

SCHOOL OF MINES AND GEOLOGICAL STUDIES, AKOKO-EDO BILL, 2015
ARRANGEMENT OF CLAUSES

Clauses:

1. Establishment of School of Mines and Geological Studies in Akoko-Edo
2. Establishment and Composition of the Council of the School.
3. Tenure of office

FUNCTIONS AND POWERS

4. Functions of the School
5. Functions of the Council
6. Powers of the School
7. Directives by the Minister.

STAFF OF THE SCHOOL

8. Appointment of the Provost of the School
9. Registrar and other staff of the School
10. Staff Regulations
11. Pensions

DISCIPLINE

12. Removal from office of Staff of the School
13. Discipline of students

ACADEMIC BOARD

14. Establishment of Academic board for the School

FINANCIAL PROVISIONS

15. Fund of the School
16. Donations for particular purpose
17. Payment into bank
18. Annual estimate accounts and audit
19. Annual report

MISCELLANEOUS

20. Powers to make By-laws
21. Regulations
22. Interpretation.
23. Short title



A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISH OF THE SCHOOL OF MINES AND GEOLOGICAL STUDIES IN AKOKO-EDO LOCAL GOVERNMENT AREA AND FOR RELATED MATTERS

Sponsored by Hon. Peter Ohiozogh Akpatason

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 1.-(1) There is hereby established the School of Mines and
2 Geological Studies (in this bill referred to as "the School") which shall have
3 such powers and exercise such functions as conferred on it by this Act. Establishment of
School of Mines
and Geology
Studies

4 (2)The School shall be a body corporate with perpetual succession
5 and a common seal and may sue and be sued in its corporate name.

6 2.-(1) There is hereby established for the School a governing Governing
Council of the
School
7 council (in this Bill referred to as liihe Council") which shall be responsible
8 for the consideration and approval of:

- 9 (a) the plan of activities of the School;
- 10 (b) the programme of studies, courses, and research to be
- 11 undertaken by the School;
- 12 (c) the annual budget estimates of the school; and
- 13 (d) the investment plans of the School.

14 (2) The provisions of the Schedule to this Bill shall have effect with
15 respect to the Council as specified therein.

16 3. The Council shall consist of a Chairman and the other members, Membership of
the Council of
the school
17 to be appointed by the Minister:

- 18 (a) The person responsible for tertiary education in the Federal
- 19 Ministry of Education; a representative of a University/Polytechnic who in
- 20 the case.

- 1 (b) a representative of the alumni association of the School;
- 2 (c) three persons appointed on individual merit on a nationwide basis
- 3 who should have wide related experience of service in the public or private
- 4 sector;
- 5 (d) two representatives of the Academic Board of the School;
- 6 (e) one representative of the National Board for Technical Education
- 7 and
- 8 (f) the Provost of the School.

Term of Office
of Membership
of the Council

9 4.-(1) A member of the Council (other than an ex-officio member)

10 shall hold office for a term of three years and be eligible for reappointment for a

11 further period of three years.

12 (2) The office of a member appointed under section 3 of this Bill shall

13 become vacant if:

14 (a) the member resigns his/her appointment by notice in writing under

15 his hand, addressed to the Minister; or

16 (b) the Minister is satisfied that it is not in the interest of the School for

17 the person appointed to continue in office and notifies the member in writing to

18 that effect.

Function of the
School

19 5. The function of the School shall be:

20 (a) to provide full-time courses in Mining and Geological Studies:

21 (i) to serve as a home for research activities in all fields of Geology,

22 Survey and Exploration, in such other fields of applied learning relevant to the

23 needs of the development of Nigeria.;

24 (ii) research in the development and adaptation of techniques as the

25 council may from time to time determine;

26 (iii) to train manpower for the mineral exploration, mining,

27 processing and extraction industries.

28 (b) to conduct courses in Mining and Geological Studies for miners;

29 (c) to arrange conferences, seminars and workshops in relevant fields

30 of learning; and

1 (c) to perform such other functions as in the opinion of the Council
2 may promote the objectives of the School.

