senate adjourned accordingly at 12:46 p.m.

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