

FEDERAL POLYTECHNICS (AMENDMENT) ACT, 2019**EXPLANATORY MEMORANDUM**

This Act amends the Federal Polytechnics Act Cap. F17, Laws of the Federation of Nigeria, 2004 to, among other things, review the retirement age of staff of Federal Polytechnics in Nigeria and harmonise the tenure of the office of the Rector and other principal officers of Federal Polytechnics in Nigeria.

FEDERAL POLYTECHNICS (AMENDMENT) ACT, 2019

Arrangement of Sections

Section:

1. Amendment of Cap. F17, LFN, 2004.
2. Amendment of section 2.
3. Substitution for section 3.
4. Amendment of section 4.
5. Substitution for section 6.
6. Substitution for section 8.
7. Amendment of section 9.
8. Substitution for section 10.
9. Amendment of section 12.
10. Amendment of section 14.
11. Amendment of section 15.
12. Substitution for section 16.
13. Amendment of section 30.
14. Amendment of First Schedule.
15. Amendment of Second Schedule.
16. Citation.

FEDERAL POLYTECHNICS (AMENDMENT) ACT, 2019

A Bill

For

An Act to amend the Federal Polytechnics Act Cap. F17, Laws of the Federation of Nigeria, 2004 to among other things, review the retirement age of staff of Federal Polytechnics and harmonise the tenure of the office of the Rector and other principal officers of Federal Polytechnics in Nigeria; and for related matters.

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Commencement.

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

- 1. The Federal Polytechnics Act, Cap F17, Laws of the Federation of Nigeria, 2004 (in this Act referred to as "the Principal Act") is amended as set out in this Act. Amendment of Cap. F17, LFN 2004.
- 2. Section 2 (1) of the Principal Act is amended by substituting for paragraph (a), a new paragraph "(a)"- Amendment of section 2.
 - "(a) to provide full-time or part-time courses of instruction and training to produce middle and high level manpower-
 - (i) in technology, applied science, commerce and management; and
 - (ii) in such other fields of applied learning relevant to the needs of the development of Nigeria in the areas of industrial and agricultural production and distribution and for research in the development and adaptation of techniques as the Council may determine."
- 3. Substitute for section 3 of the Principal Act, a new section "3"- Substitution for section 3.
 - "Establishment of Governing Council and its membership.
 - 3. (1) There is established for each Polytechnic a Governing Council (in this Act referred to as "the Council") which-
 - (a) is a body corporate with-
 - (i) perpetual succession, and

- (ii) a common seal; and
- (b) may sue and be sued in its corporate name.
- (2) The Council shall consist of a chairman and-
 - (a) four persons representing a variety of interests and broadly representative of the whole Federation one of whom shall be a woman;
 - (b) one person to represent the alumni association;
 - (c) a representative of the community where the Polytechnic is situate;
 - (d) the Rector;
 - (e) the Deputy Rector;
 - (f) one person representing the Federal Ministry of Education;
 - (g) two persons, not below the rank of Chief Lecturer, elected by the Academic Board from among its members; and
 - (h) three persons, not below the rank of Senior Lecturer or its equivalent, elected by the Congregation from among its members in which one shall be a non-teaching staff.
- (3) The Chairman and members of the Council other than ex-officio members shall be appointed by the President.
- (4) Persons appointed to the Council shall be persons of proven integrity, knowledgeable and acquainted with the working and tradition of the technical and vocational education.
- (5) A member of the Council other than an ex-officio member shall hold office for a term of three years at the first instance and may be eligible for re-appointment for another term of three years and no more.
- (6) The governing structure of each Polytechnic shall consist of the-
 - (a) Governing Council;
 - (b) Academic Board;

- (c) Management Committee;
- (d) School Board; and
- (e) Departmental Board.

(7) The provisions set out in the Second Schedule to this Act, shall apply in relation to the Council, governing structure and other matters specified in the Schedule.”

Second Schedule.

4. Section 4 of the Principal Act is amended by substituting for subsection (1), a new subsection “(1)”-

Amendment of section 4.

“(1) The President shall be the Visitor to each Polytechnic.”

5. Substitute for section 6 of the Principal Act, a new section “6”-

Substitution for section 6.

“Tenure of office of the Registrar

6. (1) A Registrar shall hold office-

- (a) for a single tenure of five years beginning from the date of his appointment; and
- (b) on such terms and conditions as may be specified in the letter of his appointment.

(2) Where a Registrar has held office for five years or less from the commencement of this Act, he shall be deemed to have served his final term of office.”

6. Substitute for section 8 of the Principal Act, a new section “8”-

Substitution for section 8.