3 6. The Council shall have powers to:

Power of the
Council

4 (a) hold examination and grant diploma, professional certificates
5 and other distinctions to persons who have pursued a course of study
6 approved and accredited by the National Board for Technical Education;

7 (b) demand and receive from any student or any other person
8 attending the School for the purpose of instruction such fees as the council
9 may, with the prior approval of the Minister, from time to time determine;

10 (c) hold public lectures and undertakes printing, publishing and
11 selling;

12 (d) provide amenities for the welfare of the staff of the School;

13 (e) invest the surplus funds of the School on programmes that by
14 law as may be approved by the Council; enter into such contracts as may be
15 necessary or expedient for carrying into effect the objectives of the School;

16 (f) recruit staff of the right caliber and determine the career
17 structure of such staff;

18 (g) establish and maintain such schools and other units within the
19 school or extra-mural departments as the Council may, from time to time
20 decide;

21 (h) institute and award fellowships, medals, prizes and other titles;

22 (i) mount exhibitions and display designs to foster appreciation of
23 techniques and technology; erect, provide, equip and maintain such
24 educational, recreational and residential facilities as the School may require;

25 (j) create lectureships and other academic posts and offices to make
26 appointments thereto;

27 (k) encourage and make provision for research in the School and;
28 do such things incidental to the foregoing powers as may advance the
29 objects of the school.

Visitation

1 7.-(1) The Minister of Education shall be the visitor of the School.

2 (2) The Visitor shall, not less than once in every two years, conduct a
3 visitation of the School or appoint a visitation panel consisting of not less than
4 five experts to conduct the visitation:

5 (a) for the purpose of evaluating the academic and administrative
6 performance of the School; or

7 (b) for such other purpose the Visitor may deem fit.

The Academic
Board and its
Functions

8 8.-(1) There shall be established for the School a board to be known as
9 the Academic Board which shall consist of the following members:

10 (a) The Provost of the School who shall be the Chairman;

11 (b) the Deputy Provost, Deans of Departments, Professors/ Reader/
12 Chief- Readers and the Registrar who shall be the Secretary;

13 (c) the School Librarian; and

14 (d) not more than two members of the academic staff other than heads
15 of departments to be elected by the Congregation.

16 (2) The Academic Board shall be responsible for:

17 (a) the direction and management of academic matters to the School
18 including the regulation of admission of students, the award of certificates,
19 scholarships, prizes, and other academic distinctions;

20 (b) making periodic reports on such academic matters to the Council
21 as the Council may from time to time direct;

22 (c) discharging any other functions which the Council may from time
23 to time delegate to it.

Power of Ministry
to give direction
to the Council

24 9. Subject to the provisions of this Bill, the Minister may give to the
25 Council directions of a general character or relating generally to matters of
26 policy with regards to the exercise by the Council of its functions under this Bill
27 and it shall be the duty of the Council to comply with such directions.

The Provost of
the School

28 10.-(1) There shall be a Provost of the School (in this Bill referred to
29 as lithe Provost") who shall be appointed by the Minister of Education, in
30 accordance with the provisions of this section.

1 (2) where a vacancy exists in the post of Provost, the Council shall:

2 (a) advertise the vacancy in a reputable journal or a widely read
3 newspaper in Nigeria specifying:

4 (i) the qualifications of the person who may apply for the post;

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

7 (b) constitute a search team consisting of:

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

10 (ii) two members of the Academic Board not below the rank of
11 Chief Lecturer;

12 (iii) two members of the academic community of the School not
13 below the rank of Chief Lecturer to be selected by the Council, to identify
14 and draw up a short list of suitable person who are not likely to apply for the
15 post for any reason whatsoever.

16 **11.-(1) There shall be for the School a Deputy Provost.**

Deputy Provost

17 (2) The Council shall appoint the Deputy Provost from among the
18 Chief Lecturers in the School in the following ways, that is:

19 (a) from a list three candidates in order of preference, submitted by
20 the Provost;

21 (b) on the recommendation of a selection Board constituted under
22 this section for that purpose; or

23 (c) on the nomination of the Provost.

