



# SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

## VOTES AND PROCEEDINGS

Wednesday, 29<sup>th</sup> September, 2021

1. The Senate met at 11:06 a.m. The President of the Senate read prayers.
2. Votes and Proceedings:  
The Senate examined the Votes and Proceedings of Tuesday, 28<sup>th</sup> September, 2021.

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

3. **Message from Mr. President:**  
The President of the Senate announced that he had received a letter from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

*Confirmation of Appointment:*



**PRESIDENT**  
FEDERAL REPUBLIC OF NIGERIA

26<sup>th</sup> September, 2021

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

*Dear Distinguished Senate President,*

**APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER FOR THE BOARD  
OF THE NIGERIAN MIDSTREAM AND DOWNSTREAM PETROLEUM  
REGULATORY AUTHORITY**

*In accordance with the provision of section 34(3) of the Petroleum Industry Act 2021, I hereby forward for confirmation by the Senate the nomination of Eng. Farouk A. Ahmed as Chief Executive Officer of the Board of the Nigerian Midstream and Downstream Petroleum Regulatory Authority, as a replacement of Eng. Sarki Auwalu earlier forwarded. The Curriculum Vitae of the nominee is attached herewith.*

*While I trust that the Distinguished Senate will consider and confirm the nominee in the usual expeditious manner. Please accept, Distinguished Senate President, the assurances of my highest consideration.*

*Yours sincerely,  
(Signed)*

**Muhammadu Buhari**

**4. Personal Explanation:**

Rising on Order 43, Senator Uche L. Ekwunife (*Anambra Central*) drew the attention of the Senate to the gruesome murder of Dr. Chike Akunyili, husband of the former Director-General of National Agency for Food, Drugs Administration and Control (NAFDAC) and former Minister of Information, Professor Dora Akunyili on Tuesday, 28<sup>th</sup> September, 2021 at Afor Nkpor, Anambra State. She stated that Dr. Akunyili was the Medical Director of Saint Leo Hospital Enugu and an established academician who had contributed greatly to the development of healthcare in Nigeria. She said Dr. Akunyili went to Onitsha to present a paper and receive an award at the memorial lecture organized by a Civil Society Organisation in honour of his late wife and was attacked on his way home. She urged the Senate to observe a minute silence in his honour.

*One minute silence accordingly observed in honour of the deceased.*

**5. Matter of Urgent Public Importance:**

Rising on Orders 42 and 52, Senator Bala Ibn Na'allah (*Kebbi South*) drew the attention of the Senate on the need to streamline import and export cargo processing procedure in the Aviation Sector. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

*notes* the disturbing trend of multiple charges and delays in the processing of Import and Export cargo in Nigeria;

*aware* of the negative effect it has so far inflicted on our country and the economy;

*notes also* with dismay, the loss of about ₦250 billion on agro-export of produce in the country which as at today stands at a ratio of 87:13 by way of imbalance;

*aware* that there are different sundry charges for goods coming in or out of the country with 16 in Lagos and 15 in Abuja with many of them being unofficial and illegal;

*further notes* that transporting 100 tons of cargo by Aircraft costs approximately \$35,000 in Nigeria while it costs about \$4,000 to transport same in Ghana;

*aware* that this has caused substantial damage to the Federal Government's efforts of stimulating Capital Inflow into the country; and

*aware* that Airlines involved in cargo transport have started avoiding Nigeria in view of the prohibitive charges.

*The Senate accordingly resolves to:*

Mandate its Joint Committee on Trade and Investment; Aviation; and Customs, Excise and Tariff to invite stakeholders and Flight Agents to come with acceptable template of processing our Imports and Exports.

*Debate:*

***Proposed Resolution:***

*Question:* That the Senate do mandate its Joint Committee on Trade and Investment; Aviation; and Customs, Excise and Tariff to invite stakeholders and Flight Agents to come up with acceptable template of processing our Imports and Exports.

***Amendment Proposed:***

*Leave out* the Proposed Resolution and *insert* the following instead thereof:

“mandate its Joint Committee on Trade and Investment; Aviation; Customs, Excise and Tariff; and Agriculture and Rural Development to invite stakeholders and Flight Agents to come up with acceptable template of processing our Imports and Exports” (*Senator Abdullahi Adamu — Nasarawa West*).

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

*Resolved:*

That the Senate do mandate its Joint Committee on Trade and Investment; Aviation; and Customs, Excise and Tariff to invite stakeholders and Flight Agents to come up with acceptable template of processing our Imports and Exports (*S/Res/024/03/21*).

**6. Presentation of Bills:**

- (i) Petroleum Industry Act (PIA) (Amendment) Bill, 2021 (SB. 817) — *Read the First Time.*
- (ii) Federal University of Education Aguleri, Anambra State (Establishment) Bill, 2021 (HB. 1138) — *Read the First Time.*
- (iii) Act Authentication Act Cap A2 LFN 2004 (Amendment) Bill, 2021 (SB. 806) — *Read the First Time.*
- (iv) Federal Medical Centre Onitsha (Establishment) Bill, 2021 (SB. 814) — *Read the First Time.*
- (vi) Legal Practitioners Act Cap L11 LFN 2004 (Repeal & Re-enactment) Bill, 2021 (SB. 815) — *Read the First Time.*
- (vii) Nigerian Capital Development Fund (Establishment) Bill, 2021 (SB. 816) — *Read the First Time.*

**7. Executive Communication:**

***Confirmation of Nominations for Appointment as Commissioners in the Independent Corrupt Practices and other Related Offences Commission (ICPC):***

*Motion made:* That the Senate do consider the Request of Mr. President, Commander in Chief of the Armed Forces of the Federation on the confirmation of the nomination of the following persons for appointment as Commissioners in the Independent Corrupt Practices and Other Related Offences Commission:

<u>S/No.</u>	<u>Name</u>	<u>Zone</u>	<u>State</u>
1.	Dr. (Mrs) Mojisola Yaya-Kolade	South-West	Ekiti
2.	Anne Otelafu Odey (Mrs.)	South-South	Cross River
3.	Alh. Goni Ali Gujba	North-East	Yobe

- |    |                           |            |         |
|----|---------------------------|------------|---------|
| 4. | Dr. Louis Solomon Mandama | North-East | Adamawa |
| 5. | Senator Anthony O. Agbo   | South-East | Ebonyi  |

(Senate Leader)

*Question put and agreed to.*

*Request accordingly referred to the Committee on Anti-Corruption and Financial Crimes to report within two (2) weeks.*

**8. Executive Communication:**

*Confirmation of the Nomination of Engr. Mohammed Sani Baba representing Bauchi State for Appointment as Federal Commissioner in the Revenue Mobilization, Allocation and Fiscal Commission (RMAFC):*

*Motion made:* That the Senate do consider the Request of Mr. President, Commander in Chief of the Armed Forces of the Federation on the confirmation of the nomination of Engr. Mohammed Sani Baba representing Bauchi State for appointment as Federal Commissioner for Revenue Mobilization, Allocation and Fiscal Commission (*Senate Leader*).

*Question put and agreed to.*

*Request accordingly referred to the Committee on National Planning and Economic Affairs to report within two (2) weeks.*

**9. Motion:**

*Re-committal of some Clauses of the Federal University of Education, Kontagora (Establishment) Bill, 2021 to the Committee of the Whole:*

*Motion made:* That the Senate recalls that the Federal University of Education, Kontagora (Establishment) Bill, 2021 was passed by the Senate and the House of Representatives and was transmitted to the Clerk National Assembly for onward transmission to the President, Commander in Chief of the Armed Forces of the Federation for Assent;

*observes* that after critical examination of the Bill, the Directorate of Legal Services of the National Assembly observed some fundamental issues which require fresh legislative action on the following Clauses. i.e

- (a) Clause 10;
- (b) Clause 27(2); and
- (c) Insertion of new Clauses 27, 28 and 29;

*aware* that a Technical Committee of the Senate and House of Representatives and Directorate of Legal Services met and worked on the affected Clauses of the Bill; and

Relying on order 1(b) of Senate Standing Order.

*The Senate accordingly resolves to:*

Rescind its decision on the affected Clauses 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 Clauses 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 Clauses of the Bill as passed and re-commit same to the Committee of the Whole for re-consideration and passage (*S/Res/025/03/21*).

*Motion made:* Pursuant to Resolution No. (*S/Res/025/03/21*) that the Senate do resolve into Committee of the Whole to consider the Bill (*Senate Leader*).

*Question put and agreed to.*

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL UNIVERSITY OF EDUCATION, KONTAGORA; AND FOR OTHER MATTERS CONNECTED THEREWITH, 2021.

**Clause 10: General fund of the University.**

- (1) There shall be a general fund of the university which shall consist of the following:

**Amendment Proposed**

*Insert a sub-clause 10(1)(a) as follows:*

“Annual Appropriation from the Federal Government” and renumber accordingly (*Senator Aliyu S. Abdullahi — (Niger East)*).

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

- (a) grants-in-aid;
- (b) fees;
- (c) income derived from investments;
- (d) gifts, legacies, endowments and donations not accepted for a particular purpose;
- (e) income derived from the exercise of any functions conferred or imposed on the University by this Bill;
- (f) any other amounts, charges or dues recoverable by the University;
- (g) revenue, from time to time, accruing to the University by way of subvention;
- (h) interests on investments;
- (i) donations and legacies accruing to the University from any source for the general or special purposes of the University; and
- (j) regular TETFUND interventions.

- (2) The general fund shall be applied for the purposes of the University

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

**Clause 27: Savings and transitional provisions.**

- (1) The statutory functions, rights, interests, obligations, liabilities and properties of the Federal College of Education, Kontagora, existing before the commencement of this Bill under any contract, instrument, or in law or in equity, shall by virtue of this Bill be deemed to have been assigned to and vested in the University established under this Bill to the extent that they are not inconsistent with any of the provisions of this Bill.
- (2) All property held by or on behalf of the Provisional Council of the University shall, by virtue of this sub-section and without further assurance, vest in the University and be held by it for the purpose of the University.
- (3) The provisions of the Second Schedule to this Bill shall have effect with respect to, and to matters arising from, the transfer of property by this section and with respect to the other matters mentioned in that Schedule

***Committee's Recommendation:***

That the provision in Clause 27 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 28: Repeal.**

Paragraph (f) of the Federal Colleges of Education Act, Cap. F8, Laws of the Federation of Nigeria, 2004, is repealed

***Committee's Recommendation:***

That the provision in Clause 28 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 29: Proposal and recommendation.**

Where in any provision of this Bill it is laid down that the proposals are to be submitted or a recommendation is to be made by one authority or another through one or more intermediate authorities, it shall be the duty of every such intermediate authority to forward any proposal or recommendation received by it under that provision to the appropriate authority, but any such intermediate authority may, if it deems fit, forward same with its own comments

***Committee's Recommendation:***

That the provision in Clause 29 be retained (*Senate Leader*) — *Agreed to.*

*Question that Clause 29 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 Provide for the Establishment of the Federal University of Education, Kontagora; and for Other Matters Connected Therewith, 2021 and approved as follows:

Clauses 10 — As Amended

Clauses 27-29 — 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 Health (Secondary & Tertiary):**

*Report on the Federal College of Complementary and Alternative Medicine of Nigeria (Establishment) Bill, 2021 (SB. 394):*

*Motion made:* That the Senate do receive and consider the Report of the Committee on Health (Secondary & Tertiary) on the Federal College of Complementary and Alternative Medicine of Nigeria (Establishment) Bill, 2021 (SB. 394) (*Senator Yahaya I. Oloriegbe — Kwara Central*).

*Question put and agreed to.*

*Report Laid and presented.*

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

*Question put and agreed to.*

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE OF COMPLEMENTARY AND ALTERNATIVE MEDICINE OF NIGERIA ABUJA (FEDCAM) AND TO MAKE COMPREHENSIVE PROVISIONS FOR ITS ADMINISTRATION AND FOR RELATED MATTERS, 2021

**Clause 1: Establishment of the Federal College of Complementary and Alternative Medicine of Nigeria.**

- (1) There is established an Institution to be known as Federal College of Complementary and Alternative Medicine of Nigeria (FEDCAM) ABUJA (in this Bill referred to as "the College").
- (2) The College:
  - (i) shall be a body Corporate with perpetual succession and a common seal;

- (ii) shall be an unconventional Institution; and
- (iii) may sue or be sued in its corporate name.

***Committee's Recommendation:***

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

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

**Clause 2:      **Objects of the College.****

The objects of the College shall be to -

- (a) encourage the advancement of learning and to hold out all persons, without distinction of race, creed, sex or political conviction, the opportunity of acquiring a higher education in complementary and alternative medicine;
- (b) act as agent of catalyst, through training, research and innovation for the effective and economic utilization and conservation of complementary and alternative medicine;
- (c) develop and offer academic and professional programmes leading to the award of diplomas, higher National diplomas and other deserving certificates in the field of complementary and alternative medicine and other related courses;
- (d) offer academic programs in relation to the training of manpower in complementary and alternative medicine in Nigeria;
- (e) organize research relevant to training in complementary and alternative medicine;
- (f) organize extension services and out-reach programs for technology transfer;
- (g) establish institutions linkages in order to foster collaboration and integration of training, research and extension activities; and
- (h) do such things as may be appropriate to achieving the objects of the College.

***Committee's Recommendation:***

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

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

**Clause 3:      **Principal Officers of the College.****

- (1) The College shall consist of:
  - a. Chairman of the Governing Council;
  - b. Provost;



- c. Deputy Provost;
  - d. Registrar;
  - e. Bursar and Librarian;
  - f. Schools, departments and other teaching and research units;
  - g. Persons holding the offices constituted by the schedule to this Bill other than those mentioned in paragraphs (a) to (e) of this sub-section;
  - h. all students of the College; and
  - i. all other persons who are members of the College in accordance with provisions made by regulations in that behalf.
- (2) Schedule 1 to this Bill shall have effect with respect to the Principal Officers of the College therein mentioned.
- (3) Provisions shall be made by statute with respect to the constitution of the following bodies, namely, the Council, Congregation and Convocation.
- (4) The Proprietor of the College shall be the Federal Ministry of Health.

***Committee's Recommendation:***

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

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

**Clause 4: Powers and functions of the College.**

- (1) For the carrying out of its objects as specified in section 1 of this Bill, the College shall have power to -
- a. establish campuses, institutes, clinics, schools, study centres, extra-moral departments and other teaching and research units within the College as may from time to time seem necessary or desirable, subject to the approval of the Council.
  - b. hold examinations and grant National Diplomas, Higher National Diplomas and other certificates to persons who have pursued a course of study approved by the College and have satisfied such other requirements as may be specified by the College in the field of -
    - i. Acupuncture;
    - ii. Naturopathy;
    - iii. Indigenous Medicine;
    - iv. Homeopathy;

- v. Chiroprathy
  - vi. Unani-medicine; and
  - vii. other related health technology courses.
- c. issue and award fellowships, scholarships, exhibitions, bursaries, medals prizes and other titles;
  - d. ensure the discipline and welfare of students of the College;
  - e. demand and receive from any student or any other person attending the College for the purpose of instruction such fees as the College may from time to time determine, subject to the overall direction of the Council;
  - f. acquire, hold, grant, charge, or otherwise deal with or dispose of moveable or immovable property wherever situate;
  - g. accept gifts, grants, bequests, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attached thereto;
  - h. enter into contracts, establish trust, act as trustee, solely or jointly with any other persons, and employ and act through agents;
  - i. erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, and other buildings or things necessary or suitable or convenient for any of the objects of the College;
  - j. hold public lectures, and to undertake printing, publishing, book selling and production of remedies and other materials or products meant to improve the human health;
  - k. borrow, whether on interest or not and if need be upon the security of any or all of the property, moveable or immovable of the College, such moneys as the Council may from time to time, in its discretion find it necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
  - l. subject to any limitations or conditions imposed by law, invest any moneys appertaining to the College by way of endowment, whether for general or special purposes, and such other moneys as may not be immediately required for expenditure in any investment or securities or the purchase or improvement of land, with power from time to time to vary any such investment, and to deposit any money for the time being not invested, with any bank on deposit or current account;
  - m. affiliate with any university, research institute and other relevant agencies;

- n. engage in Herbal remedy Production;
  - o. do anything as authorized or required by this Bill or by regulations to do; and
  - p. do all such acts or things incidental to the foregoing powers as may advance the objects of the College.
- (2) Subject to the provisions of this Bill and of the regulations and without prejudice to Section 9 (2) of this Bill, the powers conferred on the College by subsection (1) above shall be exercised on behalf of the College by the Governing Council or in any other manner which may be authorized by regulation.

***Committee's Recommendation:***

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

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

**Clause 5: Composition of the Council.**

The Governing Council (hereinafter referred to as "the Council") shall consist of:

- (a) a Chairman;
- (b) the Provost;
- (c) the Deputy Provost; and
- (d) a representative of the Federal Ministry of Health not below the rank of Director;
- (e) two persons appointed by the Academic Board from among its members;
- (f) two representatives of the professional association;
- (g) two persons appointed by congregation from among its members;
- (h) a representative of the National Board for Technical Education; and
- (i) one person appointed by convocation from among its members.

***Committee's Recommendation:***

That the provision in Clause 5 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —  
*Agreed to.*

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

**Clause 6: Functions of the Chairman of the Governing Council.**

- (1) The Chairman shall, in relation to the College, take precedence before all other members of the College and when he is present shall preside at all meetings of convocation held for conferring National Diploma and Higher National Diplomas.

- (2) The Chairman shall exercise such other powers and perform such other duties as may be conferred or imposed on him by this Bill or the statute.

***Committee's Recommendation:***

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

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

**Clause 7: Functions of the Council.**

- (1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of the College, and shall be charged with the general control and superintendence of the policy, finance and property of the College.
- (2) The Council shall ensure that proper accounts of the College are kept and that the accounts are audited annually by an independent firm of auditors.
- (3) The Council shall meet as and when necessary for the performance of its functions under this Bill and shall meet at least three times in every year.
- (4) If request in writing by any five members of the council, the Chairman shall within 28 days after the receipt of such request call a meeting of the Council.
- (5) Any request made under sub section (4) of this section shall specify the business to be considered at the meeting and a business not so specified shall not be transacted at the meeting.
- (6) The Council may make rules for regulating its own procedure.

***Committee's Recommendation:***

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

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

**Clause 8: Functions of the Council and its Finance and General Purposes Committee.**

- (1) 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 College, and perform such other functions of the Council as the Council may, from time to time delegate to it.
- (2) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of the College and shall be charged with the general control and superintendence of the policy, finance and property of the College.
- (3) Provision shall be made by regulation with respect to the constitution of the Finance and General Purposes Committee.

- (4) The Council shall ensure that -
  - i. proper accounts of the College are kept;
  - ii. the accounts of the College are audited annually by an independent firm of auditors approved by the Council;
  - iii. an annual report shall be published by the College together with certified true copies of the said accounts as audited.
- (5) Subject to provisions of this Bill, the Council and the Finance and General Purposes Committee may make rules for regulating their own procedures.
- (6) Rules made under subsection (5) of this Section by the Finance and General Purposes Committee shall not come into force unless approved by the Council; and in so far as any rules so made by that Committee conflicts 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 respectively and of any other Committee set up by the Council an allowance in respect of travelling and other reasonable expenses, at such rates as may from time to time be determined by the Minister.
- (8) The Council shall meet as at when necessary for the performance of its functions under this Bill and shall meet three times in every year.
- (9) If requested in writing by any five members of the Council, the Chairman shall within 28 days after the receipt of such request call a meeting of the Council.
- (10) Any request made under subclause (9) of this clause shall specify the business to be considered at the meeting and a business not so specified shall not be transacted at the meeting.

***Committee's Recommendation:***

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

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

**Clause 9: The Academic Board and its functions.**

- (1) There shall be for the College an Academic Board (in this Bill referred to as 'the Board') whose function shall be to organize and control the teaching by the College, the admission and the discipline of students; and to promote research at the College.
- (2) Subject to Section 5 of this Bill and subsection (4) and (5) below, and to the provisions of this Bill, the general function of the Board shall be to:
  - (i) organize and control teaching in the College,

- (ii) ensure admission and promotion (where no other enactment provides to the contrary) of students;
  - (iii) discipline of students, and
  - (iv) promote research without prejudice to the generality of subsection (1) above.
- (3) The Board shall be responsible for the -
- a. establishment, organization and control of campuses, faculties, departments, institutes and other teaching and research units of the College and the allocation of responsibility of different branches of learning;
  - b. organization and control of courses of study at the College and of the examinations held in conjunction with those examiners, both internal and external;
  - c. award of diplomas and such other qualifications as may be prescribed, in connection with examinations held as aforesaid;
  - d. making of recommendation to the Council with respect to the award to any person of an honorary fellowship or honorary diploma;
  - e. establishment, organization and control of halls of residence and similar institution at the College;
  - f. supervision of the welfare of students at the College and the regulation of their conduct;
  - g. granting of fellowship, scholarship, prizes and similar awards in so far as the awards are within the control of the College and;
  - h. determining what description of dress shall be academic dress for the purpose of the College, and regulating the use of academic dress
- (4) The Board shall not establish any new campus, College, faculty, department, school, institute or other teaching and research units of the College, or any hall of residence or similar institution at the College without the approval of the Council;
- (5) Subject to this Bill, the Board may make regulations for the purpose of exercising any function conferred on it either by the foregoing provisions by of this subsection or otherwise or for the purpose of making provisions for any matter for which provision by regulations is authorized or required by this Bill.
- (6) Regulations shall provide that at least one of the persons appointed as the examiner at each final or professional examination held in conjunction with any course of study at the College is not a teacher of the branch of

learning to which the course relates at some other College of high repute.