“Appointment of Rector

8. (1) There shall be a Rector of each Polytechnic (“the Rector”) who shall be appointed by the President in accordance with this section.

(2) Where a vacancy occurs in the post of the Rector, the Council shall-

(a) advertise the vacancy not later than six months to the expiration of the term of the seating Rector in at least two national newspapers in Nigeria, specifying the -

(i) qualifications of the persons who may apply for the post, which shall be a Chief Lecturer in the Polytechnic sector with at least five years

experience on that position among other criteria, and

(ii) terms and conditions of service applicable to the post, and thereafter, draw up a short list of suitable candidates for consideration; and

(b) constitute a Search Team consisting of-

(i) a member of the Council, not being a member of the Academic Board, as Chairman,

(ii) two members of the Academic Board, not below the rank of Chief Lecturer, and

(iii) two members of Academic staff, not below the rank of Chief Lecturers to be elected from among its members.

(3) A Joint Council, Academic Board, Congregation and Selection Board consisting of-

(a) the Chairman of the Council,

(b) two members of the Council not being members of the Academic Board,

(c) two members of the Academic Board, not below the rank of Chief Lecturers, who were not members of the Search Team elected among its members, and

(d) two members of the Congregation, not below the rank of Chief Lecturers, who were not members of the Search Team elected among its members,

shall consider the candidates on the short list drawn up under subsection (2) (a) (ii) through an examination of their *curriculum vitae* and interaction with them and recommend in order of performance ranking, through the Council, to the President, three candidates for his consideration.

(4) The President shall appoint, as Rector, one of the candidates recommended to him under subsection (3).

(5) Subject to this Act and the general control of the Council, the Rector is the Chief Executive of the Polytechnic charged with the general responsibility for matters relating to the management and operations of the Polytechnic.

(6) The Rector shall-

- (a) hold office for a single term of five years beginning with the date of his appointment and on such terms and conditions as may be specified in his letter of appointment;
- (b) where he was appointed to serve for a term of four years on the commencement of this Act, have his tenure extended for one year to complete the single term of five years in line with paragraph (a);
- (c) where he is serving a second tenure of four years on the commencement of this Act, be deemed to be serving his final term of office;
- (d) have power to exercise general authority over staff and be responsible for discipline in the Polytechnic; and
- (e) have his remuneration determined by the National Salaries and Wages Commission."

7. Substitute for section 9 of the Principal Act, a new section "9" -

Substitution for section 9.

"Appointment of Deputy Rectors

- 9. (1) There shall be for each Polytechnic such number of Deputy Rectors as the Council may deem necessary for the proper administration of the Polytechnic.
- (2) Where a vacancy occurs in the post of Deputy Rector, the Rector shall forward to the Academic Board a list of two candidates for each post of Deputy Rector that is vacant.
- (3) The Academic Board shall elect for each vacant post one candidate from each list forwarded to it under subsection (2) and forward his name to the Council for confirmation.
- (4) Where the -
 - (a) Academic Board rejects the two candidates forwarded to it by the Rector under subsection (2), the Rector shall submit another list; and
 - (b) Council rejects the name sent to it under subsection (3), the Academic Board shall send the name of the other candidate on the list forwarded to it by the Rector under subsection (2).

(5) The Deputy Rector shall -

- (a) assist the Rector in the performance of his functions;
- (b) act in the place of the Rector when the post of Rector is vacant or if the Rector is for any reason absent or unable to perform his functions as Rector; and
- (c) perform such other functions as the Rector or the Council may assign to him.

(6) The Deputy Rectors shall hold office for a single tenure of four years beginning from the date of his appointment and on such terms and conditions as may be specified in his letter of appointment.

(7) Where a Deputy Rector -

- (a) was appointed on a two year tenure on the commencement of this Act, his tenure shall be extended for a period of two years to complete the single tenure of four years in line with subsection (6); and
- (b) is serving a second tenure of two years on the commencement of this Act, he shall be deemed to have been serving his final term of office."

8. Substitute for section 10 of the Principal Act, a new subsection "10"-

Substitution for section 10.

"Other principal officers

10. (1) There shall be for each Polytechnic the following other principal officers in addition to the Deputy Rectors the -

- (a) Registrar;
- (b) Bursar; and
- (c) Polytechnic Librarian,

who shall all be appointed by the Council on the recommendation of the Selection Board constituted under section 12 (1) of this Act.

- (2) The Bursar shall be the Chief Financial Officer of the Polytechnic and be responsible to the Rector for the administration and control of the financial affairs of the Polytechnic.
- (3) The Polytechnic Librarian shall be responsible to the Rector for the administration of the polytechnic library and the co-ordination of the library services in

the teaching units of the Polytechnic.

