

FEDERAL POLYTECHNIC SHENDAM (ESTABLISHMENT) BILL, 2017

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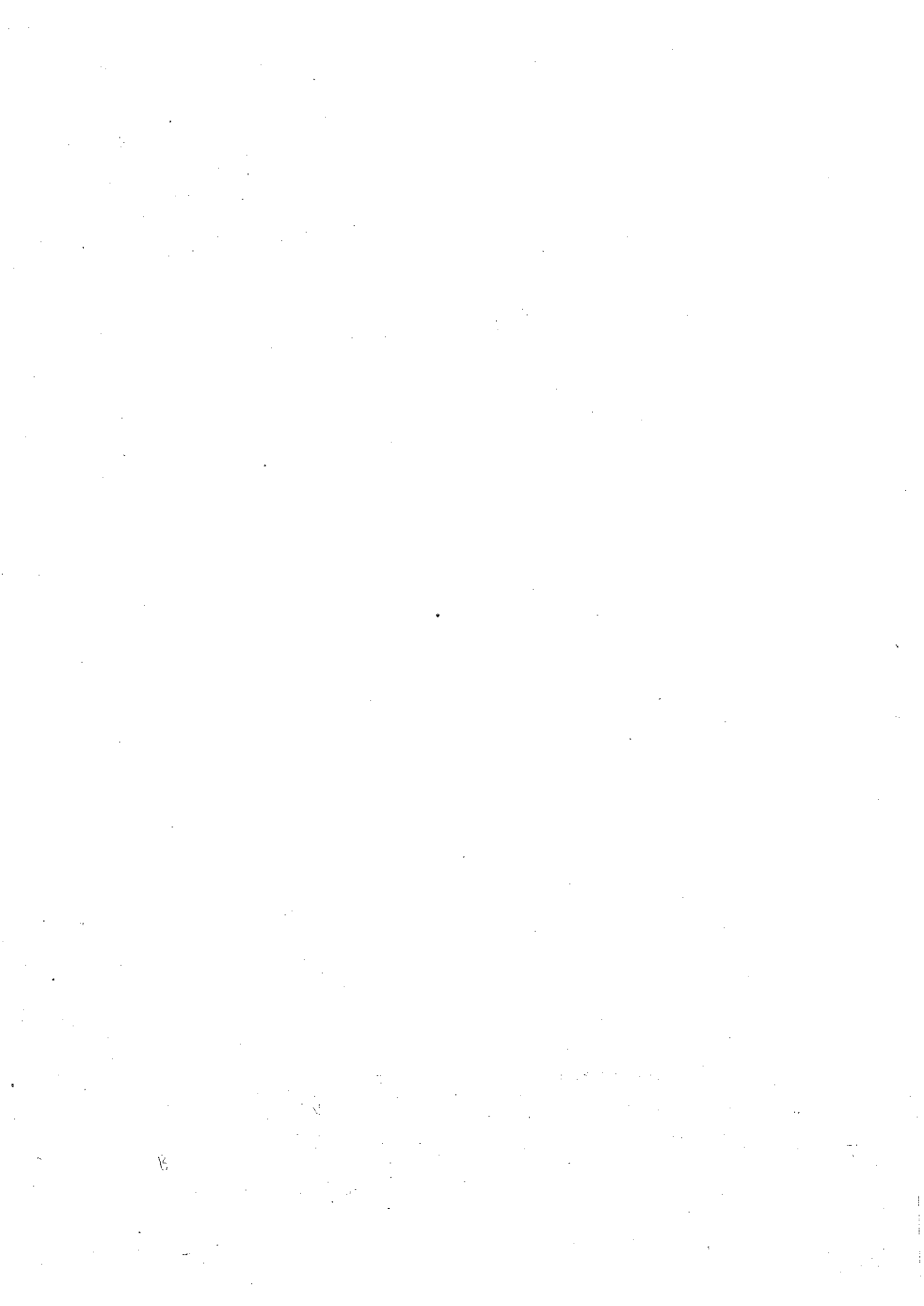
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SCHEDULES



A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL POLYTECHNIC, SHENDAM, PLATEAU STATE AND TO MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT AND ADMINISTRATION; AND FOR RELATED MATTERS

Sponsored by Hon. Johnbull Shekarau

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF
2 FEDERAL POLYTECHNIC, SHENDAM

3 1.-(1) There is established the Federal Polytechnic, Shendam (in
4 this Act referred to as "the Polytechnic").