- (7) Subject to a Right of Appeal to the Council from a decision of the Board under this subsection, the Council may deprive any person of any National Diploma, Higher National Diploma or other award of the College which has been conferred upon him if after due enquiry, he is shown to have been guilty of dishonourable or scandalous conduct in gaining admission into the College, or obtaining that award -

Provided that such a person, has been given adequate opportunity of defending himself or herself, against such allegation of misconduct.

***Committee's Recommendation:***

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

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

**Clause 10: Requirements for the post of Provost.**

- (1) There shall be a Provost of the College who shall be appointed by the President, in accordance with the provisions of this Section.
- (2) Where a vacancy occurs in the post of a Provost, the Council shall advertise for both internal and external reputable journal or newspaper.
- (3) The person must be a practitioner of complementary and alternative medicine with academic qualification of Ph.D or its equivalent plus PGDE in line with national policy on education.

**Selection Committee**

- i. There shall be, for the 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 the Academic Board; and
  - d. Two members of the Academic Board.

The functions, procedure and other matters relating to the election Committee constituted under subsection (i) of the section shall be as the Council may, from time to time determine.

***Committee's Recommendation:***

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

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

**Clause 11: Functions of the Provost.**

- (1) The Provost shall-
  - i. be the Chief Executive Officer (CEO) and academic officer and Chairman of the Academic Board of the College;
  - ii. take precedence before all other members of the College; and
  - iii. be the Chairman at all meetings of the Academic Board.
- (2) In the absence of the Provost, the Deputy Provost shall preside.

***Committee's Recommendation:***

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

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

**Clause 12: Functions of the Registrar.**

- (1) The Registrar shall in relation to the College, be responsible to the Provost, take orders and instructions from the Provost before all other members of the College.
- (2) Subject to sections 7, 8 and 14 of this Bill, the Registrar shall be the Secretary of the College, in addition to any other functions conferred on him by this Bill, of administering the College.
- (3) The Registrar shall perform other functions that may be assigned by to him by the Provost.

***Committee's Recommendation:***

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

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

**Clause 13: Other Employees of the College.**

- (1) The Council may appoint such other persons as the Council may determine to assist the Provost and the principal officers of the College in 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 National Salaries, Income and Wages Commission.

***Committee's Recommendation:***

That the provision in Clause 13 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — *Agreed to.*

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



**Clause 14: Salaries and Pensions.**

- (1) All staff of the College shall draw salary from the public fund in line with National Salaries and Wages Commission circular as it affects academic staff and non-academic staff in Tertiary institutions.
- (2) The age of Retirement of employees of the College shall be as applicable to other higher institutions and research centers.

**Committee's Recommendation:**

That the provision in Clause 14 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

**Clause 15: Pension.**

The service in the College shall be approved service for the purposes of the Pensions Act and, accordingly, officers and other persons employed in the College shall be entitled to pensions and gratuities in line with extant laws.

**Committee's Recommendation:**

That the provision in Clause 15 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

**Clause 16: Funding of the College.**

The College shall -

- a. receive funds directly from the budgetary allocation of the Federal Ministry of Health and from other national and international donor agencies;
- b. receive any other grants and funding for research and other support from TETFUND; and
- c. generate revenue from student enrolment, tuition fees and other lawful means.

**Committee's Recommendation:**

That the provision in Clause 16 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

**Clause 17: Transfer of Property etc. to the College.**

- (1) All property held by or on behalf of the Council by virtue of this subsection and without further assurance shall vest in the College and are to be held by it for the use of the College.
- (2) The provisions of Schedule 2 to this Bill shall have effect with respect to matters arising from the transfer of property by this section, and with respect to the other matters mentioned in that schedule.

***Committee's Recommendation:***

That the provision in Clause 17 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —  
*Agreed to.*

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

**Clause 18: Statutes of the College, Power of College.**

- (1) Subject to provisions of this Bill, the College may make regulations for any of the following purposes -
  - a. making provision with respect to the composition and constitution of any authority of the College;
  - b. specifying and regulating the powers and duties of any authority of the College, and regulating any other matter connected with College or any of its authorities;
  - c. regulating the admission of students where it is done by the College, and their discipline and welfare;
  - d. determining whether any particular matter is to be treated as an academic or a non-academic matter for the purposes of this Bill and of any statute, regulations, or other instrument made there under; or
  - e. making provision for any other matter authorized by this Bill.
- (2) Subject to Section 28 (6) of the Interpretation Act, Laws of the Federation of Nigeria 2004 shall apply in relation to any statute made under this section as it applies to a subsidiary instrument within the meaning of section 29 (1) of that Act.
- (3) The regulation contained in Schedule 3 of this Bill shall be deemed to have come into force on the commencement of this Bill, and shall be deemed to have been made under this section.
- (4) The power to make regulations conferred by this Section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the statute contained in Schedule 3 to this Bill or any subsequent regulation.

***Committee's Recommendation:***

That the provision in Clause 18 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —  
*Agreed to.*

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

**Clause 19: Mode of exercising power to make Regulations.**

- (1) The power of the College to make regulations shall be exercised in accordance with the provision of this section and not otherwise.
- (2) A proposed regulation shall not become law unless it has been approved

- a. at a meeting of Academic Board, by the votes of not less than two-third of the members present and voting; and
  - b. at a meeting of the Council, by the votes of not less than two-thirds of the members present and voting;
- (3) A proposed regulation may originate either in the Academic Board and may be approved as required by subsection (2) above by either one of those bodies before the other.
  - (4) A regulation which makes provision for or alters the composition or constitution of the Council, the Academic Board or any other authority of the College; or shall not come into operation unless it has been approved by the Minister.
  - (5) For the purpose of Section 1 (2) of the Interpretation Act 2004, a regulation shall be treated as being made on the date on which it is duly approved by Council after having been duly approved by Academic Board, as the case may be, or in the case of a regulation falling within subsection (4) of this section, on the date on which it is approved by the Minister.
  - (6) In the event of any dispute arising at any time -
    - (a) as to the meaning of any provision of a regulation; or
    - (b) as to whether any matter is for the purpose of this Bill an academic matter as they relate to such dispute, the matter may be referred to the Visitor, who shall take such advice and make such decision therein as he thinks fit.
  - (7) The decision of the Visitor on any matter referred to him under subsection (6) of this section shall be final and binding upon the authorities, staff and students of the College and where any question as to the meaning of any provision of a regulation has been decided by the Visitor under that subsection, the question as to the meaning of that provision shall not be entertained by any court of law in Nigeria.

***Committee's Recommendation:***

That the provision in Clause 19 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —  
*Agreed to.*

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

**Clause 20: Powers of the Council to Decide Meaning of Laws.**

- (1) In the event of any doubt or dispute arising at any time as to the meaning of any provision of this law, the matter may be referred to the Council who shall take such advice and make such decision thereof as it deems fit;
- (2) The decision of the Council on any matter referred to it under this section shall be binding upon the authorities, staff and students of the College;

- (3) The foregoing provisions of this section shall apply in relation to any doubt or dispute as to whether any matter is for the purposes of this Bill, academic or a non-academic matter as they apply in relation to any such and accordingly the references in subsection above to any question as to the meaning of any question as to whether any matter is for the said purposes an academic or a non-academic matter.

***Committee's Recommendation:***

That the provision in Clause 20 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

**Clause 21: Proof of Regulations.**

A regulation may be proved in any court by the production of a copy thereof or having affixed to it a certificate purporting to be signed by the Registrar to the effect that the copy is a true copy of a statute of the College.

***Committee's Recommendation:***

That the provision in Clause 21 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

SUPERVISION AND DISCIPLINE

**Clause 22: Visitation.**

- (1) The President shall be the Visitor to the College.
- (2) The Visitor shall as often as the circumstances may require, not being less than once every five years, conduct a visitation of the College or direct that such visitation be conducted by such person or persons as the Visitor may deem fit and in respect of any of the affairs of the College.
- (3) It shall be the duty of the bodies and person comprising the College to make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation.

***Committee's Recommendation:***

That the provision in Clause 22 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

**Clause 23: Removal of certain members of the Council.**

- (1) If it appears to the Council that a member of the Council (other than the Registrar or the Provost) should be removed from office on the ground of misconduct or inability to perform the functions of his office or employment, the Council shall make a recommendation to that effect through the Minister to the President after making such enquiry, if any, as may be considered appropriate, and if the President approves the

recommendation he may direct the removal of the person in question from office.

- (2) It shall be the duty of the Minister to use his best endeavour to cause of copy of the instrument embodying a direction under sub-section(1) of this section to be served as soon as reasonably practicable on the person to whom it relates.

***Committee's Recommendation:***

That the provision in Clause 23 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —  
*Agreed to.*

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

**Clause 24: Removal and Discipline of Academic Administrative and Technical 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 technical staff of the College (other than the Registrar or Provost), should be removed from his office or employment on the ground of misconduct or of inability to perform the functions of his office or employment, the Council shall:
- a. give notice of those reasons to the person in question;
  - b. afford him an opportunity of making representations in person on the matter to the Council and;
  - c. if he or any three members of the Council so request within the period of one month beginning with the date of the notice, make arrangements:
    - i. for a joint committee of the Council and Academic Board to investigate the matter and to report on it to the Council; and
    - ii. for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter; and if the Council, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, Council may so remove him by an instrument in writing signed on the directives of the Council.
- (2) The Provost may, in a case of misconduct by a member of the staff, which in the opinion of the Provost is prejudicial to the interests of the College, suspend such member. Any such suspension shall forthwith be reported to the Council.
- (3) For good cause, any member of staff may be suspended from his duties or his appointment may be terminated by the Council; and for the purpose of this subsection "good cause" means:-

- a. Conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
  - b. Any physical or mental incapacity which the Council after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office; or
  - c. Conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office; or
  - d. Conduct, which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.
- (4) Any person suspended pursuant to subsection (2) or (3) above shall be on half pay and the Council shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as to:
- a. whether to continue such person's suspension, and if so, on what terms including the proportion of emoluments to be paid to him;
  - b. whether to reinstate such person in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
  - c. whether to terminate the appointment of the person concerned, in which case such a person will not be entitled to the proportion of his emoluments withheld during the period of suspension; or
  - d. whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine; and
  - e. pursuant to this section, where the Council decides to continue a person's suspension, and decides to take further disciplinary action against a person, the Council shall before the expiration of a period of the three months from such decision come to a final determination in respect of the case concerning any such person's except that the 3-month rule will not hold if the person is interrupted by a court injunction for whatever reason.
- (5) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) above, to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

- (6) Nothing in the foregoing provisions of this section shall -
- a. apply to any directive given by the Visitor in consequence of any visitation; or
  - b. prevent the Council from making regulations for the discipline of other categories of staff and workers of the College as may be prescribed.

***Committee's Recommendation:***

That the provision in Clause 24 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

**Clause 25: Procedures for staff discipline.**

- (1) The Provost or Academic Board shall constitute an Investigation Panel to determine whether or not a prima facie case has been established against any member of staff.
- (2) The Investigation Panel shall include the President or the Chairman of the union to which the staff being investigated belongs.
- (3) The Provost shall constitute a Staff Disciplinary Committee which shall consist of such members of the Academic Board as he may determine, to consider the report of the Investigation Panel.
- (4) The report and recommendations of the Staff Disciplinary Committee shall be forwarded to the Council for consideration and decision.

***Committee's Recommendation:***

That the provision in Clause 25 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

**Clause 26: Appointment of external examiners.**

External examiners shall be appointed by the Academic Board.

***Committee's Recommendation:***

That the provision in Clause 26 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

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

**Clause 27: Removal of examiners.**

- (1) If, on the recommendation of the Academic Board, it appears to the Provost that a person appointed as an Examiner for any examination of the College ought to be removed from his office or appointment, then except in such cases as may be prescribed, the Provost may, after affording the Examiner an opportunity of making representations in person on the matter, remove the examiner from the office or appointment by an instrument in writing signed by the Provost.
- (2) Subject to the provisions of regulations made in pursuance of Section 22 (5) of this law, the Provost may, on the recommendation of the Academic Board remove a person as examiner in pursuance of this subsection.
- (3) It shall be the duty of the Provost, on signing an instrument of removal in pursuance of this section, to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

***Committee's Recommendation:***

That the provision in Clause 27 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —  
*Agreed to.*

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

**Clause 28: Discipline of Students.**

- (1) Subject to the provision of this section, where it appears to the Provost that any student of the College has been found guilty of misconduct, the Registrar may, without prejudice to any other disciplinary powers, direct that the -
  - a. 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 may be so specified; or
  - b. activities of the student shall, during such period as may be specified in the direction, be restricted in such manners as may be so specified, or
  - c. student be restricted for such period as may be specified in the direction; or
  - d. student be expelled from the College.
- (2) Where a direction is given under subsection (1) (c) or (d) above in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal from the direction to the Council and, where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manners as the Council thinks fit.



- (3) The fact that an appeal from a direction is brought pursuant to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending.
- (4) The Provost may delegate his powers under this section to a Disciplinary Committee consisting of such members of the College as he may nominate.
- (5) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the College other than on the ground of misconduct or very poor academic performance, or both.
- (6) A direction under subsection (1) (a) of this section may be combined with a direction under subsection 1 (b) of this section.
- (7) No staff or student shall resort to a law court without proof of having exhausted all avenues for settling disputes or grievances or for seeking redress.

***Committee's Recommendation:***

That the provision in Clause 28 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —  
*Agreed to.*

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

MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS

**Clause 29: Exclusion of Discrimination on Account of Race, Religion etc.**

- (1) Pursuant to section 2 (a), 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 or of family origin, or religious or political persuasion, as a condition of becoming or continuing to be student at the College, the holder of any degree of the College, or a member of anybody established by virtue of this law, and no person shall be subjected to any disadvantage or accorded any advantage in relation to the College, by reference to any of those matters.
- (2) Nothing in sub-section (1) above shall be construed as preventing the College from imposing any disability or restriction on any of the aforementioned persons where such person willfully refuses or fails on ground 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 pertaining thereto, in the opinion of the College is reasonably justifiable.

***Committee's Recommendation:***

That the provision in Clause 29 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —  
*Agreed to.*

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

**Clause 30: Restriction on Disposal of Land by the College.**

Without prejudice to the provision of the Land Use Act 1978, the College shall not dispose of or charge any land or an interest in any land (including any land transferred to the College by this law except with the prior written consent either general or special, of the Council.

***Committee's Recommendation:***

That the provision in Clause 30 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —  
*Agreed to.*

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

**Clause 31: Quorum and Procedure of Bodies Established by this Law.**

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

***Committee's Recommendation:***

That the provision in Clause 31 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —  
*Agreed to.*

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

**Clause 32: Appointment of Committees etc.**

- (1) Without prejudice to the generality of the powers to appoint a committee, anybody of persons established by this Bill, which need not consist exclusively of members of that body, shall authorize a committee established by it to:
  - a. exercise, on its behalf such of its functions as it may determine;
  - b. co-opt members, who shall be entitled to vote in that committee.
- (2) Any two or more of such bodies may arrange for the holding of joint meetings of those bodies, or for the appointment of committees consisting of members within the competence of those bodies or any of them, and either of dealing with it or of reporting on it, to those bodies or any of them.
- (3) Except as may be otherwise provided by statute or by regulations, the quorum and procedure of a committee established or meeting held in pursuance of this section shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.

- (4) Nothing in the foregoing provisions of this section shall be construed as:
- a. enabling laws to be made otherwise than in accordance with section 18 of this Bill, or
  - b. enabling Academic Board to empower any other body to make regulations or to award degrees or other qualifications.
- (5) The Provost and the Registrar 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 Registrar shall be a member of every committee of which the members are wholly or partly appointed by the Council.

*Committee's Recommendation:*

That the provision in Clause 32 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —  
*Agreed to.*

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

**Clause 33: The Seal of the College.**

- (1) The seal of the College shall be such as may be determined by the Governing Council and approved by the Provost and the affixing of the seal shall be authenticated by any member of the Council and by the Provost, Secretary to the Council or any other person authorized under this Bill.
- (2) Any document purporting to be a document executed under the seal of the College 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 on behalf of the College by any person generally or specially authorized to do so by the Council shall be deemed to have been executed on behalf of the College.
- (4) The validity of any proceeding of anybody established in pursuance of this law shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reasons 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 propose to be considered by that body shall forthwith disclose his interest to the body and shall not vote on any question relating to that matter.
- (6) Any notice or other instrument authorized to be served by virtue of this law may, without prejudice to any other mode of service, be served by post.

*Committee's Recommendation:*

That the provision in Clause 33 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —  
*Agreed to.*

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

**Clause 34: Interpretation.**

In this Bill -

"Academic Board" means the Board of the College established pursuant to Law;

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

"College" means the Federal College of Complementary and Alternative Medicine of Nigeria (FEDCAM), Abuja.

"Council" means the Council established by for the College under this Bill;

"Governing Council" means the Council established for the College under this Bill;

"Graduate" means a person whom a degree (other than an honorary degree) has been conferred by the College;

"Law" means Act, regulation, or statute;

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

"Notice" means notice in writing;

"Officer" does not include the Visitor;

"Property" includes rights liabilities and obligations;

"Regulations" means regulations made by the Academic Board or Governing Council;

"Senior Lecturer" means a person designated as such in accordance with provision made in that behalf by regulations;

"Study center" means any center, which may be established by the College;

"Undergraduate" means a person in statu-pupillari at the College, other than -

1. a graduate; and
2. a person of such description as may be prescribed for the purpose of this definition;

*Committee's Recommendation:*

That the provision in Clause 34 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —  
*Agreed to.*

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

**Clause 35: Short Title.**

This Bill may be cited as the Federal College of Complementary and Alternative Medicine (FBDCAM) (Establishment) Bill 2021.

*Committee's Recommendation:*

That the provision in Clause 35 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —  
*Agreed to.*

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

## SCHEDULE 1

## Section 3 (2)

## The Provost

1. (1) The Provost shall be appointed or removed by the President.
- (2) Subject to the provisions of this Bill, the Provost shall hold office for a single term of five (5) years beginning with the date of his appointment.

## The Deputy Provost shall -

2. (1) perform all the functions of the Provost in the absence of the Provost.
- (2) assist the Provost in the day to day running of the college.

## Registrar

3. (1) Subject to the provisions of this paragraph, the Registrar shall be appointed or removed from office by Council.
- (2) The Registrar shall hold office for a single term of four (4) years, renewable for another term only.
- (3) Subject to this paragraph, the Registrar shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment.

## The Registrar

4. (1) The Registrar is the Chief Administrative Officer of the College and shall be responsible to the Provost for the day to day running of the College.
- (2) The Registrar by virtue of the office, shall be the Secretary to the Governing Council, Academic Board, Congregation and Convention. He shall advise on the technical issues on Personnel Management and regulations on the College.

## The Bursar

5. (1) The Bursar is the Chief Finance Officer of the College and shall be responsible to the Provost for the day to day financial control and financial management of the College.
- (2) He shall also from time to time provide expert advice on issues of investments to generate revenue as well as disbursement of funds.

## The College Librarian

6. (1) The College Librarian is responsible for the administration of the College library including the co-ordination of the Library services in all departments and other teaching and research units of the College.
- (2) He shall be directly responsible to the Provost.
- (3) The librarian shall ensure proper utilization of the budgetary allocations to the Library for development.

## Resignation and Re-appointment

7. (1) Any officer mentioned in the forgoing provisions of this Schedule may resign his office:
- a. in the case of Provost and Registrar, by notice to the Governing Council.
- b. in any other case by notice to the Provost who shall immediately notify the Governing Council of the College.
- (2) A Principal Officer other than the Registrar who has ceased to hold an office otherwise than by removal for misconduct shall be eligible for consideration for re-appointment to that office.

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

## SCHEDULE 2

*Section 18 (2)*

## TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS ETC.

Without prejudice to the generality of section 15 (1) of this Bill:

- (a) the reference in that subsection on property held by the Governing Council shall include a reference to the right to receive and give a good discharge for any grants or contributions which may have been voted or promised to the College; and
- (b) all outstanding debts and liabilities of the Governing Council shall become debts and liabilities of the College.
1. All agreements, contracts, deeds and other instruments to which the Governing Council was a party shall, so far as possible and subject to any necessary modifications, have effect as if the College had been a party thereto in place of the Governing Council.

2. Documents not falling within sub-paragraph (1) above, including enactments, which refer whether specially or generally to the Governing Council shall be construed in accordance with that sub-paragraph so far as applicable.
3. Any legal proceeding or application to any authority pending by or against the Governing Council may be continued by or against the College.
4. The persons who were members of Academic Board immediately before the coming into force of this enactment shall be deemed to constitute the Academic Board of the College until the date when the College as set up under the schedule to this law shall have duly constituted.

