FEDERAL MINISTRY OF EDUCATION



COMPENDIUM

OF EDUCATION SECTOR LAWS IN NIGERIA

Third Edition Vol. 2

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THIRD EDITION VOL. 2

CITATION

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ACKNOWLEDGMENT

This is the Third Edition of this valuable book, ***Compendium of Education Sector Laws in Nigeria***. The book was put together to assist all those in the Education Sector to have quick and easy access to information on important laws in the Sector. This compilation provides a one-stop-shop easy access reference book containing most cross-cutting education sector laws. The essence is to reduce the stress and challenges faced by operators researchers and other stakeholders in education of scouting different volumes of Nigerian statute books to access the regulatory laws of the Parastatals, Departments and Agencies under the Federal Ministry of Education.

Since 2018 when the last edition of this compendium was printed, several of the Sector Laws have undergone amendment and other new laws have been enacted. This informs the need to compile and print a 3rd edition to incorporate the amendments and newly enacted laws. This 3rd edition comes in Two (2) Volumes (I & II) in order to maintain the slim and compact nature of the compilation.

We wish to express our profound gratitude to the Honourable Minister of Education, ***Mallam Adamu Adamu*** and the Honourable Minister of State Education, ***Hon. Chukwuemeka Nwajiuba (HCN)*** for their unflinching support. Our profound appreciation also goes to our Permanent Secretary, **Arc. Sonny S.T. Echono** ***fnia,*** without whose support and guidance we could not have achieved this success.

The tireless effort and dedication of all staff of the Legal Unit and especially Mr. Ehimen Henry Anthony who worked with the printers tirelessly to proof read and produce accurate compilation is highly appreciated. The leadership given to the staff by the Director Legal Services, **Mrs. Grace S. Ekanem** in ensuring that the task was effectively and efficiently carried out is exemplary and highly commended.

It is our hope that you will find this Compendium useful and, we recommend this compilation to Chief Executives, educational institutions, administrators, researchers and other stakeholders as a quick reference material that will proof invaluable in their day to day work.

Legal Unit
Federal Ministry of Education, Abuja
December, 2021

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FEDERAL UNIVERSITY OF DUTSE (ESTABLISHMENT) ACT, 2015

ARRANGEMENT OF SECTIONS

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SCHEDULE

FEDERAL UNIVERSITY OF DUTSE (ESTABLISHMENT) ACT, 2015

ACT No. 8

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF DUTSE AND TO MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT AND ADMINISTRATION ; AND FOR RELATED MATTERS

[*26th Day of March*, 2016] Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria :

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

Establishment of Federal University of Dutse.

1.—(1) There is established the Federal University of Dutse (in this Act referred to as "the University").

(2) The University—

(*a*) shall be a body corporate with perpetual succession and a common seal ; and

(*b*) may sue or be sued in its corporate name.

Objects of the University.

2. The objects of the University shall be to—

(*a*) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring higher and liberal education ;

(*b*) provide courses of instruction and other facilities for the pursuit of learning in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them :

(*c*) encourage and promote scholarship and conduct research in restricted fields of learning and human endeavour ;

(*d*) relate its activities to the social, cultural and economic needs of the people of Nigeria ; and

(*e*) undertake other activities appropriate for a university of the highest standard.

Membership of the University.

3.—(1) The University shall consist of—

(*a*) Chancellor ;

(*b*) Pro-Chancellor and a Council ;

(*c*) Vice-Chancellor and a Senate ;

(*d*) Two Deputy Vice-Chancellors or such number of Deputy Vice-Chancellors as the council may, from time to time, deem necessary for the proper administration of the University ;

(*e*) a body to be called Congregation ;

(*f*) a body to be called Convocation ;

(*g*) the campuses and colleges of the University ;

(*h*) the faculties, schools, institutes and other teaching and research units of the University ;

(*i*) the persons holding the offices constituted by the First Schedule to this Act other than those mentioned in paragraphs (*a*) to (*c*) of this subsection ;

(*j*) all graduates and undergraduates ; and

(*k*) all other persons who are members of the University in accordance with provisions made by statute in that behalf.

First Schedule.

(2) The First Schedule to this Act shall have effect with respect to the Principal Officers of the University mentioned therein.

(3) A provision shall be made by Statute with respect to the constitution of the following bodies—

(*a*) the Council ;

(*b*) the Senate ;

(*c*) the Congregation ; and

(*d*) the Convocation.

Functions of the University.

4.—(1) For the carrying out of its objects as specified in section 2 of this Act, the University shall have power to—

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

(*b*) institute professorships, readerships and associate professorships, lectureships and other posts and offices and to make appointments thereto ;

(*c*) institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance ;

(*d*) provide for the residence, discipline and welfare of members of the University ;

(*e*) hold examinations and award degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down ;

(*f*) award honorary degrees, fellowships or academic titles ;

(*g*) demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may, from time to time determine, subject to the overall directives of the appropriate authority ;

(*h*) subject to section 22 of this Act, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate ;

(*i*) accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto ;

(*j*) enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents ;

(*k*) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University ;

(*l*) hold public lectures and undertake printing, publishing and book selling ;

(*m*) subject to any limitation or condition imposed by Statute, to invest any moneys appertaining to the University by law of endorsement, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investment or security or in the purchase or improvement of land, with power from time to time to vary any such investment and to deposit any money for the time being un-invested with any bank on deposit or current account ;

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

(*o*) make gifts for any charitable purpose ;

(*p*) do anything which it is authorized or required by this Act or by any other Statute to do ; and

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

(2) Subject to the provisions of this Act and of the Statutes made there under and without prejudice to section 9 (2) of this Act, 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 this Act.

Chancellor to take precedence before other members.

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

(2) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor, and except for the Vice-Chancellor when acting as Chairman of Congregation or Convocation, and the Pro-Chancellor shall, when he is present, be the Chairman at all meetings of the Council.

Establishment and membership of the Council.

6.—(1) There shall be a Council for the University consisting of :

(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) the Deputy Vice-Chancellor ;

(*d*) one person from the Federal Ministry responsible for education ;

(*e*) four persons representing a variety of interest and broadly representative of the whole Federation to be appointed by the President ;

(*f*) four persons appointed by the Senate from among its members ;

(*g*) two persons appointed by the Congregation from among its members ; and

(*h*) one person appointed by Convocation from among its members.

(2) Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and familiar with the affairs and tradition of the University.

Council and Other Committees of the University.

7.—(1) Subject to the provisions of this Act relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University, including its public relations.

(2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the Council as the Council may from time to time delegate to it.

(3) Provision shall be made by Statute with respect to the constitution of the Finance and General Purposes Committee.

(4) The Council shall ensure proper accounts of the University are kept and that the accounts of the University are audited annually by auditors

appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation, and that an annual report is published by the University together with certified copies of the said accounts as audited.

(5) Subject to this Act 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 where any rule so made by the Committee conflicts with any direction given by the Council (whether before or after the coming into force of the rules in question), the direction of the Council shall prevail.

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

(8) The Council shall meet as and when necessary for the performance of its functions under this Act, and shall meet at least four times every year.

(9) If required in writing by five members of the Council, the Chairman shall within, 28 days after the receipt of such request, call a meeting of the Council :

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

Functions of the Senate.

8.—(1) Subject to section 5 of this Act and sub-sections (3) and (4) of this section and to the provisions of this Act relating to the Visitor, it shall be the general function of the Senate to organize and control teaching in the University, admission to Post-graduate courses and other admission of students, the discipline of students and to promote research in the University.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, it shall in particular be the function of the Senate to make provision for the—

(*a*) establishment, organization and control of campuses, colleges, faculties, departments, schools, Institutes and other teaching and research units of the University, and the allocation of responsibility for different branches of learning ;

(*b*) organization and control of courses of study in the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external ;

(*c*) award of degrees, and such other qualifications as may be prescribed, in connection with examinations conducted by the University ;

(*d*) making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus ;

(*e*) establishment, organization and control of halls of residence and similar institutions in the University ;

(*f*) supervision of the welfare of students in the University and the regulation of their conduct ;

(*g*) granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University ; and

(*h*) determination of what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.

(3) The Senate shall not establish any new campus, college, faculty, department, school, institute or other teaching and research units of the University, or any hall of residence or similar institution at the University without the approval of the Council.

(4) Subject to this Act and the Statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the provisions of this section or for the purpose of providing for any matter for which provision by regulation is authorized or required by this Act or by Statute.

(*b*) The Senate shall, by regulation, provide that at least one of the persons appointed as examiners at each final or professional examination held in conjunction with any course of study in the University is not a teacher at the University but is a teacher at the branch of learning to which the course relates in some other University of high repute.

(5) Subject to a right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred on him if after due enquiry he is shown to have been guilty of any dishonorable or scandalous conduct in gaining admission into the University or obtaining that award.

Vice-Chancellor to take precedence in the absence of Chancellor.

9.—(1) The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and, subject to section 5 of this Act, the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.

(2) Subject to the provisions of this Act, the Vice-Chancellor shall have general function, in addition to any other function conferred on him by this Act or otherwise, of directing the activities of the University, and shall, to the exclusion of any other person or authority, be the chief executive and academic officer of the University and *ex-officio* Chairman of the Senate.

PART II—TRANSFER OF PROPERTY

Transfer of Property.

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

Second Schedule.

(2) The provisions of the Second Schedule to this Act shall have effect with respect to the transfer of property by this section and to matters arising therefrom and with respect to other matters mentioned in that Schedule.

PART III—STATUTES OF THE UNIVERSITY

Statutes of the University.

11.—(1) Subject to this Act, the University may make Statutes for any of the following purposes—

(*a*) making provision with respect to the composition and constitution of any authority of the University ;

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

(*c*) regulating the admission of students where it is done by the University, and their discipline and welfare ;

(*d*) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Act and of any Statute, regulation or other instrument made there-under ; and

(*e*) making provision for other matters for which provision by Statute is authorized or required by this Act.

Cap. 123 LFN, 2004.

(2) Subject to section 25 (6) of this Act, 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 27 (1) of that Act.

Third Schedule.

(3) The Statute contained in the Third Schedule to this Act shall be deemed to have come into force on the commencement of this Act and shall be deemed to have been made under this section by the University.

Third Schedule.

(4) The power to make Statute conferred by this section shall not be prejudiced or limited in any way be reason of the inclusion or omission of any matter in or from the Statute contained in the Third Schedule to this Act or any subsequent Statute.

Power to make an approve Statutes.

12.—(1) The power of the University to make Statutes shall be exercised in accordance with the provisions of this section.

(2) A proposed Statute shall not have the force of law until it has been approved at a meeting of the—

(*a*) Senate, by the votes of not less than two thirds of the members present and voting ; and

(*b*) Council by the votes of not less than two thirds of the members present and voting ;

(3) A proposed Statute may originate either in the Senate or Council, and may be approved as required by sub-section (2) of this section by both bodies in no particular order.

(4) A Statute which—

(*a*) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University ; or

(*b*) provides for the establishment of a new campus or college or for the amendment or revocation of any Statute whereby a campus or college is established, shall not come into operation unless it has been approved by the Visitor.

(5) For the purpose of section 2 (2) of the Interpretation Act, a Statute shall be treated as being made on the date on which it is approved by the Council and the Senate in accordance with sub-section (3) of this section or in the case of a Statute falling within sub-section (4) of this section, on the date on which it is approved by the President.

Proof of Statute in court.

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

Visitor's decision in case of dispute.

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

(2) The decision of the Visitor on any matter referred to him under this section shall be binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a Statute has been decided by the Visitor under this section, no question as to the meaning of that provision shall be entertained by any other authority in Nigeria :

PROVIDED that nothing in this subsection shall affect the power of a court of competent jurisdiction to determine whether any provision of a Statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution.

(3) The provisions of this section shall apply in relation to any doubt or dispute as to whether any matter is, for the purposes of this Act, an academic or non-academic matter as they apply in relation to any such doubt or dispute as is mentioned in sub-section (1) of this section, and accordingly the reference in sub-section (2) of this section to any question as to the meaning of any provision of the Statute shall include references to any question as to whether any matter is for the said purposes an academic or non-academic matter.

PART IV—SUPERVISION AND DISCIPLINE

Supervision and Discipline.

15.—(1) The President shall be the Visitor of the University.

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

(3) The bodies and persons comprising the University shall—

(*a*) make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purpose of the visitation ; and

(*b*) give effect to any instruction consistent with the provisions of this Act which may be given by the Visitor in consequence of the visitation.

Removal of members.

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

(2) The Minister shall use his best endeavors to cause a 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.

Grounds and procedure for removal of members.

17.—(1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the University, other than the Vice-Chancellor, should be removed from office or on grounds of misconduct or inability to perform the functions of his office, the Council shall—

(*a*) give notice of those reasons to the person in question ;

(*b*) afford such person an opportunity of making representation in person on the matter to the Council ; and

(*c*) take a decision to terminate or not to terminate the appointment.

(2) If the affected staff or any three members of the Council so request within a period of one month from the date of receipt of the notice of the Council's decision, the Council shall make arrangements for—

(*a*) a joint committee of the Council and the Senate to review the matter and to report on it to the Council ;

(*b*) the person in question to be afforded an opportunity to appear before and be heard by an investigating committee with respect to the matter ; and if the Council after considering the report of the investigating committee is satisfied that the person in question should be removed, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(3) The Vice-Chancellor may, in a case of gross misconduct by a member of staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of the University, suspend such member and any such suspension shall immediately be reported to the Council.

(4) Any member of staff may be suspended from duty or his appointment may be terminated by Council for a good cause and, for the purposes of this subsection, "*good cause*" means—

(*a*) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office ;

(*b*) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold office ;

(*c*) conduct of a scandalous or disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold office ; or

(*d*) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

(5) Any person suspended under sub-section (3) of this section shall be on half pay and the Council shall, before the expiration of a period of three months from the date of such suspension, consider the case against that person and come to a decision as to whether to—

(*a*) continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him) ;

(*b*) reinstate such person in which case the Council shall restore his full emoluments with effect from the date of suspension ;

(*c*) terminate the appointment of the person concerned in which case such a person will not be entitled to the proportion of his emoluments with held during the period of suspension ; and

(*d*) take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been with held) as the Council may determine.

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

(7) The person by whom an instrument of removal is signed in pursuance of subsection (1) of this section shall use his best endeavors' to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

(8) Nothing in this section shall prevent the Council from making regulations for the discipline of staff and workers of the University as may be appropriate.

Removal of Examiner.

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

(2) Subject to the provisions of any regulation made pursuant to section 8 (4) of this Act, the Vice-Chancellor may, on the recommendation of Senate, appoint an appropriate person as examiner in the place of the examiner removed.

(3) The Registrar on signing an instrument of removal under this section, 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.

Disciplinary action on students.

19.—(1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student is guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by Statute or regulations, direct that the—

(*a*) student shall not, during such period as may be specified in the direction, participate in such activities of the University or make use of such facilities of the University as may be so specified ;

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

(*c*) student be rusticated for such period as may be specified in the direction ; or

(*d*) student be expelled from the University.

(2) Where a direction is given under subsection (1) (*c*) or (*d*) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal against the direction to the Senate.

(3) Where an appeal is brought pursuant to subsection (2) of this section, the Senate shall, after causing such inquiry to be made in the matter as the Senate considers just, either confirm or set aside the direction or modify it in such manner as the Senate thinks fit.

(4) The fact that an appeal from a direction is brought pursuant to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending.

(5) 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.

(6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University for conduct which in the opinion of Senate is prejudicial to the interest of the University or to its corporate objective or image.

(7) A direction under subsection (1) (*a*) of this section may be combined with a direction under subsection (1) (*b*) of this section.

PART V—MISCELLANEOUS AND GENERAL PROVISIONS

A student not to be discriminated against.

20.—(1) No person shall be required to satisfy requirements as to race (including ethnic grouping) sex, place of birth, family origin, religious or political persuasion, as a condition for becoming or continuing to be a—

(*a*) student in the University ;

(*b*) holder of any degree, appointment or employment in the University ; or

(*c*) member of any body established by virtue of this Act.

(2) No person shall be subjected to any disadvantage or accorded any advantage in relation to the University by reference to any of the matters referred to in subsection (1) of this section.

(3) 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 specified in subsection (1) of this section where such persons willfully refuse or fail on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances, is in the opinion of the University reasonably justifiable in the national interest.

Application of the Land Use Act. Cap. L5 LFN, 2004.

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

(2) Where an estate or interest in land is acquired by the Government pursuant to this section, the Government may, by a certificate under the hand and seal of the Chief Federal Lands Officer or any other person authorized in that behalf transfer it to the University.

Consent of Visitor in Land deals Cap. L5 LFN, 2004.

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

PROVIDED that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years of any lease or tenancy to a member of the University for residential purpose.

Quorum.

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

Committees.

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

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

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

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

(3) Except as may be otherwise provided by a Statute or regulation, the quorum and procedure of a committee established or meeting held pursuant to 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) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council, (other than a committee appointed to inquire into the conduct of the officer in question) and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

(5) Nothing in this section shall be construed as enabling—

(*a*) statutes to be made otherwise than in accordance with section 11 of this Act ; or

(*b*) the Senate to empower any other body to make regulations or to award degrees or other qualifications.

Seal of the University.

25.—(1) The seal of the university shall be such as may be determined by the Council and approved by the Chancellor and the affixing of the seal shall—

(*a*) in the case of certificates issued by the University, be authenticated by the Vice-Chancellor and the Registrar ; and

(*b*) in the case of any other document, be authenticated by any member or Council, the Vice-Chancellor and the Registrar or any other person authorized by Statute.

(2) Any document purporting to be a document executed under the seal of the University shell be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

(3) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specially authorized to do so by the Council without seal.

(4) The validity of the proceedings of anybody established pursuant to this Act shall not be affected by—

(*a*) any vacancy in the membership of the body ;

(*b*) any defect with appointment of a member of the body ; or

(*c*) by reason that any person not entitled to do so took part in the proceedings.

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

(6) Nothing in section 12 of the Interpretation Act (which provides for the application, in relation to subordinate legislation, of certain incidental provisions) shall apply to Statutes or Regulations made pursuant to this Act.

(7) The power conferred by this Act on anybody to make Statutes or Regulations shall include power to revoke or vary any—

(*a*) Statute (including the Statute contained in the Third Schedule to this Act ; or Third Schedule.

(*b*) Regulation by a subsequent Statute or Regulation as the case may be :

PROVIDED that the Statutes and Regulations may have different provisions in relation to different circumstances.

(8) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 10, 21, and the Second Schedule to this Act. Second Schedule.

(9) Any notice or other instrument authorized to be served by virtue of this Act may, without prejudice to any other mode of service, be served by post.

26. Where in any provisions of this Act, it is laid down that proposal are to be submitted or a recommendation is to be made by one authority to another through one or more intermediate authorities, every such intermediate authority shall forward any proposal or recommendation received by it pursuant to that provision to the appropriate authority ; but any such intermediate authority may, if it think fits forward therewith its own comments thereon. Proposals and recommendation.

Interpretation.

27.—(1) In this Act—

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

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

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

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

"*Government*" means the Federal Government of Nigeria ;

"*graduate*" means a person on whom a degree (other than an honorary degree) has been conferred by the University ;

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

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

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

"*notice*" means notice in writing ;

"*officer*" does not include the Visitor ;

"*prescribed*" means prescribed by Statute or regulation made under this Act ;

"*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 ;

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

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

"*Statute*" means a Statute made by the University under section 11 of this Act and in accordance with the provisions of section 12 of this Act ;

"*the Act*" means the Federal University of Dutse Act ;

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

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

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

"*the University*" means the Federal University of Dutse as incorporated and constituted by this Act ; and

"*undergraduate*" means a person in *statu pupilari* in the University, other than—

(*a*) a graduate ; and

(*b*) a person of such description as may be prescribed for the purposes of this definition ;

28. This Act may be cited as the Federal University of Dutse (Establishment) Act, 2015. Citation.

FIRST SCHEDULE *Section* 3 (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. The Pro-Chancellor shall be appointed or removed from office by the President.

The Vice-Chancellor

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

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

(2) The procedure for the appointment and removal of the Deputy Vice-Chancellor shall be in accordance with the provision of the University (Miscellaneous Provisions) Act 1993 as amended.

(3) A Deputy Vice-Chancellor shall—

(*a*) assist the Vice-Chancellor in the performance of his functions ;

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

(*c*) perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.

Office of the Registrar, Bursar and University Librarian

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 administration of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this schedule.

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

(3) The Registrar shall hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.

6.—(1) There shall be for the University, the following Principal Officers in addition to the Registrar—

(*a*) the Bursar ; and

(*b*) the University Librarian.

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

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

(4) The Bursar and the University Librarian shall each hold office for such period and on such terms and conditions as to emoluments as may be specified in their letters of appointment.

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

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

9.—(1) Any officer mentioned in this Schedule may resign his office in—

(*a*) the case of the Chancellor or Pro-Chancellor, by notice to the Visitor ;

(*b*) in the case of the Vice-Chancellor, by notice to the Council which shall immediately notify the Minister.

(2) A person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

SECOND SCHEDULE *Section* 10 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to the University

1. Without prejudice to the generality of section 10 (2) of this Act—

(a) the reference in the subsection to property held by the provisional Council and the University shall include a reference to the right to receive and give a good discharge for any grant or contribution which may have been voted or promised to the provisional Council and the University ; and

(b) all outstanding debts and liabilities of the provisional Council shall become debts and liabilities of the University established by this Act.

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 modification, have effect as if the University established by this Act had been a party to it in place of the provisional Council.

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

(3) Any legal proceeding or application to any authority pending by or against the provisional Council may be continued by or against the University established by this Act.

Registration of Transfers

3.—(1) If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees of any other matter) apply, with the necessary modifications to the transfer of the property in question.

(2) The body to which any property is transferred by this Act to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

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 set up under the Third Schedule to this Act must have been duly constituted.

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

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

(5) Subject to any regulation which may be made by the Senate after the date on which this Act is made, the facilities, faculty boards and students of the University immediately before the coming into force of this Act shall on that day become faculties, faculty boards and students of the University as established by this Act.

(6) Persons who were deans or associate deans of faculties or members of faculty boards shall continue to be deans or associate deans or become members of the corresponding faculty boards, until new appointments are made in pursuance of the Statutes under this Act.

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

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

THIRD SCHEDULE *Section* 11(3) *and* (4)

FEDERAL UNIVERSITY OF DUTSE STATUTE NO. 1

Articles :

1. The Council.
2. Finance and General Purpose Committee.
3. The Senate.
4. The Congregation.
5. Convocation.
6. Organization of Faculties and the Branches thereof.
7. Faculty Board.
8. The Dean of the Faculty.
9. Selection of certain Principal and other key officers.
10. Creation of Academic Post.
11. Appointment of Academic Staff.
12. Appointment of Administrative and Technical Staff.

THE COUNCIL

(1) Any member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act may, by notice to the Council resign his office.

(2) A member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act shall, unless he previously vacates it, vacate that office on the expiration of a period of four years starting from 1st August in the year in which he was appointed.

(3) Where a member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act vacates office before the expiration of his tenure, the body that appointed him may appoint a successor to hold office for the residue of his unexpired term.

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

(5) The quorum of the Council shall be five, at least one of whom shall be a member pursuant to section 6(*d*) and (*e*) of this Act.

(6) If the Pro-Chancellor is not present at a meeting of the Council, the members present at the meeting may appoint one of them to be the Chairman at that meeting, and subject to section 5 of this Act and the provisions of this paragraph, the Council may regulate its own procedure.

(7) Where the Council desires to obtain advice with respect to any particular matter, it may co-opt not more than two persons for that purpose ;

and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.

(8) The Council constituted by this Act shall have a four year tenure from the date of its inauguration, provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the visitor and a new Council shall be immediately constituted for the effective functioning of the University.

(9) The powers of the Council shall be exercised in accordance with the laws and Statutes of the University, and to that extent, establishment circulars that are inconsistent with the laws and Statutes of the University shall not apply to the University.

THE FINANCE AND GENERAL PURPOSE COMMITTEE

2.—(1) The Finance and General Purpose Committee of the Council shall consist of—

(*a*) the Pro-Chancellor, who shall be the Chairman of the Committee at any meeting at which he is present ;

(*b*) the Vice-Chancellor and a Deputy Vice-Chancellor ;

(*c*) six other members of the Council appointed by the Council two of whom shall be selected from among the four members of the council appointed by the Senate and one of whom shall be selected from among members of the Council appointed by the congregation ; and

(*d*) the Permanent Secretary, Federal Ministry of Education or, in his absence, such member of his Ministry as he may designate to represent him.

(2) The quorum of the Committee shall be six.

(3) Subject to any direction given by the Council, the Committee may regulate its own procedure.

THE SENATE

3.—(1) There shall be a Senate for the University consisting of—

(*a*) the Vice-Chancellor ;

(*b*) the Deputy Vice-Chancellor ;

(*c*) all Professors of the University ;

(*d*) all Deans, Provosts and Directors of Academic Units of the University ;

(*e*) all Heads of Academic Departments, Units and Research Institutes of the University ;

(*f*) the University Librarian ; and

(*g*) academic members of the Congregation who are not Professors as specified in the Laws of the University.

(2) The Vice-Chancellor shall be the Chairman at all meetings of the Senate when he is present and, in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the Chairman at the meeting.

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

(4) If so requested in writing by any 10 members of the Senate, the Vice-Chancellor, or, in his absence a person duly appointed by him shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.

CONGREGATION

4.—(1) The Congregation shall consist of—

(*a*) the Vice-Chancellor and the Deputy Vice-Chancellor ;

(*b*) the full time members of the academic staff ;

(*c*) the Registrar ;

(*d*) the Bursar ; and

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

(2) Subject to section 5 of this Act, the Vice-Chancellor shall be the Chairman at all meetings of Congregation when he is present, and, in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the Chairman at the meeting.

(3) The quorum of Congregation shall be one-third (or the nearest whole number to one-third) of the total number of members of Congregation or fifty, whichever is less.

(4) A certificate signed by the Vice-Chancellor specifying—

(*a*) the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation, or

(*b*) the names of the persons who are members of Congregation during a particular period,

shall be conclusive evidence of that number or as the case may be of the names of those persons.

(5) Subject to the provisions of this Schedule, Congregation may regulate its own procedure.

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

CONVOCATION

5.—(1) Convocation shall consist of—

(*a*) the Officers of the University mentioned in the First Schedule to this Act ;

(*b*) all teachers within the meaning of this Act ; and

(*c*) all other persons whose names are registered in accordance with sub-paragraph (2) of this paragraph.

(2) A person shall be entitled to have his name registered as a member of the convocation if he—

(*a*) is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph ; and

(*b*) applies for the registration of his name in the prescribed manner and pays the prescribed fee.

(3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and, subject to sub-paragraph (3), may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.

(4) The person responsible for maintaining the register shall, without the payment of any fee, ensure that the names of all persons who are for the time being members of the Convocation by virtue of sub-paragraph (1)(*a*) or (*b*) of this paragraph are entered and retained on the register.

(5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register, or a copy of the register at the principal offices of the University at all reasonable times.

(6) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is, and that any person not named therein is not, a member of the convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entry in, and deletion from, the register made on or after that date shall be disregarded.

(7) The quorum of the Convocation shall be fifty or one-third (or the whole number nearest to one-third) of the total number of members of Convocation whichever is less.

(8) Subject to section 5 of this Act, the Chancellor shall be Chairman at all meetings of the Convocation when he is present, and, in his absence, the Vice-Chancellor shall be the Chairman at the meeting.

(9) The Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by Statute.

ORGANIZATION OF FACULTIES AND BRANCHES THEREOF

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

7.—(1) There shall be established in respect of each Faculty, a Faculty Board, which, subject to the provisions of this Act, and subject to the directions of the Vice-Chancellor, shall—

(*a*) regulate the teaching and study of, and the conduct of examinations connected with, the subjects assigned to the faculty ;

(*b*) deal with other matters assigned to it by Statute, the Vice-Chancellor or the Senate ; and

(*c*) advise the Vice-Chancellor or Senate on any matter referred to it by the Vice-Chancellor or Senate.

(2) Each Faculty Board shall consists of—

(*a*) the Vice-Chancellor ;

(*b*) the persons severally in charge of the branches of the faculty ;

(*c*) such number of the teachers assigned to the faculty and having the prescribed qualifications as the Board may determine ; and

(*d*) such persons whether or not members of the University as the Board may determine with the general or special approval of Senate.

(3) The quorum of the Board shall be 8 members or one-quarter of the members of the Board for the time being, whichever is greater.

(4) Subject to the provisions of this Statute and any provision made by regulations in that behalf, the Board may regulate its own procedure.

THE DEAN OF THE FACULTY

8.—(1) The Dean of a faculty shall be a professor elected by the Faculty Board and such Dean shall hold office for a term of two years and may be eligible for re-election for another term of two years after which he may not be elected again until two years have elapsed.

(2) If there is no professor in a faculty, the Vice-Chancellor shall appoint an Acting Dean who shall not be below the rank of Senior Lecturer for the faculty, who shall act for a period of one year in the first instance, renewable for another one year only.

(3) In the absence of the Vice-Chancellor, the Dean shall be the Chairman at all meetings of the Faculty Board when he is present and he shall be a member of all committees and other boards appointed by the faculty.

(4) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty and shall present to the Convocation for the conferment of Degrees, persons who have qualified for the Degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.

(5) There shall be a committee to be known as the Committee of Deans which shall consist of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the Committee by the Senate.

(6) The Dean of a faculty may be removed from office for a good cause by the Faculty Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of the Dean, an Acting Dean may be appointed by the Vice-Chancellor :
PROVIDED that at the next faculty board meeting an election shall be held for a new Dean.

(7) In this article, "*good cause*" has the same meaning as in section 17 (4) of this Act.

SELECTION OF CERTAIN PRINCIPAL AND OTHER KEY OFFICERS

9.—(1) When a vacancy occurs in the Office of the Registrar, Bursar, the University Librarian, Director of Works or Director of Health Services, a Selection Board shall be constituted by the Council and shall consist of—

(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) two members appointed by the Council, not being members of Senate ; and

(*d*) two members appointed by the Senate not being members of Council.

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

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

Creation of Academic Post

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

Appointment of Academic Staff

11. Subject to this Act and the Statute made under it, the filling of vacancies in academic posts (including newly created ones) shall be as prescribed from time to time by Statute.

Appointment of Administrative and Technical Staff

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

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

I certify, in accordance with section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26th Day of March, 2015.

EXPLANATORY MEMORANDUM

This Act establishes the Federal University of Dutse to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.

SCHEDULE TO FEDERAL UNIVERSITY OF DUTSE (ESTABLISHMENT) BILL, 2015

(1) *Short Title of the Bill*	(2) *Long Title of the Bill*	(3) *Summary of the Contents of the Bill*	(4) *Date Passed by the Senate*	(5) *Date Passed by the House of Representatives*
Federal University of Dutse (Establishment) Bill, 2015.	An Act to establish the Federal University of Dutse and to make comprehensive provisions for due management and administration ; and for related matters.	This Act establishes the Federal University of Dutse to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.	23rd April , 2013.	3rd March, 2015.

Federation of Nigeria, 2004.

I ASSENT

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SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26th Day of March, 2015

DR. GOODLUCK EBELE JONATHAN, GCFR
President of the Federal Republic of Nigeria
26th Day of March, 2015

Extraordinary



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4	Federal University of Dutsin-Ma (Establishment) Act, 2015. ..	A97-127

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FEDERAL UNIVERSITY OF DUTSIN-MA (ESTABLISHMENT) ACT, 2015

ARRANGEMENT OF SECTIONS

Section :

PART I—ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL UNIVERSITY OF DUTSIN-MA

1. Establishment of Federal University of Dutsin-Ma.
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3. Membership of the University.
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24. Committees.
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26. Proposals and Recommendation.
27. Interpretation.
28. Citation.

SCHEDULE

FEDERAL UNIVERSITY OF DUTSIN-MA (ESTABLISHMENT) ACT, 2015

ACT No. 4

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF DUTSIN-MA AND TO MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT AND ADMINISTRATION ; AND FOR RELATED MATTERS

[26*th Day of March,* 2016] Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria :

PART 1—ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL UNIVERSITY OF DUTSIN-MA

Establishment of Federal University of Dutsin-Ma.

1.—(1) There is established the Federal University of Dutsin-Ma (in this Act referred to as "the University").

(2) The University—

(*a*) shall be a body corporate with perpetual succession and a common seal ; and

(*b*) may sue or be sued in its corporate name.

Objects of the University.

2. The objects of the University shall be to—

(*a*) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring higher and liberal education ;

(*b*) provide courses of instruction and other facilities for the pursuit of learning in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them ;

(*c*) encourage and promote scholarship and conduct research in restricted fields of learning and human endeavour ;

(*d*) relate its activities to the social, cultural and economic needs of the people of Nigeria ; and

(*e*) undertake other activities appropriate for a university of the highest standard.

Membership of the University.

3.—(1) The University shall consist of—

(*a*) Chancellor ;

(*b*) Pro-Chancellor and a Council ;

(*c*) Vice-Chancellor and a Senate ;

(*d*) Two Deputy Vice-Chancellors or such number of Deputy Vice-Chancellors as the council may, from time to time, deem necessary for the proper administration of the University ;

(*e*) a body to be called Congregation ;

(*f*) a body to be called Convocation ;

(*g*) the campuses and colleges of the University ;

(*h*) the faculties, schools, institutes and other teaching and research units of the University ;

(*i*) the persons holding the offices constituted by the First Schedule to this Act other than those mentioned in paragraphs (*a*) to (*c*) of this subsection ;

(*j*) all graduates and undergraduates ; and

(*k*) all other persons who are members of the University in accordance with provisions made by statute in that behalf.

First Schedule.

(2) The First Schedule to this Act shall have effect with respect to the Principal Officers of the University mentioned therein.

(3) A provision shall be made by Statute with respect to the constitution of the following bodies—

(*a*) the Council ;

(*b*) the Senate ;

(*c*) the Congregation ; and

(*d*) the Convocation.

Functions of the University.

4.—(1) For the carrying out of its objects as specified in section 2 of this Act, the University shall have power to—

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

(*b*) institute professorships, readerships and associate professorships, lectureships and other posts and offices and to make appointments thereto ;

(*c*) institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance ;

(*d*) provide for the residence, discipline and welfare of members of the University ;

(*e*) hold examinations and award degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down ;

(*f*) award honorary degrees, fellowships or academic titles ;

(*g*) demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may, from time to time determine, subject to the overall directives of the appropriate authority ;

(*h*) subject to section 22 of this Act, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate ;

(*i*) accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto ;

(*j*) enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents ;

(*k*) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University ;

(*l*) hold public lectures and undertake printing, publishing and book selling ;

(*m*) subject to any limitation or condition imposed by Statute, to invest any moneys appertaining to the University by law of endorsement, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investment or security or in the purchase or improvement of land, with power from time to time to vary any such investment and to deposit any money for the time being un-invested with any bank on deposit or current account ;

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

(*o*) make gifts for any charitable purpose ;

(*p*) do anything which it is authorized or required by this Act or by any other Statute to do ; and

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

(2) Subject to the provisions of this Act and of the Statutes made there under and without prejudice to section 9 (2) of this Act, 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 this Act.

Chancellor to take precedence before other members.

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

(2) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor, and except for the Vice-Chancellor when acting as Chairman of Congregation or Convocation, and the Pro-Chancellor shall, when he is present, be the Chairman at all meetings of the Council.

Establishment and membership of the Council.

6.—(1) There shall be a Council for the University consisting of :

(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) the Deputy Vice-Chancellor ;

(*d*) one person from the Federal Ministry responsible for education ;

(*e*) four persons representing a variety of interest and broadly representative of the whole Federation to be appointed by the President ;

(*f*) four persons appointed by the Senate from among its members ;

(*g*) two persons appointed by the Congregation from among its members ; and

(*h*) one person appointed by Convocation from among its members.

(2) Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and familiar with the affairs and tradition of the University.

Council and Other Committees of the University.

7.—(1) Subject to the provisions of this Act relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University, including its public relations.

(2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the Council as the Council may from time to time delegate to it.

(3) Provision shall be made by Statute with respect to the constitution of the Finance and General Purposes Committee.

(4) The Council shall ensure proper accounts of the University are kept and that the accounts of the University are audited annually by auditors

appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation, and that an annual report is published by the University together with certified copies of the said accounts as audited.

(5) Subject to this Act 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 where any rule so made by the Committee conflicts with any direction given by the Council (whether before or after the coming into force of the rules in question), the direction of the Council shall prevail.

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

(8) The Council shall meet as and when necessary for the performance of its functions under this Act, and shall meet at least four times every year.

(9) If required in writing by five members of the Council, the Chairman shall within, 28 days after the receipt of such request, call a meeting of the Council :

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

Functions of the Senate.

8.—(1) Subject to section 5 of this Act and sub-sections (3) and (4) of this section and to the provisions of this Act relating to the Visitor, it shall be the general function of the Senate to organize and control teaching in the University, admission to Post-graduate courses and other admission of students, the discipline of students and to promote research in the University.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, it shall in particular be the function of the Senate to make provision for the—

(*a*) establishment, organization and control of campuses, colleges, faculties, departments, schools, Institutes and other teaching and research units of the University, and the allocation of responsibility for different branches of learning ;

(*b*) organization and control of courses of study in the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external ;

(*c*) award of degrees, and such other qualifications as may be prescribed, in connection with examinations conducted by the University ;

(*d*) making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus ;

(*e*) establishment, organization and control of halls of residence and similar institutions in the University ;

(*f*) supervision of the welfare of students in the University and the regulation of their conduct ;

(*g*) granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University ; and

(*h*) determination of what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.

(3) The Senate shall not establish any new campus, college, faculty, department, school, institute or other teaching and research units of the University, or any hall of residence or similar institution at the University without the approval of the Council.

(4) Subject to this Act and the Statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the provisions of this section or for the purpose of providing for any matter for which provision by regulation is authorized or required by this Act or by Statute.

(*b*) The Senate shall, by regulation, provide that at least one of the persons appointed as examiners at each final or professional examination held in conjunction with any course of study in the University is not a teacher at the University but is a teacher at the branch of learning to which the course relates in some other University of high repute.

(5) Subject to a right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred on him if after due enquiry he is shown to have been guilty of any dishonorable or scandalous conduct in gaining admission into the University or obtaining that award.

Vice-Chancellor to take precedence in the absence of Chancellor.

9.—(1) The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and, subject to section 5 of this Act, the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.

(2) Subject to the provisions of this Act, the Vice-Chancellor shall have general function, in addition to any other function conferred on him by this Act or otherwise, of directing the activities of the University, and shall, to the exclusion of any other person or authority, be the chief executive and academic officer of the University and *ex-officio* Chairman of the Senate.

PART II—TRANSFER OF PROPERTY

Transfer of Property.

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

Second Schedule.

(2) The provisions of the Second Schedule to this Act shall have effect with respect to the transfer of property by this section and to matters arising therefrom and with respect to other matters mentioned in that Schedule.

PART III—STATUTES OF THE UNIVERSITY

Statutes of the University.

11.—(1) Subject to this Act, the University may make Statutes for any of the following purposes—

(*a*) making provision with respect to the composition and constitution of any authority of the University ;

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

(*c*) regulating the admission of students where it is done by the University, and their discipline and welfare ;

(*d*) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Act and of any Statute, regulation or other instrument made there-under ; and

(*e*) making provision for other matters for which provision by Statute is authorized or required by this Act.

Cap. 123 LFN, 2004.

(2) Subject to section 25 (6) of this Act, 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 27 (1) of that Act.

Third Schedule.

(3) The Statute contained in the Third Schedule to this Act shall be deemed to have come into force on the commencement of this Act and shall be deemed to have been made under this section by the University.

Third Schedule.

(4) The power to make Statute conferred by this section shall not be prejudiced or limited in any way be reason of the inclusion or omission of any matter in or from the Statute contained in the Third Schedule to this Act or any subsequent Statute.

Power to make an approve Statutes.

12.—(1) The power of the University to make Statutes shall be exercised in accordance with the provisions of this section.

(2) A proposed Statute shall not have the force of law until it has been approved at a meeting of the—

(*a*) Senate, by the votes of not less than two thirds of the members present and voting ; and

(*b*) Council by the votes of not less than two thirds of the members present and voting ;

(3) A proposed Statute may originate either in the Senate or Council, and may be approved as required by sub-section (2) of this section by both bodies in no particular order.

(4) A Statute which—

(*a*) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University ; or

(*b*) provides for the establishment of a new campus or college or for the amendment or revocation of any Statute whereby a campus or college is established, shall not come into operation unless it has been approved by the Visitor.

(5) For the purpose of section 2 (2) of the Interpretation Act, a Statute shall be treated as being made on the date on which it is approved by the Council and the Senate in accordance with sub-section (3) of this section or in the case of a Statute falling within sub-section (4) of this section, on the date on which it is approved by the President.

Proof of Statute in court.

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

Visitor's decision in case of dispute.

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

(2) The decision of the Visitor on any matter referred to him under this section shall be binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a Statute has been decided by the Visitor under this section, no question as to the meaning of that provision shall be entertained by any other authority in Nigeria :

PROVIDED that nothing in this subsection shall affect the power of a court of competent jurisdiction to determine whether any provision of a Statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution.

(3) The provisions of this section shall apply in relation to any doubt or dispute as to whether any matter is, for the purposes of this Act, an academic or non-academic matter as they apply in relation to any such doubt or dispute as is mentioned in sub-section (1) of this section, and accordingly the reference in sub-section (2) of this section to any question as to the meaning of any provision of the Statute shall include references to any question as to whether any matter is for the said purposes an academic or non-academic matter.

PART IV—SUPERVISION AND DISCIPLINE

Supervision and Discipline.

15.—(1) The President shall be the Visitor of the University.

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

(3) The bodies and persons comprising the University shall—

(*a*) make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purpose of the visitation ; and

(*b*) give effect to any instruction consistent with the provisions of this Act which may be given by the Visitor in consequence of the visitation.

Removal of members.

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

(2) The Minister shall use his best endeavors to cause a 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.

Grounds and procedure for removal of members.

17.— (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the University, other than the Vice-Chancellor, should be removed from office or on grounds of misconduct or inability to perform the functions of his office, the Council shall—

(*a*) give notice of those reasons to the person in question ;

(*b*) afford such person an opportunity of making representation in person on the matter to the Council ; and

(*c*) take a decision to terminate or not to terminate the appointment.

(2) If the affected staff or any three members of the Council so request within a period of one month from the date of receipt of the notice of the Council's decision, the Council shall make arrangements for—

(*a*) a joint committee of the Council and the Senate to review the matter and to report on it to the Council ;

(*b*) the person in question to be afforded an opportunity to appear before and be heard by an investigating committee with respect to the matter ; and if the Council after considering the report of the investigating committee is satisfied that the person in question should be removed, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(3) The Vice-Chancellor may, in a case of gross misconduct by a member of staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of the University, suspend such member and any such suspension shall immediately be reported to the Council.

(4) Any member of staff may be suspended from duty or his appointment may be terminated by Council for a good cause and, for the purposes of this subsection, "*good cause*" means—

(*a*) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office ;

(*b*) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold office ;

(*c*) conduct of a scandalous or disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold office ; or

(*d*) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

(5) Any person suspended under sub-section (3) of this section shall be on half pay and the Council shall, before the expiration of a period of three months from the date of such suspension, consider the case against that person and come to a decision as to whether to—

(*a*) continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him) ;

(*b*) reinstate such person in which case the Council shall restore his full emoluments with effect from the date of suspension ;

(*c*) terminate the appointment of the person concerned in which case such a person will not be entitled to the proportion of his emoluments with held during the period of suspension ; and

(*d*) take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been with held) as the Council may determine.

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

(7) The person by whom an instrument of removal is signed in pursuance of subsection (1) of this section shall use his best endeavors' to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

(8) Nothing in this section shall prevent the Council from making regulations for the discipline of staff and workers of the University as may be appropriate.

Removal of Examiner.

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

(2) Subject to the provisions of any regulation made pursuant to section 8 (4) of this Act, the Vice-Chancellor may, on the recommendation of Senate, appoint an appropriate person as examiner in the place of the examiner removed.

(3) The Registrar on signing an instrument of removal under this section, 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.

Disciplinary action on students.

19.—(1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student is guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by Statute or regulations, direct that the—

(*a*) student shall not, during such period as may be specified in the direction, participate in such activities of the University or make use of such facilities of the University as may be so specified ;

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

(*c*) student be rusticated for such period as may be specified in the direction ; or

(*d*) student be expelled from the University.

(2) Where a direction is given under subsection (1) (*c*) or (*d*) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal against the direction to the Senate.

(3) Where an appeal is brought pursuant to subsection (2) of this section, the Senate shall, after causing such inquiry to be made in the matter as the Senate considers just, either confirm or set aside the direction or modify it in such manner as the Senate thinks fit.

(4) The fact that an appeal from a direction is brought pursuant to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending.

(5) 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.

(6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University for conduct which in the opinion of Senate is prejudicial to the interest of the University or to its corporate objective or image.

(7) A direction under subsection (1) (*a*) of this section may be combined with a direction under subsection (1) (*b*) of this section.

PART V—MISCELLANEOUS AND GENERAL PROVISIONS

A student not to be discriminated against.

20.—(1) No person shall be required to satisfy requirements as to race (including ethnic grouping) sex, place of birth, family origin, religious or political persuasion, as a condition for becoming or continuing to be a—

(*a*) student in the University ;

(*b*) holder of any degree, appointment or employment in the University ; or

(*c*) member of any body established by virtue of this Act.

(2) No person shall be subjected to any disadvantage or accorded any advantage in relation to the University by reference to any of the matters referred to in subsection (1) of this section.

(3) 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 specified in subsection (1) of this section where such persons willfully refuse or fail on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances, is in the opinion of the University reasonably justifiable in the national interest.

Application of the Land Use Act. Cap. L5 LFN, 2004.

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

(2) Where an estate or interest in land is acquired by the Government pursuant to this section, the Government may, by a certificate under the hand and seal of the Chief Federal Lands Officer or any other person authorized in that behalf transfer it to the University.

Consent of Visitor in Land deals Cap. L5 LFN, 2004.

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

PROVIDED that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years of any lease or tenancy to a member of the University for residential purpose.

Quorum.

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

Committees.

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

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

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

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

(3) Except as may be otherwise provided by a Statute or regulation, the quorum and procedure of a committee established or meeting held pursuant to 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) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council, (other than a committee appointed to inquire into the conduct of the officer in question) and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

(5) Nothing in this section shall be construed as enabling—

(*a*) statutes to be made otherwise than in accordance with section 11 of this Act ; or

(*b*) the Senate to empower any other body to make regulations or to award degrees or other qualifications.

Seal of the University.

25.—(1) The seal of the university shall be such as may be determined by the Council and approved by the Chancellor and the affixing of the seal shall—

(*a*) in the case of certificates issued by the University, be authenticated by the Vice-Chancellor and the Registrar ; and

(*b*) in the case of any other document, be authenticated by any member or Council, the Vice-Chancellor and the Registrar or any other person authorized by Statute.

(2) Any document purporting to be a document executed under the seal of the University shell be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

(3) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specially authorized to do so by the Council without seal.

(4) The validity of the proceedings of anybody established pursuant to this Act shall not be affected by—

(*a*) any vacancy in the membership of the body ;

(*b*) any defect with appointment of a member of the body ; or

(*c*) by reason that any person not entitled to do so took part in the proceedings.

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

(6) Nothing in section 12 of the Interpretation Act (which provides for the application, in relation to subordinate legislation, of certain incidental provisions) shall apply to Statutes or Regulations made pursuant to this Act.

(7) The power conferred by this Act on anybody to make Statutes or Regulations shall include power to revoke or vary any—

(*a*) Statute (including the Statute contained in the Third Schedule to this Act ; or Third Schedule.

(*b*) Regulation by a subsequent Statute or Regulation as the case may be :

PROVIDED that the Statutes and Regulations may have different provisions in relation to different circumstances.

(8) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 10, 21, and the Second Schedule to this Act. Second Schedule.

(9) Any notice or other instrument authorized to be served by virtue of this Act may, without prejudice to any other mode of service, be served by post.

26. Where in any provisions of this Act, it is laid down that proposal are to be submitted or a recommendation is to be made by one authority to another through one or more intermediate authorities, every such intermediate authority shall forward any proposal or recommendation received by it pursuant to that provision to the appropriate authority ; but any such intermediate authority may, if it think fits forward therewith its own comments thereon. Proposals and recommendation.

Interpretation.

27.—(1) In this Act—

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

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

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

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

"*Government*" means the Federal Government of Nigeria ;

"*graduate*" means a person on whom a degree (other than an honorary degree) has been conferred by the University ;

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

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

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

"*notice*" means notice in writing ;

"*officer*" does not include the Visitor ;

"*prescribed*" means prescribed by Statute or regulation made under this Act ;

"*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 ;

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

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

"*Statute*" means a Statute made by the University under section 11 of this Act and in accordance with the provisions of section 12 of this Act ;

"*the Act*" means the Federal University of Dutsin-Ma Act.

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

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

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

"*the University*" means the Federal University of Dutsin-Ma as incorporated and constituted by this Act ; and

"*undergraduate*" means a person in *statu pupilari* in the University, other than—

(*a*) a graduate ; and

(*b*) a person of such description as may be prescribed for the purposes of this definition ;

28. This Act may be cited as the Federal University of Dutsin-Ma (Establishment) Act, 2015. Citation.

FIRST SCHEDULE *Section* 3 (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. The Pro-Chancellor shall be appointed or removed from office by the President.

The Vice-Chancellor

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

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

(2) The procedure for the appointment and removal of the Deputy Vice-Chancellor shall be in accordance with the provision of the University (Miscellaneous Provisions) Act 1993 as amended.

(3) A Deputy Vice-Chancellor shall—

(*a*) assist the Vice-Chancellor in the performance of his functions ;

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

(*c*) perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.

Office of the Registrar, Bursar and University Librarian

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 administration of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this schedule.

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

(3) The Registrar shall hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.

6.—(1) There shall be for the University, the following Principal Officers in addition to the Registrar—

(*a*) the Bursar ; and

(*b*) the University Librarian.

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

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

(4) The Bursar and the University Librarian shall each hold office for such period and on such terms and conditions as to emoluments as may be specified in their letters of appointment.

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

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

9.—(1) Any officer mentioned in this Schedule may resign his office in—

(*a*) the case of the Chancellor or Pro-Chancellor, by notice to the Visitor ;

(*b*) in the case of the Vice-Chancellor, by notice to the Council which shall immediately notify the Minister.

(2) A person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

SECOND SCHEDULE *Section* 10 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to the University

1. Without prejudice to the generality of section 10 (2) of this Act—

(*a*) the reference in the subsection to property held by the provisional Council and the University shall include a reference to the right to receive and give a good discharge for any grant or contribution which may have been voted or promised to the provisional Council and the University ; and

(*b*) all outstanding debts and liabilities of the provisional Council shall become debts and liabilities of the University established by this Act.

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 modification, have effect as if the University established by this Act had been a party to it in place of the provisional Council.

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

(3) Any legal proceeding or application to any authority pending by or against the provisional Council may be continued by or against the University established by this Act.

Registration of Transfers

3.—(1) If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees of any other matter) apply, with the necessary modifications to the transfer of the property in question.

(2) The body to which any property is transferred by this Act to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

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 set up under the Third Schedule to this Act must have been duly constituted.

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

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

(5) Subject to any regulation which may be made by the Senate after the date on which this Act is made, the facilities, faculty boards and students of the University immediately before the coming into force of this Act shall on that day become faculties, faculty boards and students of the University as established by this Act.

(6) Persons who were deans or associate deans of faculties or members of faculty boards shall continue to be deans or associate deans or become members of the corresponding faculty boards, until new appointments are made in pursuance of the Statutes under this Act.

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

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

THIRD SCHEDULE *Section* 11(3) *and* (4)

FEDERAL UNIVERSITY OF DUTSIN-MA STATUTE NO. 1

Articles :

1. The Council.
2. Finance and General Purpose Committee.
3. The Senate.
4. The Congregation.
5. Convocation.
6. Organization of Faculties and the Branches thereof.
7. Faculty Board.
8. The Dean of the Faculty.
9. Selection of certain Principal and other key officers.
10. Creation of Academic Post.
11. Appointment of Academic Staff.
12. Appointment of Administrative and Technical Staff.

THE COUNCIL

(1) Any member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act may, by notice to the Council resign his office.

(2) A member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act shall, unless he previously vacates it, vacate that office on the expiration of a period of four years starting from 1st August in the year in which he was appointed.

(3) Where a member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act vacates office before the expiration of his tenure, the body that appointed him may appoint a successor to hold office for the residue of his unexpired term.

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

(5) The quorum of the Council shall be five, at least one of whom shall be a member pursuant to section 6(*d*) and (*e*) of this Act.

(6) If the Pro-Chancellor is not present at a meeting of the Council, the members present at the meeting may appoint one of them to be the Chairman at that meeting, and subject to section 5 of this Act and the provisions of this paragraph, the Council may regulate its own procedure.

(7) Where the Council desires to obtain advice with respect to any particular matter, it may co-opt not more than two persons for that purpose ;

and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.

(8) The Council constituted by this Act shall have a four year tenure from the date of its inauguration, provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the visitor and a new Council shall be immediately constituted for the effective functioning of the University.

(9) The powers of the Council shall be exercised in accordance with the laws and Statutes of the University, and to that extent, establishment circulars that are inconsistent with the laws and Statutes of the University shall not apply to the University.

THE FINANCE AND GENERAL PURPOSE COMMITTEE

2.—(1) The Finance and General Purpose Committee of the Council shall consist of—

(*a*) the Pro-Chancellor, who shall be the Chairman of the Committee at any meeting at which he is present ;

(*b*) the Vice-Chancellor and a Deputy Vice-Chancellor ;

(*c*) six other members of the Council appointed by the Council two of whom shall be selected from among the four members of the council appointed by the Senate and one of whom shall be selected from among members of the Council appointed by the congregation ; and

(*d*) the Permanent Secretary, Federal Ministry of Education or, in his absence, such member of his Ministry as he may designate to represent him.

(2) The quorum of the Committee shall be six.

(3) Subject to any direction given by the Council, the Committee may regulate its own procedure.

THE SENATE

3.—(1) There shall be a Senate for the University consisting of—

(*a*) the Vice-Chancellor ;

(*b*) the Deputy Vice-Chancellor ;

(*c*) all Professors of the University ;

(*d*) all Deans, Provosts and Directors of Academic Units of the University ;

(*e*) all Heads of Academic Departments, Units and Research Institutes of the University ;

(*f*) the University Librarian ; and

(*g*) academic members of the Congregation who are not Professors as specified in the Laws of the University.

(2) The Vice-Chancellor shall be the Chairman at all meetings of the Senate when he is present and, in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the Chairman at the meeting.

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

(4) If so requested in writing by any 10 members of the Senate, the Vice-Chancellor, or, in his absence a person duly appointed by him shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.

CONGREGATION

4.—(1) The Congregation shall consist of—

(*a*) the Vice-Chancellor and the Deputy Vice-Chancellor ;

(*b*) the full time members of the academic staff ;

(*c*) the Registrar ;

(*d*) the Bursar ; and

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

(2) Subject to section 5 of this Act, the Vice-Chancellor shall be the Chairman at all meetings of Congregation when he is present, and, in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the Chairman at the meeting.

(3) The quorum of Congregation shall be one-third (or the nearest whole number to one-third) of the total number of members of Congregation or fifty, whichever is less.

(4) A certificate signed by the Vice-Chancellor specifying—

(*a*) the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation, or

(*b*) the names of the persons who are members of Congregation during a particular period,

shall be conclusive evidence of that number or as the case may be of the names of those persons.

(5) Subject to the provisions of this Schedule, Congregation may regulate its own procedure.

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

CONVOCATION

5.—(1) Convocation shall consist of—

(*a*) the Officers of the University mentioned in the First Schedule to this Act ;

(*b*) all teachers within the meaning of this Act ; and

(*c*) all other persons whose names are registered in accordance with sub-paragraph (2) of this paragraph.

(2) A person shall be entitled to have his name registered as a member of the convocation if he—

(*a*) is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph ; and

(*b*) applies for the registration of his name in the prescribed manner and pays the prescribed fee.

(3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and, subject to sub-paragraph (3), may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.

(4) The person responsible for maintaining the register shall, without the payment of any fee, ensure that the names of all persons who are for the time being members of the Convocation by virtue of sub-paragraph (1)(*a*) or (*b*) of this paragraph are entered and retained on the register.

(5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register, or a copy of the register at the principal offices of the University at all reasonable times.

(6) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is, and that any person not named therein is not, a member of the convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entry in, and deletion from, the register made on or after that date shall be disregarded.

(7) The quorum of the Convocation shall be fifty or one-third (or the whole number nearest to one-third) of the total number of members of Convocation whichever is less.

(8) Subject to section 5 of this Act, the Chancellor shall be Chairman at all meetings of the Convocation when he is present, and, in his absence, the Vice-Chancellor shall be the Chairman at the meeting.

(9) The Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by Statute.

ORGANIZATION OF FACULTIES AND BRANCHES THEREOF

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

7.—(1) There shall be established in respect of each Faculty, a Faculty Board, which, subject to the provisions of this Act, and subject to the directions of the Vice-Chancellor, shall—

(*a*) regulate the teaching and study of, and the conduct of examinations connected with, the subjects assigned to the faculty ;

(*b*) deal with other matters assigned to it by Statute, the Vice-Chancellor or the Senate ; and

(*c*) advise the Vice-Chancellor or Senate on any matter referred to it by the Vice-Chancellor or Senate.

(2) Each Faculty Board shall consists of—

(*a*) the Vice-Chancellor ;

(*b*) the persons severally in charge of the branches of the faculty ;

(*c*) such number of the teachers assigned to the faculty and having the prescribed qualifications as the Board may determine ; and

(*d*) such persons whether or not members of the University as the Board may determine with the general or special approval of Senate.

(3) The quorum of the Board shall be 8 members or one-quarter of the members of the Board for the time being, whichever is greater.

(4) Subject to the provisions of this Statute and any provision made by regulations in that behalf, the Board may regulate its own procedure.

THE DEAN OF THE FACULTY

8.—(1) The Dean of a faculty shall be a professor elected by the Faculty Board and such Dean shall hold office for a term of two years and may be eligible for re-election for another term of two years after which he may not be elected again until two years have elapsed.

(2) If there is no professor in a faculty, the Vice-Chancellor shall appoint an Acting Dean who shall not be below the rank of Senior Lecturer for the faculty, who shall act for a period of one year in the first instance, renewable for another one year only.

(3) In the absence of the Vice-Chancellor, the Dean shall be the Chairman at all meetings of the Faculty Board when he is present and he shall be a member of all committees and other boards appointed by the faculty.

(4) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty and shall present to the Convocation for the conferment of Degrees, persons who have qualified for the Degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.

(5) There shall be a committee to be known as the Committee of Deans which shall consist of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the Committee by the Senate.

(6) The Dean of a faculty may be removed from office for a good cause by the Faculty Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of the Dean, an Acting Dean may be appointed by the Vice-Chancellor :
PROVIDED that at the next faculty board meeting an election shall be held for a new Dean.

(7) In this article, "*good cause*" has the same meaning as in section 17 (4) of this Act.

SELECTION OF CERTAIN PRINCIPAL AND OTHER KEY OFFICERS

9.—(1) When a vacancy occurs in the Office of the Registrar, Bursar, the University Librarian, Director of Works or Director of Health Services, a Selection Board shall be constituted by the Council and shall consist of—

(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) two members appointed by the Council, not being members of Senate ; and

(*d*) two members appointed by the Senate not being members of Council.

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

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

Creation of Academic Post

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

Appointment of Academic Staff

11. Subject to this Act and the Statute made under it, the filling of vacancies in academic posts (including newly created ones) shall be as prescribed from time to time by Statute.

Appointment of Administrative and Technical Staff

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

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

I certify, in accordance with section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26th Day of March, 2015.

EXPLANATORY MEMORANDUM

This Act establishes the Federal University of Dutsin-Ma to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.

SCHEDULE TO FEDERAL UNIVERSITY OF DUTSIN-MA (ESTABLISHMENT) BILL, 2015

(1) *Short Title of the Bill*	(2) *Long Title of the Bill*	(3) *Summary of the Contents of the Bill*	(4) *Date Passed by the Senate*	(5) *Date Passed by the House of Representatives*
Federal University of Dutsin-Ma (Establishment) Bill, 2015.	An Act to establish the Federal University of Dutsin-Ma and to make comprehensive provisions for due management and administration ; and for related matters.	This Act establishes the Federal University of Dutsin-Ma to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.	23rd April, 2013.	3rd March, 2015.

Federation of Nigeria, 2004.

I ASSENT

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SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26*th Day of March,* 2015

DR. GOODLUCK EBELE JONATHAN, GCFR
President of the Federal Republic of Nigeria
26*th Day of March,* 2015

Extraordinary

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FEDERAL UNIVERSITY OF KASHERE (ESTABLISHMENT) ACT, 2015

ARRANGEMENT OF SECTIONS

Section :

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

1. Establishment of Federal University of Kashere.
2. Objects of the University.
3. Membership of the University.
4. Functions of the University.
5. Chancellor to take precedence before other members.
6. Establishment and Membership of the Council.
7. Council and Other Committees of the University.
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9. Vice-Chancellor to take precedence in the absence of Chancellor.

PART II—TRANSFER OF PROPERTY

10. Transfer of Property.

PART III—STATUTES OF THE UNIVERSITY

11. Statutes of the University.
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15. Supervision and Discipline.
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21. Application of the Land Use Act.
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24. Committees.
25. Seal of University.
26. Proposals and Recommendation.
27. Interpretation.
28. Citation.

SCHEDULE

FEDERAL UNIVERSITY OF KASHERE (ESTABLISHMENT) ACT, 2015

ACT No. 1

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF KASHERE AND TO MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT AND ADMINISTRATION ; AND FOR RELATED MATTERS

[26*th Day of March,* 2016] Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria :

PART 1—ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL UNIVERSITY OF KASHERE

Establishment of Federal University of Kashere.

1.—(1) There is established the Federal University of Kashere (in this Act referred to as "the University").

(2) The University—

(*a*) shall be a body corporate with perpetual succession and a common seal ; and

(*b*) may sue or be sued in its corporate name.

Objects of the University.

2. The objects of the University shall be to—

(*a*) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring higher and liberal education ;

(*b*) provide courses of instruction and other facilities for the pursuit of learning in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them ;

(*c*) encourage and promote scholarship and conduct research in restricted fields of learning and human endeavour ;

(*d*) relate its activities to the social, cultural and economic needs of the people of Nigeria ; and

(*e*) undertake other activities appropriate for a university of the highest standard.

Membership of the University.

3.—(1) The University shall consist of—

(*a*) Chancellor ;

(*b*) Pro-Chancellor and a Council ;

(*c*) Vice-Chancellor and a Senate ;

(*d*) Two Deputy Vice-Chancellors or such number of Deputy Vice-Chancellors as the council may, from time to time, deem necessary for the proper administration of the University ;

(*e*) a body to be called Congregation ;

(*f*) a body to be called Convocation ;

(*g*) the campuses and colleges of the University ;

(*h*) the faculties, schools, institutes and other teaching and research units of the University ;

(*i*) the persons holding the offices constituted by the First Schedule to this Act other than those mentioned in paragraphs (*a*) to (*c*) of this subsection ;

(*j*) all graduates and undergraduates ; and

(*k*) all other persons who are members of the University in accordance with provisions made by statute in that behalf.

First Schedule.

(2) The First Schedule to this Act shall have effect with respect to the Principal Officers of the University mentioned therein.

(3) A provision shall be made by Statute with respect to the constitution of the following bodies—

(*a*) the Council ;

(*b*) the Senate ;

(*c*) the Congregation ; and

(*d*) the Convocation.

Functions of the University.

4.—(1) For the carrying out of its objects as specified in section 2 of this Act, the University shall have power to—

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

(*b*) institute professorships, readerships and associate professorships, lectureships and other posts and offices and to make appointments thereto ;

(*c*) institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance ;

(*d*) provide for the residence, discipline and welfare of members of the University ;

(*e*) hold examinations and award degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down ;

(*f*) award honorary degrees, fellowships or academic titles ;

(*g*) demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may, from time to time determine, subject to the overall directives of the appropriate authority ;

(*h*) subject to section 22 of this Act, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate ;

(*i*) accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto ;

(*j*) enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents ;

(*k*) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University ;

(*l*) hold public lectures and undertake printing, publishing and book selling ;

(*m*) subject to any limitation or condition imposed by Statute, to invest any moneys appertaining to the University by law of endorsement, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investment or security or in the purchase or improvement of land, with power from time to time to vary any such investment and to deposit any money for the time being un-invested with any bank on deposit or current account ;

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

(*o*) make gifts for any charitable purpose ;

(*p*) do anything which it is authorized or required by this Act or by any other Statute to do ; and

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

(2) Subject to the provisions of this Act and of the Statutes made there under and without prejudice to section 9 (2) of this Act, 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 this Act.

Chancellor to take precedence before other members.

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

(2) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor, and except for the Vice-Chancellor when acting as Chairman of Congregation or Convocation, and the Pro-Chancellor shall, when he is present, be the Chairman at all meetings of the Council.

Establishment and membership of the Council.

6.—(1) There shall be a Council for the University consisting of :

(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) the Deputy Vice-Chancellor ;

(*d*) one person from the Federal Ministry responsible for education ;

(*e*) four persons representing a variety of interest and broadly representative of the whole Federation to be appointed by the President ;

(*f*) four persons appointed by the Senate from among its members ;

(*g*) two persons appointed by the Congregation from among its members ; and

(*h*) one person appointed by Convocation from among its members.

(2) Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and familiar with the affairs and tradition of the University.

Council and Other Committees of the University.

7.—(1) Subject to the provisions of this Act relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University, including its public relations.

(2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the Council as the Council may from time to time delegate to it.

(3) Provision shall be made by Statute with respect to the constitution of the Finance and General Purposes Committee.

(4) The Council shall ensure proper accounts of the University are kept and that the accounts of the University are audited annually by auditors

appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation, and that an annual report is published by the University together with certified copies of the said accounts as audited.

