



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 8th March, 2022

1. The Senate met at 10:40 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 2nd March, 2022.
Question was put and the Votes and Proceedings were approved.
3. **Appointment of Clerk of Senate:**
The President of the Senate informed the Senate that the National Assembly Service Commission has appointed Barrister Chinedu Francis Akubueze as the Clerk of the Senate. He thereafter invited the Clerk to take his seat as the Clerk of the Senate.
4. **Conference Committee:**
The President of the Senate named the following Senators as Conferees on the Anti-Sexual Harassment in Tertiary Institutions (Prohibition) Bill, 2022:

(i)	Senator Michael O. Bamidele	—	Chairman
(ii)	Senator Betty J. Apiafi	—	Member
(iii)	Senator Stella A. Oduah	—	Member
(iv)	Senator Abubakar S. Kyari	—	Member
(v)	Senator Sadiq S. Umar	—	Member
(vi)	Senator Suleiman A. Kwari	—	Member
(vii)	Senator Kola A. Balogun	—	Member
5. **Announcements:**
 - (a) **All Progressives Congress (APC) Meeting:**
The President of the Senate read a letter from Senator Yahaya A. Abdullahi (Kebbi North) as follows:



SENATOR YAHAYA A. ABDULLAHI
Kebbi North Senatorial District

Your Excellency,

8th March, 2022

NOTICE OF MEETING

There will be a meeting of the APC Caucus today immediately after Plenary.

Venue: Senate Hearing Room 1

Thanks for your usual cooperation.

(Signed)

Sen. Abdullahi, Yahaya Abubakar
Senate Leader

(b) PDP Caucus Meeting:

The President of the Senate read a letter from Senator Enyinnaya Harcourt Abaribe (Abia South) as follows:



SENATOR ENYINNAYA HARCOURT ABARIBE
MINORITY LEADER

8th March, 2022

The Senate President
National Assembly
Abuja

NOTICE OF MEETING

This is to invite all members of the Joint Caucus of PDP NASS to an interactive session/dinner with Mazi Sam Ohuabunwa, Presidential Aspirant of the Party.

Date: *Tuesday, 8th March, 2022*

Venue: *Ladi Kwali Conference Centre, Sheraton Hotel, Abuja*

Time: *7pm.*

We request all caucus members to note and attend, please.

(Signed)

Senator Enyi Abaribe
Senate Minority Leader

(c) Notification of Funeral Ceremony:

The President of the Senate read a letter from Senator Michael A. Nnachi (Ebonyi South) as follows:



SENATOR MICHAEL AMA NNACHI Ph.D, FNIQS, FCAI:B, FIMC, RQS CMC, MEMAN

Ebonyi South Senatorial District

VICE CHAIRMAN SENATE COMMITTEE ON AIR FORCE

VICE CHAIRMAN SENATE COMMITTEE ON POVERTY ALLEVIATION AND SOCIAL INVESTMENT PROGRAMME

Ref: SEN/MAN/SP/VOL2/22/L290

March 7, 2022

His Excellency,
Senator Ahmad Ibrahim Lawan Ph.D, CON
Sardaunan Bade,
The President of the Senate,
Federal Republic of Nigeria,
National Assembly Complex,
Abuja.

**NOTIFICATION OF THE FUNERAL CEREMONY OF MY BELOVED
MOTHER, LATE MRS. EUNICE ELEM UKPAI NNACHI (EZINNE)**

With profound gratitude to God Almighty for a life well spent, I write on behalf of the entire family of Late Pa Samuel Ukpai Nnachi to specially invite you and the entire members of the Senate of the Federal Republic of Nigeria to honour us with your presence as we bid our beloved mother, Late Mrs. Eunice Elem Ukpai Nnachi (Ezinne) farewell at her hometown, Itim Edda, Afikpo South LGA, Ebonyi State from March 25 - 26, 2022.

The Funeral Programme is as follows:

Friday, March 25, 2022

SERVICE OF SONGS:

Time: 6:00pm

Venue: Senator Michael Ama Nnachi's Residence, Opp.
Itim Secondary School, Itim Edda, Afikpo South, Ebonyi State

Saturday, March 26, 2022

FUNERAL SERVICE:

Time: 11:00am

Venue: Senator Michael Ama Nnachi's Residence

INTERMENT:

Time: 1:30pm

Venue: Late Pa Samuel Ukpai Nnachi's Compound

I will be incredibly grateful if Your Excellency would lead my Distinguished Colleagues to the Funeral Ceremony.