*Question that Provision of 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 to considered the Report of the Committee on Health (Secondary & Tertiary) on the Federal College of Complementary and Alternative Medicine of Nigeria (Establishment) Bill, 2021 and approved as follows:

Clauses 1-35 — 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. Petroleum Industry Act (Amendment) Bill, 2021 (SB. 817):**

*Motion made:* Pursuant to Order 79(1) that A Bill for an Act to Amend the Petroleum Industry Act (PIA) to make changes in the Administrative Structure to address the principle of balanced geopolitical representation in Nigeria and for Other Related Matters, 2021 be read the Second Time (*Senate Leader*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committees on Downstream Petroleum Sector; Petroleum Resources (Upstream); and Gas to report within four (4) weeks.*

12. **Chartered Institute of Electrical and Electronic Engineering of Nigeria (Establishment) Bill, 2021 (SB. 741):**

*Motion made:* That A Bill for an Act to Provide for the Establishment of the Chartered Institute of Electrical and Electronic Engineering of Nigeria to certify, regulate and determine the standards of knowledge and practice to be attained by persons seeking to become Chartered Electrical and Electronic Engineering Personnel and for Related Matters, 2021 be read the Second Time (*Senator Sadiq S. Umar — Kwara North*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee on Establishment and Public Service to report within four (4) weeks.*

13. **Federal College of Agriculture, Shani, Borno State (Establishment) Bill, 2021 (SB. 732):**

*Motion made:* That A Bill for an Act to Establish the Federal College of Agriculture, Shani, Borno State to provide full-time courses of Agriculture teaching, instruction and training in the sciences, social sciences, commerce, arts, applied sciences, management and humanities; and carry out research, innovation, development and adaptation of teaching techniques, and for Other Related Matters, Bill, 2021 be read the Second Time (*Senator Mohammed A. Năume — Borno South*).

*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.*

14. **National Rural Employment Guarantee Bill, 2021 (SB.747):**

*Motion made:* That A Bill for an Act to provide for the enhancement of livelihood security of the households in rural areas of the country by providing at least one hundred days of guaranteed wage employment in every financial year to every household whose adult members volunteer to do unskilled manual work and for Matters Connected Therewith, 2021 be read the Second Time (*Senator Mohammed S. Musa — Niger East*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee on Agriculture and Rural Development to report within four (4) weeks.*

15. **Small Holders Farmers (Protection) Bill, 2021 (SB. 685):**

*Motion made:* That A Bill for an Act to Protect and Empower Small Holders Farmers through strengthening their capacity, and to protect them from land grabbing and Other Related Matters, 2021 be read the Second Time (*Senator Muhammad E. Bima — Niger South*).



*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee on Agriculture and Rural Development to report within four (4) weeks.*

**16. Motion:**

***Banditry in Sokoto State particularly Sokoto East Senatorial District:***

*Motion made:* The Senate notes that Sokoto East Senatorial District has now become a safe haven for bandits due to the current crackdown taking place in Zamfara State;

*concerned* that on Saturday, 25th September, 2021, twenty one (21) Security Personnel were killed in Dama and Gangara villages by rampaging bandits, 15 of them Soldiers, 3 Mobile Police and 3 members of the Nigerian Security and Civil Defence Corps; in addition to yet to be ascertained number of civilians from the neighboring Villages. This has gone to portray the seriousness of the problem which requires concerted and urgent action by the declaration of total war on banditry;

*worried* that losing such number of trained Security Personnel will further deplete the numerical strength of the Security Personnel we have in the Country, thereby jeopardizing the security architecture of the country;

*further worried* that most of the bandits have now relocated to Sabon Birni and Isa Local Governments due to the sustained military operations at the Zamfara axis;

*concerned* that while the crackdown on the bandits was taking place in Zamfara State, no concrete measures have been taken in Sokoto State leaving it totally exposed to the activities of the Bandits; and

*further worried* that the present military onslaught on the bandits is not well co-ordinated because it is only being orchestrated in Zamfara State instead of all the front line States ravaged by banditry, i.e. Sokoto, Katsina, Niger and Kaduna States. The operation should be holistic instead of restrictive in order to produce effective and the desired results.

*The Senate accordingly resolves to:*

- (i) observe a minute of silence in honour of the fallen heroes and civilians who lost their lives in the unwholesome activities of the bandits;
- (ii) urge the President and the Commander in Chief to:
  - a. declare the Bandits as Terrorists and wage total war against them, including bombing all their locations to annihilate and eliminate them;
  - b. declare all the known leadership of the bandits wanted and track them wherever they are for arrest and prosecution; and
  - c. direct NEMA and other relevant Federal Government Agencies to as a matter of urgency give all the necessary support to the victims of the menace of banditry in Sokoto and other parts of the country (*Ibrahim A. Gobir — Sokoto East*).

*Debate:*

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

*Question:* That the Senate do observe a minute of silence in honour of the fallen heroes and civilians who lost their lives in the unwholesome activities of the bandits — *Agreed to.*

***Proposed Resolution (ii):***

*Question:* That the Senate do urge the President and the Commander in Chief to:

- a. declare the Bandits as Terrorists and wage total war against them, including bombing all their locations to annihilate and eliminate them;
- b. declare all the known leadership of the bandits wanted and track them wherever they are for arrest and prosecution; and
- c. direct NEMA and other relevant Federal Government Agencies to as a matter of urgency give all the necessary support to the victims of the menace of banditry in Sokoto and other parts of the country — *Agreed to.*

***Additional Proposed Resolution:***

*Insert Additional Proposed Resolution as follows:*

“That the Senate do urge the Ministry of Humanitarian Affairs, Disaster Management and Social Development to immediately address the dire humanitarian crisis related to the activities of the bandits in the affected areas” (*Senator Mohammed A. Ndume — Borno South*).

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

***Extension of Time:***

*Motion made:* That the Senate do sit this day beyond the time appointed for the termination of the Sitting of the Senate (Order 13) (*Senate Leader*).

*Question put and agreed to.*

*Resolved:*

That the Senate do:

- (i) observe a minute of silence in honour of the fallen heroes and civilians who lost their lives in the unwholesome activities of the bandits;
- (ii) urge the President and the Commander in Chief to:
  - a. declare the Bandits as Terrorists and wage total war against them, including bombing all their locations to annihilate and eliminate them;
  - b. declare all the known leadership of the bandits wanted and track them wherever they are for arrest and prosecution;
  - c. direct NEMA and other relevant Federal Government Agencies to as a matter of urgency give all the necessary support to the victims of the menace of banditry in Sokoto and other parts of the country; and

- (iii) urge the Ministry of Humanitarian Affairs, Disaster Management and Social Development to immediately address the dire humanitarian crisis related to the activities of the bandits in the affected areas (*S/Res/026/03/21*)

17. **Federal Road Authority Bill, 2021 (HB. 362) - Concurrence:**

*Motion made:* That A Bill for an Act to Repeal the Federal Roads Maintenance Agency (Establishment, etc.) Act, 2002 (as amended), the Federal Highways Act, 1971 and the control of advertisement Federal High Ways Act, 1986 and Enact the Federal Roads Bill for establishment of Federal Roads Authority, the framework for private sector participation, and for Related Matters, 2021 be read the Second Time (*Senate Leader*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee of the Whole.*

*Motion made:* Pursuant to Order 81, that the Senate do resolve into the Committee of the Whole to consider A Bill for an Act to Repeal the Federal Roads Maintenance Agency (Establishment, etc.) Act, 2002 (as amended), the Federal Highways Act, 1971 and the control of advertisement Federal High Ways Act, 1986 and Enact the Federal Roads Bill for establishment of Federal Roads Authority, the framework for private sector participation, and for Related Matters, 2021 (*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 ROADS MAINTENANCE AGENCY (ESTABLISHMENT, ETC.) ACT, 2002 (AS AMENDED), THE FEDERAL HIGHWAYS ACT, 1971 AND THE CONTROL OF ADVERTISEMENT FEDERAL HIGH WAYS ACT, 1986 AND ENACT THE FEDERAL ROADS BILL FOR ESTABLISHMENT OF FEDERAL ROADS AUTHORITY, THE FRAMEWORK FOR PRIVATE SECTOR PARTICIPATION, AND FOR RELATED MATTERS, 2021

**Clause 1: Objectives.**

- (1) The objectives of this Bill are to—
- (a) establish the Federal Roads Authority to perform the functions set out in accordance with the provisions of this Bill;
  - (b) manage the Federal Roads Network so that it is safe and efficient, with a view to meeting the socio-economic demands of the country;
  - (c) promote the sustainable development and operation of the road sector;

- (d) facilitate the development of competitive markets and the promotion of enabling environment for private sector participation in the development, financing, maintenance and improvement of roads in Nigeria; and
- (e) provide for the regulation of the road sector by an independent regulator.

**Application.**

- (2) The provisions of this Bill shall apply to the development, funding, management and administration of Federal Roads in Nigeria.

**Committee's Recommendation:**

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 2: Establishment of the Federal Roads Authority.**

- (1) There is established a body to be known as the Federal Roads Authority (in this Bill referred to as the "Authority") which shall be responsible for the asset management and works (development, rehabilitation, maintenance and road safety works) on Federal Roads in Nigeria.
- (2) The Authority shall be a body corporate:—
  - (a) with perpetual succession and a common seal;
  - (b) may sue or be sued in its corporate name; and
  - (c) may own, hold or dispose of property whether movable or immovable.
- (3) The Headquarters of the Authority shall be situated in the Federal Capital Territory, Abuja and the Authority may establish and maintain operational offices and base camps in other parts of the Federation for the purpose or the management of Federal roads.

**Committee's Recommendation:**

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 3: Governing Board of the Authority.**

- (1) There is established for the Authority a Governing Board (in this Bill referred to as Governing Board 'the Board') which shall be responsible for policy formulation for the Authority and superintending over the affairs of the Authority.

- (2) The Board shall consist of the following members:—
- (a) a non-Executive Chairman;
  - (b) six (6) non-executive members from the private sector who shall possess professional experience relevant to the sector, with one person to be appointed from each of the six geopolitical zones;
  - (c) one representative each of the following Ministries and Agencies not below the rank of a Deputy Director:—
    - (i) Federal Ministry responsible for Roads,
    - (ii) Federal Ministry of Finance,
    - (iii) Federal Road Safety Commission,
    - (iv) Nigerian Society of Engineers and the Nigerian Institution of Highway and Transportation Engineers jointly; and
  - (d) the Managing Director of the Authority appointed under the provisions of section 10 of this Bill;
  - (e) two (2) Executive Directors appointed under the provisions of section 10 of this Bill.
- (3) The Authority's Board shall be responsible to the Minister responsible for roads.
- (4) The Supplementary Provisions set out in the Schedule 1 to this Bill shall have effect with respect to the proceedings of the Board and other matters contained therein.

*Committee's Recommendation:*

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 4: Appointment and Qualification of Board Members.**

- (1) The Chairman and other members of the Board, other than the Managing Director and the two (2) Executive Directors, shall be non-executive and appointed on part-time basis by the President on the recommendation of the Minister.
- (2) The Chairman and members of the Board including the Managing Director and the two (2) Executive Directors, shall be persons of proven integrity and recognized expert knowledge.

- (3) The Chairman and other members of the Board shall have requisite qualification and with not less than ten (10) years cognate professional experience in one or more of the following fields:—
- (a) civil engineering or other relevant engineering disciplines;
  - (b) construction management;
  - (c) infrastructure asset management;
  - (d) transport management technology;
  - (e) infrastructure financing;
  - (f) corporate management;
  - (g) law;
  - (h) finance;
  - (i) accountancy; or
  - (j) economics.

***Committee's Recommendation:***

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 5: Exemption.**

A person shall not be a member of the Governing Board of the Authority if he is already a member of the Governing Board of the National Roads Fund established under the National Road Fund Act.

***Committee's Recommendation:***

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 6: Tenure and removal office of a board member.**

- (1) A Non-Executive Member of the Board shall hold office:—
- (a) for a term of four (4) years in the first instance and may be reappointed for a further term of four (4) years and no more; and
  - (b) on such terms and conditions as may be specified in the letter of appointment.
- (2) A person shall cease to hold office as a member of the Board where:—
- (a) he becomes bankrupt;

- (b) he is convicted of a felony or any offence involving dishonesty or fraud;
- (c) he becomes of unsound mind or is incapable of carrying out his duties;
- (d) he is guilty of a serious misconduct in relation to his duties;
- (e) he is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority;
- (f) if he resigns his appointment by a letter addressed to the President through the Minister responsible for Roads;
- (g) the President is satisfied that it is not in the interest of the Authority or of the public for the person appointed to continue in office; or
- (h) in the case of an ex-official member, he ceases to hold the office on the basis of which he became a member of the Board.

***Committee's Recommendation:***

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 7: Functions of the Board.**

The Board shall have overall control of the Authority and serve the purpose of ensuring good corporate governance and achieving the objectives of the Authority including providing guidelines for the implementation of government policy, performance monitoring, develop and approve organizational processes, schemes of service and regulations and approve appointments for the effective discharge of the functions of the Authority under this Bill and ensure harmonious professional and working relationships between the management of the Authority and the Ministry or any other relevant agency.

***Committee's Recommendation:***

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 8: Cessation of office.**

Where a member of the Board ceases to hold office for any reason whatsoever before the expiration of the term for which he is appointed another person representing the same interest as that member shall be appointed to the Board for the unexpired term.

*Committee's Recommendation:*

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 9: Emoluments.**

The Chairman and members of the Board shall be paid such allowances or incidental Emoluments, expenses as determined by the National Salaries, Incomes and Wages Commission in accordance with extant laws and regulations.

*Committee's Recommendation:*

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 10: Appointment of the Managing Director and Executive Directors.**

- (1) There shall be for the Authority, a Managing Director to be appointed by the President on the recommendation of the Minister.
- (2) The Managing Director shall be:—
  - (a) the Chief Executive and accounting officer of the Authority;
  - (b) responsible for the day-to-day administration of the Authority;
  - (c) responsible for the supervision of all other employees of the Authority and subject to such restrictions as the Board may impose, for disposing all questions relating to the service of the employees, their pay, allowances and privileges;
  - (d) responsible for matters concerning the accounts and records of the Authority;
  - (e) appointed for a term of five (5) years in the first instance and may be re-appointed for a further term of five (5) years and no more; and
  - (f) a person who possesses adequate professional qualifications, skills and experience with a minimum of a degree in Civil Engineering and registered by the Council for the Regulation of Engineering in Nigeria (COREN) to practice as an engineer with not less than fifteen (15) years cognate professional experience.
- (3) (a) There shall be appointed for the Authority, two (2) Executive Directors to assist the Managing Director in the performance of his functions to be appointed by the President on the recommendation of the Minister under this Bill.



- (b) An Executive Director shall be:—
- (i) appointed on such terms and conditions, as may be specified in his letter of appointment for a term of five (5) years in the first instance and may be re-appointed for a further term of five (5) years and no more;
  - (ii) in charge of Engineering and Operations; and in charge of Finance and Administration who shall be responsible to the Managing Director and the Board;
- (c) (i) A person who possesses adequate professional qualifications, skills and experience with a minimum of a degree in Civil Engineering and registered by the Council for the Regulation of Engineering in Nigeria (COREN) to practice as an Engineer with not less than ten (10) years cognate professional experience.
- (ii) The persons with Finance and Administration professional qualification shall head the Finance and Administration Departments.

***Committee's Recommendation:***

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 11: Removal of Managing Director or Executive Director.**

- (1) The Managing Director or an Executive Director may be suspended or removed from office by the President if he:—
- (a) has demonstrated inability to effectively perform the duties of his office;
  - (b) has been absent from five consecutive meetings of the Board without the consent of the Chairman, unless he shows good reason for such absence;
  - (c) is guilty of serious misconduct in relation to his duties;
  - (d) is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority; or
  - (e) is incapable of carrying out the functions of his office either arising from infirmity of mind or body.
- (2) The Managing Director and Executive Directors shall not be removed from office except in accordance with the provisions of this Bill.

*Committee's Recommendation:*

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 12: Secretary and Other Staff of the Authority.**

- (1) The Board shall appoint a Secretary who shall be the Head of the Legal Department of the Authority, to keep the corporate records of the Authority and undertake such other functions as the Board may from time to time direct.
- (2) The Secretary shall possess adequate professional qualifications, skills and experience as a legal practitioner with not less than 10 years cognate experience.
- (3) Subject to section 31 (2) of this Bill the Authority shall employ such other number of persons as it considers necessary for the exercise of its powers and performance of its functions under this Bill.
- (4) The Board shall determine the terms and conditions of service of the members of staff of the Authority and shall in consultation with the National Salaries, Incomes and Wages Commission, review the remuneration and allowances payable to the employees of the Authority, from time to time.

*Committee's Recommendation:*

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 13: Service in the authority to be pensionable.**

- (1) Service in the Authority is pensionable under the Pension Reform Act and accordingly, officers and other, persons employed in the authority shall be entitled to pension and other retirement benefits in respect of their service in the Authority as prescribed in that Act.
- (2) Notwithstanding the provisions of sub-section (1) of this section, nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude a grant of a pension or other retirement benefits in respect of that office.
- (3) For the purposes of the application of the provisions of the Pensions Reform Act, any power exercisable by the Minister or other authority of the Government of the Federation, other than the power to make regulations under the Pensions Reform Act, hereby vested in and shall be exercisable by the Authority and not by any other person or authority.

- (4) Employees who join the staff of the Authority from the Civil Service shall have all existing and outstanding Civil Service emoluments and pension entitlements transferred from their existing Service to the Authority at the time of appointment.

***Committee's Recommendation:***

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 14: Functions of the Authority.**

Subject to the provisions of this Bill and the functions and powers of any Regulatory Agency on the roads sector as provided for under this Bill or in any other Act, the Authority shall:—

- (a) own and manage Federal Road assets in accordance with the provisions of this Bill;
- (b) ensure the efficient and effective construction, rehabilitation, reconstruction and maintenance of all Federal roads;
- (c) enter into Private Sector Participation agreements including concessions and other forms of contracts as well as the issuance of permits and licences relating thereto to any person for the purpose of executing road Private Sector Participation agreements and other forms of contracts with any person authorized for the purpose of executing relevant projects provided that the grant of a Private Sector Participation agreement shall be subject to public procurement rules as approved by the Federal Government from time to time and in accordance with the relevant laws and regulations for the procurement and operation of Private Sector Participation agreements;
- (d) develop, determine and be responsible for the classification of roads and technical regulation of roads including the specifications, design, standards on road development;
- (e) make policy recommendations to the Federal Government on matters relating to the management, construction, rehabilitation, reconstruction and maintenance of Federal roads;
- (f) carry out the procurement and enter into contracts for road works of any type with local entities with the aim of developing, encouraging, and enabling the growth of the Nigerian road contracting market and building the capacity of the private contracting sector;
- (g) carry out periodic maintenance and emergency repair of roads in accordance with policy priorities, Tolling Road Maintenance and Development Plans, National Roads Fund disbursements and as the Authority may in its discretion determine;

- (h) plan and manage the development of road safety technical designs, standards and audit in collaboration with any regulatory, enforcement or other authority or agency with the responsibility for roads and road safety;
- (i) plan and develop strategies to assist the relevant agencies towards ensuring efficient and effective movement of traffic on the Federal Road Network and ensure their implementation;
- (j) liaise and consult with any regulatory, enforcement or other authority or agency with responsibility for roads and road safety and other relevant Ministries, Departments and Agencies;
- (k) work in partnership with similar agencies at the state and local government levels by providing policy advice, guidance and technical support for the efficient and effective management, rehabilitation, reconstruction and maintenance of National road networks;
- (l) prescribe measures for preventing damage however caused by any person to any road or any part thereof and for recovering, in full or in part, the cost of repairing the damage from such person or his insurers;
- (m) ensure effective monitoring of the conditions of all Federal Roads for the purposes of timely implementation of road maintenance, rehabilitation and development programmes;
- (n) develop and utilize an appropriate Road Asset Management System for the day to day and strategic planning and evidence based reporting processes of the Authority;
- (o) prepare and publish evidence based performance reports on the Authority's projects funded by the National Roads Fund and any other funding sources or other donors;
- (p) publish periodic reports of the activities, projects, contracts, plans, performance and achievements of the Authority and the condition of the Federal Road Network and make the reports available to the general public to ensure transparency and probity;
- (q) advise the Minister and any regulatory, enforcement or other authority agency with responsibility for roads and road safety:—
  - (i) on the specifications, design, standards and classification of roads and the prohibition of any act that may lead to damage to roads;
  - (ii) on the types, sizes, and usage of vehicles on national roads and the laden and axle weight of vehicles for the purpose of protecting national roads from damage;

- (iii) on appropriate and effective methods of enforcing road traffic legislation for the purposes of preventing damage to roads and promoting road safety;
  - (iv) on appropriate road signs, and other road agencies on the location of road signs on public roads;
  - (v) on matters relating to safety of persons on roads;
  - (vi) on appropriate levels of charges, fines, penalties, levies or any sum required to be collected in relation to any road; and
  - (vii) on such reviews in road user charges as are necessary for the purpose of the National Roads Fund.
- (r) advise the Minister on the development and training of human resources, research and studies necessary or required for performing its functions towards the development of the roads sector;
  - (s) identify and recommend to the Minister, supplementing donor funding opportunities for the management, construction, rehabilitation, reconstruction and maintenance of Federal Roads; and
  - (t) carry out other functions which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Authority.