(5) Subject to this Act 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 where any rule so made by the Committee conflicts with any direction given by the Council (whether before or after the coming into force of the rules in question), the direction of the Council shall prevail.

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

(8) The Council shall meet as and when necessary for the performance of its functions under this Act, and shall meet at least four times every year.

(9) If required in writing by five members of the Council, the Chairman shall within, 28 days after the receipt of such request, call a meeting of the Council:

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

Functions of the Senate.

8.—(1) Subject to section 5 of this Act and sub-sections (3) and (4) of this section and to the provisions of this Act relating to the Visitor, it shall be the general function of the Senate to organize and control teaching in the University, admission to Post-graduate courses and other admission of students, the discipline of students and to promote research in the University.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, it shall in particular be the function of the Senate to make provision for the—

(*a*) establishment, organization and control of campuses, colleges, faculties, departments, schools, Institutes and other teaching and research units of the University, and the allocation of responsibility for different branches of learning;

(*b*) organization and control of courses of study in the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external ;

(*c*) award of degrees, and such other qualifications as may be prescribed, in connection with examinations conducted by the University ;

(*d*) making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus ;

(*e*) establishment, organization and control of halls of residence and similar institutions in the University ;

(*f*) supervision of the welfare of students in the University and the regulation of their conduct ;

(*g*) granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University ; and

(*h*) determination of what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.

(3) The Senate shall not establish any new campus, college, faculty, department, school, institute or other teaching and research units of the University, or any hall of residence or similar institution at the University without the approval of the Council.

(4) Subject to this Act and the Statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the provisions of this section or for the purpose of providing for any matter for which provision by regulation is authorized or required by this Act or by Statute.

(*b*) The Senate shall, by regulation, provide that at least one of the persons appointed as examiners at each final or professional examination held in conjunction with any course of study in the University is not a teacher at the University but is a teacher at the branch of learning to which the course relates in some other University of high repute.

(5) Subject to a right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred on him if after due enquiry he is shown to have been guilty of any dishonorable or scandalous conduct in gaining admission into the University or obtaining that award.

Vice-Chancellor to take precedence in the absence of Chancellor.

9.—(1) The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and, subject to section 5 of this Act, the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.

(2) Subject to the provisions of this Act, the Vice-Chancellor shall have general function, in addition to any other function conferred on him by this Act or otherwise, of directing the activities of the University, and shall, to the exclusion of any other person or authority, be the chief executive and academic officer of the University and *ex-officio* Chairman of the Senate.

PART II—TRANSFER OF PROPERTY

Transfer of Property.

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

Second Schedule.

(2) The provisions of the Second Schedule to this Act shall have effect with respect to the transfer of property by this section and to matters arising therefrom and with respect to other matters mentioned in that Schedule.

PART III—STATUTES OF THE UNIVERSITY

Statutes of the University.

11.—(1) Subject to this Act, the University may make Statutes for any of the following purposes—

(*a*) making provision with respect to the composition and constitution of any authority of the University ;

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

(*c*) regulating the admission of students where it is done by the University, and their discipline and welfare ;

(*d*) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Act and of any Statute, regulation or other instrument made there-under ; and

(*e*) making provision for other matters for which provision by Statute is authorized or required by this Act.

Cap. 123 LFN, 2004.

(2) Subject to section 25 (6) of this Act, 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 27 (1) of that Act.

Third Schedule.

(3) The Statute contained in the Third Schedule to this Act shall be deemed to have come into force on the commencement of this Act and shall be deemed to have been made under this section by the University.

Third Schedule.

(4) The power to make Statute conferred by this section shall not be prejudiced or limited in any way be reason of the inclusion or omission of any matter in or from the Statute contained in the Third Schedule to this Act or any subsequent Statute.

Power to make an approve Statutes.

12.—(1) The power of the University to make Statutes shall be exercised in accordance with the provisions of this section.

(2) A proposed Statute shall not have the force of law until it has been approved at a meeting of the—

(*a*) Senate, by the votes of not less than two thirds of the members present and voting ; and

(*b*) Council by the votes of not less than two thirds of the members present and voting ;

(3) A proposed Statute may originate either in the Senate or Council, and may be approved as required by sub-section (2) of this section by both bodies in no particular order.

(4) A Statute which—

(*a*) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University ; or

(*b*) provides for the establishment of a new campus or college or for the amendment or revocation of any Statute whereby a campus or college is established, shall not come into operation unless it has been approved by the Visitor.

(5) For the purpose of section 2 (2) of the Interpretation Act, a Statute shall be treated as being made on the date on which it is approved by the Council and the Senate in accordance with sub-section (3) of this section or in the case of a Statute falling within sub-section (4) of this section, on the date on which it is approved by the President.

Proof of Statute in court.

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

Visitor's decision in case of dispute.

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

(2) The decision of the Visitor on any matter referred to him under this section shall be binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a Statute has been decided by the Visitor under this section, no question as to the meaning of that provision shall be entertained by any other authority in Nigeria :

PROVIDED that nothing in this subsection shall affect the power of a court of competent jurisdiction to determine whether any provision of a Statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution.

(3) The provisions of this section shall apply in relation to any doubt or dispute as to whether any matter is, for the purposes of this Act, an academic or non-academic matter as they apply in relation to any such doubt or dispute as is mentioned in sub-section (1) of this section, and accordingly the reference in sub-section (2) of this section to any question as to the meaning of any provision of the Statute shall include references to any question as to whether any matter is for the said purposes an academic or non-academic matter.

PART IV—SUPERVISION AND DISCIPLINE

Supervision and Discipline.

15.—(1) The President shall be the Visitor of the University.

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

(3) The bodies and persons comprising the University shall—

(*a*) make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purpose of the visitation ; and

(*b*) give effect to any instruction consistent with the provisions of this Act which may be given by the Visitor in consequence of the visitation.

Removal of members.

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

(2) The Minister shall use his best endeavors to cause a 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.

Grounds and procedure for removal of members.

17.— (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the University, other than the Vice-Chancellor, should be removed from office or on grounds of misconduct or inability to perform the functions of his office, the Council shall—

(*a*) give notice of those reasons to the person in question ;

(*b*) afford such person an opportunity of making representation in person on the matter to the Council ; and

(*c*) take a decision to terminate or not to terminate the appointment.

(2) If the affected staff or any three members of the Council so request within a period of one month from the date of receipt of the notice of the Council's decision, the Council shall make arrangements for—

(*a*) a joint committee of the Council and the Senate to review the matter and to report on it to the Council ;

(*b*) the person in question to be afforded an opportunity to appear before and be heard by an investigating committee with respect to the matter ; and if the Council after considering the report of the investigating committee is satisfied that the person in question should be removed, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(3) The Vice-Chancellor may, in a case of gross misconduct by a member of staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of the University, suspend such member and any such suspension shall immediately be reported to the Council.

(4) Any member of staff may be suspended from duty or his appointment may be terminated by Council for a good cause and, for the purposes of this subsection, "*good cause*" means—

(*a*) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office ;

(*b*) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold office ;

(*c*) conduct of a scandalous or disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold office ; or

(*d*) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

(5) Any person suspended under sub-section (3) of this section shall be on half pay and the Council shall, before the expiration of a period of three months from the date of such suspension, consider the case against that person and come to a decision as to whether to—

(*a*) continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him) ;

(*b*) reinstate such person in which case the Council shall restore his full emoluments with effect from the date of suspension ;

(*c*) terminate the appointment of the person concerned in which case such a person will not be entitled to the proportion of his emoluments with held during the period of suspension ; and

(*d*) take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been with held) as the Council may determine.

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

(7) The person by whom an instrument of removal is signed in pursuance of subsection (1) of this section shall use his best endeavors' to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

(8) Nothing in this section shall prevent the Council from making regulations for the discipline of staff and workers of the University as may be appropriate.

Removal of Examiner.

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

(2) Subject to the provisions of any regulation made pursuant to section 8 (4) of this Act, the Vice-Chancellor may, on the recommendation of Senate, appoint an appropriate person as examiner in the place of the examiner removed.

(3) The Registrar on signing an instrument of removal under this section, 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.

Disciplinary action on students.

19.—(1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student is guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by Statute or regulations, direct that the—

(*a*) student shall not, during such period as may be specified in the direction, participate in such activities of the University or make use of such facilities of the University as may be so specified ;

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

(*c*) student be rusticated for such period as may be specified in the direction ; or

(*d*) student be expelled from the University.

(2) Where a direction is given under subsection (1) (*c*) or (*d*) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal against the direction to the Senate.

(3) Where an appeal is brought pursuant to subsection (2) of this section, the Senate shall, after causing such inquiry to be made in the matter as the Senate considers just, either confirm or set aside the direction or modify it in such manner as the Senate thinks fit.

(4) The fact that an appeal from a direction is brought pursuant to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending.

(5) 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.

(6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University for conduct which in the opinion of Senate is prejudicial to the interest of the University or to its corporate objective or image.

(7) A direction under subsection (1) (*a*) of this section may be combined with a direction under subsection (1) (*b*) of this section.

PART V—MISCELLANEOUS AND GENERAL PROVISIONS

A student not to be discriminated against.

20.—(1) No person shall be required to satisfy requirements as to race (including ethnic grouping) sex, place of birth, family origin, religious or political persuasion, as a condition for becoming or continuing to be a—

(*a*) student in the University ;

(*b*) holder of any degree, appointment or employment in the University ; or

(*c*) member of any body established by virtue of this Act.

(2) No person shall be subjected to any disadvantage or accorded any advantage in relation to the University by reference to any of the matters referred to in subsection (1) of this section.

(3) 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 specified in subsection (1) of this section where such persons willfully refuse or fail on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances, is in the opinion of the University reasonably justifiable in the national interest.

Application of the Land Use Act. Cap. L5 LFN. 2004.

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

(2) Where an estate or interest in land is acquired by the Government pursuant to this section, the Government may, by a certificate under the hand and seal of the Chief Federal Lands Officer or any other person authorized in that behalf transfer it to the University.

Consent of Visitor in Land deals Cap. L5 LFN. 2004.

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

PROVIDED that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years of any lease or tenancy to a member of the University for residential purpose.

Quorum.

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

Committees.

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

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

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

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

(3) Except as may be otherwise provided by a Statute or regulation, the quorum and procedure of a committee established or meeting held pursuant to 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) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council, (other than a committee appointed to inquire into the conduct of the officer in question) and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

(5) Nothing in this section shall be construed as enabling—

(*a*) statutes to be made otherwise than in accordance with section 11 of this Act ; or

(*b*) the Senate to empower any other body to make regulations or to award degrees or other qualifications.

Seal of the University.

25.—(1) The seal of the University shall be such as may be determined by the Council and approved by the Chancellor and the affixing of the seal shall—

(*a*) in the case of certificates issued by the University, be authenticated by the Vice-Chancellor and the Registrar ; and

(*b*) in the case of any other document, be authenticated by any member or Council, the Vice-Chancellor and the Registrar or any other person authorized by Statute.

(2) Any document purporting to be a document executed under the seal of the University shell be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

(3) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specially authorized to do so by the Council without seal.

(4) The validity of the proceedings of anybody established pursuant to this Act shall not be affected by—

(*a*) any vacancy in the membership of the body ;

(*b*) any defect with appointment of a member of the body ; or

(*c*) by reason that any person not entitled to do so took part in the proceedings.

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

(6) Nothing in section 12 of the Interpretation Act (which provides for the application, in relation to subordinate legislation, of certain incidental provisions) shall apply to Statutes or Regulations made pursuant to this Act.

(7) The power conferred by this Act on anybody to make Statutes or Regulations shall include power to revoke or vary any—

(*a*) Statute (including the Statute contained in the Third Schedule to this Act ; or Third Schedule.

(*b*) Regulation by a subsequent Statute or Regulation as the case may be :

PROVIDED that the Statutes and Regulations may have different provisions in relation to different circumstances.

(8) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 10, 21, and the Second Schedule to this Act. Second Schedule.

(9) Any notice or other instrument authorized to be served by virtue of this Act may, without prejudice to any other mode of service, be served by post.

26. Where in any provisions of this Act, it is laid down that proposal are to be submitted or a recommendation is to be made by one authority to another through one or more intermediate authorities, every such intermediate authority shall forward any proposal or recommendation received by it pursuant to that provision to the appropriate authority ; but any such intermediate authority may, if it think fits forward therewith its own comments thereon. Proposals and recommendation.

Interpretation.

27.—(1) In this Act—

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

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

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

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

"*Government*" means the Federal Government of Nigeria ;

"*graduate*" means a person on whom a degree (other than an honorary degree) has been conferred by the University ;

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

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

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

"*notice*" means notice in writing ;

"*officer*" does not include the Visitor ;

"*prescribed*" means prescribed by Statute or regulation made under this Act ;

"*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 ;

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

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

"*Statute*" means a Statute made by the University under section 11 of this Act and in accordance with the provisions of section 12 of this Act ;

"*the Act*" means the Federal University of Kashere Act ;

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

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

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

"*the University*" means the Federal University of Kashere as incorporated and constituted by this Act ; and

"*undergraduate*" means a person in *statu pupilari* in the University, other than—

(*a*) a graduate ; and

(*b*) a person of such description as may be prescribed for the purposes of this definition ;

28. This Act may be cited as the Federal University of Kashere (Establishment) Act, 2015. Citation.

FIRST SCHEDULE *Section* 3 (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. The Pro-Chancellor shall be appointed or removed from office by the President.

The Vice-Chancellor

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

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

(2) The procedure for the appointment and removal of the Deputy Vice-Chancellor shall be in accordance with the provision of the University (Miscellaneous Provisions) Act 1993 as amended.

(3) A Deputy Vice-Chancellor shall—

(*a*) assist the Vice-Chancellor in the performance of his functions ;

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

(*c*) perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.

Office of the Registrar, Bursar and University Librarian

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 administration of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this schedule.

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

(3) The Registrar shall hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.

6.—(1) There shall be for the University, the following Principal Officers in addition to the Registrar—

(*a*) the Bursar ; and

(*b*) the University Librarian.

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

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

(4) The Bursar and the University Librarian shall each hold office for such period and on such terms and conditions as to emoluments as may be specified in their letters of appointment.

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

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

9.—(1) Any officer mentioned in this Schedule may resign his office in—

(*a*) the case of the Chancellor or Pro-Chancellor, by notice to the Visitor ;

(*b*) in the case of the Vice-Chancellor, by notice to the Council which shall immediately notify the Minister.

(2) A person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

SECOND SCHEDULE *Section* 10 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to the University

1. Without prejudice to the generality of section 10 (2) of this Act—

(*a*) the reference in the subsection to property held by the provisional Council and the University shall include a reference to the right to receive and give a good discharge for any grant or contribution which may have been voted or promised to the provisional Council and the University ; and

(*b*) all outstanding debts and liabilities of the provisional Council shall become debts and liabilities of the University established by this Act.

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 modification, have effect as if the University established by this Act had been a party to it in place of the provisional Council.

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

(3) Any legal proceeding or application to any authority pending by or against the provisional Council may be continued by or against the University established by this Act.

Registration of Transfers

3.—(1) If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees of any other matter) apply, with the necessary modifications to the transfer of the property in question.

(2) The body to which any property is transferred by this Act to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

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 set up under the Third Schedule to this Act must have been duly constituted.

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

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

(5) Subject to any regulation which may be made by the Senate after the date on which this Act is made, the facilities, faculty boards and students of the University immediately before the coming into force of this Act shall on that day become faculties, faculty boards and students of the University as established by this Act.

(6) Persons who were deans or associate deans of faculties or members of faculty boards shall continue to be deans or associate deans or become members of the corresponding faculty boards, until new appointments are made in pursuance of the Statutes under this Act.

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

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

THIRD SCHEDULE *Section* 11(3) *and* (4)

FEDERAL UNIVERSITY OF KASHERE STATUTE NO. 1

Articles :

1. The Council.
2. Finance and General Purpose Committee.
3. The Senate.
4. The Congregation.
5. Convocation.
6. Organization of Faculties and the Branches thereof.
7. Faculty Board.
8. The Dean of the Faculty.
9. Selection of certain Principal and other key officers.
10. Creation of Academic Post.
11. Appointment of Academic Staff.
12. Appointment of Administrative and Technical Staff.

THE COUNCIL

(1) Any member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act may, by notice to the Council resign his office.

(2) A member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act shall, unless he previously vacates it, vacate that office on the expiration of a period of four years starting from 1st August in the year in which he was appointed.

(3) Where a member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act vacates office before the expiration of his tenure, the body that appointed him may appoint a successor to hold office for the residue of his unexpired term.

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

(5) The quorum of the Council shall be five, at least one of whom shall be a member pursuant to section 6(*d*) and (*e*) of this Act.

(6) If the Pro-Chancellor is not present at a meeting of the Council, the members present at the meeting may appoint one of them to be the Chairman at that meeting, and subject to section 5 of this Act and the provisions of this paragraph, the Council may regulate its own procedure.

(7) Where the Council desires to obtain advice with respect to any particular matter, it may co-opt not more than two persons for that purpose ;

and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.

(8) The Council constituted by this Act shall have a four year tenure from the date of its inauguration, provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the visitor and a new Council shall be immediately constituted for the effective functioning of the University.

(9) The powers of the Council shall be exercised in accordance with the laws and Statutes of the University, and to that extent, establishment circulars that are inconsistent with the laws and Statutes of the University shall not apply to the University.

THE FINANCE AND GENERAL PURPOSE COMMITTEE

2.—(1) The Finance and General Purpose Committee of the Council shall consist of—

(*a*) the Pro-Chancellor, who shall be the Chairman of the Committee at any meeting at which he is present ;

(*b*) the Vice-Chancellor and a Deputy Vice-Chancellor ;

(*c*) six other members of the Council appointed by the Council two of whom shall be selected from among the four members of the council appointed by the Senate and one of whom shall be selected from among members of the Council appointed by the congregation ; and

(*d*) the Permanent Secretary, Federal Ministry of Education or, in his absence, such member of his Ministry as he may designate to represent him.

(2) The quorum of the Committee shall be six.

(3) Subject to any direction given by the Council, the Committee may regulate its own procedure.

THE SENATE

3.—(1) There shall be a Senate for the University consisting of—

(*a*) the Vice-Chancellor ;

(*b*) the Deputy Vice-Chancellor ;

(*c*) all Professors of the University ;

(*d*) all Deans, Provosts and Directors of Academic Units of the University ;

(*e*) all Heads of Academic Departments, Units and Research Institutes of the University ;

(*f*) the University Librarian ; and

(*g*) academic members of the Congregation who are not Professors as specified in the Laws of the University.

(2) The Vice-Chancellor shall be the Chairman at all meetings of the Senate when he is present and, in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the Chairman at the meeting.

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

(4) If so requested in writing by any 10 members of the Senate, the Vice-Chancellor, or, in his absence a person duly appointed by him shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.

CONGREGATION

4.—(1) The Congregation shall consist of—

(*a*) the Vice-Chancellor and the Deputy Vice-Chancellor ;

(*b*) the full time members of the academic staff ;

(*c*) the Registrar ;

(*d*) the Bursar ; and

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

(2) Subject to section 5 of this Act, the Vice-Chancellor shall be the Chairman at all meetings of Congregation when he is present, and, in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the Chairman at the meeting.

(3) The quorum of Congregation shall be one-third (or the nearest whole number to one-third) of the total number of members of Congregation or fifty, whichever is less.

(4) A certificate signed by the Vice-Chancellor specifying—

(*a*) the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation, or

(*b*) the names of the persons who are members of Congregation during a particular period, shall be conclusive evidence of that number or as the case may be of the names of those persons.

(5) Subject to the provisions of this Schedule, Congregation may regulate its own procedure.

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

CONVOCATION

5.—(1) Convocation shall consist of—

(*a*) the Officers of the University mentioned in the First Schedule to this Act ;

(*b*) all teachers within the meaning of this Act ; and

(*c*) all other persons whose names are registered in accordance with sub-paragraph (2) of this paragraph.

(2) A person shall be entitled to have his name registered as a member of the convocation if he—

(*a*) is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph ; and

(*b*) applies for the registration of his name in the prescribed manner and pays the prescribed fee.

(3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and, subject to sub-paragraph (3), may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.

(4) The person responsible for maintaining the register shall, without the payment of any fee, ensure that the names of all persons who are for the time being members of the Convocation by virtue of sub-paragraph (1)(*a*) or (*b*) of this paragraph are entered and retained on the register.

(5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register, or a copy of the register at the principal offices of the University at all reasonable times.

(6) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is, and that any person not named therein is not, a member of the convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entry in, and deletion from, the register made on or after that date shall be disregarded.

(7) The quorum of the Convocation shall be fifty or one-third (or the whole number nearest to one-third) of the total number of members of Convocation whichever is less.

(8) Subject to section 5 of this Act, the Chancellor shall be Chairman at all meetings of the Convocation when he is present, and, in his absence, the Vice-Chancellor shall be the Chairman at the meeting.

(9) The Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by Statute.

ORGANIZATION OF FACULTIES AND BRANCHES THEREOF

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

7.—(1) There shall be established in respect of each Faculty, a Faculty Board, which, subject to the provisions of this Act, and subject to the directions of the Vice-Chancellor, shall—

(*a*) regulate the teaching and study of, and the conduct of examinations connected with, the subjects assigned to the faculty ;

(*b*) deal with other matters assigned to it by Statute, the Vice-Chancellor or the Senate ; and

(*c*) advise the Vice-Chancellor or Senate on any matter referred to it by the Vice-Chancellor or Senate.

(2) Each Faculty Board shall consists of—

(*a*) the Vice-Chancellor ;

(*b*) the persons severally in charge of the branches of the faculty ;

(*c*) such number of the teachers assigned to the faculty and having the prescribed qualifications as the Board may determine ; and

(*d*) such persons whether or not members of the University as the Board may determine with the general or special approval of Senate.

(3) The quorum of the Board shall be 8 members or one-quarter of the members of the Board for the time being, whichever is greater.

(4) Subject to the provisions of this Statute and any provision made by regulations in that behalf, the Board may regulate its own procedure.

THE DEAN OF THE FACULTY

8.—(1) The Dean of a faculty shall be a professor elected by the Faculty Board and such Dean shall hold office for a term of two years and may be eligible for re-election for another term of two years after which he may not be elected again until two years have elapsed.

(2) If there is no professor in a faculty, the Vice-Chancellor shall appoint an Acting Dean who shall not be below the rank of Senior Lecturer for the faculty, who shall act for a period of one year in the first instance, renewable for another one year only.

(3) In the absence of the Vice-Chancellor, the Dean shall be the Chairman at all meetings of the Faculty Board when he is present and he shall be a member of all committees and other boards appointed by the faculty.

(4) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty and shall present to the Convocation for the conferment of Degrees, persons who have qualified for the Degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.

(5) There shall be a committee to be known as the Committee of Deans which shall consist of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the Committee by the Senate.

(6) The Dean of a faculty may be removed from office for a good cause by the Faculty Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of the Dean, an Acting Dean may be appointed by the Vice-Chancellor :
PROVIDED that at the next faculty board meeting an election shall be held for a new Dean.

(7) In this article, "*good cause*" has the same meaning as in section 17 (4) of this Act.

SELECTION OF CERTAIN PRINCIPAL AND OTHER KEY OFFICERS

9.—(1) When a vacancy occurs in the Office of the Registrar, Bursar, the University Librarian, Director of Works or Director of Health Services, a Selection Board shall be constituted by the Council and shall consist of—

(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) two members appointed by the Council, not being members of Senate ; and

(*d*) two members appointed by the Senate not being members of Council.

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

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

(3) In the absence of the Vice-Chancellor, the Dean shall be the Chairman at all meetings of the Faculty Board when he is present and he shall be a member of all committees and other boards appointed by the faculty.

(4) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty and shall present to the Convocation for the conferment of Degrees, persons who have qualified for the Degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.

(5) There shall be a committee to be known as the Committee of Deans which shall consist of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the Committee by the Senate.

(6) The Dean of a faculty may be removed from office for a good cause by the Faculty Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of the Dean, an Acting Dean may be appointed by the Vice-Chancellor :
PROVIDED that at the next faculty board meeting an election shall be held for a new Dean.

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(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) two members appointed by the Council, not being members of Senate ; and

(*d*) two members appointed by the Senate not being members of Council.

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

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

Creation of Academic Post

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

Appointment of Academic Staff

11. Subject to this Act and the Statute made under it, the filling of vacancies in academic posts (including newly created ones) shall be as prescribed from time to time by Statute.

Appointment of Administrative and Technical Staff

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

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

I certify, in accordance with section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26th Day of March, 2015.

EXPLANATORY MEMORANDUM

This Act establishes the Federal University of Kashere to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.

SCHEDULE TO FEDERAL UNIVERSITY OF KASHERE (ESTABLISHMENT) BILL, 2015

(1) *Short Title of the Bill*	(2) *Long Title of the Bill*	(3) *Summary of the Contents of the Bill*	(4) *Date Passed by the Senate*	(5) *Date Passed by the House of Representatives*
Federal University of Kashere (Establishment) Bill, 2015.	An Act to establish the Federal University of Kashere and to make comprehensive provisions for due management and administration ; and for related matters.	This Act establishes the Federal University of Kashere to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.	23rd April , 2013.	3rd March, 2015.

Federation of Nigeria, 2004.

I ASSENT

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SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26th Day of March, 2015

DR. GOODLUCK EBELE JONATHAN, GCFR
President of the Federal Republic of Nigeria
26th Day of March, 2015

Extraordinary

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9	Federal University of Lafia (Establishment) Act, 2015.	A257-287

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FEDERAL UNIVERSITY OF LAFIA (ESTABLISHMENT) ACT, 2015

ARRANGEMENT OF SECTIONS

Section :

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

1. Establishment of Federal University of Lafia.
2. Objects of the University.
3. Membership of the University.
4. Functions of the University.
5. Chancellor to take precedence before other members.
6. Establishment and membership of the Council.
7. Council and Other Committees of the University.
8. Functions of the Senate.
9. Vice-Chancellor to take precedence in the absence of Chancellor.

PART II—TRANSFER OF PROPERTY

10. Transfer of Property.

PART III—STATUTES OF THE UNIVERSITY

11. Statutes of the University.
12. Power to make and Approve Statutes.
13. Proof of Statute in court.
14. Visitor's decision in case of dispute.

PART IV—SUPERVISION AND DISCIPLINE

15. Supervision and Discipline.
16. Removal of members.
17. Grounds and procedure for removal of members.
18. Removal of examiner.
19. Disciplinary action on students.

PART V—MISCELLANEOUS AND GENERAL PROVISIONS

20. A student not to be discriminated against.
21. Application of the Land Use Act.
22. Consent of Visitor in Land deals.

23. Quorum.
24. Committees.
25. Seal of University.
26. Proposals and Recommendation.
27. Interpretation.
28. Citation.

SCHEDULE

FEDERAL UNIVERSITY OF LAFIA (ESTABLISHMENT) ACT, 2015

ACT No. 9

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF LAFIA AND TO MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT AND ADMINISTRATION ; AND FOR RELATED MATTERS

[26*th Day of March*, 2016] Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria :

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

Establishment of Federal University of Lafia.

1.—(1) There is established the Federal University of Lafia (in this Act referred to as "the University").

(2) The University—

(*a*) shall be a body corporate with perpetual succession and a common seal ; and

(*b*) may sue or be sued in its corporate name.

Objects of the University.

2. The objects of the University shall be to—

(*a*) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring higher and liberal education ;

(*b*) provide courses of instruction and other facilities for the pursuit of learning in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them ;

(*c*) encourage and promote scholarship and conduct research in restricted fields of learning and human endeavour ;

(*d*) relate its activities to the social, cultural and economic needs of the people of Nigeria ; and

(*e*) undertake other activities appropriate for a university of the highest standard.

Membership of the University.

3.—(1) The University shall consist of—

(*a*) Chancellor ;

(*b*) Pro-Chancellor and a Council ;

(*c*) Vice-Chancellor and a Senate ;

(*d*) Two Deputy Vice-Chancellors or such number of Deputy Vice-Chancellors as the council may, from time to time, deem necessary for the proper administration of the University ;

(*e*) a body to be called Congregation ;

(*f*) a body to be called Convocation ;

(*g*) the campuses and colleges of the University ;

(*h*) the faculties, schools, institutes and other teaching and research units of the University ;

(*i*) the persons holding the offices constituted by the First Schedule to this Act other than those mentioned in paragraphs (*a*) to (*c*) of this subsection ;

(*j*) all graduates and undergraduates ; and

(*k*) all other persons who are members of the University in accordance with provisions made by statute in that behalf.

First Schedule.

(2) The First Schedule to this Act shall have effect with respect to the Principal Officers of the University mentioned therein.

(3) A provision shall be made by Statute with respect to the constitution of the following bodies—

(*a*) the Council ;

(*b*) the Senate ;

(*c*) the Congregation ; and

(*d*) the Convocation.

Functions of the University.

4.—(1) For the carrying out of its objects as specified in section 2 of this Act, the University shall have power to—

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

(*b*) institute professorships, readerships and associate professorships, lectureships and other posts and offices and to make appointments thereto ;

(*c*) institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance ;

(*d*) provide for the residence, discipline and welfare of members of the University ;

(*e*) hold examinations and award degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down ;

(*f*) award honorary degrees, fellowships or academic titles ;

(*g*) demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may, from time to time determine, subject to the overall directives of the appropriate authority ;

(*h*) subject to section 22 of this Act, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate ;

(*i*) accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto ;

(*j*) enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents ;

(*k*) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University ;

(*l*) hold public lectures and undertake printing, publishing and book selling ;

(*m*) subject to any limitation or condition imposed by Statute, to invest any moneys appertaining to the University by law of endorsement, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investment or security or in the purchase or improvement of land, with power from time to time to vary any such investment and to deposit any money for the time being un-invested with any bank on deposit or current account ;

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

(*o*) make gifts for any charitable purpose ;

(*p*) do anything which it is authorized or required by this Act or by any other Statute to do ; and

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

(2) Subject to the provisions of this Act and of the Statutes made there under and without prejudice to section 9 (2) of this Act, 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 this Act.

Chancellor to take precedence before other members.

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

(2) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor, and except for the Vice-Chancellor when acting as Chairman of Congregation or Convocation, and the Pro-Chancellor shall, when he is present, be the Chairman at all meetings of the Council.

Establishment and membership of the Council.

6.—(1) There shall be a Council for the University consisting of :

(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) the Deputy Vice-Chancellor ;

(*d*) one person from the Federal Ministry responsible for education ;

(*e*) four persons representing a variety of interest and broadly representative of the whole Federation to be appointed by the President ;

(*f*) four persons appointed by the Senate from among its members ;

(*g*) two persons appointed by the Congregation from among its members ; and

(*h*) one person appointed by Convocation from among its members.

(2) Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and familiar with the affairs and tradition of the University.

Council and Other Committees of the University.

7.—(1) Subject to the provisions of this Act relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University, including its public relations.

(2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the Council as the Council may from time to time delegate to it.

(3) Provision shall be made by Statute with respect to the constitution of the Finance and General Purposes Committee.

(4) The Council shall ensure proper accounts of the University are kept and that the accounts of the University are audited annually by auditors

appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation, and that an annual report is published by the University together with certified copies of the said accounts as audited.

(5) Subject to this Act 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 where any rule so made by the Committee conflicts with any direction given by the Council (whether before or after the coming into force of the rules in question), the direction of the Council shall prevail.

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

(8) The Council shall meet as and when necessary for the performance of its functions under this Act, and shall meet at least four times every year.

(9) If required in writing by five members of the Council, the Chairman shall within, 28 days after the receipt of such request, call a meeting of the Council:

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

Functions of the Senate.

8.—(1) Subject to section 5 of this Act and sub-sections (3) and (4) of this section and to the provisions of this Act relating to the Visitor, it shall be the general function of the Senate to organize and control teaching in the University, admission to Post-graduate courses and other admission of students, the discipline of students and to promote research in the University.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, it shall in particular be the function of the Senate to make provision for the —

(*a*) establishment, organization and control of campuses, colleges, faculties, departments, schools, Institutes and other teaching and research units of the University, and the allocation of responsibility for different branches of learning;

(*b*) organization and control of courses of study in the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external ;

(*c*) award of degrees, and such other qualifications as may be prescribed, in connection with examinations conducted by the University ;

(*d*) making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus ;

(*e*) establishment, organization and control of halls of residence and similar institutions in the University ;

(*f*) supervision of the welfare of students in the University and the regulation of their conduct ;

(*g*) granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University ; and

(*h*) determination of what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.

(3) The Senate shall not establish any new campus, college, faculty, department, school, institute or other teaching and research units of the University, or any hall of residence or similar institution at the University without the approval of the Council.

(4) Subject to this Act and the Statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the provisions of this section or for the purpose of providing for any matter for which provision by regulation is authorized or required by this Act or by Statute.

(*b*) The Senate shall, by regulation, provide that at least one of the persons appointed as examiners at each final or professional examination held in conjunction with any course of study in the University is not a teacher at the University but is a teacher at the branch of learning to which the course relates in some other University of high repute.

(5) Subject to a right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred on him if after due enquiry he is shown to have been guilty of any dishonorable or scandalous conduct in gaining admission into the University or obtaining that award.

Vice-Chancellor to take precedence in the absence of Chancellor.

9.—(1) The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and, subject to section 5 of this Act, the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.

(2) Subject to the provisions of this Act, the Vice-Chancellor shall have general function, in addition to any other function conferred on him by this Act or otherwise, of directing the activities of the University, and shall, to the exclusion of any other person or authority, be the chief executive and academic officer of the University and *ex-officio* Chairman of the Senate.

PART II—TRANSFER OF PROPERTY

Transfer of Property.

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

Second Schedule.

(2) The provisions of the Second Schedule to this Act shall have effect with respect to the transfer of property by this section and to matters arising therefrom and with respect to other matters mentioned in that Schedule.

PART III—STATUTES OF THE UNIVERSITY

Statutes of the University.

11.—(1) Subject to this Act, the University may make Statutes for any of the following purposes—

(*a*) making provision with respect to the composition and constitution of any authority of the University ;

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

(*c*) regulating the admission of students where it is done by the University, and their discipline and welfare ;

(*d*) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Act and of any Statute, regulation or other instrument made there-under ; and

(*e*) making provision for other matters for which provision by Statute is authorized or required by this Act.

Cap. 123 LFN, 2004.

(2) Subject to section 25 (6) of this Act, 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 27 (1) of that Act.

Third Schedule.

(3) The Statute contained in the Third Schedule to this Act shall be deemed to have come into force on the commencement of this Act and shall be deemed to have been made under this section by the University.

Third Schedule.

(4) The power to make Statute conferred by this section shall not be prejudiced or limited in any way be reason of the inclusion or omission of any matter in or from the Statute contained in the Third Schedule to this Act or any subsequent Statute.

Power to make an approve Statutes.

12.—(1) The power of the University to make Statutes shall be exercised in accordance with the provisions of this section.

(2) A proposed Statute shall not have the force of law until it has been approved at a meeting of the—

(*a*) Senate, by the votes of not less than two thirds of the members present and voting ; and

(*b*) Council by the votes of not less than two thirds of the members present and voting ;

(3) A proposed Statute may originate either in the Senate or Council, and may be approved as required by sub-section (2) of this section by both bodies in no particular order.

(4) A Statute which—

(*a*) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University ; or

(*b*) provides for the establishment of a new campus or college or for the amendment or revocation of any Statute whereby a campus or college is established,

shall not come into operation unless it has been approved by the Visitor.

(5) For the purpose of section 2 (2) of the Interpretation Act, a Statute shall be treated as being made on the date on which it is approved by the Council and the Senate in accordance with sub-section (3) of this section or in the case of a Statute falling within sub-section (4) of this section, on the date on which it is approved by the President.

Proof of Statute in court.

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

Visitor's decision in case of dispute.

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

(2) The decision of the Visitor on any matter referred to him under this section shall be binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a Statute has been decided by the Visitor under this section, no question as to the meaning of that provision shall be entertained by any other authority in Nigeria :

PROVIDED that nothing in this subsection shall affect the power of a court of competent jurisdiction to determine whether any provision of a Statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution.

(3) The provisions of this section shall apply in relation to any doubt or dispute as to whether any matter is, for the purposes of this Act, an academic or non-academic matter as they apply in relation to any such doubt or dispute as is mentioned in sub-section (1) of this section, and accordingly the reference in sub-section (2) of this section to any question as to the meaning of any provision of the Statute shall include references to any question as to whether any matter is for the said purposes an academic or non-academic matter.

PART IV—SUPERVISION AND DISCIPLINE

Supervision and Discipline.

15.—(1) The President shall be the Visitor of the University.

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

(3) The bodies and persons comprising the University shall—

(*a*) make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purpose of the visitation ; and

(*b*) give effect to any instruction consistent with the provisions of this Act which may be given by the Visitor in consequence of the visitation.

Removal of members.

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

(2) The Minister shall use his best endeavors to cause a 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.

Grounds and procedure for removal of members.

17.—(1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the University, other than the Vice-Chancellor, should be removed from office or on grounds of misconduct or inability to perform the functions of his office, the Council shall—

(*a*) give notice of those reasons to the person in question ;

(*b*) afford such person an opportunity of making representation in person on the matter to the Council ; and

(*c*) take a decision to terminate or not to terminate the appointment.

(2) If the affected staff or any three members of the Council so request within a period of one month from the date of receipt of the notice of the Council's decision, the Council shall make arrangements for—

(*a*) a joint committee of the Council and the Senate to review the matter and to report on it to the Council ;

(*b*) the person in question to be afforded an opportunity to appear before and be heard by an investigating committee with respect to the matter ; and if the Council after considering the report of the investigating committee is satisfied that the person in question should be removed, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(3) The Vice-Chancellor may, in a case of gross misconduct by a member of staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of the University, suspend such member and any such suspension shall immediately be reported to the Council.

(4) Any member of staff may be suspended from duty or his appointment may be terminated by Council for a good cause and, for the purposes of this subsection, "*good cause*" means—

(*a*) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office ;

(*b*) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold office ;

(*c*) conduct of a scandalous or disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold office ; or

(*d*) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

(5) Any person suspended under sub-section (3) of this section shall be on half pay and the Council shall, before the expiration of a period of three months from the date of such suspension, consider the case against that person and come to a decision as to whether to—

(*a*) continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him) ;

(*b*) reinstate such person in which case the Council shall restore his full emoluments with effect from the date of suspension ;

(*c*) terminate the appointment of the person concerned in which case such a person will not be entitled to the proportion of his emoluments with held during the period of suspension ; and

(*d*) take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been with held) as the Council may determine.

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

(7) The person by whom an instrument of removal is signed in pursuance of subsection (1) of this section shall use his best endeavors to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

(8) Nothing in this section shall prevent the Council from making regulations for the discipline of staff and workers of the University as may be appropriate.

Removal of Examiner.

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

(2) Subject to the provisions of any regulation made pursuant to section 8 (4) of this Act, the Vice-Chancellor may, on the recommendation of Senate, appoint an appropriate person as examiner in the place of the examiner removed.

(3) The Registrar on signing an instrument of removal under this section, 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.

Disciplinary action on students.

19.—(1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student is guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by Statute or regulations, direct that the—

(*a*) student shall not, during such period as may be specified in the direction, participate in such activities of the University or make use of such facilities of the University as may be so specified ;

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

(*c*) student be rusticated for such period as may be specified in the direction ; or

(*d*) student be expelled from the University.

(2) Where a direction is given under subsection (1) (*c*) or (*d*) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal against the direction to the Senate.

(3) Where an appeal is brought pursuant to subsection (2) of this section, the Senate shall, after causing such inquiry to be made in the matter as the Senate considers just, either confirm or set aside the direction or modify it in such manner as the Senate thinks fit.

(4) The fact that an appeal from a direction is brought pursuant to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending.

(5) 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.

(6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University for conduct which in the opinion of Senate is prejudicial to the interest of the University or to its corporate objective or image.

(7) A direction under subsection (1) (*a*) of this section may be combined with a direction under subsection (1) (*b*) of this section.

PART V—MISCELLANEOUS AND GENERAL PROVISIONS

A student not to be discriminated against.

20.—(1) No person shall be required to satisfy requirements as to race (including ethnic grouping) sex, place of birth, family origin, religious or political persuasion, as a condition for becoming or continuing to be a—

(*a*) student in the University ;

(*b*) holder of any degree, appointment or employment in the University ; or

(*c*) member of any body established by virtue of this Act.

(2) No person shall be subjected to any disadvantage or accorded any advantage in relation to the University by reference to any of the matters referred to in subsection (1) of this section.

(3) 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 specified in subsection (1) of this section where such persons willfully refuse or fail on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances, is in the opinion of the University reasonably justifiable in the national interest.

Application of the Land Use Act. Cap. L5 LFN. 2004.

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

(2) Where an estate or interest in land is acquired by the Government pursuant to this section, the Government may, by a certificate under the hand and seal of the Chief Federal Lands Officer or any other person authorized in that behalf transfer it to the University.

Consent of Visitor in Land deals Cap. L5 LFN. 2004.

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

PROVIDED that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years of any lease or tenancy to a member of the University for residential purpose.

Quorum.

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

Committees.

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

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

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

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

(3) Except as may be otherwise provided by a Statute or regulation, the quorum and procedure of a committee established or meeting held pursuant to 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) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council, (other than a committee appointed to inquire into the conduct of the officer in question) and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

(5) Nothing in this section shall be construed as enabling—

(*a*) statutes to be made otherwise than in accordance with section 11 of this Act ; or

(*b*) the Senate to empower any other body to make regulations or to award degrees or other qualifications.

Seal of the University.

25.—(1) The seal of the university shall be such as may be determined by the Council and approved by the Chancellor and the affixing of the seal shall—

(*a*) in the case of certificates issued by the University, be authenticated by the Vice-Chancellor and the Registrar ; and

(*b*) in the case of any other document, be authenticated by any member or Council, the Vice-Chancellor and the Registrar or any other person authorized by Statute.

(2) Any document purporting to be a document executed under the seal of the University shell be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

(3) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specially authorized to do so by the Council without seal.

(4) The validity of the proceedings of anybody established pursuant to this Act shall not be affected by—

(*a*) any vacancy in the membership of the body ;

(*b*) any defect with appointment of a member of the body ; or

(*c*) by reason that any person not entitled to do so took part in the proceedings.

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

(6) Nothing in section 12 of the Interpretation Act (which provides for the application, in relation to subordinate legislation, of certain incidental provisions) shall apply to Statutes or Regulations made pursuant to this Act.

(7) The power conferred by this Act on anybody to make Statutes or Regulations shall include power to revoke or vary any—

(*a*) Statute (including the Statute contained in the Third Schedule to this Act ; or Third Schedule.

(*b*) Regulation by a subsequent Statute or Regulation as the case may be :

PROVIDED that the Statutes and Regulations may have different provisions in relation to different circumstances.

(8) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 10, 21, and the Second Schedule to this Act. Second Schedule.

(9) Any notice or other instrument authorized to be served by virtue of this Act may, without prejudice to any other mode of service, be served by post.

26. Where in any provisions of this Act, it is laid down that proposal are to be submitted or a recommendation is to be made by one authority to another through one or more intermediate authorities, every such intermediate authority shall forward any proposal or recommendation received by it pursuant to that provision to the appropriate authority ; but any such intermediate authority may, if it think fits forward therewith its own comments thereon. Proposals and recommendation.

Interpretation.

27.—(1) In this Act—

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

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

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

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

"*Government*" means the Federal Government of Nigeria ;

"*graduate*" means a person on whom a degree (other than an honorary degree) has been conferred by the University ;

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

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

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

"*notice*" means notice in writing ;

"*officer*" does not include the Visitor ;

"*prescribed*" means prescribed by Statute or regulation made under this Act ;

"*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 ;

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

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

"*Statute*" means a Statute made by the University under section 11 of this Act and in accordance with the provisions of section 12 of this Act ;

"*the Act*" means the Federal University of Lafia Act ;

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

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

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

"*the University*" means the Federal University of Lafia as incorporated and constituted by this Act ; and

"*undergraduate*" means a person in *statu pupilari* in the University, other than—

(*a*) a graduate ; and

(*b*) a person of such description as may be prescribed for the purposes of this definition ;

28. This Act may be cited as the Federal University of Lafia (Establishment) Act, 2015. Citation.

FIRST SCHEDULE

Section 3 (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. The Pro-Chancellor shall be appointed or removed from office by the President.

The Vice-Chancellor

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

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

(2) The procedure for the appointment and removal of the Deputy Vice-Chancellor shall be in accordance with the provision of the University (Miscellaneous Provisions) Act 1993 as amended.

(3) A Deputy Vice-Chancellor shall—

(*a*) assist the Vice-Chancellor in the performance of his functions ;

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

(*c*) perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.

Office of the Registrar, Bursar and University Librarian

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 administration of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this schedule.

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

(3) The Registrar shall hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.

6.—(1) There shall be for the University, the following Principal Officers in addition to the Registrar—

(*a*) the Bursar ; and

(*b*) the University Librarian.

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

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

(4) The Bursar and the University Librarian shall each hold office for such period and on such terms and conditions as to emoluments as may be specified in their letters of appointment.

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

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

9.—(1) Any officer mentioned in this Schedule may resign his office in—

(*a*) the case of the Chancellor or Pro-Chancellor, by notice to the Visitor ;

(*b*) in the case of the Vice-Chancellor, by notice to the Council which shall immediately notify the Minister.

(2) A person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

SECOND SCHEDULE *Section* 10 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to the University

1. Without prejudice to the generality of section 10 (2) of this Act—

(*a*) the reference in the subsection to property held by the provisional Council and the University shall include a reference to the right to receive and give a good discharge for any grant or contribution which may have been voted or promised to the provisional Council and the University ; and

(*b*) all outstanding debts and liabilities of the provisional Council shall become debts and liabilities of the University established by this Act.

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 modification, have effect as if the University established by this Act had been a party to it in place of the provisional Council.

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

(3) Any legal proceeding or application to any authority pending by or against the provisional Council may be continued by or against the University established by this Act.

Registration of Transfers

3.—(1) If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees of any other matter) apply, with the necessary modifications to the transfer of the property in question.

(2) The body to which any property is transferred by this Act to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

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 set up under the Third Schedule to this Act must have been duly constituted.

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

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

(5) Subject to any regulation which may be made by the Senate after the date on which this Act is made, the facilities, faculty boards and students of the University immediately before the coming into force of this Act shall on that day become faculties, faculty boards and students of the University as established by this Act.

(6) Persons who were deans or associate deans of faculties or members of faculty boards shall continue to be deans or associate deans or become members of the corresponding faculty boards, until new appointments are made in pursuance of the Statutes under this Act.

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

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

THIRD SCHEDULE *Section* 11(3) *and* (4)

FEDERAL UNIVERSITY OF LAFIA STATUTE NO. 1

Articles :

1. The Council.
2. Finance and General Purpose Committee.
3. The Senate.
4. The Congregation.
5. Convocation.
6. Organization of Faculties and the Branches thereof.
7. Faculty Board.
8. The Dean of the Faculty.
9. Selection of certain Principal and other key officers.
10. Creation of Academic Post.
11. Appointment of Academic Staff.
12. Appointment of Administrative and Technical Staff.

THE COUNCIL

(1) Any member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act may, by notice to the Council resign his office.

(2) A member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act shall, unless he previously vacates it, vacate that office on the expiration of a period of four years starting from 1st August in the year in which he was appointed.

(3) Where a member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act vacates office before the expiration of his tenure, the body that appointed him may appoint a successor to hold office for the residue of his unexpired term.

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

(5) The quorum of the Council shall be five, at least one of whom shall be a member pursuant to section 6(*d*) and (*e*) of this Act.

(6) If the Pro-Chancellor is not present at a meeting of the Council, the members present at the meeting may appoint one of them to be the Chairman at that meeting, and subject to section 5 of this Act and the provisions of this paragraph, the Council may regulate its own procedure.

(7) Where the Council desires to obtain advice with respect to any particular matter, it may co-opt not more than two persons for that purpose :

and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.

(8) The Council constituted by this Act shall have a four year tenure from the date of its inauguration, provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the visitor and a new Council shall be immediately constituted for the effective functioning of the University.

(9) The powers of the Council shall be exercised in accordance with the laws and Statutes of the University, and to that extent, establishment circulars that are inconsistent with the laws and Statutes of the University shall not apply to the University.

THE FINANCE AND GENERAL PURPOSE COMMITTEE

2.—(1) The Finance and General Purpose Committee of the Council shall consist of—

(*a*) the Pro-Chancellor, who shall be the Chairman of the Committee at any meeting at which he is present ;

(*b*) the Vice-Chancellor and a Deputy Vice-Chancellor ;

(*c*) six other members of the Council appointed by the Council two of whom shall be selected from among the four members of the council appointed by the Senate and one of whom shall be selected from among members of the Council appointed by the congregation ; and

(*d*) the Permanent Secretary, Federal Ministry of Education or, in his absence, such member of his Ministry as he may designate to represent him.

(2) The quorum of the Committee shall be six.

(3) Subject to any direction given by the Council, the Committee may regulate its own procedure.

THE SENATE

3.—(1) There shall be a Senate for the University consisting of—

(*a*) the Vice-Chancellor ;

(*b*) the Deputy Vice-Chancellor ;

(*c*) all Professors of the University ;

(*d*) all Deans, Provosts and Directors of Academic Units of the University ;

(*e*) all Heads of Academic Departments, Units and Research Institutes of the University ;

(*f*) the University Librarian ; and

(*g*) academic members of the Congregation who are not Professors as specified in the Laws of the University.

(2) The Vice-Chancellor shall be the Chairman at all meetings of the Senate when he is present and, in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the Chairman at the meeting.

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

(4) If so requested in writing by any 10 members of the Senate, the Vice-Chancellor, or, in his absence a person duly appointed by him shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.

CONGREGATION

4.—(1) The Congregation shall consist of—

(*a*) the Vice-Chancellor and the Deputy Vice-Chancellor ;

(*b*) the full time members of the academic staff ;

(*c*) the Registrar ;

(*d*) the Bursar ; and

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

(2) Subject to section 5 of this Act, the Vice-Chancellor shall be the Chairman at all meetings of Congregation when he is present, and, in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the Chairman at the meeting.

(3) The quorum of Congregation shall be one-third (or the nearest whole number to one-third) of the total number of members of Congregation or fifty, whichever is less.

(4) A certificate signed by the Vice-Chancellor specifying—

(*a*) the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation, or

(*b*) the names of the persons who are members of Congregation during a particular period,

shall be conclusive evidence of that number or as the case may be of the names of those persons.

(5) Subject to the provisions of this Schedule, Congregation may regulate its own procedure.

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

CONVOCATION

5.—(1) Convocation shall consist of—

(*a*) the Officers of the University mentioned in the First Schedule to this Act ;

(*b*) all teachers within the meaning of this Act ; and

(*c*) all other persons whose names are registered in accordance with sub-paragraph (2) of this paragraph.

(2) A person shall be entitled to have his name registered as a member of the convocation if he—

(*a*) is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph ; and

(*b*) applies for the registration of his name in the prescribed manner and pays the prescribed fee.

(3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and, subject to sub-paragraph (3), may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.

(4) The person responsible for maintaining the register shall, without the payment of any fee, ensure that the names of all persons who are for the time being members of the Convocation by virtue of sub-paragraph (1)(*a*) or (*b*) of this paragraph are entered and retained on the register.

(5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register, or a copy of the register at the principal offices of the University at all reasonable times.

(6) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is, and that any person not named therein is not, a member of the convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entry in, and deletion from, the register made on or after that date shall be disregarded.

(7) The quorum of the Convocation shall be fifty or one-third (or the whole number nearest to one-third) of the total number of members of Convocation whichever is less.

(8) Subject to section 5 of this Act, the Chancellor shall be Chairman at all meetings of the Convocation when he is present, and, in his absence, the Vice-Chancellor shall be the Chairman at the meeting.

(9) The Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by Statute.

ORGANIZATION OF FACULTIES AND BRANCHES THEREOF

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

7.—(1) There shall be established in respect of each Faculty, a Faculty Board, which, subject to the provisions of this Act, and subject to the directions of the Vice-Chancellor, shall—

(*a*) regulate the teaching and study of, and the conduct of examinations connected with, the subjects assigned to the faculty ;

(*b*) deal with other matters assigned to it by Statute, the Vice-Chancellor or the Senate ; and

(*c*) advise the Vice-Chancellor or Senate on any matter referred to it by the Vice-Chancellor or Senate.

(2) Each Faculty Board shall consists of—

(*a*) the Vice-Chancellor ;

(*b*) the persons severally in charge of the branches of the faculty ;

(*c*) such number of the teachers assigned to the faculty and having the prescribed qualifications as the Board may determine ; and

(*d*) such persons whether or not members of the University as the Board may determine with the general or special approval of Senate.

(3) The quorum of the Board shall be 8 members or one-quarter of the members of the Board for the time being, whichever is greater.

(4) Subject to the provisions of this Statute and any provision made by regulations in that behalf, the Board may regulate its own procedure.

THE DEAN OF THE FACULTY

8.—(1) The Dean of a faculty shall be a professor elected by the Faculty Board and such Dean shall hold office for a term of two years and may be eligible for re-election for another term of two years after which he may not be elected again until two years have elapsed.

(2) If there is no professor in a faculty, the Vice-Chancellor shall appoint an Acting Dean who shall not be below the rank of Senior Lecturer for the faculty, who shall act for a period of one year in the first instance, renewable for another one year only.

(3) In the absence of the Vice-Chancellor, the Dean shall be the Chairman at all meetings of the Faculty Board when he is present and he shall be a member of all committees and other boards appointed by the faculty.

(4) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty and shall present to the Convocation for the conferment of Degrees, persons who have qualified for the Degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.

(5) There shall be a committee to be known as the Committee of Deans which shall consist of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the Committee by the Senate.

(6) The Dean of a faculty may be removed from office for a good cause by the Faculty Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of the Dean, an Acting Dean may be appointed by the Vice-Chancellor :
PROVIDED that at the next faculty board meeting an election shall be held for a new Dean.

(7) In this article, "*good cause*" has the same meaning as in section 17 (4) of this Act.

SELECTION OF CERTAIN PRINCIPAL AND OTHER KEY OFFICERS

9.—(1) When a vacancy occurs in the Office of the Registrar, Bursar, the University Librarian, Director of Works or Director of Health Services, a Selection Board shall be constituted by the Council and shall consist of—

(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) two members appointed by the Council, not being members of Senate ; and

(*d*) two members appointed by the Senate not being members of Council.

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

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

Creation of Academic Post

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

Appointment of Academic Staff

11. Subject to this Act and the Statute made under it, the filling of vacancies in academic posts (including newly created ones) shall be as prescribed from time to time by Statute.

Appointment of Administrative and Technical Staff

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

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

I certify, in accordance with section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26th Day of March, 2015.

EXPLANATORY MEMORANDUM

This Act establishes the Federal University of Lafia to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.

SCHEDULE TO FEDERAL UNIVERSITY OF LAFIA (ESTABLISHMENT) BILL, 2015

(1) *Short Title of the Bill*	(2) *Long Title of the Bill*	(3) *Summary of the Contents of the Bill*	(4) *Date Passed by the Senate*	(5) *Date Passed by the House of Representatives*
Federal University of Lafia (Establishment) Bill, 2015.	An Act to establish the Federal University of Lafia and to make comprehensive provisions for due management and administration ; and for related matters.	This Act establishes the Federal University of Lafia to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.	23rd April , 2013.	3rd March, 2015.

Federation of Nigeria, 2004.

I ASSENT

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SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26th Day of March, 2015

DR. GOODLUCK EBELE JONATHAN, GCFR
President of the Federal Republic of Nigeria
26th Day of March, 2015

Extraordinary

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FEDERAL UNIVERSITY OF LOKOJA (ESTABLISHMENT) ACT, 2015

ARRANGEMENT OF SECTIONS

Section :

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

1. Establishment of Federal University of Lokoja.
2. Objects of the University.
3. Membership of the University.
4. Functions of the University.
5. Chancellor to take precedence before other members.
6. Establishment and membership of the Council.
7. Council and Other Committees of the University.
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10. Transfer of Property.

PART III—STATUTES OF THE UNIVERSITY

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28. Citation.

SCHEDULE

FEDERAL UNIVERSITY OF LOKOJA (ESTABLISHMENT) ACT, 2015

ACT No. 5

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF LOKOJA AND TO MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT AND ADMINISTRATION ; AND FOR RELATED MATTERS

[26*th Day of March,* 2016] Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria :

PART 1—ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL UNIVERSITY OF LOKOJA

Establishment of Federal University of Lokoja.

1.—(1) There is established the Federal University of Lokoja (in this Act referred to as "the University").

(2) The University—

(*a*) shall be a body corporate with perpetual succession and a common seal ; and

(*b*) may sue or be sued in its corporate name.

Objects of the University.

2. The objects of the University shall be to—

(*a*) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring higher and liberal education ;

(*b*) provide courses of instruction and other facilities for the pursuit of learning in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them ;

(*c*) encourage and promote scholarship and conduct research in restricted fields of learning and human endeavour ;

(*d*) relate its activities to the social, cultural and economic needs of the people of Nigeria ; and

(*e*) undertake other activities appropriate for a university of the highest standard.

Membership of the University.

3.—(1) The University shall consist of—

(*a*) Chancellor ;

(*b*) Pro-Chancellor and a Council ;

(*c*) Vice-Chancellor and a Senate ;

(*d*) Two Deputy Vice-Chancellors or such number of Deputy Vice-Chancellors as the council may, from time to time, deem necessary for the proper administration of the University :

(*e*) a body to be called Congregation ;

(*f*) a body to be called Convocation ;

(*g*) the campuses and colleges of the University ;

(*h*) the faculties, schools, institutes and other teaching and research units of the University ;

(*i*) the persons holding the offices constituted by the First Schedule to this Act other than those mentioned in paragraphs (*a*) to (*c*) of this subsection ;

(*j*) all graduates and undergraduates ; and

(*k*) all other persons who are members of the University in accordance with provisions made by statute in that behalf.

First Schedule.

(2) The First Schedule to this Act shall have effect with respect to the Principal Officers of the University mentioned therein.

(3) A provision shall be made by Statute with respect to the constitution of the following bodies—

(*a*) the Council ;

(*b*) the Senate ;

(*c*) the Congregation ; and

(*d*) the Convocation.

Functions of the University.

4.—(1) For the carrying out of its objects as specified in section 2 of this Act, the University shall have power to—

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

(*b*) institute professorships, readerships and associate professorships, lectureships and other posts and offices and to make appointments thereto ;

(*c*) institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance ;

(*d*) provide for the residence, discipline and welfare of members of the University ;

(*e*) hold examinations and award degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down ;

(*f*) award honorary degrees, fellowships or academic titles ;

(*g*) demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may, from time to time determine, subject to the overall directives of the appropriate authority ;

(*h*) subject to section 22 of this Act, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate ;

(*i*) accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto ;

(*j*) enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents ;

(*k*) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University ;

(*l*) hold public lectures and undertake printing, publishing and book selling ;

(*m*) subject to any limitation or condition imposed by Statute, to invest any moneys appertaining to the University by law of endorsement, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investment or security or in the purchase or improvement of land, with power from time to time to vary any such investment and to deposit any money for the time being un-invested with any bank on deposit or current account ;

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

(*o*) make gifts for any charitable purpose ;

(*p*) do anything which it is authorized or required by this Act or by any other Statute to do ; and

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

(2) Subject to the provisions of this Act and of the Statutes made there under and without prejudice to section 9 (2) of this Act, 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 this Act.

Chancellor to take precedence before other members.

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

(2) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor, and except for the Vice-Chancellor when acting as Chairman of Congregation or Convocation, and the Pro-Chancellor shall, when he is present, be the Chairman at all meetings of the Council.

Establishment and membership of the Council.

6.—(1) There shall be a Council for the University consisting of :

(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) the Deputy Vice-Chancellor ;

(*d*) one person from the Federal Ministry responsible for education ;

(*e*) four persons representing a variety of interest and broadly representative of the whole Federation to be appointed by the President ;

(*f*) four persons appointed by the Senate from among its members ;

(*g*) two persons appointed by the Congregation from among its members ; and

(*h*) one person appointed by Convocation from among its members.

(2) Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and familiar with the affairs and tradition of the University.

Council and Other Committees of the University.

7.—(1) Subject to the provisions of this Act relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University, including its public relations.

(2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the Council as the Council may from time to time delegate to it.

(3) Provision shall be made by Statute with respect to the constitution of the Finance and General Purposes Committee.

(4) The Council shall ensure proper accounts of the University are kept and that the accounts of the University are audited annually by auditors

appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation, and that an annual report is published by the University together with certified copies of the said accounts as audited.

(5) Subject to this Act 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 where any rule so made by the Committee conflicts with any direction given by the Council (whether before or after the coming into force of the rules in question), the direction of the Council shall prevail.

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

(8) The Council shall meet as and when necessary for the performance of its functions under this Act, and shall meet at least four times every year.

(9) If required in writing by five members of the Council, the Chairman shall within, 28 days after the receipt of such request, call a meeting of the Council:

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

Functions of the Senate.

8.—(1) Subject to section 5 of this Act and sub-sections (3) and (4) of this section and to the provisions of this Act relating to the Visitor, it shall be the general function of the Senate to organize and control teaching in the University, admission to Post-graduate courses and other admission of students, the discipline of students and to promote research in the University.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, it shall in particular be the function of the Senate to make provision for the—

(*a*) establishment, organization and control of campuses, colleges, faculties, departments, schools, Institutes and other teaching and research units of the University, and the allocation of responsibility for different branches of learning:

(*b*) organization and control of courses of study in the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external ;

(*c*) award of degrees, and such other qualifications as may be prescribed, in connection with examinations conducted by the University ;

(*d*) making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus ;

(*e*) establishment, organization and control of halls of residence and similar institutions in the University ;

(*f*) supervision of the welfare of students in the University and the regulation of their conduct ;

(*g*) granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University ; and

(*h*) determination of what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.

(3) The Senate shall not establish any new campus, college, faculty, department, school, institute or other teaching and research units of the University, or any hall of residence or similar institution at the University without the approval of the Council.

(4) Subject to this Act and the Statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the provisions of this section or for the purpose of providing for any matter for which provision by regulation is authorized or required by this Act or by Statute.

(*b*) The Senate shall, by regulation, provide that at least one of the persons appointed as examiners at each final or professional examination held in conjunction with any course of study in the University is not a teacher at the University but is a teacher at the branch of learning to which the course relates in some other University of high repute.

(5) Subject to a right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred on him if after due enquiry he is shown to have been guilty of any dishonorable or scandalous conduct in gaining admission into the University or obtaining that award.

Vice-Chancellor to take precedence in the absence of Chancellor.

9.—(1) The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and, subject to section 5 of this Act, the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.

(2) Subject to the provisions of this Act, the Vice-Chancellor shall have general function, in addition to any other function conferred on him by this Act or otherwise, of directing the activities of the University, and shall, to the exclusion of any other person or authority, be the chief executive and academic officer of the University and *ex-officio* Chairman of the Senate.

PART II—TRANSFER OF PROPERTY

Transfer of Property.

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

Second Schedule.

(2) The provisions of the Second Schedule to this Act shall have effect with respect to the transfer of property by this section and to matters arising therefrom and with respect to other matters mentioned in that Schedule.

PART III—STATUTES OF THE UNIVERSITY

Statutes of the University.

11.—(1) Subject to this Act, the University may make Statutes for any of the following purposes—

(*a*) making provision with respect to the composition and constitution of any authority of the University ;

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

(*c*) regulating the admission of students where it is done by the University, and their discipline and welfare ;

(*d*) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Act and of any Statute, regulation or other instrument made there-under ; and

(*e*) making provision for other matters for which provision by Statute is authorized or required by this Act.

Cap. 123 LFN, 2004.

(2) Subject to section 25 (6) of this Act, 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 27 (1) of that Act.

Third Schedule.

(3) The Statute contained in the Third Schedule to this Act shall be deemed to have come into force on the commencement of this Act and shall be deemed to have been made under this section by the University.

Third Schedule.

(4) The power to make Statute conferred by this section shall not be prejudiced or limited in any way be reason of the inclusion or omission of any matter in or from the Statute contained in the Third Schedule to this Act or any subsequent Statute.

Power to make an approve Statutes.

12.—(1) The power of the University to make Statutes shall be exercised in accordance with the provisions of this section.

(2) A proposed Statute shall not have the force of law until it has been approved at a meeting of the—

(*a*) Senate, by the votes of not less than two-thirds of the members present and voting ; and

(*b*) Council by the votes of not less than two-thirds of the members present and voting ;

(3) A proposed Statute may originate either in the Senate or Council, and may be approved as required by sub-section (2) of this section by both bodies in no particular order.

(4) A Statute which—

(*a*) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University ; or

(*b*) provides for the establishment of a new campus or college or for the amendment or revocation of any Statute whereby a campus or college is established, shall not come into operation unless it has been approved by the Visitor.

(5) For the purpose of section 2 (2) of the Interpretation Act, a Statute shall be treated as being made on the date on which it is approved by the Council and the Senate in accordance with sub-section (3) of this section or in the case of a Statute falling within sub-section (4) of this section, on the date on which it is approved by the President.

Proof of Statute in court.

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

Visitor's decision in case of dispute.

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

(2) The decision of the Visitor on any matter referred to him under this section shall be binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a Statute has been decided by the Visitor under this section, no question as to the meaning of that provision shall be entertained by any other authority in Nigeria :

PROVIDED that nothing in this subsection shall affect the power of a court of competent jurisdiction to determine whether any provision of a Statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution.

(3) The provisions of this section shall apply in relation to any doubt or dispute as to whether any matter is, for the purposes of this Act, an academic or non-academic matter as they apply in relation to any such doubt or dispute as is mentioned in sub-section (1) of this section, and accordingly the reference in sub-section (2) of this section to any question as to the meaning of any provision of the Statute shall include references to any question as to whether any matter is for the said purposes an academic or non-academic matter.

PART IV—SUPERVISION AND DISCIPLINE

Supervision and Discipline.

15.—(1) The President shall be the Visitor of the University.