(4) The Bursar or Librarian-

(a) shall hold office for a single term of five years beginning from the date of his appointment and on such terms and conditions as may be specified in his letter of appointment; or

(b) where he has held office for five years or less on the commencement of this Act, he shall be deemed to have served his final term of office."

9. Section 12 of the Principal Act is amended by substituting for subsection (1), a new subsection "(1)"-

Amendment of section 12.

"Removal from office members of the Council and Rector

(1) There shall be, for each Polytechnic, a Selection Board which shall consist of-

(a) the Chairman of the Council,

(b) the Rector,

(c) four members of the Council not being members of the Academic Board,

(d) two members of the Academic Board, not being members of Council and not below the rank of Chief Lecturer, elected from among its members, and

(e) three members of the Congregation, not below the rank of Principal Lecturer or its equivalent, elected from among its members in which one shall be a non-teaching staff."

10. Section 14 of the Principal Act is amended by inserting after subsection (2), new subsections "(3)" and "(4)"-

Amendment of section 14.

"(3) A law or rule requiring a person to retire from the public service, after serving for 35 years or having attained the age of 60 years in service, shall not apply to staff of Polytechnics.

(4) Notwithstanding anything to the contrary contained in the Pensions Reform Act, the compulsory retirement age of staff of Polytechnics shall be 65 years."

Act No. 4, 2014

11. Section 15 of the Principal Act is amended by substituting for subsection (1), a new subsection "(1)"-

Amendment of section 15.

"(1) There is established for each Polytechnic the Academic Board which shall consist of-

- (a) the Rector of the Polytechnic, as Chairman;
- (b) the Deputy Rectors of the Polytechnic;
- (c) all Heads of academic Departments and Units;
- (d) the Polytechnic Librarian;
- (e) not more than two members of the academic staff who are not members of the Academic Board, not below the rank of Senior Lecturer elected from among its members, and such members shall serve for a non-renewable term of three years;
- (f) all Deans and Academic Directors; and
- (g) all Chief Lecturers."

12. Substitute for section 16 of the Principal Act, a new section "16"

Substitution for section 16.

"Removal of members and Rector from office

16. (1) If it appears to the Council that a member of the 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 that effect to the President and if the President, after making such inquiries as he considers necessary, approves the recommendation, the President shall, in writing, declare the office of such member or Rector vacant.

(2) The President may remove any member of the Council or Rector, if he is satisfied that it is not in the interest of the public or of the Polytechnic that such a person continues as a member of the Council.

(3) In case of vacancy in the office of the Rector, the Council shall appoint an acting Rector who shall not be in office for more than six months.

(4) There shall be no sole administration in any Polytechnic in Nigeria."

13. Section 30 of the Principal Act is amended by inserting a new subsection "(2)"-

Amendment of section 30.

"(2) All property (movable or immovable) held by or on behalf of the

Councils of Auchi Polytechnic, Bali Polytechnic, the Polytechnic Ekowe, Hussaini Adamu Polytechnic Kazaure, Waziri Umaru Polytechnic Birnin Kebbi, shall vest on them with effect from the time this Act comes into effect."

14. The First Schedule to the Principal Act is amended by inserting after paragraph (p), new paragraphs "(q)" - "(x)"-

Amendment of First Schedule.

- "(q) Auchi Polytechnic, Auchi;
- (r) the Polytechnic, Bali;
- (s) the Polytechnic, Ekowe;
- (t) Hussaini Adamu Polytechnic, Kazaure;
- (u) Waziri Umaru Polytechnic, Birnin Kebbi;
- (v) Federal Polytechnic, Ukana;
- (w) Federal Polytechnic Oil and Gas, Bonny; and
- (x) Federal Polytechnic, Ile-Oluji."

15. The Second Schedule is amended-

Amendment of Second Schedule.

(a) by substituting for paragraph 3, a new paragraph "3"-.
"3. (1) The Council may set up one or more committees to which it may delegate any of its functions.

(2) Without prejudice to subparagraph (1) of this Schedule, the Council shall constitute-

(a) the Appointments and Promotions Committees which shall-

- (i) consist of the Rector as the Chairman and four other members who shall be appointed by the Council, and
- (ii) be charged with the responsibility for making recommendations to the Council on the appointment and promotion of the academic and senior non-teaching staff of the Polytechnic and have a quorum of three members;

(b) the Junior Staff Appointments and Promotions Committee which shall consist of a Deputy Rector as Chairman and four other members appointed by the Rector and shall have the

powers set out in section 13 (2) (b) and section 19 of this Act;

(c) the Committee on Students' Affairs which shall consist of-

- (i) a Deputy Rector as Chairman,
- (ii) one member of the Council,
- (iii) Dean of Students Affairs,
- (iv) two members of the academic staff not below the rank of Senior Lecturer, and
- (v) two representatives of the Students Union of the Polytechnic.