***Committee's Recommendation:***

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 15: Powers of the Authority.**

The Authority shall, in order to fulfill its functions under this Bill, have the following powers:—

- (1) Power for granting Private Sector Participation:—
  - (a) consider applications for any form of Private Sector Participation including concessions and to issue and if necessary, extend, renew or revoke any Private Sector Participation agreements in accordance with extant laws and regulations;
  - (b) subject to extant regulations and laws carry out -inquiries, tests, audits or investigations and take such other steps as may be necessary to monitor the activities of concessionaires or parties involved in Private Sector Participation and to secure and enforce compliance with the provisions of this Bill or any subsidiary legislation, concession terms, agreements or conditions made pursuant to this Bill;

- (c) where it considers it to be in the public interest, compel a concessionaire or parties involved in Private Sector Participation to provide any information or any document concerning activities notwithstanding that such information or document may contain business secrets: provided that any such information or documents shall be restricted to those that a person can be legally compelled to produce as evidence by a court of law in Nigeria;
  - (d) to publish information received in the course of exercising its powers and functions under this Bill or to require concessionaires and other PPPs to publish certain information if it is satisfied that the publication is consistent with the objects of this Bill provided that the Authority shall consider the commercial interests of the parties to whom the information relates before publishing the information;
  - (e) undertake consultations with stakeholders including members of the public, road operators and industry participations affected by or with an interest in its directions and to consider any responses to consider any responses to the consultations;
  - (f) enter into contractual agreements generally and incur obligations;
  - (g) to acquire, hold, mortgage, purchase and deal howsoever with property whether moveable or immovable, real or personal;
  - (h) subject to section 18 of this Bill, borrow such sums as it may require for the performance of its functions under this Bill subject to the provisions in relevant-treasury and establishment circulars;
  - (i) to determine or agree with any relevant party involved in a concession or other Private Sector Participation agreement on any fees, levies, charges, rates and tariffs in relation to any concession or other Private Sector Participation arrangement, subject to the powers of the Road Sector Regulator; and
  - (j) approve the award and termination of contracts.
- (2) Powers to acquire land for Federal Roads:—
- (a) the Federal Government may, in accordance with the provisions of the Lands Use Act acquire land for the purposes of this Bill and when so acquired such land shall be deemed to be a Federal Road within the meaning of this Bill; in this subsection, the reference to land includes reference to a road, other than a Federal Road;

- (b) except in respect of roads which are deemed to be Federal Roads, compensation shall be paid pursuant to the Land Use Act, for land acquired under sub-section (1) (a) of this section after the commencement of this Bill;
  - (c) where land at the commencement of this Bill or at any time thereafter is part of a Federal Road, the ownership shall include not only the surface but also the subsoil to an indeterminable depth, and user adverse to that-as a Federal Road shall operate in favour of level crossings constructed by the Nigerian Railway Corporation and then only where a train or engine is approaching and within half a kilometre of a level crossing;
  - (d) it is declared for the avoidance of doubt that in the application of this section, an acquisition of land for the purposes of this Bill shall be for a public purpose of the Federation within the meaning of the Land Use Act; and
  - (e) the acquisition of land for the purposes of this Bill includes the right to obtain control over the land and to use the land for the erection of buildings and for the supervision of the user by the public.
- (3) Powers incidental to intention to acquire land for Federal Roads (a) subject to the provisions of this section, where it appears to the Authority that land in any locality is likely to be needed for the purposes of a Federal Road, the Authority may in writing authorize any person to enter upon any land in the locality for the purpose of surveying and taking necessary levels, and for that purpose the person so authorized may:—
- (i) dig into or bore under the subsoil and do all other acts necessary to ascertain whether the land is suitable for use as a Federal Road; and
  - (ii) clear and demarcate the boundaries of any such land.
- (4) Powers:—
- (a) (i) in the case of a customary land in the manner provided by the Land Use Act where a right of occupancy is revoked; and
  - (ii) in any other case by a court having jurisdiction in respect of the place where the land is situated in respect of drainage and other works;
- (b) notwithstanding the provisions of sub-section (4) (a) of this section, the Authority may for purposes of and incidental to this Bill surveyor otherwise demarcate in any State and thereafter layoff on a plan the middle line of a Federal Road, and notice of

such surveyor demarcation and laying off shall be published in the Federal Gazette, and in the Gazette of any State affected or likely to be affected; if the middle line is so laid off, the Authority may not later than twelve (12) months thereafter, exercise his power under this section within a distance of one hundred (100) metres on either side of such middle line which shall include the Road Reserve;

- (c) nothing in this section shall authorize the Authority or any person authorized by him to enter into any building or upon any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof) unless at least seven (7) days' notice in writing of the intended entry has been given to such occupier;
- (d) compensation for damage done under this section shall in case of dispute as to amount be determined:—
  - (i) the Authority may in the performance of its duties under this Bill make and thereafter maintain in respect of any Federal Road, convenient decking and drainage work for the purpose of making good any interruptions caused to the use of the lands of adjoining owners or occupiers through which such Federal Road passes or is made, or of diverting storm or other water from a Federal Road;
  - (ii) for all or any of the purposes in sub-section (5) (a) of this section, the Authority may enter upon land adjoining the Federal Road subject to the giving of reasonable notice to owners or occupiers and doing as little damage as possible through such entry or exit after entry, and in the course thereof the Authority may block up, divert or alter the level or course of water flowing in defined channels, natural or artificial, or otherwise contained by any means; and
  - (iii) nothing in this section shall require the Authority to provide convenient decking or drainage work:—
    - (i) where the owners or occupiers have failed to make representation during the time that the section, of the Federal Road affected, adjoining or passing through their land was in course of construction; or
    - (ii) where owners or, as the case may be, occupiers of the adjoining land have agreed to receive and have been paid compensation; or



- (iii) where decking and drainage work provided by the Authority is thereafter diverted or altered otherwise than by the Authority;
  - (iv) in the exercise of its power under this section, the Authority may require any person having apparent control over the location of any pipe<sup>11</sup> electric wire or post to alter the level or position thereof as the case may require after reasonable notice of the requirement has been duly given; and the Authority shall in the course of road works generally cause as little inconvenience as possible to persons affected;
  - (v) the failure to comply with the requirement of the Authority as directed or given to any person under this section shall be an offence punishable on conviction by a fine of not less than Five Hundred Thousand Naira (₦500,000.00) or by imprisonment for a term not exceeding twelve (12) months, or by both such fine and imprisonment.
- (5) Powers relative to obstruction on Federal Roads:—
- (a) in the performance of any of its functions in relation to the development, rehabilitation or maintenance of a Federal Road under this Bill if trees or other natural or man-made objects are standing in a position likely in the opinion of the Authority to obstruct the course of a Federal Road in the event of falling or being found on or near a Federal Road or likely to obstruct the use the Federal Road, any person duly authorized in writing in that behalf by the Authority may enter an adjoining land to any necessary extent in order to fell or otherwise remove such obstruction as circumstances may require;
  - (b) if the power conferred by sub-section (6) (a) of this section is exercised in respect of a tree or other natural or man-made objects on land other than a Federal Road, compensation shall be payable to the owner only where the Federal Road was in use before the tree or other natural or man-made objects became a potential source of obstruction, and the tree or other natural or man-made objects had at the time of its felling or removal a marketable value:

provided that in default of agreement under this subsection the amount shall be fixed by a competent person appointed for this purpose by the Authority; and

- (c) an award of compensation fixed by agreement under sub-section (6) (b) of this section shall be final and a court shall only entertain a suit to recover compensation for any tree or other natural or man-made objects felled, removed or otherwise dealt with under this section where the amount is fixed by agreement is not paid.
- (6) Power to enter adjacent land:—

The Authority or any person authorized by him in writing, may in case of any slip or other accident happening or being apprehended in any cutting, embankment or other work under the Authority's control. enter on any land adjoining a Federal Road and do all work necessary to repair damage thereby occasioned and for the purpose of prevention or control of slips likely to occur from adjoining land on to a Federal Road.
- (7) Power to establish Pay-for-Service arrangements, collect revenues and set fees, levies, charges, rates and tariffs related thereto subject to the powers of the Road Sector Regulator in this regard under the provisions of this Bill or any other Act:—
  - (a) power to erect tollgates.
- (8) Power to make therefrom:—
  - (i) the Authority shall have power to erect, equip and maintain tollgates on/any Federal Road as and when required, upon approval of the President. without prejudice to the generality of sub-section (8) (a) (i) of this section, and notwithstanding the provisions of any other Act, the Authority may authorise any person, in return for undertaking such obligations as may be specified in a Private Sector Participation agreement or project agreement with respect to the design, construction, maintenance, operation, improvement or financing of Federal Roads to enjoy specific rights as may be stated in the Private Sector Participation agreement or project agreement including the right to levy, collect and retain tolls, user fees, service charges, or any other fees, levies, charges, rates and tariffs in respect of the use of Federal Roads;
  - (ii) the Authority' may, by regulation, specify the conditions under which a member of the public will access the use of a Federal Road. A party involved in a Private Sector Participation with the Authority shall propose for the approval of the Authority, any tolls, user fees. service charges, or any other fees, levies, charges, rates and tariffs or any review of same in relation to the use of Federal Roads by reference to such circumstances or combination of circumstances or classification as the Authority may specify, after consultation with the party involved in a Private Sector Participation and any other relevant authority or party;

- (iii) the Authority may provide for tolls, user fees, service charges, or any other charges that shall be paid into the National Roads Fund, to be charged for a period specified or in a manner as may be determined by the Authority;
- (iv) regulations-with respect to advertisements and the collection of revenue;—
  - (a) subject to the provisions of this section, the Authority may make with the approval of the Minister regulations:
    - (i) for the control by means of permits or otherwise, of the display of advertisements on Federal Roads so far as it appears to the Authority to be expedient in the interest of amenity or public safety; and
    - (ii) for the imposition and collection of prescribed charges in respect of the display on Federal Roads of advertisements of such classes or description as may be prescribed;
  - (b) without prejudice to the generality of sub-section (9) (a) of this section, regulations made under this section may
    - (i) provide for regulating the dimensions, appearance and position of advertisements which may be displayed on Federal Roads and sites on which advertisements may be so displayed;
    - (ii) provide for prohibiting the display on Federal Roads of advertisements of any prescribed class or description;
    - (iii) provide for enabling the authorised officials or persons to require the removal of an advertisement which is being displayed in contravention of the regulations or the discontinuance of the use of the display of advertisements on any site which is being so used in contravention of the regulations;
    - (iv) specify different provisions, and prescribe different charges, in respect of advertisements of different classes or descriptions and with respect to in different situations and generally with respect to different circumstances;

- (v) impose in respect of any breach of the regulations any penalty, and may make provision as to the persons who are to be treated as displaying an advertisement for the purpose of any provision of the regulations which makes it an offence to display an advertisement in breach of the regulations; and
  - (vi) include such incidental or supplementary provisions as it appears to the Authority necessary or expedient for giving effect to the purposes mentioned in sub-section (9) (a) of this section;
  - (c) the Federal Government may, subject to the provisions of this Bill, collaborate with the Government of a State or a Local Government in respect of traffic on Federal Roads as may be expedient in the circumstances with regard to the prohibition of erection of hoardings and other forms of advertising within a distance of one hundred meters from the middle line of any road formation in the vicinity of a Federal Road or within the distance aforesaid from the middle line of the Federal Road.
- (9) Power to collaborate with State Government and Local Governments:—  
The Federal Government may, subject to the provisions of this Bill, collaborate with the Government of a State or a Local Government in respect of traffic on Federal Roads as may be expedient in the circumstances.

***Committee's Recommendation:***

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 16: Fund of the Authority.**

The Authority shall establish and maintain a fund which shall comprise:—

- (a) an initial take off grant or subvention as may be appropriated to the Authority, by the National Assembly to cover one time transitioning and one-time capacity building costs;
- (b) such moneys as may be appropriated to the Authority from time to time by the National Assembly through the national budgetary process;
- (c) allocations from the National Roads Fund;
- (d) proceeds from the sale of assets that may accrue to the Authority;

- (e) public private participation fees, toll fees, rates and tariffs imposed by arrangement made by the Authority; and
- (f) lease, license, rents, advertisement revenue and other internally generated revenue from services or facilities provided by the Authority.

***Committee's Recommendation:***

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 17: Application Fund of Authority.**

The Authority may from time to time apply its funds:—

- (a) to the development of the Federal Road Network and its operations for road management, construction, rehabilitation, reconstruction and maintenance of roads deemed to be Federal Roads within the meaning of this Bill;
- (b) to the development and maintenance of roads deemed to be federal roads within the meaning of this Bill;
- (c) to the administration of the Authority;
- (d) to the paying of the emolument, allowances and benefits of members of the Board and for reimbursing members of the Board or of any Committee set up by the Board for such expenses as may be expressly authorized by the Board;
- (e) to the payment of the salaries fees or other remuneration or allowances and Pensions, and other benefits payable to the officers and other employees of the Authority, so however that no payment of any kind under this paragraph (except such as may be expressly authorized by the Board) shall be made to any person who is in receipt of emoluments from the Federal or State Government;
- (f) for the development and maintenance of any property vested in or owned by the Authority.

***Committee's Recommendation:***

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 18: Borrowing powers, gifts, etc.**

- (1) The Authority may, with the consent of the Minister responsible for borrow such money as the Board may require in the exercise of its functions under this Bill.

- (2) The Authority may with the consent of the Minister and in consonance with any relevant agency of government and any laws, guidelines or rules relating thereto raise and issue infrastructure bonds for the purpose of its objectives under this Bill.
- (3) The Authority may accept gifts, grants of money, aid or other property from national, bilateral or multilateral organizations and upon such terms and conditions as may be agreed upon between the donor and the Authority provided that any conditions attached to such gifts are not inconsistent with the objectives and functions of the Authority under this Bill.

***Committee's Recommendation:***

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 19: Reports, budgets and audited accounts.**

- (1) The Board shall:—
  - (a) receive and review annual reports from the management of the Authority and submit same to the President and the National Assembly, through the Minister in the first quarter of every year and the report shall be on the activities and performance of the Authority during the immediately preceding calendar year, and shall include a copy of the audited accounts of the Authority for that calendar year;
  - (b) submit not later than four (4) months to the end of each year to the Minister an estimate of the expenditure and income of the Authority for the next succeeding year; and
  - (c) keep proper accounts of the Authority in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than three (3) months after the end of each year by professionally qualified and licensed auditors appointed by the Board with the approval of the Auditor-General of the Federation.
- (2) The Authority shall:—
  - (a) consult with the Ministry in respect of long term strategic development plans and policy guidance, and Budget availability, and supplementary donor financing;
  - (b) consult with the National Roads Fund in respect of finance and funding availability for routine and preventative maintenance and road safety improvement works;

- (c) using its Road Asset Management System, prepare, maintain and monitor national development objectives, prioritization criteria and performance expectations in accordance with the provisions set out in the Schedule II of this Bill; and
- (d) develop, maintain and deliver reporting regimes that are outcome oriented, and evidence based and that meets the needs of its funding agencies.

**Committee's Recommendation:**

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 20: Role of the Minister.**

- (1) The Minister shall:—
  - (a) formulate, determine and monitor the general policy for the road sector in Nigeria to ensure, amongst others, the utilization of the sector as a platform for the economic and social development of Nigeria;
  - (b) provide general policy guidelines, specifications and standards for the construction, reconstruction, rehabilitation and maintenance of Federal Roads in Nigeria.
- (2) The Minister may give directives to the Authority relating to the performance by the Authority of any of its functions under this Bill provided that such directives are not inconsistent with the objectives and functions of the Authority under this Bill.
- (3) The Minister shall prior to the formulation or review of policies for the roads sector, consult with and have due regard to the representations of relevant stakeholders in the sector, including, but not limited to; the Authority, industry participants and the general public.

**Committee's Recommendation:**

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 21: Preparation of roads plan.**

- (1) In consultation with the Ministry, the National Roads Fund and any relevant agency, the Authority shall prepare, maintain and monitor a Five-Year Rolling Road Maintenance and Development Plan (hereinafter referred to as the "Plan") for the fulfillment of its responsibilities under this Bill and to meet national development objectives, prioritization criteria and performance expectations in accordance with the provisions set out herein.

- (2) The Plan shall:—
- (a) be broken into yearly action programmes and shall contain such information, amongst others, that would allow a determination of the Authorities proposed activities over the Plan period in respect of each element of the Federal Road Network;
  - (b) constitute the basis for determining the financial and physical resource needs and proposed modes of its sourcing; the likely outcome from the implementation of the Plan and key performance indicators by which its implementation performance can be measured and monitored;
  - (c) identify year by year, road sections that become no longer maintainable and due for rehabilitation and upgrading;
  - (d) form the basis of annual budgetary proposals in the National Budgetary process.
- (3) The Authority shall submit the Plan to the National Roads Fund Board within four (4) months before the start of the Authority's financial year for the year of submission, in such form and containing such details as the National Roads Fund Board shall specify, outlining a comprehensive plan of action for the roads under the jurisdiction of the Authority and the estimated costs of every activity required to implement the plan of action.
- (4) The National Roads Fund Board shall review the Plan and the funding submissions of the Authority against set financial, economic and social criteria for the achievement of the objects of the National Roads Fund Board; and shall upon satisfying itself of the integrity of the Plan and the submissions of the Authority, approve the programme contained in the Plan for funding from the Roads Fund.
- (5) The Authority shall keep the Plan under review and update it annually, with appropriate input and approval of the National Roads Fund Board, within the five (5) year rolling plan cycle.

***Committee's Recommendation:***

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 22: Offences and penalties.**

Except as otherwise provided under any other section of this Bill, any person who willfully:—

- (a) prevents or obstructs any authorised officer, agent or person in the performance of his function under this Bill;



- (b) fails to pay to any officer, agent or person empowered to collect any fees, levies charges, rates and tariffs payable under this Bill;
- (c) withholds any fees, levies, charges, rates and tariffs paid under this Bill;
- (d) does any other fraudulent act or thing relating to the issue of receipts or collection of fees, levies, charges, rates and tariffs under this Bill shall be guilty of an offence and liable on conviction to a fine not less than Two Hundred Thousand Naira (₦200,000.00) or to imprisonment for a term not exceeding two (2) years or to both such fine and imprisonment.

***Committee's Recommendation:***

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 23: Application of the Public Officers Protection Act.**

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

***Committee's Recommendation:***

That the provision in Clause 23 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 24: Notices.**

A notice, summons or other documents required or authorized to be served upon the Authority under the provisions of this Bill or any other enacted law may be served by delivering it to the Managing Director or by sending it by registered post addressed to the Managing Director at any of the principal offices of the Authority or by electronic means through e-mail or website of the Authority.

***Committee's Recommendation:***

That the provision in Clause 24 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 25: Legal proceedings.**

No civil action shall be commenced against the Authority or its authorised officers before the expiration of a period of 30 days after written notice of intention to commence the suit shall have been served on the Authority by the intending plaintiff or his agent, and the notice shall clearly and explicitly state the:—

- (a) cause of action;
- (b) particulars of the claim.

**Committee's Recommendation:**

That the provision in Clause 25 be retained (*Senate Leader*) — *Agreed to*.

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

**Clause 26: Indemnity of officers of authority.**

A member of the Board, the Managing Director, any officer or employee of the Authority shall be indemnified out of the assets of the Authority against any liability incurred by him in defending any proceeding, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted, where such proceeding is brought against him in his capacity as a member of the Board, the Managing Director, officer or an employee of the Authority.

**Committee's Recommendation:**

That the provision in Clause 26 be retained (*Senate Leader*) — *Agreed to*.

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

**Clause 27: Regulations.**

The Board may, with the approval of the Minister make such regulations as in its opinion, are necessary or expedient for giving full effect to the provisions of the Bill and for the due administration of its provisions.

**Committee's Recommendation:**

That the provision in Clause 27 be retained (*Senate Leader*) — *Agreed to*.

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

**Clause 28: Confidentially.**

- (1) A member of the Board, or the Board or the Managing Director or any other officer or employee of the Authority shall:—
- (a) not, for his personal gain, make use of any information which has come to his knowledge in the exercise of his power or is obtained by him in the ordinary course of his duty as a member of the Board or as a Managing Director, officer or employee of the Authority;
  - (b) treat as confidential any information which has come to his knowledge in the exercise of his power or is obtained by him in the performance of his duties under this Bill;
  - (c) not disclose any information referred to under paragraph (b) of this sub-section, except where required to do so by a Court or in such other circumstances as may be prescribed by the Board from time to time.

- (2) Any person who contravenes any of the provisions of sub-section (1) of this section commits an offence and shall be liable on conviction to a fine of not less than Five Hundred Thousand Naira (₦500,000.00) or imprisonment for a term not exceeding two (2) years or both such fine and imprisonment.

***Committee's Recommendation:***

That the provision in Clause 28 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 29: Repeal, savings and transitional provisions.**

- (1) The Federal Roads Maintenance Agency (Establishment etc) Act, 2002; the Federal Roads Maintenance Agency (Amendment, etc.) Act, 2007; the Federal Highways Act, 1971 and the Control of Advertisement (Federal Highways) Act 1986 are repealed.
- (2) Without prejudice to section 6 of the Interpretation Act, the repeal of the Act specified in subsection (1) of this section, shall not affect anything done under or pursuant to the Bill.
- (3) Any subsidiary legislation, bye-law, regulation, order, made, issued, given or done under the repealed Acts and which are in force at the commencement of this Bill, shall to the extent that their provisions are not inconsistent with any object or provision in this Bill, continue to be in force and have effect as if made, issued, given or done under this Bill until such a time that anything done under this Bill amends, overrides, revokes or replaces it in any manner.
- (4) Every instrument, contract, requirement, certificate, appointment with tenure, notice, direction, decision, authorization, consent, application, request or thing made used, given or done under the repealed Acts shall, if in force at the commencement of this Bill continue to be in force and have effect as if made, issued, given or done under this Bill until such a time that anything done under this Bill amends, overrides, revokes or replaces it in any manner.
- (5) The Statutory functions, rights, interest, obligations and liabilities of the Federal Roads Maintenance Agency and the Department of the Ministry responsible for construction, rehabilitation and maintenance of Federal Roads before the commencement of this Bill under any contract, rights of way, concessions or instrument shall by virtue of this Bill be deemed to have been assigned to, transferred or vested in the Authority.
- (6) Upon the Commencement of this Bill, such number of persons employed by the Agency as may be required by the Authority shall be deemed to be staff of the Authority and shall be transferred to the service of the

Authority in line with the provisions contained in section 8 of Schedule III to this Bill.