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

(3) The bodies and persons comprising the University shall—

(*a*) make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purpose of the visitation ; and

(*b*) give effect to any instruction consistent with the provisions of this Act which may be given by the Visitor in consequence of the visitation.

Removal of members.

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

(2) The Minister shall use his best endeavors to cause a 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.

Grounds and procedure for removal of members.

17.—(1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the University, other than the Vice-Chancellor, should be removed from office or on grounds of misconduct or inability to perform the functions of his office, the Council shall—

(*a*) give notice of those reasons to the person in question ;

(*b*) afford such person an opportunity of making representation in person on the matter to the Council ; and

(*c*) take a decision to terminate or not to terminate the appointment.

(2) If the affected staff or any three members of the Council so request within a period of one month from the date of receipt of the notice of the Council's decision, the Council shall make arrangements for—

(*a*) a joint committee of the Council and the Senate to review the matter and to report on it to the Council ;

(*b*) the person in question to be afforded an opportunity to appear before and be heard by an investigating committee with respect to the matter ; and if the Council after considering the report of the investigating committee is satisfied that the person in question should be removed, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(3) The Vice-Chancellor may, in a case of gross misconduct by a member of staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of the University, suspend such member and any such suspension shall immediately be reported to the Council.

(4) Any member of staff may be suspended from duty or his appointment may be terminated by Council for a good cause and, for the purposes of this subsection, "*good cause*" means—

(*a*) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office ;

(*b*) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold office ;

(*c*) conduct of a scandalous or disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold office ; or

(*d*) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

(5) Any person suspended under sub-section (3) of this section shall be on half pay and the Council shall, before the expiration of a period of three months from the date of such suspension, consider the case against that person and come to a decision as to whether to—

(*a*) continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him) ;

(*b*) reinstate such person in which case the Council shall restore his full emoluments with effect from the date of suspension ;

(*c*) terminate the appointment of the person concerned in which case such a person will not be entitled to the proportion of his emoluments with held during the period of suspension ; and

(*d*) take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been with held) as the Council may determine.

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

(7) The person by whom an instrument of removal is signed in pursuance of subsection (1) of this section shall use his best endeavors' to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

(8) Nothing in this section shall prevent the Council from making regulations for the discipline of staff and workers of the University as may be appropriate.

Removal of Examiner.

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

(2) Subject to the provisions of any regulation made pursuant to section 8 (4) of this Act, the Vice-Chancellor may, on the recommendation of Senate, appoint an appropriate person as examiner in the place of the examiner removed.

(3) The Registrar on signing an instrument of removal under this section, 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.

Disciplinary action on students.

19.—(1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student is guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by Statute or regulations, direct that the—

(*a*) student shall not, during such period as may be specified in the direction, participate in such activities of the University or make use of such facilities of the University as may be so specified ;

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

(*c*) student be rusticated for such period as may be specified in the direction ; or

(*d*) student be expelled from the University.

(2) Where a direction is given under subsection (1) (*c*) or (*d*) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal against the direction to the Senate.

(3) Where an appeal is brought pursuant to subsection (2) of this section, the Senate shall, after causing such inquiry to be made in the matter as the Senate considers just, either confirm or set aside the direction or modify it in such manner as the Senate thinks fit.

(4) The fact that an appeal from a direction is brought pursuant to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending.

(5) 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.

(6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University for conduct which in the opinion of Senate is prejudicial to the interest of the University or to its corporate objective or image.

(7) A direction under subsection (1) (*a*) of this section may be combined with a direction under subsection (1) (*b*) of this section.

PART V—MISCELLANEOUS AND GENERAL PROVISIONS

A student not to be discriminated against.

20.—(1) No person shall be required to satisfy requirements as to race (including ethnic grouping) sex. place of birth, family origin, religious or political persuasion, as a condition for becoming or continuing to be a—

(*a*) student in the University ;

(*b*) holder of any degree, appointment or employment in the University ; or

(*c*) member of any body established by virtue of this Act.

(2) No person shall be subjected to any disadvantage or accorded any advantage in relation to the University by reference to any of the matters referred to in subsection (1) of this section.

(3) 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 specified in subsection (1) of this section where such persons willfully refuse or fail on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances, is in the opinion of the University reasonably justifiable in the national interest.

Application of the Land Use Act. Cap. L5 LFN. 2004.

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

(2) Where an estate or interest in land is acquired by the Government pursuant to this section, the Government may, by a certificate under the hand and seal of the Chief Federal Lands Officer or any other person authorized in that behalf transfer it to the University.

Consent of Visitor in Land deals Cap. L5 LFN. 2004.

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

PROVIDED that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years of any lease or tenancy to a member of the University for residential purpose.

Quorum.

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

Committees.

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

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

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

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

(3) Except as may be otherwise provided by a Statute or regulation, the quorum and procedure of a committee established or meeting held pursuant to 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) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council, (other than a committee appointed to inquire into the conduct of the officer in question) and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

(5) Nothing in this section shall be construed as enabling—

(*a*) statutes to be made otherwise than in accordance with section 11 of this Act ; or

(*b*) the Senate to empower any other body to make regulations or to award degrees or other qualifications.

Seal of the University.

25.—(1) The seal of the university shall be such as may be determined by the Council and approved by the Chancellor and the affixing of the seal shall—

(*a*) in the case of certificates issued by the University, be authenticated by the Vice-Chancellor and the Registrar ; and

(*b*) in the case of any other document, be authenticated by any member or Council, the Vice-Chancellor and the Registrar or any other person authorized by Statute.

(2) Any document purporting to be a document executed under the seal of the University shell be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

(3) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specially authorized to do so by the Council without seal.

(4) The validity of the proceedings of anybody established pursuant to this Act shall not be affected by—

(*a*) any vacancy in the membership of the body ;

(*b*) any defect with appointment of a member of the body ; or

(*c*) by reason that any person not entitled to do so took part in the proceedings.

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

(6) Nothing in section 12 of the Interpretation Act (which provides for the application, in relation to subordinate legislation, of certain incidental provisions) shall apply to Statutes or Regulations made pursuant to this Act.

(7) The power conferred by this Act on anybody to make Statutes or Regulations shall include power to revoke or vary any—

(*a*) Statute (including the Statute contained in the Third Schedule to this Act ; or Third Schedule.

(*b*) Regulation by a subsequent Statute or Regulation as the case may be :

PROVIDED that the Statutes and Regulations may have different provisions in relation to different circumstances.

(8) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 10, 21, and the Second Schedule to this Act. Second Schedule.

(9) Any notice or other instrument authorized to be served by virtue of this Act may, without prejudice to any other mode of service, be served by post.

26. Where in any provisions of this Act, it is laid down that proposal are to be submitted or a recommendation is to be made by one authority to another through one or more intermediate authorities, every such intermediate authority shall forward any proposal or recommendation received by it pursuant to that provision to the appropriate authority ; but any such intermediate authority may, if it think fits forward therewith its own comments thereon. Proposals and recommendation.

Interpretation.

27.—(1) In this Act—

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

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

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

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

"*Government*" means the Federal Government of Nigeria ;

"*graduate*" means a person on whom a degree (other than an honorary degree) has been conferred by the University ;

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

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

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

"*notice*" means notice in writing ;

"*officer*" does not include the Visitor ;

"*prescribed*" means prescribed by Statute or regulation made under this Act ;

"*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 ;

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

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

"*Statute*" means a Statute made by the University under section 11 of this Act and in accordance with the provisions of section 12 of this Act ;

"*the Act*" means the Federal University of Lokoja Act ;

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

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

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

"*the University*" means the Federal University of Lokoja as incorporated and constituted by this Act ; and

"*undergraduate*" means a person in *statu pupilari* in the University, other than—

(*a*) a graduate ; and

(*b*) a person of such description as may be prescribed for the purposes of this definition ;

28. This Act may be cited as the Federal University of Lokoja (Establishment) Act, 2015. Citation.

FIRST SCHEDULE *Section* 3 (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. The Pro-Chancellor shall be appointed or removed from office by the President.

The Vice-Chancellor

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

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

(2) The procedure for the appointment and removal of the Deputy Vice-Chancellor shall be in accordance with the provision of the University (Miscellaneous Provisions) Act 1993 as amended.

(3) A Deputy Vice-Chancellor shall—

(*a*) assist the Vice-Chancellor in the performance of his functions ;

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

(*c*) perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.

Office of the Registrar, Bursar and University Librarian

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 administration of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this schedule.

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

(3) The Registrar shall hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.

SECOND SCHEDULE *Section* 10 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to the University

1. Without prejudice to the generality of section 10 (2) of this Act—

(*a*) the reference in the subsection to property held by the provisional Council and the University shall include a reference to the right to receive and give a good discharge for any grant or contribution which may have been voted or promised to the provisional Council and the University ; and

(*b*) all outstanding debts and liabilities of the provisional Council shall become debts and liabilities of the University established by this Act.

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 modification, have effect as if the University established by this Act had been a party to it in place of the provisional Council.

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

(3) Any legal proceeding or application to any authority pending by or against the provisional Council may be continued by or against the University established by this Act.

Registration of Transfers

3.—(1) If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees of any other matter) apply, with the necessary modifications to the transfer of the property in question.

(2) The body to which any property is transferred by this Act to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

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 set up under the Third Schedule to this Act must have been duly constituted.

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

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

(5) Subject to any regulation which may be made by the Senate after the date on which this Act is made, the facilities, faculty boards and students of the University immediately before the coming into force of this Act shall on that day become faculties, faculty boards and students of the University as established by this Act.

(6) Persons who were deans or associate deans of faculties or members of faculty boards shall continue to be deans or associate deans or become members of the corresponding faculty boards, until new appointments are made in pursuance of the Statutes under this Act.

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

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

THIRD SCHEDULE *Section* 11(3) *and* (4)

FEDERAL UNIVERSITY OF LOKOJA STATUTE NO. 1

Articles :

1. The Council.
2. Finance and General Purpose Committee.
3. The Senate.
4. The Congregation.
5. Convocation.
6. Organization of Faculties and the Branches thereof.
7. Faculty Board.
8. The Dean of the Faculty.
9. Selection of certain Principal and other key officers.
10. Creation of Academic Post.
11. Appointment of Academic Staff.
12. Appointment of Administrative and Technical Staff.

THE COUNCIL

(1) Any member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act may, by notice to the Council resign his office.

(2) A member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act shall, unless he previously vacates it, vacate that office on the expiration of a period of four years starting from 1st August in the year in which he was appointed.

(3) Where a member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act vacates office before the expiration of his tenure, the body that appointed him may appoint a successor to hold office for the residue of his unexpired term.

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

(5) The quorum of the Council shall be five, at least one of whom shall be a member pursuant to section 6(*d*) and (*e*) of this Act.

(6) If the Pro-Chancellor is not present at a meeting of the Council, the members present at the meeting may appoint one of them to be the Chairman at that meeting, and subject to section 5 of this Act and the provisions of this paragraph, the Council may regulate its own procedure.

(7) Where the Council desires to obtain advice with respect to any particular matter, it may co-opt not more than two persons for that purpose :

and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.

(8) The Council constituted by this Act shall have a four year tenure from the date of its inauguration, provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the visitor and a new Council shall be immediately constituted for the effective functioning of the University.

(9) The powers of the Council shall be exercised in accordance with the laws and Statutes of the University, and to that extent, establishment circulars that are inconsistent with the laws and Statutes of the University shall not apply to the University.

THE FINANCE AND GENERAL PURPOSE COMMITTEE

2.—(1) The Finance and General Purpose Committee of the Council shall consist of—

(*a*) the Pro-Chancellor, who shall be the Chairman of the Committee at any meeting at which he is present ;

(*b*) the Vice-Chancellor and a Deputy Vice-Chancellor ;

(*c*) six other members of the Council appointed by the Council two of whom shall be selected from among the four members of the council appointed by the Senate and one of whom shall be selected from among members of the Council appointed by the congregation ; and

(*d*) the Permanent Secretary, Federal Ministry of Education or, in his absence, such member of his Ministry as he may designate to represent him.

(2) The quorum of the Committee shall be six.

(3) Subject to any direction given by the Council, the Committee may regulate its own procedure.

THE SENATE

3.—(1) There shall be a Senate for the University consisting of—

(*a*) the Vice-Chancellor ;

(*b*) the Deputy Vice-Chancellor ;

(*c*) all Professors of the University ;

(*d*) all Deans, Provosts and Directors of Academic Units of the University ;

(*e*) all Heads of Academic Departments, Units and Research Institutes of the University ;

(*f*) the University Librarian ; and

(*g*) academic members of the Congregation who are not Professors as specified in the Laws of the University.

(2) The Vice-Chancellor shall be the Chairman at all meetings of the Senate when he is present and, in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the Chairman at the meeting.

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

(4) If so requested in writing by any 10 members of the Senate, the Vice-Chancellor, or, in his absence a person duly appointed by him shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.

CONGREGATION

4.—(1) The Congregation shall consist of—

(*a*) the Vice-Chancellor and the Deputy Vice-Chancellor ;

(*b*) the full time members of the academic staff ;

(*c*) the Registrar ;

(*d*) the Bursar ; and

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

(2) Subject to section 5 of this Act, the Vice-Chancellor shall be the Chairman at all meetings of Congregation when he is present, and, in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the Chairman at the meeting.

(3) The quorum of Congregation shall be one-third (or the nearest whole number to one-third) of the total number of members of Congregation or fifty, whichever is less.

(4) A certificate signed by the Vice-Chancellor specifying—

(*a*) the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation, or

(*b*) the names of the persons who are members of Congregation during a particular period, shall be conclusive evidence of that number or as the case may be of the names of those persons.

(5) Subject to the provisions of this Schedule, Congregation may regulate its own procedure.

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

CONVOCATION

5.—(1) Convocation shall consist of—

(*a*) the Officers of the University mentioned in the First Schedule to this Act ;

(*b*) all teachers within the meaning of this Act ; and

(*c*) all other persons whose names are registered in accordance with sub-paragraph (2) of this paragraph.

(2) A person shall be entitled to have his name registered as a member of the convocation if he—

(*a*) is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph ; and

(*b*) applies for the registration of his name in the prescribed manner and pays the prescribed fee.

(3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and, subject to sub-paragraph (3), may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.

(4) The person responsible for maintaining the register shall, without the payment of any fee, ensure that the names of all persons who are for the time being members of the Convocation by virtue of sub-paragraph (1)(*a*) or (*b*) of this paragraph are entered and retained on the register.

(5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register, or a copy of the register at the principal offices of the University at all reasonable times.

(6) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is, and that any person not named therein is not, a member of the convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entry in, and deletion from, the register made on or after that date shall be disregarded.

(7) The quorum of the Convocation shall be fifty or one-third (or the whole number nearest to one-third) of the total number of members of Convocation whichever is less.

(8) Subject to section 5 of this Act, the Chancellor shall be Chairman at all meetings of the Convocation when he is present, and, in his absence, the Vice-Chancellor shall be the Chairman at the meeting.

(9) The Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by Statute.

ORGANIZATION OF FACULTIES AND BRANCHES THEREOF

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

7.—(1) There shall be established in respect of each Faculty, a Faculty Board, which, subject to the provisions of this Act, and subject to the directions of the Vice-Chancellor, shall—

(*a*) regulate the teaching and study of, and the conduct of examinations connected with, the subjects assigned to the faculty ;

(*b*) deal with other matters assigned to it by Statute, the Vice-Chancellor or the Senate ; and

(*c*) advise the Vice-Chancellor or Senate on any matter referred to it by the Vice-Chancellor or Senate.

(2) Each Faculty Board shall consists of—

(*a*) the Vice-Chancellor ;

(*b*) the persons severally in charge of the branches of the faculty ;

(*c*) such number of the teachers assigned to the faculty and having the prescribed qualifications as the Board may determine ; and

(*d*) such persons whether or not members of the University as the Board may determine with the general or special approval of Senate.

(3) The quorum of the Board shall be 8 members or one-quarter of the members of the Board for the time being, whichever is greater.

(4) Subject to the provisions of this Statute and any provision made by regulations in that behalf, the Board may regulate its own procedure.

THE DEAN OF THE FACULTY

8.—(1) The Dean of a faculty shall be a professor elected by the Faculty Board and such Dean shall hold office for a term of two years and may be eligible for re-election for another term of two years after which he may not be elected again until two years have elapsed.

(2) If there is no professor in a faculty, the Vice-Chancellor shall appoint an Acting Dean who shall not be below the rank of Senior Lecturer for the

faculty, who shall act for a period of one year in the first instance, renewable for another one year only.

(3) In the absence of the Vice-Chancellor, the Dean shall be the Chairman at all meetings of the Faculty Board when he is present and he shall be a member of all committees and other boards appointed by the faculty.

(4) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty and shall present to the Convocation for the conferment of Degrees, persons who have qualified for the Degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.

(5) There shall be a committee to be known as the Committee of Deans which shall consist of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the Committee by the Senate.

(6) The Dean of a faculty may be removed from office for a good cause by the Faculty Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of the Dean, an Acting Dean may be appointed by the Vice-Chancellor :
PROVIDED that at the next faculty board meeting an election shall be held for a new Dean.

(7) In this article, "*good cause*" has the same meaning as in section 17 (4) of this Act.

SELECTION OF CERTAIN PRINCIPAL AND OTHER KEY OFFICERS

9.—(1) When a vacancy occurs in the Office of the Registrar, Bursar, the University Librarian, Director of Works or Director of Health Services, a Selection Board shall be constituted by the Council and shall consist of—

(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) two members appointed by the Council, not being members of Senate ; and

(*d*) two members appointed by the Senate not being members of Council.

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

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

Creation of Academic Post

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

Appointment of Academic Staff

11. Subject to this Act and the Statute made under it, the filling of vacancies in academic posts (including newly created ones) shall be as prescribed from time to time by Statute.

Appointment of Administrative and Technical Staff

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

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

I certify, in accordance with section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26th Day of March, 2015.

EXPLANATORY MEMORANDUM

This Act establishes the Federal University of Lokoja to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.

SCHEDULE TO FEDERAL UNIVERSITY OF LOKOJA (ESTABLISHMENT) BILL, 2015

(1) *Short Title of the Bill*	(2) *Long Title of the Bill*	(3) *Summary of the Contents of the Bill*	(4) *Date Passed by the Senate*	(5) *Date Passed by the House of Representatives*
Federal University of Lokoja (Establishment) Bill, 2015.	An Act to establish the Federal University of Lokoja and to make comprehensive provisions for due management and administration; and for related matters.	This Act establishes the Federal University of Lokoja to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.	23rd April, 2013.	3rd March, 2015.

Federation of Nigeria, 2004.

I ASSENT

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SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26th Day of March, 2015

DR. GOODLUCK EBELE JONATHAN, GCFR
President of the Federal Republic of Nigeria
26th Day of March, 2015

Extraordinary



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FEDERAL UNIVERSITY OF NDUFU-ALIKE IKWO (ESTABLISHMENT) ACT, 2015

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SCHEDULE

FEDERAL UNIVERSITY OF KASHERE (ESTABLISHMENT) ACT, 2015

ACT No. 6

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF KASHERE AND TO MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT AND ADMINISTRATION ; AND FOR RELATED MATTERS

[26*th Day of March*, 2016] Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria :

PART 1—ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL UNIVERSITY OF KASHERE

Establishment of Federal University of Kashere.

1.—(1) There is established the Federal University of Kashere (in this Act referred to as "the University").

(2) The University—

(*a*) shall be a body corporate with perpetual succession and a common seal ; and

(*b*) may sue or be sued in its corporate name.

Objects of the University.

2. The objects of the University shall be to—

(*a*) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring higher and liberal education ;

(*b*) provide courses of instruction and other facilities for the pursuit of learning in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them ;

(*c*) encourage and promote scholarship and conduct research in restricted fields of learning and human endeavour ;

(*d*) relate its activities to the social, cultural and economic needs of the people of Nigeria ; and

(*e*) undertake other activities appropriate for a university of the highest standard.

Membership of the University.

3.—(1) The University shall consist of—

(*a*) Chancellor ;

(*b*) Pro-Chancellor and a Council ;

(*c*) Vice-Chancellor and a Senate ;

(*d*) Two Deputy Vice-Chancellors or such number of Deputy Vice-Chancellors as the council may, from time to time, deem necessary for the proper administration of the University ;

(*e*) a body to be called Congregation ;

(*f*) a body to be called Convocation ;

(*g*) the campuses and colleges of the University ;

(*h*) the faculties, schools, institutes and other teaching and research units of the University ;

(*i*) the persons holding the offices constituted by the First Schedule to this Act other than those mentioned in paragraphs (*a*) to (*c*) of this subsection ;

(*j*) all graduates and undergraduates ; and

(*k*) all other persons who are members of the University in accordance with provisions made by statute in that behalf.

First Schedule.

(2) The First Schedule to this Act shall have effect with respect to the Principal Officers of the University mentioned therein.

(3) A provision shall be made by Statute with respect to the constitution of the following bodies—

(*a*) the Council ;

(*b*) the Senate ;

(*c*) the Congregation ; and

(*d*) the Convocation.

Functions of the University.

4.—(1) For the carrying out of its objects as specified in section 2 of this Act, the University shall have power to—

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

(*b*) institute professorships, readerships and associate professorships, lectureships and other posts and offices and to make appointments thereto ;

(*c*) institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance ;

(*d*) provide for the residence, discipline and welfare of members of the University ;

(*e*) hold examinations and award degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down ;

(*f*) award honorary degrees, fellowships or academic titles ;

(*g*) demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may, from time to time determine, subject to the overall directives of the appropriate authority ;

(*h*) subject to section 22 of this Act, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate ;

(*i*) accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto ;

(*j*) enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents ;

(*k*) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University ;

(*l*) hold public lectures and undertake printing, publishing and book selling ;

(*m*) subject to any limitation or condition imposed by Statute, to invest any moneys appertaining to the University by law of endorsement, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investment or security or in the purchase or improvement of land, with power from time to time to vary any such investment and to deposit any money for the time being un-invested with any bank on deposit or current account ;

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

(*o*) make gifts for any charitable purpose ;

(*p*) do anything which it is authorized or required by this Act or by any other Statute to do ; and

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

(2) Subject to the provisions of this Act and of the Statutes made there under and without prejudice to section 9 (2) of this Act, 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 this Act.

Chancellor to take precedence before other members.

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

(2) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor, and except for the Vice-Chancellor when acting as Chairman of Congregation or Convocation, and the Pro-Chancellor shall, when he is present, be the Chairman at all meetings of the Council.

Establishment and membership of the Council.

6.—(1) There shall be a Council for the University consisting of :

(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) the Deputy Vice-Chancellor ;

(*d*) one person from the Federal Ministry responsible for education ;

(*e*) four persons representing a variety of interest and broadly representative of the whole Federation to be appointed by the President ;

(*f*) four persons appointed by the Senate from among its members ;

(*g*) two persons appointed by the Congregation from among its members ; and

(*h*) one person appointed by Convocation from among its members.

(2) Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and familiar with the affairs and tradition of the University.

Council and Other Committees of the University.

7.—(1) Subject to the provisions of this Act relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University, including its public relations.

(2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the Council as the Council may from time to time delegate to it.

(3) Provision shall be made by Statute with respect to the constitution of the Finance and General Purposes Committee.

(4) The Council shall ensure proper accounts of the University are kept and that the accounts of the University are audited annually by auditors appointed by the Council from the list and in accordance with guidelines supplied

by the Auditor-General of the Federation, and that an annual report is published by the University together with certified copies of the said accounts as audited.

(5) Subject to this Act 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 where any rule so made by the Committee conflicts with any direction given by the Council (whether before or after the coming into force of the rules in question), the direction of the Council shall prevail.

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

(8) The Council shall meet as and when necessary for the performance of its functions under this Act, and shall meet at least four times every year.

(9) If required in writing by five members of the Council, the Chairman shall within, 28 days after the receipt of such request, call a meeting of the Council :

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

Functions of the Senate.

8.—(1) Subject to section 5 of this Act and sub-sections (3) and (4) of this section and to the provisions of this Act relating to the Visitor, it shall be the general function of the Senate to organize and control teaching in the University, admission to Post-graduate courses and other admission of students, the discipline of students and to promote research in the University.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, it shall in particular be the function of the Senate to make provision for the—

(*a*) establishment, organization and control of campuses, colleges, faculties, departments, schools, Institutes and other teaching and research units of the University, and the allocation of responsibility for different branches of learning ;

(*b*) organization and control of courses of study in the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external ;

(*c*) award of degrees, and such other qualifications as may be prescribed, in connection with examinations conducted by the University ;

(*d*) making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus ;

(*e*) establishment, organization and control of halls of residence and similar institutions in the University ;

(*f*) supervision of the welfare of students in the University and the regulation of their conduct ;

(*g*) granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University ; and

(*h*) determination of what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.

(3) The Senate shall not establish any new campus, college, faculty, department, school, institute or other teaching and research units of the University, or any hall of residence or similar institution at the University without the approval of the Council.

(4) Subject to this Act and the Statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the provisions of this section or for the purpose of providing for any matter for which provision by regulation is authorized or required by this Act or by Statute.

(*b*) The Senate shall, by regulation, provide that at least one of the persons appointed as examiners at each final or professional examination held in conjunction with any course of study in the University is not a teacher at the University but is a teacher at the branch of learning to which the course relates in some other University of high repute.

(5) Subject to a right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred on him if after due enquiry he is shown to have been guilty of any dishonorable or scandalous conduct in gaining admission into the University or obtaining that award.

Vice-Chancellor to take precedence in the absence of Chancellor.

9.—(1) The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and, subject to section 5 of this Act, the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.

(2) Subject to the provisions of this Act, the Vice-Chancellor shall have general function, in addition to any other function conferred on him by this Act or otherwise, of directing the activities of the University, and shall, to the exclusion of any other person or authority, be the chief executive and academic officer of the University and *ex-officio* Chairman of the Senate.

PART II—TRANSFER OF PROPERTY

Transfer of Property.

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

Second Schedule.

(2) The provisions of the Second Schedule to this Act shall have effect with respect to the transfer of property by this section and to matters arising therefrom and with respect to other matters mentioned in that Schedule.

PART III—STATUTES OF THE UNIVERSITY

Statutes of the University.

11.—(1) Subject to this Act, the University may make Statutes for any of the following purposes—

(*a*) making provision with respect to the composition and constitution of any authority of the University ;

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

(*c*) regulating the admission of students where it is done by the University, and their discipline and welfare ;

(*d*) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Act and of any Statute, regulation or other instrument made there-under ; and

(*e*) making provision for other matters for which provision by Statute is authorized or required by this Act.

Cap. 123 LFN, 2004.

(2) Subject to section 25 (6) of this Act, 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 27 (1) of that Act.

Third Schedule.

(3) The Statute contained in the Third Schedule to this Act shall be deemed to have come into force on the commencement of this Act and shall be deemed to have been made under this section by the University.

Third Schedule.

(4) The power to make Statute conferred by this section shall not be prejudiced or limited in any way be reason of the inclusion or omission of any matter in or from the Statute contained in the Third Schedule to this Act or any subsequent Statute.

Power to make an approve Statutes.

12.—(1) The power of the University to make Statutes shall be exercised in accordance with the provisions of this section.

(2) A proposed Statute shall not have the force of law until it has been approved at a meeting of the—

(*a*) Senate, by the votes of not less than two thirds of the members present and voting ; and

(*b*) Council by the votes of not less than two thirds of the members present and voting ;

(3) A proposed Statute may originate either in the Senate or Council, and may be approved as required by sub-section (2) of this section by both bodies in no particular order.

(4) A Statute which—

(*a*) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University ; or

(*b*) provides for the establishment of a new campus or college or for the amendment or revocation of any Statute whereby a campus or college is established, shall not come into operation unless it has been approved by the Visitor.

(5) For the purpose of section 2 (2) of the Interpretation Act, a Statute shall be treated as being made on the date on which it is approved by the Council and the Senate in accordance with sub-section (3) of this section or in the case of a Statute falling within sub-section (4) of this section, on the date on which it is approved by the President.

Proof of Statute in court.

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

Visitor's decision in case of dispute.

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

(2) The decision of the Visitor on any matter referred to him under this section shall be binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a Statute has been decided by the Visitor under this section, no question as to the meaning of that provision shall be entertained by any other authority in Nigeria :

PROVIDED that nothing in this subsection shall affect the power of a court of competent jurisdiction to determine whether any provision of a Statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution.

(3) The provisions of this section shall apply in relation to any doubt or dispute as to whether any matter is, for the purposes of this Act, an academic or non-academic matter as they apply in relation to any such doubt or dispute as is mentioned in sub-section (1) of this section, and accordingly the reference in sub-section (2) of this section to any question as to the meaning of any provision of the Statute shall include references to any question as to whether any matter is for the said purposes an academic or non-academic matter.

PART IV—SUPERVISION AND DISCIPLINE

Supervision and Discipline.

15.—(1) The President shall be the Visitor of the University.

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

(3) The bodies and persons comprising the University shall—

(*a*) make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purpose of the visitation ; and

(*b*) give effect to any instruction consistent with the provisions of this Act which may be given by the Visitor in consequence of the visitation.

Removal of members.

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

(2) The Minister shall use his best endeavors to cause a 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.

Grounds and procedure for removal of members.

17.— (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the University, other than the Vice-Chancellor, should be removed from office or on grounds of misconduct or inability to perform the functions of his office, the Council shall—

(*a*) give notice of those reasons to the person in question ;

(*b*) afford such person an opportunity of making representation in person on the matter to the Council ; and

(*c*) take a decision to terminate or not to terminate the appointment.

(2) If the affected staff or any three members of the Council so request within a period of one month from the date of receipt of the notice of the Council's decision, the Council shall make arrangements for—

(*a*) a joint committee of the Council and the Senate to review the matter and to report on it to the Council ;

(*b*) the person in question to be afforded an opportunity to appear before and be heard by an investigating committee with respect to the matter ; and if the Council after considering the report of the investigating committee is satisfied that the person in question should be removed, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(3) The Vice-Chancellor may, in a case of gross misconduct by a member of staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of the University, suspend such member and any such suspension shall immediately be reported to the Council.

(4) Any member of staff may be suspended from duty or his appointment may be terminated by Council for a good cause and, for the purposes of this subsection, "*good cause*" means—

(*a*) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office ;

(*b*) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold office ;

(*c*) conduct of a scandalous or disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold office ; or

(*d*) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

(5) Any person suspended under sub-section (3) of this section shall be on half pay and the Council shall, before the expiration of a period of three months from the date of such suspension, consider the case against that person and come to a decision as to whether to—

(*a*) continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him) ;

(*b*) reinstate such person in which case the Council shall restore his full emoluments with effect from the date of suspension ;

(*c*) terminate the appointment of the person concerned in which case such a person will not be entitled to the proportion of his emoluments with held during the period of suspension ; and

(*d*) take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been with held) as the Council may determine.

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

(7) The person by whom an instrument of removal is signed in pursuance of subsection (1) of this section shall use his best endeavors' to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

(8) Nothing in this section shall prevent the Council from making regulations for the discipline of staff and workers of the University as may be appropriate.

Removal of Examiner.

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

(2) Subject to the provisions of any regulation made pursuant to section 8 (4) of this Act, the Vice-Chancellor may, on the recommendation of Senate, appoint an appropriate person as examiner in the place of the examiner removed.

(3) The Registrar on signing an instrument of removal under this section, 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.

Disciplinary action on students.

19.—(1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student is guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by Statute or regulations, direct that the—

(*a*) student shall not, during such period as may be specified in the direction, participate in such activities of the University or make use of such facilities of the University as may be so specified ;

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

(*c*) student be rusticated for such period as may be specified in the direction ; or

(*d*) student be expelled from the University.

(2) Where a direction is given under subsection (1) (*c*) or (*d*) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal against the direction to the Senate.

(3) Where an appeal is brought pursuant to subsection (2) of this section, the Senate shall, after causing such inquiry to be made in the matter as the Senate considers just, either confirm or set aside the direction or modify it in such manner as the Senate thinks fit.

(4) The fact that an appeal from a direction is brought pursuant to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending.

(5) 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.

(6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University for conduct which in the opinion of Senate is prejudicial to the interest of the University or to its corporate objective or image.

(7) A direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (*b*) of this section.

PART V—MISCELLANEOUS AND GENERAL PROVISIONS

A student not to be discriminated against.

20.—(1) No person shall be required to satisfy requirements as to race (including ethnic grouping) sex, place of birth, family origin, religious or political persuasion, as a condition for becoming or continuing to be a—

(*a*) student in the University ;

(*b*) holder of any degree, appointment or employment in the University ; or

(*c*) member of any body established by virtue of this Act.

(2) No person shall be subjected to any disadvantage or accorded any advantage in relation to the University by reference to any of the matters referred to in subsection (1) of this section.

(3) 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 specified in subsection (1) of this section where such persons willfully refuse or fail on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances, is in the opinion of the University reasonably justifiable in the national interest.

Application of the Land Use Act. Cap. L5 LFN. 2004.

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

(2) Where an estate or interest in land is acquired by the Government pursuant to this section, the Government may, by a certificate under the hand and seal of the Chief Federal Lands Officer or any other person authorized in that behalf transfer it to the University.

Consent of Visitor in Land deals Cap. L5 LFN. 2004.

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

PROVIDED that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years of any lease or tenancy to a member of the University for residential purpose.

Quorum.

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

Committees.

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

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

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

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

(3) Except as may be otherwise provided by a Statute or regulation, the quorum and procedure of a committee established or meeting held pursuant to 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) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council, (other than a committee appointed to inquire into the conduct of the officer in question) and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

(5) Nothing in this section shall be construed as enabling—

(*a*) statutes to be made otherwise than in accordance with section 11 of this Act ; or

(*b*) the Senate to empower any other body to make regulations or to award degrees or other qualifications.

Seal of the University.

25.—(1) The seal of the university shall be such as may be determined by the Council and approved by the Chancellor and the affixing of the seal shall—

(*a*) in the case of certificates issued by the University, be authenticated by the Vice-Chancellor and the Registrar ; and

(*b*) in the case of any other document, be authenticated by any member or Council, the Vice-Chancellor and the Registrar or any other person authorized by Statute.

(2) Any document purporting to be a document executed under the seal of the University shell be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

(3) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specially authorized to do so by the Council without seal.

(4) The validity of the proceedings of anybody established pursuant to this Act shall not be affected by—

(*a*) any vacancy in the membership of the body ;

(*b*) any defect with appointment of a member of the body ; or

(*c*) by reason that any person not entitled to do so took part in the proceedings.

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

(6) Nothing in section 12 of the Interpretation Act (which provides for the application, in relation to subordinate legislation, of certain incidental provisions) shall apply to Statutes or Regulations made pursuant to this Act.

(7) The power conferred by this Act on anybody to make Statutes or Regulations shall include power to revoke or vary any—

(*a*) Statute (including the Statute contained in the Third Schedule to this Act ; or Third Schedule.

(*b*) Regulation by a subsequent Statute or Regulation as the case may be :

PROVIDED that the Statutes and Regulations may have different provisions in relation to different circumstances.

(8) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 10, 21, and the Second Schedule to this Act. Second Schedule.

(9) Any notice or other instrument authorized to be served by virtue of this Act may, without prejudice to any other mode of service, be served by post.

26. Where in any provisions of this Act, it is laid down that proposal are to be submitted or a recommendation is to be made by one authority to another through one or more intermediate authorities, every such intermediate authority shall forward any proposal or recommendation received by it pursuant to that provision to the appropriate authority ; but any such intermediate authority may, if it think fits forward therewith its own comments thereon. Proposals and recommendation.

Interpretation.

27.—(1) In this Act—

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

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

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

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

"*Government*" means the Federal Government of Nigeria ;

"*graduate*" means a person on whom a degree (other than an honorary degree) has been conferred by the University ;

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

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

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

"*notice*" means notice in writing ;

"*officer*" does not include the Visitor ;

"*prescribed*" means prescribed by Statute or regulation made under this Act ;

"*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 ;

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

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

"*Statute*" means a Statute made by the University under section 11 of this Act and in accordance with the provisions of section 12 of this Act ;

"*the Act*" means the Federal University of Ndufu-Alike Ikwo Act ;

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

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

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

"*the University*" means the Federal University of Ndufu-Alike Ikwo as incorporated and constituted by this Act ; and

"*undergraduate*" means a person in *statu pupilari* in the University, other than—

(*a*) a graduate ; and

(*b*) a person of such description as may be prescribed for the purposes of this definition ;

28. This Act may be cited as the Federal University of Ndufu-Alike Ikwo (Establishment) Act, 2015. Citation.

FIRST SCHEDULE *Section* 3 (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. The Pro-Chancellor shall be appointed or removed from office by the President.

The Vice Chancellor

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

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

(2) The procedure for the appointment and removal of the Deputy Vice-Chancellor shall be in accordance with the provision of the University (Miscellaneous Provisions) Act 1993 as amended.

(3) A Deputy Vice-Chancellor shall—

(*a*) assist the Vice-Chancellor in the performance of his functions ;

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

(*c*) perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.

Office of the Registrar, Bursar and University Librarian

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 administration of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this schedule.

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

(3) The Registrar shall hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.

6.—(1) There shall be for the University, the following Principal Officers in addition to the Registrar—

(*a*) the Bursar ; and

(*b*) the University Librarian.

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

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

(4) The Bursar and the University Librarian shall each hold office for such period and on such terms and conditions as to emoluments as may be specified in their letters of appointment.

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

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

9.—(1) Any officer mentioned in this Schedule may resign his office in—

(*a*) the case of the Chancellor or Pro-Chancellor, by notice to the Visitor ;

(*b*) in the case of the Vice-Chancellor, by notice to the Council which shall immediately notify the Minister.

(2) A person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

SECOND SCHEDULE *Section* 10 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to the University

1. Without prejudice to the generality of section 10 (2) of this Act—

(*a*) the reference in the subsection to property held by the provisional Council and the University shall include a reference to the right to receive and give a good discharge for any grant or contribution which may have been voted or promised to the provisional Council and the University ; and

(*b*) all outstanding debts and liabilities of the provisional Council shall become debts and liabilities of the University established by this Act.

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 modification, have effect as if the University established by this Act had been a party to it in place of the provisional Council.

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

(3) Any legal proceeding or application to any authority pending by or against the provisional Council may be continued by or against the University established by this Act.

Registration of Transfers

3.—(1) If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees of any other matter) apply, with the necessary modifications to the transfer of the property in question.

(2) The body to which any property is transferred by this Act to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

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 set up under the Third Schedule to this Act must have been duly constituted.

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

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

(5) Subject to any regulation which may be made by the Senate after the date on which this Act is made, the facilities, faculty boards and students of the University immediately before the coming into force of this Act shall on that day become faculties, faculty boards and students of the University as established by this Act.

(6) Persons who were deans or associate deans of faculties or members of faculty boards shall continue to be deans or associate deans or become members of the corresponding faculty boards, until new appointments are made in pursuance of the Statutes under this Act.

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

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

THIRD SCHEDULE *Section* 11(3) *and* (4)

FEDERAL UNIVERSITY OF NDUFU-ALIKE IKWO STATUTE NO. 1

Articles :

1. The Council.
2. Finance and General Purpose Committee.
3. The Senate.
4. The Congregation.
5. Convocation.
6. Organization of Faculties and the Branches thereof.
7. Faculty Board.
8. The Dean of the Faculty.
9. Selection of certain Principal and other key officers.
10. Creation of Academic Post.
11. Appointment of Academic Staff.
12. Appointment of Administrative and Technical Staff.

THE COUNCIL

(1) Any member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act may, by notice to the Council resign his office.

(2) A member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act shall, unless he previously vacates it, vacate that office on the expiration of a period of four years starting from 1st August in the year in which he was appointed.

(3) Where a member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act vacates office before the expiration of his tenure, the body that appointed him may appoint a successor to hold office for the residue of his unexpired term.

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

(5) The quorum of the Council shall be five, at least one of whom shall be a member pursuant to section 6(*d*) and (*e*) of this Act.

(6) If the Pro-Chancellor is not present at a meeting of the Council, the members present at the meeting may appoint one of them to be the Chairman at that meeting, and subject to section 5 of this Act and the provisions of this paragraph, the Council may regulate its own procedure.

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

(8) The Council constituted by this Act shall have a four year tenure from the date of its inauguration, provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the visitor and a new Council shall be immediately constituted for the effective functioning of the University.

(9) The powers of the Council shall be exercised in accordance with the laws and Statutes of the University, and to that extent, establishment circulars that are inconsistent with the laws and Statutes of the University shall not apply to the University.

THE FINANCE AND GENERAL PURPOSE COMMITTEE

2.—(1) The Finance and General Purpose Committee of the Council shall consist of—

(*a*) the Pro-Chancellor, who shall be the Chairman of the Committee at any meeting at which he is present ;

(*b*) the Vice-Chancellor and a Deputy Vice-Chancellor ;

(*c*) six other members of the Council appointed by the Council two of whom shall be selected from among the four members of the council appointed by the Senate and one of whom shall be selected from among members of the Council appointed by the congregation ; and

(*d*) the Permanent Secretary, Federal Ministry of Education or, in his absence, such member of his Ministry as he may designate to represent him.

(2) The quorum of the Committee shall be six.

(3) Subject to any direction given by the Council, the Committee may regulate its own procedure.

THE SENATE

3.—(1) There shall be a Senate for the University consisting of—

(*a*) the Vice-Chancellor ;

(*b*) the Deputy Vice-Chancellor ;

(*c*) all Professors of the University ;

(*d*) all Deans, Provosts and Directors of Academic Units of the University ;

(*e*) all Heads of Academic Departments, Units and Research Institutes of the University ;

(*f*) the University Librarian ; and

(*g*) academic members of the Congregation who are not Professors as specified in the Laws of the University.

(2) The Vice-Chancellor shall be the Chairman at all meetings of the Senate when he is present and, in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the Chairman at the meeting.

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

(4) If so requested in writing by any 10 members of the Senate, the Vice-Chancellor, or, in his absence a person duly appointed by him shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.

CONGREGATION

4.—(1) The Congregation shall consist of—

(*a*) the Vice-Chancellor and the Deputy Vice-Chancellor ;

(*b*) the full time members of the academic staff ;

(*c*) the Registrar ;

(*d*) the Bursar ; and

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

(2) Subject to section 5 of this Act, the Vice-Chancellor shall be the Chairman at all meetings of Congregation when he is present, and, in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the Chairman at the meeting.

(3) The quorum of Congregation shall be one-third (or the nearest whole number to one-third) of the total number of members of Congregation or fifty, whichever is less.

(4) A certificate signed by the Vice-Chancellor specifying—

(*a*) the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation, or

(*b*) the names of the persons who are members of Congregation during a particular period, shall be conclusive evidence of that number or as the case may be of the names of those persons.

(5) Subject to the provisions of this Schedule, Congregation may regulate its own procedure.

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

CONVOCATION

5.—(1) Convocation shall consist of—

(*a*) the Officers of the University mentioned in the First Schedule to this Act ;

(*b*) all teachers within the meaning of this Act ; and

(*c*) all other persons whose names are registered in accordance with sub-paragraph (2) of this paragraph.

(2) A person shall be entitled to have his name registered as a member of the convocation if he—

(*a*) is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph ; and

(*b*) applies for the registration of his name in the prescribed manner and pays the prescribed fee.

(3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and, subject to sub-paragraph (3), may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.

(4) The person responsible for maintaining the register shall, without the payment of any fee, ensure that the names of all persons who are for the time being members of the Convocation by virtue of sub-paragraph (1)(*a*) or (*b*) of this paragraph are entered and retained on the register.

(5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register, or a copy of the register at the principal offices of the University at all reasonable times.

(6) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is, and that any person not named therein is

not, a member of the convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entry in, and deletion from, the register made on or after that date shall be disregarded.

(7) The quorum of the Convocation shall be fifty or one-third (or the whole number nearest to one-third) of the total number of members of Convocation whichever is less.

(8) Subject to section 5 of this Act, the Chancellor shall be Chairman at all meetings of the Convocation when he is present, and, in his absence, the Vice-Chancellor shall be the Chairman at the meeting.

(9) The Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by Statute.

ORGANIZATION OF FACULTIES AND BRANCHES THEREOF

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

7.—(1) There shall be established in respect of each Faculty, a Faculty Board, which, subject to the provisions of this Act, and subject to the directions of the Vice-Chancellor, shall—

(*a*) regulate the teaching and study of, and the conduct of examinations connected with, the subjects assigned to the faculty ;

(*b*) deal with other matters assigned to it by Statute, the Vice-Chancellor or the Senate ; and

(*c*) advise the Vice-Chancellor or Senate on any matter referred to it by the Vice-Chancellor or Senate.

(2) Each Faculty Board shall consists of—

(*a*) the Vice-Chancellor ;

(*b*) the persons severally in charge of the branches of the faculty ;

(*c*) such number of the teachers assigned to the faculty and having the prescribed qualifications as the Board may determine ; and

(*d*) such persons whether or not members of the University as the Board may determine with the general or special approval of Senate.

(3) The quorum of the Board shall be 8 members or one-quarter of the members of the Board for the time being, whichever is greater.

(4) Subject to the provisions of this Statute and any provision made by regulations in that behalf, the Board may regulate its own procedure.

THE DEAN OF THE FACULTY

8.—(1) The Dean of a faculty shall be a professor elected by the Faculty Board and such Dean shall hold office for a term of two years and may be eligible for re-election for another term of two years after which he may not be elected again until two years have elapsed.

(2) If there is no professor in a faculty, the Vice-Chancellor shall appoint an Acting Dean who shall not be below the rank of Senior Lecturer for the faculty, who shall act for a period of one year in the first instance, renewable for another one year only.

(3) In the absence of the Vice-Chancellor, the Dean shall be the Chairman at all meetings of the Faculty Board when he is present and he shall be a member of all committees and other boards appointed by the faculty.

(4) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty and shall present to the Convocation for the conferment of Degrees, persons who have qualified for the Degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.

(5) There shall be a committee to be known as the Committee of Deans which shall consist of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the Committee by the Senate.

(6) The Dean of a faculty may be removed from office for a good cause by the Faculty Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of the Dean, an Acting Dean may be appointed by the Vice-Chancellor :
PROVIDED that at the next faculty board meeting an election shall be held for a new Dean.

(7) In this article, "*good cause*" has the same meaning as in section 17 (4) of this Act.

SELECTION OF CERTAIN PRINCIPAL AND OTHER KEY OFFICERS

9.—(1) When a vacancy occurs in the Office of the Registrar, Bursar, the University Librarian, Director of Works or Director of Health Services, a Selection Board shall be constituted by the Council and shall consist of—

(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) two members appointed by the Council, not being members of Senate ; and

(*d*) two members appointed by the Senate not being members of Council.

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

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

Creation of Academic Post

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

Appointment of Academic Staff

11. Subject to this Act and the Statute made under it, the filling of vacancies in academic posts (including newly created ones) shall be as prescribed from time to time by Statute.

Appointment of Administrative and Technical Staff

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

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

I certify, in accordance with section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26th Day of March, 2015.

EXPLANATORY MEMORANDUM

This Act establishes the Federal University of Ndufu-Alike to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.

SCHEDULE TO FEDERAL UNIVERSITY OF NDUFU-ALIKE IKWO (ESTABLISHMENT) BILL, 2015

(1) *Short Title of the Bill*	(2) *Long Title of the Bill*	(3) *Summary of the Contents of the Bill*	(4) *Date Passed by the Senate*	(5) *Date Passed by the House of Representatives*
Federal University of Ndufu-Alike Ikwo (Establishment) Bill, 2015.	An Act to establish the Federal University of Ndufu-Alike Ikwo and to make comprehensive provisions for due management and administration ; and for related matters.	This Act establishes the Federal University of Ndufu-Alike Ikwo to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.	23rd April , 2013.	3rd March, 2015.

Federation of Nigeria, 2004.

I ASSENT

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SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26th Day of March, 2015

DR. GOODLUCK EBELE JONATHAN, GCFR
President of the Federal Republic of Nigeria
26th Day of March, 2015

Extraordinary

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Act No.	*Short Title*		*Page*
2	Federal University of Oye-Ekiti (Establishment) Act, 2015.	..	A33-63

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FEDERAL UNIVERSITY OF OYE-EKITI (ESTABLISHMENT) ACT, 2015

ARRANGEMENT OF SECTIONS

Section :

PART I—ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL UNIVERSITY OF OYE-EKITI

1. Establishment of Federal University of Oye-Ekiti.
2. Objects of the University.
3. Membership of the University.
4. Functions of the University.
5. Chancellor to take precedence before other members.
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PART II—TRANSFER OF PROPERTY

10. Transfer of Property.

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11. Statutes of the University.
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24. Committees.
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26. Proposals and Recommendation.
27. Interpretation.
28. Citation.

SCHEDULE

FEDERAL UNIVERSITY OF OYE-EKITI (ESTABLISHMENT) ACT, 2015

ACT No. 2

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF OYE-EKITI AND TO MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT AND ADMINISTRATION ; AND FOR RELATED MATTERS

[26*th Day of March,* 2016] Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria :

PART 1—ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL UNIVERSITY OF OYE-EKITI

Establishment of Federal University Oye-Ekiti.

1.—(1) There is established the Federal University of Oye-Ekiti (in this Act referred to as "the University").

(2) The University—

(*a*) shall be a body corporate with perpetual succession and a common seal ; and

(*b*) may sue or be sued in its corporate name.

Objects of the University.

2. The objects of the University shall be to—

(*a*) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring higher and liberal education ;

(*b*) provide courses of instruction and other facilities for the pursuit of learning in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them ;

(*c*) encourage and promote scholarship and conduct research in restricted fields of learning and human endeavour ;

(*d*) relate its activities to the social, cultural and economic needs of the people of Nigeria ; and

(*e*) undertake other activities appropriate for a university of the highest standard.

Membership of the University.

3.—(1) The University shall consist of—

(*a*) Chancellor ;

(*b*) Pro-Chancellor and a Council ;

(*c*) Vice-Chancellor and a Senate ;

(*d*) Two Deputy Vice-Chancellors or such number of Deputy Vice-Chancellors as the council may, from time to time, deem necessary for the proper administration of the University ;

(*e*) a body to be called Congregation ;

(*f*) a body to be called Convocation ;

(*g*) the campuses and colleges of the University ;

(*h*) the faculties, schools, institutes and other teaching and research units of the University ;

(*i*) the persons holding the offices constituted by the First Schedule to this Act other than those mentioned in paragraphs (*a*) to (*c*) of this subsection ;

(*j*) all graduates and undergraduates ; and

(*k*) all other persons who are members of the University in accordance with provisions made by statute in that behalf.

First Schedule.

(2) The First Schedule to this Act shall have effect with respect to the Principal Officers of the University mentioned therein.

(3) A provision shall be made by Statute with respect to the constitution of the following bodies—

(*a*) the Council ;

(*b*) the Senate ;

(*c*) the Congregation ; and

(*d*) the Convocation.

Functions of the University.

4.—(1) For the carrying out of its objects as specified in section 2 of this Act, the University shall have power to—

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

(*b*) institute professorships, readerships and associate professorships, lectureships and other posts and offices and to make appointments thereto ;

(*c*) institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance ;

(*d*) provide for the residence, discipline and welfare of members of the University ;

(*e*) hold examinations and award degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down ;

(*f*) award honorary degrees, fellowships or academic titles ;

(*g*) demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may, from time to time determine, subject to the overall directives of the appropriate authority ;

(*h*) subject to section 22 of this Act, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate ;

(*i*) accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto ;

(*j*) enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents ;

(*k*) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University ;

(*l*) hold public lectures and undertake printing, publishing and book selling ;

(*m*) subject to any limitation or condition imposed by Statute, to invest any moneys appertaining to the University by law of endorsement, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investment or security or in the purchase or improvement of land, with power from time to time to vary any such investment and to deposit any money for the time being un-invested with any bank on deposit or current account ;

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

(*o*) make gifts for any charitable purpose ;

(*p*) do anything which it is authorized or required by this Act or by any other Statute to do ; and

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

(2) Subject to the provisions of this Act and of the Statutes made there under and without prejudice to section 9 (2) of this Act, 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 this Act.

Chancellor to take precedence before other members.

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

(2) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor, and except for the Vice-Chancellor when acting as Chairman of Congregation or Convocation, and the Pro-Chancellor shall, when he is present, be the Chairman at all meetings of the Council.

Establishment and membership of the Council.

6.—(1) There shall be a Council for the University consisting of :

(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) the Deputy Vice-Chancellor ;

(*d*) one person from the Federal Ministry responsible for education ;

(*e*) four persons representing a variety of interest and broadly representative of the whole Federation to be appointed by the President ;

(*f*) four persons appointed by the Senate from among its members ;

(*g*) two persons appointed by the Congregation from among its members ; and

(*h*) one person appointed by Convocation from among its members.

(2) Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and familiar with the affairs and tradition of the University.

Council and Other Committees of the University.

7.—(1) Subject to the provisions of this Act relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University, including its public relations.

(2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the Council as the Council may from time to time delegate to it.

(3) Provision shall be made by Statute with respect to the constitution of the Finance and General Purposes Committee.

(4) The Council shall ensure proper accounts of the University are kept and that the accounts of the University are audited annually by auditors

appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation, and that an annual report is published by the University together with certified copies of the said accounts as audited.

(5) Subject to this Act 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 where any rule so made by the Committee conflicts with any direction given by the Council (whether before or after the coming into force of the rules in question), the direction of the Council shall prevail.

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

(8) The Council shall meet as and when necessary for the performance of its functions under this Act, and shall meet at least four times every year.

(9) If required in writing by five members of the Council, the Chairman shall within, 28 days after the receipt of such request, call a meeting of the Council:

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

Functions of the Senate.

8.—(1) Subject to section 5 of this Act and sub-sections (3) and (4) of this section and to the provisions of this Act relating to the Visitor, it shall be the general function of the Senate to organize and control teaching in the University, admission to Post-graduate courses and other admission of students, the discipline of students and to promote research in the University.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, it shall in particular be the function of the Senate to make provision for the—

(*a*) establishment, organization and control of campuses, colleges, faculties, departments, schools, Institutes and other teaching and research units of the University, and the allocation of responsibility for different branches of learning;

(*b*) organization and control of courses of study in the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external ;

(*c*) award of degrees, and such other qualifications as may be prescribed, in connection with examinations conducted by the University ;

(*d*) making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus ;

(*e*) establishment, organization and control of halls of residence and similar institutions in the University ;

(*f*) supervision of the welfare of students in the University and the regulation of their conduct ;

(*g*) granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University ; and

(*h*) determination of what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.

(3) The Senate shall not establish any new campus, college, faculty, department, school, institute or other teaching and research units of the University, or any hall of residence or similar institution at the University without the approval of the Council.

(4) Subject to this Act and the Statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the provisions of this section or for the purpose of providing for any matter for which provision by regulation is authorized or required by this Act or by Statute.

(*b*) The Senate shall, by regulation, provide that at least one of the persons appointed as examiners at each final or professional examination held in conjunction with any course of study in the University is not a teacher at the University but is a teacher at the branch of learning to which the course relates in some other University of high repute.

(5) Subject to a right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred on him if after due enquiry he is shown to have been guilty of any dishonorable or scandalous conduct in gaining admission into the University or obtaining that award.

Vice-Chancellor to take precedence in the absence of Chancellor.

9.—(1) The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and, subject to section 5 of this Act, the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.

(2) Subject to the provisions of this Act, the Vice-Chancellor shall have general function, in addition to any other function conferred on him by this Act or otherwise, of directing the activities of the University, and shall, to the exclusion of any other person or authority, be the chief executive and academic officer of the University and *ex-officio* Chairman of the Senate.

PART II—TRANSFER OF PROPERTY

Transfer of Property.

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

Second Schedule.

(2) The provisions of the Second Schedule to this Act shall have effect with respect to the transfer of property by this section and to matters arising therefrom and with respect to other matters mentioned in that Schedule.

PART III—STATUTES OF THE UNIVERSITY

Statutes of the University.

11.—(1) Subject to this Act, the University may make Statutes for any of the following purposes—

(*a*) making provision with respect to the composition and constitution of any authority of the University ;

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

(*c*) regulating the admission of students where it is done by the University, and their discipline and welfare ;

(*d*) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Act and of any Statute, regulation or other instrument made there-under ; and

(*e*) making provision for other matters for which provision by Statute is authorized or required by this Act.

Cap. 123 LFN, 2004.

(2) Subject to section 25 (6) of this Act, 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 27 (1) of that Act.

Third Schedule.

(3) The Statute contained in the Third Schedule to this Act shall be deemed to have come into force on the commencement of this Act and shall be deemed to have been made under this section by the University.

(4) The power to make Statute conferred by this section shall not be prejudiced or limited in any way be reason of the inclusion or omission of any matter in or from the Statute contained in the Third Schedule to this Act or any subsequent Statute.

Power to make an approve Statutes.

12.—(1) The power of the University to make Statutes shall be exercised in accordance with the provisions of this section.

(2) A proposed Statute shall not have the force of law until it has been approved at a meeting of the—

(*a*) Senate, by the votes of not less than two thirds of the members present and voting ; and

(*b*) Council by the votes of not less than two thirds of the members present and voting ;

(3) A proposed Statute may originate either in the Senate or Council, and may be approved as required by sub-section (2) of this section by both bodies in no particular order.

(4) A Statute which—

(*a*) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University ; or

(*b*) provides for the establishment of a new campus or college or for the amendment or revocation of any Statute whereby a campus or college is established, shall not come into operation unless it has been approved by the Visitor.

(5) For the purpose of section 2 (2) of the Interpretation Act, a Statute shall be treated as being made on the date on which it is approved by the Council and the Senate in accordance with subsection (3) of this section or in the case of a Statute falling within subsection (4) of this section, on the date on which it is approved by the President.

Proof of Statute in court.

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

Visitor's decision in case of dispute.

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

(2) The decision of the Visitor on any matter referred to him under this section shall be binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a Statute has been decided by the Visitor under this section, no question as to the meaning of that provision shall be entertained by any other authority in Nigeria :

PROVIDED that nothing in this subsection shall affect the power of a court of competent jurisdiction to determine whether any provision of a Statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution.

(3) The provisions of this section shall apply in relation to any doubt or dispute as to whether any matter is, for the purposes of this Act, an academic or non-academic matter as they apply in relation to any such doubt or dispute as is mentioned in sub-section (1) of this section, and accordingly the reference in sub-section (2) of this section to any question as to the meaning of any provision of the Statute shall include references to any question as to whether any matter is for the said purposes an academic or non-academic matter.

PART IV—SUPERVISION AND DISCIPLINE

Supervision and Discipline.

15.—(1) The President shall be the Visitor of the University.

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

(3) The bodies and persons comprising the University shall—

(*a*) make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purpose of the visitation ; and

(*b*) give effect to any instruction consistent with the provisions of this Act which may be given by the Visitor in consequence of the visitation.

Removal of members.

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

(2) The Minister shall use his best endeavors to cause a 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.

Grounds and procedure for removal of members.

17.— (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the University, other than the Vice-Chancellor, should be removed from office or on grounds of misconduct or inability to perform the functions of his office, the Council shall—

(*a*) give notice of those reasons to the person in question ;

(*b*) afford such person an opportunity of making representation in person on the matter to the Council ; and

(*c*) take a decision to terminate or not to terminate the appointment.

(2) If the affected staff or any three members of the Council so request within a period of one month from the date of receipt of the notice of the Council's decision, the Council shall make arrangements for—

(*a*) a joint committee of the Council and the Senate to review the matter and to report on it to the Council ;

(*b*) the person in question to be afforded an opportunity to appear before and be heard by an investigating committee with respect to the matter ; and if the Council after considering the report of the investigating committee is satisfied that the person in question should be removed, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(3) The Vice-Chancellor may, in a case of gross misconduct by a member of staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of the University, suspend such member and any such suspension shall immediately be reported to the Council.

(4) Any member of staff may be suspended from duty or his appointment may be terminated by Council for a good cause and, for the purposes of this subsection, "*good cause*" means—

(*a*) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office ;

(*b*) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold office ;

(*c*) conduct of a scandalous or disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold office ; or

(*d*) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

(5) Any person suspended under sub-section (3) of this section shall be on half pay and the Council shall, before the expiration of a period of three months from the date of such suspension, consider the case against that person and come to a decision as to whether to—

(*a*) continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him) ;

(*b*) reinstate such person in which case the Council shall restore his full emoluments with effect from the date of suspension ;

(*c*) terminate the appointment of the person concerned in which case such a person will not be entitled to the proportion of his emoluments with held during the period of suspension ; and

(*d*) take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been with held) as the Council may determine.

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

(7) The person by whom an instrument of removal is signed in pursuance of subsection (1) of this section shall use his best endeavors' to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

(8) Nothing in this section shall prevent the Council from making regulations for the discipline of staff and workers of the University as may be appropriate.

Removal of Examiner.

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

(2) Subject to the provisions of any regulation made pursuant to section 8 (4) of this Act, the Vice-Chancellor may, on the recommendation of Senate, appoint an appropriate person as examiner in the place of the examiner removed.

(3) The Registrar on signing an instrument of removal under this section, 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.

Disciplinary action on students.

19.—(1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student is guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by Statute or regulations, direct that the—

(*a*) student shall not, during such period as may be specified in the direction, participate in such activities of the University or make use of such facilities of the University as may be so specified ;

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

(*c*) student be rusticated for such period as may be specified in the direction ; or

(*d*) student be expelled from the University.

(2) Where a direction is given under subsection (1) (*c*) or (*d*) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal against the direction to the Senate.

(3) Where an appeal is brought pursuant to subsection (2) of this section, the Senate shall, after causing such inquiry to be made in the matter as the Senate considers just, either confirm or set aside the direction or modify it in such manner as the Senate thinks fit.

(4) The fact that an appeal from a direction is brought pursuant to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending.

(5) 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.

(6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University for conduct which in the opinion of Senate is prejudicial to the interest of the University or to its corporate objective or image.

(7) A direction under subsection (1) (*a*) of this section may be combined with a direction under subsection (1) (*b*) of this section.

PART V—MISCELLANEOUS AND GENERAL PROVISIONS

A student not to be discriminated against.

20.—(1) No person shall be required to satisfy requirements as to race (including ethnic grouping) sex, place of birth, family origin, religious or political persuasion, as a condition for becoming or continuing to be a—

(*a*) student in the University ;

(*b*) holder of any degree, appointment or employment in the University ; or

(*c*) member of any body established by virtue of this Act.

(2) No person shall be subjected to any disadvantage or accorded any advantage in relation to the University by reference to any of the matters referred to in subsection (1) of this section.

(3) 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 specified in subsection (1) of this section where such persons willfully refuse or fail on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances, is in the opinion of the University reasonably justifiable in the national interest.

Application of the Land Use Act. Cap. L5 LFN. 2004.

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

(2) Where an estate or interest in land is acquired by the Government pursuant to this section, the Government may, by a certificate under the hand and seal of the Chief Federal Lands Officer or any other person authorized in that behalf transfer it to the University.

Consent of Visitor in Land deals Cap. L5 LFN. 2004.

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

PROVIDED that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years of any lease or tenancy to a member of the University for residential purpose.

Quorum.

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

Committees.

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

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

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

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

(3) Except as may be otherwise provided by a Statute or regulation, the quorum and procedure of a committee established or meeting held pursuant to 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) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council, (other than a committee appointed to inquire into the conduct of the officer in question) and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

(5) Nothing in this section shall be construed as enabling—

(*a*) statutes to be made otherwise than in accordance with section 11 of this Act ; or

(*b*) the Senate to empower any other body to make regulations or to award degrees or other qualifications.

Seal of the University.

25.—(1) The seal of the university shall be such as may be determined by the Council and approved by the Chancellor and the affixing of the seal shall—

(*a*) in the case of certificates issued by the University, be authenticated by the Vice-Chancellor and the Registrar ; and

(*b*) in the case of any other document, be authenticated by any member or Council, the Vice-Chancellor and the Registrar or any other person authorized by Statute.

(2) Any document purporting to be a document executed under the seal of the University shell be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

(3) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specially authorized to do so by the Council without seal.

(4) The validity of the proceedings of anybody established pursuant to this Act shall not be affected by—

(*a*) any vacancy in the membership of the body ;

(*b*) any defect with appointment of a member of the body ; or

(*c*) by reason that any person not entitled to do so took part in the proceedings.

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

(6) Nothing in section 12 of the Interpretation Act (which provides for the application, in relation to subordinate legislation, of certain incidental provisions) shall apply to Statutes or Regulations made pursuant to this Act.

(7) The power conferred by this Act on anybody to make Statutes or Regulations shall include power to revoke or vary any—

(*a*) Statute (including the Statute contained in the Third Schedule to this Act ; or Third Schedule.

(*b*) Regulation by a subsequent Statute or Regulation as the case may be :

PROVIDED that the Statutes and Regulations may have different provisions in relation to different circumstances.

(8) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 10, 21, and the Second Schedule to this Act. Second Schedule.

(9) Any notice or other instrument authorized to be served by virtue of this Act may, without prejudice to any other mode of service, be served by post.

26. Where in any provisions of this Act, it is laid down that proposal are to be submitted or a recommendation is to be made by one authority to another through one or more intermediate authorities, every such intermediate authority shall forward any proposal or recommendation received by it pursuant to that provision to the appropriate authority ; but any such intermediate authority may, if it think fits forward therewith its own comments thereon. Proposals and recommendation.

Interpretation.

27.—(1) In this Act—

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

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

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

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

"*Government*" means the Federal Government of Nigeria ;

"*graduate*" means a person on whom a degree (other than an honorary degree) has been conferred by the University ;

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

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

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

"*notice*" means notice in writing ;

"*officer*" does not include the Visitor ;

"*prescribed*" means prescribed by Statute or regulation made under this Act ;

"*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 ;

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

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

"*Statute*" means a Statute made by the University under section 11 of this Act and in accordance with the provisions of section 12 of this Act ;

"*the Act*" means the Federal University, Oye Ekiti Act.