24 (3) The selection Board referred to in this subsection (2) of this
25 section shall:

26 (a) consist of:

27 (i) the Chairman of the Council;

28 (ii) the Provost;

29 (iii) two members of the Council not being members of the

1 Academic Board, one of whom shall be the member appointed by the Minister;

2 (iv) two members of the Academic Board; and

3 (b) make such inquiries as it deems fit before making the
4 recommendation required under that subsection.

5 (4) The Deputy Provost shall:

6 (a) be in charge of academic activities and assist the Provost in the
7 performance of his functions;

8 (b) act in the place of Provost when the post of Provost is vacant or if
9 for any reason the Provost is unable to perform his functions as Provost, and

10 (c) perform such other functions as the Provost or the Council may
11 assign to him.

12 (5) The Deputy Provost:

13 (a) shall hold office for a period of two years beginning from the
14 effective date of his appointment and on such terms and conditions as may be
15 specified in his letter of appointment; and

16 (b) may be reappointed for one further period of two years and no
17 more.

The Registrar
or other staff
of the school

18 12.-(1) The Council of the School shall appoint a Registrar to the
19 School (hereinafter referred to as the Registrar II) who shall keep the records
20 and conduct the correspondence of the Council and shall perform such other
21 duties as the Council and subject thereto as the Provost may from time to time
22 direct.

23 (2) The Registrar shall, in addition to other duties conferred on him by
24 or under this Bill, be the Secretary of the Council, the Academic Board and any
25 committee of the Council and in his absence, the Councilor of any such
26 Committee may appoint some other person to act as Secretary, and he shall not
27 vote on any question before the Councilor count towards a quorum.

28 (3) A Registrar:

29 (a) shall hold office for a period of five years beginning from the
30 effective date of his appointment and on such terms and conditions as may be

1 specified in his letter of appointment; and

2 (b) may be reappointed for one further period of five years and no
3 more.

4 (4) where on the commencement of this section a Registrar
5 appointed before the commencement of the section has held office:

6 (a) for five years or less he shall be deemed to be serving his first
7 term of office and may be reappointed for a further term of five years;

8 (b) for more than five years but less than ten years, he shall
9 complete the maximum period of ten years and thereafter relinquish his post
10 and be assigned other duties in the School;

11 (c) for ten years or more, the Council may allow him serve as
12 Registrar for a further period of one year only and thereafter he shall
13 relinquish his post and be assigned other duties in the School.

14 13.-(1) There shall be for the School the following principal
15 officers in addition to the Registrar, that is:

Other Principal
Officer of the
School

16 (a) the Bursar; and

17 (b) the School Librarian, who shall be appointed by the Council on
18 the recommendation of the selection Board constituted under section 10 of
19 this Bill.

20 (2) The Bursar shall be the Chief financial officer of the School and
21 be responsible to the Provost for the day-to-day administration and control
22 of the financial affairs of the School.

23 (3) The School Librarian shall be responsible to the Provost for the
24 administration of the School Library and the coordination of the School
25 library services in the teaching units of the School.

26 (4) A Bursar or Librarian:

27 (a) shall each hold office for a period of five years beginning from
28 the effective date of his appointment and on such terms and conditions as
29 may be specified in his letter of appointment; and

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

2 (5) Where on the commencement of this section a Bursar or Librarian
3 has held office:

4 (a) for five years or less he shall be deemed to be serving his first term
5 of office and may be reappointed for a further term of five years;

6 (b) for more than five years but less than ten years, he shall complete
7 the maximum period of ten years and thereafter relinquish his post and be
8 assigned other duties in the School;

9 (c) for ten years or more, the Council may allow him to serve in that
10 capacity for a further period of one year only and thereafter he shall relinquish
11 his post and be assigned other duties in the School.

Resignation of
appointment of
principal officer

12 **14.** A principal officer may resign his appointment:

13 (a) in the case of the provost/ Rector, by notice of the Visitor; and of

14 (b) in any other case, by notice of the Council.