Please, accept the assurances of my esteemed regards.

(Signed)

Senator Michael Ama Nnachi, Ph.D, FNIS, FCArB, FIMC, RQS CMC, MEMAN

6. Petitions:

- (a) Rising on Order 40, Senator Patrick A. Akinyelure (*Ondo Central*) drew the attention of the Senate to five (5) petitions received from the Office of the President of the Senate as follows:
- (i) Sunny Oghole Ofehe on behalf of Hope for Niger Delta Campaign Netherlands, against the Director-General, National Intelligence Agency and Director-General, Department of State Security Services over an alleged harassment and humiliation by the agencies;
 - (ii) Matthew Iyeke and Twenty-five others, against the Central Bank of Nigeria and Chief Charles Uwensuyi Edosomwan over an alleged injustice, oppression and professional misconduct;
 - (iii) Julius Akintuyi and Olubamigbe A. Fajemisin, on behalf of Association of Afribank Nigeria Plc. (now Mainstreet Bank Limited) 2004 Retirees, against Central Bank of Nigeria and Nigerian Deposit Insurance Corporation over an alleged non-payment of outstanding retirement benefit;
 - (iv) Chief Elizaj A. Adeogun, against Chief Owoeye and four others over an alleged victimization, brutality, and invasion of his residence; and

- (v) Kings Partners & Co, on behalf of Chief Akorode Oluderu and Seventeen others, against Kamorudeen Lamina and seventeen others over an alleged carnage, murder and civil disturbance in Gberigbe/Igbokuta Community.

He urged the Senate to look into the matters.

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

- (b) Rising on Order 40, Senator Gershom H. Bassey (*Cross River South*) drew the attention of the Senate to a petition from Mbanefo Ginika Nwabundo, against the Management of Federal Neuropsychiatric Fistula Centre Abakaliki (NOFIC) over an alleged wrongful termination of his appointment. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Order 40(3)] to report within two (2) weeks.

7. Presentation of Bills:

- (i) Energy Commission of Nigeria Act, Cap E10 LFN 2004 (Repeal & Re-enactment) Bill, 2022 (HB. 243) — *Read the First Time.*
- (ii) Electoral Act, 2022 (Amendment) Bill, 2022 (SB. 952) — *Read the First Time.*
- (iii) National Tax Crimes Commission (Establishment) Bill, 2022 (SB. 951) — *Read the First Time.*
- (iv) National Institute for Glass Development and Training Igbokoda, Ondo State (Establishment) Bill, 2022 (SB. 953) — *Read the First Time.*
- (v) Child's Right Act, 2003 (Amendment) Bill, 2022 (SB. 954) — *Read the First Time.*

8. Motion:

Re-Committal of the Federal College of Education, Mutum Biyu, Taraba State to the Committee of the Whole:

Motion made: That the Senate recalls that the Federal College of Education, Mutum Biyu, Taraba State (Establishment) Bill was passed by the National Assembly and was transmitted to the President for Assent;

observes that some fundamental issues which require fresh legislative action by both Chambers of the National Assembly emerged after a critical analysis of the Bill by Mr. President, Commander-in-Chief of the Armed Forces of the Federation;

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

relying on orders 1(b) and 52(6) of Senate Standing Orders, 2022 (As amended).

The Senate accordingly resolves to:

Rescind its decision on 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 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 Bill as passed and re-commit same to the Committee of the Whole for re-consideration and passage (*S/Res/073/03/22*).

Motion made: Pursuant to Resolution No. (*S/Res/073/03/22*), 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 REPORT ON A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF FEDERAL COLLEGE OF EDUCATION, MUTUM BIYU, TARABA STATE; AND FOR RELATED MATTERS, 2022.

PART I — ESTABLISHMENT OF THE FEDERAL
COLLEGE OF EDUCATION, MUTUM BIYU

Clause 1: Establishment of the College.

- (1) There is established the Federal College of Education, Mutum Biyu, Taraba State (in this Bill referred to as "the College"), which shall have such powers and exercise such functions as are conferred by this Bill.
- (2) The College —
 - (a) shall be a body corporate with perpetual succession and a common seal kept in its custody;
 - (b) may sue or be sued in its corporate name.
- (3) The College may acquire, hold or dispose of any movable or immovable property for the purpose of its functions under 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: The Governing Council of the College.