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

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

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

"*the University*" means the Federal University of Oye-Ekiti as incorporated and constituted by this Act ; and

"*undergraduate*" means a person in *statu pupilari* in the University, other than—

(*a*) a graduate ; and

(*b*) a person of such description as may be prescribed for the purposes of this definition ;

28. This Act may be cited as the Federal University of Oye Ekiti (Establishment) Act, 2015. Citation.

FIRST SCHEDULE

Section 3 (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. The Pro-Chancellor shall be appointed or removed from office by the President.

The Vice-Chancellor

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

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

(2) The procedure for the appointment and removal of the Deputy Vice-Chancellor shall be in accordance with the provision of the University (Miscellaneous Provisions) Act 1993 as amended.

(3) A Deputy Vice-Chancellor shall—

(*a*) assist the Vice-Chancellor in the performance of his functions :

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

(*c*) perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.

Office of the Registrar, Bursar and University Librarian

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 administration of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this schedule.

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

(3) The Registrar shall hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.

6.—(1) There shall be for the University, the following Principal Officers in addition to the Registrar—

(*a*) the Bursar ; and

(*b*) the University Librarian.

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

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

(4) The Bursar and the University Librarian shall each hold office for such period and on such terms and conditions as to emoluments as may be specified in their letters of appointment.

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

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

9.—(1) Any officer mentioned in this Schedule may resign his office in—

(*a*) the case of the Chancellor or Pro-Chancellor, by notice to the Visitor ;

(*b*) in the case of the Vice-Chancellor, by notice to the Council which shall immediately notify the Minister.

(2) A person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

SECOND SCHEDULE *Section* 10 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to the University

1. Without prejudice to the generality of section 10 (2) of this Act—

(*a*) the reference in the subsection to property held by the provisional Council and the University shall include a reference to the right to receive and give a good discharge for any grant or contribution which may have been voted or promised to the provisional Council and the University ; and

(*b*) all outstanding debts and liabilities of the provisional Council shall become debts and liabilities of the University established by this Act.

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 modification, have effect as if the University established by this Act had been a party to it in place of the provisional Council.

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

(3) Any legal proceeding or application to any authority pending by or against the provisional Council may be continued by or against the University established by this Act.

Registration of Transfers

3.—(1) If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees of any other matter) apply, with the necessary modifications to the transfer of the property in question.

(2) The body to which any property is transferred by this Act to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

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 set up under the Third Schedule to this Act must have been duly constituted.

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

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

(5) Subject to any regulation which may be made by the Senate after the date on which this Act is made, the facilities, faculty boards and students of the University immediately before the coming into force of this Act shall on that day become faculties, faculty boards and students of the University as established by this Act.

(6) Persons who were deans or associate deans of faculties or members of faculty boards shall continue to be deans or associate deans or become members of the corresponding faculty boards, until new appointments are made in pursuance of the Statutes under this Act.

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

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

THIRD SCHEDULE *Section* 11(3) *and* (4)

FEDERAL UNIVERSITY OF OYE EKITI STATUTE NO. 1

Articles :

1. The Council.
2. Finance and General Purpose Committee.
3. The Senate.
4. The Congregation.
5. Convocation.
6. Organization of Faculties and the Branches thereof.
7. Faculty Board.
8. The Dean of the Faculty.
9. Selection of certain Principal and other key officers.
10. Creation of Academic Post.
11. Appointment of Academic Staff.
12. Appointment of Administrative and Technical Staff.

THE COUNCIL

(1) Any member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act may, by notice to the Council resign his office.

(2) A member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act shall, unless he previously vacates it, vacate that office on the expiration of a period of four years starting from 1st August in the year in which he was appointed.

(3) Where a member of Council holding office pursuant to section 6(*e*) (*f*) (*g*) or (*h*) of this Act vacates office before the expiration of his tenure, the body that appointed him may appoint a successor to hold office for the residue of his unexpired term.

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

(5) The quorum of the Council shall be five, at least one of whom shall be a member pursuant to section 6(*d*) and (*e*) of this Act.

(6) If the Pro-Chancellor is not present at a meeting of the Council, the members present at the meeting may appoint one of them to be the Chairman at that meeting, and subject to section 5 of this Act and the provisions of this paragraph, the Council may regulate its own procedure.

(7) Where the Council desires to obtain advice with respect to any particular matter, it may co-opt not more than two persons for that purpose ;

and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.

(8) The Council constituted by this Act shall have a four year tenure from the date of its inauguration, provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the visitor and a new Council shall be immediately constituted for the effective functioning of the University.

(9) The powers of the Council shall be exercised in accordance with the laws and Statutes of the University, and to that extent, establishment circulars that are inconsistent with the laws and Statutes of the University shall not apply to the University.

THE FINANCE AND GENERAL PURPOSE COMMITTEE

2.—(1) The Finance and General Purpose Committee of the Council shall consist of—

(*a*) the Pro-Chancellor, who shall be the Chairman of the Committee at any meeting at which he is present ;

(*b*) the Vice-Chancellor and a Deputy Vice-Chancellor ;

(*c*) six other members of the Council appointed by the Council two of whom shall be selected from among the four members of the council appointed by the Senate and one of whom shall be selected from among members of the Council appointed by the congregation ; and

(*d*) the Permanent Secretary, Federal Ministry of Education or, in his absence, such member of his Ministry as he may designate to represent him.

(2) The quorum of the Committee shall be six.

(3) Subject to any direction given by the Council, the Committee may regulate its own procedure.

THE SENATE

3.—(1) There shall be a Senate for the University consisting of—

(*a*) the Vice-Chancellor ;

(*b*) the Deputy Vice-Chancellor ;

(*c*) all Professors of the University ;

(*d*) all Deans, Provosts and Directors of Academic Units of the University ;

(*e*) all Heads of Academic Departments, Units and Research Institutes of the University ;

(*f*) the University Librarian ; and

(*g*) academic members of the Congregation who are not Professors as specified in the Laws of the University.

(2) The Vice-Chancellor shall be the Chairman at all meetings of the Senate when he is present and, in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the Chairman at the meeting.

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

(4) If so requested in writing by any 10 members of the Senate, the Vice-Chancellor, or, in his absence a person duly appointed by him shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.

CONGREGATION

4.—(1) The Congregation shall consist of—

(*a*) the Vice-Chancellor and the Deputy Vice-Chancellor ;

(*b*) the full time members of the academic staff ;

(*c*) the Registrar ;

(*d*) the Bursar ; and

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

(2) Subject to section 5 of this Act, the Vice-Chancellor shall be the Chairman at all meetings of Congregation when he is present, and, in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the Chairman at the meeting.

(3) The quorum of Congregation shall be one-third (or the nearest whole number to one-third) of the total number of members of Congregation or fifty, whichever is less.

(4) A certificate signed by the Vice-Chancellor specifying—

(*a*) the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation, or

(*b*) the names of the persons who are members of Congregation during a particular period,

shall be conclusive evidence of that number or as the case may be of the names of those persons.

(5) Subject to the provisions of this Schedule, Congregation may regulate its own procedure.

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

CONVOCATION

5.—(1) Convocation shall consist of—

(*a*) the Officers of the University mentioned in the First Schedule to this Act ;

(*b*) all teachers within the meaning of this Act ; and

(*c*) all other persons whose names are registered in accordance with sub-paragraph (2) of this paragraph.

(2) A person shall be entitled to have his name registered as a member of the convocation if he—

(*a*) is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph ; and

(*b*) applies for the registration of his name in the prescribed manner and pays the prescribed fee.

(3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and, subject to sub-paragraph (3), may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.

(4) The person responsible for maintaining the register shall, without the payment of any fee, ensure that the names of all persons who are for the time being members of the Convocation by virtue of sub-paragraph (1)(*a*) or (*b*) of this paragraph are entered and retained on the register.

(5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register, or a copy of the register at the principal offices of the University at all reasonable times.

(6) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is, and that any person not named therein is not, a member of the convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entry in, and deletion from, the register made on or after that date shall be disregarded.

(7) The quorum of the Convocation shall be fifty or one-third (or the whole number nearest to one-third) of the total number of members of Convocation whichever is less.

(8) Subject to section 5 of this Act, the Chancellor shall be Chairman at all meetings of the Convocation when he is present, and, in his absence, the Vice-Chancellor shall be the Chairman at the meeting.

(9) The Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by Statute.

ORGANIZATION OF FACULTIES AND BRANCHES THEREOF

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

7.—(1) There shall be established in respect of each Faculty, a Faculty Board, which, subject to the provisions of this Act, and subject to the directions of the Vice-Chancellor, shall—

(*a*) regulate the teaching and study of, and the conduct of examinations connected with, the subjects assigned to the faculty ;

(*b*) deal with other matters assigned to it by Statute, the Vice-Chancellor or the Senate ; and

(*c*) advise the Vice-Chancellor or Senate on any matter referred to it by the Vice-Chancellor or Senate.

(2) Each Faculty Board shall consists of—

(*a*) the Vice-Chancellor ;

(*b*) the persons severally in charge of the branches of the faculty ;

(*c*) such number of the teachers assigned to the faculty and having the prescribed qualifications as the Board may determine ; and

(*d*) such persons whether or not members of the University as the Board may determine with the general or special approval of Senate.

(3) The quorum of the Board shall be 8 members or one-quarter of the members of the Board for the time being, whichever is greater.

(4) Subject to the provisions of this Statute and any provision made by regulations in that behalf, the Board may regulate its own procedure.

THE DEAN OF THE FACULTY

8.—(1) The Dean of a faculty shall be a professor elected by the Faculty Board and such Dean shall hold office for a term of two years and may be eligible for re-election for another term of two years after which he may not be elected again until two years have elapsed.

(2) If there is no professor in a faculty, the Vice-Chancellor shall appoint an Acting Dean who shall not be below the rank of Senior Lecturer for the faculty, who shall act for a period of one year in the first instance, renewable for another one year only.

(3) In the absence of the Vice-Chancellor, the Dean shall be the Chairman at all meetings of the Faculty Board when he is present and he shall be a member of all committees and other boards appointed by the faculty.

(4) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty and shall present to the Convocation for the conferment of Degrees, persons who have qualified for the Degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.

(5) There shall be a committee to be known as the Committee of Deans which shall consist of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the Committee by the Senate.

(6) The Dean of a faculty may be removed from office for a good cause by the Faculty Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of the Dean, an Acting Dean may be appointed by the Vice-Chancellor :
PROVIDED that at the next faculty board meeting an election shall be held for a new Dean.

(7) In this article, "*good cause*" has the same meaning as in section 17 (4) of this Act.

SELECTION OF CERTAIN PRINCIPAL AND OTHER KEY OFFICERS

9.—(1) When a vacancy occurs in the Office of the Registrar, Bursar, the University Librarian, Director of Works or Director of Health Services, a Selection Board shall be constituted by the Council and shall consist of—

(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) two members appointed by the Council, not being members of Senate ; and

(*d*) two members appointed by the Senate not being members of Council.

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

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

Creation of Academic Post

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

Appointment of Academic Staff

11. Subject to this Act and the Statute made under it, the filling of vacancies in academic posts (including newly created ones) shall be as prescribed from time to time by Statute.

Appointment of Administrative and Technical Staff

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

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

I certify, in accordance with section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26th Day of March, 2015.

EXPLANATORY MEMORANDUM

This Act establishes the Federal University of Oye-Ekiti to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.

SCHEDULE TO FEDERAL UNIVERSITY OF OYE-EKITI (ESTABLISHMENT) BILL, 2015

(1) *Short Title of the Bill*	(2) *Long Title of the Bill*	(3) *Summary of the Contents of the Bill*	(4) *Date Passed by the Senate*	(5) *Date Passed by the House of Representatives*
Federal University of Oye-Ekiti (Establishment) Bill, 2015.	An Act to establish the Federal University of Oye-Ekiti and to make comprehensive provisions for due management and administration ; and for related matters.	This Act establishes the Federal University of Oye-Ekiti to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.	23rd April , 2013.	3rd March, 2015.

Federation of Nigeria, 2004.

I ASSENT

LS

SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26th Day of March, 2015

DR. GOODLUCK EBELE JONATHAN, GCFR
President of the Federal Republic of Nigeria
26th Day of March, 2015

Extraordinary

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Government Notice No. 1

The following is published as supplement to this *Gazette* :

Act No.	*Short Title*	*Page*
1	Finance Act, 2020	A1-33

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FINANCE ACT, 2020

ARRANGEMENT OF SECTIONS

Section :

1. Amendment of Cap. C1, C21, P8, C49, V1, N107, O5, I17, S8, LFN, 2004 ; Act No. 16, 2011, Act No. 13, 2007, Act No. 31, 2007, Act No. 14, 2007 and Act No. 3, 2020.

PART I—CAPITAL GAINS TAX ACT

2. Amendment of section 2.
3. Amendment of section 24.
4. Amendment of section 36.
5. Amendment of Schedule.

PART II—COMPANIES INCOME TAX ACT

6. Amendment of section 11.
7. Amendment of section 13.
8. Amendment of section 14.
9. Amendment of section 16.
10. Amendment of section 23.
11. Amendment of section 25.
12. Amendment of section 27.
13. Amendment of section 33.
14. Amendment of section 39.
15. Substitution for section 53.
16. Amendment of section 55.
17. Substitution for section 63.
18. Amendment of section 68.
19. Amendment of section 69.
20. Amendment of section 77.
21. Amendment of section 105.
22. Amendment of Second Schedule.

PART III—INDUSTRIAL DEVELOPMENT (INCOME TAX RELIEF) ACT

23. Amendment of section 1.
24. Amendment of section 25.

PART IV—PERSONAL INCOME TAX ACT

25. Insertion of new section 6A.
26. Amendment of section 20.
27. Substitution for section 24.
28. Substitution for section 25.
29. Amendment of section 33.
30. Amendment of section 37.
31. Amendment of section 108.
32. Amendment of sections 23, 48, 73, 86, 89, 93 and 106A.
33. Amendment of third Schedule.

PART V—TERTIARY EDUCATION TRUST FUND (ESTABLISHMENT, ETC.) ACT

34. Amendment of section 1.
35. Deletion of section 10.
36. Amendment of section 11.

PART VI—CUSTOMS AND EXCISE TARIFF, ETC (CONSOLIDATION) ACT

37. Substitution for section 21.
38. Amendment of First Schedule.
39. Amendment of Second Schedule.

PART VII—VALUE ADDED TAX ACT

40. Substitution for section 2.
41. Insertion of new section 2A.
42. Substitution for section 4.
43. Substitution for section 10.
44. Amendment of section 46.
45. Amendment of Parts I-II to the Schedule.

PART VIII—STAMP DUTIES ACT

46. Amendment of section 2.
47. Amendment of section 89.
48. Insertion of new section 89A.

PART IX—FEDERAL INLAND REVENUE SERVICE (ESTABLISHMENT) ACT

49. Amendment of section 8.
50. Amendment of section 23.
51. Amendment of section 25.
52. Amendment of section 26.
53. Insertion of new section 28A.
54. Amendment of section 39.
55. Amendment of section 50.
56. Amendment of section 69.
57. Amendment to the Fifth Schedule.

PART X—NIGERIA EXPORT PROCESSING ZONES ACT

58. Amendment of section 18.

PART XI—OIL AND GAS EXPORT FREE ZONE ACT

59. Amendment of section 18.

PART XII—COMPANIES AND ALLIED MATTERS ACT

60. Substitution for section 432.

PART XIII—FISCAL RESPONSIBILITY ACT

61. Amendment of section 12.
62. Substitution for section 22.

PART XIV—PUBLIC PROCUREMENT ACT

63. Substitution for section 15.
64. Substitution for section 17.
65. Substitution for section 20.
66. Amendment of section 22.
67. Amendment of section 24.
68. Amendment of section 25.
69. Amendment of section 27.
70. Amendment of section 30.
71. Amendment of section 35.
72. Substitution for section 36.
73. Amendment of section 58
74. Amendment of section 60.

PART XV—ESTABLISHMENT OF CRISIS INTERVENTION FUND AND UNCLAIMED FUNDS TRUST FUND

75. Establishment of Crisis Intervention Fund.
76. Utilization of Crisis Intervention Fund.
77. Establishment of Unclaimed Funds Trust Fund.
78. Functions of the Debt Management Office as they relate to the Trust Fund.
79. The Governing Council.
80. Commencement date.
81. Citation.

FINANCE ACT, 2020

Act No. 1

AN ACT TO AMEND THE CAPITAL GAINS TAX ACT, CAP. C1, COMPANIES INCOME TAX ACT, CAP. C21, PERSONAL INCOME TAX ACT, CAP. P8, CUSTOMS AND EXCISE TARIFF, ETC. (CONSOLIDATED) ACT, CAP. C49, VALUE ADDED TAX ACT, CAP. V1, NIGERIA EXPORT PROCESSING ZONES ACT, CAP. N107, OIL AND GAS EXPORT FREE ZONE ACT, CAP. O5, INDUSTRIAL DEVELOPMENT (INCOME TAX RELIEF) ACT, CAP. I17, STAMP DUTIES ACT, CAP. S8, LAWS OF THE FEDERATION OF NIGERIA, 2004 ; TERTIARY EDUCATION TRUST FUND (ESTABLISHMENT) ACT NO. 16, 2011, FEDERAL INLAND REVENUE SERVICE (ESTABLISHMENT) ACT NO. 13, 2007, FISCAL RESPONSIBILITY ACT NO. 31, 2007, PUBLIC PROCUREMENT ACT NO. 14, 2007 AND COMPANIES AND ALLIED MATTERS ACT NO. 3, 2020 ; AND FOR RELATED MATTERS.

[31*st Day of December,* 2020] Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

1. The Capital Gains Tax Act, Cap. C1, Companies Income Tax Act, Cap. C21, Personal Income Tax Act, Cap. P8, Customs and Excise Tariff, Etc. (Consolidated) Act, Cap. C49, Value Added Tax Act, Cap. V1, Nigeria Export Processing Zones Act, Cap. N107, Oil and Gas Export Free Zone Act, Cap. O5, Industrial Development (Income Tax Relief) Act, Cap. I17, Stamp Duties Act, Cap. S8, Laws of the Federation of Nigeria, 2004; Tertiary Education Trust Fund (Establishment) Act No. 16, 2011, Federal Inland Revenue Service (Establishment) Act No. 13, 2007, Fiscal Responsibility Act No. 31, 2007, Public Procurement Act No. 14, 2007 and Companies and Allied Matters Act No. 3, 2020 are amended as set out in this Act. Amendment of Cap. C1, C21, P8, C49, V1, N107, O5, I17, S8, LFN, 2004; Act No 16, 2011, Act No. 13, 2007, Act No. 31, 2007, Act No. 14, 2007 and Act No. 3, 2020.

PART I—CAPITAL GAINS TAX ACT (CGTA)

2. Section 2 of the Act is amended by inserting after subsection (3), a new subsection "(4)" : Amendment of section 2.

"(4) Subject to the provisions of section 31 of this Act, every person having disposed a chargeable asset shall, not later than 30 June and 31 December of that year, compute the capital gains tax, file self-assessment return, and pay the tax computed in respect of the chargeable assets disposed in the periods."

3. Section 24 (*f*) of the Act is amended by inserting after the word, "aircraft", in line 1, the words, "used in international traffic". Amendment of section 24.

Amendment of section 36.

4. Section 36 (2) is amended by—

(*a*) substituting for subsection (2), new subsection "(2)"—

"(2) Sums obtained by way of compensation for loss of office, up to a maximum of ₦10,000,000.00, shall not be chargeable gains and subject to tax under this Act.

Provided that any sum in excess of ₦10,000,000.00 shall not be so exempt but the excess amount shall be chargeable gains and subject to tax accordingly." ; and

(*b*) inserting after subsection (2), new subsections "(3)" and "(4)"—

"(3) For the purpose of subsection (2), any person who pays compensation for loss of office to an individual is required, at the point of payment of such compensation, to deduct and remit the tax due under this section to the relevant tax authority.

(4) The tax so deducted shall be remitted within the time specified under the Pay-As-You-Earn regulations issued pursuant to the Personal Income Tax Act."

Amendment of Schedule.

5. The Schedule to the Act is amended by deleting Part IX (returns) and Part X (assessments).

PART II—COMPANIES INCOME TAX ACT

Amendment of section 11.

6. Section 11 of the Act is amended—

(*a*) in subsection (2), by substituting for—

(*i*) paragraph (*a*), a new paragraph "(*a*)"—

"(*a*) primary agricultural production, or", and

(*ii*) concluding paragraph to subsection (2), a new concluding paragraph—

"shall be exempted from tax, provided the moratorium is not less than 12 months and the rate of interest on the loan is not more than the base lending rate at the time the loan was granted, refinanced or otherwise restructured."

(*b*) by substituting for subsection (4), a new subsection "(4)" :

"(4)" In this section—

"primary agricultural production" means—

(a) primary crop production comprising the production of raw crops of all kinds, but excluding any intermediate or final processing of crops or any other associated manufactured or derivative crop product ;

(*b*) primary livestock production comprising the production of live animals and their direct produce such as live or raw meat, live or raw

poultry, fresh eggs and milk of all kinds, but excluding any other associated manufactured or derivative livestock product ;

(*c*) primary forestry production comprising the production of timbers of various kinds such as firewood, charcoal, uncultivated materials gathered and other forestry products of all kinds, including seeds and saplings, but excluding the intermediate and final processing of timber and any other manufactured or derivative timber product ; and

(*d*) primary fishing production comprising the production of fish of all kinds, including ornamental fish, but excluding any intermediate or final processing of any other manufactured or derivative fish product."

Amendment of section 13.

7. Section 13 (2) of the Act is further amended by substituting for the proviso in paragraph, (*e*), a new "proviso"—

"Provided that the withholding tax applicable to the income under this paragraph shall be the final tax on the income of a non-resident recipient who does not otherwise fall within the scope of subsection (2) (*a*)-(*d*)."

Amendment of section 14.

8. Section 14 of the Act is amended by inserting after subsection (4), a new subsection "(5)"—

"(5) The provisions of this section does not apply to income from leasing, containers, non-freight operations or any other incidental income liable to tax under section 9 of this Act."

Amendment of section 16.

9. Section 16 of the Act is further amended by—

(*a*) substituting for subsection (12), a new subsection "(12)"—

"(12) For the purpose of this section, the tax payable by any insurance company for any year of assessment shall not be less than—

(*a*) 0.5% of the gross premium for non-life insurance business,

(*b*) 0.5% of the gross income for life insurance business—

Provided, that the applicable minimum tax under this section shall be reduced to 0.25% for tax returns prepared and filed for any year of assessment falling due on any date between 1st January 2020 and 31st December 2021, both days inclusive."; and

(*b*) inserting, after subsection (12), a new subsection "(13)"—

"(13) For the purpose of subsection (12)—

"*gross premium*" means the total premiums written, received and receivable excluding unearned premium and premiums returned to the insured ; and

"*gross income*" means total income earned by a life insurance business including all investment income (excluding franked investment income), fees, commission and income from other assets but excluding premiums received and claims paid by re-insurers."

Amendment of section 23.

10. Section 23 of the Act is further amended—

(*a*) in subsection (1B), by substituting for paragraph (*c*), a new paragraph "(*c*)"—

"(*c*) a real estate investment company from tax on dividend and rental income if it does not meet the conditions stipulated in subsection (1) (s) ;" and

(*b*) by deleting subsection (1C).

Amendment of section 25.

11. Section 25 of the Act is amended by inserting, after subsection (7), new subsections "(8)" and "(9)"—

"(8) Donations made by companies in cash or kind to any fund set up by the Federal Government or any State Government, or to any agency designated by the Federal Government or to any similar Fund or purpose in consultation with any Ministry, Department or Agency of the Federal Government, in respect of any pandemic, natural disaster or other exigency shall be allowed as deductions as follows—

(*a*) the cost of in-kind donations made to the Government and any designated agency shall be allowed as deductions ; or

(*b*) where companies have either procured or manufactured items for contribution, the cost of purchase, manufacture or supply of such in-kind contributions shall be allowed as deductions—

Provided that requisite documentation evidencing the donation and the cost thereof are provided to the relevant tax authority and demonstrated to be wholly, reasonably, exclusively and necessarily incurred in relation to the procurement, manufacture or supply of the in-kind contributions.

(9) Notwithstanding the provisions of subsections (2) and (3), amounts allowable for deduction, in respect of subsection (8), in any year of assessment shall be limited to 10% of assessable profits after deduction of other allowable donations made by the company."

Amendment of section 27.

12. Section 27 of the Act is amended by substituting for paragraph (*k*), a new paragraph "(*k*)"—

"(*k*) penalty or fine imposed pursuant to a legislation enacted by the National Assembly or State House of Assembly."

Amendment of section 33.

13. Section 33 of the Act is amended by substituting for subsection (2), a new subsection "(2)"—

"(2) For the purpose of subsection (1), the minimum tax to be levied and paid shall be 0.5% of gross turnover of the company less franked investment income—

Provided, that the applicable minimum tax is reduced to 0.25% for tax returns prepared and filed for any year of assessment falling due on any date between 1 January 2020 and 31 December 2021, both days inclusive."

Amendment of section 39.

14. Section 39 of the Act is amended by substituting for—

(*a*) the opening sentence of subsection (1), starting with the words, "A company", and ending with the words, "that is", a new opening sentence—

"(1) Where a company is engaged in a trade or business of gas utilisation in downstream operations, the company shall, in respect of that trade or business, be granted the following incentives" ; and

(*b*) subsections (2) and (3), new subsections "(2)" and "(3)"—

"(2) The tax-free period of a trade or business shall start on the day the trade or business commences production as certified by the Ministry of Petroleum Resources.

(3) This section does not apply with respect to any company that has claimed an incentive for trade or business of gas utilisation under any law in Nigeria, including the Petroleum Profits Tax Act or the incentives under the Industrial Development (Income Tax Relief) Act in respect of the same qualifying capital expenditure."

Substitution for section 53.

15. Substitute for section 53 of the Act, a new section "53"—

"Self-assessment of tax payable.

53.—(1) Every company filing a return under section 52, 55 or 58 of this Act shall—

(*a*) in the return, compute the tax payable by the company for the year of assessment ; and

(*b*) forward with the tax return, evidence of payment of the tax due.

(2) Where, by a deliberate and dishonest act, the returns filed fail to declare the true and correct amount of profits or tax payable by the company, the company is immediately liable to pay any outstanding tax so identified and assessed.

(3) The outstanding tax shall be subject to penalty and interest, in accordance with the provisions of this Act or any other relevant law, and the penalty and interest shall accrue from the date the incorrect return was filed".

Amendment of section 55.

16. Section 55 of the Act is amended by—

(*a*) inserting, after subsection (1), a new subsection "(1A)"—

"(1A) Where any company other than a Nigerian company derives profit from or is taxable in Nigeria under section 13 (2) of this Act, such company shall be required to submit a return for the relevant year of assessment containing—

(*a*) the company's full audited financial statements and the financial statement of the Nigerian operations, attested by an independent qualified or certified accountant in Nigeria ;

(*b*) tax computation schedules based on the profits attributable to its Nigerian operations ;

(*c*) a true and correct statement, in writing, containing the amount of profits from each and every source in Nigeria ; and.

(*d*) duly completed Companies Income Tax Self-Assessment Forms—

Provided that in a year of assessment where a company other than a Nigerian company only earns income on which withholding tax is the final tax under this Act, the obligation to file a tax return in the manner prescribed shall not apply to such company in that year of assessment." ;

(*b*) inserting, after subsection (6), a new subsection "(7)"—

"(7) Notwithstanding anything contained in this section, the Service may by notice specify the form of the accounts to be included in a tax return, instead of audited accounts specified in subsection (1) (*a*), in respect of small and medium companies as defined under this Act."; and

(*c*) renumbering the section appropriately.

Substitution for section 63.

17. Substitute for section 63 of the Act, a new section "63"—

"Books of account.

63. (1) Every company, including a company granted exemption from incorporation, shall, whether or not the company is liable to pay tax under this Act, maintain books or records of accounts, containing sufficient information or data of all transactions.

(2) The books and records required to be maintained under subsection (1) shall be in the English language and shall, for the purposes of tax account, be consistent with the format that may be prescribed by the Service.

(3) Where a record of a company is maintained in a language other than the English language, the company shall, on demand by the Service, produce, at its own expense, a translation in English language, which shall be certified by a sworn translator.

(4) Any company that on request by the Service, fails to provide any record or book prescribed under subsections (1) - (3) shall be liable to pay as penalty—

(*a*) ₦100,000 in the first month in which the failure occurs ; and

(*b*) ₦50,000 for each subsequent month in which the failure continues.

(5) Where, in the opinion of the Service, a company fails or refuses to maintain books or records of accounts that are consistent with the provisions of subsections (1), (2) and (3) or adequate for the purposes of tax, the Service may, by notice in writing, require it to maintain such records, books and accounts as the Service considers adequate, in such form and language as may be specified in the notice.

(6) Any direction of the Service made under subsection (5) shall be subject to objection and appeal in like manner as an assessment.

(7) Any book or record required to be kept under this section shall be kept for a period of at least six years after the year of assessment in which the income relates.

Amendment of section 68.

18. Section 68 of the Act is amended by inserting, after the word, "post", in line 1, the words, "courier service, email or any other electronic means, as directed by the Service in any notice issued pursuant to this Act or any other relevant law".

Amendment of section 69.

19. Section 69 of the Act is amended by inserting, after the word, "writing", in line 2, the words, "delivered in person, by courier service, email or any other electronic means, as directed by the Service in any notice issued pursuant to this Act or any other relevant law".

Amendment of section 77.

20. Section 77 of the Act is amended—

(*a*) in subsection (2), by substituting for the words, "two months", in line 3, the expression, "30 days", wherever they appear in the subsection ;

(*b*) by deleting subsections (6) and (7) ; and

(*c*) by renumbering the section appropriately.

Amendment of section 105.

21. Section 105 of the Act is amended by—

(*a*) substituting for the definitions of "gross turnover" and "Nigerian company", new definitions—

"*gross turnover*" means the gross inflow of economic benefits during the period arising in the course of the operating activities of an entity when those inflows result in increases in equity, other than increases relating to contributions from equity participants, including sales of goods, supply of services, receipt of interest, rents, royalties or dividends ; and

"*Nigerian company*" means any company formed or incorporated under any law in Nigeria" ;

(*b*) inserting the definition of "public character"—

"*public character*" with respect to any organisation or institution means "organisation or institution—

(*a*) that is registered in accordance with relevant law in Nigeria ; and

(*b*) does not distribute or share its profit in any manner to members or promoters."

Amendment of Second Schedule.

22. Part II, paragraph 1 to the Second Schedule is amended by substituting for subparagraph (1) (*j*), a new subparagraph (1) "(*j*)"—

"(*j*) capital expenditure that is incurred on the development or acquisition of software or other such capital outlays on electronic applications".

PART III—INDUSTRIAL DEVELOPMENT (INCOME TAX RELIEF) ACT

Amendment of section 1.

23. Section 1 of the Act is amended by inserting, after subsection (7), a new subsection "(7)"—

"(7) Any small or medium sized company engaged in primary agricultural production shall be granted, pursuant to an application to the President, through the Minister, an initial tax-free period of four years which may be extended,

subject to the satisfactory performance of such primary agricultural production, for an additional maximum period of two years, and such company cannot be granted similar tax holiday incentive under any other Act in force in Nigeria".

Amendment of section 25.

24. Section 25 of the Act is amended by inserting, in alphabetical order, the following definitions—

"*medium sized company*" means a company that earns gross turnover greater than ₦25,000,000 but less than ₦100,000,000 per annum, or as otherwise defined by the Companies Income Tax Act ;

'primary agricultural production' means—

(*a*) primary crop production comprising the production of raw and semi-processed crops of all kinds, but excluding any intermediate or final processing of crops or any other associated manufactured or derivative crop product ;

(*b*) primary livestock production comprising the production of live animals and their direct produce such as live or raw meat, live or raw poultry, fresh eggs and milk of all kinds, but excluding any other associated manufactured or derivative livestock product ;

(*c*) primary forestry production comprising the production of timbers of various kinds such as firewood, charcoal, uncultivated materials gathered and other forestry products of all kinds, including seeds and saplings, but excluding the intermediate and final processing of timber and any other manufactured or derivative timber product ; and

(*d*) primary fishing production comprising the production of fish of all kinds, including ornamental fish, but excluding any intermediate or final processing of any other manufactured or derivative fish product.

"*small sized company*" means a company that earns gross turnover of ₦25,000,000 or less per annum, or as otherwise defined by the Companies Income Tax Act."

Part IV—Personal Income Tax Act

Insertion of new section 6A.

25. The Act is amended by inserting, after section 6, a new section "6A"—

"Profits of a trade or business of furnishing of services carried out outside Nigeria.

6A. (1) Notwithstanding the provisions of section 6 of this Act, where an individual, executor, or trustee outside Nigeria carries on a trade or business that comprises the furnishing of technical, management, consultancy or professional services to a person resident in Nigeria, the gains or profits of the trade or business shall be deemed to be derived from and taxable in Nigeria to the extent that the individual, executor or trustee has significant economic presence in Nigeria—

Provided that the withholding tax applicable to income pursuant to this Act shall be the final tax on the income of a non-resident recipient who does not otherwise fall within the scope of section 6 of this Act.

(2) For the purpose of this section, the Minister may by Order, determine what constitutes the significant economic presence of a non-resident individual, executor or trustee."

Amendment of section 20.

26. Section 20 (1) of the Act is amended by substituting for paragraph (*g*), a new paragraph "(*g*)"—

"(*g*)" a contribution to a pension, provident or other retirement benefits fund, society or scheme, recognised under the Pension Reform Act".

Substitution for section 24.

27. Substitute for section 24 of the Act, a new section "24"—

"New trades

24. The assessable income of an individual from a trade, business, profession or vocation carried on by such individual in Nigeria, for its first year of assessment and the two following years of assessment (which years are in this subsection respectively referred to as "the first year", "the second year" and "the third year") shall be ascertained in accordance with the following provisions—

(*a*) for the first year, the assessable income shall be the income from the date on which the individual commenced such trade, business, profession or vocation in Nigeria to the end of its first accounting period ;

(*b*) for the second year, the assessable income shall be the income from the first day after the trade or business' first accounting period to the end of its second accounting period ; and

(*c*) for the third year and for each subsequent year thereafter, the assessable income shall be the profits from the day after the accounting period just ended."

Substitution for section 25.

28. Substitute for section 25 of the Act, a new section "25"—

"Cessation of trades, etc.

25. Where an individual permanently ceases to carry on a trade, business, profession or vocation in Nigeria, such individual's assessable income therefrom shall be the amount of income from the beginning of the accounting period to the date of cessation and the tax thereof shall be payable within three months from the date of cessation."

Amendment of section 33.

29. Section 33 of the Act is amended—

(*a*) by substituting for subsections (2) and (3), new subsections "(2)" and "(3)"—

"(2) For the purposes of this Section, "gross income" means income from all sources less all non-taxable income, income on which no further tax is payable, tax-exempt items listed in paragraph (2) of the Sixth Schedule and all allowable business expenses and capital allowance.

(3) There shall be allowed a deduction of the annual amount of any premium paid by the individual during the year preceding the year of assessment to an insurance company in respect of insurance on his life or the life of his spouse, or of a contract for a deferred annuity on his own life or the life of his spouse." ; and

(*b*) renumbering the section appropriately.

Amendment of section 37.

30. Section 37 of the Act is amended by inserting, after the word, "income", a new "proviso"—

"Provided that minimum tax under this section or as provided for under the Sixth Schedule to this Act shall not apply to a person in any year of assessment where such person earns the National Minimum Wage or less from an employment."

Amendment of section 108.

31. Section 108 of the Act is amended by inserting the definitions of the "Board" and "National Minimum Wage"—

"*Board*" means the Joint Tax Board established under section 86 of this Act ; and

"*National Minimum Wage*" means the extant National Minimum Wage pursuant to the National Minimum Wage Act.

Amendment of sections 23, 48, 73, 86, 89, 93 and 106A.

32. Sections 23, 48, 73, 86, 89, 93 and 106A of PITA are amended by substituting for the word, "Service", the word, "Board" wherever it appears in the sections.

Amendment of Third Schedule.

33. The Third Schedule to the Act is further amended by inserting, after paragraph 32, a new paragraph "33"—

"33. The income of a person from an employment where such person earns gross income of National Minimum Wage or less from such employment."

PART V—TERTIARY EDUCATION TRUST FUND (ESTABLISHMENT, ETC.) ACT

Amendment of section 1.

34. Section 1 of the Act is amended by substituting for subsection (2), a new subsection "(2)"—

"(2) The tax, at the rate of two percent, shall be charged on the assessable profit of a company registered in Nigeria, other than a small company as defined under the Companies Income Tax Act".

Deletion of section 10.

35. Section 10 of the Act is deleted.

Amendment of section 11.

36. The Act is amended by deleting section 11 (3).

PART VI—CUSTOMS AND EXCISE TARIFF, ETC. (CONSOLIDATION) ACT

Substitution for section 21.

37. Substitute for section 21, a new section "21"—

"Goods liable to excise duty

21. (1) Goods imported and those manufactured in Nigeria and specified in the Fifth Schedule to this Act shall be charged with duties of excise at the rates specified under the duty column in the Schedule.

(2) Telecommunication services provided in Nigeria shall be charged with duties of excise at the rates specified under the duty column in the Schedule as the President may by Order prescribe pursuant to section 13 of this Act."

Amendment of First Schedule.

38. The First Schedule to the Act is amended by inserting and replacing, as the case may be, the following duties and levies—

(*a*) Duty on Tractors (HS Headings 8701) from 35% to 5% ;

(*b*) Duty on Motor Vehicles for the transport of more than ten persons (HS Headings 8702) from 35% to 10% ;

(*c*) Levy on Motor Vehicles for the transport of persons [cars] (HS Headings 8703) from 30% to 5% ; and

(*d*) Duty for Motor Vehicles for the Transport of Goods (HS Headings 8704) from 35% to 10%—

Provided that vehicles exempt from applicable duties and levies shall continue to enjoy such exemption.

Amendment of Second Schedule.

39. The Second Schedule of the Act is amended by substituting for Paragraph 1, a new Paragraph "1"—

"1. Airlines registered in Nigeria and providing commercial air transport services are entitled to duty-free importation of their aircrafts, engines, spare parts and components whether purchased or leased."

PART VII—VALUE ADDED TAX ACT

Substitution for section 2.

40. Substitute for section 2 of the Act, a new section "2"—

"Taxable goods and services.

2.—(1) The tax shall be charged and payable on all supplies of goods and services in Nigeria other than those listed in the First Schedule to this Act.

(2) For the purposes of this Act, goods and services consumed or otherwise utilised in Nigeria are supplied in Nigeria."

(3) Notwithstanding the provisions of subsection (1), a taxable supply shall be deemed to take place in Nigeria if—

(*a*) in respect of goods—

(*i*) the goods are physically present in Nigeria at the time of supply, imported into Nigeria, assembled in Nigeria or installed in Nigeria, or

(*ii*) the beneficial owner of the rights in or over the goods is a taxable person in Nigeria and the goods or right is situated, registered or exercisable in Nigeria ;

(*b*) in respect of a service—

(*i*) the service is rendered in Nigeria by a person physically present in Nigeria at the time of providing the service,

(*ii*) the service is provided to and consumed by a person in Nigeria, regardless of whether the service is rendered within or outside Nigeria or whether or not the legal or contractual obligation to render such service rests on person within or outside Nigeria, or

(*iii*) the service is connected with existing immovable property (including the services of agents, experts, engineers, architects, valuers, etc.), where the property is located in Nigeria ; and

(*c*) in respect of an incorporeal—

(*i*) the exploitation of the right is made by a person in Nigeria,

(*ii*) the right is registered in Nigeria, assigned to or acquired by, a person in Nigeria, regardless of whether the payment for its exploitation is made within or outside Nigeria, or

(*iii*) the incorporeal is connected with a tangible or immovable asset located in Nigeria."

Insertion of new section 2A.

41. Insert after section 2 of the Act, a new section "2A"—

"Time of supply.

2A.—(1) For the purposes of this Act, supply shall be deemed to take place at the time an invoice or receipt is issued by the supplier, or payment of consideration is due to, or received by the supplier in respect of that supply, whichever occurs first.

(2) A taxable supply shall be deemed to take place where the supplier and recipient are connected persons and invoices are not issued, in the case of—

(*a*) a supply of goods which are to be removed, the time of removal of the goods ;

(*b*) a supply of goods which is not to be removed, at the time when they are available to the recipient ;

(*c*) furnishing of a service, upon the furnishing of the service ; and

(*d*) an incorporeal, when such incorporeal becomes available for the use of the recipient.

(3) Notwithstanding the provisions of subsection (1) or (2)—

(*a*) where goods are supplied under any rental agreement or where services are furnished under any agreement or law which provides for periodic payments, they shall be deemed to be successively supplied for successive parts of the periods of the agreement or as determined by such law, and each of the successive supplies shall be deemed to occur when payment becomes due or is received, whichever is earlier ;

(*b*) where, and to the extent that, supply of taxable goods and services are—

(i) progressively or periodically made under any agreement or law which provides for the consideration for that supply to be paid in instalments or periodically and in relation to the progressive or periodic supply, or

(*ii*) made in relation to any construction, erection, assembly, manufacturing, alteration, improvement or repair activity under any agreement or law which provides for the consideration for that supply to become due and payable in instalments or periodically in relation to the progressive nature of the work,

those supplies shall be deemed to be successively made, and each such successive supply shall be deemed to take place whenever any payment becomes due or is received or an invoice relating to only that payment is issued, whichever occurs first ; and

(*c*) where goods are supplied under an instalment credit agreement, that supply shall be deemed to take place at the time the goods are delivered or the time any payment of consideration is received by the supplier in respect of the supply, whichever occurs first."

Substitution for section 4.

42. Substitute for section 4 of the Act, a new section "4"—

"Rate of tax.

4. The tax shall be computed at the rate of 7.5% with effect from 1 February 2020, on the value of all goods and services, except that goods and services listed under Part III of the First Schedule to this Act shall be taxed at zero rate."

Substitution for section 10.

43. Substitute for section 10 of the Act, a new section "10"—

"Registration by non-resident companies.

10.—(1) For the purpose of this Act, a non-resident person that makes a taxable supply of goods or services to Nigeria shall register for tax with the Service and obtain Tax Identification Number (TIN).

(2) A non-resident person shall include the tax on its invoice for all taxable goods or services.

(3) The taxable person to whom the supply of taxable goods or services are made in Nigeria or such other person as may be appointed by the Service shall withhold and remit the tax to the Service in the currency of the transaction.

(4) Notwithstanding the provision of subsection (1) of this section, a non-resident person that makes a supply of taxable goods or services in Nigeria may appoint a representative, for the purposes of its tax obligations.

(5) The Service may issue a guideline for the purposes of giving effect to the provisions of this section."

Amendment of section 46.

44. Section 46 of the Act is amended by—

(*a*) inserting the following new definitions—

"*animal feed*" means raw, semi-processed, processed and otherwise enhanced animal feed that is fed to domesticated and other animals raised and slaughtered for human consumption to provide beef, goat, lamb, pork, chicken, fish and other kinds of meat, as well as other animals cultivated and raised for the production of milk, eggs as well as other sources of protein and nutrients edible by humans ; and

"*commercial aircraft spare parts and components*" means parts, engines, propellers, radio apparatus, instruments, appliances, furnishing, parts of any of the foregoing, and generally any other article of whatever description maintained for installation in a commercial aircraft in substitution for parts or articles removed" ; and

(*b*) substituting for the definition of "goods" and "services", new definitions—

"*goods*", for the purposes of this Act, means all forms of tangible properties, movable or immovable, but does not include, land and building, money or securities ;

"*services*" means—

(*a*) anything, other than goods, or services provided under a contract of employment ; and

(*b*) includes any intangible or incorporeal (product, asset or property) over which a person has ownership or rights, or from which he derives benefits, and which can be transferred from one person to another, excluding interest in land and building, money or security.

Amendment of Parts 1-11 to the Schedule.

45. The Schedule to the Act is further amended—

(*a*) in Part I, by inserting, after item 10, a new item "11"—

"11. Commercial aircrafts, commercial aircraft engines, commercial aircraft spare parts."

(*b*) in Part II, by inserting, after item 5, new items "6" and item "7"—

"6. Airline transportation tickets issued and sold by commercial airlines registered in Nigeria.

7. Hire, rental or lease of tractors, ploughs and other agricultural equipment for agricultural purposes."

PART VIII—STAMP DUTIES ACT

Amendment of section 2.

46. Section 2 of the Act is amended by substituting for the definition of "stamp", a new definition—

"*stamp*" means an impressed pattern or mark by means of an engraved or inked die, an adhesive stamp, an electronic stamp or an electronic acknowledgement for denoting any duty or fee, provided that the Service shall utilise adhesive stamp produced by the Nigerian Postal Service pursuant to its enabling Act."

Amendment of section 89.

47. Section 89 of the Act s further amended—

(*a*) in subsection (1), by deleting the words, "or electronic inscription", in line 2 ;

(*b*) in subsection (2), by deleting the words, "or any acknowledgement of duty charged on an electronic transaction", in lines 4 and 5 ;

(*c*) by deleting subsection (3) ; and

(*d*) renumbering the section appropriately.

48. Insert, after section 89 of the Act, a new section "89A"— Insertion of new section 89A.

"Electronic money transfer levy.

89A.—(1) There is imposed a levy, to be referred to as the Electronic Money Transfer Levy, on electronic receipts or electronic transfer for money deposited in any deposit money bank or financial institution, on any type of account, to be accounted for and expressed to be received by the person to whom the transfer or deposit is made.

(2) The levy shall be imposed as a singular and one-off charge of ₦50 on electronic receipts or electronic transfers of money in the sum of ₦10,000 or more.

(3) The Minister of Finance shall, subject to the approval of the National Assembly, make regulations for the imposition, administration, collection and remittance of the Levy.

(4) Notwithstanding any formula that may be prescribed by any other law, the revenue accruing by virtue of the operation of this section, shall, on the basis of derivation, be distributed as follows—

(*a*) 15% to the Federal Government and the Federal Capital Territory, Abuja ; and

(*b*) 85% to the State Governments.

PART IX—FEDERAL INLAND REVENUE SERVICE (ESTABLISHMENT) ACT

49. Section 8 (1) of the Act is amended by— Amendment of section 8.

(*a*) inserting, after paragraph (*s*), a new paragraph "(*t*)"—

"(*t*) provide assistance in the collection of revenue claims or any other administrative assistance in tax matters with respect to any agreement or arrangement made between the Government of the Federal Republic of Nigeria and the Government of any country or other persons or bodies as may be deemed necessary in that regard." ; and

(*b*) renumbering the subsection appropriately.

50. Section 23 of the Act is amended by substituting for subsection (4)-6), new subsections "(4)" - "(6)"— Amendment of section 23.

"(4) For the purposes of tax refund, the Accountant-General of the Federation shall open a dedicated account for each tax-type into which shall be paid money for settling tax refunds.

(5) The dedicated accounts created pursuant to subsection (4) shall, be administered by the Service and be funded from the respective accounts of Government into which revenue of each tax-type is remitted.

(6) For the purposes of each dedicated account, the Service shall prepare an annual budget for tax refund as may be approved by the National Assembly."

Amendment of section 25.

51. Section 25 of the Act is amended by inserting, after subsection (2), new subsections "(3)"-"(5)"—

"(3) The Service may deploy any proprietary or third party payment, processing or other digital platform or application to collect and remit taxes due on international transactions in the supply of digital services to and from a person in Nigeria, in the case of transactions carried out through remote, digital, electronic or other such platform.

(4) The Service may deploy proprietary technology to automate the tax administration process including tax assessment and information gathering provided it gives 30 days' notice to the taxpayer.

(5) The Service may receive assistance in the collection of revenue claims or any other administrative assistance in tax matters with respect to any agreement or arrangement made between the Government of the Federal Republic of Nigeria and the Government of any country or other persons or bodies as may be deemed necessary in that regard."

Amendment of section 26.

52. Section 26 of the Act is amended by substituting for subsections (1)-(3), new subsections "(1)"-"(3)"—

"(1) For the purposes of obtaining full information in respect of the taxation of an 'individual, company or any person or for the purpose of performing any function conferred on it by this Act, the Service shall give notice to any individual, company or person, requiring such individual, company or person to, within the time specified by the notice—

(*a*) complete and deliver to the Service any return specified in such notice ;

(*b*) appear personally before an officer of the Service for examination with respect to a matter to which such notice relates ;

(*c*) produce or cause to be produced for examination, books, documents or records, at the place and time stated in the notice, which time may be from day-to- day, or for such period as the Service may deem necessary ;

(*d*) provide, orally or in writing, any information specified in such notice ;

(*e*) grant the Service access to records, data or information stored or otherwise residing in computers or other electronic devices, including magnetic media or cloud computing facilities maintained, operated, controlled or owned by the individual, company or person.

(2) For the purposes of subsection (1) (*a*)-(*e*), the time specified by such notice shall not be less than 30 days from the date of service of such notice.

(3) A person who defaults in complying with the provisions of this section—

(*a*) where the default relates to a tax liability, is liable, in addition to the tax liability, to a penalty of 10% of the tax and interest at the prevailing Central Bank of Nigeria minimum rediscount rate ; or

(*b*) where the contravention relates to issues other than a tax liability, is liable to a penalty of ₦25,000.00 in the first month, and ₦10,000.00 for every subsequent month thereafter, in which the default continues".

Insertion of new section 28A.

53. Insert, after section 28 of the Act, a new section "28A"—

"Information to be delivered by bankers and others.

28A.—(1) In relation to international tax treaty and other exchange of information obligations and without prejudice to section 26 of this Act, every bank, insurance company, stock-broking firm, or any other financial institution shall prepare and submit, as may be specified by way of notice, rules, regulations, guidelines, or circulars issued by the Service, returns of—

(*a*) transactions involving the specified sum ;

(*b*) names, addresses (including foreign addresses), or any other information of its customers connected with those transactions ; or

(*c*) names, addresses, or any other information of new or existing customers.

(2) Any person, who fails to comply with the notice, rules, regulations, guidelines, or circulars issued by the Service for the purposes of this section is liable to an administrative penalty of ₦25,000.00 in the first month of failure, and ₦10,000.00 for every month in which the failure continues".

Substitution for section 39.

54. Substitute for section 39, a new section "39"—

"Information and documents to be confidential.

39.—(1) Without prejudice to the provisions of any other Act concerning data privacy, data protection and unlawful disclosure of taxpayer information, taxpayer information shall be confidential.

(2) Except as otherwise provided under this Act, any other law or any enabling agreement or arrangement or as otherwise authorized by the Minister, any member or former member of the Board or any employee or former employee of the Service or any agent or any other person who communicates or attempts to communicate taxpayer information to any person other than to a person legally authorised to collect the tax or misuses the information commits an offence and shall be liable on conviction to a fine not exceeding ₦1,000,000.00 or to imprisonment for a term not exceeding three years or to both.

Amendment of section 50.

55. Section 50 of the Act is amended by substituting for subsection (5), a new subsection (5)—

"(5) Where any agreement or arrangement with any other country, government or tax authority for exchange of information or with respect to relief for double taxation of income or profits includes provisions for the exchange of taxpayer information with that country for the purpose of implementing a tax relief or preventing avoidance of tax, or for such other purposes as may be enshrined in the agreement or arrangement, the obligation as to secrecy imposed by this Act shall not prevent the disclosure of such information to the authorised officers of the Government of such country."

Amendment of section 69.

56. Section 69 of the Act is amended by inserting the following definitions—

(*a*) "taxpayer information" includes :

(*i*) any information received or generated by the Service pursuant to its powers under this Act or any extant Legislation,

(*ii*) any information in any form received, accessed or produced by the Service under any agreement or arrangement with any country, government or tax authority, such as Double Taxation Agreements, Tax Information Exchange Agreements, and Common Reporting Standard, Country-by-Country Reporting or any other exchange of information agreement or arrangement,

(*iii*) written or electronic documents, returns, assessments, lists and copies of such lists relating to profits or items of profits of any person or to such matter which forms the basis of any agreement or arrangement with any country, government or tax authority ; and

(*b*) 'Nigeria', for the purposes of this Act and the laws listed in the First Schedule to this Act, means the Federal Republic of Nigeria, and when used in a geographical sense, includes the territorial waters of the Federal Republic of Nigeria, and any area outside the territorial waters, including the continental shelf, which in accordance with international law has been or may hereafter be designated, under the law of the Federal Republic of Nigeria, as an area within which the right of the Federal Republic of Nigeria with respect to the seabed, its subsoil, its superjacent waters and their natural resources may be exercised now and in the future.

Amendment of the Fifth Schedule.

57. Paragraph 20 of the Fifth Schedule to the Act is amended by—

(*a*) inserting, after subparagraph (2) (*vii*), a new subparagraph "(2) (*viii*)"—

"(*viii*) conduct its hearing remotely via virtual means, using such technology or application as may be necessary to ensure fair hearing."; and

(*b*) renumbering the subparagraph appropriately.

PART X—NIGERIA EXPORT PROCESSING ZONES ACT

Amendment of section 18.

58. Section 18 (1) of the Act is amended by substituting for paragraph (*a*), a new paragraph "(*a*)"—

"(*a*) exemption from taxes, levies, duties and foreign exchange regulations in accordance with section 8 of this Act, subject always to the provisions of the Banks and Other Financial Institutions Act, 2020; provided that all companies registered and operating in the Zone shall comply with the provisions of section 55 (1) of the Companies Income Tax Act and render returns in the manner prescribed therein, to the Federal Inland Revenue Service and all penalties prescribed in the Companies Income Tax Act and the Federal Inland Revenue Service (Establishment) Act that may apply in the event of non-compliance with section 55 (1) of the Companies Income Tax Act shall apply to such companies in the event of default to comply".

PART XI—OIL AND GAS EXPORT FREE ZONE ACT

Amendment of section 18.

59. Section 18 (1) of the Act is amended by substituting for paragraph (*a*), a new paragraph "(*a*)"—

"(*a*) exemption from taxes, levies, duties and foreign exchange regulations in accordance with section 8 of this Act, subject always to the provisions of the Banks and Other Financial Institutions Act, 2020; provided that all companies registered and operating in the Zone shall comply with the provisions of Section 55 (1) of the Companies Income Tax Act and render returns in the manner prescribed therein, to the Federal Inland Revenue Service and all penalties prescribed in the Companies Income Tax Act and the Federal Inland Revenue Service (Establishment) Act that may apply in the event of non-compliance with the said section 55 (1) of the Companies Income Tax Act shall apply to such companies in the event of default to comply."

PART XII—COMPANIES AND ALLIED MATTERS ACT

Substitution for section 432.

60. Substitute for section 432 of the Act, a new section "432"—

"Right of a shareholder to claim for dividend.

432.—(1) Dividends are special debts due to and recoverable by shareholders within 12 years, and actionable only when declared.

(2) Dividends that are unclaimed after 12 years should be included in the profits that should be distributed to the other shareholders of the company.

(3) Notwithstanding subsections (1) and (2), dividends of a public limited liability company quoted on the Nigerian Stock Exchange which has remained unclaimed for a period of six years or more from the date of declaring the dividend shall be immediately transferred to the Unclaimed Funds Trust Fund.

(4) Such unclaimed dividends transferred to the Unclaimed Funds Trust Fund shall be a special debt owed by the Federal Government to the shareholders and shall be available for claim by the shareholder at any time, pursuant to the aforementioned perpetual trust."

PART XIII—FISCAL RESPONSIBILITY ACT

Amendment of section 12.

61. Section 12 of the Act is amended by substituting for subsection (2), a new subsection "(2)"—

"(2) Aggregate expenditure for a financial year may exceed the ceiling imposed by the provisions of subsection (1) if, in the opinion of the President, as may be published in the Official Gazette of the Government of the Federation, or official directives or orders by the President, or through an Appropriation Act, Virement or other Money Act pursuant to sections 59 or 306 of the Constitution of the Federal Republic of Nigeria, 1999—

(*a*) the Federation, or any part thereof, is at war ;

(*b*) the Federation is in imminent danger of invasion or involvement in a state of war ;

(*c*) there is actual breakdown of public order and public safety in the Federation or any part thereof to such extent as to require extraordinary measures to restore peace and security ;

(*d*) there is clear and present danger of an actual breakdown of public order and public safety in the Federation or any part thereof requiring extraordinary measures to avert such danger ;

(*e*) there is an occurrence or imminent danger, or the occurrence of any pandemic or disaster or such other natural calamity, affecting the community or a section of the community in the Federation ; or

(*f*) there is any other public danger which clearly constitutes a threat to the existence of the Federation."

Substitution for section 22.

62. Substitute for section 22 of the Act, a new section "22"—

"Operation surplus and general reserve fund.

22.—(1) Notwithstanding the provisions of any written law governing the corporation, each corporation shall establish a general reserve fund and shall allocate thereto at the end of each financial year, one-fifth of its operating surplus for the year, provided that the cost to revenue ratio of each corporation shall not exceed fifty per cent or such other ratio as the Minister, upon the approval of the National Assembly, may approve for that particular corporation by way of order published in the Official *Gazette*.

(2) The balance of the operating surplus shall be paid to the Consolidated Revenue Fund of the Federation in accordance with the Constitution of the Federal Republic of Nigeria, 1999 on a quarterly basis, in accordance with such financial guidelines or regulations that the Minister may issue from time to time in consultation with the National Assembly—

Provided that nothing in this Act or any written law governing the corporation shall prevent the Minister from effecting a direct deduction from the Treasury Single Account, or other such relevant account, of that corporation to enforce due compliance with this section.

(3) The Minister shall cause a financial reconciliation between the quarterly direct deductions and aggregate annual deductions of operating surpluses to be concluded for each corporation not later than three months following the statutory deadline for publishing each corporation's accounts, and a report of the reconciliation shall be provided to the National Assembly."

PART XIV—PUBLIC PROCUREMENT ACT

Substitution for section 15.

63. Substitute for section 15 of the Act, a new section "15"—

"Scope of application

"15. This Act applies to—

(*a*) all public procuring and disposal entities under the three arms of the Federal Government ;

(*b*) the Federal Government of Nigeria and all procurement entities ;

(*c*) all entities outside paragraphs (*a*) and (*b*) which derive at least 35% of the funds appropriated or proposed to be appropriated for any type of procurement described in this Act from the Federation share of Consolidated Revenue Fund ;

(*d*) without limiting paragraphs (*b*) and (*c*) to—

(*i*) Federal Government, Ministries; Departments and Agencies,

(*ii*) Federal Government Institutions,

(*iii*) Federal Government owned Enterprises, Corporations, Councils, Authorities and Commissions provided that they utilise public funds,

(*iv*) Federal Tertiary and Non-Tertiary Educational Institutions,

(*v*) Federal Hospitals and other Health Institutions,

(*vi*) the Central Bank of Nigeria and other Federal Government owned Financial Institutions,

(*vii*) the National Defence and National Security Agencies,

(*viii*) the National Assembly, and

(*ix*) the Judiciary."

Substitution for section 17.

64. Substitute for section 17 of the Act, a new section "17"—

"Approving authority

17.—(1) Subject to the monetary and prior review thresholds for procurements in this Act as may from time to time be determined by the Council, the following shall be the approving authority for the conduct of public procurement—

(*a*) in the case of—

(*i*) a government agency, parastatal, or corporation, a parastatal's Tender's Board,

(*ii*) a Ministry or Extra-Ministerial entity, the Ministerial Tender's Board,

(*iii*) the National Assembly, the Parastatals Tenders Board, and

(*iv*) the Judiciary, the Judicial Bodies Tender's Board and the Courts Tender's Board ;

(*b*) in the case of any other public procurement the value of which exceeds the Ministerial Tender's Board threshold, or any other threshold set by the Bureau and approved by the Council—

(*i*) the Federal Executive Council for the Executive Arm of Government,

(*ii*) the National Assembly Tender's Board for the Legislative Arm of Government, and

(*iii*) the National Judicial Council Tender's Board for the Judicial Arm of Government.

(2) The chief executive and accounting officer of the procuring entity shall chair the parastatal Tender's Board; the Permanent Secretary shall chair the Ministerial Tender's Board; while the President or his representative shall chair the Federal Executive Council.

(3) The accounting officers of the parastatals under the National Assembly shall chair the Parastatals Tender's Board, while the Clerk to the National Assembly shall chair the National Assembly Tender's Board.

(4) The Secretaries and Chief Registrars shall chair the Boards of the Judicial Bodies respectively ; while the Chief Justice of Nigeria, or his representative, shall chair the National Judicial Council Tender's Board.

(5) The Secretary to the Government of the Federation or his representative, shall be the Secretary of the Federal Executive Council; the Secretary, Directorate of Procurement, Estate and Works shall serve as Secretary to the National Assembly Tender's Board, while the Executive Secretary of the National Judicial Council, or his representative, shall be the secretary of the National Judicial Council Tender's Board.

(6) For the Parastatal Tender's Board and the Ministerial Tender's Board, the Directors of Procurement shall be the secretaries, and in the case of the judiciary, the Secretaries of the judicial bodies and the Chief Registrars of the Courts thereof shall be the secretaries."

Substitution for section 20.

65. Substitute for section 20 of the Act, a new section "20"—

"Accounting officer

20.—(1) The accounting officer of a procuring entity shall be the person charged with line supervision of the conduct of all procurement processes—

(*a*) in the case of ministries, the Permanent Secretary ;

(*b*) in the case of extra-ministerial departments and corporations, the Director-General or officer of co-ordinate responsibility ;

(*c*) in the case of the National Assembly, the Clerk ; and

(*d*) in the case of the Judiciary, the Secretaries of the judicial bodies and the Chief Registrars of the Courts.

(2) The accounting officer of every procuring entity shall have overall responsibility for the planning of, organisation of tenders, evaluation of tenders and execution of all procurements and, in particular shall be responsible for—

(*a*) ensuring compliance with the provisions of this Act by his entity and liable in person for the breach or contravention of this Act or any regulation made hereunder whether or not the act or omission was carried out by him personally or any of his subordinates and it is not material that he had delegated any function, duty or power to any person or group of persons ;

(*b*) constituting the Procurement Committee and its decisions ;

(*c*) ensuring that adequate appropriation is provided specifically for the procurement in the Federal budget ;

(*d*) integrating his entity's procurement expenditure into its yearly budget ;

(*e*) ensuring that no reduction of values or splitting of procurements is carried out such as to evade the use of the appropriate procurement method ;

(*f*) constituting the Evaluation Committee ;

(*g*) liaising with the Bureau to ensure the implementation of its regulations.

(3) The accounting officer of each procuring entity is empowered to purchase or approve contracts without open competitive tendering provided the value of such procurement (low value procurement) does not exceed certain threshold set by the Bureau and approved by the Council.

(4) For the low-value procurement, the advert shall be for one week on the notice board of the procuring entity.

(5) The Bureau shall prescribe the procedure and other conditions applicable for different procuring entities and for different goods, works and services to be procured.

(6) The accounting officer shall render a quarterly report to the Parastatal Tender's Board.

(7) Each employee of a procuring entity and each member of a board or committee of a public entity shall ensure that this Act, within the areas of assigned responsibility of the employee or member, is complied with.

(8) All bidders for the procurement of any goods, works and services for any public entity shall comply with all relevant provisions of this Act.

(9) Any stakeholder, be it the accounting officer, an officer of the procuring entity, a member of a committee or board of a public entity and any bidder of public goods, works and services, who fails to independently perform within the respective assigned responsibility as prescribed under this Act and who contravenes the provisions of this Act, shall be guilty of an offence."

Amendment of section 22.

66. Section 22 of the Act is amended by substituting for subsection (1) and (5), new subsections "(1)" and "(5)"—

"(1) There is established by this Act—

(*a*) for the Executive Arm of Government—

(*i*) the parastatals Tender's Board in each procuring entity,

(*ii*) the Ministerial Tender's Board in each Ministry and Extra-Ministerial Department, and

(*iii*) the Federal Executive Council ;

(*b*) for the Legislative Arm of Government—

(*i*) the Parastatals Tender's Board in each procuring entity under the legislature, and

(*ii*) the National Assembly Tender's Board in the National Assembly ; and

(*c*) for the Judicial Arm of Government—

(*i*) the judicial bodies and Courts Tender's Boards in each parastatal under the Judiciary and all Courts, and

(*ii*) the National Judicial Council Tender's Board.

(5) The decisions of all Tender's Boards shall be confirmed respectively by the political heads of the procuring entities, provided that the political heads are not the Chairmen of the Tender's Board."

Amendment of section 24.

67. Section 24 of the Act is amended by substituting for subsections (1) and (2), new subsections "(1)" and "(2)"—

"(1) Except as provided by this Act—

(*a*) all procurements of goods, works and services by all procuring entities shall be conducted by open competitive bidding ; and

(*b*) any procuring entity that applies any other procurement option prescribed in this Act, the accounting officer of the entity shall submit a request and obtain the approval of the Bureau.

(2) Any reference to open competitive bidding in this Act means the process by which a procuring entity, based on previously defined criteria, effects public procurements by offering to every interested bidder, equal simultaneous information and opportunity to offer the goods, works and services needed.

Amendment of section 25.

68. Section 25 of the Act is amended by substituting for subsection (2), a new subsection "(2)"—

"(2) Every invitation to an open competitive bid shall, in the case of goods, works and services—

(*a*) under International Competitive Bidding, the invitation for bid shall be advertised in at least two national newspapers and one relevant internationally recognised publication, any official website of the procuring entity and Bureau as well as the procurement journal of not more than four weeks for contracts within the thresholds of the Parastatals and Ministerial Tender's Boards and not more than six weeks for contracts above the threshold of the Ministerial Tender's Board before the deadline for the submission of the bids for the goods, works and services ; and

(*b*) valued under National Competitive Bidding, the invitation for bids shall be advertised on the notice board of the procuring entity, any official websites of the procuring entity; at least two national newspapers, and in the procurement journal not more than four weeks for contracts within the thresholds of the Parastatals and Ministerial Tender's Boards and not more than six weeks for contracts above the threshold of the Ministerial Tender's Board before the deadline for submission of the bids for the goods, works and services."

Amendment of section 27.

69. Section 27 of the Act is amended by substituting for subsection (1), a new "(1)"—

"(1) All bids in response to an invitation to open competitive bidding shall be submitted in writing, electronic or any other format stipulated in the tender documents signed (physically or electronically) by an official authorised to bind the bidder to a contract and placed in a sealed envelope."