- (7) The Minister may within the twenty-four (24) months after the commencement of this Bill, by order published in the Gazette, make additional saving or transitional provisions in order to give better effect to the objectives of this section.

**Committee's Recommendation:**

That the provision in Clause 29 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 30: Interpretation.**

In this Bill:—

"Advertisement" means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, which is employed wholly or partly for the purposes of advertisement, announcement or direction, including any hoarding or similar structure used, or adapted for use, for the display of an advertisement or a message that is not solely serving a function that is traffic and road use related;

"Authority" means the Federal Roads Authority established under section 3 of this Bill;

"base camps" means the outfit or unit office established by the Authority along Federal Roads;

"Board" means the Governing Board of the Authority established under section 4 of this Bill;

"Federal Road(s)" means Federal trunk roads, roads and bridges owned by the Federal Government including:—

- (a) land acquired or existing as a Federal road or highway pursuant to any legislation, subsidiary legislation, bye-law, declaration or order made before the commencement of this Bill and gazette in the Federal Gazette;
- (b) land acquired under this Bill for the purpose of Federal Roads;
- (c) Federal trunk roads within the context of item 63 of part 1 of the second schedule to the Constitution of the Federal Republic of Nigeria 1999;

"Federal Road Network" means Federal Roads (inclusive of Rights of Way, Road Reserve, bridges, and road furniture);

"geopolitical zones" means the six geopolitical units of the Federation;

"member" means a member of the Board and includes the Chairman;

"Minister" means Minister in charge of Federal Road Infrastructure;

"Ministry" shall be construed accordingly;

"Person" shall mean a natural person, body corporate, partnership, joint venture, co-operative, trust, or other entity that is recognized by the law as a distinct body with the right to enter into contracts and to own property;

"Private Sector Participation" means a business relationship procured through a contractual agreement whether by means of a concession, Public-Private Partnership, joint venture, or other agreement between a government agency and one or more private sector entities for the purpose of the provision of a project, service or facility by the private sector that will serve the public;

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

"Road"/"road(s)" means Federal Roads;

"Road Asset Management System" means a central data repository that stores, processes, displays and reports information on the assets within the road network to include road inventory and condition, bridge inventory and condition, classified traffic counts and axle loadings for road agencies to manage their road networks transparently in an efficient and effective manner;

"Road Reserve" means the land means the land adjacent to the road carriageway, to a width of 60 meters as specified in road regulations and belonging the Federal Government of Nigeria and deemed part of the Federal Road.

***Committee's Recommendation:***

That the provision in Clause 30 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 31: Short title.**

This Bill may be cited as the Federal Roads Bill, 2021.

***Committee's Recommendation:***

That the provision in Clause 31 be retained (*Senate Leader*) — *Agreed to.*

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

**SCHEDULES**

**SCHEDULE I**

**SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD**

(Section 3 (4))

### Proceedings of the Board

1. Subject to this Bill and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding at any meeting, when a vote is ordered to have a second or casting vote), the Board may make standing orders regulating its proceedings or that of any of its Committees.
2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their members to preside.
3. The quorum at a meeting of the Board shall consist of the Chairman or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule, and five other members.
4. The Board shall for the purpose of this Bill, meet not less than three times in each year and subject, thereto, the Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to the Chairman by not less than eight members, the Chairman shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.
6.
  - (a) Subject to its standing orders, the Board may appoint such number of standing and ad hoc Committees as it thinks fit to consider and report on any matter with which the Authority is concerned.
  - (b) A committee appointed under this paragraph shall:—
    - (i) consist of such number of persons (not necessarily members of the Board as may be determined by the Board), and a person other than a member of the Board shall hold office on the Committee in accordance with the terms of his appointment; and
    - (ii) be presided over by a member of the Board.
  - (c) The quorum of any Committee set up by the Board shall be as determined by the Board.
  - (d) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

### Miscellaneous

7. The fixing of the seal of the Authority shall be authenticated by the signature of the Chairman, the Managing Director, or any other person generally or specifically authorized by the Board to act for that purpose.

8. Any contract or instrument which, if made by a Person not being a body corporate; would not be required to be under seal may be made or executed on behalf of the authority by the Managing Director or by any other person generally or specifically to authorized by the Board to act for that purpose.
9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Authority shall be received in evidence and shall, unless the contrary is proved, be presume without further proof to have been so signed.
10. The validity of any proceedings of the Board or of any of its Committees shall not be affected by:—
  - (a) any vacancy in the membership of the Board, or Committee; or
  - (b) any defect in the appointment of a member of the Board or Committee.

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

## SCHEDULE II

### EXECUTION OF THE ROAD MANAGEMENT TASK

#### **Form of Execution of Road Management Function**

1. (1) The Board shall carry out its road management function through executing Agencies which may be either of road management consultants, road agencies or agents of local government authorities.
  - (2) It shall be the duty of the Board to prepare and publish guidelines and procedures as to the manner of the discharge of these functions by these executing agencies and the Authority shall ensure that these guidelines and procedures are such as to ensure transparent, accountable and cost-effective performance of their duties by chest agencies.
2. (1) Without prejudice to the foregoing, the guidelines and procedures shall address issues relating to preparation and approval of plans and programmes, procurement of works, financial management of works, disbursement of funds.
  - (2) It shall be the duty of the Authority to ensure awareness and understanding by the road agencies of these guidelines and procedures and their due implementation.
  - (3) Any of the above executing agencies may be engaged by the Authority to prepare and submit to the Authority annual work plans covering the road network under its responsibility, not later than four months before the beginning of the next fiscal year.

#### **Preparation and Adoption of Annual Work Plans**

3. (1) The Board will prepare and adopt manuals of procedures defining its way of collaboration with the different types of executing agencies, including financial management systems, maintenance management systems, management information

systems, procurement and disbursement procedures, etc. to be adopted by the executing agencies.

- (2) The Authority shall execute its duty with due regard to environmental issues.

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

### SCHEDULE III

#### TRANSFER OF ASSETS

1. All Assets and funds which immediately before the commencement of this Bill were vested in the Federal Roads Maintenance Agency set up under the Federal Roads Maintenance Agency (Establishment etc.) Act, 2002 and the Federal Roads Maintenance Agency (Amendment, etc.) Act, 2007, "the Agency" and the department of the Ministry responsible for construction, rehabilitation and maintenance of Federal Roads shall by virtue of this Bill be vested in the Federal Roads Authority. Provided that nothing in this Bill shall be construed to preclude the power of the Ministry responsible for roads from engaging in the construction of roads.
2. All references in this schedule to the Agency shall mean and include the department of the Ministry of Works responsible for construction, rehabilitation and maintenance of Federal Roads.
3. All bonds, hypothecations, securities, deeds, contracts, instruments, documents, and working arrangements with respect to the assets transferred, that subsisted immediately before the commencement of this Bill and to which the Agency was a party shall be as fully effective and enforceable against or in favour of the Authority as if, instead of the Agency, the Authority had been named therein.
4. Any cause of action or proceeding which existed or was pending with respect to the assets transferred by or against the Agency immediately before commencement of this Bill, shall be enforced or continued, as the case may be, by or against or in favour of the Authority in the same way that it might have been enforced or continued by or against the Agency had this Bill not been passed.
5. No action or other proceeding shall be commenced against the Authority in respect of an employee or asset that has been transferred to the Authority, where, if there had been no transfer, the time for commencing the action or other proceeding would have expired.
6. Nothing in this Bill and nothing done as a result of a transfer under sub-paragraph (1) of this paragraph shall create any new cause of action in favour of:—
  - (a) a holder of a debt instrument that was issued by the Agency before the commencement of this Bill; and
  - (b) a party to a contract with the Agency that was entered into before the commencement of this Bill.



7. Any guarantee or surety-ship given or made by the Federal Government or any other person in respect of any debt or obligation of the Agency, and which was effective immediately before the transfer of the principal debt or obligation, shall remain fully effective against the guarantor or surety on and after the transfer date in relation to the payment of the debt or the performance of the obligation, as the case may be, by the Authority to which the principal debt or obligation was transferred.

#### Transfer of Employees

8. (1) Upon the Commencement of this Bill, such number of persons employed by the Agency as may be required by the Authority shall be deemed to be staff of the Authority and shall be transferred to the service of the Authority on terms not less favourable than those enjoyed immediately prior to the transfer.
- (2) The service rendered by an employee transferred pursuant to sub-paragraph (1) of this paragraph to the Agency shall be deemed to be service with the Authority for the purpose of determining employment related entitlements as specified in the relevant laws of employment in Nigeria.
- (3) Until such time as conditions of service are drawn up by the Authority:—
- (a) the terms and conditions of service applicable to employees of the Agency shall continue to apply to every person transferred to the Authority as if every such person were still in the service of the Agency; and
- (b) the Authority shall continue to contribute towards any pension scheme to which the Agency was contributing in respect of persons in the employ of the Agency prior to the transfer date.
- (4) Nothing in this paragraph shall operate so as to prevent any employee of the Agency from resigning or being dismissed from service.
- (5) Nothing in this paragraph shall operate so as to create an entitlement for any employee of the Agency to become an employee of the Authority

#### Directions to the Agency

9. (1) The Minister may give the members of the Board of the Agency directions in writing in order to ensure the proper transfer of the assets of the Agency to the Authority and the Agency shall without delay, comply with every such direction.
- (2) Without derogating from sub-paragraph (1) of this paragraph, directions given under that sub-paragraph may provide for:—
- (a) the cessation of all or any of the functions of the Agency;
- (b) the termination of any contract entered into between the Agency and any person, provided that no such direction shall authorise the Agency to commit an unlawful breach of any such contract; and
- (c) the production of any report and the provision of any information concerning the conduct of the Agency or the members of the board of the

Agency or anything done by or on behalf of the Agency or the members of the Agency.

*Question that the provisions of 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 A Bill for an Act to Repeal the Federal Roads Maintenance Agency (Establishment, etc.) Act, 2002 (as amended), the Federal Highways Act, 1971 and the control of advertisement Federal High Ways Act, 1986 and Enact the Federal Roads Bill for establishment of Federal Roads Authority, the framework for private sector participation, and for Related Matters, 2021 and approved as follows:

Clauses 1-31 — As Recommended

Schedules 1-3 — As Recommended

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

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

*Question put and agreed to.*

*Bill accordingly Read the Third Time and Passed.*

18. **National Oil Spill Detection and Response Agency (Establishment, Etc.) Act 2006 (Amendment) Bill, 2021 (HB. 351) - Concurrence:**

*Motion made:* That A Bill for an Act to Amend the National Oil Spill Detection and Response Agency (NOSDRA) (Establishment) Act, 2006 and for Related Matters, 2021 be read the Second Time (*Senate Leader*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee of the Whole.*

*Motion Made:* Pursuant to Order 81, That the Senate do resolve into the Committee of the Whole to consider A Bill for an Act to Amend the National Oil Spill Detection and Response Agency (NOSDRA) (Establishment) Act, 2006, and for Related Matters, 2021

*Question Put and Agreed To.*

## (SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY (NOSDRA) (ESTABLISHMENT) ACT, 2006, AND FOR RELATED MATTERS, 2021

**Clause 1: Amendment of NOSDRA Act No. 15, 2006.**

The National Oil Spill Detection and Response Agency (Establishment, etc.) Act, 2006 (in this Bill referred to as "the Principal Act") is hereby amended as set out in this Bill.

**Committee's Recommendation:**

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 2: Amendment of section 2.**

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

- "(b) one representative each of the following Federal Ministries and Agencies not below the rank of Director and Heads of the Organisations:
- (i) Environment;
  - (ii) Petroleum Resources;
  - (iii) Defence;
  - (iv) Water Resources;
  - (v) Nigerian Civil Aviation Authority (NCAA);
  - (vi) Nigerian Maritime Administration and Safety Agency (NIMASA);
  - (vii) National Emergency Management Agency (NEMA);
  - (viii) Ecological Fund Office;
  - (ix) Nigerian Environmental Society (NES);
  - (x) Oil Producers' Trade Section of Lagos Chambers of Commerce (OPTS) and
  - (xi) Independent Petroleum Marketers Association of Nigeria (IPMAN)".

**Committee's Recommendation:**

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 3: Amendment of section 5.**

Section 5 of the Principal Act is amended by —

(a) substituting for the existing paragraph, a new paragraph as follows:

**"Objectives of the Agency.**

The objectives of the Agency shall be to monitor and regulate Tiers 1 and 2 oil spills as well as coordinate, implement and activate the National Oil Spill Contingency Plan for Nigeria (in this Bill referred to as "the Plan") in the event of a Tier 3 oil spill as follows:"

(b) substituting for the existing paragraph 5 (a), a new paragraph as follows:

"5 (a) establish a viable national operational organization that ensures a safe, timely, effective and appropriate response to all oil spills as well as other hazardous substances in the petroleum sector".

**Committee's Recommendation:**

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 4: Amendment of section 6.**

Section 6 of the Principal Act is amended by substituting for section 6 (2)-(4) new section 6 (2)-(5) as follows:

**Penalties.**

(2) A facility owner or operator shall notify the Agency of an oil spill by reporting to the Agency in writing, or by electronic mail not later than 24 hours after the occurrence of an oil spill in default of which the failure to report constitute an offence and on conviction shall attract penalty of not less than ₦2,000,000 for each day of failure to report the occurrence.

(3) The failure to commence clean-up operations on the impacted site within two weeks after the completion of the Joint Investigation Visit (JIV) in accordance with the polluter-pays principle, shall constitute an offence and on conviction, the facility owner or operator shall be liable to a fine not less than ₦5,000,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(4) Failure to submit an action plan for remediation and restoration within two weeks after the completion of post clean up assessment shall constitute an offence, and on conviction, the facility owner or operator shall be liable to a fine not less than ₦5,000,000 or to imprisonment for

a term not exceeding two years or to both such fine and imprisonment.

- (5) The notice required under subsection (2) of this section shall be deemed to have been made, if sent in writing, or by electronic mail and delivered to the nearest Zonal or Field office of the Agency closer to the impacted site or the National Control and Response Centre within the time stipulated in subsection (2) of this section".

***Committee's Recommendation:***

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 5: Insertion of new sections 8 and 9.**

- (1) There shall be inserted immediately after section 7 of the Principal Act, the following new sections 8 and 9:

**Abandonment and decommissioning of drill sites and oil facilities.**

8. (1) The Agency, pursuant to section 1 (1) of the Principal Act, shall monitor the process of decommissioning or abandonment of drill sites and oil facilities as well as oil industry operational areas to ensure that there is no oil spillage in the course of the exercise.
- (2) Where oil spill occurs in the course of decommissioning or abandonment of facilities specified in sub-section (1) of this section, to ensure that it is cleaned up to all practical extent, in accordance with the procedure and guidelines issued by the Agency.
- (3) The facility owner shall notify the Agency in writing at least two months prior to commencement of decommissioning or abandonment of any facility or installations within its area of operation.
- (4) Failure to notify the Agency prior to the commencement of such activities as specified in subsection (3) of this section shall attract penalty not less than the sum of ₦2,000,000 for failure to notify the Agency.

**Pipelines and other oil facilities integrity monitoring and testing.**

9. (1) The Agency, pursuant to section 1 (1) of the Principal Act, shall periodically inspect the records of assets and integrity tests conducted by facility owners to ensure that such assets are safe to store or convey crude oil or petroleum products effectively to minimize potential for oil spills.

- (2) The Agency shall provide a programme for periodic inspection and compliance monitoring of the oil facilities in the upstream, midstream and downstream sectors in accordance with its Regulations, Guidelines and Standards.

**Consequential Amendment.**

3. The subsisting sections 8-9 are renumbered accordingly.

*Committee's Recommendation:*

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 6: Amendment of section 11.**

Section 11 of the Principal Act is amended by —

- (a) inserting immediately after paragraph (b), new paragraphs (c) and (d) as follows:

"(c) 2.5% of the ecological fund annually for the procurement of oil spill response equipment and materials, management of oil spill disasters, clean up and remediation of oil impacted sites arising from third party interference;

- (d) penalties, permits, and certification fees prescribed in the Agency's Regulations, Guidelines and Standards".

(b) renumbering the existing paragraphs (c), (d), (e) and (f) as paragraphs (e), (f), (g), and (h).

*Committee's Recommendation:*

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 7: Amendment of section 19.**

Section 19 of the Principal Act is amended by —

- (a) inserting a new paragraph "(c)" immediately after subsection "(1) (b)" that is:

"(c) inspect oil facilities with a view to ensuring full compliance with existing environmental legislation on oil pollution;

- (b) amending subsection (1) (g) by adding immediately after the words "spillage" the following:

"and ensure the payment of adequate compensation to impacted party or parties";

- (c) renumbering the existing subsections (1) (c) - (j) appropriately.
- (d) deleting the existing subsection (3) (d).

***Committee's Recommendation:***

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 8: Amendment of section 20.**

Section 20 of the Principal Act is amended by substituting for section 20 (3) new section 20 (3)-(4) as follows:

- "(3) No suit shall be commenced against the Agency before the expiration of a period of three (3) months after written notice of intention to commence the suit shall have been served on the Agency by the intending plaintiff or his agent.
- (4) Such notice shall clearly and explicitly state the cause of action, particulars of the claim, name and place of abode of the intending plaintiff and the relief which he claims"

***Committee's Recommendation:***

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 9: Amendment of section 26.**

- (1) Section 26 of the Principal Act is amended by —
  - (a) renumbering the existing section as subsection (1);
  - (b) adding the following new subsections (2), (3) and (4) immediately after subsection (1) to read:
- "(2) The Agency shall in pursuance of the provision of subsection (1) of this section, make regulations setting specifications and standards relating to the —
  - (a) use of dispersant;
  - (b) engagement or invitation of any oil spill responder by oil companies;
  - (c) establishment of a benchmark for oil spill contingency planning;
  - (d) development of framework to guide operators in oil Spill contingency planning;

- (e) most appropriate means of preventing and combating oil spills and its attendant oil pollution; and
  - (f) development of benchmarks for remediation threshold for different land surfaces and uses.
- (3) Any person who contravenes the regulations made pursuant to subsection (2) of this section, commits an offence and shall on conviction, be liable to a fine not less than ₦2,000,000 or to imprisonment for a term not less than two years or to both such fine and imprisonment and additional fine of not less than ₦500,000 for every day the offence subsists.
- (4) Where an offence under subsection (2) of this section is committed by a body corporate, the body corporate shall on conviction be liable to a fine not less than ₦5,000,000 and additional fine of not less than ₦2,000,000 for every day the offence subsists".

***Committee's Recommendation:***

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 10: Insertion of new sections 27, 28, 29 and 30.**

- (1) There shall be inserted immediately after section 26 of the Principal Act, the following new sections 27 - 30:

**"Power to enter premises.**

27. (1) An officer of the Agency may, in the course of his duty, at any reasonable time and on presentation of his official identification, if so required —
- (a) in collaboration with relevant agencies, enter and search with a warrant issued by a court, any premises including land, vehicle, tent, vessel, floating craft including Maritime Tankers, Barges or Floating Production, Storage, Offloading (FPSO) and oil facilities or any inland waters and other structure, at all times, for the purposes of conducting inspection, searching and taking samples for analysis which he reasonably believes carries out activities or stores goods which contravene environmental standards or legislation relating to oil pollution;
  - (b) examine any article found pursuant to paragraph (a) of this subsection, which appears to him to be an article to which this Bill or the regulations made under apply or anything which he reasonably believes is capable of being used to the detriment of the environment in the petroleum sector;



- (c) take a sample or specimen of any article to which this Bill or the regulations apply or which he has power to examine under paragraph (b) hereof;
  - (d) open and examine, pursuant to paragraph (a) of this subsection, any container or package which he reasonably believes may contain anything to which this Bill or its regulations apply or which may help in his investigations;
  - (e) examine any book, document or other record found pursuant to paragraph (a) of this subsection, which he reasonably believes may contain any information relevant to the enforcement of this Bill or the regulations and make copies thereof or extracts there from;
  - (f) seize and detain for such time as may be necessary for the purpose of this Bill, any articles by means of or in relation to which he reasonably believes any provision of this Bill or the regulations has been contravened; and
  - (g) obtain an order of a court to suspend activities, seal and close down premises including land, vehicle, tent, well head, vessel, floating craft, oil facilities or any inland waters and other structures whatsoever.
- (2) A written receipt shall be given for any article or thing seized under subsection (1) and the reasons for such seizure shall be stated on such receipt.
- (3) An article seized under this Bill shall be kept or stored in such a place as the officer of the Agency may direct and shall be returned to the owner or the person from whom it was seized if the article upon analysis or examination is found to conform with the requirements of this Bill or regulations made under it.
- (4) An article seized by an officer of the Agency in pursuance of this Bill or the regulations made under it, may be submitted to an analyst for analysis or examination and the analyst upon making such analysis or examination shall, issue a certificate or report in the prescribed form, setting forth the result of such analysis or examination and the officer of the Agency shall, on demand, deliver a copy of such certificate or report to the owner of the article if the article is to be subject of a proceeding under this Bill or regulations thereunder.
- (5) In this section, the expression "article" to which this Bill or regulations made under it apply are —

- (a) liquid, soil, vegetation;
- (b) biological and chemical samples; and
- (c) such other articles or samples as may be determined.