Establishment of
Federal Polytechnic
Shendam, Plateau
State

5 (2) The Polytechnic-

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

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

9 2. The objects of the Polytechnic shall be to-

Objects of the
Polytechnic

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

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

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

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

	1	(e) undertake other activities appropriate for a Polytechnic of the
	2	highest standard.
Membership of the Polytechnic	3	3.-(1) The Polytechnic shall consist of-
	4	(a) Rector;
	5	(d) two Deputy Deputy-Rectors or such number of Deputy-Rectors
	6	as the council may, from time to time, deem necessary for the proper
	7	administration of the Polytechnic;
	8	(e) a body to be called Congregation;
	9	(f) a body to be called Convocation;
	10	(g) the campuses and colleges of the Polytechnic;
	11	(h) the Departments, schools, institutes and other teaching and
	12	research units of the Polytechnic;
	13	(i) the persons holding the offices constituted by the First Schedule to
	14	this Act other than those mentioned in paragraphs (a) to (c) of this subsection;
	15	(j) all graduates and undergraduates; and
	16	(k) all other persons who are members of the Polytechnic in
	17	accordance with provisions made by Statute in that behalf.
First Schedule	18	(2) The First Schedule to this Act shall have effect with respect to the
	19	Principal Officers of the Polytechnic mentioned therein.
	20	(3) A provision shall be made by a Statute with respect to the
	21	constitution of the following bodies-
	22	(a) the Council;
	23	(b) the Academic Board;
	24	(c) the Congregation; and
	25	(d) the Convocation.
Functions of the Polytechnic	26	4.-(1) For the carrying out of its objects as specified in section 2 of this
	27	Act, the Polytechnic shall have power to-
	28	(a) establish such campuses, departments, institutes, schools, extra-
	29	mural departments and other teaching and research units within the
	30	Polytechnic as may, from time to time, seem necessary or desirable, subject to

1 the approval of the National Board for Technical Education (NBTE);

2 (b) institute Chief Lecturerships, readerships and associate Chief
3 Lecturerships, lectureships and other posts and offices and to make
4 appointments thereto;

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

8 (d) provide for the residence, discipline and welfare of members of
9 the Polytechnic;

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

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

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

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

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

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

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

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

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

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

15 (o) make gifts for any charitable purpose;

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

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

20 (2) Subject to the provisions of this Act and of the Statutes made there
21 under and without prejudice to section 9 (2) of this Act, the powers conferred
22 on the Polytechnic by subsection (1) of this section shall be exercisable on
23 behalf of the Polytechnic by the Council or by the Academic Board or in any
24 other manner which may be authorized by this Act.

Rector to take
precedence before
other members

25 5.-(1) The Rector shall in relation to the Polytechnic, take precedence
26 before all other members of the Polytechnic, and when he is present shall
27 preside at all meetings of convocation held for conferring degrees and
28 diplomas.

29 (2) Subject to the provisions of this Act, the Rector shall have general
30 function, in addition to any other function conferred on him by this Act or

1 otherwise, of directing the activities of the Polytechnic, and shall, to the
 2 exclusion of any other person or authority, be the chief executive and
 3 academic officer of the Polytechnic and ex-officio Chairman of the
 4 Academic Board.

5 6. -(1) There shall be a Council for the Polytechnic consisting of:

Establishment
and members:
of the Council:

6 (a) the Rector;

7 (b) Deputy-Rector (Academics);

8 (c) Deputy –Rectors (Administration);

9 (d) one person from the ministry responsible for education;

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

12 (f) four persons appointed by the Academic Board from among its
 13 members;

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

16 (h) one person appointed by the Convocation from among its
 17 members.

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

21 7.-(1) Subject to the provisions of this Act relating to the Visitor,
 22 the Council shall be the governing body of the Polytechnic and shall be
 23 charged with the general control and superintendence of the policy, finances
 24 and property of the Polytechnic, including its public relations.

Council and other
committees of the
Polytechnic

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

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

1 (4) The Council shall ensure that proper accounts of the Polytechnic
2 are kept and the accounts of the Polytechnic are audited annually by auditors
3 appointed by the Council from the list and in accordance with guidelines
4 supplied by the Auditor-General for the Federation, and that an annual report is
5 published by the Polytechnic together with certified copies of the said accounts
6 as audited.

7 (5) Subject to this Act and the Statutes, the Council and the Finance
8 and General Purposes Committee may each make rules for the purpose of
9 exercising any of their respective functions or of regulating their own
10 procedure.

11 (6) Rules made under subsection (5) of this section by the Finance and
12 General Purposes Committee shall not come into force unless approved by the
13 Council, and where any rule so made by the Committee conflicts with any
14 direction given by the Council (whether before or after the coming into force of
15 the rules in question), the direction of the Council shall prevail.