Amendment of section 30.

70. Section 30 of the Act is amended by—

(*a*) substituting for paragraph (*e*), a new paragraph "(*e*)"—

"(*e*) call-over to the hearing of all present, the name and address of each bidder, the total amount of each bid, the bid currency, validity period, completion period and shall ensure that these details are recorded by the Secretary of the Tenders Board or his delegate in the minutes of the bid opening" ; and

(*b*) inserting a new subsection "(2)"—

"(2) This exercise shall be carried out by the procurement department of the procuring entity in the presence of the legal officer or other relevant official of the entity and all those specified in section 19 (b) of this Act—

Provided always that the procuring entity shall in lieu of subsection (1) (*a*) to (*e*) above, comply with any Regulations that the Bureau may make for electronic and virtual procurement pursuant to section 18 of this Act, which Regulations shall ensure the security, transparency, integrity and fairness of such electronic and virtual procurement processes." ; and

(*c*) renumbering the section appropriately.

Amendment of section 35.

71. Section 35 of the Act is amended by—

(*a*) substituting for subsection (1), a new subsection "(1)"—

"(1) In addition to any other regulation as may be prescribed by the Bureau, a mobilisation fee of not more than 30% for local contractors only may be paid to a supplier or contractor supported by an unconditional bank guarantee or insurance bond issued by an institution acceptable to the procuring entity until the mobilisation fee is fully amortised or recovered." ;

(*b*) inserting, after subsection (2), a new subsection "(3)"—

"(3) Where the Bureau has set prior review thresholds in the procurement regulations, no funds shall be disbursed from the Treasurer or Federation Account or any bank account of any procuring entity for any procurement falling above the set thresholds unless the cheque, payments or other form of request for payment is accompanied by a "Certificate' of "No Objection" to award of contract duly issued by the Bureau."

Substitution for section 36.

72. Substitute for section 36 of the Act a new section "36"—

"Contract performance guarantee

36.—(1) The provision of a performance guarantee or an unconditional insurance bond shall be a precondition for the award of any procurement contract upon which any mobilisation fee is to be paid, provided the performance guarantee or unconditional insurance bond is not less than 10% of the contract value.

(2) All contracts approved by a Tender's Board requiring the opening of irrevocable letter of credit shall be stated explicitly in the contract agreement and the procuring entity shall liaise with the Central Bank of Nigeria, for further guidelines."

Amendment of section 58.

73. Section 58 of the Act is amended by substituting for subsection (2), a new subsection "(2)"—

"(2) Any offence in contravention of this Act shall be tried by the Federal High Court or a tribunal set up by the Chief Justice of Nigeria."

Amendment of section 60.

74. Section 60 of the Act is amended by substituting for the definitions of contract, procuring entity and public procurement, the following new definitions—

"*contract*" means an agreement entered in writing between a procuring entity and a contractor, supplier or consultant ;

"*procuring entity*" means any public body or Government organ engaged in procurement and includes a Ministry, Extra-Ministerial Department, Government Agency, Parastatal, Corporation, Commission, National Assembly and Judiciary ; and

"*Public Procurement*" means the acquisition by any means of goods, works or services by the Government."

INSERTION PART XV UNDER THIS ACT

"PART XV—ESTABLISHMENT OF CRISIS INTERVENTION FUND AND UNCLAIMED FUNDS TRUST FUND

Establishment of the Crisis Intervention Fund.

75. There shall be provided out of the Consolidated Revenue Fund and the Special Accounts listed in the First Schedule to this Act upon the coming into operation of this Act the sum of ₦500,000,000,000.00 or other such sums as may be approved by the National Assembly for the establishment of a Fund to be known as the Crisis Intervention Fund.

Utilisation of the Crisis Intervention Fund.

76. The Crisis Intervention Fund may be utilised for making funds available to meet expenditure as provided in the Annual Appropriation Act to meet any crisis related expenditure or other such exigencies that may arise pursuant to section 12 of the Fiscal Responsibility Act and section 306 of the Constitution of the Federal Republic of Nigeria, 1999.

Establishment of Unclaimed Funds Trust Fund.

77.—(1) Subject to section 44 (1) and (2) (*h*) of the Constitution of the Federal Republic of Nigeria, 1999, there is established, by way of a trust, as a sub-fund of the Crisis Intervention Fund, an Unclaimed Funds Trust Fund—

(2) From the commencement of this Act, any unclaimed dividend of a public limited liability company quoted on the Nigerian Stock Exchange and any unutilised amounts in a dormant bank account maintained in or by a deposit money bank which has remained unclaimed or unutilised for a period of not less than six years from the date of declaring the dividend or domiciling the funds in a bank account shall be transferred immediately to the Unclaimed Funds Trust Fund—

Provided that this section shall not apply to official bank accounts owned or belonging to the Federal Government, State Government or Local Government, or any of their Ministries, Departments or Agencies.

(3) The Debt Management Office established by the Debt Management Office (Establishment, etc.) Act 2003 or subsequent statutes which replace this Act shall supervise the operations of the fund.

(4) The unclaimed dividend and unutilised amounts in a dormant bank account shall be transferred either by the public limited company, Registrar or deposit money bank.

(5) The Unclaimed Funds Trust Fund shall be governed by a Governing Council chaired by the Minister responsible for Finance and a Co-Chairperson from the private sector, as may be appointed by the President on the recommendation of the Minister responsible for Finance subject to confirmation by the Senate, provided that the private sector Co-Chairperson shall be a qualified person of irreproachable integrity such as to render the person a fit and proper person to serve in this capacity.

(6) Other members of the Governing Council shall include—

(*a*) Governor of the Central Bank of Nigeria ;

(*b*) the Director-General of Securities and Exchange Commission ;

(*c*) the Managing Director of National Deposit Insurance Corporation ;

(*d*) a representative of the Registrars of Companies ;

(*e*) two representatives of the shareholders' association ;

(*f*) a representative of the Bankers' Committee ; and

(*g*) the Director-General of the Debt Management Office as the Secretary to the Trust Fund.

(7) The Secretariat of the Trust Fund shall be in the Debt Management Office and the Debt Management Office shall operate the Trust Fund with the Central Bank of Nigeria and Securities and Exchange Commission.

(8) All public limited liability companies quoted on the Nigerian Stock Exchange and deposit money banks shall render annual return of unclaimed dividend and unutilised amounts in a dormant bank account in a format prescribed by the Debt Management Office of the Federation.

(9) The Debt Management Office shall prepare and submit the financial statement of the Unclaimed Dividends Trust Fund to the Office of the Auditor-General for the Federation for audit.

(10) Failure by any company or deposit money bank to transfer the unclaimed dividends or unutilised amounts in a dormant bank account to the Unclaimed Funds Trust Fund constitutes an offence under this Act and the company or deposit money bank is liable upon conviction, to a fine of not less than five times the value of the unclaimed dividends and unutilised funds in a dormant bank account plus accumulated interest on the amount not transferred at the Central Bank of Nigeria's Monetary Policy Rate—

Provided that this section shall not apply to official bank accounts owned or belonging to the Federal Government, State Government or Local Government, or any of their Ministries, Departments or Agencies.

(11) Such unclaimed dividends and unutilised amounts in a dormant bank account transferred to the Unclaimed Funds Trust Fund shall be a special debt owed by the Federal Government to the shareholders and dormant bank account holders respectively and shall be available for claim, together with the yield thereon, by the shareholder and the bank account holder at any time, pursuant to the aforementioned perpetual trust.

Functions of the Debt Management Office as they relate to the Trust Fund.

78. The Debt Management Office shall—

(*a*) maintain a reliable database of all unclaimed dividends and dormant bank balances constituting the debt owed by the Trust Fund which shall be verified and reconciled with the Securities and Exchange Commission, and the Central Bank of Nigeria on a bi-annual basis ;

(*b*) liaise with the relevant Registrars of Companies, deposit money banks or the National Deposit Insurance Corporation, as the case may be, to make adequate arrangement for the repayment of the verified interest and capital obligations due to the relevant shareholders, depositors or their legal beneficiaries, as the case may be ;

(*c*) prepare and submit the financial statement of the Trust Fund to the Office of the Auditor-General for the Federation for audit ;

(*d*) prepare and implement a plan for the efficient management of the obligations of the Trust Fund, which plan shall include setting guidelines, modalities and other arrangements, which may include an annual sinking fund, for the servicing of the interest and capital obligations of the Trust Fund ;

(*e*) set guidelines for managing Federal Government financial risks and currency exposure with respect to all loans ;

(*f*) collect, collate, disseminate information, data and forecasts on debt management related to the Trust Fund with the approval of the Governing Council ; and

(*g*) carry out such other functions, which may be mandated by an Act of the National Assembly.

The Governing Council.

79. The Governing Council shall—

(*a*) approve policies, strategies and procedures to be adopted by the Governing Council for the achievement of its objectives ;

(*b*) review, from time to time, the economic and political impact of the management strategies and public engagement strategies relating to the transparency and accountability of the Trust Fund ;

(*c*) appoint, as and when necessary, technical committees comprised of persons with requisite technical competence from the private or public sector to advise the Governing Council on such matters as may be determined from time to time ;

(*d*) receive bi-annual reports from the Debt Management Office of failure by any company or deposit money bank to transfer the unclaimed dividends or unutilised amounts in a dormant bank account to the Trust Fund, which failure shall constitute an offence under this Act and the company or deposit money bank shall be liable upon conviction, to a fine of not less than thrice the value of the unclaimed dividends and unutilised funds in a dormant bank account plus accumulated interest on the amount not transferred at the Central Bank of Nigeria's Monetary Policy Rate ; and

(*e*) perform such other functions as may, from time to time, be necessary to achieve the objectives of the Trust Fund."

Commencement date.

80. This Act takes effect from 1st January, 2021 or such other date that shall be indicated by the National Assembly by law (or by Presidential Order).

Citation.

81. This Act may be cited as the Finance Act, 2020.

I, certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

OJO O. A., fnia, fcia
Clerk to the National Assembly
24*th Day of December,* 2020.

EXPLANATORY MEMORANDUM

This Act amends the Capital Gains Tax Act, Cap. C1, Companies Income Tax Act Cap. C21, Personal Income Tax Act, Cap. P8, Customs and Excise Tariff, Etc. (Consolidated) Act, Cap. C49, Value Added Tax Act, Cap. V1, Nigeria Export Processing Zones Act, Cap. N107, Oil and Gas Export Free Zone Act, Cap. O5, Industrial Development (Income Tax Relief) Act, Cap. I17, Stamp Duties Act, Cap. S8, Laws of the Federation of Nigeria, 2004; Tertiary Education Trust Fund (Establishment) Act No. 16, 2011, Federal Inland Revenue Service (Establishment) Act No. 13, 2007, Fiscal Responsibility Act No. 31, 2007, Public Procurement Act No. 14, 2007 and Companies and Allied Matters Act No. 3, 2020.

SCHEDULE TO THE FINANCE BILL, 2020

(1) *Short Title of the Bill*	(2) *Long Title of the Bill*	(3) *Summary of the Contents of the Bill*	(4) *Date passed by the Senate*	(5) *Date passed by the House of Representatives*
Finance Bill, 2020.	An Act to amend the Capital Gains Tax Act, Cap. C1, Companies Income Tax Act, Cap. C21, Personal Income Tax Act, Cap. P8, Customs and Excise Tariff, Etc. (Consolidated) Act, Cap. C49, Value Added Tax Act, Cap. V1, Nigeria Export Processing Zones Act, Cap. N107, Oil and Gas Export Free Zone Act, Cap. O5, Industrial Development (Income Tax Relief) Act, Cap. 117, Stamp Duties Act, Cap. S8, Laws of the Federation of Nigeria, 2004; Tertiary Education Trust Fund (Establishment) Act No. 16, 2011, Federal Inland Revenue Service (Establishment) Act No. 13, 2007, Fiscal Responsibility Act No. 31, 2007, Public Procurement Act No. 14, 2007 and Companies and Allied Matters Act No. 3, 2020; and for related matters.	This Bill amends the Capital Gains Tax Act, Cap. C1, Companies Income Tax Act, Cap. C21, Personal Income Tax Act, Cap. P8, Customs and Excise Tariff, Etc. (Consolidated) Act, Cap. C49, Value Added Tax Act, Cap. V1, Nigeria Export Processing Zones Act, Cap. N107, Oil and Gas Export Free Zone Act, Cap. O5, Industrial Development (Income Tax Relief) Act, Cap. 117, Stamp Duties Act, Cap. S8, Laws of the Federation of Nigeria, 2004; Tertiary Education Trust Fund (Establishment) Act No. 16, 2011, Federal Inland Revenue Service (Establishment) Act No. 13, 2007, Fiscal Responsibility Act No. 31, 2007, Public Procurement Act No. 14, 2007 and Companies and Allied Matters Act No. 3, 2020.	15th December, 2020.	17th December, 2020.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT.

LS

OJO O. A., fnia, fcia
Clerk to the National Assembly
24th Day of December, 2020.

MUHAMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
31st Day of December, 2020.

Extraordinary

Federal Republic of Nigeria Official Gazette

No. 8 **Lagos - 12th January, 2021** **Vol. 108**

Government Notice No. 7

The following is published as supplement to this *Gazette* :

Act No.	*Short Title*	*Page*
3	Modibbo Adama University, Yola (Establishment) Act, 2020	A49-84

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MODIBBO ADAMA UNIVERSITY, YOLA (ESTABLISHMENT) ACT, 2020

ARRANGEMENT OF SECTIONS

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3. Powers of the University and their exercise.
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30. Citation.

SCHEDULES

MODIBBO ADAMA UNIVERSITY, YOLA (ESTABLISHMENT) ACT, 2020

Act No. 3

AN ACT TO ESTABLISH THE MODIBBO ADAMA UNIVERSITY, YOLA TO ENCOURAGE THE ADVANCEMENT OF LEARNING TO ALL PERSONS WITHOUT DISCRIMINATION, PROMOTE SCHOLARSHIP, CONDUCT RESEARCH IN ALL FIELDS OF LEARNING AND PROVIDE AN OPPORTUNITY OF ACQUIRING A HIGHER AND LIBERAL EDUCATION IN NIGERIA ; AND FOR RELATED MATTERS.

[6*th Day of January*, 2021] Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I—ESTABLISHMENT, OBJECTS, COMPOSITION AND POWERS OF MODIBBO ADAMA UNIVERSITY, YOLA

Establishment and objects of Modibbo Adama University.

1.—(1) There is established the Modibbo Adama University, Yola, Adamawa State {in this Act referred to as "the University").

(2) The University—

(*a*) is a body corporate with perpetual succession and a common seal ;

(*b*) may sue and be sued in its corporate name ;

(*c*) may acquire, hold and dispose of movable and immovable properties ; and

(*d*) shall provide regular and liberal courses of instruction in humanities, the sciences and other spheres of learning of standard required and expected of a University of the highest standing.

(3) The general objects of the University are to—

(*a*) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction, the opportunity of acquiring a higher and liberal education ;

(*b*) provide courses of instruction and other facilities for the pursuit of learning leading to award of diplomas, first degree, postgraduate research and higher degrees in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them ;

(*c*) encourage and promote scholarship and conduct research in all fields of learning and human endeavor ;

(*d*) relate its activities to the social, cultural and economic needs of the people of Nigeria ; and

(*e*) undertake any other activity appropriate for a university of the highest standard.

Composition of the University.

2.—(1) The University shall consist of—

(*a*) Chancellor ;

(*b*) Pro-Chancellor and a Council ;

(c) Vice-Chancellor and a Senate ;

(*d*) Deputy Vice-Chancellors ;

(*e*) the Congregation ;

(*f*) the Convocation ;

(*g*) Campus and Colleges of the University ;

(*h*) Schools, Institutes and other teaching and research units of the University ;

First Schedule.

(*i*) the persons holding the offices constituted by the First Schedule to this Act other than those mentioned in paragraph (*a*)-(*d*) 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 the Statute in that behalf.

First Schedule.

(2) The First Schedule to this Act shall have effect with respect to the principal officers of the University.

(3) The Statute shall make provisions to the constitution of the Council, Senate, Congregation and Convocation.

Power of the University and their exercise.

3.—(1) For attaining its objects as specified in section 1 (3) of this Act, the University shall have powers to—

(*a*) establish such campuses, colleges, institutes, schools, extra-mural departments and other teaching and research units within the University as may be deemed necessary or desirable, subject to the approval of the National Universities Commission ;

(*b*) institute professorship, readerships or associate professorships, lectureships and other posts and offices and to make appointment thereto ;

(*c*) institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance ;

(*d*) provide for the discipline and welfare of members of the University ;

(*e*) 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 ;

(*f*) grant honorary degree, fellowships or academic titles ;

(*g*) demand and receive, from any student or other person attending the University for the purpose of instructions, such fees as the University may determine, subject to the overall directives of the Council ;

(*h*) subject to section 22 of this Act, acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate ;

(*i*) accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless the University approves the terms and conditions attaching thereto ;

(*j*) enter into contracts, establish trusts, act as trustee, solely or jointly with any other person and employ and act through agents ;

(*k*) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University ;

(*l*) hold public lectures and undertake printing, publishing and book-selling ;

(*m*) subject to any limitation on conditions imposed by Statue, invest any money appertaining to the University by way of endowment, not being immediately required for current expenditure, in any investment or security, or the purchase or improvement of land, with powers to vary any investment and deposit any money for the time being not invested with any bank on deposit or current account ;

(*n*) borrow, whether on interest or not if need be upon the security of any or all of the property, movable or immovable, of the University, and money as the Council may in its discretion, find it necessary to borrow or guarantee any loan, advance or credit facility ;

(*o*) do anything which it is authorised or required by this Act or Statues to do ; and

(*p*) do all such acts or things incidental to the powers of the University as may advance the objects of the University.

(2) Subject to the provisions of this Act and the Statute and without prejudice to section 8 (2) of this Act, the powers conferred on the University by subsection (1) is exercisable on behalf of the University by the Council or Senate or in any other manner which may be authorised by the Statute.

(3) The power of the University to establish further campuses and colleges within the University is exercisable by Statute and not otherwise.

Functions of the Chancellor.

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

(2) The Chancellor shall exercise such other powers and discharge such other duties as may be conferred or imposed on him by this Act or the Statute.

Functions of the Pro-Chancellor.

5.—(1) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University, except the Chancellor and 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.

(2) Subject to the provisions of this Act, the Pro-Chancellor shall hold office for four years, beginning with the date of his appointment.

Composition of the Council.

6.—(1) The Council of the University shall consist of—

(*a*) the Pro-Chancellor ;

(*b*) the Vice-Chancellor ;

(*c*) the Deputy Vice-Chancellors ;

(*d*) one person from the Ministry responsible for education ;

(*e*) four persons representing a variety of interests and broadly representatives of the whole Federation to be appointed by the President ;

(*f*) four persons appointed by the Senate from among its members ;

(*g*) two persons appointed by the Congregation from among its members; and

(*h*) one person appointed from among its members.

(2) Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and familiar with the affairs and tradition of the University.

Functions of the Council and its Finance and General Purposes Committee.

7.—(1) Subject to the provisions of this Act relating to the Visitor, the Council shall be the governing body of the University and is charged with the general control and superintendence of the policy, finance and property of the University, including its public relations.

(2) There is the Finance and General Purposes Committee which shall, subject to the directions of the Council, exercise control over the property and expenditure of the University and perform such other functions of the Council as the Council may delegate to it.

(3) The Statute shall make provisions with respect to the composition of the Finance and General Purposes Committee.

(4) The Council shall ensure that—

(*a*) proper accounts of the University are kept ;

(*b*) the accounts of the University are audited annually by an independent firm of auditors approved by the Council ;

(*c*) an annual report is published by the University, together with certified copies of the said accounts as audited.

(5) Subject to this Act and the Statute, the Council and the Finance and General Purposes Committee may each make rules for regulating their own procedure.

(6) The rules made under subsection (5) by the Finance and General Purposes Committee shall not take effect unless they are approved by the Council.

(7) Where the rules made by that Committee under subsection (6) conflict with any direction given by the Council (whether before or after the coming into effect of the rules in question), the direction of the Council prevails.

(8) There shall be paid to the members of the Council, Finance and General Purposes Committee and any other committee set up by the Council an allowance in respect of travelling and other reasonable expenses at such rates as may be fixed by extant government circulars.

(9) The Council shall meet as and when necessary for the performance of its functions under this Act and shall meet at least three times in every year.

(10) If requested in writing by five members of the Council the Chairman shall, within 28 days after the receipt of such request, call a meeting of the Council :

PROVIDED that, after 28 days of the receipt or delivery to him of such request, the Chairman fails or neglects to call a meeting, then the Registrar shall, within 14 days thereafter, cause a meeting of the Council to be conveyed for that purpose.

(11) Any request made under subsection (10) shall specify the business to be considered at the meeting and a business not so specified shall not be transacted at the meeting.

Functions of the Senate.

8.—(1) Subject to subsections (3) and (4) of this section, section 7 of this Act and the provisions of this Act relating to the Visitor, the Senate shall—

(*a*) organise and control the—

(*i*) teaching by the University,

(*ii*) admission of students where no other enactment provides to the contrary, and

(*iii*) discipline of students ; and

(*b*) promote research at the University.

(2) Without prejudice to the generality of subsection (1) the Senate shall particularly make provisions for—

(*a*) establishment, organisation and control of campuses, colleges, schools, institute and other teaching and research units of the University and allocation of responsibility for different branches of learning ;

(*b*) organisation and control of courses of study in the University and the examination held in conjunction with those courses, including the appointment of examiners, both internal and external ;

(*c*) award of degrees, and such other qualifications as may be prescribed, in connection with examination held ;

(*d*) making of recommendations to the Council with respect to the award to any person of an honorary fellowship or degree or the title of professor emeritus ;

(*e*) establishment, organisation and control of halls of residence and similar institutions at the University ;

(*f*) 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*) determining what description of dress shall be academic dress for the purpose of the University and regulating the use of academic dress.

(3) The Senate shall not establish any new campus, college, school, department, institute or other teaching and research unit of the University without the approval of the Council.

(4) Subject to this Act and the Statute, the Senate may make regulations for the purpose of performing any function conferred on it either by the provisions of this section or otherwise or for the purpose of making provisions for any matter for which a provision by regulations is authorised or required by this Act or Statute.

(5) 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 University, as may be prescribed by the Senate, 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 practising the profession in a reputable organisation or institution.

(6) Subject to a right of appeal to the Council from a decision of the Senate under this subsection, 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 shown to have been guilty of dishonorable or scandalous conduct in gaining admission into the University or obtaining that award.

Functions of the Vice-Chancellor.

9.—(1) The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University, except the Chancellor, and any other person for the time being acting as chairman of the Council.

(2) Subject to sections7, 8 and 14 of this Act, the Vice-Chancellor shall—

(*a*) have the general function, in addition to any other function conferred on him by this Act or otherwise, of directing the activities of the University ; and

(*b*) be the chief executive and academic officer of the University and *ex-officio* Chairman of the Senate.

PART II—TRANSFER OF PROPERTY

Savings and transfer of property to the University.

10.—(1) All statutory functions, rights, interests, obligations, liabilities and property of the Modibbo Adama University of Technology, Yola existing before the commencement of this Act under any contract or instrument, or in law or in equity, is, by virtue of this Act, deemed to have been assigned to and vested in the University established under this Act.

Second Schedule.

(2) The provision of the Second Schedule to this Act shall have effect with respect to the other mattes arising from the transfer of property by this section and with respect to the other matters mentioned in that Schedule.

PART III—POWER TO MAKE STATUTES BY THE UNIVERSITY

Powers of the University to make statutes.

11.—(1) Subject to this Act, the University may make statutes for—

(*a*) making provisions 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), their discipline and welfare ;

(*d*) determining whether any particular matter is to be treated as an academic or non-academic matter for the purpose of this Act and of any statute, regulation or other instrument made there-under ; and

(*e*) making provisions for any other matter for which a provision by statute is authorised or required by this Act.

Cap. I23, LFN, 2004

(2) Subject to section 27 (6) of this Act, 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 27 (1) of that Act.

Third Schedule.

(3) The Statute contained in the Third Schedule to this Act is deemed to have been in effect on the commencement of this section and is deemed to have been made under this section by the University.

Third Schedule.

(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 Act or any subsequent statute.

Mode of exercising power to make statutes.

12.—(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 does not become law unless it has been approved at a meeting of the—

(*a*) Senate, by the votes of at least two-thirds of the members present and voting ; and

(*b*) Council, by the votes of at least two-thirds of the members present and voting.

(3) A proposed statute may originate either in the Senate or Council, and may be approved as required by subsection (2).

(4) A statute which makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University shall not come into operation unless it has been approved by the President in consultation with the National Universities Commission.

Cap. I23, LFN, 2004.

(5) For the purpose of section 1 (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 approved by the Senate, as the case may be, or, in the case of a statute falling within subsection (4), on the date on which it is approved by the Visitor.

(6) In the event of any doubt or dispute arising, any time, as to—

(*a*) the meaning of any provision of a statute, or

(*b*) whether any matter is, for the purpose of this Act, an academic matter as it relates to such doubt or 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) is binding upon the authorities, staff and students of the University.

(8) Where any question as to the meaning of any provision of a statute has been decided by the Visitor under that subsection (6), no question as to the meaning of that provision shall be entertained by any court of law in Nigeria.

(9) Nothing in subsection (8) affects 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 inconsistent with the Constitution of the Federal Republic of Nigeria, 1999.

Proof of statutes.

13. A statute may be proved in any court by the production of a copy bearing 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 statue of the University.

PART IV—SUPERVISION AND DISCIPLINE

The Visitor.

14.—(1) The President is the Visitor of the University.

(2) The Visitor shall, as often as the circumstances may require, at least once every five years, conduct a visitation of the University or direct that the 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 is 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.

Removal of certain members of Council.

15.—(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, after making such enquiries (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 is the duty of the Minister to do his best to cause a copy of the instrument embodying a direction under subsection (1) to be served as soon as reasonably practicable on the person to whom it relates.

Removal and discipline of academic, administrative and professional staff.

16.—(1) It if 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 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 Council ;

(*c*) if he so requests, or three members of the Council so request, within the period of one month beginning with the date of the notice, make arrangements for—

(*i*) a joint committee of both the Council and Senate to investigate the matter and report on it to the Council, and

(*ii*) the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter.

(2) If the Council, after considering the report of the Staff Disciplinary Committee, is satisfied that the person in question should be removed, the Council may remove him by an instrument in writing signed on the directions of the Council.

(3) The Vice-Chancellor may, in 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 the suspension shall immediately be reported to the Council.

(4) For good cause, any member of the staff may be suspended from his duties or his appointment may be terminated by the Council.

(5) For the purposes of this subsection (4), "good cause" means—

(*a*) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the performance 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 perform the functions of his office or comply with the terms and conditions of his service ; or

(*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.

(6) Any person suspended under subsection (2) or (3) shall be on half pay and the Council shall, before the expiration of three months after the date of such suspension, consider the case against that person and come to a decision as to whether to—

(*a*) continue such person's suspension and, if so, on what terms (including the proportion of his emoluments to be paid to him);

(*b*) reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension ;

(*c*) terminate the appointment of the person concerned, in which case such a person is not entitled to the proportion of his emoluments withheld during the period of suspension ; or

(*d*) take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine.

(7) In any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall, before the expiration of three months from such decision, come to a final determination in respect of the case concerning the person.

(8) It is the duty of the person by whom an instrument of removal is signed under subsection (1) to do his best to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

(9) Nothing in 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.

Procedure for staff discipline.

17.—(1) The Vice-Chancellor or Senate 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 chairman of the union to which the staff being investigated belongs.

(3) The Vice-Chancellor shall constitute a Staff Disciplinary Committee, which consists of such members of the Senate as he may determine, to consider the report of the Investigation Panel.

(4) The report and recommendation of the Staff Disciplinary Committee shall be forwarded to the Council for consideration and decision.

Appointment of external examiner.

18. Subject to regulations made under this Act, the Vice-Chancellor may, on the recommendation of Senate, appoint an appropriate person as external examiner.

Removal of examiners.

19.—(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, 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 regulations made under section 7 (5) of this Act, the Vice-Chancellor may, on the recommendation of the Senate, appoint an appropriate person as examiner in place of the examiner removed under subsection (1).

(3) It is the duty of the Vice-Chancellor to—

(*a*) sign an instrument of removal under this section ; and

(*b*) do his best to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

Discipline of students.

20.—(1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that a student of the University has been guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary power conferred on him by the Statute or regulations, direct that—

(*a*) 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 ;

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

(*c*) the student be rusticated for such period as may be specified in the direction ; or

(*d*) the student be expelled from the University.

(2) Where a direction is given under subsection (1) (*c*) or (*d*) in respect of any student, that student may, within the prescribed period and in the prescribed 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 deems fit.

(3) The fact that an appeal from a direction is brought under subsection (2) does not affect the operation of the direction while the appeal is pending.

(4) 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.

(5) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University otherwise than on the ground of misconduct.

(6) A direction under subsection (1) (*a*) may be combined with a direction under subsection (1) (*b*).

(7) No staff or student shall resort to a law court without proof of having exhausted the internal avenues for settling disputes or grievances or for seeking redress.

(8) The Visitor is the final arbiter on staff and student discipline and his decision is not contestable in any court of law on Nigeria.

(9) Nothing in this section affects any power of a court of competent jurisdiction to enforce the fundamental rights of any aggrieved citizen as enshrined in the Constitution of the Federal Republic of Nigeria, 1999.

PART V—MISCELLANEOUS AND GENERAL PROVISIONS

Exclusion of discrimination on account of race. religion. etc.

21.—(1) No person shall be—

(*a*) required to satisfy the requirements as to 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 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 under this Act ; and

(*b*) subject to any disadvantage or accorded any advantage in relation to the University, by reference to any of those matters.

(2) Nothing in subsection (1) 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 persons 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.

Restriction on disposal of land by the University.

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

Cap. L5. LFN. 2004.

Provided that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years or any lease or tenancy to a member of the University for residential purpose.

Quorum and procedure of bodies established under this Act.

23. Except as may be otherwise provided by the Statute or regulations, the quorum and procedure of any body of persons established under this Act shall be as determined by that body.

Appointment of committees, etc.

24.—(1) Any body of persons established under this Act shall, without prejudice to the generality of the powers of that body, have power to appoint committees, which need not consist exclusively of members of that body, and to authorise the committees to—

(*a*) exercise, on its behalf, such powers as it may determine ;

(*b*) co-opt members, and may direct that whether or not co-opted members (if any) are entitled to vote in that committee.

(2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies, or for the setting up of committees consisting of members 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 the Statute or regulations, the quorum and procedure of a committee established or meeting held under 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 this section shall be construed as enabling—

(*a*) a statute to be made otherwise than in accordance with section 12 of this Act ; or

(*b*) the Senate to empower any other body to make regulations or award degrees or other qualifications.

(5) The Pro-Chancellor and Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council

(other than a committee set up 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.

Retiring age of academic staff of the University.

25.—(1) Notwithstanding anything to the contrary in the Pension Reform Act, the compulsory retiring age of an academic staff of the University is 65 years except for those in the professorial cadre which is 70 years.

(2) A law or rule requiring a person to retire from the public service after serving for 35 years does not apply to an academic staff of the University.

Act No. 4, 2014.

Special provision relating to pension of professors.

26.—(1) An academic staff who retires as a professor in the University is 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.

(2) Notwithstanding subsection (1), where the professor has not served up to retirement age he is entitled to the rate of pension mentioned under subsection (1) provided that he has served a minimum of 20 years as a professor in a recognised university.

(3) Where an academic joins a Nigerian university as a professor, the professor is entitled to the rate of pension mentioned under subsection (1) provided that he has served continuously for at least 20 years in a recognised university.

Miscellaneous administrative provisions.

27.—(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—

(*a*) any member of the Council ;

(*b*) the Vice-Chancellor ;

(*c*) Secretary to the Council ; or

(*d*) any other person authorised by the Statute.

(2) Any document purporting to be a document executed under the seal of the University shall be received in evidence and is, unless the contrary is proved, 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 be required to be under seal, may be made or executed on behalf of the University by any person generally or specially authorised to do so by the Council.

(4) The validity of any proceeding of any body established under this Act is not affected by—

(*a*) any vacancy in the membership of the body ;

(*b*) any defect in the appointment of a member of the body ; or

(*c*) reason that a person not entitled to do so took part in the proceeding.

(5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall—

(*a*) disclose his interest to the body ; and

(*b*) not vote on any question relating to that matter.

Cap. 123, LFN, 2004.

(6) Nothing in section 12 of the Interpretation Act (which provides for the application in relation to subordinate legislation of certain incidental provisions) shall apply to statutes of regulations made under this Act.

Third Schedule.

(7) The power conferred by this Act on anybody to make statutes or regulations shall include power to revoke or vary any statute (including the statute contained in the Third Schedule to this Act) or any regulation by a subsequent statute or, as the case may be, by a subsequent regulation and statutes, and the regulations may make different provisions in relation to different circumstances.

Second Schedule.

(8) No stamp duty or other duty shall be payable in respect of any transfer of property to the University by virtue of section 10 or 22 of this Act or the Second Schedule to this Act.

(9) Any notice or other instrument authorised to be served by virtue of this Act may, without prejudice to any other mode of service, be served by post.

Interpretation.

28.—(1) In this Act—

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

"*College*" means the College which may be established by the University ;

"*Council*" means the Council established for the University under section 2 (1) (*b*) of this Act ;

"*graduate*" means a person on whom a degree, (other than an honorary degree) has been conferred by the University ;

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

"*notice*" means notice in writing ;

"*officer*" does not include the Visitor ;

"*prescribed*" means prescribed by statutes or regulations ;

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

"*property*" includes rights, liabilities and obligations ;

"*Provisional Council*" means the Provisional Council established for the University ;

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

"*Senate*" means the Senate of the University established pursuant to section 2 (1) (*c*) of this Act ;

"*School*" means a unit of closely related academic programmes ;

"*statute*" means a statute made by the University under section 11 and in accordance with section 12 of this Act, and

"*the statutes*" means all such statutes as are in effect 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 in *statu pupillari* with the University other than—

(*a*) a graduate ; and

(*b*) a person of such description as may be prescribed for the purpose of the definition ;

"*university*" means Modibbo Adama University, Yola established under section 1 (1) of this Act ; and

"*Visitor*" means the President of the Federal Republic of Nigeria.

(2) It is declared that where in any provision of this Act 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 is the duty of every intermediate authority to forward such proposals or recommendations received by it in pursuance of that provision to the appropriate authority, but the intermediate authority may, if it deems fit, forward its own comments.

Repeal.

29. Section 1(*e*) of the Federal Universities of Technology Act Cap. F23, Laws of the Federation of Nigeria, 2004 is repealed.

Citation.

30. This Act may be cited as the Modibbo Adama University, Yola (Establishment) Act, 2020.

SCHEDULES

FIRST SCHEDULE *Section* 2 (1) *and* (2)

PRINCIPAL OFFICERS OF THE UNIVERSITY

The Chancellor

1.—(1) The Chancellor shall be appointed by the President.

(2) The Chancellor shall hold office at the pleasure of the President.

(3) If it appears to the Visitor that the Chancellor should be removed from his office on the ground of misconduct or inability to perform the function of his office, the Visitor may, by notice in the Federal Government Gazette, remove the Chancellor from office.

The Pro-Chancellor

2.—(1) The President shall appoint or remove the Pro-Chancellor.

(2) Subject to the provisions of this Act, the Pro-Chancellor shall hold office for four years, beginning with the date of his appointment.

The Vice-Chancellor

3.—(1) The Council shall, in accordance with the provisions of this paragraph, appoint the Vice-Chancellor of the University.

(2) Where a vacancy occurs in the post of a Vice-Chancellor, the Council shall—

(*a*) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying—

(*i*) the qualities of the persons who may apply for the post, and

(*ii*) the terms and conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for the post for consideration ;

(*b*) constitute a Search Team consisting of—

(*i*) a member of the Council, who is not a member of the Senate, as Chairman,

(*ii*) two members of the Senate who are not members of the Council, one of whom shall be a Professor,

(*iii*) two members of Congregation who are not members of the Council, one of whom shall be a professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post of their own volition because they feel that it is not proper to do so.

(3) A Joint Council and Senate Selection Board, consisting of—

(*a*) the Pro-Chancellor, as Chairman,

(*b*) two members of the Council, not being members of the Senate,

(*c*) two members of the Senate who are professors, but who were not members of the Search Team, shall—

(*i*) consider the candidates and persons in the short list drawn up under subparagraph (2) (*a*) (*ii*) through an examination of their curriculum vitae and interaction with them, and

(*ii*) recommend to the Council suitable candidates for further consideration.

(4) The Council shall select and appoint, as Vice-Chancellor, one from among the three candidates recommended to it under subparagraph (3) (*c*) (*ii*) and thereafter inform the Visitor.

(5) The Vice-Chancellor shall hold office for a single term of five years 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 the ground of gross misconduct or inability to perform the functions of his office as result of the infirmity of the body or mind at the time, at the initiative of the Council, Senate or Congregation after due process.

(7) When the proposal for the removal of Vice-Chancellor is made, the Council shall constitute a joint committee of the Council and Senate consisting of—

(*a*) three members of the Council of whom one shall be Chairman of the Committee, and

(*b*) two members of 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—

(*a*) conduct investigation into the allegation made against the Vice-Chancellor ; and

(*b*) 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 if a Vice-Chancellor who is removed shall, have a right of appeal to the Visitor.

Deputy Vice-Chancellor

4.—(1) There shall be for the University such number of Deputy Vice-Chancellors as the Council may 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 subparagraph (2) 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—

(*i*) post of the Vice-Chancellor is vacant,

(*ii*) Vice-Chancellor is, for any reason, absent, or

(*iii*) Vice-Chancellor is unable to perform his functions as Vice-Chancellor ; and

(*c*) perform such other functions as the Vice-Chancellor or Council may assign to him.

(5) A Deputy Vice-Chancellor—

(*a*) shall hold office for 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 re-appointed for another term of two years and no more.

(6) The Deputy Vice-Chancellor may be removed from office for good cause by the Council, acting on the recommendation of the Vice-Chancellor and Senate.

(7) "*Good cause*", for the purpose of this subparagraph, means gross misconduct or the inability to perform 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 is—

(*a*) the Chief Administrative Officer of the University ; and

(*b*) responsible to the Vice-Chancellor for the 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) A person holding the office of the Registrar is, by virtue of that office, Secretary to the Council Senate, Congregation and Convocation.

Other Principal Officer of the University

6.—(1) In addition to the Registrar, there shall be for the University the—

(*a*) Bursar ; and

(*b*) 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 is the chief financial officer of the University and shall be responsible to the Vice-Chancellor for the administration and control of the financial affairs of the University.

(3) The University Librarian is responsible to the Vice-Chancellor for the administration of the University library and co-ordination of the library services in the University and its campuses, colleges, faculties, schools, departments, institutes and other teaching or research units.

(4) Any question as to the scope of the responsibilities of the Bursar or University Librarian, shall be determined by the Vice-Chancellor.

(5) The Registrar, Bursar and Librarian shall hold office for a single term of five years beginning from the effective date of his appointment and on such terms and condition as may be specified in his letter of appointment.

(6) Notwithstanding subparagraph (5), the Council may, upon satisfactory performance, extend the tenure of the Registrar, Bursar and Librarian for another term of one year only, thereafter the Registrar, Bursar or Librarian shall relinquish his post and be assigned to other duties in the University.

Selection 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-Chancellor or Deputy Vice-Chancellor, which shall consist of—

(*a*) the Pro-Chancellor, as Chairman ;

(*b*) the Vice-Chancellor ;

(*c*) four members of the Council not being members of the Senate ; and

(*d*) two members of the Senate.

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

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

Resignation and Re-appointment

8.—(1) A principal officer may resign his office—

(*a*) in the case of the Chancellor or Pro-Chancellor, by notice to the President ; and

(*b*) in any other case, by notice to the Council, and the Council shall immediately notify the Minister in the case of the Vice-Chancellor.

(2) Subject to paragraphs 4 and 5 of this Schedule, a person who has ceased to hold an office otherwise than by removal for misconduct is eligible for re-appointment to that office.

SECOND SCHEDULE

Sections 10 (2) *and* 27 (8)

TRANSITIONAL PROVISIONS

Transitional Provisions as Property, Functions etc.

1. Without prejudice to the generality of section 10 (1) of this Act—

(*a*) the reference in that subsection to property held by the Provisional Council and University shall include a reference to the right to receive and give a good discharge for any grant or contribution which may have been voted or promised to the Provisional Council and the University ; and

(*b*) all outstanding debts and liabilities of the Provisional Council shall become debts and liabilities of the University established by this Act.

Transitional Provisions relating to Instruments and Legal Proceedings

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 modification, have effect as if the University established by this Act had been a party to it in place of the Provisional Council.

(2) Documents not falling within subparagraph (1), including enactments which refer, whether specially or generally, to the Provisional Council, shall be construed in accordance with that subparagraph so far as applicable.

(3) Any legal proceeding or application to any authority pending by or against the Provisional Council may be continued by or against the University established by this Act.

Applicable law to a Property and Registration

3.—(1) If the law in effect at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply, with necessary modifications, to the property in question.

(2) It is the duty of the body to which any property is transferred by this Act to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and it is for that officer to register the transfer accordingly.

Meetings and Transitional Provisions regarding certain persons

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 are deemed to constitute the Council until the date when the Council as set up under the Third Schedule to this Act shall have been duly constituted.

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

(4) The persons who were members of the Senate immediately before the coming into effect of this Act are deemed to constitute the Senate of the University until the date when the Senate as set up under the Third Schedule to this Act shall have been duly constituted.

(5) Subject to any regulation which may be made by the Senate after the date on which this Act is made, the faculties, faculty boards and students of the University immediately before the coming into effect of this Act shall, on that day, become faculties, faculty boards and students of the University as constituted by this Act.

(6) Persons who were Deans or associate Deans of faculties or members of faculty boards shall continue to be Deans or associate Deans or become members of the corresponding school boards, until new appointments are made in pursuance of the statues under this Act.

Transitional provisions regarding staff or employee

5. Any person who was a member of staff of the University or was otherwise employed by the Provisional Council shall become the holder of an appointment at the University with the status, designation and functions which correspond as nearly as may be to those which appertained to him as member of that staff or as an employee.

THIRD SCHEDULE

Sections 11 (3), (4) *and* 27 (7)

MODIBBO ADAMA UNIVERSITY STATUTE NO. 1

Arrangement of Articles

1. The Council.
2. The Finance and General Purposes Committee.
3. The Senate.
4. Congregation.
5. Convocation.
6. Division Schools.
7. School Boards.
8. Dean of the School.
9. Head of Department.
10. Selection of Director of Works.
11. Creation of academic posts.
12. Appointment of academic staff.
13. Appointment of administrative and professional staff.
14. Interpretation.
15. Citation.

The Council

1.—(1) The composition of the Council shall be as provided in section 6 of this Act.

(2) Any member of the Council holding office otherwise than those mentioned in section 6 (*a*), (*b*), (*c*), or (*d*) of this Act may, by notice to the Council, resign his office.

(3) A member of the Council holding office otherwise than those mentioned in section 6 (*a*), (*b*), (*c*), or (*d*) of this Act shall, unless he previously vacates it, vacate that office on the expiration of four years, beginning with effect from the date of inauguration of the Council.

(4) Where a member of the Council holding office otherwise than those mentioned in section 6 (*a*), (*b*), (*c*), or (*d*) of this Act vacates office before the expiration of that period, 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 is eligible for re-appointment for another term of four years and no more.

(6) The quorum of the Council is five, at least one of whom shall be a member appointed under section 6 (*d*), (*e*) or (*h*) of this Act.

(7) If the Pro-Chancellor is not present at a meeting of the Council, such other member of the Council present at the meeting as the Council may appoint as respects that meeting shall be the chairman at that meeting, and subject to sections 4 and 5 of this Act and the 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 deliberations of the Council at any meeting but are not 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 from among the three members of the Council appointed by the Senate and one member appointed to the Council by Congregation ; and

(*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.

(2) The quorum of the Committee is five.

(3) Subject to any direction given by the Council, the Committee may regulate its own procedure.

The Senate

3.—(1) The Senate shall consist of—

(*a*) the Vice-Chancellor as Chairman ;

(*b*) the Deputy Vice-Chancellor ;

(*c*) all Professors of the University ;

(*d*) all Deans, Provost and Directors of Academic Units of the University ;

(*e*) all Heads of academic Departments, Units and Research Institutes of the University ;

(*f*) University Librarian ; and

(*g*) academic members of Congregation who are not Professors as specified in the Act.

(2) 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.

(3) The quorum of the Senate is one quarter (or the nearest whole number less than one quarter) and subject to sub article (2), the Senate may regulate its own procedure.

(4) An elected member may, by notice to the Senate, resign his office.

(5) Subject to sub article (7), 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 determine.

(6) An elected member shall hold office for two years beginning with 1 August in the year of his election, and may be a candidate at any election held under sub article (5) in the year in which his term of office expires, but 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 term of six years or would have so held office if he had not resigned it.

(7) No election shall be held under this article in any year if the number specified in the certificate given in under sub article (10) 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 sub article (6).

(8) No person shall be precluded from continuing in or taking office as an elected member by reason only of reduction in the number of non-elected members occurring on or after 30 April in any year in which he is to continue in or take office as an elected member.

(9) If so requested in writing by 15 members of the Senate, the Vice-Chancellor or, in his absence, any of the Deputy Vice-Chancellors 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.

(10) In this article, "total of non-elected members" means in respect of 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.

Congregation

4.—(1) Congregation shall consist of—

(*a*) the Vice-Chancellor and Deputy Vice-Chancellors ;

(*b*) the full-time members of the academic staff ;

(*c*) the Registrar ;

(*d*) the Bursar ;

(*e*) the Librarian ;

(*f*) the Director of Works ;

(*g*) the Director of Academic Planning ;

(*h*) the Director of Physical Planning ;

(*i*) the Director of Health Services ; and

(*j*) every member of the administrative staff who holds a degree, other than honorary degree, of any University recognised for the purposes of this Statute by the Vice-Chancellor.

(2) Subject to sections 4 and 5 of this Act, the Vice-Chancellor shall be the chairman at all meetings 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 is one-third (or the whole number nearest to one third of the total number of members of Congregation of 50, 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 for the Congregation during a particular meeting shall be conclusive evidence of that number or as the case may be, of the names of those persons.

(5) Subject to the provisions of this article, Congregation may regulate its own procedure.

(6) The Congregation—

(*a*) is entitled to express, by resolutions or otherwise, its opinion on all matters affecting the interest and welfare of the University ; and

(*b*) shall have such other functions, in addition to the function of electing a member of the Council, as may be provided by the Statute or regulations.

Convocation

5.—(1) The Convocation shall consist of—

(*a*) the officers of the University mentioned in the First Schedule to this Act ;

(*b*) all teachers within the meaning of this Act ; and

(*c*) all other persons whose names are registered in accordance with sub article (2).

(2) A person is entitled to have his name registered as a member of Convocation if he—

(*a*) is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph ; and

(*b*) applies for the registration of his name in the prescribed manner and pay the prescribed fees.

(3) The regulations shall provide for the establishment and maintenance of a register for the purpose of this article and, subject to sub article (4) may provide for the payment, from time to time, of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.

(4) The person responsible for maintaining the register shall, without the payment of any fee, ensure that the names of all persons who are for the time being members of the Convocation by virtue of sub article (1) (*a*) or (*b*) are entered and retained on the register.

(5) A person who reasonably claims that he is entitled to have his name on the register is entitled on demand, to inspect the register or a copy of the register at the principal office of the University at all reasonable times.

(6) The register is, unless the contrary is proved, sufficient evidence that any person named therein is a member of Convocation, but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entry in and deletion from the register made on or after that date shall be disregarded.

(7) The quorum of Convocation is 50 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 5 of this Act, the Chancellor is the 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) The Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by the Statute or regulations.

Division of Schools

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

School Boards

7.—(1) There shall be established in respect of each School, a School Board which, subject to the provisions of this Statute and subject to the directions of the Vice-Chancellor, shall—

(*a*) regulate the teaching and study of, and the conduct of, examinations connected with the subjects assigned to the School ;

(*b*) deal with any other matter assigned to it by the Statute, Vice-Chancellor or the Senate ; and

(*c*) advise the Vice-Chancellor or the Senate on any matter referred to it by the Vice-Chancellor or the Senate.

(2) Each School Board shall consist of—

(*a*) the Vice-Chancellor ;

(*b*) the Dean ;

(*c*) the persons severally in charge of the branches of the School ;

(*d*) such teachers assigned to the School and having the prescribed qualifications as the Board may determine ; and

(*e*) 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 is eight members or one quarter, whichever is greater, of the members for the time being of the Board, and subject to the provisions of this statute and any provision made by regulations in that behalf, the Board may regulate its own procedure.

Dean of the School

8.—(1) The Dean of a School shall be a professor elected by the School Board and such Dean shall hold office for a term of two years, and is eligible for re-appointment for another term of two years after which he may not be re-appointed again until two years have elapsed.

(2) The Dean is the chairman at all meetings of the School Board when he is present and shall be a member of all committees and other boards appointed by the School.

(3) The Dean of a School shall exercise general superintendence over the academic and administrative affairs of the school and it is the function of Dean to present to the Convocation or for the conferment of degrees on persons of the University at examinations held in the branches of learning for which responsibility is allocated to that School.

(4) There shall be a Committee to be known as the Committee of Deans, consisting of all Deans of the Schools and that Committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to it by the Council.

(5) The Dean of School may be removed from office for good cause by the School 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 may be appointed by the Vice-Chancellor provided that at the next School Board meeting, an election shall be held for a new Dean.

(6) In this article 'good cause' has the same meaning as in section 16 (5) of this Act.

Head of Department

9.—(1) The Head of Department—

(*a*) shall be appointed by the Vice-Chancellor ;

(*b*) shall hold office for a term of two years in the first instance ; and

(*c*) is eligible for re-appointment for another term of two years, after which he may not be appointed again until two years, have elapsed.

(2) The Head of Department shall exercise general superintendence over the academic and administrative affairs of the Department.

Selection of Director of Works

10.—(1) When a vacancy occurs in the office of the Director of Works, a Selection Board shall be constituted by the Council which shall consist of—

(*a*) the Pro-Chancellor, as Chairman ;

(*b*) the Vice-Chancellor ;

(*c*) two members appointed by the Council not being members of the Senate ; and

(*d*) two members appointed by the Senate.

(2) The Selection Board, after making such inquires as it deems fit, shall recommend a candidate to the Council for appointment to the vacant office, and after considering the recommendation of the Board, the Council may make an appointment to that office.

Creation of Academic Posts

11. Recommendations for the creation of posts shall be made by the Senate to the Council through the Finance and General Purposes Committee.

Appointment of Academic Staff

12.—(1) Subject to this Act and Statute, the filling of vacancies in academic posts (including newly created ones) is the responsibility of the Senate.

(2) For the purpose of filling such vacancies, suitable selection boards to select and make appointments on behalf of Council shall be set up.

(3) For appointment to professorships, associate professorship or readerships or equivalent posts, a Selection Board with power to appoint, shall consist of—

(*a*) the Vice-Chancellor ;

(*b*) two members appointed by the Council ;

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

(*d*) if the post is tenable at a college, the Provost of that college ;

(*e*) if the post is within a school, institute or other teaching unit of the University, the Dean of the School or teaching unit, or the Director of the Institute, as the case may be ; and

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

(4) For other academic posts, a Selection Board with power to appoint, shall consist of—

(*a*) the Vice-Chancellor ;

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

(*c*) if the post is tenable at a college, the Provost of that college ;

(*d*) if the post is within a school, institute or other teaching unit of the University, the Dean of the School or the teaching unit, or the Director of the Institute, as the case may be ; and

(*e*) such other persons, not exceeding two in number, or deemed capable of helping the Board in assessing both the professional and academic suitability of a candidate under consideration, as the Senate may, from time to time, appoint.

(5) All appointments to senior library posts shall be made in the same way as equivalent appointments in the academic cadre, and for all such posts other than that of the Librarian, the Librarian shall be a member of the Selection Board.

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

Appointment of Administrative and Professional Staff

13.—(1) The administrative and professional staff of the University, other than principal officers, shall be appointed by the Council or on its behalf by the Vice-Chancellor or Registrar in accordance with delegation of any power given by the Council in that behalf.

(2) In the case of administrative or professional staff who have close and important contract with the academic staff, there shall be Senate or (in case of a college) academic board participation in the process of selection.

Interpretation

14. In this Statute, the expression "the Act" means the Modibbo Adama University Act and any expression defined in the Act has the same meaning in this Statute.

Citation

15. This Statute may be cited as the Modibbo Adama University Statute No. 1.

I, certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

OJO O. A., fnia, fcia
Clerk to the National Assembly
4th Day of December, 2020.

EXPLANATORY MEMORANDUM

This Act establishes the Modibbo Adama University, Yola to encourage the advancement of learning to all persons without discrimination, promote scholarship, conduct research in all fields of learning and provide an opportunity of acquiring a higher and liberal education in Nigeria.

SCHEDULE TO THE MODIBBO ADAMA UNIVERSITY, YOLA (ESTABLISHMENT) BILL, 2020

(1) *Short Title of the Bill*	(2) *Long Title of the Bill*	(3) *Summary of the Contents of the Bill*	(4) *Date passed by the Senate*	(5) *Date passed by the House of Representatives*
Modibbo Adama University, Yola (Establishment) Bill, 2020.	An act to establish the Modibbo Adama University, Yola to encourage the advancement of learning to all persons without discrimination, promote scholarship, conduct research in all fields of learning and provide an opportunity of acquiring a higher and liberal education in Nigeria ; and for related matters.	This Bill establishes the Modibbo Adama University, Yola to encourage the advancement of learning to all persons without discrimination, promote scholarship, conduct research in all fields of learning and provide an opportunity of acquiring a higher and liberal education in Nigeria.	18th December, 2019.	23rd July, 2020.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT.

LS

OJO O. A., fnia, fcia
Clerk to the National Assembly
4th Day of December, 2020.

MUHAMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
6th Day of January, 2021.

NATIONAL INSTITUTE OF CONSTRUCTION, TECHNOLOGY AND
MANAGEMENT (ESTABLISHMENT) ACT, 2019

EXPLANATORY MEMORANDUM

This Act establishes the National Institute of Construction, Technology and Management to provide full-time and part-time courses of instruction and training in construction and engineering technology, applied and management sciences and other fields of study, and to make provision for the general administration of the Institute

NATIONAL INSTITUTE OF CONSTRUCTION, TECHNOLOGY AND MANAGEMENT (ESTABLISHMENT) ACT, 2019

Arrangement of Sections

Section:

PART I – ESTABLISHMENT OF NATIONAL INSTITUTE CONSTRUCTION, TECHNOLOGY AND MANAGEMENT, UROMI, EDO STATE

1. Establishment of National Institute of Construction, Technology and Management, Uromi, Edo State.
2. Establishment and membership of the Council of the Institute.
3. Visitation.
4. Tenure of office of Council members.

PART 11 – FUNCTIONS AND POWERS OF THE INSTITUTE

5. Functions of the Institute.
6. Functions of the Council.
7. Powers of the Institute.

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8. Appointment of the Rector and his functions.
9. Appointment of the Deputy Rector.
10. Appointment of the Registrar.
11. Appointment of the Bursar
12. Appointment of Librarian.
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15. Staff regulations.

PART IV - PROFESSIONAL DISCIPLINE

16. Pensions and other benefits.
17. Removal of a member from office.
18. Removal from office of a staff of the Institute.
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21. Fund of the Institute.
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26. Power to make bye-laws.
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NATIONAL INSTITUTE OF CONSTRUCTION, TECHNOLOGY MANAGEMENT (ESTABLISHMENT) ACT, 2019

A Bill

For

An Act to establish the National Institute of Construction, Technology and Management, Uromi, Edo State to provide full-time and part-time courses and man power training in construction and engineering technology, applied and management sciences and other fields of study, and make provisions for the general administration of the Institute; and for related matters.

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I — ESTABLISHMENT OF NATIONAL INSTITUTE OF CONSTRUCTION, TECHNOLOGY AND MANAGEMENT, UROMI, EDO STATE

Establishment of National Institute o Construction Technology and Management, Uro Edo State.

1. There is established the National Institute of Construction, Technology and Management Uromi, Edo State (in this Act referred to as "the Institute").

Establishment an membership of th Council.

2. (1) There is established for the Institute a Governing Council (in this Act referred to as "the Council") which:

(a) is a body corporate with perpetual succession and a common seal; and

(b) may sue and be sued in its corporate name.

(2) The Council shall consist of a chairman and the following other members:

(a) the Rector of the Institute;

(b) one representative of:

(i) the Academic Board of the Institute elected by the Board,
(ii) Manufacturer's Association of Nigeria. MAN (to be coordinated by NBTE),
(iii) Universities (to be submitted by NUC),
(iv) Professional Bodies (to be coordinated by NBTE),

(v) Federal Utility Statutory Corporation,
(vi) the community where the Institute is situated (to be coordinated by the Institute),
(vii) the Minister charged with responsibility for matters relating to education,
(viii) the Permanent Secretary, Federal Ministry of Education (to be coordinated by the Ministry),
(ix) the Permanent Secretary, Federal Ministry of Industry, Trade and Investment (to be coordinated by the NBTE), and
(x) the State Ministry of Education;

(c) five other persons, at least one of whom shall be a woman to be selected each on personal merit based on contributions to development of industry, technology, commerce or special interest in technical education; and

(d) the Registrar (non-member) shall be Secretary to the Council.

(3) The Chairman and members for the Council other than ex-officio members shall be appointed by the President on the recommendation of the Minister of Education.

(4) The provisions of the Schedule to this Act shall have effect with respect to the proceedings of the Council and the other matters mentioned in the Schedule. Schedule.

Visitation.

. (1) The Minister of Education shall be the Visitor to the Institute.

(2) The Visitor shall, at least once in every five years, conduct a visitation to the Institute by appointing a Visitation Panel.

(3) The Visitation Panel shall consist of at least five experts in relevant areas as provided in section 5 (a) of this Act:

(a) to evaluate academic and administrative performance of the polytechnic; and

(b) for such other purpose as the Visitor may deem fit.

Tenure of office of Council members.

4. (1) The Chairman and other members of the Council:

(a) shall hold office for four years from the date of appointment; and

(b) may be eligible for re-appointment for another four years and no more.

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

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

(4) A member of the Council may resign his appointment by a notice in writing addressed to the Minister of Education.

PART II — FUNCTIONS AND POWERS OF THE INSTITUTE

Functions of the Institute.

5. The Institute shall:

(a) provide full-time and part-time courses in construction and engineering technology, applied and management sciences and other fields of study leading to the award of Ordinary National Diploma, Higher National Diploma, and Certificates in specialised programmes;

(b) provide facilities and encourage research in all its area of focus to aid the development of Nigeria in the areas of industry, commerce, technology and engineering;

(c) arrange conferences, seminars and study groups relevant to the fields of learning specified in paragraph (a);

(d) provide a well-developed and articulated technical education through consistent research, development and constant contact with renowned institutions and appropriate industries;

(e) provide appropriate training and vocational dexterity for a self-reliant and focused Nigerian student, and provide industrial skills for those who want to be employers of labour or gainfully employed;

(f) perform such other functions which, in the opinion of the Institute, may serve to promote its objectives; and

(f) carry out other activities as are necessary and expedient for the full discharge of any of its functions under this Act.

(1) The Council:

Functions of the Council.

(a) is responsible for the general management of the affairs of the Institute and, in particular, the control of the property and finances of the Institute;

(b) may do anything which, in its opinion, is calculated to facilitate the carrying out of activities of the Institute and promote its best interest;

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

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

(e) may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of the Federal Polytechnics Act; and

Cap. F17, LFN, 2

(f) shall perform such other functions which, in the opinion of the Council, may serve to promote the objectives of the Institute.

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

Powers of the I

7. The Institute shall have powers to:

(a) award certificates for courses provided by it under section 5 (a) of this Act;

(b) enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Act;

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

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

(e) establish and maintain a library comprising such books, journals, records, reports and other publications and information systems as may be required for the performance of the functions conferred on the Institute by this Act; and

(f) accept gifts of land, money or other property upon such terms and conditions as may be specified by the person or organisation making the gift:

Provided that the Institute shall not accept any gift if the terms and conditions attached to it are inconsistent with its functions under this Act.

PART III — PRINCIPAL OFFICERS AND OTHER STAFF OF THE INSTITUTE

Appointment of the Rector and his functions.

8. (1) The President shall appoint, for the Institute, a Rector who shall be the chief academic and administrative officer of the Institute.

Cap. F17, LFN, 20

(2) where a vacancy occurs in the position of Rector, the Council shall advertise and follow such procedure as provided in sections 8 (2), (3), (4) and (5) of the Federal Polytechnics Act.

(3) The Rector is responsible for the:

(a) administration of the Institute;

(b) exercise of general authority over the employees of the Institute; and

(c) discipline of students in the Institute.

(4) The Rector:

(a) shall hold office for four years:

(i) from the date of his appointment, and

(ii) on such terms and conditions as may be determined by the Minister as set out in his letter of appointment; and

(b) may be re-appointed for another period of four years and no more.

The Council shall appoint a Deputy, Rector as specified in section 9 of the Federal Polytechnics Act.

Appointment of the Deputy Rector Cap. F17, LFN, 234

(2) The Deputy Rector shall:

(a) assist the Rector in the performance of his functions; and

(b) act in place of the Rector when the Rector is absent or unable to perform his functions or when the position of Rector is vacant.

(3) The Deputy Rector shall perform such other functions as the Rector assign.

(4) The Deputy Rector:

(a) shall hold office for two years:

(i) from the date of his appointment, and

(ii) on such terms and conditions as may be specified in his letter of appointment; and

(b) may be re-appointed for a another two years and no more.

10. (1) The Council shall appoint a Registrar who shall be the Secretary to the Council and attend all the meetings of the Council.

Appointment of the Registrar.

(2) The Registrar is answerable to the Rector for the administration of the Institute and shall perform such other functions as the Council or Rector may direct.

(3) The Registrar shall:

(a) be Secretary to the Council, Academic Board and any other committee of the Council; and

(b) attend all meetings of these committees unless he is excused for good reasons by the Chairman of the Council.

(4) If the Registrar is for any reason unable to attend a meeting of the Council, the Chairman of the Council may, after consultation with the Rector, appoint a suitable person to act as secretary for the particular meeting.

(5) The Secretary to the Council, or a person appointed to act under subsection (4), shall not vote on any question before the Council or count towards a quorum, unless

he is so entitled as a member of [illegible]

(6) The Registrar shall:

(a) hold office for five years:

(i) from the date of his appointment,

(ii) on such terms and conditions as may be specified in his letter of appointment; and

(b) may be re-appointed for another five years and no more.

Appointment of the Bursar.

11. (1) The Council shall appoint a Bursar on the recommendation of the selection board constituted under section 9 (3) of the Federal Polytechnics Act.

Cap. F17, LFN, 2004.

(2) The Bursar is:

(a) the Chief Financial Officer of the Institute; and

(b) responsible to the Rector for the administration and control of the financial affairs of the Institute.

(3) The Bursar shall hold office for five years and may be re-appointed for another five years and no more;

Appointment of the Librarian.

12. (1) The Council shall appoint a Librarian on the recommendation of the Selection Board constituted under section 9 (3) of the Federal Polytechnics Act.

Cap. F17, LFN, 2004.

(2) The Librarian is responsible to the Rector for the administration of the Institute's library and the coordination of library services in the academic unit of the Institute.

(3) The Librarian:

(a) shall hold office for five years in the first instance; and

(b) may be re-appointed for another five years and no more.

Resignation by principal officers.

13. A principal officer may resign his appointment:

(a) in the case of the Rector, by notice to the Minister of Education; and

(b) in any other case, by notice to the Council.

The Council may appoint such other persons to be employees of the Institute to assist the Rector or other principal officers in performance of their functions under the Federal Polytechnics Act.

(2) The power to appoint senior employees shall be exercised by the Council on the recommendation of the Appointments and Promotions Committee, Senior and in the case of junior employees, by the Council on the recommendation of the Appointments and Promotions Committee, Junior under the power vested in the Council under paragraph 3 of the Schedule to this Act. Schedule.

15. (1) The Council may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the staff of the Institute and such regulations may provide for: Staff regulations.

(a) the appointment, promotion and discipline (including dismissal) of employees of the Institute; and

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

(2) Staff regulations made under subsection (1) shall not have effect until they are approved by the President, when so approved, they need not to be published in the Federal Government Gazette but the Council shall cause them to be brought to the notice of all affected persons in the manner as it may determine.

16. (1) Pension service in the Institute shall be approved service for the purposes of the Pensions Reform Act. Pensions and other benefits.

(2) Officers and other persons employed in the Institute shall be entitled to pensions, gratuities and other retirement benefits as prescribed in the Pensions Reform Act. Act No. 4, 2014

(3) Nothing in subsection (1) shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

(4) For the purpose of the application of the Pensions Act, any power exercisable under it by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 of the Pensions Reform Act, is vested in and shall be exercisable by the Council and not by any other person or authority. Act No. 4, 20

PART IV — PROFESSIONAL DISCIPLINE

(1) The President may, in writing, remove any member of the Council from office if it is established that his contributions are against the purpose, interest and objectives of the Institute. Removal of a member from office

(2) If it appears to the Council that a member of Council (other than an ex-officio member) or the Rector should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to the President, and if the President, after making such enquiries as he considers necessary, approves the recommendation, the President shall, in writing, declare the office of such member vacant.

18. (1) If there are reasons for believing that any person employed as a member of the academic, administrative or technical staff of the Institute, other than the Rector, should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall: Removal from offi a staff of the Institu

(a) give notice to the person of the reasons in question;

(b) afford him an opportunity to make representations in person on the matter to the Council; and

(c) carry out such investigations and actions pursuant to section 17 (1) (c) of the Federal Polytechnics Act. Cap. F17, LFN,

(2) The Rector may, in a case of misconduct by a member of the staff which in the opinion of the Rector is prejudicial to the interests of the polytechnic, suspend such member, and the suspension shall immediately be reported to the Council.