**Offences and penalties.**

28. (1) A person who obstructs an officer of the Agency in the discharge or performance of his duties under sections 5, 6, 7, 8 and 9 of this Bill, commits an offence and is liable on conviction to —
- (a) in the case of an individual, to a fine of not less than ₦300,000 or to imprisonment for a term of not less than two years or to both fine and imprisonment, and an additional fine of not less than ₦30,000 for each day the offence subsists; and
  - (b) in the case of a body corporate, to a fine of not less than ₦5,000,000 and an additional fine of not less than ₦500,000 for each day the offence subsists.
- (2) Any person who contravenes the provision of any regulations made under the Act commits an offence and is liable on conviction to the penalties specified in the regulations and as may be reviewed from time to time.
- (3) Any person who engages in any activity that causes the spillage of crude oil or petroleum products commits an offence and on conviction is liable to a fine of not less than ₦2,000,000.00 or to imprisonment for a term of not less than two years; or to both such fine and imprisonment.

**Conduct of proceedings.**

29. (1) Subject to the provisions of section 174 of the Constitution of the Federal Republic of Nigeria 1999, (which relates to the power of the Attorney-General of the Federation to institute, continue or discontinue criminal proceedings against any person in a court of law), the Agency may, with the consent of the Attorney-General of the Federation —
- (a) institute criminal proceedings against offenders in respect of offences under this Bill or regulations made under this Bill;
  - (b) conduct such proceedings as may be necessary for the enforcement and due administration of this Bill.
- (2) Subject to subsection (1) of this section, a staff of the Agency who is a Legal Officer within the meaning of the Legal Practitioners Act, shall, while in the employment of the Agency

be entitled to represent the Agency as a Legal Practitioner for the purpose and in the course of his employment.

- (3) In a judicial proceeding for an offence under this Bill or any regulation made under it, the provisions of the Criminal Procedure Act or depending on the venue, the Criminal Procedure Code shall, with such modification as the circumstance may require, apply in respect of such matter to the same extent as they apply to the trial of offences generally.

**Requisition.**

30. The Agency shall ensure that the polluter provides reasonable compensation for loss or damage arising from the use of any equipment, facility or personnel required under this Bill".

**Committee's Recommendation:**

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 11: Amendment of section 27.**

There shall be substituted for the existing section 27 of the Principal Act, the following new section 31 as follows —

**Interpretation.**

31. In this Bill, unless the context otherwise requires —
- "Agency" means the National Oil Spill Detection and Response Agency established under section 1 of this Bill;
- "Centre" means the National Control and Response Centre established under section 18 of this Bill;
- "Chairman" means the Chairman of the Governing Board of the Agency;
- "Constitution" means the Constitution of the Federal Republic of Nigeria;
- "Court" means Federal High Court;
- "Facility Owner" means a registered entity given the authority to operate in the oil and gas industry;
- "Governing Board" means the National Oil Spill Detection and Response Governing Board of the Agency established under section 2 (1) of this Bill;
- "member" means a member of the Governing Board of the Agency and includes the Chairman;

"Minister" means the Minister charged with responsibilities for matters relating to environment;

"Ministry" shall be construed accordingly;

"officer" means any employee of the Agency;

"oil" means mineral oil (or any related hydrocarbon) or natural gas as it exists in its natural state-in strata, and does not include coal or bituminous shale or other stratified deposits from which oil can be extracted by destructive distillation but including premium motor spirit, automotive gas oil, low/high pour, fuel oil, aviation fuel, kerosene, liquefied petroleum gases and any lubrication oil or grease or other lubricant oil in its natural state before it has been refined or treated;

"operator" means a person operating an oil facility whether as registered owner or on rent or lease or by any other such arrangement;

"oil spill responder" includes Clean Nigeria Associates (Oil Companies Cooperative), Oil Spill Response Limited (OSRL) or any other oil spill response contractors;

"polluter" means owner or Operator of a facility through which oil, oily waste or hazardous substances are released or discharged into the environment;

"release" means any spilling, leaking, pump Leaking, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, discarding or disposing into the environment;

"remediation" means the process of remedying or restoring an area or situation to its natural (or as close to natural as possible) state;

"Tier 1" means a minor oil spill of 0-25 barrels to inland waters, or 0-250 barrels to land or coastal or offshore waters;

"Tier 2" means a medium oil spill of 25-250 barrels to inland waters, or 250-2,500 barrels to land or coastal or offshore waters;

"Tier 3" means a major oil spill above 250 barrels to inland waters, or above 2,500 barrels to land or coastal or offshore waters.

***Committee's Recommendation:***

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 12: Short title.**

This Bill may be cited as the National Oil Spill Detection and Response Agency (Establishment, etc.) Act (Amendment) Bill, 2021.

**Committee's Recommendation:**

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 13: Amendment of the First Schedule.**

The First Schedule to the Principal Act is amended by substituting for the word "six" the word "five" in the third line of paragraph 3 therein.

**Committee's Recommendation:**

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

*Question that Clause 13 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 Amend the National Oil Spill Detection and Response Agency (NOSDRA) (Establishment) Act, 2006, and for Related Matters, 2021 and approved as follows:

Clauses 1-13 — 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.*

**19. FCT Area Courts Bill, 2021 (HB. 67) - Concurrence:**

*Consideration of the Bill deferred to another Legislative Day.*

**20. Federal College of Education Birniwa, Jigawa State (Establishment) Bill, 2021 (HB. 383) - Concurrence:**

*Motion made:* That A Bill for an Act to Establish the Federal College of Education Birniwa, Jigawa State, to provide full-time courses, teaching instruction and training in technology, applied science, arts, social sciences, humanities and management and for Related Matters, 2021 be read the Second Time (*Senate Leader*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee of the Whole.*

*Motion made:* Pursuant to Order 81, that the Senate do resolve into the Committee of the Whole to Consider A Bill for an Act to Establish the Federal College of Education Birniwa, Jigawa State, to provide full-time courses, teaching instruction and training in technology, applied science, arts, social sciences, humanities and management and for Related Matters, 2021.

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

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF EDUCATION BIRNIWA, JIGAWA STATE, TO PROVIDE FULL-TIME COURSES, TEACHING INSTRUCTION AND TRAINING IN TECHNOLOGY, APPLIED SCIENCE, ARTS, SOCIAL SCIENCES, HUMANITIES AND MANAGEMENT AND FOR RELATED MATTERS, 2021.

**Clause 1: Establishment of Federal College of Education Birniwa, Jigawa State.**

- (1) There is established the Federal College of Education Birniwa (herein after referred to as "the College").
- (2) The College shall be a body corporate with perpetual succession and common seal and shall have power to acquire and dispose of interest in movable and immovable properties.
- (3) The College may sue and be sued in its corporate name.

***Committee's Recommendation:***

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 2: Governing Council of the College.**

- (1) The governance and direction of the College affairs shall rest in the governing council of the college (in the Bill required to as "the Council").
- (2) The Council shall have the responsibility to consider and approve:
  - (a) the programme of studies to be undertaken in the College;
  - (b) the annual estimates of the College; and
  - (c) the investment plan of the College.
- (3) The provision of the schedule to this Bill shall have effect with respect to the Council to as mentioned herewith.

*Committee's Recommendation:*

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 3: Membership of the Council in the College.**

The Council of the College shall consider of:

- (a) a Chairman and other members to be appointed by the President;
- (b) a representative of the Federal Ministry of Education;
- (c) a representative of the University of which the College is affiliated to for the purpose of moderation;
- (d) two representatives of the academic board of the College;
- (e) a representative of the National Commission for the College of Education; and
- (f) the Provost of the College.

*Committee's Recommendation:*

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 4: Tenure of Members of the Council**

- (1) A member of the Council (other than the ex-official members) shall hold office for a term of four years and subject to the provision of subsection (2) of this section shall be eligible for re-appointment for a further period of four years and no more.
- (2) The office of a member appointed under section 3 of this Bill shall become vacant of:
  - (a) the member resigns in office by notice of writing under his hand addressed to the Minister; or
  - (b) the Minister is satisfied that it is not in the interest of the College for the person appointed to continue in office and notifies the member in writing to that effect.

*Committee's Recommendation:*

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 5: Functions of the College.**

The Functions of the College shall be:

- (a) to provide full-time courses in teaching instruction and training:
  - (i) in technology, applied sciences, arts, social science, humanities and management: and
  - (ii) in such other fields of applied learning relevant to the needs of development of Nigeria.
- (b) to conduct courses in education for qualified teachers;
- (c) to arrange conference, seminars and workshops relative to the functions of the college; and
- (d) to perform such other functions as in the opinion of the Council may serve to promote the objective of the College.

***Committee's Recommendation:***

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 6: Power of the Council.**

The Council of the College shall have power to:

- (a) hold examinations and grant NCE, Diplomas, Professional Certificates and other distinctions to persons, who have pursued of study approved and accredited by the National Commission for Colleges of Education;
- (b) hold examinations in Education for qualified teachers;
- (c) recruit staff and determine structure of such staff;
- (d) demand and receive from any student or any other person attending the College for the purpose of construction such fees as the council may with the prior approval of the Minister, from time to time determine;
- (e) hold public lectures and undertake printing, publishing and bookselling;
- (f) award fellowship, medals, prizes and other titles;
- (g) establish and maintain such schools and other teaching units with the college or extra moral departments as the councils may from time to time determine;
- (h) erect provide equip and maintain such educational recreational and residential facilities as the College may require;



- (i) create lectureships and other academic post and offices and to make appointment thereof
- (j) receive and make gifts;
- (k) enter into such contracts as may be necessary or expedients for carrying into effects the objections of the College;
- (l) provide amenities for and make such other provision for the welfare of the staff and students of the College;
- (m) encourage and make provision for research in the College;
- (n) do such acts and things whether or not incidental to the foregoing power as may advance the objects of the College.

***Committee's Recommendation:***

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 7: Visitation.**

- (1) The Minister responsible for education shall be the visitor of the college.
- (2) The Visitor shall, not less than once in every five year, conduct a visitation to the College or appoint a visitation panels consists of not less than five experts to conduct the visitation:
  - (a) for the purpose of evaluating the academic and administrative performance of the College; or
  - (b) for such other purpose as the visitor may deem fit.

***Committee's Recommendation:***

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 8: The Academic Board and its Functions.**

- (1) There shall be established for the College a Board to be known as the Academic Board which shall consist of the following members:
  - (a) the Provost of the College as the Chairman;
  - (b) all Heads of Departments;
  - (c) the College Bursar;
  - (d) the College Librarian; and

- (e) not more than three members of the Academic staff other than the heads of departments to be appointed by the Council.
- (2) The Academic Board shall be responsible for:
  - (a) the direction and management of academic matters of the college including the regulation of admission of students, the award of certificates, scholarships, prizes and other academic distinction;
  - (b) discharging any other functions which the council from time to time delegate to it.

***Committee's Recommendation:***

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 9: Power of Minister.**

The Minister may give to the Council directions of the general character or relating generally to matter with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with such directions.

***Committee's Recommendation:***

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 10: The Provost of the College.**

- (1) There shall be a Provost for the college (herein after referred to as "the Provost") who shall be appointed by the president on the recommendation of the Minister.
- (2) Where a vacancy occurs in the post of the provost, the Council shall:
  - (a) advertise the vacancy in reputable widely read newspaper in Nigeria specifying:
    - (i) the qualities of the person who may apply for the post;
    - (ii) the terms and conditions of service applicable to the post and thereafter draw up a short list of suitable candidates for consideration of the Minister.
- (3) The President shall appoint as provost one of the candidates recommended by the Minister.
- (4) Subject to 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.

- (5) The Provost shall hold office for a period of five years only and on such terms and conditions as may be specified in his letter of appointment.

***Committee's Recommendation:***

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 11: Deputy Provost.**

- (1) There shall be for the College two Deputy Provosts namely: Deputy Provost (Academic) and the Deputy Provost (Administration).
- (2) The Council shall the deputy provosts from among the Chief Lecturers in the College in any of the following ways, that is:
- (a) from a list of five candidates in order of preference, submitted by the provost;
  - (b) on the recommendation of a selection Board constituted for their purpose; or
  - (c) on the nomination of the provost.
- (3) The selection Board referred to in subsection 2 (b) of this section shall consist of:
- (i) the Chairman of the council;
  - (ii) the Provost of the college;
  - (iii) two members of the Academic board; and
  - (iv) two members of the council not being members of the Academic Board.
- (4) (a) The Deputy Provost (Academic) shall:
- (i) assist the provost in the performance of his function in Academic matters of the college;
  - (ii) act as the provost when the post of the provost is vacant or if the provost is for any reason, absent or unable to perform his function.
- (b) The Deputy Provost (Administration) shall:
- (i) assist the provost in administrative matters of the college; and
  - (ii) perform such other functions as the provost or the council may from time to time assign to him.

- (5) Each of the deputy provosts shall hold office for a period of two years no more.

*Committee's Recommendation:*

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 12: The Registrar and other Staff of the College.**

- (1) There shall be a Registrar for the College to be appointed by the council.
- (2) The Registrar shall keep the records and conduct the correspondence of the council.
- (3) The Registrar shall be the secretary to:
- (a) the Council;
  - (b) the Academic Board of the Council;
  - (c) any committee of the Council.
- (4) The Registrar may perform any duty as may be assigned to him by the council or the provost.
- (5) The Registrar shall hold office for a period of five years and no more.

*Committee's Recommendation:*

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 13: Other Principal Officers of the College.**

- (1) There shall be for the college in addition to the Registrar:
- (a) the Bursar; and
  - (b) the College Librarian who shall be appointed by the Council.
- (2) 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 the financial affairs of the college.
- (3) The College Librarians shall be responsible to the provost for the administration of the College library and the coordinator of the library services in the teaching units of the college.
- (4) The Bursar and the College librarian shall each hold office for a period of five years and no more.

*Committee's Recommendation:*

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 14: Resignation of Appointment of Principal Officer.**

A Principal Officer of the College may resign his appointment:

- (a) in case of the provost by notice to the visitor; and
- (b) in any other case by advise to the Council.

*Committee's Recommendation:*

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 15: Other Employees of the College.**

- (1) The council may appoint other persons to be employees of the College as the council may deem to assist the provost and the principal officers in the performance of their functions.
- (2) The remuneration, tenure of office and condition of services of the employee of the college shall be determined by the council in consultation with the Federal Civil Service Commission.

*Committee's Recommendation:*

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 16: Pensions.**

Service in the College shall be approved services for the purpose of the Pensions Reform Act and accordingly, officers and other persons employed in the College shall be entitled to pension, gratuity and other retirement benefits as may be prescribed in their respective letters of appointment.

*Committee's Recommendation:*

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 17: Selection Board for other Principal Officers.**

- (1) There shall be selection Board for the College which shall consist of:
  - (a) the Chairman of the Council;
  - (b) the Provost;

- (c) four members of the Council not being members of the academics Board; and
  - (d) two members of the Academic Board.
- (2) The functions, procedure and other matters relating to the selection Board constituted under subsection (1) of this section shall be determined from time to time by the council.

***Committee's Recommendation:***

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 18: Fund of the College**

- (1) The College shall establish and maintain a fund which shall be applied towards the promotion of the objectives of this Bill.
- (2) There shall be paid and credited to the fund established under subsection (1) of this section:
  - (a) such sums as may from time to time be granted by the Federal Government through the National Commission for Colleges of Education;
  - (b) all monies raised by the council by way of gift, grants in aid or test monetary disposition; and
  - (c) all subscription fees and charges for services rendered by the council and all other sums that may accrue to the council from any sources.
- (3) The council shall submit to the Minister, through the National Commission for Colleges of Education not later than three months before the end of each financial year or at such other time as he may direct an estimate of its revenue and expenditure for the next succeeding financial year.

***Committee's Recommendation:***

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 19: Power to Accept Gifts.**

- (1) The College may accept gifts or loan, money or of other property upon such terms and conditions, of any as may be specified by the person making the gifts.
- (2) The College shall not accept any gift if the conditioned attached to the gifts are inconsistent with the functions of the College.

**Committee's Recommendation:**

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to*.

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

**Clause 20: Account and Audit.**

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

**Committee's Recommendation:**

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to*.

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

**Clause 21: Annual Reports.**

The Council shall as soon as may be after the expiration of each Financials year, prepare and submit to the Minister a report of its activities during the immediate proceeding 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 of the accounts.

**Committee's Recommendation:**

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to*.

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

**Clause 22: Interpretation.**

In this Bill:

"Chairman" means the Chairman of the Council;

"College" means the Federal College of Education Birniwa established under section (1) of this Bill;

"Council" means the governing Council of the College established under section 2 of this Bill;

"Function" includes power and duties;

"Minster" means the minster charged with responsibility of education;

"Member" means a member of the council including the chairman;

"Provost" means the provost of the college established under section 10 of this Bill.

Citation.

*Committee's Recommendation:*

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 23:** This Bill may be sited as the Federal College of Education, Birniwa (Establishment) Bill, 2021.

## SCHEDULE

## Section 2 (3)

## SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC.

## Terms of Service

1. There may be paid to the members of the council or any Committee, other than ex- officio members, such remuneration and allowance may from time to time be determine by the president.
2. Where vacancy occurs in respect of the membership specified in section 3, it shall be filled by the appointment of a successor to hold office for the reminder of the term of office of his predecessor in office and such Successor shall represent the same interest as his predecessor.
3. The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member of the absence of a member.

## Proceedings

4. (1) The Council shall meet for the conduct of business at such times, places and on such days as the Chairman may appoint but shall meet not less than once every four months.
  - (2) The Chairman may at time and shall at the request in writing of not less than six members, convene a meeting of the Council.
  - (3) Where the council desires to obtain the advice of any person on any particular matter, the Council may co-opt persons who are members of the Council but persons co-opted shall not be entitled to vote at a meeting of the Council.
  - (4) The Quorum of the Council shall be one of the total members of the council, at least one of whom shall be a member appointed by the President.
  - (5) Decision of the Council shall be made on approval by a simple Majority of members.

## Miscellaneous

5. (1) The fixing of the seal of the college shall be authenticated by the Signatures of the Chairman, provost and of some other members of the council Authorized generally or specially by the council to act for that purpose.



- (2) Any contract or instrument which, if made or executed by a person other than a body corporate would not be required to be under seal may be made executed on behalf of the college by any person generally or specially authorized to act for that purpose by the council.
- (3) 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.

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 Establish the Federal College of Education Birniwa, Jigawa State, to provide full-time courses, teaching instruction and training in technology, applied science, arts, social sciences, humanities and management and for Related Matters, 2021 and approved as follows:

Clauses 1-23 — As Recommended

Schedule 1 — 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.*

21. **Federal University of Education Aguleri, Anambra State (Establishment) Bill, 2021 (HB. 1138) - Concurrence:**

*Motion made:* Pursuant to Order 79(1), that A Bill for an Act to Provide for the Establishment of the Federal University of Education, Aguleri; and for Other Matters Connected Herewith, 2021 be read the Second Time (*Senate Leader*).

*Debate:*

*Question put and agreed to.*

*Bill accordingly read the Second Time and referred to the Committee of the Whole.*

*Motion Made:* Pursuant to Order 81, That the Senate Do Resolve Into the Committee of the Whole to Consider A Bill for an Act to Provide for the Establishment of the Federal University of Education, Aguleri; and for Other Matters Connected Herewith, 2021

*Question put and agreed to.*

## (SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL UNIVERSITY OF EDUCATION, AGULERI; AND FOR OTHER MATTERS CONNECTED HEREWITH, 2021

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

**Clause 1: Establishment and objectives of the Federal University of Education, Aguleri.**

- (1) There is hereby established the Federal University of Education, Aguleri, Anambra State.
- (2) The University shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.
- (3) The University shall be a training institution for the development of teacher education in the Country.
- (4) The University shall be supervised by the Federal Ministry of Education through the National Universities Commission (NUC) who shall be responsible for approving and regulating all academic programmes run in the University, to ensure quality compliance and provide funds for academic and research programmes, infrastructures and remunerations of employees.
- (5) The objects of the University shall be —
  - (a) to encourage the advancement of learning and to hold out to all persons without dictation of race, creed, sex or political conviction.
  - (b) to develop and offer academic and professional programmes leading to the award of certificates, first degrees, post-graduate research, diploma and higher degrees with emphasis on planning, developmental and adaptive skills in education, technology, applied science, agriculture, commerce, arts, social sciences, humanities, management and allied professional disciplines.
  - (c) to provide socially mature educational men and women with capabilities not to only understand educational need of Nigeria as a nation, but also to exploit existing educational infrastructure and improve on it to develop new ones;
  - (d) to act as agents and catalysts for effective educational system, through post graduate training, research and innovation, for effective economics utilization and conservation of the country's human resources;

- (e) to bring quality change in education by focusing on teacher education through teaching and learning innovations.
- (f) to collaborate with other national and international institutions involved in training, research and development of education with a view to promoting governance, leadership and management skills among educational managers;
- (g) to identify educational needs of the society with a view to finding solutions to them within the context of overall national development;
- (h) to provide and promote sound basic education training as a foundation for the development of Nigeria, taking into account indigenous culture and the need to enhance national unity;
- (i) to provide higher education and foster a systematic advancement of the science and art of teacher education;
- (j) to provide for instruction in such branches of teacher education as it may deem necessary to make provision for research advancement and dissemination of knowledge in such manner as it may determine;
- (k) to provide teachers with operational competence for teaching in pre-tertiary institutions, basic, senior secondary schools and non-formal education institutions;
- (l) to undertake any other activities that is appropriate for a university of education of the highest standard.