Other employee

15 **15.**-(1) The Council may appoint such other persons to be employees
16 of the School as the Council may determine to assist the Provost and the
17 Principal Officers of the School in the performance of their functions under this
18 Bill.

19 (2) Subject to the provisions of this Bill the remuneration, tenure of
20 and conditions of service of the employees of the Council shall be determined
21 by the Council in consultation with the Federal Civil Service Commission.

Selection Board
for other Principal
Officer

22 **16.**-(1) There shall be for the School, a selection Board which shall
23 consist of:

24 (a) the Chairman of the Council;

25 (b) the Provost;

26 (c) four members of the Council not being members of the Academic
27 Board; and

28 (d) two members of the Academic Board.

29 (2) The functions, procedures and other matters relating to the
30 selection Board constituted under subsection (1) of this section shall be as the

1 Council may, from time to time, determine.

2 17.-(1) It is hereby declared that service in the School shall be Pension
3 approved service for the purposes of the Pension Reform Act 2004 and
4 accordingly, officers and other persons employed in the School shall in
5 respect of their service in the School be entitled to pension, gratuities and
6 other retirement benefits as are prescribed thereunder, however, that nothing
7 in this Bill shall prevent the appointment of a person to any office on terms
8 which preclude the grant of a pension and gratuity in respect of that office.

9 (2) For the purposes of the application of the provisions of the
10 pension Reform Act, any power exercisable thereunder by a Minister or
11 other authority of the Government of the Federation (other than the power to
12 make regulations) shall be exercisable by the School and not by any other
13 person or authority.

14 PART II - FINANCIAL PROVISIONS

15 18.-(1) The Council shall establish and maintain a fund which shall
16 be applied towards the promotion of the objectives specified in this Bill.

17 (2) There shall be paid and credited to the fund established under
18 subsection (1) of this section:

19 (a) such sums as may from time to time be granted to the Council by
20 the Minister of Education or as may be renamed at any point in time;

21 (b) all moneys raised for the purposes of the Council by way of
22 gifts, grants-in-aids or testamentary disposition; and all subscriptions, fees
23 and charges for services rendered by the Council and all other sums that may
24 accrue to the Council from any source.

25 (3) The Council shall submit to the Minister not later than three
26 months before the end of each financial year or at such other time as he may
27 direct, an estimate of its revenue and expenditure for the next succeeding
28 financial year.

29 19. The Council may accept gifts of land, money, or other property
30 upon such terms and conditions if any, as may be specified by the person
Power to accept gift

1 making the gift provided such conditions do not conflict with or undermined
2 the objectives of the School as provided in this Bill.

Commencement

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

Annual Report

6 **21.** The Council shall soon as may be after the expiration of each
7 financial year prepare and submit to the Minister a report of its activities during
8 the immediately preceding financial year and shall include in the report copy of
9 the audited accounts of the School for that year and of the auditors report on the
10 accounts.

Office and
Premises

11 **22.**-(1) for the purposes of providing offices and premises necessary
12 for the performance of its functions, the Council may:

13 (a) purchase any interest in or take on lease any land; and

14 (b) build, equip and maintain offices and premises.

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

Discipline of
Staff and Student

18 **23.**-(1) The Council may make rules providing for the Provost to
19 conduct enquiries into alleged breaches of discipline, dereliction of duties and
20 gross misconduct a (including lack of diligence) by students or staff, and such
21 rules may make different provisions for different circumstances.

22 (2) The rules shall provide for the procedure and rules of evidence to
23 be followed at enquiries under this section.

24 (3) Subject to the provisions of subsection (1) of this section, where it
25 is proved during the enquiry that any staff or student of the School has been
26 guilty of misconduct, the Provost may, without prejudice to any other
27 disciplinary powers conferred on him by this Bill or any regulations made
28 hereunder direct:

29 (a) that the staff or student shall not, during such period as may be
30 specified in the direction, participate in such activities of the School, or make

1 use of such facilities of the School, as may be so specify;

2 (b) that the activities of the staff or student shall during such period
3 as may be;

4 (c) specified on the directions, be restricted in such manner as may
5 be so specified; or that the staff or student may be suspended for such period
6 as may be specified in the direction; or

7 (d) that the staff or student be expelled from the School.