(3) For good cause, any member of staff may be suspended from office or his appointment may be terminated by the Council by virtue of its power pursuant to section 17 (3) of the Federal Polytechnics Act. Cap. F17, LFN

19. (1) Where it appears to the Rector that any student of the Institute has been guilty of misconduct, the Rector may, without prejudice to any other disciplinary powers conferred on him by this Act or any regulation made under it, direct that the: Discipline of s

(a) student shall not, during such periods as may be specified in the direction, participate in such activities of the Institute or make use of such facilities of the Institute, as the Rector may specify;

(b) activities of the student shall, during such period as may be specified in the direction, be restricted in a manner as may be specified;

(c) student be suspended for a period as may be specified in the direction; or

(d) student be expelled from the Institute.

(2) Where there is temporarily no Rector or where the Rector refuses to apply any disciplinary measures, the Council may, either directly or through some other staff, apply such disciplinary actions as specified in subsection (1) to any student of the Institute who is guilty of misconduct.

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

(4) The fact that an appeal from a direction is brought under subsection (5), does not affect the operation of the direction while the appeal is pending.

(5) The Rector may delegate his powers under this section to a disciplinary committee consisting of such staff of the Institute as he may nominate.

(6) Nothing in this section shall be construed as preventing the restriction or termination of students activities at the Institute otherwise than on the ground of misconduct.

(7) A direction under subsection (1) (a) may be combined with a direction under subsection (1) (b).

PART V — ACADEMIC BOARD

Establishment of Academic Board Institute.

20. (1) There is established, as an integral part of the Institute, an Academic Board which shall consist of:

(a) the Rector of the Institute;

(b) the Deputy Rector;

(c) the Registrar as Secretary;

(d) the Librarian;

(e) Deans and Directors of Schools;

(f) Heads of Academic Departments and Units; and

(g) at least two members of the academic staff other than Heads of Departments or Units, to be appointed by the Academic Board.

(2) The Academic Board shall:

(a) give the direction and management of academic matters of the Institute including the:

(i) regulation of admission of students,

(ii) award of certificates and diplomas,

(iii) school, prizes, and

(iv) other academic distinctions;

(b) formulate and continuously evaluate the academic programme of the Institute;

(c) make periodic reports to the Council on such academic matters as the Board may deem fit or as the Council may direct; and

(d) perform of any other function which the Council may delegate to it.

(3) The Rector shall be the Chairman at the meeting of the Academic Board and, in his absence, the Deputy Rector shall preside at such meeting, but in the absence of both, the members present at the meeting shall appoint one of them to preside at the meeting.

(4) The Academic Board shall have the power to regulate its own procedure.

PART VI — FINANCIAL PROVISIONS

Fund of the Institute.

21. (1) The Institute shall establish and maintain a fund (in this Act referred to as "the Fund") from which shall be defrayed all expenditure incurred by the Institute in the performance of its functions under this Act.

(2) The Fund of the Institute shall consist of:

(a) such sums as may be granted to the Institute by the Federal Government;

(b) fees charged by and payable to the Institute in respect of

students;

(c) any other amount charged or dues recoverable by the Institute;

(d) revenue accruing to the Institute by way of subvention, grants in-aid, endowment or otherwise;

(e) interest on investment; and

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

Donations for particular purpose.

22. (1) Donations of money to be applied for any particular purpose shall be placed to the credit of a special reserve account and may be invested in such securities or other investments as may be approved by the Minister, until such time as they may be expended in fulfillment of such purpose:

Provided that the Institute shall not accept a donation from a particular purpose, if the terms and conditions attached to such donation are inconsistent with the functions of Institute under this Act.

(2) The interest derived from the investments referred to in sub section (1) (unless the terms of the donations otherwise require) are deemed to be revenue of the Institute.

Payment into bank.

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

Annual estimate accounts and audit

24. (1) The Institute shall keep proper records and accounts and shall cause to be prepared, not later than 1 October in each financial year, an estimate of its revenue and expenditure for the ensuing financial year and the estimate shall be submitted to the National Board for Technical Education for approval.

(2) At the end of each financial year, but not later than 30 June, the Institute shall cause to be prepared a statement of its income and expenditure during the previous financial year.

(3) The statement of accounts referred to in subsection (2) shall:

(a) when certified by the Rector, be audited by a firm of auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation; and

(b) be published in the annual report of the Institute.

The council shall cause to be prepared and presented to the President through the Minister, a report of the activities during the preceding financial year, inclusive of the audited accounts of the Institute in respect of the financial year and the auditors comment not later than 31 December in each year. Annual report

PART VII — MISCELLANEOUS

26. (1) The Council may, within the scope of its authority under this Act, make bye-laws relating to any internal domestic matter placed by this Act under its control and superintendence other than matters for which provision is to be made by standing orders under paragraph 1 (1) of the Schedule to this Act. Power to make bye-laws. Schedule.

(2) All bye-laws shall be in writing and shall come into effect when sealed with the seal of the Institute, unless some other date for commencement is prescribed.

(3) Nothing in subsection (2) shall make it obligatory for the Council to publish any of the bye-laws in the Federal Government Gazette.

27. The Council may, with approval of the Minister, make regulations for giving effect to the provisions of this Act and the regulations shall provide for the: Regulations.

(a) entry into and the type of courses approved for the Institute;

(b) duration of the courses and academic standards; and

(c) certificates, diplomas or degrees which may be awarded by the Institute.

28. In this Act: Interpretation.

"Bye-laws" means bye-laws made under section 26 of this Act;

"Council" means governing body of the Institute established under section 2 of this Act;

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

"Visitor" means Minister of Education;

"property" includes rights, liabilities and obligations;

"Registrar" means the Registrar of the Institute;

"Institute" means National Institute of Construction Technology and Management established under section 1 of this Act; and

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

29. This Act may be cited as National Institute of Construction, Technology and Construction Management (Establishment) Act, 2019.

Schedule Sections 2 (4) and 21

Proceedings of the Board

1. (1) Subject to this Act and section 27 of the Interpretation Act, the Council may make standing orders regulating the proceedings of the Council or any committee.

(2) The quorum of the Council is seven and the quorum of any committee of the Council shall be as determined by the Council.

2. (1) The Council shall meet for the conduct of business at such times as the Chairman of the Council may appoint but shall meet at least twice in a year and not more than four times in each year and two emergencies.

(2) The Chairman shall preside over all meetings of the Board and where the Chairman is absent, the members present shall appoint one of them to preside over the meeting.

(3) No meeting shall hold except a quorum is formed and notice and agenda of proposed meeting as well as minutes of prior regular meeting shall be circulated to members at least two weeks to the scheduled date of meeting.

(4) For a meeting of the Council to hold, the Chairman and seven other members shall be and constitute the quorum, but where the Chairman is absent, any five members, including the Rector (or his representative), shall be and constitute the quorum.

(5) In a situation where voting is required to reach a resolution on any matter, a decision shall be reached by simple majority through a poll or show of hand, but where there is a tie, the Chairman shall cast a deciding vote.

(6) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as it deems fit, but a person who is a member by virtue of this subparagraph is not entitled to vote at any meeting of the Council and shall not count towards the quorum.

(7) The Registrar of the Institute shall serve as the Secretary, but as non-member of Board, he shall not be considered for the purpose of a quorum and shall have no voting right.

Committee

3. (1) The Council may appoint one or more committees to perform on behalf of the Council such functions as the Council may determine.

(2) A committee set up under this paragraph shall consist of such number of persons (not necessarily all members of the Council) as may be determined by the Council

in accordance with the terms of his appointment.

(3) A decision of a committee of the Council is of no effect until it is confirmed by the Council.

Miscellaneous

(1) The affixing of the seal of the Council shall be authenticated by the signature of the Chairman or any other member authorised generally or specially by the Council to act for that purpose.

(2) Any contract or instrument which, if made by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Institute by the Rector or any person generally or specially authorised to act for that purpose by the Council.

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

(4) Members of the Council who are not public officers shall be paid, at the disposal of the Council, such remuneration, fees or allowances in accordance with the scale as may be approved by the President.

(5) The validity of any proceeding of a committee of the Council is not adversely affected by a vacancy in the membership of a committee of the Council or by reason that a person not entitled to do so took part in the proceedings.

(6) A member of the Council or any person holding office in a committee of the Council who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or committee shall:

(a) forthwith disclose his interest to the Council or committee; and

(b) not vote on any question relating to the contract or arrangement.

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.

MOHAMMED ATABA SANI-OMOLORI
CLERK TO THE NATIONAL ASSEMBLY

24th DAY OF MAY, 2019

Schedule to the National Institute of Construction, Technology and Management (Establishment) Bill, 2019

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSE THE HOUSE REPRESENT
National Institute of Construction Technology and Management (Establishment) Bill, 2019.	An Act to establish the National Institute of Construction, Technology and Management, Uromi, Edo State to provide full-time and part-time courses and man power training in construction and engineering technology, applied and management sciences and other fields of study, and make provisions for the general administration of the Institute; and for related matters.	This Bill establishes the National Institute of Construction, Technology and Management to provide full-time and part-time courses of instruction and training in construction and engineering technology, applied and management sciences and other fields of study, and make provisions for the general administration of the Institute.	28th November, 2018	14th May, 2019

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

MOHAMMED ATABA SANI-OMOLORI
Clerk to the National Assembly
24th Day of May, 2019

I ASSENT

MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
24 Day of May, 2019

Extraordinary

Federal Republic of Nigeria Official Gazette

No. 148 **Lagos - 21st September, 2020** **Vol. 107**

Government Notice No. 154

The following is published as supplement to this *Gazette* :

Act No.	*Short Title*	*Page*
2	Nigeria Police Act, 2020	A25-92

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NIGERIA POLICE ACT, 2020

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SCHEDULE

NIGERIA POLICE ACT, 2020

ACT No. 2

AN ACT TO REPEAL THE POLICE ACT CAP. P19, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT NIGERIA POLICE ACT, 2020 TO PROVIDE THE FRAMEWORK FOR THE POLICE FORCE AND ENSURE COOPERATION AND PARTNERSHIP BETWEEN THE POLICE AND HOST COMMUNITIES IN MAINTAINING PEACE, COMBATING CRIME, PROTECTING LIBERTIES, LIFE AND PROPERTY ; AND FOR RELATED MATTERS

[15*th Day of September,* 2020] Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I—PRELIMINARY

General Objective.

1. The objective of this Act is to provide for a more efficient and effective police service that is based on the principles of—

(*a*) accountability and transparency ;

(*b*) protection of human rights and fundamental freedoms ; and

(*c*) partnership with other security agencies.

Specific objectives.

2. The specific objectives of this Act are to—

(*a*) provide for a Police Force that is more responsive to the needs of the general public and has entrenched in its operations the values of fairness, justice and equity ;

(*b*) reposition the Police Force to uphold and safeguard the fundamental rights of every person in Nigeria in its operations ;

(*c*) bring about a positive change in the public perception of the Police Force by ensuring that its functions are performed in a manner sensitive to the needs and well-being of the general public ;

(*d*) empower the Police Force to effectively prevent crimes without threatening the liberty and privacy of persons in Nigeria ;

(*e*) strengthen the Police Force in the performance of its functions, including safety and security of all persons, communities and property in Nigeria ;

(*f*) ensure that the police performs its functions by creating the enabling environment to foster cooperation and partnership between it and the communities it serves to effectively prevent, reduce or eradicate crimes ;

(*g*) develop professionalism in the Police Force by providing relevant training in all police formations in Nigeria for enhanced performance ; and

(*h*) respect for rights of victims of crime and an understanding of their needs.

PART II—ESTABLISHMENT, COMPOSITION AND DUTIES OF THE NIGERIA POLICE FORCE

Establishment, composition and duties of the Nigeria Police Force.

3.—(1) There is established for Nigeria the Nigeria Police Force (in this Act referred to as "the Police Force") which shall, subject to the provisions of the Constitution of the Federal Republic of Nigeria—

(*a*) be organised and administered in accordance with the provisions of this Act ; and

(*b*) have such powers and duties and carry out such responsibilities as are conferred on it under this Act or any other law.

(2) The Police Force shall consist of—

(*a*) all persons who, immediately before the commencement of this Act, were members of the Police Force ;

(*b*) the Inspector-General of Police ;

(*c*) persons appointed to offices in the Police Force by the Police Service Commission under Part IV of this Act ;

(*d*) Special Constables appointed under this Act ; and

(*e*) such other persons that may be appointed under this Act.

(3) The hierarchy of the Police Force is as specified in the Schedule to this Act.

Primary functions of the Police Force.

4. The Police Force shall—

(*a*) prevent and detect crimes, and protect the rights and freedom of every person in Nigeria as provided in the Constitution, the African Charter on Human and Peoples Rights and any other law ;

(*b*) maintain public safety, law and order ;

(*c*) protect the lives and property of all persons in Nigeria ;

(*d*) enforce all laws and regulations without any prejudice to the enabling Acts of other security agencies ;

(*e*) discharge such duties within and outside Nigeria as may be required of it under this Act or any other law ;

(*f*) collaborate with other agencies to take any necessary action and provide the required assistance or support to persons in distress, including victims of road accidents, fire disasters, earthquakes and floods ;

(*g*) facilitate the free passage and movement on highways, roads and streets open to the public ;

(*h*) adopt community partnership in the discharge of its responsibilities under this Act or under any other law ; and

(*i*) vet and approve the registration of private detective schools and private investigative outfits.

Duty of Police Force to enforce certain constitutional provisions, etc.

5.—(1) The Police Force is responsible for promoting and protecting the fundamental rights of persons in police custody as guaranteed by the Constitution.

(2) For the purpose of subsection (1), the Police Force shall collaborate with and maintain close working relationships with any government agency or relevant private initiatives in the establishment of schemes or mechanisms offering legal services to accused persons, detainees or accused persons in police custody in need of legal services to ensure that they have full access to justice as laid down under the relevant provisions of Chapter IV of the Constitution.

(3) In addition to the provisions of subsections (1) and (2), the Police Force is also charged with the responsibility for promoting and protecting the fundamental rights of all persons as guaranteed under the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act and other international legal instruments on human rights to which Nigeria is a signatory.

Cap. A19. LFN, 2004.

Establishment and functions of the Nigeria Police Council.

6.—(1) There is established for the Police Force the Nigeria Police Council (in this Act referred to as "*the Council*") which is the highest policy making body in matters relating to the Police Force.

(2) The Police Council shall consist of—

(*a*) the President, who is the Chairman ;

(*b*) the Governor of each State of the Federation ;

(*c*) the Chairman of the Police Service Commission ; and

(*d*) the Inspector-General of Police.

(3) The functions of the Police Council include—

(*a*) the organisation and administration of the Police Force and all other matters relating to the Police Force (not being matters relating to the use and operational control of the Police Force, or the appointment, disciplinary control and dismissal of members of the Police Force) ;

(*b*) the general supervision of the Police Force ;

(*c*) advising the President on the appointment of the Inspector-General of Police ; and

(*d*) receiving and deliberating on reports and advising the President or Inspector-General of Police on actions to be taken—

(*i*) pertaining to policing matters from the States of the Federation and the Federal Capital Territory, Abuja on any crucial decision of their security committee meetings held during the three months preceding a quarterly meeting of the Police Council, and

(*ii*) on security concerns relating to policing from the States and the Federal Capital Territory, Abuja, and taking such action as it may consider appropriate.

(4) The Police Council shall meet at least twice in a year and may hold emergency meetings when necessary.

(5) The Permanent Secretary, Ministry of Police Affairs, shall serve as secretary to the Police Council and his office shall provide the necessary secretarial support for the work of the Police Council.

(6) Subject to the provision of this section, the Police Council shall regulate its own proceedings.

PART III—APPOINTMENT, REMOVAL, FUNCTIONS AND POWERS OF INSPECTOR-GENERAL OF POLICE

Appointment tenure and removal of Inspector-General of Police.

7.—(1) The Inspector-General of Police is the head of the Nigeria Police Force and shall exercise full command and operational control over the Police and all its departments and units.

(2) The person to be appointed as Inspector-General of Police shall be a senior police officer not below the rank of an Assistant Inspector-General of Police with the requisite academic qualifications of not less than a first degree or its equivalent in addition to professional and management experience.

(3) The Inspector-General of Police shall be appointed by the President on the advice of the Police Council from among serving members of the Police Force.

(4) The Inspector-General of Police of shall not be removed from office except for gross misconduct, gross violation of the Constitution of the Federal Republic of Nigeria or demonstrated incapacity to effectively discharge the duties of the office.

(5) The Inspector-General of Police shall only be removed from office by the President on the advice of the Police Council.

(6) The person appointed to the office of the Inspector-General of Police shall hold office for four years.

Command of police in case of active service.

8. When required to perform military duties in accordance with the provisions of section 4 of this Act, such duties entailing service with the Armed Forces of Nigeria or any force for the time being attached thereto or acting therewith, the Police shall be under the command and subject to the orders of the officer in command of the Armed Forces in Nigeria, but for the purposes of internal security shall remain under the control of a senior police officer.

Functions and powers of the Inspector-General of Police.

9.—(1) The powers and functions of the Inspector-General of Police shall include—

(*a*) the development of an overall national policing plan with inputs from the Police Force Headquarters and all the various police formations nationwide before the end of each financial year, setting out the priorities, objectives, cost implications and expected outcomes of policing for the next succeeding financial year ;

(*b*) taking into cognisance the security situation across the country and its population, determine the manpower distribution of the Police based on its numerical strength after due consultation with the Police Service Commission ;

(*c*) administer and organise the Police Force into various components, units or groups for overall optimal performance and effectiveness ;

(*d*) ensuring regular training and re-training of police officers and other staff and personnel of the Police Force and for this purpose, establish and maintain training institutions or centres for the training of members of the Police Force ;

(*e*) ensuring the physical ,mental and psychological wellbeing of all Police personnel ;

(*f*) seeing to the welfare and conditions of service of Police personnel ; and

(*g*) performing such other functions or exercising such powers as may be conferred on him under this Act or any other law.

(2) The Inspector-General of Police shall, in addition to his functions under this section, ensure the discharge by the Police Force of the responsibilities referred to under section 5 of this Act, and for this purpose, the Inspector-General of Police shall—

(*a*) facilitate access to legal support for suspects, accused persons or detainees in police custody ;

(*b*) ensure that police officers assigned to work under the relevant scheme provide necessary assistance as may be required by legal counsel ; and

(*c*) for the purposes of performing the functions under this section, submit to the Attorney-General of the Federation and National Assembly an annual report on how those responsibilities referred to under section 5 (2) of this Act are discharged.

(3) The Attorney-General of the Federation shall, after a review of the annual report received, send his findings and recommendations to the President and publish same in his official website.

(4) The Inspector-General of Police shall by order published in the Federal Government Gazette make detailed provisions and specifications for the establishment and proper working of the schemes or mechanisms under section 5 of this Act.

(5) The Inspector-General of Police shall, in performing his functions under this Act, obtain inputs from the Deputy Inspectors-General and Assistant Inspectors-General of the Zonal Commands on the priority areas of policing for the Zones and incorporate submissions from Commissioners of Police of the States to be included in the overall national strategic plan for the next succeeding financial year.

(6) The Inspector-General of Police may—

(*a*) re-engage a retired police officer for a period of two years ; and

(*b*) upon application by the retired police officer, re-engage him for another period of two years.

Delegation of powers.

10.—(1) The Inspector-General of Police may delegate any of his powers under this Act to any police officer, as may be appropriate, and such powers may be exercised with respect to the matters or class of matters specified or defined in the instrument of delegation.

(2) Guided by the principle of efficiency and effectiveness, and for ease of delegation of powers, the Inspector-General of Police shall devolve powers to Zonal, States, Area Commands, Divisions and Police Posts to ensure quick response to safety and security needs.

PART IV—APPOINTMENT AND FUNCTIONS ETC. OF THE DEPUTY INSPECTOR-GENERAL OF POLICE, ASSISTANT INSPECTORS-GENERAL OF POLICE, COMMISSIONERS OF POLICE AND OTHER PERSONS INTO THE NIGERIA POLICE FORCE

Appointment and duties of the Deputy Inspector-General of Police and Assistant Inspector-General of Police.

11.—(1) The Police Service Commission, on the recommendation of the Inspector-General of Police shall appoint for the Police Force such numbers of Deputy Inspectors-General of Police and such numbers of Assistant Inspectors-General of Police as are required for the efficient performance of the functions of the Police Force.

(2) A person appointed under subsection (1) shall—

(*a*) hold office until promotion, retirement or removal by the Police Service Commission on account of gross misconduct or incapacity to perform the functions of his office after following due process ; and

(*b*) perform such functions and responsibilities and exercise such powers as are assigned to him by the Inspector-General of Police.

(3) The most senior Deputy Inspector-General of Police shall, in the absence from office of the Inspector-General of Police, act on behalf of the Inspector-General of Police in performing any of the functions and discharging the duties of the Inspector-General of Police under this Act or under any law or in respect of any function as may be delegated by the Inspector-General of Police.

(4) On resumption of duty by the Inspector-General of Police, the said Deputy Inspector-General of Police shall furnish reports, in such form or details as the Inspector-General of Police may specify, of all matters dealt with by the Deputy Inspector-General of Police in the absence of the Inspector-General of Police from office.

Appointment of Commissioners of Police.

12.—(1) The Police Service Commission shall appoint such numbers of Commissioners of Police as are required for the efficient performance of the functions of the Police Force.

(2) The Police Service Commission shall, from among the Commissioners of Police appointed under subsection (1), assign a Commissioner of Police to a State or to the Federal Capital Territory, Abuja.

(3) The Commissioners of Police not assigned under subsection (2) may be deployed by the Inspector-General of Police to head departments and such other operational units of the Police Force.

(4) The Police Service Commission or Inspector-General of Police, in assigning or deploying, as the case may be, Commissioners of Police under this section to State commands, departments or unit, shall reflect the principle of federal character as provided in the Constitution and under the relevant Act.

(5) A person appointed under subsection (1) shall hold office until promotion, redeployment, retirement or removal by the Police Service Commission on account of gross misconduct or incapacity to perform the functions of his office as the case maybe.

Functions of Commissioners of Police of States.

13.—(1) Subject to the provisions this Act, the Commissioner of Police of a State or the Federal Capital Territory shall—

(*a*) have command and control over the Police in the State he is assigned to ;

(*b*) exercise powers and perform the functions necessary to give effect to sections 4 of this Act ; and

(*c*) perform any duty delegated to him by the Inspector-General of Police.

Appointment of other persons.

14. The Police Service Commission shall appoint such other persons to offices in the Police Force as are required for the effective and efficient performance of the functions of the Police Force on such terms and conditions as maybe prescribed by the Police Service Commission.

Pensions and gratuities. Act No. 4, 2014.

15.–(1) Persons appointed to offices under this Part are entitled to such pensions, gratuities and other retirement benefits as are prescribed under the Pension Reform Act.

(2) Nothing in this Act prevents the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

Standing orders.

16.—(1) The Inspector-General of Police may make standing orders relating to operational control of the Police.

(2) Such standing orders are binding upon all police officers and shall be published in the Federal Government *Gazette* and in one national daily.

(3) The Police Service Commission may, subject to the provisions of this Act, make standing orders relating to—

(*a*) the appointment, promotion and disciplinary control, including dismissal of persons appointed by it into the Police Force ; and

(*b*) appeals against dismissal or other disciplinary measures.

(4) The standing orders made under subsection (1) are binding on all persons appointed by the Police Service Commission and shall be published in the Federal Government Gazette.

PART V—GENERAL ADMINISTRATION

Oath to be taken by officers on appointment. Cap. O1, LFN, 2004.

17. A person appointed as a member of the Police Force shall, prior to the commencement of duties, subscribe to the official oath, the police oath and the oath of allegiance under the Oaths Act.

Recruitment, and Police Recruitment Committee.

18.—(1) The responsibility for the recruitment of recruit constables into the Nigeria Police Force and recruit cadets into the Nigeria Police Academy shall be the duty of the Inspector-General of Police.

(2) For the purpose of subsection (1), there shall be the Nigeria Police Recruitment Committee (in this Act referred to as "the Police Recruitment Committee").

(3) The Police Recruitment Committee is responsible for the recruitment of recruit constables into the Nigeria Police Force.

(4) The Police Recruitment Committee shall consist of—

(*a*) the Inspector-General of Police as Chairman ;

(*b*) all the serving Deputy Inspectors-General of Police ;

(*c*) the Force Secretary ;

(*d*) the Commandant of Staff College Jos ;

(*e*) the Commandant of Police Academy Wudil, Kano ;

(*f*) a representative each of the Police Colleges ; and

(*g*) the officer in-charge of the legal section of the Nigeria Police Force.

(5) The recruitment of recruit constables into the Nigeria Police Force shall be of national spread across each State of the Federation.

(6) The members of the Police Recruitment Committee shall have power to delegate officers, not below the rank of Chief Superintendent of Police, to represent them at any meeting or recruitment exercise.

(7) The decision of the Police Recruitment Committee is final on any matter concerning the recruitment of recruit constables into the Nigeria Police Force.

(8) Every police officer shall, on recruitment or appointment, serve in the Nigeria Police Force for a period of 35 years or until he attains the age of 60 years, whichever is earlier.

(9) Professionals from the relevant fields, including engineering, medicine, pathology, aviation, law, psychology, accountancy and forensic science, shall—

(*a*) be appointed into the Nigeria Police Force as specialists; and

(*b*) practise their professions and use their expertise in the advancement of the objectives of the Police Force.

(10) All candidates wishing to be recruited or appointed into the Nigeria Police Force shall undergo psychological and other medical evaluations as may be required as part of the recruitment or appointment process to ascertain their character and suitability for the job.

(11) Within the period of recruitment or appointment, every police officer shall undergo specialised training in any professional field relevant to policing and law enforcement.

Training programmes.

19.—(1) The Inspector-General of Police shall ensure that all police officers undergo periodic training and re-training in—

(*a*) basic policing, ethics, code of conduct and standard operating procedures ;

(*b*) crime detection and law enforcement ;

(*c*) investigation and gathering of evidence ;

(*d*) effective nationwide citizen engagement ;

(*e*) human rights, gender issues, public relations and other emerging issues ;

(*f*) democratic policing and emotional intelligence ; and

(*g*) prosecution and defence.

(2) The Inspector-General of Police, in consultation with the Ministry and Police Service Commission, is responsible for the revision of the training, duration and the content of the training of police officers, at least once in every five years.

(3) The Inspector-General of Police shall ensure that training programmes are made available to all police officers, irrespective of gender and for all other staff or employees charged with responsibilities for discharging the duties and responsibilities of the Police Force.

(4) All police officers shall undergo periodic training and retraining in basic policing and law enforcement courses as well as specialized courses relevant to law enforcement.

Remuneration.

20. The police officer shall not be paid salary below what is payable to officers in other security agencies.

Appointment of supernumerary police officers to protect property.

21.—(1) Any private organisation or government department who desires to avail itself of the services of supernumerary police for the protection of property owned or controlled by it may make application to the Inspector-General of Police—

(*a*) stating the nature and situation of the property in question ; and

(*b*) giving such other particulars as the Inspector-General of Police may require.

(2) On an application under subsection (1), the Inspector-General of Police may, with the approval of the Police Service Commission, direct the appropriate authority to appoint, as supernumerary police officers in the Police Force, such number of persons as the Inspector-General of Police thinks appropriate for the protection of the property to which the application relates.

(3) Every supernumerary police officer appointed under this section and sections 22 and 23—

(*a*) is appointed in respect of the area of the Police Zonal, State, Area or Divisional Commands in which the personnel and property which he is to protect are located ;

(*b*) is employed exclusively on duties connected with the protection, administration and maintenance of that property or premises;

(*c*) shall, in the police area in respect of which he is appointed and in any police area adjacent thereto, have the powers, privileges and immunities of a police officer ; and

(*d*) shall be—

(*i*) a member of the Police Force for all purposes, and

(*ii*) subject to the provisions of this Act, particularly the provisions relating to discipline.

(4) Where any supernumerary police officer is appointed, the private or government department availing itself of the services of that officer shall pay—

(*a*) all entitlements, including salary and allowances to the officer monthly ;

(*b*) on the enlistment of the officer, the full cost of the officer's uniform and accoutrements, including ceremonial dresses, which—

(*i*) is the same as the police general duty, and

(*ii*) shall be paid to the Police in a designated account approved by the Inspector-General of Police.

(5) Where the private or government department availing itself of the services of any supernumerary police officer desires the services of that officer to be discontinued, the private or government department shall give at least two months' notice in writing to that effect to the Inspector-General of Police who shall give approval to such request for implementation, and all benefits of the officer shall be paid within one month of his release.

(6) All uniforms shall be supplied by the Police Force Quarter Master.

(7) The supernumerary police shall be a unit of the Police Force.

Appointment of supernumerary police officers for employment on administrative duties on police premises.

22. The appropriate authority may, at the request of any senior police officer, appoint any person as a supernumerary police officer at an appropriate level in the Police Force for the administration or maintenance of premises occupied or used for the purposes of the Police Force, but shall not do so in any particular case unless he is satisfied that it is necessary in the interest of security or discipline that the persons discharging the duties in question are subject to the provisions of this Act relating to discipline.

Appointment of supernumerary police officers where necessary in the public interest.

23.—(1) If, at any time, the Inspector-General of Police, with the consent of the Police Service Commission, is satisfied, as regards any police area, that it is necessary in the public interest for supernumerary police officers to be employed in that area, he may authorise the appropriate authority to appoint persons as supernumerary police officers in the Police Force in accordance with the authorisation.

(2) Every authorisation under this section shall be in writing and shall specify the police area to which it relates and the maximum number of supernumerary police officers who may be appointed under that authorisation.

(3) Every supernumerary police officer appointed by an authorisation given under this section shall not—

(*a*) bear arms ; and

(*b*) be covered by the provisions relating to pension as stipulated in section 15 of this Act.

Appointment of supernumerary police officers for attachment as orderlies.

24.—(1) The appropriate authority may, at the request of the Inspector-General of Police or Commissioner of Police of a State, appoint any person as a supernumerary police officer in the Police Force for attachment as an orderly to—

(*a*) a Minister ;

(*b*) a Commissioner of the Government of a State ; or

(*c*) a police officer of, or above, the rank of Assistant Commissioner.

(2) Every supernumerary police officer appointed under this section, shall—

(*a*) be employed exclusively on duties connected with the activities of the person to whom he is attached ;

(*b*) while so employed, have, throughout Nigeria, the powers, privileges and immunities of a police officer ;

(*c*) may be trained to bear fire arms with the approval of the Inspector General of Police ;

(*d*) subject to the restriction imposed by paragraph (*a*) and section 20 of this Act, shall be a member of the Force for all purposes and shall be subject to the provisions of this Act, particularly the provisions relating to discipline.

Provisions supplementary to sections 21 to 23.

25.—(1) Every supernumerary police officer is, on appointment, enlisted to serve in the Police Force from month to month, and a supernumerary police officer may, at any time, resign his appointment by giving one month's notice in that behalf to his employer and senior police officer in charge of the police

area in respect of which he is appointed, and his appointment may be determined by the appropriate authority on—

(*a*) one month's notice in that behalf ; or

(*b*) on payment of one month's pay instead of such notice.

(2) The ranks to which supernumerary police officers may be appointed shall be prescribed by the Inspector-General of Police with the consent of the Police Service Commission, but shall not exceed the rank of Commissioner of Police throughout his life time.

(3) There shall only be one Supernumerary Commissioner of Police at a time in the Federation.

(4) The badges of ranks of the supernumerary police shall be the same as that worn by general duty or regular police.

(5) A supernumerary police officer has no claim on the Police Reward Fund, and, without prejudice to any liability under the Employee's Compensation Act, to be paid compensation to or in respect of any person by virtue of his employment as a supernumerary police officer, a person's service as such shall not render him or any other person eligible for any pension, gratuity or annual allowance under this Act or the Pensions Reform Act.

Act No. 13. 2010

Act No. 4. 2014.

PART VI—FINANCIAL PROVISIONS

Funding of the Police Force.

26.—(1) There is established and maintained for the Police Force a fund (in this Act referred to as "the General Fund") into which shall be paid—

(*a*) budgetary allocations for capital and recurrent expenditure, for members of the Police Force and the Traffic Warden Service established under this Act and the other staff of the Police Force, as may be appropriated by an Act of the National Assembly for the Police Force ;

(*b*) such contributions as may be made available to the Police Force, for the purposes of this Act, by the State Governments and the Federal Capital Territory, Abuja ;

(*c*) aid and assistance from international bilateral and multilateral organisations provided that the purpose for the aid or assistance does not conflict with the objectives of this Act ;

(*d*) all sums of money accruing to the Police Force by way of grants-in-aid, gifts, testamentary dispositions, endowments and contributions from any other source ;

(*e*) all money generated by the Police Force in the course of its operations, including two-thirds of fees paid—

(*i*) by members of the public in respect of extracts from police reports, and

(*ii*) in accordance with standing orders for services of police officers who would otherwise be off duty, and

(*f*) any other financial resource that may be vested in or accrue to the Police Force in the course of performing its functions under this Act or any other law.

(2) A State Government or the Federal Capital Territory, as the case may be, shall—

(*a*) keep records of all contributions made ; and

(*b*) specify the purpose for which a contribution is made under subsection (1) (*b*).

Expenditures by the Police Force.

27.—(1) The Police Force shall, from time to time, apply the money accruing in the General Fund to—

(*a*) the cost of administration and operations of the Police Force ;

(*b*) the payment of salaries, allowances, expenses and other benefits of the members of the Police Force and Warden Service established under this Act and the other staff of the Police Force ;

(*c*) the payment of pensions and other retirement benefits under any law ;

(*d*) the costs of acquisition and upkeep of premises belonging to the Police Force and any other capital expenditure of the Police Force ;

(*e*) all costs connected with or incidental to the operations of the Community Policing Committees and Sub-Committee Forums and Boards established under Part XIV of this Act ;

(*f*) the investments, maintenance of utilities, training, research and similar activities ; and

(*g*) any other payment for anything incidental to the provisions of this section or any other function of the Police Force under this Act.

(2) Any contribution made by a State Government or the Federal Capital Territory under section 26 (1) (*b*) or any other contribution in respect of which a purpose was specified shall be used by the Police Force for the purpose specified.

Estimates.

28.—(1) The Police Force shall, not later than 30th September of each year, submit to the National Assembly, through the Minister, estimates of its income and expenditure for the next succeeding financial year.

(2) Notwithstanding the provisions of subsection (1), the Police Force may, where necessary due to unforeseen circumstances, submit supplementary

or adjusted statements of estimated income and expenditure to the Minister for submission to the National Assembly.

(3) The Police Force shall, in preparing its estimates under this section, obtain inputs from the Force Headquarters, Zonal Headquarters, State Commands, Area Commands and Divisional Commands on their budgetary needs based on the annual policing plans for the various policing formations to be included in the overall estimates for the Police Force for the next succeeding financial year.

Accounts and audit.

29.—(1) The Police Force shall—

(*a*) keep proper records and accounts of the income and expenditures of the Police Force ; and

(*b*) prepare a statement of account in respect of each financial year.

(2) The Police Force shall, within the first four months of each financial year, submit for auditing, the accounts of the Police Force to auditors appointed by the Police Force from the list and in accordance with guidelines approved by the Auditor–General for the Federation.

(3) The audited accounts of the Police Force and the Auditor–General's report on the accounts shall be forwarded to the National Assembly by the Auditor–General annually.

Annual report.

30.—(1) The Police Force shall, not later than 30th June of each financial year, submit to the Minister, in respect of the preceding financial year, an annual report on the activities of the Police Force in such form as the Minister may direct.

(2) The report under subsection (1) shall include—

(*a*) detailed information with regards to the activities and expenditures of the Police Force utilised in the carrying out of its policing plan ;

(*b*) a copy of the audited accounts of the Police Force for that year together with the Auditor–General's report on the accounts ;

(*c*) information and description of all contributions made to the Police Force under section 26 (1) (*b*), including contributions other than cash ; and

(*d*) such other information as the Minister may request.

(3) The Police Force shall, from time to time, provide the Police Council, Police Service Commission and Minister with such information relating to the affairs of the Police Force as they may request.

PART VII—POWERS OF POLICE OFFICERS

A. Investigation and Arrest

Investigation of an allegation by the Police.

31. Where an alleged offence is reported to the Police, or a person is brought to the police station on the allegation of committing an offence, the Police shall investigate the allegation in accordance with due process and report its finding to the Attorney-General of the Federation or of a State, as the case may be, for legal advice.

Arrest generally.

32.—(1) A suspect or defendant alleged or charged with committing an offence established by an Act of the National Assembly or under any other law shall be arrested, investigated and tried or dealt with according to the provisions of this Act, except otherwise provided under this Act.

(2) A person shall not be arrested merely on a civil wrong or breach of contract.

(3) A suspect shall be brought before the court as prescribed by this Act or any other written law or otherwise released conditionally or unconditionally.

Mode of arrest.

33. In making an arrest, the police officer or other persons making the arrest shall actually touch or confine the body of the suspect, unless there is a submission to the custody by word or action.

No unnecessary restraint.

34. A suspect or defendant may not be handcuffed, bound or subjected to restraint except—

(*a*) there is reasonable apprehension of violence or an attempt to escape ;

(*b*) the restraint is considered necessary for the safety of the suspect or defendant ; or

(*c*) by order of a court.

Notification of cause of arrest and rights of suspect.

35.—(1) Except when the suspect is in the actual course of committing an offence or is pursued immediately after the commission of an offence or has escaped from lawful custody, the police officer or other person making the arrest shall inform the suspect immediately of the reason for the arrest.

(2) The police officer, the person making the arrest or the police officer in charge of a police station shall inform the suspect of his rights to—

(*a*) remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice ;

(*b*) consult a legal practitioner of his choice before making, endorsing or writing any statement or answering any question put to him after arrest ; and

(*c*) free legal representation by the Legal Aid Council of Nigeria or other organisations, where applicable.

(3) The authority having custody of the suspect shall notify the next-of-kin or relative of the suspect of the arrest at no cost to the suspect.

Arrest in lieu prohibited.

36. A person shall not be arrested in place of a suspect.

Humane treatment of arrested suspect.

37.—(1) A suspect shall—

(*a*) be accorded humane treatment, having regard to his right to the dignity of his person ; and

(*b*) not be subjected to any form of torture, cruel, inhuman or degrading treatment.

Arrest by police officer without warrant.

38.—(1) A police officer may, without an order of a court and without a warrant, arrest a suspect—

(*a*) whom he suspects on reasonable grounds of having committed an offence against a law in Nigeria or against the law of any other country, unless the law creating the offence provides that the suspect cannot be arrested without a warrant ;

(*b*) who commits an offence in his presence ;

(*c*) who obstructs a police officer while in the execution of his duty, or who has escaped or attempts to escape from lawful custody ;

(*d*) in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to the thing ;

(*e*) whom he suspects on reasonable grounds of being a deserter from any of the armed forces of Nigeria ;

(*f*) whom he suspects on reasonable grounds of having been involved in an act committed at a place outside Nigeria which, if committed in Nigeria, would have been punished as an offence, and for which he is, under a law in force in Nigeria, liable to be apprehended and detained in Nigeria ;

(*g*) having in his possession without lawful excuse, the burden of proof which excuse shall lie on the person, any implement of housebreaking, car theft, firearm or any offensive or dangerous weapon ;

(*h*) whom he has reasonable cause to believe a warrant of arrest has been issued by a court of competent jurisdiction in Nigeria ;

(*i*) found in Nigeria taking precautions to conceal his presence in circumstances, which afford reason to believe that he is taking such precautions with a view to committing an offence ;

(*j*) whom he is directed to arrest by a judge or magistrate ;

(*k*) whom he reasonably suspects to be planning to commit an offence for which the police officer may arrest without a warrant, if it appears to him that the commission of the offence cannot be otherwise prevented ; or

(*l*) required to appear by a public summons issued under this Act or any other Act ;

(*m*) to protect a child or other vulnerable person from the suspect in question ; and

(*n*) to prevent the suspect in question from—

(*i*) causing physical injury to himself or any other person,

(*ii*) suffering from physical injury,

(*iii*) causing loss of or damage to property ;

(*iv*) committing an offence against public decency where members of the public going about their normal business cannot reasonably be expected to avoid the person in question, or

(*v*) causing an unlawful obstruction of the highway ;

(2) No person shall be arrested without warrant except as provided in subsection (1).

(3) The authority given to a police officer to arrest a suspect who commits an offence in his presence is exercisable in respect of offences committed in the officer's presence notwithstanding that the Act creating the offence provides that the suspect cannot be arrested without a warrant.

Arrest without warrant by private person.

39. A private person may arrest a suspect in Nigeria who in his presence commits an offence, or whom he reasonably suspects of having committed an offence for which the police is entitled to arrest without a warrant.

Handing over of an arrested suspect by private person.

40.—(1) A private person who arrests a suspect shall immediately hand over the suspect so arrested to a police officer or, in the absence of a police officer, shall take the suspect to the nearest police station, and the police officer shall make a note of the name, address and other particulars of the private person making the arrest.

(2) Where there is reason to believe that the arrested suspect comes under subsection (1), a police officer shall re-arrest him and if there is no sufficient reason to believe that the suspect has committed an offence, he shall be released immediately.

(3) Where there is reason to believe that the suspect has committed an offence, and he refuses, on the demand of a police officer, to give his name and address, or gives a name or address which the police officer reasonably believes to be false, the provisions of section 61 of this Act shall apply.

(4) Where a suspect so arrested by a private person is handed over to a police officer or an official of an agency authorised by law to make arrests, the police officer or official shall take note of the name, residential address and other particulars of the private person making the arrest, and the date, time and other circumstances of the arrest, and where the arrested suspect is taken to the police station or to the agency, the officer shall make the entries in the crime diary.

(5) The police officer or official to whom the arrested suspect is handed over by the private person shall obtain from the private person who made the arrest a formal witness statement setting out the facts and circumstances of the arrest.

(6) The provisions of section 46 of this Act do not apply to this section unless the suspect arrested and handed over has been re-arrested in accordance with subsection (2).

Arrest for offence committed in presence of a judge or magistrate.

41. A judge or magistrate may arrest or direct the arrest of a suspect committing an offence in his presence and shall hand him over to a police officer who shall proceed to take necessary action.

When public is bound to assist in arrest.

42. A person is bound to assist a judge, magistrate or police officer or other person reasonably demanding his aid in arresting or preventing the escape of a suspect whom the judge, magistrate, police officer or other person is authorised to arrest.

Arrested suspect to be taken immediately to police station.

43.—(1) A suspect who is arrested, whether with or without a warrant, shall be taken immediately to a police station, or other place for the reception of suspect, and shall be promptly informed of the allegation against him in the language he understands.

(2) A person who has the custody of an arrested suspect shall give the suspect reasonable facilities for obtaining legal advice, access to communication for taking steps to furnish bail, and otherwise making arrangements for his defence or release.

(3) Notwithstanding the provision of subsection (2), any communication or legal advice shall be done or given in the presence of an officer who has custody of the arrested suspect.

Recording of arrests.

44.—(1) Where a suspect is arrested, whether with or without a warrant, and taken to a police station or any other agency effecting the arrest, the police officer making the arrest or the officer in charge shall cause to be

taken immediately, in the prescribed form, the following record of the suspect arrested—

(*a*) the alleged offence ;

(*b*) the date and circumstances of his arrest ;

(*c*) his full name, occupation and residential address ; and

(*d*) for the purpose of identification—

(*i*) his height,

(*ii*) his photograph,

(*iii*) his full fingerprint impressions, or

(*iv*) such other means of his identification.

(2) The process of recording in subsection (1) shall be concluded within a reasonable time of the arrest of the suspect, but not exceeding 48 hours.

(3) Any further action in respect of the suspect arrested under subsection (1) shall be entered in the record of arrests.

(4) Where a suspect who is arrested, with or without a warrant, volunteers to make a confessional statement, the police officer shall ensure that the making and taking of the statement shall be in writing and may be recorded electronically on a retrievable video or audio visual means.

(5) Notwithstanding the provision of subsection (4), an oral confession of arrested suspect is admissible in evidence.

Power to break out of a house or place for the purpose of liberation.

45. A police officer or any other person authorised to make an arrest may break out of a house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained in the house or place.

Inventory of property of arrested suspect.

46.—(1) A police officer making an arrest or to whom a private person hands over the suspect, shall immediately record information about the arrested suspect and an inventory of all items or property recovered from the suspect.

(2) An inventory recorded under subsection (1) shall be duly signed by the police officer and the arrested suspect, but the failure of the arrested suspect to sign the inventory does not invalidate it.

(3) The arrested suspect, his legal practitioner or such other person, as the arrested suspect may direct, shall be given a copy of the inventory.

(4) Where any property has been taken under this section from an arrested suspect, a police officer may, upon request by either the owner of the property or parties having interest in the property, release such property on bond pending the arraignment of the arrested suspect before a court.

(5) Where a police officer refuses to release the property to the owner or any person having interest in the property under subsection (4), the police officer shall immediately make a report to the court of the fact of the property taken from the arrested suspect and the particulars of the property.

(6) The court to which a report is made under subsection (5), may, if it is of the opinion that the property or any portion of it can be returned in the interest of justice to the safe custody of the owner or person having interest in the property, direct that the property or any portion of it be returned to the owner or to such person having interest in the property.

(7) Where any property has been taken from a suspect under this section, and the suspect is not charged before a court but is released on the ground that there is no sufficient reason to believe that he has committed an offence, any property so taken from the suspect shall be returned to him, provided the property is neither connected to nor a proceed of an offence.

Quarterly report of arrests to the Attorney-General.

47.—(1) The Inspector-General of Police and head of every agency authorised by law to make arrests shall remit quarterly to the Attorney-General of the Federation a record of all arrests made with or without warrant in relation to Federal offences within Nigeria.

(2) The Commissioner of Police of a State and the head of every agency authorised by law to make arrest within a State shall remit quarterly to the Attorney-General of that State a record of all arrests made with or without warrant in relation to State offences or arrests within the State.

(3) The report shall contain the full particulars of arrested suspects as prescribed under section 44 of this Act.

(4) A register of arrests containing the particulars prescribed under section 44 of this Act shall be kept in the prescribed form at every police station or agency authorised by law to make arrests, and every arrest, whether made with or without warrant, within the local limits of the police station or agency, or within the Federal Capital Territory, Abuja, shall be entered accordingly by the officer in charge of the police station or officer in charge of the agency as soon as the arrested suspect is brought to the station or agency.

(5) The Attorney-General of the Federation shall establish an electronic and manual database of all records of arrests at the Federal and State level.

B. Search

Power to search.

48.—(1) A police officer may seize and retain anything for which a search has been authorised.

(2) In every case in which property is seized under this section, the person on whose premises it was at the time of seizure or the person from whom it was taken, if other than the person on whose premises it was, may be summoned or arrested and brought before a court to account for his possession of the property, and the court shall make such order on the disposal of the property and may award costs as the justice of the case may require.

(3) An authority under subsection (2) may only be given when the premises to be searched are, or within the preceding twelve months have been, in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves, or of any offence involving fraud or dishonesty, and punishable by imprisonment.

(4) While searching the premises, a police officer shall not violate the human rights of persons found in the premises that is being searched.

Power to stop and search.

49.—(1) A police officer may exercise the power to stop and search in any—

(*a*) place the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission ; or

(*b*) other place to which the public has ready access at the time when he proposes to exercise the power but which is not a private residence.

(2) A Police officer may detain and search any person or vehicle where—

(*a*) reasonable grounds for suspicion exist that the person being suspected is having in his possession; or conveying in any manner anything which he has reason to believe to have been stolen or otherwise unlawfully obtained ;

(*b*) reasonable grounds for suspicion exist that such person or vehicle is carrying an unlawful article ;

(*c*) reasonable grounds for suspicion that incidents involving serious violence may take place within a locality ;

(*d*) information has been received as to a description of an article being carried or of a suspected offender ; and

(*e*) a person is carrying a certain type of article at an unusual time or in a place where a number of burglaries or thefts are known to have taken place recently.

(3) If, in the course of a search, a police officer discovers an article which he has reasonable grounds for suspecting to be a stolen or prohibited article, he may seize it.

(4) An article is prohibited for the purposes of this Part if it is—

(*a*) an offensive weapon ; or

(*b*) an article—

(*i*) made or adapted for use in the course of or in connection with an offence to which this section refer, or

(*ii*) intended by the person having it for use by him or by some other person.

(5) The offences to which subsection (4)(*b*)(*i*) applies are—

(*a*) burglary ;

(*b*) theft ; and

(*c*) offences related to receiving stolen property or of harbouring thieves, or of any offence involving fraud or dishonesty.

(6) In this Part "offensive weapon" means any article—

(*a*) made or adapted for use for causing injury to persons ; or

(*b*) intended by the person having it for use by him or by some other person.

Action before a search takes place.

50.—(1) Where a police officer is exercising the powers under section 51 of this Act he shall, before carrying out the search, question the person about his behaviour or his presence in circumstances which gave rise to the suspicion.

(2) If the person to be searched has a satisfactory explanation which makes a search unnecessary or other circumstances come to the attention of the police officer that make the search unnecessary, no search may take place.

(3) Before any search of a detained person or vehicle may take place, the officer shall give the person to be searched or in charge of the vehicle—

(*a*) his name and the name of the police station to which he is attached ;

(*b*) the object of the search ; and

(*c*) his grounds or authorisation for undertaking the search.

(4) For any police officer to exercise the power to stop and search, he shall be in uniform or wear visibly a valid police identity card.

General conduct of the search.

51.—(1) Reasonable effort shall be taken to minimise the embarrassment that a person or the person whose property is being searched may experience.

(2) The co-operation of the person to be searched shall be sought in every case.

(3) A forcible search may be used as a last resort only if it has been established that the person being searched is unwilling to co-operate or resists.

(4) The length of time for which a person or vehicle may be detained for a search depends on the circumstances, but this shall be within a reasonable time.

(5) Searches in public shall be restricted to superficial examination of outer clothing.

(6) Where it is considered necessary to conduct a more thorough search that requires a person to take off his cloth or headgear, it—

(*a*) shall be done out of public view and by an officer of the same sex with the person being searched; and

(*b*) may not be made in the presence of anyone of the opposite sex unless the person being searched requests it.

Search of arrested suspect.

52.—(1) Where a suspect is arrested by a police officer or a private person, the police officer making the arrest or to whom the private person hands over the suspect may search the suspect if the police officer has reasonable grounds for believing that the arrested person may present a danger to himself or others.

(2) A police officer shall also have the power in any such case to search the arrested person for anything—

(*a*) which he might use to assist him to escape from lawful custody ; or

(*b*) which might be evidence relating to an offence.

(3) Where an arrested suspect is admitted to bail and bail is furnished, he shall not be searched unless there are reasonable grounds for believing that he has on his person any—

(*a*) stolen article ;

(*b*) instrument of violence or poisonous substance ;

(*c*) tools connected with the kind of offence which he is alleged to have committed ; or

(*d*) other articles which may furnish evidence against him in regard to the offence, which he is alleged to have committed.

(4) The power to search conferred under subsection (2) is only a power to search to the extent that is reasonably required for the purpose of discovering anything or evidence.

(5) The powers conferred under this section to search a person are not to be construed as authorising a police officer to require a person to remove any of his clothing in public.

(6) A police officer may not search premises in the exercise of the power conferred under subsection (2)(*b*) unless he has reasonable grounds for believing that there is evidence for which a search is permitted under that paragraph on the premises.

(7) A police officer shall place in safe custody all articles other than necessary wearing apparel found on the suspect.

Examination of arrested suspect.

53.—(1) Subject to the provision of this section, an intimate search of a suspect may be carried out, if a police officer of at least the rank of Assistant Superintendent of Police has reasonable grounds for believing that the suspect in lawful custody—

(*a*) may have concealed on him anything which—

(*i*) could be used to cause physical injury to himself or others, and

(*ii*) might so use while he is in police detention or in the custody of a court ; or

(*b*) that evidence of the offence alleged to have been committed can only be gotten from examination of the suspect.

(2) An authorisation under subsection (1) may be given orally or in writing, and where an oral authorisation has been given, it shall be confirmed in writing as soon as practicable specifying the grounds for the intimate search.

(3) A police officer carrying out the intimate search shall inform the person who is to be subjected to the search of the—

(*a*) purpose for the search ; and

(*b*) authorisation and grounds for the search.

(4) An intimate search shall be by way of examination by a suitably qualified person.

(5) Where an officer of the rank of at least an Assistant Superintendent of Police considers it impracticable for an intimate search to be by way of examination by a suitably qualified person, the intimate search may be carried out by a police officer at the rank of Sergeant.

(6) An intimate search shall be carried out by a suitably qualified person or Sergeant of the same sex as the suspect.

(7) No intimate search may be carried out except—

(*a*) at a police station ;

(*b*) at a hospital ; or

(*c*) at some other place used for medical purposes.

(8) If an intimate search of a person is carried out, the custody record relating to him shall state—

(*a*) the authorisation by virtue of which the search was carried out ;

(*b*) the grounds for giving the authorisation ;

(*c*) the fact that the appropriate consent was given ;

(*d*) which parts of his body were searched ; and

(*e*) why they were searched.

(9) The information required to be recorded by subsection (8) shall be recorded as soon as practicable after the completion of the search.

(10) The custody officer at a police station may seize and retain anything which is found on an intimate search of a person, or cause any such thing to be seized and retained if he—

(*a*) believes that the person from whom it is seized may use it to—

(*i*) cause physical injury to himself or any other person,

(*ii*) damage property,

(*iii*) interfere with evidence, or

(*iv*) assist him to escape ;

(*b*) has reasonable grounds for believing that it may be evidence relating to an offence.

(11) Where anything is seized under this section, the suspect from whom it is seized shall be told the reason for the seizure unless he is—

(*a*) violent or likely to become violent ; or

(*b*) incapable of understanding what is said to him.

(12) Where the appropriate consent for an intimate search of any suspect was refused without good cause, in any proceeding against that suspect for the offence for which the search was required, the court, judge, magistrate or presiding judicial officer may draw such inferences from the refusal as it is considered proper.

(13) Every quarterly report submitted to the Attorney-General pursuant to section 47 of this Act shall contain information about searches under this section which have been carried out during the period to which it relates.

(14) The report on the searches referred to under subsection 13 shall include—

(*a*) the total number of searches ;

(*b*) the number of searches conducted by way of examination by a suitably qualified person;

(*c*) the number of searches not conducted by a suitably qualified person, but conducted in the presence of such a person ; and

(*d*) the result of the searches carried out.

(15) In this section "suitably qualified person" means a registered—

(*a*) medical practitioner ; or

(*b*) nurse.

Where reasonable suspicion never exist.

54. The following shall not be grounds for reasonable suspicions—

(*a*) personal attributes, including a person's colour, age, hairstyle or manner of dress ;

(*b*) previous conviction for possession of an unlawful article ; or

(*c*) stereotyped images of certain persons or groups as more likely to be committing offences.

Search of place entered by suspect sought to be arrested.

55.—(1) Where a person or police officer acting under a warrant of arrest or otherwise having authority to arrest, has reason to believe that the suspect to be arrested has entered into or is within any house or place, the person residing in or being in charge of the house or place shall, on demand by the police officer or person acting for the police officer, allow him free access to the house or place and afford all reasonable facilities to search the house or place for the suspect sought to be arrested.

(2) Where access to a house or place cannot be obtained under subsection (1), the person or police officer may enter the house or place and search it for the suspect to be arrested, and in order to effect an entrance into the house or place, may break open any outer or inner door or window of any house or place, whether that of the suspect to be arrested or of any other person or otherwise effect entry into such house or place, if after notification of his authority and purpose, and demand of admittance duly made, he cannot obtain admittance.

(3) Where the suspect to be arrested enters a house or place in the actual occupancy of another person being a woman who by custom or religious practice does not appear in public, the person making the arrest shall—

(*a*) before entering the house or place, give notice to the woman that she is at liberty to withdraw ; and

(*b*) afford her every reasonable opportunity and facility for withdrawing, and may then enter the house or place, but the notice shall not be necessary where the person making the arrest is a woman.

Action after search is carried out.

56.—(1) An officer who has carried out a search shall make a written record unless it is not practicable to do so, including situations where the number of persons to be searched is large or in situations involving public disorder.

(2) The records shall be completed and signed by the officer and person being searched on the spot and a copy to be given to the person being searched or the vehicle driver if it is a vehicle.

(3) Subject to subsection (2), in case the search record is not available on the spot, the officer that carried out the search shall advise the person searched or the driver of the vehicle searched, of the police station the person may pick up the search record.

(4) A searched person may refuse to collect a search record that his signature is not appended on.

(5) Where the person to be searched is unwilling to provide detailed information about himself, the officer may not detain him, he shall be allowed to go unless unlawful items are found in his possession or in the vehicle searched.

Search record.

57.—(1) A search record shall be prepared in the prescribed Form to be known as a National Search Record Form.

(2) The following information must always be included in the National Search Record Form—

(*a*) the name of the person searched or if, he withholds it, description of the person ;

(*b*) the date of birth of the person searched ;

(*c*) a note of the person's ethnic origin ;

(*d*) when a vehicle is searched, a description of the vehicle, including the registration number ;

(*e*) the object of the search ;

(*f*) the ground for making the search ;

(*g*) the date and time the search was made ;

(*h*) the place where the search was made ;

(*i*) the result of the search ;

(*j*) a note of any injury or damage to property resulting from the search ; and

(*k*) the identity of the officer making the search.

Search warrant safeguards.

58.—(1) A search warrant is unlawful unless it complies with this section.

(2) Where a police officer applies for any search warrant, it shall be his duty to state—

(*a*) the ground on which he makes the application ;

(*b*) the law under which the warrant would be issued ;

(*c*) the premises to be searched ; and

(*d*) possibly the article or person to be searched.

(3) An application for a warrant shall be made in writing under oath and supported by necessary information.

(4) A warrant shall authorise an entry on one occasion only.

(5) A warrant shall—

(*a*) specify the—

(*i*) name of the person who applies for it,

(*ii*) date on which it is issued,

(*iii*) law under which it is issued, and

(*iv*) premises to be searched ; and

(*b*) identify, as practicable as possible, the article or person to be searched.

(6) Two copies of a warrant shall be made.

(7) The two copies shall be clearly certified as copies.

Execution of search warrant.

59.—(1) A warrant to enter and search premises may be executed by any police officer.

(2) Such a warrant may authorise a person to accompany any police officer who is executing it.

(3) A search warrant may be issued and executed at any time on any day, including a Sunday or public holiday.

(4) Where the occupier of premises which is to be searched is present at the time when a police officer seeks to execute a warrant to enter and search, the police officer shall—

(*a*) identify himself to the occupier and, if not in uniform, shall produce to the occupier, his official identity card ;

(*b*) produce the warrant to the occupier ; and

(c) supply the occupier with a copy.

(5) Where the occupier is not present, but some other person who appears to the police officer to be in charge of the premises is present, subsection (4) shall take effect as if the occupier is present.

(6) Upon the execution of a warrant, a police officer shall make an endorsement on it stating whether—

(*a*) the articles or persons sought were found ; and

(*b*) any other articles were seized, other than articles which were sought.

C. Statements

Recording of statement of suspect.

60—(1) Where a suspect is arrested on allegation of having committed an offence, his statement shall be taken, if he so wishes to make a statement.

(2) The statement may be taken in the presence of a legal practitioner of his choice, or where he has no legal practitioner of his choice, in the presence of an officer of the Legal Aid Council of Nigeria or an official of a civil society organization or a justice of the peace or any other person of his choice, provided that the legal practitioner or any other person mentioned in this subsection shall not interfere while the suspect is making his statement, except for the purpose of discharging his duty as a legal practitioner.

(3) Where a suspect does not understand or speak or write in the English language, an interpreter shall record and read over the statement to the suspect to his understanding and the suspect shall then endorse the statement as having been made by him, and the interpreter shall attest to the making of the statement.

(4) The interpreter shall endorse his name, address, occupation, designation or other particulars on the statement.

(5) The suspect referred to in subsection (1) shall also endorse the statement with his full particulars.

Refusal to give name and residence.

61.—(1) Where a suspect who, in the presence of a police officer, has committed or has been accused of committing an offence triable summarily, refuses, on demand of the police officer, to give his name and residential address, or gives a name or residential address which the officer has reason to believe to be false, he may be arrested by the officer in order that his name or residential address may be ascertained.

(2) Where the true name and residential address of the suspect have been ascertain, he shall be released on his entry of recognisance with or without sureties to appear before a magistrate if so required, but if the person is not resident in Nigeria, a surety or sureties resident in Nigeria shall secure the recognizance.

(3) Where the true name and address of the suspect cannot be ascertained within 48 hours from the time of arrest, or if he fails to execute a recognizance,

or, where so required, to furnish sufficient sureties, he shall immediately be brought before the nearest magistrate having jurisdiction.

(4) Where the suspect on being brought before the court still refuses, the court may deal with him as it will deal with an uncooperative witness under this Act.

D. Release of arrested suspect

Release on bail of a suspect arrested without warrant.

62.—(1) Where a suspect has been taken into police custody without a warrant for an offence other than an offence punishable with death, an officer in charge of a police station shall inquire into the case and release the suspect arrested on bail subject to subsection (2), and where it will not be practicable to bring the suspect before a court having jurisdiction with respect to the offence alleged, within 24 hours after the arrest.

(2) The police officer in charge of a police station shall release the suspect on bail on his entering into a recognisance with or without sureties for a reasonable amount of money to appear before the court or at the police station at the time and place named in the recognizance.

(3) Where a suspect is taken into custody and it appears to the police officer in charge of the station that the offence is of a capital nature, the arrested suspect shall be detained in custody, and the police officer may refer the matter to the Attorney-General of the Federation or of a State, as the case may, for legal advice and cause the suspect to be taken before a court having jurisdiction with respect to the offence within a reasonable time.

Power to release on bail before charge is accepted.

63.—(1) Where a suspect is taken into custody, and it appears to the police officer that the inquiry into the case cannot be completed immediately, he may discharge the suspect on his entering into a recognizance, with or without sureties for a reasonable amount, to appear at the police station and at such times as are named in the recognisance, unless he previously receives notice in writing from the police officer in charge of that police station that his attendance is not required.

(2) A recognisance under subsection (1) may be enforced as if it were a recognizance conditional for the appearance of the said suspect before a magistrate's court or the place in which the police station named in the recognizance is situate.

Remedy of suspect detained in custody.

64.—(1) Where a suspect taken into custody in respect of a non-capital offence is not released on bail after 24 hours, a court having jurisdiction with respect to the offence may be notified by application on behalf of the suspect.

(2) The court shall order the production of the suspect detained and inquire into the circumstances constituting the grounds of the detention and where it deems fit, admit the suspect detained to bail.

(3) An application for bail under this section may be made orally or in writing.

E. Miscellaneous

Summons.

65. Any summons lawfully issued by a court may be served by any police officer at any time during the hours of daylight, which is between 6am to 6pm.

Powers to prosecute.

Cap. C23, LFN, 2004.

Act No. 13, 2015.

66.—(1) Subject to the provisions of section 174 and 211 of the Constitution and section 106 of the Administration of the Criminal Justice Act which relates to the powers of the Attorney-General of the Federation and of a State to institute, take over and continue or discontinue criminal proceedings against any person before any court of law in Nigeria, a police officer who is a legal practitioner, may prosecute in person before any court whether or not the information or complaint is laid in his name.

(2) A police officer may, subject to the provisions of the relevant criminal procedure laws in force at the Federal or State level, prosecute before the courts those offences which non-qualified legal practitioners can prosecute.

(3) There shall be assigned to every Police Division at least one police officer—

(*a*) who is qualified to practise as legal practitioner in accordance with the Legal Practitioners Act ; and

(*b*) whose responsibility is to promote human rights compliance by officers of the Division.

Central Criminal Records Registry.

67.—(1) There shall be established at the Nigeria Police, a Central Criminal Records Registry.

(2) For the purposes of subsection (1), there shall be established at every State Police Command a Criminal Records Registry which shall keep and transmit all records to the Central Criminal Records Registry.

(3) The State or Federal Capital Territory Police Command, Abuja shall ensure that the decisions of the court in all criminal trials are transmitted to the Central Criminal Records Registry within 30 days of the judgement.

Power to take fingerprints.

68.—(1) A police officer shall take and record for the purposes of identification the measurements, photographs and fingerprint impression of all persons who may be in lawful custody.

(2) Where a person who has not previously been convicted of any criminal offence is discharged or acquitted by a court, all records relating to such measurements, photographs and fingerprint impressions including the document of acquittal or discharge shall be stored in a retrievable form and handed over to such person upon request.

(3) A police officer shall apply to a court to compel any person in lawful custody, who refuses to submit to the taking and recording of his measurements, photographs or fingerprint impressions, to submit himself.

(4) Subject to subsection (3), the court may authorise a police officer to take the measurements, photographs and finger-print impressions of such person.

Police to report to supervising magistrates.

69.—(1) An officer in charge of a police station or an official in charge of an agency authorised to make arrest shall, on the last working day of every month, report to the nearest magistrate the cases of all suspects arrested without warrant within the limits of their respective stations or agency whether the suspects have been admitted to bail or not.

(2) The report shall contain the particulars of the suspects arrested as prescribed under section 44 of this Act.

(3) The magistrate shall, on receipt of the reports, forward them to the Criminal Justice Monitoring Committee which shall analyse the reports and advise the Attorney-General of the Federation as to the trends of arrests, bail and related matters.

(4) The Attorney-General of the Federation shall, upon request by the National Human Rights Commission, the Legal Aid Council of Nigeria or a non-governmental organisation, make the report available to them.

(5) Where no report is made in accordance with subsection (1), the magistrate shall forward a report to the Chief Judge of the State and the Attorney-General of the State for appropriate remedial action.

(6) With respect to the Federal Capital Territory, Abuja, the report referred to in subsection (5) shall be forwarded to the Chief Judge of the Federal Capital Territory, Abuja and the Attorney-General of the Federation for remedial action.

Chief magistrate to visit police stations every month.

70.—(1) The chief magistrate, or where there is no chief magistrate within the police division, any magistrate designated by the Chief Judge for that purpose, shall, at least every month, conduct an inspection of police stations or other places of detention within his territorial jurisdiction other than the prison.