***Committee's Recommendation:***

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 2: Constitution and Principal Officers of the University.**

- (1) The University shall consist of —
  - (a) a Chancellor;
  - (b) a Pro-Chancellor and a Council;
  - (c) a Vice-Chancellor and a Senate;
  - (d) a Deputy Vice-Chancellor(s);
  - (e) a body to be called Congregation;

- (f) a body to be called Convocation;
  - (g) the campuses and Colleges of the University;
  - (h) the colleges, institutes and other teaching and research units of the University;
  - (i) the persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraphs (a) to (c) of this subsection;
  - (j) all graduates and undergraduates of the University; and
  - (k) all other persons who are members of the University in accordance with provisions made by statute in that behalf.
- (2) The First Schedule to this Bill shall have effect with respect to the principal officers to the University.
- (3) Subject to section 5 of the Bill, provisions shall be made by statute with respect to the constitution of the Council, the Senate, Congregation and Convocation.

***Committee's Recommendation:***

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

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

- (1) For the carrying out of its objects as specified in section 1 of this Bill, Federal University of Education, Aguleri shall have power —
- (a) to offer courses of instruction, training and research in education and allied areas of the production of quality and skilled teachers required to teach at lower, middle and higher levels of education in Nigeria in particular and the world at large;
  - (b) to establish such colleges, campuses, institutes, schools, departments and other teaching and research units within the University as may from time to time be deemed necessary or desirable subject to the approval of National Universities Commission;
  - (c) to institute professorships, readerships or associate professorships, lectureships, and other posts and offices and to make appointments thereto;

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

the University, such moneys as the Council may from time to time in its discretion find it necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;

- (p) to make gifts for any charitable purpose;
  - (q) to do anything which it is authorized or required by the Bill or by statute to do; and
  - (r) to do all such acts or things, whether or not incidental to the foregoing powers, as may advance the objects of the University.
- (2) Subject to the provisions of this Bill and of the statutes and without prejudice to section 7 (2) of this Bill the powers conferred on the University by subsection (1) of this section shall be exercisable on behalf of the University by the Council or by the Senate or in any other manner which may be authorized by the statute.
- (3) The power of the University to establish further campuses and colleges within the University shall be exercisable by statute and not otherwise.

***Committee's Recommendation:***

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

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

- (1) (a) The Chancellor shall, in relation to the University, take precedence before all other members of the University, and when he is present, shall preside at all meetings of Convocation held for conferring degrees.

*Qualification of Chairman of Governing Council.*

- (b) A person to be appointed Chairman of Governing Council shall be an accomplished personality with proven integrity, knowledgeable and familiar with the affairs and tradition of the University.
- (2) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University, except the Chancellor and except the Vice-Chancellor when acting as chairman of Congregation or Convocation and the Pro-Chancellor shall, when he is present, be the chairman at all meetings of the Council.

***Committee's Recommendation:***

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 5: Composition, tenure and powers of the Council of the University.**

- (1) The Council of the University shall consist of —
  - (a) the Pro-Chancellor who shall be appointed by the President on the recommendation of the Honourable Minister of Education;
  - (b) the Vice-Chancellor;
  - (c) the Deputy Vice-Chancellor(s);
  - (d) one person from the Ministry responsible for Education;
  - (e) four persons representing a variety of interests and broadly representative of the whole Federation to be appointed from —
    - (i) the Teacher's Registration Council,
    - (ii) Tertiary Education Trust Fund, and
    - (iii) two other persons, one of whom shall be a representative of the University host community.
  - (f) four persons appointed by the Senate from among its members;
  - (g) two persons appointed by Congregation from among its members;
  - (h) one person appointed by Convocation from among its members; and
  - (i) two persons representing the community appointed by the President.
- (2) Persons to be appointed to the Council shall be of proven integrity, knowledgeable and familiar with the affairs and tradition of the University.
- (3) The Council so constituted shall have a tenure of four years from the date of its inauguration provided that where a council is found to incompetent and corrupt, it shall be dissolved by the visitor and a new council shall be immediately constituted for the effective functioning of the university. If the Council is found to be incompetent and corrupt, it shall be dissolved by the Visitor and a new Council shall be immediately constituted for the effective functioning of the University.
- (4) The powers of the Council shall be exercised, as in this Bill and to that extent establishment circulars that are inconsistent with this Bill shall not apply to the University.

- (5) The Council shall be free in the discharge of its functions and exercise of its responsibilities for the good management, growth and development of the University.
- (6) The Council in the discharge of its functions shall ensure that disbursement of funds of the University complies with the approved budgetary ratio for —
  - (a) personnel cost;
  - (b) overhead cost;
  - (c) research, and development;
  - (d) library developments; and
  - (e) the balance in expenditure between academic vis-a-vis non-academic activities.

***Committee's Recommendation:***

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 6: Functions of the Council and its finance and general-purpose committee.**

- (1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of the University.
- (2) There shall a committee of council to be known as Finance, general Purpose committee, which shall, subject to the direction of the council, exercise control over the property and expenditure of the university and perform such other unction of the council as the council will from time to tie delegate to it.
- (3) Provision shall be made by statute with respect to the constitution of the Finance and General Purposes Committee.
- (4) The Council shall ensure that proper accounts of the University are kept and that the accounts of the University are audited annually by an independent firm of auditors approved by the Council and that an annual report is published by the University together with certified copies of the said accounts as audited.
- (5) Subject to this Bill and the statutes, the Council and the Finance and General Purposes Committee may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.



- (6) Rules made under sub-section (5) of this section by the Finance and General Purposes Committee shall not come into force unless approved by the Council; and in so far and to the extent that any rules so made by that Committee conflict with any direction given by the Council, whether before or after the coming into force of the rules in question, the directions of the Council shall prevail.
- (7) There shall be paid to the members respectively of the Council, the Finance and General Purpose Committee and of any other committee set up by the Council, allowances in respect of travelling and other reasonable expenses, at such rates as may from time to time be fixed by the Minister.
- (8) The Council shall meet as and when necessary for the performance of its functions under this Bill and shall meet at least three times in every year.
- (9) If requested in writing by any five members of the Council, the chairman shall within 28 days after the receipt of such request call a meeting of the Council.
- (10) Any request made under sub-section (9) of this section shall specify the business to be considered at the meeting and no business not so specified shall be transacted at the meeting.

***Committee's Recommendation:***

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 7: Functions of the Senate of the University.**

- (1) Subject to section 6 of this Bill and subsections (3) and (4) of this section and the provisions of this Bill relating to the visitor, it shall be the general function of the senate to organize and control the teaching by the university, the admission of student where no other enactment provides to the contrary and the discipline of students; and to promote research at the university.
- (2) Without prejudice to the generality of subsection (1) of this section and subject as therein mentioned, it shall in particular be the function of the Senate to make provision for —
  - (a) the establishment, organization and control of campuses, colleges, schools, institutes and other teaching and research units of the University and the allocation of responsibility for different branches of learning;

- (b) the organization and control of courses of study at the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
  - (c) the award of degrees, and such other qualifications as may be prescribed in connection with examinations held as aforesaid;
  - (d) the making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus;
  - (e) the establishment, organization and control of halls of residence and similar institutions at the University;
  - (f) the supervision of the welfare of students at the university and the regulation of their conduct;
  - (g) the granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University; and
  - (h) determine what descriptions of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.
- (3) The Senate shall not establish any new campuses, college, school, department, institute or other teaching and research units of the University, or any hall of residence or similar institution at the University without the approval of the Council.
- (4) Subject to this Bill and statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the foregoing provisions of this section or otherwise or for purpose of making provisions for any matter for which provision by regulations is authorized or required by this Bill or by statute.
- (5) Regulations shall provide that at least one of the persons appointed as the examiners at each final or professional examination held in conjunction with any course of study at the University is not a teacher at the University but is a teacher of the branch of learning to which the course relates at some other University of high repute or a person engaged in practicing the profession in a reputable organization or institution.
- (6) Subject to right of appeal to the Council from a decision of the Senate under this sub-section, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred upon him if after due enquiry he is found to have been guilty of dishonorable

or scandalous conduct in gaining admission into the University or obtaining that award.

*Committee's Recommendation:*

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 8: Functions of the Vice Chancellor.**

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

*Committee's Recommendation:*

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

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

**Clause 9: General fund of the University.**

- (1) There shall be a general fund of the university which shall consist of the following —
  - (a) grants-in-aid;
  - (b) fees;
  - (c) income derived from investments;

- (d) gifts, legacies, endowments and donations not accepted for a particular purpose;
- (e) income derived from the exercise of any functions conferred or imposed on the University by this Bill;
- (f) any other amounts, charges or dues recoverable by the University;
- (g) revenue, from time to time, accruing to the University by way of subvention;
- (h) interests on investments;
- (i) donations and legacies accruing to the University from any source for the general or special purposes of the University; and
- (j) regular TETFund interventions.

(2) The general fund shall be applied for the purposes of the University.

***Committee's Recommendation:***

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 10: Transfer of property.**

- (1) (a) All property held by or on behalf of the Provisional Council of the University shall, by virtue of this sub section and without further assurance, vest in the University and be held by it for the purpose of the University.

*Intellectual property rights within the university.*

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

- (d) work commissioned by a third party from the university; and
- (e) work undertaken by students of the university;

*Provided that where an inventor is an employee then:*

- (a) his contract of employment does not require him to exercise any inventive activity but has in making the invention used or data means that the employment has put at his disposal; or
- (b) the invention is of exceptional importance, he is entitled to a fair remuneration taking into account his salary and importance of the invention; and
- (c) the entitlement in question is not modifiable by contract and may be enforced by civil proceedings;
  - (ii) no person shall use another author's language, thoughts, ideas or expressions without due authority or reference to the author (Plagiarism);
  - (iii) no person shall make or cause to be made for sale, use, hire, duplication or distribution of the intellectual property of an owner without his or her consent;
  - (iv) intellectual property rights includes, copyrights, moral rights, performing rights, broadcast rights, patents, trade secrets, database rights, registered and unregistered design rights, or trademarks rights in work developed through individual works or the work of the central academic bodies and any other relevant or related rights.
- (2) The provisions of the Second Schedule to this Bill shall have effect with respect to, and to matters arising from, the transfer of property by this section and with respect to the other matters mentioned in that Schedule.

***Committee's Recommendation:***

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

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

PART III - STATUTES OF THE UNIVERSITY

**Clause 11: Power of the University to make statutes.**

- (1) Subject to this Bill, the University may make statutes for any of the following purposes, that is to say —
  - (a) making provision with respect to the composition and constitution of any authority of the University;

- (b) specifying and regulating the powers and duties of any authority of the University, and regulating any other matter connected with the University or any of its authorities;
  - (c) regulating the admission of students (where no other enactment provides to the contrary), and their discipline and welfare;
  - (d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Bill and of any statute, regulation or other instrument made there under; or
  - (e) making provision for any other matter for which provision by statute is authorized or required by this Bill.
- (2) Subject to section 25(6) of this Bill, the Interpretation Act shall apply in relation to any statute made under this section as it applies to a subsidiary instrument within the meaning of section 28(1) of that Act.
  - (3) The statute contained in the Third Schedule to this Bill shall be deemed to have come into force on the commencement of this Bill and shall be deemed to have been made under this section by the university
  - (4) The power to make statutes conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the statute contained in the Third Schedule to this Bill or any subsequent statute.

***Committee's Recommendation:***

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 12: Mode of exercising power to make statutes.**

- (1) The power of the University to make statutes shall be exercised in accordance with the provisions of this section and not otherwise.
- (2) A proposed statute shall not become law unless it has been approved —
  - (a) at a meeting of the Senate, by the votes of not less than two thirds of the members present and voting; and
  - (b) at a meeting of the Council, by the votes of not less than two thirds of the members present and voting.
- (3) A proposed statute may originate either in the Senate or in the Council, and may be approved as required by subsection (2) of this section by either one of those bodies or the other.

- (4) A statute which —
- (a) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University; or
  - (b) provides for the establishment of a new campus or college or for the amendment or revocation of any statute.
- (5) For the purpose of section 2 (2) of the Interpretation Act, a statute shall be treated as being made on the date on which it is duly approved by the Council after having been duly approved by the Senate, or on the date on which it is duly approved by the Senate after having been duly approved by the Council, as the case may be or, in the case of a statute falling within subsection (4) of this section, on the date on which it is approved by the President.
- (6) In the event of any doubt or dispute arising at any time —
- (a) as to the meaning of any provision of a statute; or
  - (b) as to whether any matter is for the purposes of this Bill an academic or non-academic matter as they relate to such doubt or dispute, the matter may be referred to the Visitor, who shall take such advice and make such decision thereon as he shall think fit.
- (7) The decision of the Visitor on any matter referred to him under sub-section (6) of this section shall be binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a statute has been decided by the Visitor under that subsection, no question as to the meaning of that provision shall be entertained by any court of law in Nigeria.
- (8) Nothing in subsection (7) of this section shall affect any power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution of the Federal Republic of Nigeria, 1999.

***Committee's Recommendation:***

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 13: Proof of statutes.**

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

*Committee's Recommendation:*

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

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

## PART IV — SUPERVISION AND DISCIPLINE

**Clause 14: The Visitor.**

- (1) The President shall be the Visitor of the University.
- (2) The Visitor shall cause a visitation to the University when necessary, at least every five years, or direct that such a visitation be conducted by such person or persons as the Visitor may deem fit and in respect of any of the affairs of the University.
- (3) It shall be the duty of the bodies and persons comprising the University to make available to the Visitor and to any other person conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation.
- (4) The Visitor shall make the report of such visitations and white paper thereon available to the Council which shall implement same.

*Committee's Recommendation:*

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 15: Removal of certain members of Council.**

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

*Committee's Recommendation:*

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

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



- Clause 16: Removal and discipline of academic, administrative and professional staff.
- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the University, other than the Vice-Chancellor, should be removed from his office or employment on the ground of misconduct or of professional inability to perform the functions of his office or employment, the Council shall —
    - (a) give notice of those reasons to the person in question;
    - (b) afford him an opportunity of making representations in person on the matter by the Council; and
    - (c) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter, and if the Council, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.
  - (2) The Vice-Chancellor may, in a case of misconduct by a member of the staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of the University, suspend such member and any such suspension shall forthwith be reported to the Council.
  - (3) For good cause, any member of the staff may be suspended from his duties or his appointment may be terminated by the Council; and for the purposes of this subsection "good cause" means —
    - (a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
    - (b) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office;
    - (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office;
    - (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service;

- (e) conduct which the Council considers to be generally of such nature as to render the continued appointment or service of the person concerned prejudicial or detrimental to the interest of the University.
- (4) Any person suspended pursuant to subsection (2) or (3) of this section shall be on half pay and the Council shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as —
- (a) whether to continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him);
  - (b) whether to reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
  - (c) whether to terminate the appointment of the person concerned, in which case such a person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
  - (d) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine.
- (5) In any case where the Council, pursuant to this section, decides to continue a person suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.
- (6) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) of this section to use his best endeavors to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.
- (7) Nothing in the foregoing provisions of this section shall —
- (a) apply to any directive given by the Visitor in consequence of any visitation; or
  - (b) prevent the Council from making regulations for the discipline of other categories of workers of the University as may be prescribed.

***Committee's Recommendation:***

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 17: Removal of examiners.**

- (1) If, on the recommendation of the Senate, it appears to the Vice-Chancellor that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then, except in such cases as may be prescribed by the Vice-Chancellor may, after affording the examiner an opportunity of making representations in person on the matter to the Vice-Chancellor, remove the examiner from the appointment by an instrument in writing signed by the Vice-Chancellor.
- (2) Subject to the provisions of regulations made in pursuance of section 7 (5) of this Bill, the Vice-Chancellor may, on the recommendation of the Senate, appoint an appropriate person as examiner in the place of the examiner removed in pursuance of subsection (1) of this section.
- (3) It shall be the duty of the Vice-Chancellor on signing an instrument of removal pursuance to this section, to use his best endeavors to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it is related.

***Committee's Recommendation:***

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 18: Participation and discipline of students.**

- (1) The Students shall be —
  - (a) represented in the University's Students Welfare Board and other committees that deal with the affairs of students;
  - (b) participate in various aspects of curriculum development;
  - (c) participate in the process of assessing academic staff in respect of teaching; and
  - (d) be encouraged to be more self-assured as part of the national development process.
- (2) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student of the University has been guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by statute or regulations, direct —
  - (a) that the student shall not, during such period as may be specified in the directions, participate in such activities of the University, or make use of such facilities of the University, as may be so specified; or

- (b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified; or
  - (c) that the student be rusticated for such period as may be specified in the direction; or
  - (d) that the student be expelled from the University.
- (3) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, that student may, within the prescribed period and in the prescribe manner, appeal to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just either confirm or set aside the direction or modify it in such manner as the Council thinks fit.
- (4) The fact that an appeal from a direction is brought in pursuance to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending —
- (a) the Vice Chancellor may delegate his powers under this section to a disciplinary board consisting of such members of the University as he may nominate;
  - (b) nothing in this section shall be construed as preventing the restriction or termination of students' activities at the University otherwise than on the ground of misconduct;
  - (c) a direction under subsection (2) (a) of this section may be combined with a direction under subsection (2) (b) of this section.

***Committee's Recommendation:***

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

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

PART V — MISCELLANEOUS AND GENERAL

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

- (1) No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, account of race, place of birth or of family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the university, the holder of any degree of the University or of any appointment or employment at the University, or a member of anybody established by virtue of this Bill; and no person shall be subject to any disadvantage or accorded any advantage relation to the University, by reference to any of those matters.

- (2) Nothing in subsection (1) of this section shall be construed as preventing the university from imposing any disability or restriction on any of the persons mentioned in that subsection where such person willfully refuses or fails on grounds of religious belief to undertake any duty generally and uniformly imposed on all such person or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the university reasonably justifiable in the national interest.

***Committee's Recommendation:***

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 20: Restriction on disposition of land by University.**

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

Provided that such consent shall not be required in the lease or tenancy to a member of the university for residential purpose.

***Committee's Recommendation:***

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

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

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

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

***Committee's Recommendation:***

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 22: Appointment of committee, etc.**

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

(a) to exercise, on its behalf, such of its functions as it may determine; and

(b) to co-opt members.

- (2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies, or for the appointment of committees consisting of members of those bodies, for the purpose of considering any matter within the competence of those bodies or any of them, and either of dealing with it or of reporting on it to those bodies or any of them.
- (3) Except as may be otherwise provided by status or by regulations, the quorum and procedure of a committee established or meeting held in pursuance of this section, shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.
- (4) Nothing in the provisions of subsection (1), (2) and (3) of this section shall be construed as —
  - (a) enabling the statutes to be made otherwise than in accordance with section 1 of this Bill; or
  - (b) enabling the Senate to empower any other body to make regulations of the award degrees or other qualifications.
- (5) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council (other than a committee appointed to inquire into the conduct of the officer in question); and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

***Committee's Recommendation:***

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 23: Retiring age of academic staff.**

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

*Committee's Recommendation:*

That the provision in Clause 23 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 24: Special provisions relating to pension of professors.**

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

*Committee's Recommendation:*

That the provision in Clause 24 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 25: Miscellaneous administrative provisions.**

- (1) The seal of the University shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall be authenticated by any member of the Council and by the Vice-Chancellor, Secretary to the Council or any other person authorized by statute.
- (2) Any document purporting to be a document executed under the seal of the University shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
- (3) Any contract or instrument which if made or executed by a person not being a body corporate would not require to be under seal, may be made or executed on behalf of the University by any person generally or specially authorized to do so by the Council.
- (4) Validity of any proceeding of anybody established in pursuance of this Bill shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the preceding.
- (5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith disclose his interest to the body and shall vote on any questions relating to that matter.
- (6) Nothing in section 12 of the Interpretation Act (which provided for the application in relation to subordinate legislation of certain incidental provisions) shall apply to statutes or regulations made in pursuance to this Bill.
- (7) The power conferred by this Bill on anybody to make statutes or regulations shall include power to revoke or vary any statute (including the statute contained in the Third Schedule of this Bill) or any regulation

by a subsequent statute or as the case may be, by a subsequent regulation and statutes and regulations may make different provisions in relation to different circumstances.

- (8) Not stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of section 8 or section 18 of this Bill or the Second Schedule to this Bill.
- (9) Any notice or other instrument authorized to be served by virtue of this Bill may, without prejudice to any other mode of service, be served by post.

*Committee's Recommendation:*

That the provision in Clause 25 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 26: Restriction of suits and execution.**

*Pre-Action Notice.*

- (1) (a) No legal proceeding shall be instituted and/or commenced against the University or any of its agents in the course of their official duties unless a 3 months' Pre-Action Notice of such intention is served on the University by an aggrieved party;
- (b) The Notice state the reason and the cause of action intended to be taken against the University, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims;
- (c) For the avoidance of doubt, it is hereby declared that no suit shall commenced against an officer or servant of the University, in any case where the University is vicariously liable for any alleged act, neglect or default of the officer or servant in the performance or intended performances of his duties, unless three months at least has elapsed after written notice of intention to commence the same shall have been served on the University by the intending plaintiff or his agent;
- (d) In any suit against this University, no execution or attachment or process in the nature thereof shall be issued against the University, but any sums of money which may be judgment of the Court be awarded against University shall, subject to any direction given by the Court where notice of appeal has been given by the University in respect of the said judgment, be paid by the University from its general fund.



*Service of Notices.*

- (2) Service upon the University of any notice, order or other document may be effected by delivering the same or by sending it by registered post addressed to the Registrar and Secretary of the Council.