- (1) There is established for the College, a Governing Council (in this Bill referred to as "the Council"), which shall be vested with the powers for the general administration and management of the College.
- (2) Without prejudice to the generality of subsection (1) of this section, it shall be the responsibility of the Council to consider and approve:—
 - (a) the plan of activities of the College;
 - (b) the programme of studies, courses and research to be undertaken by the College;
 - (c) the annual estimates of the College, and the investment plans of the College.

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 Governing Council.

- (1) The membership of the Council of the College shall be appointed by the President and Commander-in-Chief of the Armed Forces, and shall consist of the following:—
 - (a) Chairman;
 - (b) a representative of the Federal Ministry responsible for education;
 - (c) a representative of the University, who in the case of degree awarding College; shall come from the university to which the College is affiliated, for the purpose of moderation;
 - (d) a representative of the alumni association of the college;
 - (e) three persons appointed on individual merit on a nationwide/local government basis who should have wide experience of service in the public or private sector;
 - (f) one representative of the National/State Commission for Women;
 - (g) one representative of the Federal Ministry for Women Affairs;
 - (h) a representative of the National Commission for Colleges of Education; and
 - (i) the Provost of the College.
- (2) The supplementary provision set out in the schedule to this Bill shall have effect with respect to the proceedings of the Council and the 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: Tenure of office of members of the council.

- (1) A member of the Council (other than an ex-officio member) shall hold office for a term of three years and subject to the provisions of subsection (2) of this section, shall be eligible for re-appointment for a further period of three years.
- (2) The office of a member appointed pursuant to section 3 (1) (a) and (d) of this Bill shall become vacant if:—
 - (a) a member of the Council (other than an ex-officio member) shall hold office for a term of three years and subject to the provisions of subsection (2) of this section, shall be eligible for re-appointment for a further period of three years;

- (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 science, commerce, arts, social sciences, humanities and management; and
- (ii) in such other fields of applied learning relevant to the needs of the development of Nigeria in the areas of industrial and agricultural production and distribution and for research in the development and adaptation of techniques as the Council may from time to time determine.
- (b) to conduct courses in education for qualified teachers;
- (c) to arrange conferences, seminars and workshops relative to the fields of learning specified in paragraph (a) of this section; and
- (d) to perform such other functions as in the opinion of the Council may serve to promote the objectives 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: Powers of the Council.

For the purpose of carrying out the functions of the College, the Council shall have power to:—

- (a) hold examinations and grant Certificates of Education, professional certificates and other distinctions to persons who have pursued a course of study approved and accredited by the National Commission for Colleges of Education;
- (b) demand and receive from any student or any other person attending the College for the purpose of instruction, such fees as the Council may, with the prior approval of the Minister, from time to time determine;
- (c) hold public lectures and undertake printing, publishing and bookselling;
- (d) make gifts for any charitable purpose;
- (e) hold examinations in education for qualified teachers;
- (f) provide amenities for and make such other provision for the welfare of the staff of the College;

- (g) invest the funds of the College in securities specified by law in such other securities in Nigeria as may be approved by the Minister;
- (h) borrow money within Nigeria in such manner and upon such security as the Minister may from time to time authorize;
- (i) enter into such contracts as may be necessary or expedient for bringing into effect, the objectives of the College;
- (j) recruit suitable staff and determine the career structure of such staff;
- (k) establish and maintain such Departments and other teaching units within the College or extramural departments as the Council may, from time to time, decide;
- (l) institute and award fellowships, medals, prizes and other titles;
- (m) mount exhibitions and display designs to foster appreciation of trends on the scope and requirements of education;
- (n) erect, provide, equip and maintain such educational, recreational and residential facilities as the College may require;
- (o) create lectureships and other academic posts and offices and make appointments thereto;
- (p) encourage and make provision for research in the College; and
- (q) carry out such other functions whether or not incidental to the foregoing powers 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 of Education shall be the Visitor of the College.
- (2) The Visitor shall, conduct a visitation atleast once in every five years, to the College or appoint a visitation panel consisting of not less than five experts to conduct the visitation:—
 - (a) for the purpose of evaluating the academic and administrative performance of the College; or
 - (b) for such other purpose or in respect of any other affairs of the College 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 who shall be chairman;
 - (b) all heads of departments;
 - (c) the College Librarian; and
 - (d) not more than two members of the academic staff other than 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 distinctions;
 - (b) making periodic reports on such academic matters to the Council as the Council may from time to time direct;
 - (c) discharging any other functions which the Council may 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/Commissioner to give directions to the council.