(2) During a visit, the magistrate may—

(*a*) call for, and inspect, the record of arrests ;

(*b*) direct the arraignment of a suspect;

(*c*) where bail has been refused, grant bail to any suspect, where appropriate, if the offence for which the suspect is held is within the jurisdiction of the magistrate.

(3) An officer in charge of a police station or an official in charge of an agency authorised to make an arrest shall make available to the visiting chief magistrate or designated magistrate exercising his powers under subsection (1)—

(*a*) the full record of arrest and record of bail ;

(*b*) applications and decisions on bail made within the period ; and

(*c*) any other facility the magistrate requires to exercise his powers under that subsection.

(4) With respect to other Federal Government agencies authorised to make arrests, the High Court having jurisdiction shall visit such detention facilities for the purpose provided in this section.

(5) Where there is default by an officer in charge of a police station or an official in charge of an agency authorised to make arrest to comply with the provisions of subsection (3), the default shall be treated as a misconduct and shall be dealt with in accordance with the relevant police regulations under this Act, or under any other disciplinary procedure prescribed by any provision regulating the conduct of the officer or official of the agency.

PART VIII—WARRANTS

General authority to issue warrant.

71. Where under a law, there is power to arrest a suspect without warrant, a warrant for his arrest may be issued by the court.

Form and requisites of warrant of arrest.

72.—(1) A warrant of arrest issued under this Act, unless the contrary is provided under any other law, shall—

(*a*) bear the date of issue ;

(*b*) contain all necessary particulars ; and

(*c*) be signed by the issuing judge or magistrate.

(2) A warrant shall—

(*a*) state the offence or matter for which it is issued ;

(*b*) name and describe the suspect to be arrested ; and

(*c*) order the person to whom it is directed to arrest the suspect and bring him before the court.

Warrant to be issued on complaint only if on oath.

73. A warrant of arrest shall not be issued in the first instance in respect of any complaint or statement unless the complaint or statement is on oath either by the complainant himself or by a material witness.

Warrant may be issued on any day.

74. A warrant of arrest may be issued on any day, including a Sunday or public holiday.

Warrant, to whom directed and duration.

75.—(1) A warrant of arrest may be directed to a police officer by name or to all police officers.

(2) It is not necessary to make a warrant of arrest returnable at any particular time and a warrant shall remain in force until it is executed or until a judge or a magistrate cancels it.

(3) Where a warrant of arrest has been executed and the suspect arrested has been released, the warrant shall no longer be valid authority for re-arresting the suspect.

Warrant of arrest may in exceptional cases be directed to other persons.

76.—(1) A court issuing a warrant of arrest may, where its immediate execution is necessary and no police officer is immediately available, direct it to some other person or persons and the person or persons shall execute the warrant.

(2) A person, when executing a warrant of arrest directed to him, shall have all the powers, rights, privileges and protection given to or afforded by law to a police officer executing a warrant of arrest and shall conform with the requirement imposed by law on a police officer.

Execution of warrant and procedure.

77.—(1) A warrant of arrest may be executed on any day, including a Sunday or public holiday.

(2) A warrant of arrest may be executed by any police officer at any time and in any place in any State other than within the actual court room in which a court is sitting.

(3) The Police officer executing a warrant of arrest shall, before making the arrest, inform the suspect to be arrested that there is a warrant for his arrest unless there is reasonable cause for abstaining from giving the information on the ground that it is likely to occasion escape, resistance or rescue.

(4) A suspect arrested on a warrant of arrest shall, subject to the provisions of the Constitution, sections 80 and 81 of this Act, be brought before the court that issued the warrant of arrest.

Power to arrest without warrant in possession.

78. A warrant of arrest may be executed notwithstanding that it is not in the possession of the person at the time of executing the warrant, but the warrant shall, on the demand by the suspect, be shown to him within 24 hours.

Court may direct particulars of security to be taken on execution of warrant.

79.—(1) A court, on issuing a warrant for the arrest of a suspect in respect of a matter other than an offence punishable with death, may, if it deems fit by endorsement on the warrant, direct that the suspect named in the warrant to be released on bail on his entering into such a recognizance for his appearance as may be required in the endorsement.

(2) The endorsement shall specify—

(*a*) the number of sureties, if any ;

(*b*) the amount in which they and the suspect named in the warrant are, respectively, to be bound, or are to provide as cash security on the request of the surety or suspect ;

(*c*) the court before which the arrested suspect is to attend ; and

(*d*) the time at which the suspect is to attend, including an undertaking to appear at a subsequent time as may be directed by any court before which he may appear.

(3) Where an endorsement is made, the officer in charge of a police station to which on arrest the suspect named in the warrant is brought, shall discharge him on his entering into a recognizance, with or without sureties approved by that officer, in accordance with the endorsement, condition for his appearance before the court and at the time and place named in the recognisance.

(4) Where security is taken under this section, the officer who takes the recognizance shall cause it to be forwarded to the court before which the suspect named in the recognizance is bound to appear.

Warrant issued by the Federal High Court.

80.—(1) A warrant of arrest issued by a Federal High Court sitting anywhere in Nigeria may be executed in any part of Nigeria.

(2) A warrant issued under this section may be executed in accordance with section 75 of this Act.

Re-arrest of suspect escaping.

81. Where a suspect in lawful custody escapes or is rescued, the person from whose custody he escaped or is rescued or any other person may pursue and re-arrest him in any place in Nigeria.

Provisions of sections 43 and 53 to apply to arrests under sections 74 and 79.

82. The provisions of sections 43 and 53 of this Act shall apply to arrests under sections 74 and 79 of this Act, although the person making such arrest is not acting under a warrant and is not a police officer having authority to arrest.

Public safety and public order.

83.—(1) The Police Force is responsible for maintaining and securing public safety and public order.

(2) The Police Force shall, in carrying out its responsibilities under subsection (1)—

(*a*) uphold the provisions of the Constitution and other laws ;

(*b*) uphold and protect the fundamental rights of all persons in Nigeria ; and

(*c*) be fair to all persons in Nigeria notwithstanding their economic status or religious, ethnic or political beliefs and affiliations.

(3) Subject to the provisions of subsection (1), the Commissioner of Police of a State is responsible for maintaining security, public safety and public order within the State.

(4) Where a person or organisation notifies the police of his or its intention to hold a public meeting, rally or procession on a public highway, or such meetings in a place where the public has access to, the police officer responsible for the area where the meeting, rally or procession will take place, shall mobilise personnel to provide security cover for the meeting, rally or procession.

Part IX—Prevention of Offences and Security for Good Behaviour

Police to prevent offences and injury to public property.

84.—(1) A police officer may intervene for the purpose of preventing, and shall, to the best of his ability, prevent the commission of an offence.

(2) A police officer may of his authority intervene to prevent an injury attempted to be committed in his presence to any public property, whether movable or immovable, or the removal of or injury to any public landmark or buoy or other mark used for navigation.

Information of plan to commit offence.

85. A police officer receiving information of a plan to commit any offence shall communicate the information to the police officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of the offence.

Arrest by police to prevent offences.

86. Notwithstanding the provisions of this Act or any other law relating to arrest, a police officer on a reasonable suspicion of a plan to commit an offence, may arrest, without orders from a magistrate and without warrant, the suspect where it appears to the officer that the commission of the offence cannot otherwise be prevented.

Prevention by other public officers of offences and injury to public property.

87.—(1) A judge, magistrate, or any other public officer charged with responsibility for maintaining law and order may intervene to prevent the commission of an offence or any damage to any public property, movable or immovable.

(2) A person is bound to assist a judge or magistrate or police officer or any other public officer reasonably demanding his aid—

(*a*) in preventing the commission of an offence or any damage to any public property, movable or immovable ;

(*b*) in the suppression of a breach of the peace or in the prevention of any damage to any property, movable or immovable or to any railway, canal, water supply, telecommunication system, oil pipeline, oil installation, electrical installation ; or

(*c*) in the prevention of the removal of any public landmark, buoy or other mark used for navigation.

PART X—PROPERTY FOUND AND UNCLAIMED, ETC.

Found and unclaimed property.

88.—(1) Where a police officer or any other person finds a lost property, the police officer or person who finds the property shall take it to the nearest police station within 24 hours after it is found.

(2) A police officer on duty shall collect the property which was found and make a record of it.

(3) A register shall be kept at a police station for the purpose of making entries of the property found and brought to the station which shall contain—

(*a*) the type of property found ;

(*b*) the description of the property stating the general particulars and state and condition of the property when it was brought to the police station and any other relevant information relating to the property ;

(*c*) the date and time it was found and brought ;

(*d*) the name, address and telephone number, if any, of the person who found and brought the property to the station ;

(*e*) the name and rank of the police officer who collected the property ; and

(*f*) the signatures of the police officer and the person who found and brought the property to the station.

(4) A police officer who collects the lost and found property shall enter the details in the register referred to in subsection (3) and prepare two forms acknowledging the receipt of the lost and found property and give a duly signed copy to the person who found and brought the property to the police station.

(5) The police officer in charge of the police station in possession of the property found shall make a public announcement at least on three consecutive times in the print and electronic media about the property in the custody of the police station for the rightful owner to claim the property with authentic proof of ownership within a period of six months.

(6) The police officer in charge of the station in possession of the property shall release the property upon satisfactory proof of ownership.

(7) Where the property remains unclaimed after the expiration of six months, the police officer in charge of that police station shall bring the property before a magistrate court for auction and the proceeds shall be paid into the Police Reward Fund established under section 91of this Act.

(8) Where a property in Police custody is a perishable article or its custody involves unreasonable expense or inconvenience, it may be sold at any time, and the proceeds of sale shall be paid into the Police Reward Fund established under section 91 of this Act.

(9) There shall be deducted from the proceeds of a sale under subsections (7) and (8), before being paid into the Police Reward Fund the cost, if any, of the sale and of any sum which the court may direct to be paid as a reward to any person by whom the property was delivered into the possession of the police.

Documentation of arrest, witnesses and death in police station.

89.—(1) Where a person appears in a police station in respect of an offence or an allegation of the commission of an offence either as an accused person or a witness, or as a relation or friend of an accused person or a witness, the duty officer or such other officer as may be authorised by the officer-in-charge of the police station shall enter in the official record book—

(*a*) the name of the person and his national identity number, if any ;

(*b*) the date of birth of the person ;

(*c*) the reason for the person's visits ;

(*d*) the name and address of the person's next-of-kin ;

(*e*) the exact time the person comes to the station and leaves, for everyday he visits ; and

(*f*) any ailment or medical condition which the person has.

(2) The particulars mentioned in subsection (1) shall be updated each day the person remains in custody in the police station.

(3) Where, in the discharge of the police duty, a person is shot, wounded or killed, the officer commanding the operation shall record—

(*a*) the number of those wounded or killed, the names of the victims or their description as much as possible ; and

(*b*) efforts taken to ensure hospitalisation of the wounded or proper preservation of the dead.

(4) A police officer who fails to keep appropriate records referred to in subsections (1), (2) and (3) commits a serious misconduct, which shall attract disciplinary measure.

(5) The Inspector-General of Police shall give a quarterly report to the Police Service Commission itemising the number and identity of persons who—

(*a*) were detained in all police formations across Nigeria ;

(*b*) were charged and prosecuted in the courts in Nigeria and the outcome of their cases ;

(*c*) were killed or wounded during police operations across Nigeria ; and

(*d*) died in police custody.

Missing persons.

90.—(1) A person who is aware that a person under his employment or control is missing shall, within 24 hours report to the police—

(*a*) the identity of the missing person ; and

(*b*) circumstances in which that person got missing.

(2) When a report is made to the police under subsection (1) of this section, the duty officer or such other designated staff shall immediately record the name and address of the missing person and the person who made the report.

PART XI—ESTABLISHMENT OF THE POLICE REWARD FUND, ETC. AND OTHER PROVISIONS RELATING TO THE POLICE FORCE

Establishment of the Police Reward Fund.

91.—(1) There is established for the Nigeria Police the Police Reward Fund (in this Act referred to as "the Reward Fund") into which shall be paid—

(*a*) all money levied by order of a senior officer on members of the police for offences against discipline ;

(*b*) all fines levied for assaults on members of the police ;

(*c*) one-third of fees paid by members of the public in respect of extracts from reports made by the police ;

(*d*) one-third of fees paid in accordance with Standing Orders for the services of police officers who would otherwise be off duty ; and

(*e*) all sums ordered to be paid into the Fund under section 88 (7) of this Act.

(2) Subject to the rules for the time being in force under section 23 of the Finance Control and Management Act, the Reward Fund shall be applied and disbursed at the direction of the Inspector-General of Police, based on criteria laid by the Police Service Commission— Cap. F26. LFN. 2004.

(*a*) to reward members of the police for exemplary services ;

(*b*) for payment of ex gratia compassionate gratuities to widows or children of deceased members of the force ;

(*c*) for making ex gratia payments towards the funeral expenses of any member of the police who dies in the service of the police ; and

(*d*) for such other purpose as may be determined, by the Nigerian Police Council.

Recognition and commendation for gallantry and exemplary service.

92. Police officers who have distinguished themselves with their outstanding performance in the discharge of their duties shall be duly honoured and recognised for their gallant and exemplary service by the Police Force—

(*a*) by recommendation for national honours, attention being paid to deserving officers inclusive ;

(*b*) through public presentation of awards and certificates of exemplary service from communities and civil society ; or

(*c*) by the police setting aside a day or week in every year to celebrate outstanding performance by its officers and to remember their fallen heroes.

Police officer and indebtedness.

93.—(1) A police officer shall not get himself involved in indebtedness of any kind while still in service, and where he does, he shall be disciplined and the debt or liability shall be recovered from his remuneration if the creditor can prove the indebtedness by withholding from the police officer's remuneration an amount not exceeding one-third of his monthly remuneration until the amount of the debt or liability is made good.

(2) Where the recovery of the debt or liability is by a court order, the court making the order shall give due notice to the senior police officer in charge of the command to which the indebted officer belongs, and the amount ordered shall be withheld or deducted from the indebted officer's remuneration until the amount of the debt is made good.

Exception to debt recovery.

94. The remuneration of a police officer shall not be withheld on account of any debt or liability which he may have incurred before being appointed to the police.

Private business and conflict of interest.

95. A police officer shall not, while in service, be directly involved in managing and running any private business or trade except farming.

PART XII—OFFENCES

Offences by a police officer.

96.—(1) A police officer who—

(*a*) begins, raises, abets, countenances, or excites mutiny ;

(*b*) causes or joins in any sedition or disturbance of any nature whatsoever ;

(*c*) being at an assembly tending to riot, does not use his utmost endeavour to suppress the assembly ;

(*d*) coming to the knowledge of any mutiny, or intended mutiny does not without delay give information of the mutiny to his superior officer ;

(*e*) strikes or offers any violence to his superior officer, while in the execution of his duty ;

(*f*) deserts or aids or abets the desertion of an officer from the Nigeria Police ;

(*g*) on enlistment falsely states that he—

(*i*) has not been convicted or imprisoned for a criminal offence, or

(*ii*) was never employed by the Government of the Federation or of a State ;

(*h*) fails to come to the aid or to assist any person in need of assistance at the time of distress—

(*i*) shall be subject to appropriate disciplinary proceedings in accordance with the police disciplinary mechanisms, and

(*ii*) if found liable, shall be recommended for dismissal and charged to court for prosecution in accordance with the relevant laws in force.

(2) A police officer shall not, in discharging his duty—

(*a*) discriminate against a person in Nigeria, based on the person's—

(*i*) place of origin,

(*ii*) gender,

(*iii*) socio-economic status,

(*iv*) ethnic, political or religious affiliation, or

(*v*) any form of disability, and

(*b*) use a language, or act in such a way that suggests a bias towards a particular group.

(3) A police officer may be proceeded against for desertion without reference to the time during which he may have been absent, and may be found guilty, either of desertion or of absence without leave.

(4) A police officer shall not be convicted as a deserter or of attempting to desert unless the court is satisfied that there was an intention on the part of the officer either not to return to the Police Force, or to escape some particular important service.

Apprehension of deserters.

97. On reasonable suspicion that a person is a deserter, a police officer or any other person may apprehend him and bring him immediately before a court having jurisdiction in the place where he was found, which may deal with the suspected deserter or refer him to a court having jurisdiction in the place in which he has deserted.

Assault on police officer.

98. A person who assaults, obstructs or resists a police officer in the discharge of his duty, or aids or incites any other person to assault, obstruct or resist a police officer or other person aiding or assisting the police officer in the discharge of his duty, commits an offence and is liable on conviction to a fine of ₦500,000 or imprisonment for a term of six months or both.

Refusing to aid police officer assaulted.

99. Where a person is called upon to aid and assist a police officer who is, while in the discharge of his duty, assaulted or resisted or in danger of being assaulted or resisted, and the person refuses or neglects to aid and assist, the person commits an offence and is liable on conviction to a fine of ₦100,000 or imprisonment for a term of three months or both.

Drinking of alcohol or use of psychotropic substances and stimulants while on duty.

100.—(1) While on duty, a police officer shall not take any intoxicating liquor, psychotropic substances or stimulants, where he does, he shall be punished in accordance with the police disciplinary procedures.

(2) A person who—

(*a*) knowingly harbours or entertains, or either directly or indirectly, gives any intoxicating liquor, psychotropic substance or stimulant to any police officer while on duty, or permits any such police officer to abide or remain in his house unlawfully; except in cases of extreme urgency ; and

(*b*) by threats or by offer of money, gift, spirits, liquors, psychotropic substances or stimulants induces or attempts to induce any police officer to commit a breach of his duty as a police officer or to omit any part of such duty, commits an offence and is liable on conviction to a fine of at least ₦50,000.

Impersonation of police officer.

101. A person not being a police officer who—

(*a*) puts on or assumes either in whole or in part, the apparel, name, designation, or description of any police officer or resembling and intended to resemble the apparel, name or designation of any police officer, or

(*b*) In any way pretends to be a police officer for the purpose of obtaining admission into any house or other place, or of doing any act which such

person would not by law be entitled to do of his own authority, commits an offence and is liable, on summary conviction to a fine of at least ₦100,000 or imprisonment for at least one year or both.

Obtaining admission into Police Force by fraud.

102.—(1) A person who—

(*a*) knowingly uses or attempts to pass off any forged or false certificate, character, letter, or any other document for the purpose of obtaining admission into the Nigeria Police Force ; or

(*b*) on applying for enlistment, makes any false answer to any statement put to him by any appropriate authority, commits an offence and, on summary conviction to a fine of ₦50,000 or imprisonment for three months or both.

(2) A police officer may arrest without a warrant any person whom he reasonably believes or suspects of having committed an offence under this section.

Ordinary course of law not to be interfered with.

103. Nothing in this Act is be construed to exempt a police officer from being proceeded against by the ordinary course of law when accused of any offence punishable under any other Act or law.

Persons acquitted by the court not to be tried for the same offence under this Act.

104.—(1) A person who has been acquitted by a court of any offence shall not be tried on the same charge or suffer any punishment under this Act

(2) Where a police officer has been convicted by a court for an offence, he is not liable to be punished for the same offence under this Act, but may have his rank or grade reduced or be dismissed from the Police Force.

PART XIII—SPECIAL CONSTABLES

The Special Constabulary.

105.—(1) The Special Constabulary is established under this Act.

(2) The Special Constabulary is deemed part of the Nigeria Police Force, and accordingly references in this Act to the Police Force shall, subject to the provisions of this Act, include, and be deemed always to have included, references to the Special Constabulary.

(3) The Special Constabulary shall consist of—

(*a*) special constables appointed in normal circumstances under section 106 of this Act ; and

(*b*) such emergency special constables as may be appointed from time to time under section 108 of this Act.

(4) If any enactment requires police officers to perform military duties or confers power (whether expressly or in general terms) to require police

officers to perform such duties, that enactment shall not, in the absence of express provision to the contrary, extend to members of the special constables.

Appointment of special constables.

106.—(1) Subject to the provisions of this section, the competent authority may appoint as a special constable any person who—

(*a*) has attained the age of 21 years but has not attained the age of 50 years ;

(*b*) is of good character and physically fit ; and

(*c*) has signified willingness to serve as a special constable.

(2) The Inspector-General of Police shall, from time to time by notice published in the Force Administrative Instructions, fix the maximum number of persons who may hold appointments under this section, and a person shall not be appointed as a special constable under this section if his appointment would cause the number, for the time being so fixed, to be exceeded.

(3) Subject to subsection (2), the Inspector-General of Police may—

(*a*) review the maximum number of persons who may hold appointments under this section in any territory ; and

(*b*) fix the maximum number of persons appointed under this section who may hold any particular rank in the special constabulary in any territory ;

(*c*) in either case, fix different numbers with respect to different territories, and every competent authority shall ensure that the numbers fixed under this subsection are not exceeded.

(4) Every special constable appointed under this section—

(*a*) shall be appointed to serve as a special constable for one year or such longer period as may be agreed between him and the authority by whom he is appointed, and shall, on appointment, sign an engagement in the prescribed form to serve as a special constable for that period ;

(*b*) shall be appointed in respect of the Police Area Command or, where there is no Police Area Command, the Police Division in which he resides or is employed ;

(*c*) shall, within the territory in which the police area in respect of which he is appointed is situated, but not elsewhere, have the powers, privileges and immunities of a special constable; and subject to the provisions of this Act, shall be a member of the special constable for all purposes—

Provided that a special constable appointed in respect of a police area within the Federal Capital Territory, Abuja shall have the powers, privileges and immunities of a special constable not only within the Federal Capital Territory, Abuja but also within any police area adjacent to the Federal Capital Territory, Abuja.

(5) A special constable shall have such rank as may be assigned to him by the competent authority, and the assigning authority shall cause notice of it to be published in the Force Administrative Instructions.

(6) A special constable may be, within three months before the end of his first or any subsequent period of engagement, and with the permission of the competent authority, re-engaged to serve for a further period of one year or such longer period as may be agreed between him and the authority and, if he does so, his appointment under this section is deemed to have been extended accordingly.

(7) Without prejudice to the right of the competent authority to refuse permission in any case, a person is not permitted to re-engage under subsection (6) unless he would, if not already a special constable, be qualified for appointment as such under this section.

(8) Every special constable shall, on appointment, be issued with a certificate of appointment in the prescribed form, and, on the determination of his appointment (whether by the passage of time or under section 106 of this Act) shall be issued with a certificate of discharge in the prescribed form.

Resignation, suspension and dismissal of special constables appointed under section 106.

107.—(1) A special constable appointed under section 106 of this Act may, at any time, give to the senior police officer in charge of the police area in respect of which he is appointed notice in writing to the effect that he desires to resign his appointment on a date (not being less than 30 days later than the date on which the notice is given) mentioned in the notice.

(2) On receipt of a notice under subsection (1), the senior police officer in question shall refer it to the competent authority, and if the competent authority consents to the notice, the appointment of the special constable by whom the notice was given shall determine on the date mentioned in the notice or the date on which he is notified that the competent authority has given its consent under this subsection, whichever, is the later.

(3) The competent authority may, at any time for reasons appearing to it to be sufficient by notice in writing, immediately suspend or determine the appointment of any special constable appointed under section 106 and may, if it deems fit, do so without informing the special constable of the reasons for his action, but shall in every case immediately report its action and the reasons to the Inspector-General of Police.

(4) A special constable whose appointment is suspended or determined under subsection (3) otherwise than by the Inspector-General of Police, may appeal against the suspension or determination to the competent authority, and any such appeal shall be heard and determined by the competent authority to whom it is made.

(5) Any delegation of the powers of the Inspector-General of Police under subsections (3) and (4) shall be such as to secure that in every case the competent authority having power to hear and determine an appeal under subsection (4) is a police officer of higher rank than the police officer against whose action the appeal is brought.

Appointment of emergency special constables.

108.—(1) If at any time the Commissioner of Police for a State or Federal Capital Territory is satisfied, as police in that State, that an unlawful assembly or riot or breach of the has taken may reasonably be expected to take place in that area, or that by reason of other special circumstance it in necessary in the public interest for emergency special constables to be appointed in respect of that area, he may authorise the senior police officer in charge of that area or any Chief Superintendent of Police to appoint person resident or employed in that area (whether male or female) emergency special constables.

(2) An authorisation under this section need not be in writing, but shall specify the maximum number of emergency special constables who may be appointed under that authorisation.

(3) Where a senior police officer proposes to appoint any person as an emergency special constable under an authorisation given under this section, he shall cause to be served on that person a notice in the prescribed form requiring him to present himself at a time and place specified in the notice for appointment as an emergency special constable.

(4) Every person on whom a notice is served under subsection (3) shall present himself at the time and place specified in the notice and shall, on being required to do so by the senior police officer proposing to appoint him, make and sign a promise in the prescribed form to serve as an emergency special constable until such time as his appointment is determined under this section, and immediately after he has made signed that promise, the senior police officer shall hand to him a document in the prescribed form appointing him as an emergency special constable in respect of the police area to which the authorisation under which he is being appointed relates.

(5) Every emergency special constable—

(*a*) shall, in the police area in respect of which he is appointed not elsewhere, have the powers, privileges and immunities of a special constable ; and

(*b*) subject to the provisions of this Act, shall be a member of the special constabulary for all purposes.

(6) The senior police officer in charge of the police area in respect of which an emergency special constable is appointed may at any time, and shall, if so directed by the Commissioner of Police for the State in which that police

area is situated, by notice in writing forthwith, or with effect from a future date specified in the notice, determine the emergency special constable's appointment, and on the determination of his appointment under this section, an emergency special constable shall be issued with a certificate of discharge in the prescribed form.

(7) Any person who, without reasonable excuse (proof of which shall lie on him)—

(*a*) refuses or fails to comply with the requirements of a notice served on him under subsection (3); or

(*b*) refuses to make and sign a promise to serve on being required to do so under subsection (3) is liable on summary conviction to a fine not exceeding ₦10,000.

(8) The provisions of this section shall apply in relation to the Federal Capital Territory, Abuja as they apply in relation to a State, subject to the modification that, in relation to the Federal Capital Territory, Abuja any reference to the Commissioner of Police shall be construed as a reference to the Inspector-General of Police.

(9) The provisions of this section shall have effect subject to section 106 (2) and (3) of this Act.

Provisions supplementary to section 108.

109.—(1) The Commissioner of Police for a State or Federal Capital Territory or the Inspector-General of Police—

(*a*) on giving an authorisation under section 108 of this Act, shall forthwith inform the President of his action and of the circumstances which led him to take it, and shall as soon as possible cause notice of the giving of the authorisation to be published in the Force Administrative Instructions; and

(*b*) as soon as possible after all emergency special constables appointed under that authorisation have been discharged, shall cause notice of that fact to be published in the Force Administrative Instructions.

(2) The Inspector-General of Police may, by order published in the Force Administrative Instructions, declare persons of any class or description specified in the order to be exempted from appointment as emergency special constables under section 108 of this Act, and the power to appoint persons as emergency special constables under that section shall not extend to persons of any class or description for the time being so specified.

(3) Any power to make or determine appointments under or by virtue of section 108 of this Act shall be exercisable only while there is in force the necessary delegation of that power by the Inspector-General of Police.

Equipment.

110.—(1) The Inspector-General of Police may provide for use by special constables such as batons, clothing and other equipment as he considers necessary for the proper carrying out of their duties.

(2) Any expenses incurred by the Inspector-General of Police under this section shall be defrayed out of the funds of the Police Force.

Instruction of special constables.

111.—(1) Regulation made under section 139 (1) (*a*) of this Act with respect to the organisation and administration of the Force shall not require special constables to attend for instruction on more than four days in any one month or for periods in the aggregate to more than 24 hours in any month.

(2) Any person responsible for giving instruction to special constables under the regulations shall have regard as far as possible to the convenience of special constables who are to attend for instruction also, where applicable, to that of the employers of such special constables.

Allowances, pensions, etc.

112.—(1) Except as expressly provided by this section or by regulations made under subsection (3), a person's service as a special constable shall render him for a stipend as may be determined by the Inspector-General of Police as approved by Police Council.

(2) A special constable shall—

(*a*) have no claim on the Police Reward Fund ; and

(*b*) not as such be entitled to occupy living accommodation provided at the public expense.

(3) Regulations made under section 139 (1) (*a*) of this Act may provide for stipends to be paid to special constables—

(*a*) in respect of expenses incurred by them in connection with their attendance at periods of instruction ;

(*b*) as compensation for loss of earnings during periods of full-time duty ; and

(*c*) in respect of the use by special constables or of this subsection, the rank of Inspector of their own vehicles while on full-time duty, but shall not provide for the payment of any other stipends to special constables; and the amount of any such stipends as is mentioned in paragraph (*a*) or of this subsection shall be fixed by the regulations, and shall not be calculated by reference to the actual expenses or loss of earnings of the person to whom it is payable.

(4) Without prejudice to the generality of section 54 of this Act, the regulations may make provision for enabling any such stipend as is mentioned in subsection (3) of this section to be withheld by a senior police officer if, in his opinion, there are good reasons for withholding.

Act No. 4. 2014.

(5) Subject to subsection (7), section 6 of the Pensions Reform Act (which contains corresponding provisions applicable to police officers above the rank of constable) shall not apply to special constables as they apply to regular police officers.

(6) Subject to subsection (7), Regulation 24 (l) and (2) of the repealed Pensions Regulations (which make provision for the payment of pensions to officers in respect of permanent injuries received while on duty) may apply to special constables as they apply to regular police officers.

(7) For the purposes of subsection (6), references to a retirement shall be construed as references to a retirement from employment other than employment as a special constable.

(8) If a special constable is killed or sustains injuries at a time when he holds some other office in the Public Service of the Federation or of a State, his duty as a special constable is, for the purpose of the Pensions Reform Act, deemed to form part of his duty as the holder of that other office, and subsections (5) and (6) shall not apply in this case.

Act No. 4. 2014.

(9) Any pension granted under subsection (5) or (6) shall be subject to the provisions of the Act under which it is granted and shall cease or be dealt with accordingly.

(10) In this section, "regular police officer" means a police officer who is neither a special constable nor a supernumerary police officer.

PART XIV—COMMUNITY POLICING COMMITTEE

Establishment of Community Policing Committee.

113.—(1) For the effective and efficient policing of communities in a State or Federal Capital Territory, the Commissioner of Police of a State shall establish Community Policing Committee (in this Act referred to as "the Policing Committee") which shall consist of representatives of the Police Force and the local community in the State.

(2) A Commissioner of Police of a State shall establish Community Sub-Policing Committee (in this Act referred to as "the Sub-Policing Committees") at all Divisional Police Headquarters in the State or Federal Capital Territory.

(3) Subject to section 116 (1) (b) of this Act, the Commissioner of Police and members designated by him from time to time for the purpose, shall be members of the Policing Committees and Sub-Policing Committees established at various police formations.

Establishment of Divisional Community Policing Committee.

114.—(1) A Commissioner of Police of a State or Federal Capital Territory shall, in collaboration with the relevant stakeholders in the community, establish Divisional Community Policing Committee (in this Act referred to as "Divisional Policing Committee") in all Police Divisions within the State.

(2) A Divisional Policing Committee shall, in collaboration with the relevant stakeholders in the community, establish Divisional Community Policing Sub-Committee in all police formations in the Division.

(3) Subject to section 116 (1) (*b*) of this Act, the Divisional Police Officer and the members designated by him, from time to time for that purpose, shall be members of the Divisional Policing Committee concerned.

Establishment of State Community Policing Committees

115.—(1) A Commissioner of Police of a State shall, in collaboration with the State Executive Council, establish a State Community Sub-Policing Committee.

(2) A State Community Policing Committee shall, subject to subsection (3), consist of representatives of Divisional Community Policing Committees designated for that purpose by the Divisional Community Policing Committees of a State concerned.

(3) Subject to section 116 (1) (*b*) of this Act, the Commissioner of Police in a State and the members designated by him, from time to time for the purpose, shall be members of the State Community Policing Committee concerned.

Objectives of Community Policing Committees.

116.—(1) The objectives of the Committees are to—

(*a*) maintain a partnership between the community and the Police Force ;

(*b*) promote communication between the Police Force and the community ;

(*c*) promote co-operation between the Police and the community in fulfilling the needs of the community regarding policing ;

(*d*) improve the police service to the community ; and

(*e*) improve transparency and accountability in the provision of police services to the community.

(2) This section does not prevent police liaison with the community by means other than Policing Committee, Sub-Policing Committee and Divisional Policing Committtee.

Duties of community policing officers.

117.—(1) The duties of community policing officers shall include assisting the Police in—

(*a*) crime detection and prevention ;

(*b*) conflict resolution ;

(*c*) criminal intelligence gathering and dissemination to the local Police Commanders ;

(*d*) maintenance of law and order ;

(*e*) deployment to complement the conventional Police in the patrol of the public space within their local communities ;

(*f*) reassuring and advising the public on public safety, crime prevention and security tips ;

(*g*) dealing with minor offences and social vices ;

(*h*) working with the community, schools, and young people, business communities, religious bodies, cultural groups, community-based associations, recreational centres and hospitality businesses toward crime control ; and

(*i*) traffic management and school safety duties.

(2) The Inspector-General of Police, in implementing community policing, shall promote organisational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address conditions that cause crime, social disorder and fear of crime.

(3) The Inspector-General of Police in implementing community policing may vary strategies according to the needs of the communities involved and the cultural context and local models which will vary and evolve according to the differing needs of differing communities, whilst retaining and sharing the same set of goals and basic principles.

Functions of Community Policing Committees.

118. A State Community Policing Committee or Divisional Community Policing Sub-Committee shall perform the functions it deems necessary and appropriate to achieve the objectives stated in section 116 of this Act.

Procedural matters.

119.—(1) A Committee, Sub-Committee and Divisional Committee shall—

(*a*) elect, from amongst its members, a chairman, vice-chairman and a secretary who shall be police officers ;

(*b*) determine the number of members to be assigned by the State Commissioner or Divisional Police Officer to serve as members of the Committee or Sub-Committee concerned ;

(*c*) determine its own procedure and cause minutes to be kept of its proceedings ; and

(*d*) whenever it considers necessary, co-opt other members, experts or community leaders to the Committee, Sub-Committee and Divisional Committee in an advisory capacity.

(2) Members of the Committee, Sub-Committee and Divisional Committee shall render their services on a voluntary basis and shall have no claim to any remuneration solely for services rendered to the Committee, Sub-Committee or Divisional Committee.

(3) The majority of the members of a Committee, Sub-Committee or Divisional Committee shall constitute a quorum at any of its meetings.

(4) In the absence of the Chairman of a Committee, Sub-Committee or a Divisional Committee at a meeting, the vice-chairman shall preside over the meeting, and if both the Chairman and Vice-Chairman are absent, the members present shall elect one of them present to preside over the meeting.

PART XV—TRAFFIC WARDEN SERVICE

Establishment of Traffic Warden Service.

120.—(1) There is established a Traffic Warden Service (in this Act referred to as "the Warden Service").

(2) The Warden Service shall consist of traffic wardens appointed from time to time under this Act.

(3) The Warden Service shall be a part of the Police Force and accordingly, references to the Police Force shall, subject to the provisions of this Act, include references to the Warden Service.

(4) Notwithstanding subsection (3), where any Act, whether passed before or after the commencement of this Act, requires police officers to discharge military duties, or confers any power on any person whether expressly or in general terms to require police officers to discharge those duties, that Act shall not, in the absence of express provision to the contrary, extend to traffic wardens.

(5) Traffic wardens shall be employed to perform functions normally undertaken by police officers in connection with the control and regulation of, or the enforcement of the law relating to, road traffic and shall, in that connection, act under the direction of the Police Force.

(6) Without prejudice to the generality of the provisions of subsections (1)-(5), a traffic warden shall deal primarily with—

(*a*) the general control and direction of motor traffic on the highway ;

(*b*) assisting pedestrians to cross the road ; and

(*c*) controlling vehicles stopping or parking in unauthorised places.

Recruitment of traffic wardens.

121.—(1) Notwithstanding anything to the contrary in any law, the Inspector–General of Police has power to appoint, promote, transfer, dismiss or exercise disciplinary control over traffic wardens.

(2) Subject to the provisions of this Act, a person may be recruited a traffic warden if he—

(*a*) is not less than 18 and not more than 25 years of age ;

(*b*) is in possession of a minimum educational qualification of Senior Secondary School Certificate ;

(*c*) at least 167.64 centimetres and 162.56 centimetres tall respectively for the men and women ;

(*d*) in the case of men, has at least 86.36 centimetres chest measurement when fully expanded ;

(*e*) is of good character and physically fit ; and

(*f*) has signified his willingness to serve as a traffic warden.

(3) The Police Service Commission on the recommendation of the Inspector-General of Police shall from time to time by notice published in the Federal Government Gazette, fix the maximum number of persons who may at any given time hold office under this section; and a person shall not be enlisted as a traffic warden if his enlistment would cause the number for the time being so fixed to be exceeded.

(4) The Inspector-General of Police may—

(*a*) from time to time with the approval of the Police Service Commission, fix the maximum number of traffic wardens who may, at any time' hold appointments in any State ;

(*b*) at his own discretion, fix the maximum number of traffic wardens who may, at any time, hold any particular rank in the Warden Service in any State ; and

(*c*) in either case, fix different numbers with respect to different States.

Declarations by traffic wardens.

122.—(1) A traffic warden on appointment, or if re-appointed for a further term, shall make and subscribe to the police declaration prescribed by the Oaths Act as modified under subsection (2).

Cap. O1, LFN. 2004.

(2) The police declaration prescribed by the Oaths Act is modified by substituting for the words—

(*a*) "police officer", wherever they occur, the words "traffic warden" ; and

(*b*) "for the preservation of peace" to the end of the declaration, the words, "to discharge all duties of my office according to law".

Tenure of office of traffic wardens.

123.—(1) A traffic warden appointed under this Act shall be—

(*a*) appointed to serve as a traffic warden for 35 years of service or 60 years of age whichever comes first ; and

(*b*) pensionable only in the Police State Command in which he resides.

(2) A traffic warden may, subject to satisfactory conduct and service, be re-appointed for further three years until the expiration of the tenth year of his appointment in the Warden Service, when he may elect to determine his appointment or elect that his service be allowed to continue until he is 55 years of age.

Powers of traffic wardens.

124. A traffic warden appointed under this Act shall, when on duty—

(*a*) have the powers, privileges and immunities of a police officer under any law relating to the regulation of road traffic ; and

(*b*) be in uniform within the Police State Command in which he is appointed to serve, but not elsewhere.

Certificate of appointment and discharge.

125. A traffic warden—

(*a*) on first appointment, shall be issued with a certificate of appointment in a form approved by the Inspector–General of Police ; and

(*b*) on the determination of that or any subsequent appointment whether by effluxion of time or under section 120 of this Act, shall in like manner be issued with a Certificate of Discharge.

Ranks of traffic wardens.

126. A traffic warden shall have such rank as may be assigned to him by the Inspector-General of Police beyond the following grades—

(*a*) Traffic Warden Grade III ;

(*b*) Traffic Warden Grade II ;

(*c*) Traffic Warden Grade I ;

(*d*) Senior Traffic Warden II ;

(*e*) Senior Traffic Warden I ;

(*f*) Assistant Superintendent of Traffic II ;

(*g*) Assistant Superintendent of Traffic I ; and

(*h*) Deputy Superintendent of Traffic.

Resignation.

127.—(1) A traffic warden appointed under this Act may at any time give to any senior police officer under whom he is serving, notice in writing of his intention to resign his appointment on a date mentioned in the notice not being less than 28 days later than the date on which the notice is given.

(2) On receipt by the senior police officer of the notice referred to in subsection (1) of this section, the senior police officer shall immediately refer such notice to the Commissioner having control over him and the traffic warden and if the Commissioner consents to the notice having effect, the appointment of the traffic warden shall be terminated.

Discipline.

128.—(1) In so far as the context so admits, but subject to the provisions of this Act, a traffic warden shall be subject to the provisions of the Police Regulations subsidiary to this Act, for purposes of discipline.

(2) In the application to Traffic Wardens of the Second Schedule to the Police Regulations, references to Constables, Corporals, Sergeants, Inspectors and Senior Police Officers shall include respectively references to Traffic Wardens Grade III-I and Senior Traffic Wardens Grade II-I and Superintendents of Traffic respectively.

Provision of equipment.

129.—(1) The Inspector-General of Police may provide, for use by the traffic wardens, such equipment as he considers necessary for the proper discharge of their duties under this Act.

(2) Any expenses incurred by the Inspector-General of Police under this section shall be defrayed out of the General Fund of the Police Force.

Instruction of traffic warden.

130.—(1) A traffic warden is required to undergo a course of training at the Traffic Training School of a Police College for 12 weeks or such other or further period as the Inspector-General of Police may determine.

(2) A traffic warden shall, on appointment, be allocated a service number with the letters, "TW" and the service numbers of all traffic wardens employed under this Act shall appear on the register kept for that purpose by the Inspector-General of Police.

(3) A traffic warden to whom a service number has been allocated under subsection (2) shall wear his service number on the shoulder flaps of his uniform whenever he is on duty.

PART XV—POLICE PUBLIC COMPLAINTS AND DISCIPLINE

Establishment of Police Complaints Response Unit.

131.—(1) The Inspector-General of Police shall establish a Police Complaints Response Unit (in this Act referred to as "the Unit") in the Force Headquarters, and each of the Police Commands in all the States of the Federation and the Federal Capital Territory.

(2) The Unit established under subsection (1) shall be under the Public Relations Section.

Composition of the Unit.

132.—(1) The Unit shall consist of representatives of the Federal or State Intelligence Bureau, Police Provost Marshal and any other unit of the Police Force as the Inspector-General of Police considers fit.

(2) The Unit shall be headed by an officer not below the rank of a Chief Superintendent of Police.

Functions of the Unit.

133.—(1) The Unit shall receive—

(*a*) complaint or information of police officers misconduct from the public ; or

(*b*) complaint of police officers misconduct from other police members or authority.

(2) The Unit may receive—

(*a*) any complaint alleging that the conduct complained of resulted in the death of or serious injury or other gross human rights violations ;

(*b*) any complaint showing that a police officer may have committed a criminal offence ; or

(*c*) any complaint which shows that a police officer is involved in an act constituting professional misconduct.

(3) The Unit shall monitor the investigations initiated by the Unit.

(4) While conducting investigation into any complaint by any member of the public against a police officer, the Nigeria Police Force shall afford the person against whom the complaint has been made opportunity to defend himself.

(5) Upon the conclusion of an investigation, the appropriate investigative unit shall make available a copy of its findings or investigation report to the Unit within 21 days from the day the complaint was made.

Steps to be taken after investigation.

134. After investigation, the head of the Unit through the Force Public Relations Officer or Public Relations Officer of a State or the Federal Capital Territory shall forward the report and its recommendations to the Inspector-General or Commissioner of Police a State or the Federal Capital Territory who shall—

(*a*) send a copy of the investigation report and recommendations to the appropriate Police or oversight authority for proper disciplinary action if the investigations reveal that the offence committed is against discipline as specified in this Act and in the Police Regulations made under this Act ; and

(*b*) where it is discovered after investigations that the complainant knowingly gave false information against the police officer or should have reasonably known that the information is false, the complainant shall be tried according to relevant laws for the time being in force.

PART XVII—MISCELLANEOUS PROVISIONS

Prohibition against gender discrimination.

Cap. C23. LFN. 2004.

135. The Police Force or other persons shall not, in the performance of his or its functions under this Act, regulations or standing orders made under this Act, discriminate against any person on the basis of gender as provided under section 42 of the Constitution of the Federal Republic of Nigeria, 1999.

Application of the Act.

136. All the provisions of this Act shall extend to all persons who, at the commencement of this Act are serving in the Nigeria Police Force established by the Constitution of the Federal of Nigeria as if such persons had been appointed under this Act.

Disobeying of unlawful orders

137.—(1) A police officer who, on reasonable grounds, believes that an order given to him by a senior officer is unlawful, he—

(*a*) is not bound to comply with the order ; and

(*b*) shall immediately make a report in such form as it is provided by the Police Service Commission for that purpose.

(2) On the receipt of the report referred to in subsection (1), the Police Service Commission shall immediately inquire into the matter and may, where the inquiry reveals that the order was—

(*a*) lawful, take appropriate disciplinary action against the police officer for disobeying a lawful order ; and

(*b*) unlawful, take appropriate disciplinary action against the senior police officer for giving an unlawful order.

Power to make regulations.

138.—(1) The Minister may make regulations on the recommendation of—

(*a*) the Inspector-General of Police, with respect to the policy, organisation and administration of the Police Force, including establishments and financial matters, other than pensions within the meaning of the Pensions Reform Act.

Act No. 4, 2014.

(*b*) the Police Service Commission, with respect to appointments, promotions and disciplinary control of police officers as specified in the Constitution.

(2) The Minister shall regularly review the police regulations.

Repeal.

139.—(1) The Police Act Cap P19 Laws of the Federation of Nigeria, 2004 is repealed.

(2) Subject to section 6 of the Interpretation Act (relating to the repeal of enactments), the repeal of the Act referred to under subsection (1) does not affect anything done or purported to have been done under it.

Savings and transitional provisions.

140.—(1) There are vested in the Police Force established under this Act, all assets, funds, resources and other moveable or immoveable property which immediately before the commencement of this Act were vested in the Police Force existing immediately before the commencement of this Act.

(2) All rights, interests, obligations and liabilities of the Police Force existing immediately before the commencement of this Act under any contract or instrument, or in law or in equity, are by virtue of this Act assigned to and vested in the Police Force established under this Act.

(3) Any contract or instrument referred to in subsection (2) has the same effect against or in favour of the Police Force established under this Act and shall be enforced as fully and effectively as if, instead of the Police Force existing immediately before the commencement of this Act, the Police Force established under this Act had been named in it or had been a party to it.

(4) Any proceeding or cause of action pending or existing immediately before the commencement of this Act in respect of any right, interest, obligation or liability of the Police Force existing immediately before the commencement of this Act may be continued, or as the case may require, be commenced and the determination of a court or tribunal or other authority or person may be enforced by or against the Police Force established under this Act to the same extent that the cause of action or determination might have been continued or commenced or enforced by or against the Police Force existing immediately before the commencement of this Act as if this Act had not been enacted.

(5) Subject to the provisions of this Act and to such directions as may be issued by the Police Service Commission, a person who immediately before the commencement of this Act held office in the Police Force existing before the commencement of this Act is deemed to have been transferred to the Police Force established under this Act on terms and conditions not less favourable than those obtaining immediately before the commencement of this Act and employment in the Police Force existing immediately before the commencement of this Act is deem to be service in the Police Force established under this Act for the purpose of pension.

(6) Any regulation, order, notice made or issued by or for the purpose of the Police Force existing immediately before the commencement of this Act are deemed, if not inconsistent with this Act, to have been made or issued by or for the purposes of the Police Force established under this Act and shall continue in force until revoked or amended, subject to such modifications as may, from time to time be applicable to the Police Force established under this Act.

(7) The Minister may if he thinks fit, within 12 months after the commencement of this Act, by notice published in the Federal Government Gazette, make additional transitional provisions for the better carrying out of the objectives of this section.

Interpretation.

141. In this Act—

"*Commissioner*" means a Commissioner of Police, a Deputy Commissioner of Police or an Assistant Commissioner of Police ;

"*Constable*" means any police officer below the rank of Corporal ;

"*Constitution*" means the Constitution of the Federal Republic of Nigeria, 1999 (as altered) ;

"*court*" means any court established by any law in force in Nigeria ;

"*Criminal Justice Monitoring Committee*" refers to the Administration of Criminal Justice Monitoring Committee set up under section 469 of the Administration of Criminal Justice Act to ensure effective and efficient application of the Act, speedy dispensation of criminal matters and for related matters ;

"*functions*" includes duties ;

"*Inspector*" includes a Chief Inspector and an Inspector of Police ;

"*Minister*" means the Minister charged with responsibility over police matters ;

"*Ministry*" shall be construed accordingly ;

"*Non-Commissioned Officer*" means a Police Sergeant-Major, a Police Sergeant or a Police Corporal as the case may be ;

"*Police*" means the Police Force ;

"*Police Force*" means the Police Force established under section 3 of this Act ;

"*police officer*" means a member of the Nigerian Police ;

"*prosecuting officer*" means any person appointed by the Attorney-General of the Federation or of the States to prosecute crimes on their behalf and for the Nigeria Police ;

"*senior police officer*" means any police officer above the rank of a Cadet Assistant Superintendent of Police ; and

"*Superintendent of Police*, includes a Chief Superintendent of Police, Superintendent of Police, a Deputy Superintendent of Police, and an Assistant Superintendent of Police.

Citation.

142. This Act may be cited as the Nigeria Police Act, 2020.

SCHEDULE *Section* 3 (3)

Subject to section 215 (1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended), the hierarchy of the Police shall consist of the following—

(*i*) The Inspector-General of Police ;
(*ii*) Deputy Inspectors- General of Police ;
(*iii*) Assistant Inspectors-General of Police ;
(*iv*) Commissioners of Police ;
(*v*) Deputy Commissioners of Police ;
(*vi*) Assistant Commissioner of Police ;
(*vii*) Chief Superintendents of Police ;
(*viii*) Superintendents of Police ;
(*ix*) Deputy Superintendents of Police ;
(*x*) Assistant Superintendents of Police I ;
(*xi*) Assistant Superintendents of Police II ;
(*xii*) Cadet Assistant Superintendents of Police ;
(*xiii*) Chief Inspectors of Police ;
(*xiv*) Deputy Chief Inspectors of Police ;
(*xv*) Assistant Chief Inspectors of Police ;
(*xvi*) Principal Inspectors of Police ;
(*xvii*) Senior Inspectors of Police ;
(*xviii*) Inspectors of Police (Confirmed) ;
(*xix*) Inspectors of Police (Unconfirmed) ;
(*xxi*) Sergeant Majors ;
(*xxii*) Sergeants ;
(*xxiii*) Corporals;
(*xxiv*) Constables I ;
(*xxv*) Constables II ;
(*xxvi*) Recruits ; and
(*xxvii*) such other officers as the Nigeria Police Council may, from time to time consider necessary for effective discharge of the functions of the Police.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

Arc. Ojo Olatunde Amos
Ag. Clerk to the National Assembly
17*th Day of August,* 2020.

EXPLANATORY MEMORANDUM

This Act repeals the Police Act Cap. P19, Laws of the Federation, 2004 and enacts the Nigeria Police Act, 2020 to provide for a more effective and well organised Police Force driven by the principles of transparency and accountability in its operations and management of its resources.

This Act also establishes an appropriate funding framework for the Police Force in line with what is obtainable in other Federal Government key institutions in the bid to ensure that all police formations nationwide are appropriately funded for effective policing.

This Act further—

(*a*) enhances professionalism in the Police Force through the provision of increased training opportunities for police officers and other persons employed by the Police Force ; and

(*b*) creates an enduring cooperation and partnership between the Police Force and communities in maintaining peace and combating crimes nationwide.

SCHEDULE TO THE NIGERIA POLICE BILL, 2020

(1) *Short Title of the Bill*	(2) *Long Title of the Bill*	(3) *Summary of the Contents of the Bill*	(4) *Date Passed by the Senate*	(5) *Date Passed by the House of Representatives*
Nigeria Police Bill, 2020.	An Act to repeal the Police Act Cap. P19, Laws of the Federation of Nigeria, 2004 and enact Nigeria Police Act, 2020 to provide the framework for the Police Force and ensure cooperation and partnership between the police and host communities in maintaining peace, combating crime, protecting liberties, life and property; and for related matters.	This Act repeals the Police Act Cap. P19, Laws of the Federation, 2004 and enacts the Nigeria Police Act, 2020 to provide for a more effective and well organised Police Force driven by the principles of transparency and accountability in its operations and management of its resources. This Act also establishes an appropriate funding framework for the Police Force in line with what is obtainable in other Federal Government key institutions in the bid to ensure that all police formations nationwide are appropriately funded for effective policing.This Act further: (*a*) enhances professionalism in the Police Force through the provision of increased training opportunities for police officers and other persons employed by the Police Force; and (*b*) creates an enduring cooperation and partnership between the Police Force and communities in maintaining peace and combating crimes nationwide.	22nd July, 2020.	21st July, 2020.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT

LS

ARC. OJO OLATUNDE AMOS
Ag. Clerk to the National Assembly
17*th Day of August,* 2020

MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
15*th Day of September,* 2020

Extraordinary

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PUBLIC PROCUREMENT ACT, 2007

ARRANGEMENT OF SECTIONS

SECTION :

PART I — ESTABLISHMENT OF NATIONAL COUNCIL ON PUBLIC PROCUREMENT

1. Establishment of the National Council on Public Procurement and its membership.
2. Functions of the Council.

PART II — ESTABLISHMENT OF THE BUREAU OF PUBLIC PROCUREMENT

3. The establishment of the Bureau of Public Procurement.
4. Objectives of the Bureau.
5. Functions of the Bureau.
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7. Director-General and staff of the Bureau.
8. Principal officers of the Bureau.
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PUBLIC PROCUREMENT ACT, 2007

2007 ACT No. 14

AN ACT TO ESTABLISH THE NATIONAL COUNCIL ON PUBLIC PROCUREMENT AND THE BUREAU OF PUBLIC PROCUREMENT AS THE REGULATORY AUTHORITIES RESPONSIBLE FOR THE MONITORING AND OVERSIGHT OF PUBLIC PROCUREMENT, HARMONIZING THE EXISTING GOVERNMENT POLICIES AND PRACTICES BY REGULATING, SETTING STANDARDS AND DEVELOPING THE LEGAL FRAMEWORK AND PROFESSIONAL CAPACITY FOR PUBLIC PROCUREMENT IN NIGERIA ; AND FOR RELATED MATTERS.

Commencement.

[*4th Day of June*, 2007]

ENACTED by the National Assembly of the Federal Republic of Nigeria ;

PART I – ESTABLISHMENT OF NATIONAL COUNCIL ON PUBLIC PROCUREMENT

Establishment of the National Council on Public Procurement and its membership.

1.—(1) There is established the National Council on Public Procurement (in this Act referred to as "the Council").

(2) The Council shall consist of :

(*a*) the Minister of Finance as Chairman ;

(*b*) the Attorney-General and Minister of Justice of the Federation ;

(*c*) the Secretary to the Government of the Federation ;

(*d*) the Head of Service of the Federation ;

(*e*) the Economic Adviser to the President ;

(*f*) six part-time members to represent ;

(*i*) Nigeria Institute of Purchasing and Supply Management ;

(*ii*) Nigeria Bar Association ;

(*iii*) Nigeria Association of Chambers of Commerce, Industry, Mines and Agriculture ;

(*iv*) Nigeria Society of Engineers ;

(*v*) Civil Society ;

(*vi*) the Media ; and

(*g*) the Director-General of the Bureau who shall be the Secretary of the Council.

(3) Notwithstanding the provisions of Section (2), the Council may co-opt any person to attend its meeting but the person so co-opted shall not have a casting vote or be counted towards quorum.

(4) The Chairman and other members of the Council shall be appointed by the President.

(5) Subject to sub-section (2) of this Section, a member of the Council being :

(*a*) the holder of an elective office under the Constitution of Nigeria, shall hold office for a period he remains so elected and no more ; and

(*b*) the Director-General of the Bureau, shall hold office on such terms and conditions as may be specified in his letter of appointment.

Functions of the Council.

2. The Council shall :

(*a*) consider, approve and amend the monetary and prior review thresholds for the application of the provisions of this Act by procuring entities ;

(*b*) consider and approve policies on public procurement ;

(*c*) approve the appointment of the Directors of the Bureau ;

(*d*) receive and consider, for approval, the audited accounts of the Bureau of Public Procurement ; and

(*e*) "approve changes in the procurement process to adapt to improvements in modern technology" ;

(*f*) give such other directives and perform such other functions as may be necessary to achieve the objectives of this Act.

PART II—ESTABLISHMENT OF THE BUREAU OF PUBLIC PROCUREMENT

The establishment of the Bureau of Public Procurement.

3.—(1) There is established an agency to be known as the Bureau of Public Procurement in this Act referred to as "the Bureau".

(2) The Bureau :

(*a*) shall be a body corporate with perpetual succession and a common seal ;

(*b*) may sue and be sued in its corporate name ; and

(*c*) may acquire, hold or dispose of any property, movable or immovable for the purpose of carrying out any of its functions under this Act.

Objectives of the Bureau.

4. The objectives of the Bureau are :

(*a*) the harmonization of existing government policies and practices on public procurement and ensuring probity, accountability and transparency in the procurement process ;

(*b*) the establishment of pricing standards and benchmarks ;

(*c*) ensuring the application of fair, competitive, transparent, matneney standards and practices for the procurement and disposal of public assets and services ; and

(*d*) the attainment of transparency, competitiveness, cost effectiveness and professionalism in the public sector procurement system.

Functions of the Bureau.

5. The Bureau shall :

(*a*) formulate the general policies and guidelines relating to public sector procurement for the approval of the Council ;

(*b*) publicize and explain the provisions of this Act ;

(*c*) subject to thresholds as may be set by the Council, certify Federal procurement prior to the award of contract ;

(*d*) supervise the implementation of established procurement policies ;

(*e*) monitor the prices of tendered items and keep a national database of standard prices ;

(*f*) publish the details of major contracts in the procurement journal ;

(*g*) publish paper and electronic editions of the procurement journal and maintain an archival system for the procurement journal ;

(*h*) maintain a national database of the particulars and classification and categorization of federal contractors and service providers ;

(*i*) collate and maintain in an archival system, all federal procurement plans and information ;

(*j*) undertake procurement research and surveys ;

(*k*) organize training and development programmes for procurement professionals ;

(*l*) periodically review the socioeconomic effect of the policies on procurement and advise the Council accordingly ;

(*m*) prepare and update standard bidding and contract documents ;

(*n*) prevent fraudulent and unfair procurement and where necessary apply administrative sanctions ;

(*o*) review the procurement and award of contract procedures of every entity to which this Act applies ;

(*p*) perform procurement audits and submit such report to the National Assembly bi-annually ;

(*q*) introduce, develop, update and maintain related database and technology ;

(*r*) establish a single internet portal that shall, subject to Section 16 (21) to this Act serve as a primary and definitive source of all information on government procurement containing and displaying all public sector procurement information at all times ; and

(*s*) co-ordinate relevant training programs to build institutional capacity.

Powers of the Bureau.

6.—(1) The Bureau shall have the power to :

(*a*) enforce the monetary and prior review thresholds set by the Council for the application of the provisions of this Act by the procuring entities ;

(*b*) subject to the paragraph (*a*) of this sub-section, issue certificate of "No Objection" for Contract Award" within the prior review threshold for all procurements within the purview of this Act ;

(*c*) from time to time stipulate to all procuring entities, the procedures and documentation pre-requisite for the issuance of Certificate of 'No Objection' under this Act ;

(*d*) where a reason exist :

(*i*) cause to be inspected or reviewed any procurement transaction to ensure compliance with the provisions of this Act,

(*ii*) review and determine whether any procuring entity has violated any provision of this Act ;

(*e*) debar any supplier, contractor or service provider that contravenes any provision of this Act and regulations made pursuant to this Act ;

(*f*) maintain a national database of federal contractors and service providers and to the exclusion of all procuring entities prescribe classifications and categorizations for the companies on the register ;

(*g*) maintain a list of firms and persons that have been debarred from participating in public procurement activity and publish them in the procurement journal ;

(*h*) call for such information, documents, records and reports in respect of any aspect of any procurement proceeding where a breach, wrongdoing, default, mismanagement and or collusion has been alleged, reported or proved against a procuring entity or service provider ;

(*i*) recommend to the Council, where there are persistent or serious breaches of this Act or regulations or guidelines made under this Act for :

(*i*) the suspension of officers concerned with the procurement or disposal proceeding in issue ;

(*ii*) the replacement of the head or any of the members of the procuring or disposal unit of any entity or the Chairperson of the Tenders Board as the case may be ;

(*iii*) the discipline of the Accounting Officer of any procuring entity ;

(*iv*) the temporary transfer of the procuring and disposal function of a procuring and disposing entity to a third party procurement agency or consultant ; or

(*v*) any other sanction that the Bureau may consider appropriate ;

(*j*) call for the production of books of accounts, plans, documents, and examine persons or parties in connection with any procurement proceeding ;

(*k*) act upon complaints in accordance with the procedures set out in this Act ;

(*l*) nullify the whole or any part of any procurement proceeding or award which is in contravention of this Act ;

(*m*) do such other things as are necessary for the efficient performance of its functions under this Act.

(2) The Bureau shall serve as the Secretariat for the Council.

(3) The Bureau shall, subject to the approval of the Council, have power to :

(*a*) enter into contract or partnership with any company, firm or person which in its opinion will facilitate the discharge of its functions ;

(*b*) request for and obtain from any procurement entity information including

reports, memoranda and audited accounts, and other information relevant to its functions under this Act ; and

(*c*) liaise with relevant bodies or institutions national and international for effective performance of its functions under this Act.

Director-General and staff of the Bureau.

7.—(1) There shall be for the Bureau, a Director-General who shall be appointed by the President, on the recommendation of the Council after competitive selections.

(2) The Director-General shall be :

(*a*) the Chief Executive and accounting officer of the Bureau ;

(*b*) responsible for the execution of the policy and day to day administration of the affairs of the Bureau ; and

(*c*) a person who possesses the relevant and adequate professional qualification and shall have been so qualified for a period of not less than 15 years.

(3) The Director-General shall hold office :

(*a*) for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more ; and

(*b*) on such terms and conditions as may be specified in his letter of appointment.

(4) Without prejudice to the provisions of this Act, the Director-General of the Bureau may be removed from office at the instance of the President on the basis of gross misconduct of financial impropriety, fraud, and manifested incompetence proven by the Council.

Principal officers of the Bureau.

8.—(1) The Council shall appoint the principal officers for the Bureau after competitive selection process.

(2) The principal officers appointed under Section 9(1) of this Section shall each have the requisite qualification and experience required for the effective performance of the functions of their respective Departments and the Bureau as specified under this Act.

(3) The Council shall have power to modify the operational structure of the Bureau as may be necessary to enhance the Bureau's duties and functions under this Act.

Other staff of the Bureau.

9.—(1) The Council may appoint such officers and other employees as may, from time to time, deem necessary for the purposes of the Bureau.

(2) Subject to the Pension Reform Act, the terms and conditions of service (including remuneration, allowances, benefits and pensions) of officers and employees of the Bureau shall be as determined by the Council.

(3) Without prejudice to the generality of sub-section of this Section, the Council shall have power to appoint either on transfer or on secondment from any public service in the Federation, such number of employees as may, be required to assist the Bureau in the discharge of any of its functions under the Act and persons so employed, shall be remunerated (including allowances) as the Council may consider appropriate.

Staff Regulations.

10.—(1) The Council may, subject to the provisions of this Act and within six months of the inauguration, make staff regulations relating generally to the conditions of service of the employees of the Bureau and without prejudice to the foregoing, such regulations may provide for :

(*a*) the appointment, promotion and disciplinary control (including dismissal) of employees of the Bureau ; and

(*b*) appeals by such employees against dismissal or other disciplinary measures.

(2) Until such regulations are made, any instrument relating to the conditions of service of officers in the civil service of the Federation shall be applicable.

Pension provisions.

11. Employees of the Bureau shall be entitled to pensions, and other retirement benefits as prescribed under the Pension Act.

Funds of the Bureau.

12.—(1) The Bureau shall establish and maintain a Fund, to be approved by the Council into which shall be paid and credited :

(*a*) the sums appropriated by the National Assembly for the running of the Bureau ;

(*b*) all subventions, fees and charges for services rendered or publications made by the Bureau ; and

(*c*) all other assets which may, from time to time, accrue to the Bureau.

(2) The Bureau shall charge its fund to meet all its expenditure.

(3) The Council may make regulations for the Bureau :

(*a*) specifying the manner in which assets or the fund of the Bureau are to be held, and regulating the making of payment into and out of the fund ; and

(*b*) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in the rules.

(4) The Bureau may, from time to time, apply the proceeds of the fund for :

(*a*) the cost of administration of the Bureau ;

(*b*) the payments of salaries, fees and other remuneration, employees of the Bureau or experts or professionals appointed by the Bureau ;

(*c*) the maintenance of any property acquired by or vested in the Bureau; and

(*d*) any matter connected with all or any of the functions of the Bureau under this Act.

(*e*) the payments of salaries, fees and other remuneration, of employees of the Bureau or experts or professionals appointed by the Bureau ; and

(*f*) any expenditure connected with all or any of the functions of the Bureau under this Act.

Financial year. budgeting and annual report.

13.—(1) The financial year of the Bureau shall be the same as that of the Federal Government.

(2) Not later than 6 months before the end of the financial year, the Bureau shall submit to the Council an estimate of its expenditure and projected income during the next succeeding year.

(3) The Bureau shall keep proper accounts and records of its receipts, payments, assets and liabilities and shall in respect of each financial year prepare a statement of account in such form as the Council may direct.

(4) The Bureau shall within 6 months after the end of the financial year to which the accounts relate cause the accounts to be audited in accordance with guidelines supplied by the Auditor-General of the Federation.

(5) The Bureau shall at the end of each financial year, prepare and submit to the Council a report in such form as shall accurately capture all the activities of the Bureau during the preceding year and shall include in the report a copy of the audited accounts of the Bureau for that year.

Legal proceedings.

14.—(1) Subject to the provisions of this Act, no suit shall be commenced against the Bureau before the expiration of 30 days after written notice of an intention to commence the suit shall have been served upon the Bureau by the intending plaintiff or his agent; and the notice shall clearly and explicitly state :

(*a*) the cause of action ;

(*b*) the particulars of the claim ;

(*c*) the name and address of legal practitioner of the intending plaintiff ; and

(*d*) the relief being sought.

(2) The Director-General of the Bureau, its officers, employees or agents shall not personally be subject to any action, claim or demand by, or liable to any person in respect of anything done or omitted to be done in exercise of any functions or power conferred by this Act upon the Bureau, its Director-General, officers, employees or agents.

(3) A member of the Bureau or the Director-General or any officer or employee of the Bureau shall be indemnified out of the assets of the Bureau against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director-General, officer or other employee of the Bureau.

(4) A notice, summons or other documents required or authorized to be served upon the Bureau under the provisions of this Act or any other law or enactment may be served by delivering it to the Director-General or by sending it by registered post and addresses to the Director-General at the principal office of the Bureau.