*Committee's Recommendation:*

That the provision in Clause 26 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 27: Interpretation.**

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

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

"College" means the College established pursuant to section 2 (1) (b) of this Bill for the University;

"Council" means the governing Council of the University established by section 5 of this Bill;

"Functions" includes powers and duties;

"Graduate" means a person on whom a degree, other than an honorary degree, has been conferred by the University and any other person as may be designated as a graduate by the Council, acting in accordance with the recommendation of the Senate;

"Minister" means the Hon. Minister of Education;

"Notice" means notice in writing;

"Officer" does not include the Visitor;

"Prescribed" means prescribed by statute or regulations;

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

"Property" includes rights, liabilities and obligations;

"Provisional" Council" means the provisional appointed for the University;

"Regulation" means the Senate of the University established pursuant to section 2 (1) of this Bill;

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

"Statute" means a statute made by each University under section 10 of this bill and in accordance with the provisions of section 11 of this Bill;

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

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

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

"University" means Federal University of Education, Aguleri established and incorporated by section 1 of this Bill.

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

***Committee's Recommendation:***

That the provision in Clause 27 be retained (*Senate Leader*) — *Agreed to.*

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

**Clause 28: Short title.**

This Bill may be cited as the Federal University of Education Aguleri, Anambra State (Establishment) Bill, 2021.

***Committee's Recommendation:***

That the provision in Clause 28 be retained (*Senate Leader*) — *Agreed to.*

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

## SCHEDULES

## FIRST SCHEDULE

*Section 2 (2)*

## PRINCIPAL OFFICERS OF THE UNIVERSITY

## The Chancellor

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

## The Pro-Chancellor

2. (1) The Pro-Chancellor who shall be the Chairman of Council shall be appointed or removed from office by Mr President upon recommendation by the Minister of Education.
- (2) Subject to the provisions of this Bill, the Pro-Chancellor shall hold office for a period of four years beginning with the date of his appointment.

## The Vice-Chancellor

3. (1) There shall be a Vice-Chancellor of the University who shall be appointed by the Council in accordance with the provisions of this paragraph.
- (2) Where a vacancy occurs in the post of a Vice-Chancellor, the Council shall:
  - (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying:
    - (i) the qualities of the persons who may apply for the post; and
    - (ii) the terms of conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for the post for consideration.
  - (b) constitute a Search Team consisting of:
    - (i) a member of the Council, who is not a member of the Senate, as Chairman;
    - (ii) two members of Congregation who are not members of the Council, one of whom shall be a professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they felt that it is not proper to do so;
    - (iii) two members of congregation who are not members of the Council, one of whom shall be a Professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they felt that it is not proper to do so.

- (3) A Joint Council and Senate Selection Board consisting of:
  - (a) the Pro-Chancellor, as chairman's;
  - (b) two members of the Council, not being members of the Senate;
  - (c) two members of the Senate who are Professors, but who were not members of the Search Team, shall consider the candidates and person in the shortlist drawn up under subsection (2) of this paragraph through an examination of their curriculum vitae and interaction with them, and recommend to the Council three candidates for further consideration.
- (4) The Council shall select and appoint as the Vice-Chancellor one candidate from among the three candidates recommended to it under subsection (3) of this section and thereafter inform the Visitor.
- (5) The Vice-Chancellor shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.
- (6) The Vice-Chancellor may be removed from office by the council on grounds of gross misconduct or inability to discharge the functions of his office as a result of infirmity of the body or mind, at the initiative of the council, Senate or the Congregation after due process.
- (7) When the proposal for the removal of the Vice-Chancellor is made, the Council shall constitute a Joint Committee of Council and Senate consisting of:
  - (i) three members of the council, one of whom shall be the Chairman of the committee; and
  - (ii) two members of the Senate:

Provided that where the ground for removal is infirmity of the body 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.

## Deputy Vice-Chancellor

4. (1) There shall be for the University such number of Deputy Vice-Chancellors as Council may from time to time deem necessary for the proper administration of the University.
- (2) Where a vacancy occurs in the post of Deputy Vice-Chancellor, the Vice-Chancellor shall forward to the Senate a list of two candidates for each post of Deputy Vice-Chancellor that is vacant.
- (3) The Senate shall select for each vacant post one candidate from each list forwarded to it under subsection (2) of this paragraph and forward his name to the Council for confirmation.
- (4) A Deputy Vice-Chancellor shall:
- (a) assist the Vice-Chancellor in the performance of his functions;
  - (b) act in the place of the Vice-Chancellor when the post of the Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or unable to perform his functions as Vice-Chancellors; and
  - (c) perform such other functions as the Vice-Chancellors or the Council may, from time to time, assign to him.
- (5) A Deputy Vice-Chancellor:
- (a) shall hold office for a period of two years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment;
  - (b) may be reappointed for one further period of two years and no more;
  - (c) may be removed from office for good cause by the Council acting on the recommendations of the Vice-Chancellors and Senate; and
  - (d) "Good Cause" for the purpose of this section means gross misconduct or inability to discharge the functions of his office arising from infirmity of the body or mind.

## Office of the Registrar

5. (1) There shall be for the University, a Registrar, who shall be the chief administrative officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administrative work of the University except as regards matters for which the bursar is responsible in accordance with paragraph 6 (2) of this Schedule.
- (2) The person holding the office of the Registrar shall be virtue of that office be Secretary to the Council, the Senate, Congregation and Convocation.

Other principal officers of the University

6. (1) There shall be for the University the following principal officers, in addition to the Registrar, that is:
- (a) the Bursar; and
  - (b) the University Librarian,
- who shall be appointed by the Council on the recommendation of the Selection Board constituted under paragraph 7 of this Schedule.
- (2) The Bursar shall be the Chief Financial Officer of the University and be responsible to the Vice-Chancellor for the day-to-day administration and control of the financial affairs of the University
- (3) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.

Selection of Board for other Principal officers

7. (1) There shall be, for the University, a Selection Board for the appointment of principal officers, other than the Vice-Chancellors or Deputy Vice-Chancellor, which shall consist of:
- (a) the Pro-Chancellor, as Chairman;
  - (b) the Vice-Chancellors;
  - (c) four members of the Council not being members of the Senate; and
  - (d) two members of the Senate.
- (2) The functions, procedure and other matters relating to the Selection Board constituted under subsection (1) of this paragraph shall be as the Council may, from time to time, determine.
- (3) The Registrar, Bursar and Librarian shall hold office for a single term of five years only beginning from the effective date of their appointment and on such terms and conditions as may be specified in their letters of appointment.
- (4) Notwithstanding subsection (3) of this section, the Council may, upon satisfactory, extend the tenure of the Registrar, Bursar or Librarian for a further period of one year only and thereafter such principal officer shall relinquish his post and be assigned to other duties in the University.

Resignation and Re-appointment

8. (1) Any officer mentioned in the foregoing provisions of this Schedule may resign his office:
- (a) in the case of the Chancellor or Pro-Chancellor, by notice to the Visitor;

- (b) in any other case, by notice to the Council and the council shall, in the case of the Vice Chancellor, immediately notify the visitor.
- (2) Without prejudice to paragraph 4 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

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

## SECOND SCHEDULE

### TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

#### Transfer of Property to University

1. Without prejudice to the generality of section 9 (1) of this Bill:
  - (a) the reference in that subsection to property held by the Provisional council shall include a reference to the right to the Provisional Council;
  - (b) all debts and liabilities of the Provisional Council outstanding shall become debts or liabilities of the University.
2.
  - (1) All agreements, contracts, deeds and other instruments to which the Provisional Council was a party shall, so far as possible and subject to any necessary modifications, have effect as if the University had been a party thereto in place of the Provisional council.
  - (2) Documents not falling within subsection (1) of this paragraph, including enactment which refer, whether specially or generally, to the Provisional Council, shall be construed in accordance with that sub-section so far as applicable.
  - (3) Any legal proceedings or application to any authority pending by or against the Provisional Council may be continued by or against the University.

#### Registration of transfers

3.
  - (1) If the law in force at the place where any property transferred by this Bill is statute provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment fees or any other matter) apply, with necessary modifications, to the property aforesaid.
  - (2) It shall be the duty of the body to which any property is transferred to this Bill to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

#### Transfer of Functions, etc.

4.
  - (1) The first meeting of the council shall be convened by the Pro-Chancellor on such date and in such manner as he may determine.

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

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

#### THIRD SCHEDULE

*[Section 9(3)]*

FEDERAL UNIVERSITY OF EDUCATION, AGULERI, STATUTE NO. 1

#### ARRANGEMENT OF ARTICLES

Articles:

1. The council
2. The Finance and General Purposes Committee
3. The Senate
4. The Congregation
5. Convocation
6. Division of Colleges
7. College/School Boards
8. Dean of the College
9. Selection of certain Principles Officers



10. Creation of academic posts
11. Appointment of academic staff
12. Appointment of administrative and professional staff
13. Interpretation
14. Short title

#### The Council

1. (1) The composition of the Council shall be as provided in section 5 of this Bill.
- (2) Any member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c) or (d) of this Bill may, by notice to the Council, resign his office.
- (3) A member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c), or (d) of this Bill shall, unless they previously vacates it, vacate that office on the expiration of the period of four years beginning with effect from August in the year which he was appointed.
- (4) Where a member of the council holding office otherwise than in pursuance of section 5 (a), (b), (g) or (h) of this Bill vacate that office before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.
- (5) A person ceasing to hold office as a member of the council otherwise than by removal for misconduct shall be eligible for re-appointment for only one further period of four years.
- (6) The quorum of the council shall be five, at least one whom shall be a member appointed in pursuant to section 5 (d) or (e) of this Bill.
- (7) If the pro-chancellor is not present at a meeting of the council, such other member of the council present at the meeting as the council may appoint as respect that meeting shall be the chairman at that meeting, and subject to section 4 of this bill and the forgoing provisions of this paragraph, the council may regulate its own procedure.
- (8) Where the Council desires to obtain advice with respect to any particular matter may co-opt not more than two persons for that purpose, and the persons co-opted may take part in the deliberation of the Council at any meeting but shall not be entitled to vote.

#### The Finance and General Purposes Committee

2. (1) The Finance and General Purposes Committee of the Council shall consist of:
  - (a) the Pro-Chancellor, who shall be the chairman of the Committee at any meeting at which he is present
  - (b) the Vice-Chancellor and Deputy Vice-Chancellors;
  - (c) six other members of the Council appointed by the Council, two of whom shall be selected;

- (d) the Permanent Secretary of the Federal Ministry of Education, or in his absence, such member of his ministry as he may designate to represent him; and may designate to represent him; and
- (e) the Executive Secretary of the Petroleum Technology Development Fund, or in his absence, such member of the fund as he may designate to represent him.

- (2) The quorum of the Committee shall be five.
- (3) Subject to any directions given by the Council, the Committee may regulate its own procedure.

Annual budget and estimates, etc.

- (4) (i) The estimates of income and expenditure for a financial year shall be presented by the Vice-Chancellor to the Council and may be approved by the Council before the beginning of that financial year:

Provided that the Vice-Chancellor may during any financial year present and the Council may approve supplementary estimates of income or expenditure.

- (ii) The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Council may direct.

Gifts, donations, etc.

- (5) (i) The Council may on behalf of the University accept by way of grants, gift, testamentary disposition or otherwise, property and money in aid of the finances of the University on such conditions as it may approve.
- (ii) Registers shall be kept of all donations to the University including the names of donors and any special conditions under which any donation may have been given:

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

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

Payment into bank

- (6) All sums of money received on account of the University shall be paid into such bank as may be approved by the Council for the credit of the University's general, current or deposit account:

Provided that the Council may invest, as it deems fit, any money not required for immediate use other than donations of money referred to in subsection (1) of this section.

#### Audit

3. (1) The Council shall cause the accounts of the University to be audited by auditors appointed by the Council as soon as may be after the end of each financial year or for any such other period as the Council may require.
- (2) The appointment and other matters relative to the auditors, their continuance in office and their functions, as the case may be, shall, subject to the provisions of this section, be prescribed by statute.

#### The Senate

4. (1) The Senate shall consist of:
- (i) the Vice-Chancellors;
  - (ii) Deputy Vice-Chancellors;
  - (iii) the Dean of respective Colleges;
  - (iv) the Professors in the University;
  - (v) Head of Academic Department and Units;
  - (vi) the University Librarian;
  - (vii) one elected representative of each College;
  - (viii) two members of Academic Staff elected by the Congregation;
  - (ix) one elected representative of each department;
  - (x) two members representing a variety of interests of the professional bodies outside the University appointed by the Senate on the recommendation of the Vice-Chancellor;
  - (xi) one elected representative of each department;
  - (xii) two members representing a variety of interests of the professional bodies outside the University appointed by the Senate on the recommendation of the Vice-Chancellor;
  - (xiii) Registrar - Secretary.
- (2) The procedure for election of members of Senate to the Council shall be prescribed by Regulations.

- (3) The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present, and in his absence any of the Deputy Vice-Chancellors present at the meeting as the Senate may appoint for that meeting shall be the chairman at the meeting.
- (4) The quorum of the Senate shall be one quarter or the nearest whole number less than one quarter; and subject to paragraph (3) of this Article, the Senate may regulate its own procedure.
- (5) An elected member may, by notice to the Senate, resign his office.
- (6) Subject to paragraph (8) of this Article, there shall be elections for the selection of elected members which shall be held in the prescribed manner on such day in the month of May or June in each year as the Vice-Chancellor may from time to time determine.
- (7) An elected member shall hold office for the period of two years beginning with 1 August in the year of his election, and may be a candidate at any election held in pursuance to paragraph (6) of this Article in the year in which his period of office expires, so however that no person shall be such a candidate if at the end of his current period of office he will have held office as an elected member for a continuous period of six years or would have so held office if he had not resigned it.
- (8) No election shall be held in pursuance of this article in any year if the number specified in the certificate given in pursuance to paragraph (11) of this Article does not exceed by more than one the figure which is thrice the number of those elected members holding office on the date of the certificate who do not vacate office during that year in pursuance of paragraph (7) of this Article.
- (9) For the avoidance of doubt, it is hereby declared that no person shall be precluded from continuing in or taking office as an elected member by reason only of reduction in the after 30 April in any year in which he is to continue in or take office as all elected member.
- (10) If so requested in writing by any fifteen members of the Senate, the Vice-Chancellor or in his absence any of the Deputy Vice-Chancellor duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.
- (11) In this article "total of non-elected members" means as respect any year, such number as may be certified by the Vice-chancellor on 30 April of that year to be the number of persons holding office as members of the Senate on that day otherwise than as elected members.
- (12) Subject to the foregoing provisions of this article, Congregation may regulate its own procedure.

- (13) Congregation shall be entitled to express by resolutions or otherwise its opinion on all matters affecting the interest and welfare of the University and shall have such other functions, in addition to the function of electing a member of the Council, as may be provided by statute or regulations.

Congregation

5. (1) Congregation shall consist of:
- (i) Vice-Chancellors;
  - (ii) the Deputy Vice-Chancellors;
  - (iii) the full-time members of the academic staff;
  - (iv) the Registrar;
  - (v) the Liberian;
  - (vi) every member of the administrative staff who holds a degree, other than honorary degree, of any University recognized for the purposes of this Statute by the Vice-Chancellor.
- (2) Subject to section 4 of this Bill, the Vice-Chancellor shall be the Chairman at all meeting of Congregation when he is present; and in his absence any of the Deputy Vice Chancellors present at the meeting as Congregation may appoint for that meeting, shall be the chairman at the meeting.
- (3) The quorum of Congregation shall be one third or the whole number nearest to one third of the total number of members of Congregation of fifty, whichever is less.
- (4) A certificate signed by the Vice-Chancellor specifying:
- (a) the total number of members of Congregation for the purpose of any particular meeting or meetings of Congregation; or
  - (b) the names of the persons who are members of the Congregation during a particular period, shall be conclusive evidence of the number or, as the case may be, of the names of those persons.
- (5) The procedure for election of members of Congregation to the Council and the Senate shall be prescribed by the Regulations.
- (6) Subject to the foregoing provisions of this article, Congregation may regulate its own procedure.
- (7) Congregation shall be entitled to express by resolution or otherwise the opinion on all matters affecting the interest and welfare of the University and shall have such other functions, in addition to the function of electing a member of the Council, as may be provided by statute or regulations.

## Convocation

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

## Division of colleges

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

## College Boards

8. (1) There shall be established in respect of each College, a board of studies which, subject to the provisions of this Statute, and subject to the directions of the Vice-Chancellor.
- (a) regulate the teaching and study of, and the conduct of examinations connected with the subjects assign to the college.
  - (b) deal with any other matter assigned to it by statute or by the Vice-Chancellor or by the Senate; and
  - (c) advice the Vice-Chancellor or the Senate on any matter referred to it by the Vice-Chancellor or the Senate.
- (2) Each College Board of studies shall consist of:
- (a) the Vice-Chancellor;
  - (b) the Dean;
  - (c) the persons severally in charge of the branches of the school;
  - (d) the college Examination Officer;
  - (e) such of the teachers assigned to the college and having the prescribed qualifications as the Board may determine; and
  - (f) such persons, whether or not members of the University; as the Board may determine with the general or special approval of the Senate.
- (3) The quorum of the Board shall be eight members or one quarter, whichever is greater, of the members for the time being of the Boards and subjects to the provisions of this statute and to any provision made by regulations in that behalf, the board may regulate its own procedure.

## Deans of the colleges

9. (1) The board of each college shall at a meeting in the last term of any academic year which the term of office of the Dean expires, nominate one of its members, being one of the professors assigned to that teaching unit, for appointment by the Senate as Dean of the College.
- (2) The person appointed under paragraph 1 of this Article shall be Dean of the College and Chairman of all meetings of the College Board when he is present and shall be a member of all committees and other boards appointed by the college.

- (3) The Dean shall hold office for two years and shall be eligible for re- appointment one further period of two years. Thereafter he shall not be eligible for re-appointment until two years have elapsed.
- (4) The dean of a college shall exercise general superintendence over and administrative affairs of the College.
- (5) It shall be the function of the Dean to present to Convocation for the conferment of Degrees to persons who have qualified for the degrees of the University at examination held in the branches of learning for which responsibility is allocated to the College.
- (6) It shall be a committee to be known as the Committee of Deans consisting of all the Deans of several Colleges and that Committee shall advice the Vice-Chancellor on all academics matters and on particular matters referred to the University by the Senate.
- (7) The dean of a college may be removed from office for good cause by the college Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of a Dean, an acting Dean provided that at the next College Board meeting an election shall be held for a new Dean.
- (8) In this Article "good cause" has the same meaning as in section 15 (3) of the Bill.

#### Departmental Board of Studies

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



## Selection of Directors of Physical Planning and Development, works and Services and Health

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

## Tenure of Directors

12. A director shall hold office on such terms and conditions as may be specified in his letter of appointment subjects to the extant regulations.

## Creation of Academics Posts

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

## Appointment of Academics Staff

14. (1) Subject to the Act and Statutes, the filling of vacancies in academics posts (including newly created ones) shall be the responsibilities of the Council through the Department and Colleges.
- (2) For the purpose of filling such vacancies, suitable selection boards to select and make appointments on behalf of the Council shall be set up.
- (3) For appointment to professorships, Associate professorship or readerships or equivalent posts, a board of selection, with power to appoint shall consist of:
- (a) the Vice-Chancellor - Chairman;
  - (b) Deputy Vice-Chancellor - Member;
  - (c) the Dean of the college - Member;
  - (d) Head of Department - Member;
  - (e) Registrar - Secretary;

- (f) such other person(s), not exceeding two in number, capable of helping Board in assessing both the professional and academic suitable under consideration, as the Senate may from time to time appoint.
- (4) For other academics posts, a selection Board, with the power to appoint shall consist of:
  - (a) the Vice-Chancellor or his representative - Chairman;
  - (b) Deputy Vice-Chancellor;
  - (c) the Dean of the College - Member;
  - (d) Head of the Department - Member;
  - (e) Registrar - Secretary.
- (5) All appointments to senior library posts shall be made in the same way as equivalent appointments in the academic cadre, and for all such posts other than that of the Librarian, the Librarian shall be a member of the selection Board.
- (6) Boards of selection may interview candidates directly or consider the reports of specialist, interviewing panels and shall in addition, in the case of Professorships, Associates Professorships, Readerships or equivalent posts, consider the reports of External Assessors relevant to the area in which the appointment is being considered. Quorum shall be three (3) including the chairman.

#### Appointment of Administrative and Professional Staff

15. (1) The administrative and professional staff of the university other than principal officers shall be appointed by the Council on its behalf by the Vice chancellor in accordance with delegation of powers made by the council on its behalf.
- (2) A Selection Board, with the power to appoint shall consist of:
- (i) Vice Chancellor;
  - (ii) Deputy Vice Chancellor;
  - (iii) Registrar;
  - (iv) Bursar;
  - (v) University Librarians;
  - (vi) the Head of Department concerned;
  - (vii) Establishment and Human Resources officer who shall serve as secretary
- Quorum shall be three (3) including the chairman.

## Interpretation

16. In this statute, the expression "the Act" means the Federal university of Education, Aguleri Act and any word or expression defined in the act has the same meaning in this statute.

## Short title

17. This statute may be cited as Federal University of Education, Aguleri Statute No.1

*Question that the provision in 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 A Bill for an Act to Provide for the Establishment of the Federal University of Education, Aguleri; and for Other Matters Connected Herewith, 2021 and approved as follows:

Clauses 1-28           —       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.*

22. **Adjournment:**

And it being 2:23 p.m., the President of the Senate adjourned the Senate till Tuesday, 5<sup>th</sup> October, 2021 at 10.00 a.m.

*Adjourned accordingly at 2:23 p.m.*

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