8 (4) Where there is temporarily no Provost or where the Provost
9 refuses to apply any disciplinary measures, the Council may, either directly
10 or through some other staff, apply such disciplinary measures, the Council
11 may, either directly or through some other staff, apply such disciplinary
12 actions as are specified in subsection:

13 (a) of this section to any staff or student of the School who is guilty
14 of misconduct.

15 (5) where a direction is given under subsection (3)(a) or (d) of this
16 section in respect of any student, the staff or student may, within twenty-one
17 days from the date of the letter communicating the decision to him, appeal
18 from the direction to the Council, and where such an appeal is brought, the
19 Council shall, after causing such inquiry to be made in the matter as the
20 Council considers just, either confirm or set aside the direction or modify it
21 in such manner as the Council may think fit.

22 (6) The fact that an appeal from a direction is brought in pursuance
23 of subsection of this section shall not affect the operation while the appeal is
24 pending.

25 (7) The Provost may delegate his powers under this section to a
26 disciplinary committee consisting of such members of the School as he may
27 nominate.

28 (8) Nothing in this section shall be construed as preventing the
29 restriction or termination of a staff's appointment or student's activities at the
30 School otherwise than on the ground of misconduct.

1 (9) It is hereby declared that the direction under subsection (3) (a) of
2 this section may be combined with a direction under subsection (3) (b) of this
3 section.

4 (10) In all cases under this section, the decision of the Council shall be
5 final unless reversed by the Minister on appeal by the staff or student.

Interpretation

6 **24.** In this Bill, unless the context otherwise requires:

7 "Chairman" means the Chairman of the Council;

8 "School" means the School of Mines and Geological Studies established by
9 section 1 of this Bill and "Schools" shall be construed accordingly;

10 "Council" means the Governing Council of the School established by section 2
11 of this Bill;

12 "Congregation" means academic and non-academic staff of the School with
13 first degree or Higher National Diploma (HND);

14 "Functions" includes powers and duties;

15 "Member" means a member of Council including the Chairman;

16 "Minister" means the Minister charged with responsibility for matters relating
17 to the Federal Ministry of Mines and Steel Development;

18 "Provost" means the Provost of the School appointed under section 9 of this
19 Bill;

20 "The person responsible for the advancement and development of Mining and
21 Geological Studies" means the person appointed by the Minister to oversee the
22 School in Akoko-Edo Local Government Area.

Short Title

23 **25.** This Bill may be cited as the School of Mines and Geological
24 Studies (Establishment, etc.) Bill, 2015.

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SCHEDULE

Section 2 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of service

1. There may be paid to the members of the council any committee, other than ex-officio members, such remunerations and allowances as may from time to time be determined by the Minister.

2. Where a vacancy occurs in respect of the membership specified in section 3 (1) (d), it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor in office and such successor shall represent the same interest as his predecessor.

3. The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

Proceedings

4.-(1) The Council shall meet for the conduct of business at such times, places and on such days the Chairman may appoint but shall meet not less than once every four months.

(2) The Chairman may at any time at the request in writing of not less than 6 members, convene a meeting of the Council.

(3) At any meeting of the Council the Chairman shall preside; but in his absence, member present shall elect one of their members to preside at the meeting.

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

(5) The quorum of the Council shall be one half of the total members of the Council at least one of whom shall be a member appointed by the Minister.

1 (6) Decisions of the Council shall be made on approval by a simple
2 majority of members.

3 *Miscellaneous*

4 5.-(1) The fixing of the seal of the School shall be authenticated by the
5 signature of the Chairman, Provost and of some other members of the Council
6 authorized generally or specially by the Council to act for that purpose.

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

11 (3) Any document purporting to be duly executed under the seal of the
12 School shall be received in evidence and shall, unless the contrary is proved, be
13 presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a School of Mines and Geological Studies in Akoko-Edo Local Government Area of Edo state, to serve as a training ground for would be geologists/miners, and thereby enhance diversification of the Nigerian economy, creation of wealth and generation of employment.