PART III—SCOPE OF APPLICATION

Scope of application.

15.—(1) The provisions of this Act shall apply to all procurement of goods, works and services carried out by :

(*a*) the Federal Government of Nigeria and all procurement entities ;

(*b*) all entities outside the foregoing description which derive at least 35% of the funds appropriated or proposed to be appropriated for any type of procurement described in this Act from the Federation share of Consolidated Revenue Fund.

(2) The provisions of this Act shall not apply to the procurement of special goods, works and services involving national defence or national security unless the President's express approval has been first sought and obtained.

PART IV—FUNDAMENTAL PRINCIPLES FOR PROCUREMENTS

Fundamental principles for procurement.

16.—(1) Subject to any exemption allowed by this Act, all public procurement shall be conducted :

(*a*) subject to the prior review thresholds as may from time to time be set by the Bureau pursuant to Section 7(1)(*a*)-(*b*) ;

(*b*) based only on procurement plans supported by prior budgetary appropriations and no procurement proceedings shall be formalized until the procuring entity has ensured that funds are available to meet the obligations and subject to the threshold in the regulations made by the Bureau, has obtained a "Certificate of 'No Objection' to Contract Award" from the Bureau;

(*c*) by open competitive bidding ;

(*d*) in a manner which is transparent, timely, equitable for ensuring accountability and conformity with this Act and regulations deriving therefrom ;

(*e*) with the aim of achieving value for money and fitness for purpose ;

(*f*) in a manner which promotes competition, economy and efficiency ; and

(*g*) in accordance with the procedures and timeline laid down in this Act and as may be specified by the Bureau from time to time.

(2) Where the Bureau has set prior review thresholds in the procurement regulations, no funds shall be disbursed from the Treasury or Federation Account or any bank account of any procuring entity for any procurement falling above the set thresholds unless the cheque, payments or other form of request for payments is accompanied by a certificate of "No Objection" to an award of contract duly issued by the Bureau.

(3) For all cases where the Bureau shall set a prior review threshold, the Bureau shall prescribe by regulation, guidelines and the conditions precedent to the award of Certificate of "No Objection" under this Act.

(4) Subject to the prior review thresholds as may be set by the Bureau, any procurement purported to be awarded without a "Certificate of 'No Objection' to Contract Award" duly issued by the Bureau shall be null and void.

(5) A supplier, contractor or service provider may be a natural person, a legal person or a combination of the two. Suppliers, contractors or service providers acting jointly are jointly and severally liable for all obligations and or responsibility arising from this Act and the non-performance or improper performance of any contract awarded pursuant to this Act.

(6) All bidders in addition to requirements contained in any solicitation documents shall :

(*a*) possess the necessary :

(*i*) professional and technical qualifications to carry out particular procurements ;

(*ii*) financial capability ;

(*iii*) equipment and other relevant infrastructure ;

(*iv*) shall have adequate personnel to perform the obligations of the procurement contracts ;

(*b*) possess the legal capacity to enter into the procurement contract ;

(*c*) not be in receivership, the subject of any form of insolvency or bankruptcy proceedings or the subject of any form of winding up petition or proceedings ;

(*d*) have fulfilled all its obligations to pay taxes, pensions and social security contributions ;

(*e*) not have any director who has been convicted in any country for any criminal offence relating to fraud or financial impropriety or criminal misrepresentation or falsification of facts relating to any matter ;

(*f*) accompany every bid with an affidavit disclosing whether or not any officer of the relevant committees of the procurement entity or Bureau is a former or present director, shareholder or has any pecuniary interest in the bidder and confirm that all information presented in its bid are true and correct in all particulars.

(7) The procuring entity may require a bidder to provide documentary evidence or other information it considers necessary as proof that the bidder is qualified in accordance with this Act and the solicitation documents and for this purpose any such requirements shall apply equally to all bidders.

(8) Whenever it is established by a procuring entity or the Bureau that any or a combination of the situations set out exist, a bidder may have its bid or tender excluded from any particular procurement proceeding if :

(*a*) there is verifiable evidence that any supplier, contractor or consultant has given or promised a gift of money or any tangible item, or has promised, offered or given employment or any other benefit, item or a service that can be quantified in monetary terms to a current or former employee of a procuring entity or the Bureau, in an attempt to influence any action, or decision making of any procurement activity ;

(*b*) a supplier, contractor or consultant during the last three years prior to the commencement of the procurement proceedings in issue, failed to perform or to provide due care in performance of any public procurement ;

(*c*) the bidder is in receivership or is the subject of any type of insolvency proceedings or if being a private company under the Companies and Allied Matters Act, is controlled by a person or persons who are subject to any bankruptcy proceedings or who have been declared bankrupt and or have made any compromises with the creditors within two calendar years prior to the initiation of the procurement proceeding ;

(*d*) the bidder is in arrears regarding payment of due taxes, charges, pensions or social insurance contributions, unless such bidders have obtained a lawful permit with respect to allowance, deference of such outstanding payments or payment thereof in installments ;

(*e*) the bidder has been validly sentenced for a crime committed in connection with a procurement proceeding, or any other crime committed to gain financial profit ;

(*f*) the bidder has in its management or is in any portion owned by any person that has been validly sentence for a crime committed in connection with a procurement proceeding, or other crime committed to gain financial profit ; and

(*g*) the bidder fails to submit a statement regarding its dominating or subsidiary relationships with respect to other parties to the proceedings and persons acting on behalf of the procuring entity participating in same proceeding or whom remains in subordinate relationship with other participants to the proceedings.

(9) In such cases the procuring entity shall inform the Bureau and person referred to in subsection (8)(*a*)-(*g*) of this Section, in writing that the bid or tender in question has been excluded and the grounds for the exclusion and to keep a record of same in the file pertaining to the public procurement proceeding in question.

(10) All communications and documents issued by procuring entities and the Bureau shall be in English Language.

(11) All communications regarding any matter deriving from this Act or proceedings of public procurement shall be in writing or such other form as may be stipulated by the Bureau.

(12) Every procuring entity shall maintain both file and electronic records of all procurement proceedings made within each financial year and the procurement records shall be maintained for a period often years from the date of the award.

(13) Copies of all procurement records shall be transmitted to the Bureau not later than 3 months after the end of the financial year and shall show :

(*a*) information identifying the procuring entity and the contractors ;

(*b*) the date of the contract award ;

(*c*) the value of the contract ; and

(*d*) the detailed records of the procurement proceedings.

(14) All unclassified procurement records shall be open to inspection by the public at the cost of copying and certifying the documents plus an administrative charge as may be prescribed from time to time by the Bureau.

(15) The criteria stipulated as the basis upon which suppliers or contractors would be evaluated shall not be changed in the course of any procurement proceeding.

(16) The burden of proving fulfillment of the requirements for participation in any procurement proceeding shall lie on the supplier or contractor.

(17) A contract shall be awarded to the lowest evaluated responsive bid from the bidders substantially responsive to the bid solicitation.

(18) Notwithstanding subsection (16) of this Section, the Bureau may refuse to issue a "Certificate of 'No Objection' to Contract Award" on the grounds that the price is excessive.

(19) Pursuant to subsection (17) of this Section, the Bureau may direct either that the procurement proceedings be entirely cancelled or that the procuring entity conduct a re-tender.

(20) Pursuant to subsection (18) of this Section, the Bureau may either direct that the procurement proceedings be entirely cancelled or that the procuring entity conduct a re-tender.

(21) The accounting officer of a procuring entity and any officer to whom responsibility is delegated are responsible and accountable for any actions taken or omitted to be taken either in compliance with or in contravention of this Act.

(22) The accounting officer of a procuring entity has the responsibility to ensure that the provisions of this Act and the regulations laid down by the Bureau are complied with, and concurrent approval by any Tenders Board shall not absolve the accounting officer from accountability for anything done in contravention of this Act or the regulations laid down hereunder.

(23) Procurement and disposal decisions of a procuring entity shall be taken in strict adherence to the provisions of this Act and any regulations as may from time to time be laid down by the Bureau.

(24) Persons who have been engaged in preparing for a procurement or part of the proceedings thereof may neither bid for the procurement in question or any part thereof either as main contractor or sub-contractor nor may they co-operate in any manner with bidders in the course of preparing their tenders.

(25) A procuring entity shall not request or stipulate that a bidder should engage a particular sub-contractor as a requirement for participating in any procurement proceedings.

(26) All procurement contracts shall contain provisions for arbitral proceedings as the primary forms of dispute resolution.

(27) The values in procurement documents shall be stated in Nigerian currency and where stated in a foreign currency shall be converted to Nigerian currency using the exchange rate of the Central Bank of Nigeria valid on the day of opening a tender or bid.

(28) All procurement contracts shall contain warranties for durability of goods, exercise of requisite skills in service provision and use of genuine materials and inputs in execution.

PART V — ORGANISATION OF PROCUREMENTS

Approving authority.

17. Subject to the monetary and prior review thresholds for procurements in this Act as may from time to time be determined by the Council, the following shall be the approving authority for the conduct of public procurement :

(*a*) in the case of :

(*i*) a government agency, parastatal, or corporation, a Parastatals Tenders Board ; and

(*ii*) a ministry or extra-ministerial entity, the Ministerial Tender Board.

Procurement planning.

18. Subject to regulations as may from time to time be made by the Bureau under the direction of the Council, a procuring entity shall plan its procurement by :

(*a*) preparing the needs assessment and evaluation ;

(*b*) identifying the goods, works or services required ;

(*c*) carrying appropriate market and statistical surveys and on that basis prepare an analysis of the cost implications of the proposed procurement ;

(*d*) aggregating its requirements whenever possible, both within the procuring entity and between procuring entities, to obtain economy of scale and reduce procurement cost ;

(*e*) integrating its procurement expenditure into its yearly budget ;

(*f*) prescribing any method for effecting the procurement subject to the necessary approval under this Act ; and

(*g*) ensuring that the procurement entity functions stipulated in this Section shall be carried out by the Procurement Planning Committee.

Procurement implementation.

19. Subject to regulations as may from time to time be made by the Bureau under direction of Council, a procuring entity shall, in implementing its procurement plans :

(*a*) advertise and solicit for bids in adherence to this Act and guidelines as may be issued by the Bureau from time to time ;

(*b*) to invite two credible persons as observers in every procurement process, one person each representing a recognized ;

(*i*) private sector professional organisation whose expertise is relevant to the particular goods or service being procured, and

(*ii*) non-governmental organisation working in transparency, accountability and anti-corruption areas, and the observers shall not intervene in the procurement process but shall have right to submit their observation report to any relevant agency or body including their own organisations or associations ;

(*c*) receive, evaluate and make a selection of the bids received in adherence to this Act and guidelines as may be issued by the Bureau from time to time ;

(*d*) obtain approval of the approving authority before making an award ;

(*e*) debrief the bid losers on request ;

(*f*) resolve complaints and disputes if any ;

(*g*) obtain and confirm the validity of any performance guarantee ;

(*h*) obtain a "Certificate of 'No Objection' to Contract Award" from the Bureau within the prior review threshold as stipulated in Section 3 (*a*) of this Act ;

(*i*) execute all Contract Agreements ; and

(*j*) Announce and publicize the award in the format stipulated by this Act and guidelines as may be issued by the Bureau from time to time.

Accounting officer.

20.—(1) The accounting officer of a procuring entity shall be the person charged with line supervision of the conduct of all procurement processes ; in the case of ministries the Permanent Secretary and in the case of extra-ministerial departments and corporations the Director-General or officer of co-ordinate responsibility.

(2) The accounting officer of every procuring entity shall have overall responsibility for the planning of, organization of tenders, evaluation of tenders and execution of all procurements and in particular shall be responsible for :

(*a*) ensuring compliance with the provisions of this Act by his entity and liable in person for the breach or contravention of this Act or any regulation made hereunder whether or not the act or omission was carried out by him personally or any of his subordinates and it shall not be material that he had delegated any function duty or power to any person or group of persons ;

(*b*) constituting the Procurement Committee and its decisions ;

(*c*) ensuring that adequate appropriation is provided specifically for the procurement in the Federal budget ;

(*d*) integrating his entity's procurement expenditure into its yearly budget ;

(*e*) ensuring that no reduction of values or splitting of procurements is carried out such as to evade the use of the appropriate procurement method ;

(*f*) constituting the Evaluation Committee ;

(*g*) liaising with the Bureau to ensure the implementation of its regulations.

Procurement planning committee.

21.—(1) For each financial year each procuring entity shall establish a Procurement Planning Committee.

(2) The Procurement Planning Committee shall consist of :

(*a*) the accounting officer of the procuring entity or his representative who shall chair the Committee ;

(*b*) a representative of :

(*i*) the procurement unit of the procuring entity who shall be the Secretary,

(*ii*) the unit directly in requirement of the procurement,

(*iii*) the financial unit of the procuring entity,

(*iv*) the planning, research and statistics unit of the procuring entity,

(*v*) technical personnel of the procuring entity with expertise in the subject matter for each particular procurement, and

(vi) the legal unit of the procuring entity.

Tenders board.

22.—(1) There is hereby established by this Act in each procuring entity a tenders board (in this Act referred to as "the Tenders Board").

(2) Subject to the approval of the Council, the Bureau shall, from time to time, prescribe guidelines for the membership of the Tenders Board.

(3) The Tenders Board shall be responsible for the award of procurements of goods, works and services within the threshold set in the regulations.

(4) In all cases where there is a need for pre-qualification, the Chairman of the Tenders Board shall constitute a technical evaluation sub-committee of the Tenders Board charged with the responsibility for the evaluation of bids which shall be made up of professional staff of the procuring entity and the Secretary of the Tenders Board who shall also be the Chair of the Evaluation Sub-committee.

(5) The decision of the Tenders Board shall be communicated to the Minister for implementation.

Prequalification of bidders.

23.—(1) Where a procuring entity has made a decision with respect to the minimum qualifications of suppliers, contractors or service providers by requesting interested persons to submit applications, to pre-qualify, it shall set out precise criteria upon which it seeks to give consideration to the applications and in reaching a decision as to which supplier, contractor or service provider qualifies, shall apply only the criteria set out in the prequalification documents and no more.

(2) Procuring entities shall supply a set of prequalification documents to each supplier, contractor or consultant that request them, and the price that a procuring entity may charge for the prequalification documents shall reflect only the cost of printing and provision to suppliers or contractors and consultants.

(3) The prequalification document shall include :

(*a*) instructions to prepare and submit prequalification application ;

(*b*) a summary of the main terms and conditions required for the procurement contract to be entered into as a result of the procurement proceedings ;

(*c*) any documentary evidence or other information that must be submitted by suppliers, contractors or consultants to demonstrate their qualifications ;

(*d*) the manner and place for the submission of applications to pre-qualify and the deadline for the submission. expressed as a specific date and time which allows sufficient time for suppliers, contractors or consultants to prepare and submit their applications, taking into account the reasonable need of the procuring entity ; and

(*e*) any other requirement that may be established by the procuring entity in conformity with this Act and procurement regulations relating to the preparation and submission of applications to pre-qualify and to the prequalification proceedings.

(4) The procurement entity shall respond to any request by a supplier. contractor or consultant for clarification of the prequalification documents if the request is made at least ten days before the deadline for the submission of applications to pre-qualify.

(5) The response by the procuring entity shall be given within a reasonable time and in any event within a period of at most seven working days so as to enable the supplier, contractor or consultant to make a timely submission of its application to pre-qualify.

(6) The response to any request that might reasonably be expected to be of interest to other supplier, contractor or consultant shall, without identifying the source of the request, be communicated to other suppliers or contractors or consultants provided with the prequalification documents by the procuring entity.

(7) A procuring entity shall promptly notify each supplier, contractor or consultant which submitted an application to pre-qualify of whether or not it has been pre-qualified and shall make available to any member of the general public upon request, the names of the suppliers, contractors or consultants who have been pre-qualified.

(8) Suppliers, contractors or consultants who have been pre-qualified may participate further in the procurement proceedings.

(9) The procuring entity shall upon request communicate to suppliers, contractors or consultants who have not been pre-qualified, the grounds for disqualification.

(10) The procuring entity may require a supplier, contractor or service provider who has been pre-qualified to demonstrate its qualifications again in accordance with the same criteria used to pre-qualify the supplier, contractor or consultant.

(11) The procuring entity shall promptly notify each supplier, contractor or service provider requested to demonstrate its qualifications again whether or not the supplier, contractor or consultant has done so to the satisfaction of the procuring entity.

(12) The procuring entity shall disqualify any supplier, contractor or service provider who fails to demonstrate its qualification again if requested to do so.

PART VI—PROCUREMENT METHODS (GOODS AND SERVICES)

Open competitive bidding.

24.—(1) Except as provided by this Act, all procurements of goods and works by all procuring entities shall be conducted by open competitive bidding.

(2) Any reference to open competitive bidding in this Act means the process by which a procuring entity based on previously defined criteria, effects public procurements by offering to every interested bidder, equal simultaneous information and opportunity to offer the goods and works needed.

(3) The winning bid shall be that which is the lowest evaluated responsive bid which has been responsive to the bid with regards to work specification and standard.

Invitations to bid.

25.—(1) Invitations to bid may be either by way of National Competitive Bidding or International Competitive Bidding and the Bureau shall from time to time set the monetary thresholds for which procurements shall fall under either system.

(2) Every invitation to an open competitive bid shall :

(*i*) in the case of goods and works under International Competitive Bidding, the invitation for bids shall be advertised in at least two national newspapers and one relevant internationally recognised publication, any official websites of the procuring entity and the Bureau as well as the procurement journal not less than six weeks before the deadline for submission of the bids for the goods and works,

(*ii*) in the case of goods and works valued under National Competitive Bidding, the invitation for bids shall be advertised on the notice board of the procuring entity, any official web sites of the procuring entity, at least two national newspapers, and in the procurement journal not less than six weeks before the deadline for submission of the bids for the goods and works.

Bid security.

26.—(1) Subject to the monetary and prior review thresholds as may from time to time be set by the Bureau all procurements valued in excess of the sums prescribed by the Bureau shall require a bid security in an amount not more than 2% of the bid price by way of a bank guarantee issued by a reputable bank acceptable to the procuring entity.

(2) The Bureau shall from time to time specify the principal terms and conditions of the required bid security in the tender documents.

(3) When the procuring entity requires suppliers or contractors submitting tenders to provide a bid security the requirement shall apply to each supplier or contractor.

Submission of bids.

27.—(1) All bids in response to an invitation to open competitive bidding shall be submitted in writing and in addition to any other format stipulated in the tender documents, signed by an official authorized to bind the bidder to a contract and placed in a sealed envelop.

(2) All submitted bids shall be deposited in a secured tamper-proof bid-box.

(3) All bids submitted shall be in English language.

(4) The procuring entity shall issue a receipt showing the date and time the bid was delivered.

(5) Any bid received after the deadline for the submission of bids shall not be opened and must be returned to the supplier or contractor which submitted it.

(6) No communication shall take place between procuring entities and any supplier or contractor after the publication of a bid solicitation other than as provided in this Act.

Rejection of bids.

28. A procuring entity may :

(*a*) reject all bids at any time prior to the acceptance of a bid, without incurring thereby any liability to the bidders ; and

(*b*) cancel the procurement proceedings in the public interest, without incurring any liability to the bidders.

Validity period of bids. modification and withdrawal of tenders.

29.—(1) The period of validity for a bid shall be the period specified in the tender documents.

(2) A procuring entity may request suppliers or contractors to extend the period of validity for an additional specified period of time.

(3) A supplier or contractor may refuse the request for the extension of bid, in which case the effectiveness of its bid will terminate upon the expiration of the un-extended period of effectiveness.

(4) A supplier or contractor may modify or withdraw its bid prior to the deadline for the submission of bids.

(5) The modification or notice of withdrawal is effective if it is received by the procurement entity before the deadline for the submission of tenders.

Bid opening.

30. All bids shall be submitted before the deadline or date specified in the tender documents or any extension of the deadline for submission and the procuring entity shall :

(*a*) permit attendees to examine the envelopes in which the bids have been submitted to ascertain that the bids have not been tampered with ;

(*b*) cause all the bids to be opened in public, in the presence of the bidders or their representatives and any interested member of the public ;

(*c*) ensure that the bid opening takes place immediately following the deadline stipulated for the submission of bids or any extension thereof ;

(*d*) ensure that a register is taken of the names and addresses of all those present at the bid opening and the organizations they represent which is recorded by the Secretary of the tenders board ; and

(*e*) call-over to the hearing of all present, the name and address of each bidder, the total amount of each bid, the bid currency and shall ensure that these details are recorded by the Secretary of the Tenders Board or his delegate in the minutes of the bid opening.

Examination of bids.

31.—(1) All bids shall be first examined to determine if they :

(*a*) meet the minimum eligibility requirements stipulated in the bidding documents ;

(*b*) have been duly signed ;

(*c*) are substantially responsive to the bidding documents ; and

(*d*) are generally in order.

(2) A procuring entity may ask a supplier or a contractor for clarification of its bid submission in order to assist in the examination, evaluation and comparison of bids.

(3) The following shall not be sought, offered or permitted :

(*a*) changes in prices ;

(*b*) changes of substance in a bid ; and

(*c*) changes to make an unresponsive bid responsive.

(4) Notwithstanding sub-Section (3) of this Section, the procuring entity may correct purely arithmetical errors that are discovered during the examination of tenders.

(5) The procuring entity shall give prompt notice of the correction to the supplier or contractor that submitted the tender.

(6) A major deviation shall result in a rejection of bid while a minor deviation shall be subject to clarification.

(7) The following shall be considered as major deviations :

(*a*) with respect to clauses in an offer ;

(*i*) unacceptable sub-contracting,

(*ii*) unacceptable time schedule if time is of essence,

(*iii*) unacceptable alternative design, and

(*iv*) unacceptable price adjustment.

(*b*) with respect to the status of the bidder ;

(*i*) the fact that he is ineligible or not pre-qualified, and

(*ii*) the fact that he is uninvited,

(*c*) with respect to bid documents an unsigned bid ;

(*d*) with respect to time, date and location for submission ;

(*i*) any bid received after the date and time for submission stipulated in the solicitation document,

(*ii*) any bid submitted at the wrong location.

(8) In cases of major deviations, bids shall not be considered any further and, where unopened, shall be returned as such to the bidder.

(9) In all cases of rejection, a letter stipulating the reasons for rejection shall be sent, and the bidder shall not be permitted to amend his bid to become compliant.

(10) Subject to any provision to the contrary, the following shall be considered as minor deviations :

(*a*) the use of codes ;

(*b*) the difference in standards ;

(*c*) the difference in materials ;

(*d*) alternative design ;

(*e*) alternative workmanship ;

(*f*) modified liquidated damages ;

(*g*) omission in minor items ;

(*h*) discovery of arithmetical errors ;

(*i*) sub-contracting that is unclear and questionable ;

(*j*) different methods of construction ;

(*k*) difference in final delivery date ;

(*l*) difference in delivery schedule ;

(*m*) completion period where these are not of essence ;

(*n*) non-compliance with some technical local regulation ;

(*o*) payment terms ; and

(*p*) any other condition that has little impact on the bid.

(11) In cases not mentioned above and where there exists a doubt as to whether a particular condition in a bid is a major or a minor deviation, the following rules shall apply :

(*a*) where the impact on the costs is major, it shall be regarded as a major deviation ; and

(*b*) where the impact on the costs is minor, it shall be regarded as a minor deviation.

(12) In cases of minor deviations, written clarification may be obtained from the supplier or contractor and, where applicable, an offer made for the correction of the minor deviation.

(13) Where a supplier or contractor does not accept the correction of a minor deviation, his bid shall be rejected.

(14) At the stage of evaluation and comparison, all minor deviations shall be quantified in monetary terms.

(15) For the rejection of a bid, a written notice shall be given promptly to the supplier.

Evaluation of bids.

32.—(1) For the evaluation and comparison of bids that have been adjudged as valid for the purposes of evaluation, no other method or criteria shall be used except those stipulated in the solicitation documents.

(2) The objective of bid evaluation shall be to determine and select the lowest evaluated responsive bid from bidders that have responded to the bid solicitation.

(3) In the course of its determination of the lowest evaluated responsive bid from the bidders that have responded to the bid solicitation the Tenders Board shall, in particular, undertake the following processes as applicable :

(*a*) checking of deviations ;

(*b*) checking of omissions with quantification of same ;

(*c*) application of discounts, as applicable ;

(*d*) clarification with bidders of questionable minor deviations ;

(*e*) quantification in monetary terms of such questionable deviations ;

(*f*) conversion to common currency ;

(*g*) calculation and tabulation of bid amount with domestic preference where applicable ;

(*h*) determination of the lowest calculated prices in order of rank ;

(*i*) post-qualification of bidders, where applicable ;

(*j*) listing of rejection of bids, where applicable ;

(*k*) decision of rejection of all bids where justifiable ;

(*l*) recommendation for award ; and

(*m*) writing up of the bid evaluation report.

(4) All relevant factors, in addition to price, that will be considered for the purposes of bid evaluation and the manner in which such factors will be applied shall be stipulated in the solicitation documents.

(5) Such factors shall be calculated in monetary terms as stipulated in the solicitation documents and shall include :

(*a*) for goods, among others, costs of transportation and insurance, payment schedule, delivery time, operating costs, efficiency, compatibility of the equipment, availability of services and spare parts, related training, safety, environmental benefits or losses by damages ;

(*b*) for works, in addition to factors stipulated in Section 34(1) of this Act, and subject to Section 34(2) of this Act, if time is a critical factor, the value of early completion ; and

(*c*) the value of early completion under Section 35(2) of this Act shall not be taken into account unless, in conformity with criteria pre-set in the bidding documents, the conditions of contract provide for commensurate penalties in case of late delivery.

(6) When bid prices are expressed in two or more currencies, the prices of all bids shall be converted to Nigerian currency, according to the rate and date of rate specified in the solicitation documents.

(7) If suppliers were pre-qualified, verification of the information provided in the submission or prequalification shall be confirmed at the time of award of contract and award may be denied to a bidder who no longer has the capability or resources to successfully perform the contract.

(8) After opening of bids, information relating to the examination, clarification and evaluation of bids and recommendations concerning award shall not be disclosed to bidders or to persons not officially concerned with the evaluation process until the successful bidder is notified of the award.

Acceptance of bids.

33.—(1) The successful bid shall be that submitted by the lowest cost bidder from the bidders responsive as to the bid solicitation.

(2) Notwithstanding subsection of this Section, the selected bidder needs not be the lowest cost bidder provided the procuring entity can show good grounds derived from the provisions of this Act to that effect.

(3) Notice of the acceptance of the bid shall immediately be given to the successful bidder.

Domestic preferences.

34.—(1) A procuring entity may grant a margin of preference in the evaluation of tenders, when comparing tenders from domestic bidders with those from foreign bidders or when comparing tenders from domestic suppliers offering goods manufactured locally with those offering goods manufactured abroad.

(2) Where a procuring entity intends to allow domestic preferences, the bidding documents shall clearly indicate any preference to be granted to domestic suppliers and contractors and the information required to establish the eligibility of a bid for such preference.

(3) Margins of preference shall apply only to tenders under international competitive bidding.

(4) The Bureau shall by regulation from time to time set the limits and the formulae for the computation of margins of preference and determine the contents of goods manufactured locally.

Mobilization fees.

35.—(1) In addition to any other regulations as may be prescribed by the Bureau, a mobilization fee of not more than 15% may be paid to a supplier or contractor supported by the following :

(*a*) in the case of National Competitive Bidding - an unconditional bank guarantee or insurance bond issued by an institution acceptable to the procuring entity ; and

(*b*) in the case of International Competitive Bidding, an unconditional bank guarantee issued by a banking institution acceptable to the procuring entity.

(2) Once a mobilization fee has been paid to any supplier or contractor, no further payment shall be made to the supplier or contractor without an interim performance certificate issued in accordance with the contract agreement.

Contract performance guarantee.

36. The provision of a Performance Guarantee shall be a precondition for the award of any procurement contract upon which any mobilization fee is to be paid, provided however it shall not be less than 10% of the contract value in any case or an amount equivalent to the mobilization fee requested by the supplier or contractor whichever is higher.

Interest on delayed payments.

37.—(1) Payment for the procurement of goods, works, and services shall be settled promptly and diligently.

(2) Any payment due after more than sixty days from the date of the submission of the invoice, valuation certificate and confirmation or authentication by the Ministry, Extra-Ministerial Office, Government Agency, Parastatal or Corporation shall be deem a delayed payment.

(3) All delayed payments shall attract interest at the rate specified in the contract document.

(4) All contracts shall include terms, specifying the interest for late payment of more than sixty days.

Recorded procurement proceedings.

38.—(1) Every procuring entity shall maintain a record of the comprehensive procurement proceedings.

(2) The portion of the record referred to in this Section shall, on request, be made available to :

(*a*) any person after a tender, proposal, offer or quotation has been accepted or after procurement proceedings have been terminated without resulting in a procurement contract ; and

(*b*) suppliers, contractors or consultants that submitted tenders, proposals, offers or quotations, or applied for prequalification, after a tender, proposal, offer or quotation has been accepted or procurement proceeding have been terminated without resulting in a procurement contract.

(3) A disclosure of procurement proceeding records, prior to award of contract may be ordered by a court, provided that when ordered to do so by a court, the procurement entity shall not disclose such information, if its disclosure would :

(*a*) be contrary to law ;

(*b*) impede law enforcement ; or

(*c*) prejudice legitimate commercial interests of the parties.

(4) The procuring entity shall not be liable to suppliers, contractors or service providers for damages owing solely to failure to maintain a record of the procurement proceedings in accordance with this Section.

(5) The records and documents maintained by procuring entities on procurement shall be made available for inspection by the Bureau, an investigator appointed by the Bureau and the Auditor-General upon request, and where donor funds have been used for the procurement, donor officials shall also have access upon request to procurement files for the purpose of audit and review.

PART VII — SPECIAL AND RESTRICTED METHODS OF PROCUREMENT

Two stage tendering.

39.—(1) Notwithstanding the provisions of this Act, the Bureau may issue Certificate of 'No Objection' upon conditions hereinafter prescribed.

(2) A procuring entity shall engage in procurement by two-stage tendering :

(*a*) where it is not feasible for the procuring entity to formulate detailed specifications for the goods or works or, in the case of services, to identify their characteristics and where it seeks tenders, proposals or offers on various means of meeting its needs in order to obtain the most satisfactory solution to its procurement needs ;

(*b*) where the character of the goods or works are subject to rapid technological advances ; where the procuring entity seeks to enter into a contract for research, experiment, study or development, except where the contract includes the production of goods in sufficient quantities to establish their commercial viability or to recover research and development costs, where the procuring entity applies this Act to procurement concerned with national security and determines that the selected method is the most appropriate method of procurement ; or

(*c*) where the tender proceedings have been utilized but were not successful or the tenders were rejected by the procuring entity under an open competitive bid procedure and the procuring entity considers that engaging in new tendering proceedings will not result in a procurement contract.

(3) The provisions of this Act as regards the process for open competitive bidding shall apply to two-stage tendering proceedings except to the extent that those provisions vary from this Section.

(4) The invitation documents :

(*a*) shall call upon suppliers or contractors to submit, in the first stage of two-stage tendering proceedings, initial tenders which contain their proposals without a tender price ; and

(*b*) may solicit proposals that relate to technical, quality or other characteristics of the goods, works or services as well as contractual terms and conditions of supply and may stipulate the professional competence and technical qualifications of the suppliers or contractors.

(5) The procuring entity may, in the first stage, engage in negotiations with any supplier or contractor whose tender has not been rejected under an open competitive bidding procedure with respect to any aspect of its tender.

(6) In the second stage of the two tender proceedings the procuring entity :

(*a*) shall invite suppliers or contractors whose tenders have not been rejected to submit final tenders with prices on a single set of specifications ;

(*b*) may, in formulating the specifications, delete or modify any aspect of the technical or quality characteristics of the goods, works or services to be procured together with any criterion originally set out in these documents, evaluate and compare tenders and ascertain the successful tender ;

(*c*) may add new characteristics or criteria that conform with this Act ;

(*d*) shall communicate to suppliers or contractors in the invitation to submit firm tenders, any deletion, modification or addition ; and

(*e*) may permit a supplier or contractor who does not wish to submit a final tender to withdraw from the tendering proceedings.

(7) The final tenders shall be evaluated and compared in order to ascertain the successful tender as defined in an open competitive bid.

Restricted Tendering.

40.—(1) Subject to the approval by the Bureau, a procuring entity may for reasons of economy and efficiency engage in procurement by means of restricted tendering if :

(*a*) the goods, works or services are available only from a limited number of suppliers or contractors ;

(*b*) the time and cost required to examine and evaluate a large number of tenders is disproportionate to the value of the goods, works or services to be procured ; or

(*c*) the procedure is used as an exception rather than norm.

(2) where a procuring entity engages in restricted tendering on the basis that :

(*a*) the good works and services are available only from a limited number of suppliers or contractors, it shall invite tenders from all the suppliers and contractors who can provide the goods, works or services ; and

(*b*) the time and cost required to examine and evaluate a large number of tenders is disproportionate to the value of the goods, works or services, it shall select in a non-discriminatory manner of the number of suppliers or contractors to ensure effective competition.

(3) For the purposes of subsection (2), of this Section, the procuring entity shall cause a notice of the selected tendering proceedings to be published in the procurement journal.

(4) The provisions of this Act regarding the open competitive bidding procedure shall apply to the selective tendering proceedings, except to the extent that those provisions are varied by this Section.

Request for quotations.

41.—(1) A procuring entity may carry out procurements by requesting for quotations from suppliers or contractors where the value of the goods or works to be procured does not exceed a sum that shall be set in the procurement regulation.

(2) Generally quotations shall be obtained from at least 3 unrelated contractors or suppliers.

(3) Each contractor or supplier from whom a quotation is requested shall :

(*a*) be informed whether any factors other than the charges for the goods, works or services themselves, such as any applicable transportation and insurance charges, customs duties and taxes are to be included in the price ; and

(*b*) give only one quotation and shall not be allowed to change or vary the quotation.

(4) No negotiation shall take place between a procuring entity and a contractor or supplier with respect to a quotation.

(5) The procurement shall be awarded to the qualified contractor or supplier that gives the lowest priced responsive quotation.

(6) Where the total value of the procurement is not more than a sum that shall be set in the regulation, the procurement entity may not obtain the Bureau's approval.

Direct procurement.

42.—(1) A procuring entity may carry out any emergency procurement where :

(*a*) goods, works or services are only available from a particular supplier or contractor, or if a particular supplier or contractor has exclusive rights in respect of the goods, works or services, and no reasonable alternative or substitute exits ; or

(*b*) there is an urgent need for the goods, works or services and engaging in tender proceedings or any other method of procurement is impractical due to

unforeseeable circumstances giving rise to the urgency which is not the result of dilatory conduct on the part of the procuring entity ;

(*c*) owing to a catastrophic event, there is an urgent need for the goods, works or services, making it impractical to use other methods of procurement because of the time involved in using those methods ;

(*d*) a procuring entity which has procured goods, equipment, technology or services from a supplier or contractor, determines that :

(*i*) additional supplies need to be procured from that supplier or contractor because of standardization,

(*ii*) there is a need for compatibility with existing goods, equipment, technology or services, taking into account the effectiveness of the original procurement in meeting the needs of the procurement entity,

(*iii*) the limited size of the proposed procurement in relation to the original procurement provides justification,

(*iv*) the reasonableness of the price and the unsuitability of alternatives to the goods or services in question merits the decision.

(*e*) the procuring entity seeks to enter into a contract with the supplier or contractor for research, experiment, study or development, except where the contract includes the production of goods in quantities to establish commercial viability or recover research and development costs ; or

(*f*) the procuring entity applies this Act for procurement that concerns national security, and determines that single-source procurement is the most appropriate method of procurement.

(2) The procuring entity :

(*a*) may procure the goods, works or services by inviting a proposal or price quotation from a single supplier or contractor ;

(*b*) shall include in the record of procurement proceedings a statement of the grounds for its decision and the circumstances in justification of single source procurement.

Emergency procurement.

43.—(1) A procuring entity may for the purpose of this Act, carry out an emergency procurement where :

(*a*) the country is either seriously threatened by or actually confronted with a disaster, catastrophe, war, insurrection or Act of God ;

(*b*) the condition or quality of goods, equipment, building or publicly owned capital goods may seriously deteriorate unless action is urgently and necessarily taken to maintain them in their actual value or usefulness ; or

(*c*) a public project may be seriously delayed for want of an item of a minor value.

(2) In an emergency situation, a procuring entity may engage in direct contracting of goods, works and services.

(3) All procurements made under emergencies shall be handled with expedition but along principles of accountability, due consideration being given to the gravity of each emergency.

(4) Immediately after the cessation of the situation warranting any emergency procurement, the procuring entity shall file a detailed report thereof with the Bureau which shall verify same and if appropriate issue a Certificate of 'No Objection'.

PART VIII — PROCUREMENT OF CONSULTANT (SERVICES)

Expressions of interest to provide services for ascertained needs.

44. Where a procuring entity wishes to procure services for its needs which are precise and ascertainable :

(*a*) it shall solicit for expressions of interest or applications to pre-qualify to provide the services by publishing a notice to that effect in at least 2 national newspapers and the procurement journal ;

(*b*) where the value of the services to be procured is less than one million naira, or with the approval of the Bureau, of such a low value that only national consultants would be interested, the procuring entity may without placing any notice request at least 3 and not more than 10 consultants or service providers to make proposals for the provision of the services in a format stipulating :

(*i*) a statement of qualifications of the consultant to provide the service ;

(*ii*) a statement of understanding of the procuring entity's needs ;

(*iii*) the methodology for providing the service ;

(*iv*) the time frame for providing the service ; and

(*v*) the cost or fee for the service.

Request for proposals to provide services for unascertained needs.

45.—(1) A procuring entity wishing to procure services for its needs may do so by requesting for proposals when it intends to enter into a contract for the purpose of research, experiment, study or development, except where the contract includes the production of goods in quantities sufficient to establish their commercial viability or to recover research and development cost.

(2) The procuring entities shall procure the services of consultants by soliciting for expressions of interest by publishing a notice to that effect in 2 national newspapers and the procurement journal.

(3) A procuring entity may make direct requests to a limited number of consultants, requesting proposals for the provision of a service if :

(*a*) the services are only available from no more than 3 consultants ;

(*b*) the time and cost required to examine and evaluate a large number of proposals would be disproportionate to the value of the services to be performed, provided that it invites enough consultants to ensure transparent competition ; or

(*c*) it is in the interest of national defence and security or similar reason of confidentiality.

Content of the requests for proposals.

46.—(1) Request for proposals shall include :

(*a*) the name and address of the procurement entity ;

(*b*) a requirement that the proposals are to be prepared in the English language ;

(*c*) the manner, place and deadline for the submission of proposals ;

(*d*) a statement to the effect that the procuring entity reserves the right to reject proposals ;

(*e*) the criteria and procedures for the evaluation of the qualifications of the consultants ;

(*f*) the requirements on documentary evidence or other information that shall be submitted by consultants to demonstrate their qualifications ;

(*g*) the nature and required characteristics of the services to be procured including the location where the services are to be provided and the time when the services are to be provided ;

(*h*) whether the procuring entity is seeking proposals on various possible ways of meeting its needs ;

(*i*) a requirement that the proposal price is to be expressed in Nigerian currency ;

(*j*) the manner in which the proposal price is to be expressed, including a statement on whether the price covers elements apart from the cost of services, such as reimbursement for transportation, lodging, insurance, use of equipment, duties or taxes ;

(*k*) whether the procedure to ascertain the successful proposal shall be based on the lowest cost or quality and cost or a combination of the lowest cost, quality and criteria other than cost but stipulated in the request for proposals ; and

(*l*) a short list to be made of only national consultants for consulting assignment, contract within a set threshold in the procurement regulation provided that national consultants possess such requisite skills.

(2) The procuring entity shall provide the same information to every consultant requested to submit proposals.

Clarification and modification of requests for proposals.

47.—(1) A consultant shall be allowed to request for clarification on the request from the procuring entity and such request may be made within a reasonable time to be specified.

(2) A procuring entity may, whether on its initiative or as a result of a request for clarification by a consultant, modify the request for proposals by issuing an addendum at any time prior to the deadline for submission of proposals.

(3) The addendum shall be communicated promptly before the deadline for the submission of proposals to the short listed consultants to whom the procuring entity has provided the request for proposals and shall be binding on those consultants.

(4) If the procuring entity convenes a meeting of consultants, it shall prepare minutes of the meeting containing the issues submitted at the meeting for clarification

of the request for proposal and its responses to those issues, without identifying the sources of the requests for clarifications.

(5) The minutes shall be provided promptly before the deadlines for the submission of proposals to the consultants participating in the selection proceedings to enable them take the minutes into account in prepare their proposals.

Submission of proposals.

48.—(1) The procuring entity shall allow sufficient time for the preparation and submission of the requested proposals but shall in no case give less than 30 days between the issue of the notice or request and the deadline for submission.

(2) The technical and financial proposals shall be submitted simultaneously but in separate envelops.

(3) A proposal received after the deadline for submission of proposals shall be returned to the sender unopened.

(4) Immediately after the deadline for submission of proposals, the technical proposals shall be opened for evaluation whilst the financial proposals shall remain sealed and kept in a secure bid-box until they are opened publicly.

(5) The technical evaluation committee shall not have access to or insights to the financial proposals until the evaluations including any Tender Boards review are concluded.

Criteria for evaluation of proposals.

49.—(1) The procuring entity shall establish criteria to evaluate the proposals and prescribe the relative weight to be accorded to each criterion and the manner in which they are to be applied in the evaluation of :

(*a*) the qualification experience reliability professional and managerial competence of the consultant or service provider and of the personnel to be involved in providing the services ;

(*b*) the effectiveness of the proposal submitted by the consultant or service provider in meeting the needs of the procuring entity ;

(*c*) the proposal price, including any ancillary or related cost ;

(*d*) the effect that the acceptance of the proposal will have on the balance of payments position and foreign reserves of the government, the extent of participation by local personnel, the economic development potential offered by the proposal, including domestic investment or other business activity, the encouragement of employment, the transfer of technology, the development of managerial, scientific and operational skills and the counter trade arrangements offered by consultant or service providers ; and

(*e*) national defence and security considerations.

(2) A procuring entity may accord a margin of preference for domestic consultants or service providers, which shall be calculated in accordance with the regulations and guidelines as issued from time to time by the Bureau and shall be reflected in the record of the procurement proceedings.

General selection procedure (services).

50.—(1) The procuring entity shall select the successful proposal by either choosing the proposal with :

(*i*) the lowest evaluated price, or

(*ii*) the best combined evaluation in terms of the general criteria set out in the request for proposals and the price quoted.

(2) The procuring entity shall include in the record of procurement a statement of the grounds and circumstances on which it relied to select either of the procedures in subsection (1) of this Section.

(3) Nothing in this Section shall prevent the procuring entity from resorting to the use of any impartial panel of experts to make the selection.

Procedure for selection of proposal where price is a factor.

51.—(1) Where the procuring entity elects to choose the successful proposal based on technical and price factors, it shall establish a weight with respect to quality and technical price factors of the proposals in accordance with the criteria other than price as might have been set out in the request for proposals and rate each proposal in accordance with such criteria and the relative weight and manner of application of the criteria as stipulated in the request for proposals ; and then

(2) The procuring entity shall compare the prices of those proposals that have attained a rating at or above the threshold ;

(3) The procuring entity shall notify the consultants whose proposals did not meet the minimum qualifying mark or were non responsive to the invitation for proposals and terms of reference after the evaluation of quality is completed within a period of 14 working days after the decision has been taken by the procurement entity ;

(4) The name of the qualifying consultants, the quality scores for the technical component of the proposal shall be read aloud and recorded alongside the price proposed by each consultant or service provider when the financial proposals are opened ;

(5) The procuring entity shall prepare the minutes of public opening of financial proposals which shall be part of the evaluation report and shall retain this record.

(6) The successful proposals shall be :

(*a*) the proposals with the best combined evaluation in terms of the criteria established under subsection (1) of this Section from price in the case of quality and cost-based selection ;

(*b*) the proposals with the lowest price in the case of least-cost selection ; or

(*c*) the highest ranked technical proposal within the budget.

(7) The Consultants with the winning proposal shall be invited for negotiations, which shall focus mainly on the technical proposals.

(8) The proposed unit rates for staff-months and reimbursable shall not be negotiated unless there are exceptional reasons.

Selection procedure where price is not a factor.

52.—(1) Where the procuring entity elects to make a quality-based selection, based on consultant's qualifications or single-source selection, it shall engage in negotiations with consultants in accordance with this Section.

(2) The procurement entity shall :

(*i*) establish a weight with respect to quality and price of the proposals ;

(*ii*) invite for negotiations on the price of its proposal, the Consultant that has attained the best rating in accordance with subsection (1) of this Section ;

(*iii*) inform the Consultants that attained ratings above the weight that may be considered for negotiations if the negotiations with the consultant with the best rating do not result in a procurement contract ; and

(*iv*) inform the Consultant with the best rating, that it is terminating the negotiations if it becomes apparent to the procuring entity that the negotiations with that Consultant, invited under subsection (*b*), will not result in a procurement contract.

(3) The procuring entity shall, if negotiations with the consultant with the best rating fails, invite the Consultant that obtained the second best rating, and if the negotiations with that Consultant do not result in a procurement contract, the procuring entity shall invite the other suppliers or contractors for negotiations on the basis of their rating until it arrives at a contract or rejects the remaining proposals.

(4) The procuring entity shall treat proposals and any negotiations on selection procedure as confidential and avoid the disclosure of their contents to competing consultants.

Bureau to recommend investigation.

53.—(1) The Bureau may review and recommend for investigation by any relevant authority any matter related to the conduct of procurement proceedings by a procuring entity, or the conclusion or operation of a procurement contract if it considers that a criminal investigation is necessary or desirable to prevent or detect a contravention of this Act.

(2) The relevant authority may in the course of investigation :

(*a*) require an officer, employee or agent of the procuring entity or bidder, supplier, contractor, or consultant to produce any books, records, accounts or documents ;

(*b*) search premises for any books, records, accounts or documents ;

(*c*) examine and make extracts from and copies of books, records, accounts or documents of any procuring entity, bidder, supplier, contractor or consultant ;

(*d*) remove books, records, accounts or documents of the procuring entity, bidder, supplier, contractor or consultant for as long as may be necessary to examine them or make extracts from or copies of them but the investigator shall give a detailed receipt for the books, records, accounts or documents removed ;

(*e*) require an officer, employee or agent of the procurement entity or bidder, supplier, or contractor or consultant :

(*i*) to explain an entry in the books, records, accounts or documents ;

(*ii*) to provide the investigator with information concerning the management or activities of the procurement entity or bidders as may be reasonably required ;

(*f*) explain an entry in the books, records, accounts or documents ; and

(*g*) provide the investigator with information concerning the management or activities of the procurement entity or bidders as may be reasonably required.

(3) The Bureau may, pursuant to the advice of the procuring entity, results of its review of a procurement or report of investigation by a relevant government agency issue a variation order requiring a contractor at his own expense to repair, replace, or to do anything in his or her contract left undone or found to have been carried out with inferior or defective materials or with less skill and expertise than required by the contract of award.

(4) The Bureau shall, if satisfied that there has been a contravention of this Act or any regulations in relation to procurement proceedings or procurement contracts, take action to rectify the contravention which action shall include :

(*a*) nullification of the procurement proceedings ;

(*b*) cancellation of the procurement contract ;

(*c*) ratification of anything done in relation to the proceedings ; or

(*d*) a declaration consistent with any relevant provisions of this Act.

(5) On completion of the investigation, the relevant authority shall if an offence is disclosed, take all necessary steps to commence prosecution and inform the Bureau and the procurement entity accordingly, but where no offence is disclosed, the file shall be closed and the Bureau and procuring entity shall be duly informed.

Administrative review.

54.—(1) A bidder may seek administrative review for any omission or breach by a procuring or disposing entity under the provisions of this Act, or any regulations or guidelines made under this Act or the provisions of bidding documents.

(2) A complaint by a bidder against a procuring or disposing entity shall first be submitted in writing to the accounting officer who shall :

(*a*) within fifteen working days from the date the bidder first became aware of the circumstances giving rise to the complaint or should have become aware of the circumstances, whichever is earlier ;

(*b*) on reviewing a complaint, the accounting officer shall make a decision in writing within 15 working days indicating the corrective measures to be taken if any, including the suspension of the proceedings where he deems it necessary and giving reasons for his decision ; or

(*c*) where the accounting officer does not make a decision within the period specified in sub-Section (2)(*b*).

(3) The bidder is not satisfied with the decision of the accounting officer, the bidder may make a complaint to the Bureau within 10 working days from the date of communication of the decision of the accounting officer.

(4) Upon receipt of a complaint, the Bureau shall promptly :

(*a*) give notice of the complaint to the respective procuring or disposing entity and suspend any further action by the procuring or disposing entity until the Bureau has settled the matter ;

(*b*) unless it dismisses the complaint :

(*i*) prohibit a procuring or disposing entity from taking any further action ;

(*ii*) nullify in whole or in part an unlawful act or decision made by the procuring or disposing entity ;

(*iii*) declare the rules or principles that govern the subject matter of the complaint ; and

(*iv*) revise an improper decision by the procuring or disposing entity or substitute its own decision for such a decision.

(5) Before taking any decision on a complaint, the Bureau shall notify all interested bidders of the complaint and may take into account representations from the bidders and from the respective procuring or disposing entity.

(6) The Bureau shall make its decision within twenty-one working days after receiving the complaint, stating the reasons for its decisions and remedies granted, if any.

(7) Where the Bureau fails to render its decision within the stipulated time, or the bidder is not satisfied with decision of the Bureau, the bidder may appeal to the Federal High Court within 30 days after the receipt of the decision of the Bureau, or expiration of the time stipulated for the Bureau to deliver a decision.

PART X—DISPOSAL OF PUBLIC PROPERTY

Disposal of public property.

55.—(1) This Section shall apply subject to the Public Enterprises (Commercialization and Commercialization) Act 1999.

(2) For the purposes of this Act every procuring entity shall also be disposing entity.

(3) The open competitive bidding shall be the primary source of receiving offers for the purchase of any public property offered for sale.

(4) The Bureau shall, with the approval of the Council :

(*a*) determine the applicable policies and practices in relation to the disposal of all public property ;

(*b*) issue guidelines detailing operational principles and organizational modalities to be adopted by all procuring entities engaged in the disposal of public property ; and

(*c*) issue standardized document, monitor implementation, enforce compliance and set reporting standards that shall be used by all procuring entities involved in the disposal of public property.

(5) For the purposes of this Act, public property is defined as resources in the form of tangible and non-tangible assets (ranging from serviceable to the unserviceable) :

(*a*) created through public expenditure ;

(*b*) acquired as a gift or through deeds ;

(*c*) acquired in respect of intellectual or proprietary rights ;

(*d*) acquired on financial instruments (including shares, stocks, bonds, etc.) ; and

(*e*) acquired by good will and any other gifts of the Federal Government.

(6) The means of the disposal of public assets shall include :

(*a*) sale and rental ;

(*b*) lease and hire purchase ;

(*c*) licenses and tenancies ;

(*d*) franchise and auction ;

(*e*) transfers from one government department to another with or without financial adjustments ; and

(*f*) offer to the public at an authorized variation.

Planning of disposals.

56.—(1) Before slating any public property for disposal, the accounting officer (whether acting in his own authority or at the direction of any superior or other authority) in charge of any public property set for disposal shall authorize the preparation of a valuation report for such property by an independent Evaluator, or such professional with the appropriate competence to carry out the valuation.

(2) The disposal of assets whether or not listed in the Assets register for a procuring entity shall be planned and integrated into the income and expenditure budget projection of the procuring entity.

(3) The disposal of assets referred to in subsection (2) of this Section shall be timed to take place when the most advantageous returns can be obtained for the asset in order to maximize revenue accruing to the government.

(4) All procuring entities shall distribute responsibilities for the disposal of public property between the procurement unit and the Tenders Board.

PART XI—CODE OF CONDUCT

Code of conduct for public procurement.

57.—(1) The Bureau shall, with the approval of the Council, stipulate a Code of Conduct for all public officers, suppliers, contractors and service providers with regards to their standards of conduct acceptable in matters involving the procurement and disposal of public assets.

(2) The conduct of all persons involved with public procurement, whether as official of the Bureau, a procuring entity, supplier, contractor or service provider shall at all times be governed by principles of honesty, accountability, transparency, fairness and equity.

(3) All officers of the Bureau, members of Tenders Boards and other persons that may come to act regarding the conduct of public procurements shall subscribe to an oath as approved by Council.

(4) All persons in whose hands public funds may be entrusted for whatever purpose should bear in mind that its utilization should be judicious.

(5) Where a transaction involves the disposal of assets, principles of honesty, accountability, transparency, fairness and equity shall continue to apply to the same extent as where it involves procurement.

(6) These principles shall apply at all times, particularly when :

(*a*) making requisition for or planning of procurements ;

(*b*) preparing solicitation documents ;

(*c*) receiving offers in response to any form of solicitation towards a procurement or disposal ;

(*d*) evaluating and comparing offers confidentially and in complete neutrality ;

(*e*) protecting the interest of all parties without fear or favor ; and

(*f*) obviating all situations likely to render an officer vulnerable to embarrassment or undue influence.

(7) All public officers shall handle public procurement and disposal of assets by :

(*a*) ensuring adequate time for preparing offers ;

(*b*) complying with this Act and all derivative regulations ; and

(*c*) receiving strict confidentiality until completion of a contract.

(8) All public officers involved in public procurement and disposal of assets shall maintain the highest standards of ethics in their relationships with persons real or corporate who seek government commerce whether as a bidder, supplier, contractor or service provider by developing transparent, honest and professional relationships with such persons.

(9) Every public officer involved directly or indirectly in matters of public procurement and disposal of assets shall :

(*a*) divest himself of any interest or relationships which are actually or potentially inimical or detrimental to the best interest of government and the underlining principles of this Act ; and

(*b*) not engage or participate in any commercial transaction involving the federal government, its ministries, extra-ministerial departments, corporations where his

capacity as public officer is likely to confer any unfair advantage - pecuniary or otherwise on him or any person directly related to him.

(10) Any person engaged in the public procurement and disposal of assets who has assumed or is about to assume, a financial or other business outside business relationship that might involve a conflict of interest, must immediately declare to the authorities any actual or potential interest.

(11) Such a declaration shall be given such consideration at the relevant level as is necessary so that, where it is seen that remedial action is taken, a conflict of interest is present.

(12) A conflict of interest exists where a person :

(*a*) possesses an interest outside his official duties that materially encroaches on the time or attention which should otherwise be devoted to affairs of government ;

(*b*) possesses a direct or indirect interest in or relationship with a bidder, supplier, contractor or service provider that is inherently unethical or that may be implied or constructed to be, or make possible personal gain due to the person's ability to influence dealings ;

(*c*) entertains relationships which are unethical, rendering his attitude partial toward the outsider for personal reasons or otherwise inhibit the impartiality of the person's business judgments ;

(*d*) places by acts or omissions the procuring entity he represents or the Government in an equivocal, embarrassing or ethically questionable position ;

(*e*) entertains relationships compromising the reputation or integrity of the procuring entity he represents or the Government ;

(*f*) receives benefits by taking personal advantage of an opportunity that properly belongs to the procuring entity he represents or the Government ;

(*g*) creates a source of personal revenue or advantage by using public property which comes into his hands either in course of his work or otherwise ; and

(*h*) discloses confidential information being either the property of his procuring entity, the Government or to a supplier, contractor or service provider to unauthorized persons.

(13) A person involved in the disposal of assets, shall not either by a third party or by himself be interested in any manner in buying directly or indirectly these assets and shall not have or obtain any type of advantage or revenue from the disposal for a period of three years after the disposal.

PART XII — OFFENCES

Offence relating to public procurement.

58.—(1) Any natural person not being a public officer who contravenes any provision of this Act commits an offence and is liable on conviction to a term of imprisonment not less than 5 calendar years but not exceeding 10 calendar years without an option of fine.

(2) Any offence in contravention of this Act shall be tried by the Federal High Court.

(3) Prosecution of offences under this Act shall be instituted in the name of the Federal Republic of Nigeria by the Attorney-General of the Federation or such other officer of the Federal Ministry of Justice as he may authorize so to do, and in addition, without prejudice to the Constitution of the Federal Republic of Nigeria 1999, he may :

(*a*) after consultation with the Attorney-General of any state of the federation, authorize the Attorney-General or any other officer of the Ministry of Justice of that state ; or

(*b*) if the relevant authority so requests, authorize any legal practitioner in Nigeria to undertake such prosecution directly or assist therein.

(4) The following shall also constitute offences under this Act :

(*a*) entering or attempting to enter into a collusive agreement, whether enforceable or not, with a supplier, contractor or consultant where the prices quoted in their respective tenders, proposals or quotations are or would be higher than would have been the case has there not been collusion between the persons concerned ;

(*b*) conducting or attempting to conduct procurement fraud by means of fraudulent and corrupt acts, unlawful influence, undue interest, favor, agreement, bribery or corruption ;

(*c*) directly, indirectly or attempting to influence in any manner the procurement process to obtain an un fair advantage in the award of a procurement contract ;

(*d*) splitting of tenders to enable the evasion of monetary thresholds set ;

(*e*) bid-rigging ;

(*f*) altering any procurement document with intent to influence the outcome of a tender proceeding ;

(*g*) uttering or using fake documents or encouraging their use ; and

(*h*) willful refusal to allow the Bureau or its officers to have access to any procurement records.

(5) Any person who while carrying out his duties as an officer of the Bureau, or any procuring entity who contravenes any provision of this Act commits an offence and is liable on conviction to a cumulative punishment of :

(*a*) a term of imprisonment of not less than 5 calendar years without any option of fine ; and

(*b*) summary dismissal from government services.

(6) Any legal person that contravenes any provision of this Act commits an offence and is liable on conviction to a cumulative penalty of :

(*a*) debarment from all public procurements for a period not less than 5 calendar years ; and

(*b*) a fine equivalent to 25% of the value of the procurement in issue.

(7) Where any legal person shall be convicted pursuant to subsection (4) of this Section, every director of the company as listed on its records at the Corporate Affairs Commission shall be guilty of an offence and is liable on conviction to a term of imprisonment not less than 3 calendar years but not exceeding 5 calendar years without an option of fine.

(8) An alternation pursuant to subsection 4(*f*) shall include :

(*a*) insertion of documents such as bid security or tax clearance certificate which were not submitted at bid opening ; and

(*b*) request for clarification in a manner not permitted under this Act.

(9) Collusion shall be presumed from a set of acts from which it can be assumed that there was an understanding, implicit, formal or informal, overt or covert under which each person involved reasonably expected that the other would adopt a particular course of action which would interfere with the faithful and proper application of the provisions of this Act.

(10) Bid-rigging pursuant to subsection 4(*e*) means an agreement between persons whereby :

(*a*) offers submitted have been pre-arranged between them ; or

(*b*) their conduct has had the effect of directly or indirectly restricting free and open competition, distorting the competitiveness of the procurement process and leading to an escalation or increase in costs or loss of value to the national treasury.

(11) For the purposes of the presumption under Section 51 (7) of this Section, consideration shall be given to a suspect's ability to control the procurement proceedings or to control a solicitation or the conditions of the contract in question, whether total or partial.

(12) For the purposes of Section 59 (5) of this Section, it shall be sufficient to prove that a reasonable business person should have known that his action would result in his company or firm having an undue advantage over other bidders to the detriment of the national treasury.

PART XIII—MISCELLANEOUS

Miscellaneous.

59.—(1) The fixing of the seal of the Bureau shall be authenticated by the signature of the Chairman, the Director-General or of any other person authorized generally or specially to act for that purpose by the Council.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Bureau by the Director-General or any person generally or specially authorized to act for that purpose by the Council.

(3) Any document purporting to be a document duly executed under the seal of the Bureau shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

(4) The validity of any proceeding of Council or of a committee thereof shall not be adversely affected by any vacancy in the membership of the Council or committee,

or by any defect in the appointment of a member of the Council or of a Committee, or by reason that a person not entitled to do so took part in the proceedings of the Council or Committee.

Interpretation.

60. In this Act :

"*Accounting officer*" means the person charged with line supervision of the conduct of all procurement processes ;

"*Approving authority*" means the person charged with overall responsibility for the functioning of a ministry, extra-ministerial department or corporation ;

"*Assets*" includes tangible and intangible things which have been or may be sold or procured for consideration ;

"*Bid security*" means a form of security assuring the bidder shall not withdraw a bid within the period specified for acceptance and shall execute a written contract within the time specified in the bid ;

"*Debar*" means the placing of a firm company or natural person on a list of person ineligible to participate in any procurement proceedings under this Act ;

"*Certificate of No Objection*" means the document evidencing and authenticating that due process and the letters of this Act have been followed in the conduct of a procurement proceeding and allowing for the procuring entity to enter into contract or effect payments to contractors or suppliers from the Treasury ;

"*Contract*" means an agreement entered in writing ;

"*Contractor or supplier*" means any potential party to a procurement contract with the procuring entity and includes any corporation, partnership, individual, sole proprietor, joint stock company, joint venture or any other legal entity through which business is conducted ;

"*Excessive price*" means a monetary value proposed by a bidder for any procurement which is in the estimation of the Bureau unreasonable and injudicious after consideration of the actual value of the item in question plus all reasonable imputations of cost and profit ;

"*Goods*" means objects of every kind and description including raw materials, products and equipment and objects in solid, liquid or gaseous form and electricity as well as services incidental to the supply of the goods ;

"*Interim Performance Certificates*" means evidence that a contractor or supplier as performed its obligations under a procurement contract up to a level stipulated by the contractor but not meaning completion ;

"*International Competitive Bidding*" means the solicitation of bids from both domestic and foreign contractors and suppliers ;

"*Lowest evaluated responsive bid*" is the lowest price bid amongst the bids that meets all the technical requirements and standards as contained in the tender document ;

"*Margin of Preference*" means the extra mark up on price allowed any domestic contractor or supplier bidding under International Competitive Bidding without being otherwise disadvantageous to the bid in terms of price ;

"*Minor Value*" means a monetary value which is not in excess of the monetary thresholds set for any approving authority by the Bureau ;

"*Monetary Threshold*" means the value limit in Naira set by the Bureau outside of which an approving authority may not award a procurement contract ;

"*National Competitive Bidding*" means the solicitation of bids from domestic contractors and suppliers registered or incorporated to carry on business under Nigeria Law ;

"*Negotiation*" means discussions to determine the terms and conditions of a contract or procurement ;

"*Open Competitive Bidding*" means the offer of prices by individuals or firms competing for a contract, privilege or right to supply specified goods, works, construction or services ;

"*Procurement proceedings*" means the initiation of the process of effecting a procurement up to award of a procurement contract ;

"*Procuring entity*" means any public body engaged in procurement and includes a Ministry, Extra-Ministerial office, government agency, parastatal and corporation ;

"*Public Procurement*" means the acquisition by any means of goods, works or services by the government ;

"*Relevant authority*" includes Economic and Financial Crimes Commission and Independent Corrupt Practices Commission ;

"*Services*" means the rendering by a contractor or supplier of his time and effort and includes any object of procurement other than goods, works or construction ;

"*Solicitation Documents*" means the bid solicitation documents or any other documents for solicitation of offers proposals or quotations ;

"*Special Purpose Goods*" means any objects of armaments ammunition mechanical electrical equipment or other thing as may be determined by the President needed by the Armed Forces or Police Force as well as the services incidental to the supply of the objects ;

"*Substantially Responsive*" means the response to bid solicitations which virtually answers to all the needs of a procuring entity as stipulated in the bid solicitation documents ;

"*Supplier*" means a real or legal person that provides supply of goods, contracting of works or consultants ;

"*Threshold*" refers only to the approving and not the actual process of ward ;

"*Validity Period*" means the period during which a bidder agrees not to increase the cost of its bid or to remove any components of the bid ;

"*Works*" means all works associated with the construction, reconstruction, demolition, repair or renovation of a building, structure or works, such as site preparation, excavation, erection, building, installation of equipment or materials, decoration and finishing, as well as services incidental to construction such as drilling, mapping, satellite photography, seismic investigation and similar services provided pursuant to the procurement of contract, where the value of those services does not exceed that of the construction itself.

Short title.

61. This Act may be cited as the Public Procurement Act, 2007.

I Certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. 4, Laws of the Federation of Nigeria 1990, that this is a true copy of the Bill passed by both Houses of the National Assembly.

NASIRU IBRAHIM ARAB,
Clerk to the National Assembly
1*st Day of June,* 2007.

EXPLANATORY MEMORANDUM

This Act establishes the National Council on Public Procurement and the Bureau of Public Procurement as the regulatory authorities responsible for the monitoring and oversight of public procurement, harmonizing the existing government policies and practices by regulating, setting standards and developing the legal framework and professional capacity for Public Procurement in Nigeria.

SCHEDULE TO PUBLIC PROCUREMENT BILL, 2007.

(1) *Short title of the Bill*	(2) *Long title of the Bill*	(3) *Summary of the contents of the Bill*	(4) *Date passed by the Senate*	(5) *Date passed by the House of Representatives*
Puplic Procurement Bill, 2007.	An Act to establish the National Council on Public procurement and the Bureau of Public Procurement as the regulatory authorities responsible for the monitoring and oversight of public procurement, harmonizing the existing Government policies and practices by regulating, setting standards and developing the legal framework and professional capacity for public procurement in Nigeria ; and for related matters.	This Bill establishes the National Council on Public Procurement and the Bureau on Public procurement as the regulatory authorities responsible for the monitoring and oversight of public procurement, harmonizing the existing Government policies and practices by regulating, setting standards and developing the legal framework and professional capacity for public procurement in Nigeria.	17th May, 2007.	30th May, 2007.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. 4, Laws of the Federation of Nigeria, 1990.

I ASSENT

LS

NASIRU IBRAHIM ARAB,
Clerk to the National Assembly
1st Day of June, 2007

ALHAJI UMARU MUSA YAR'ADUA, GCFR
President of the Federal Republic of Nigeria
4th Day of June, 2007.



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