Subject to the provisions of this Bill, the Minister may give to the Council, directions of a general character or relating generally to matters of policy with regard to the exercise by the Council of its functions under this Bill and it shall be the duty of the Council to comply with such 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 of the College (in this Bill referred to as "the Provost") who shall be appointed by the President, in accordance with the provisions of this section.
- (2) Where a vacancy occurs in the post of Provost, the Council shall:—
 - (a) advertise a vacancy in a reputable journal or a 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
 - (b) thereafter draw up a short list of suitable candidates for consideration;

- (c) constitute a search team consisting of:—
 - (i) a member of the Council not being a member of the Academic Board, as Chairman;
 - (ii) two members of the Academic Board not below the rank of Chief Lecturer;
 - (iii) two members of the academic community of the College not below the rank of Chief Lecturer to be selected by the Council, to identify and draw up a short list of suitable persons who are not likely to apply for the post for any reason whatsoever.
- (3) A joint Council and Academic Selection Board consisting of:—
 - (a) the Chairman of the Council;
 - (b) two members of the Council not being members of the Academic Board;
 - (c) two members of the Academic Board not below the rank of Chief Lecturer, who are not members of the search team, shall consider the candidates and persons on the short lists drawn up under subsection (2) of this section through an examination of their curriculum vitae and interview with them and make recommendation through the Council to the President, three candidates for his consideration.
- (4) The President shall appoint as Provost one of the candidates recommended to him under the provisions of subsection (3) of this section.
- (5) Subject to the provisions of this Bill and the general control of the Council, the Provost shall be the Chief Executive of the College and shall be charged with general responsibility for matters relating to the day-to-day management and operations of the College.
- (6) The Provost:—
 - (a) shall hold office for a period of four years beginning with the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for one further period of four years and no more.

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, a Deputy Provost.
- (2) The Council shall appoint the Deputy Provost from among the Chief Lecturers in the College in one of the following ways, that is:—

- (a) from a list of three candidates in order of preference, submitted by the Provost; or
 - (b) on the recommendation of a Selection Board constituted under this section for that purpose; or
 - (c) on the nomination of the Provost.
- (3) The Selection Board referred to in subsection (2) of this section shall:—
- (a) consist of:—
 - (i) the chairman of the Council;
 - (ii) the Provost;
 - (iii) two members of the Council not being members of the Academic Board;
 - (iv) two members of the Academic Board; and
 - (b) make such inquiries as it deems fit before making the recommendation required under subsection (2) of this section.
- (4) The Deputy Provost shall:—
- (a) assist the Provost in the performance of his functions;
 - (b) act in the place of the Provost when the post is vacant or if the Provost is, for any reason, absent or unable to perform his functions as Provost; and
 - (c) perform such other functions as the Provost or the council may, from time to time, assign to him.
- (5) The Deputy Provost:—
- (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; and
 - (b) may be reappointed for one further period of two years and 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) The Council shall appoint a Registrar for the College (hereinafter referred to as the "the Registrar") who shall keep the records and conduct the correspondence of the Council and shall perform such other duties as the Council, and subject thereto, as the Provost may from time to time direct.

- (2) The Registrar shall, in addition to other duties conferred on him by this Bill, be the Secretary to the Council, the Academic Board and any Committee of the Council and in his absence, the Council or of any such Committees may appoint some other person to act as Secretary, and he shall not vote on any question before the Council or will not count towards a quorum.
- (3) A Registrar:—
 - (a) shall hold office for a period of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for one further period of five years and no more.
- (4) Where the Registrar appointed before the commencement of this Bill has held office:—
 - (a) for five years or less, he shall be deemed to have served his first term of office and may be reappointed for a further term of five years;
 - (b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the College.

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 the following Principal Officers in addition to the Registrar, that is:—
 - (a) the Bursar; and
 - (b) the College Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under section 9 (3) of this Bill.
- (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 Librarian shall be responsible to the Provost for the administration of the College Library and the coordination of the library services in the teaching units of the College.
- (4) A Bursar or Librarian:—
 - (a) shall hold office for a period of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and

- (b) may be reappointed for a further period of five years and no more.