(3) A Committee on Students Affairs shall be charged with the duty of considering any-

- (a) matter which relates to the welfare of students;
- (b) other matter referred to it by either the Council or Management of the Polytechnic; and
- (c) matter which the students wish to refer to the Council which shall be referred to the Management in the first instance which may in turn refer the matter to the Committee on Students' Affairs.

(4) No decision of a Committee of the Council shall have effect unless it is confirmed by the Council.”;

(b) in paragraph 4, by substituting for subparagraph (1), a new subparagraph “(1)”-

“(1) The Council shall meet for the conduct of business once in a quarter except for emergency.”;

(c) in paragraph 6, by substituting for subparagraph (2), a new subparagraph “(2)”-

“(2) Two-thirds of members shall form a quorum at any meeting of the Council.”; and

(d) by inserting after paragraph 9, new paragraphs “9A” and “9B”-

“Composition and Functions of Management Committee, School and Departmental Boards.

9A (1) There shall be a Management Committee consisting of all the Principal Officers of the Polytechnic, Deans and

Directors in the Polytechnic.

- (2) The Rector shall be the Chairman of the Management Committee.
- (3) The Management Committee shall meet at least once in a month to discuss and take decisions on matters of general interest to the Polytechnic.
- (4) There shall be a School Board for each School in the Polytechnic consisting of all the academic staff in that School.
- (5) The School Board shall deal with academic matters and any other matter of interest to the School or any matter assigned to it by the Council, the Rector or the Academic Board.
- (6) The Dean shall be the Chairman of the School Board.
- (7) The Dean shall be elected from among the Academic Staff, not below the rank of Chief Lecturer in that School, for a term of three years not renewable immediately.
- (8) There shall be a Departmental Board for each Department in the Polytechnic consisting of all the academic staff in that Department.
- (9) The Departmental Board shall deal with academic matters and any other matter of interest to the Department.
- (10) The Head of Department shall be the Chairman of the Departmental Board.
- (11) The Head of Department shall be elected from among the Academic Staff not below the rank of Senior Lecturer in that Department for a term of three years and not immediately renewable.
- (12) Where there is no qualified candidate for the position of Dean or Head of Department, the Rector shall appoint an Acting Dean, not below the rank of Senior Lecturer or Acting Head of Department not below the rank of Lecturer I, for a term of one year in the first instance and renewable once only.
- (13) Nothing in this Act shall prevent the Management Committee and Boards from making supplementary rules to guide their proceedings provided such rules are

consistent with the provisions of this Act.

Establishment of the Congregation-

- 9B (1) There shall be for the Polytechnic, a Congregation consisting both Academic and Senior Non-Teaching Staff, who hold at least a first degree or its equivalent.
- (2) The Rector shall be the Chairman of the Congregation.
- (3) The Congregation shall meet at least once in a year.”

16. This Act may be cited as the Federal Polytechnics (Amendment) Act, 2019.

Citation.

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.



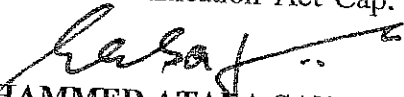
MOHAMMED ATABA SANI-OMOLORI
CLERK TO THE NATIONAL ASSEMBLY

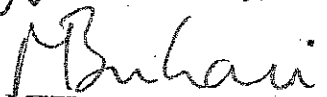
20th DAY OF MAY, 2019

Schedule to the Federal Polytechnics (Amendment) 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 PASSED BY THE HOUSE OF REPRESENTATIVES
Federal Polytechnics (Amendment) Bill, 2019.	An Act to amend the Federal Polytechnics Act Cap. F17, Laws of the Federation of Nigeria, 2004 to, among other things, review the retirement age of staff of Federal Polytechnics and harmonise the tenure of the office of the Rector and other principal officers of Federal Polytechnics in Nigeria; and for related matters.	This Bill amends the Federal Polytechnics Act Cap. F17, Laws of the Federation of Nigeria, 2004 to, among other things, review the retirement age of staff of Federal Polytechnics in Nigeria and harmonise the tenure of the office of the Rector and other principal officers of Federal Polytechnics in Nigeria.	20 th March, 2019	9 th April, 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
 20th Day of May, 2019


MUHAMMADU BUHARI, GCFR
 President of the Federal Republic of Nigeria
 18 Day of May, 2019
June

I ASSENT

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