(5) Where, on the commencement of this Bill, a Bursar or Librarian has held office:—

- (a) for five years or less, he shall be deemed to be serving his first term of office and may be reappointed for a further term of five years;
- (b) for more than five but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the College.

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 officers.

A principal officer may resign his appointment:—

- (a) in the case of the Provost, by notice to the Visitor; and
- (b) in any other case, by notice 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 such other persons to be employees of the College as the Council may determine to assist the Provost and the Principal Officers of the College in the performance of their functions under this Bill.
- (2) Subject to the provisions of this Bill, the remuneration, tenure of office and conditions of service of the employees of the College shall be determined by the Council in consultation with the 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: Selection board for other principal officers.

- (1) 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.

- (2) The functions, procedure and other matters relating to the Selection Board constituted under subsection (1) of this section shall be as the Council may, from time to time, determine.

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: Pensions.

- (1) Service in the Commission shall be approved service for the purposes of the Pension Act.
- (2) The officers and other persons employed in the College shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades as appropriate.
- (3) Nothing in subsections (1) and (2) of this Section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.
- (4) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by the Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the College, and not by any other person or 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.

PART II — FINANCIAL PROVISIONS

Clause 18: Establishment of Fund of the College.

- (1) The Council shall establish and maintain a Fund, which shall be applied towards the promotion of its objectives specified in 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 to the Council by the Federal Government through the National Commission for Colleges of Education;
 - (b) all monies raised for the purposes of the Council by way of gifts, grants-in-aid or testamentary disposition; and
 - (c) income derived from investments;
 - (d) all subscriptions, fees and charges for services rendered by the Council and all other sums that may accrue to the Council from any source.

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

Committee's Recommendation:

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

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

Clause 20: Accounts and audit.

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

Committee's Recommendation:

That the provision in Clause 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 soon after the expiration of each financial year, prepare and submit to the Minister a report of its activities during the immediate preceding financial year and shall include in the report, audited accounts of the College for that year and of the auditor's report on 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.

PART III — MISCELLANEOUS AND SUPPLEMENT

Clause 22: Offices and premises.

- (1) For the purpose of providing offices and premises necessary for the performance of its functions, the Council may:—
- (a) purchase any interest in or take on lease any land; and
- (b) build, equip and maintain offices and premises.

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

Committee's Recommendation:

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

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

Clause 23: Discipline of students.

- (1) The Council may make rules providing for the Provost to conduct enquiries into alleged breaches of discipline (including lack of diligence) by students and such rules may make different provisions for further circumstances.
- (2) The rules shall provide for the procedure and rules of evidence to be followed at enquiries under this section.
- (3) Subject to the provisions of subsection (1) of this section, where it is proved during the enquiry that any student of the College is guilty of misconduct, the Provost may, without prejudice to any other disciplinary powers conferred on him by this Bill or any regulations made thereunder, direct:—
 - (a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the College, or make use of such facilities of the College, as may be specified; or
 - (b) that the activities of the student shall during such period as may be specified in the directions, be restricted in such manner as may be so specified; or
 - (c) that the student may be suspended for such period as may be specified in the direction; or
 - (d) that the student be expelled from the College.
- (4) Where there is temporarily no Provost or where the Provost refuses to apply any disciplinary measures, the Council may, either directly or through some other staff, apply such disciplinary measures as specified in subsection (3) of this section to any student of the College who is guilty of misconduct.
- (5) Where a direction is given under subsection (3) (c) or (d) of this section in respect of any student, the student may, within 21 days from the date of the letter communicating the decision to him, appeal from the 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 manner as the Council may think fit.
- (6) The fact that an appeal from a direction is brought in pursuance of subsection (5) of this section shall not affect the operation of the direction while the appeal is pending.

- (7) The Provost may delegate his powers under this section to a disciplinary committee consisting of such members of the College as he may nominate.
- (8) 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.
- (9) It is hereby declared that the direction under subsection (3) (a) of this section may be combined with a direction under subsection (3) (b) of this section.
- (10) In all cases under this section, the decision of the Council shall be final unless reversed by the Minister on appeal by the student.

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: Interpretation.

In this Bill:—

"Chairman" means the Chairman of the Governing Council;

"College" means the Federal College of Education Mutum Biyu, Taraba State, specified in the Schedule to this Bill;

"Council" means the Governing Council of the Colleges established by or pursuant to section 2 of this Bill;

"Provost" means the Provost of a College appointed under section 9 of this Bill;

"Function" includes powers and duties;

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

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

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: Short title.

This Bill may be cited as the Federal College of Education, Mutum Biyu, Taraba State Bill, 2022.

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.

SCHEDULE
SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

[SECTION 3 (2)]

Terms of Service

1. There may be paid to members of the Council, other than ex-officio members, such remuneration and allowances as may from time to time be determined by the President.
2. Where a vacancy occurs in respect of the membership specified in Section 3 (1) (a) and (d), it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor in office shall represent the same interest as his predecessor.
3. The validity of proceedings of the Council shall not be adversely affected, notwithstanding any vacancy in its membership or any defect in the appointment of a member or 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 not be less than once every four months.
- (2) The Chairman may at any time and shall, at the request in writing of not less than six members, convene a meeting of the Council.
- (3) At any meeting of the Council the Chairman shall preside; but in his absence, members present shall elect one of their members to preside at the meeting.
- (4) Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt persons who are not members of the Council but persons co-opted shall not be entitled to vote at a meeting of the Council.
- (5) The quorum of the Council shall be one half of the total members of the Council, at least one of whom shall be a member appointed by the President.
- (6) Decisions 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 signature of the chairman, Provost and of some other members of the Council authorized generally or specially by the Council 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 or 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.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report on a Bill for an Act to Provide for the Establishment of Federal College of Education, Mutum Biyu, Taraba State; and for Related Matters, 2022 and approved as follows:

Clauses 1- 25 — As Recommended

Schedule — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

9. **Fire (Hazards and Safeguard) Bill, 2022 (SB. 98):**

Motion made: That a Bill for an Act to make provision for the prevention of fire hazards and the safeguard of persons and property from fire disaster and Other Related Matters, 2022 be read the Second Time (*Senator Gershom H. Bassey — Cross River South*).

Debate

Question put and agreed to.

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

10. **National Commission for Colleges of Education Act, No. 3 1989 (Repeal and Re-enactment) Bill, 2022 (SB. 934):**

Motion made: That a Bill for an Act to Repeal the National Commission for Colleges of Education Act, No.3 1989 and to Re-enact National Commission for Colleges of Education and Other Related Matters, 2022 be read the Second Time (*Senator Patrick A. Akinyelure — Ondo Central*).

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.

11. **Federal College of Agriculture Oke-oyi, Kwara State (Establishment) Bill, 2022 (SB. 916):**

Motion made: That a Bill for an Act to Establish the Federal College of Agriculture Oke-oyi, Kwara State and for Other Related Matters, 2022 be read the Second Time (*Senator Yahaya I. Oloriegbe — Kwara Central*).

Debate

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committees on Tertiary Institutions and TETFUND; and Agriculture and Rural Development to report within four (4) weeks.

12. **Joint Committee on Anti-Corruption; and Judiciary, Human Rights & Legal Matters:**
Report on the Proceeds of Crimes (Recovery and Management) Bill, 2022 (SBs. 553 & 645):
Motion made: That the Senate do receive and consider the Report of the Joint Committee on Anti-Corruption; and Judiciary, Human Rights & Legal Matters on the Proceeds of Crimes (Recovery and Management) Bill, 2022 (*Senator Suleiman A. Kwari — Kaduna North*).

Question put and agreed to.

Report Laid and presented.

Further consideration of Report deferred to another Legislative Day.

13. **Motion:**
The prerogative of Correctional Centres Inmates to vote in general elections in Nigeria: statutory, inalienable and non-negotiable:

Motion made: That the Senate notes that certain human rights are inalienable and come naturally with the birth of the individual. One of such rights is that of citizenship. Incarceration though is one of the legal grounds of depriving a person or an offender in custody of certain rights, the right of citizenship cannot at any point be taken away;

notes further that Citizenship as encapsulated under the Nigerian Constitution 1999 (As Amended) comes with many defined rights and civic responsibilities, one of which is the right to vote in general elections;

notes again that there are certain persons in Correctional Centres custody awaiting trial, undergoing trial or awaiting conviction for one offence or the other whose right to vote and citizenship remain sacrosanct;

notes that being a Correctional Centres inmate is not impediment to the Prisoners' registration and voting rights as enshrined under Section 24 of the Electoral Act, 2022 and denying prison inmates access to the electoral process constitutes an infringement of their rights as Citizens of Nigeria as provided under Section 25 of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended) which confirms the definition of who a Citizen is as well as Section 12(1) of the Electoral Act, 2022 which spells out who qualifies to vote; and

considers that the number of inmates in various Correctional Centres nationwide which is put at over 68,000 and the statistics of those awaiting trial who in the eyes of the law are presumed innocent until found guilty, it is forthright and just that such persons be allowed to exercise their franchise and any attempt by an individual or agency to deny inmates of their right to vote is unconstitutional, illegal, unlawful, null and void.

The Senate accordingly resolves to:

- (i) urge the Independent National Electoral Commission and all relevant agencies, to carry out a voracious voter's enlightenment in all Correctional Centres in Nigeria, to educate the inmates of their rights and necessity to exercise their franchise in general elections;
- (ii) urge the Independent National Electoral Commission and all relevant agencies to update their registers of voters to take into account the Correctional Centres population for the purpose of elections;

- (iii) urge the Independent National Electoral Commission in collaboration with the Nigeria Correctional Service to locate Voting Centres at Custodial Centres across the country to be used for voting; and
- (iv) urge the Independent National Electoral Commission to allow duly registered and eligible Correctional Centre-electoralates to exercise their franchise during all general elections in Nigeria (*Senator Patrick A. Moro — Benue South*).

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Independent National Electoral Commission and all relevant agencies, to carry out a voracious voter's enlightenment in all Correctional Centres in Nigeria, to educate the inmates of their rights and necessity to exercise their franchise in general elections — *Agreed to*.

Proposed Resolution (ii):

Question: That the Senate do urge the Independent National Electoral Commission and all relevant agencies to update their registers of voters to take into account the Correctional Centres population for the purpose of elections — *Agreed to*.

Proposed Resolution (iii):

Question: That the Senate do urge the Independent National Electoral Commission in collaboration with the Nigeria Correctional Service to locate Voting Centres at Custodial Centres across the country to be used for voting — *Agreed to*.

Proposed Resolution (iv):

Question: That the Senate do urge the Independent National Electoral Commission to allow duly registered and eligible Correctional Centre-electoralates to exercise their franchise during all general elections in Nigeria — *Agreed to*.

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

"That the Senate do urge the Independent National Electoral Commission (INEC) to determine the status of the inmates that are constitutionally and legally qualified to be so registered as eligible voters and should vote at elections" (*Senator Matthew A. Urhohide — Edo South*).

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

Resolved:

That the Senate do:

- (i) urge the Independent National Electoral Commission and all relevant agencies, to carry out a voracious voter's enlightenment in all Correctional Centres in Nigeria, to educate the inmates of their rights and necessity to exercise their franchise in general elections;
- (ii) urge the Independent National Electoral Commission and all relevant agencies to update their registers of voters to take into account the Correctional Centres population for the purpose of elections;
- (iii) urge the Independent National Electoral Commission in collaboration with the Nigeria Correctional Service to locate Voting Centres at Custodial Centres across the country to be used for voting;

- (iv) urge the Independent National Electoral Commission to allow duly registered and eligible Correctional Centre-electorates to exercise their franchise during all general elections in Nigeria; and
- (v) urge the Independent National Electoral Commission (INEC) to determine the status of the inmates that are constitutionally and legally qualified to be so registered as eligible voters and should vote at elections (*S/Res/074/03/22*).
14. **Nigerian Council for Management Development Bill, 2022 (HB. 1119) — Concurrence:**
Consideration of Bill deferred to another Legislative Day.
15. **Animal Health and Husbandry Technologists Registration Board (Establishment) Bill, 2022 (HB. 374) — Concurrence:**
Consideration of Bill deferred to another Legislative Day.
16. **National Assembly Library Trust Fund (Establishment) Bill, 2022 (HB. 987) — Concurrence:**
Consideration of Bill deferred to another Legislative Day.
17. **Federal Medical Centre Billiri, Gombe State (Establishment) Bill, 2022 (HB. 677) — Concurrence:**
Consideration of Bill deferred to another Legislative Day.
18. **Adjournment:**
Motion made: That the Senate do now adjourn till Wednesday, 9th March, 2022 at 10:00 a.m. (*Senate Leader*).
Question put and agreed to.
Adjourned accordingly at 12:56 p.m.

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