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

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

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

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

1 8.-(1) Subject to section 5 of this Act and subsections (3) and (4) of
2 this section and to the provisions of this Act relating to the Visitor, it shall be
3 the general function of the Academic Board to organize and control teaching
4 in the Polytechnic, admission to graduate technical courses and other
5 admission of students, the discipline of students and to promote research in
6 the Polytechnic.

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

10 (a) establishment, organization and control of campuses,
11 departments, schools, Institutes and other teaching and research units of the
12 Polytechnic, and the allocation of responsibility for different branches of
13 learning;

14 (b) organization and control of technical courses of study in the
15 Polytechnic and of the examinations held in conjunction with those
16 technical courses, including the appointment of examiners, both internal
17 and external;

18 (c) award of degrees/diplomas, and such other qualifications as
19 may be prescribed, in connection with examinations conducted by the
20 Polytechnic;

21 (d) establishment, organization and control of halls of residence
22 and similar institutions in the Polytechnic;

23 (e) supervision of the welfare of students in the Polytechnic and
24 the regulation of their conduct

25 (f) granting of fellowships, scholarships, prizes and similar awards
26 in so far as the awards are within the control of the Polytechnic; and

27 (g) determination of what description of dress shall be academic
28 dress for the purposes of the Polytechnic, and regulating the use of academic
29 dress.

30 (3) The Academic Board shall not establish any ⁶ new campus,

1 department, school, institute or other teaching and research units of the
2 Polytechnic, or any hall of residence or similar institution at the Polytechnic
3 without the approval of the Council.

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

9 (5) The Academic Board shall, by regulation, provide that at least one
10 of the persons appointed as examiners at each final or professional examination
11 held in conjunction with any course of study in the Polytechnic is not a teacher
12 at the Polytechnic but is a teacher at the branch of learning to which the course
13 relates in some other Polytechnic of high repute.

14 (6) Subject to a right of appeal to the Council from a decision of the
15 Academic Board under this subsection, the Academic Board may deprive any
16 person of any degree, diploma or other award of the Polytechnic which has
17 been conferred on him if after due enquiry he is shown to have been guilty of
18 any dishonorable or scandalous conduct in gaining admission into the
19 Polytechnic or obtaining that award.

20 PART II - STATUTES OF THE POLYTECHNIC

Statutes or the
Polytechnic

21 9.-(1) Subject to this Act, the Polytechnic may make Statutes for any
22 of the following purposes—

23 (a) making provision with respect to the composition and constitution
24 of any authority of the Polytechnic;

25 (b) specifying and regulating the powers and duties of any authority
26 of the Polytechnic, and regulating any other matter connected with the
27 Polytechnic or any of its authorities;

28 (c) regulating the admission of students where it is done by the
29 Polytechnic, and their discipline and welfare;

30 (d) determining whether any particular matter is to be treated as an

1 academic or non-academic matter for the purposes of this Act and of any
2 Statute, regulation or other instrument made there-under; and

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

5 (2) Subject to section 25 (6) of this Act, the Interpretation Act shall
6 apply in relation to any Statute made under this section as it applies to a
7 subsidiary instrument within the meaning of section 27 (1) of that Act. Cap. 1123 LFN,
2004

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

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

15 **10.-(1)** The power of the Polytechnic to make Statutes shall be Power to make
and approve
Statutes
16 exercised in accordance with the provisions of this section.

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

19 (a) Academic Board, by the votes of not less than two thirds of the
20 members present and voting; and

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

23 (3) A proposed Statute may originate either in the Academic Board
24 or Council, and may be approved as required by subsection (2) of this
25 section by both bodies in no particular order.

26 (4) A Statute which-

27 (a) makes provision for or alters the composition or constitution of
28 the Council, the Academic Board or any other authority of the Polytechnic;

29 (b) provides for the establishment of a new campus or school or for
30 the amendment or revocation of any Statute whereby a campus or college is

1 established, shall not come into operation unless it has been approved by the
2 Visitor.

Cap. 1123 LFN,
2004

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

Proof of Statute
in Court

8 11. A Statute may be proved in any court by the production of a copy
9 thereof bearing or having affixed to it a certificate signed by the Rector or the
10 Registrar to the effect that the copy is a true copy of a Statute of that
11 Polytechnic.

Visitor's decision
in case of dispute

12 12.-(1) In the event of any doubt or dispute arising at any time as to the
13 meaning of any provision of a Statute, the matter may be referred to the Visitor,
14 who shall take such advice and make such decision thereon as he deems fit.

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

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

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

1 is for the said purposes an academic or non-academic matter.

2 PART III - SUPERVISION AND DISCIPLINE

3 13.-(1) The Minister of Education shall be the Visitor of the
4 Polytechnic.

Super
Discij ad

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

9 (3) The bodies and persons comprising the Polytechnic Shall—

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

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

16 14.-(1) If it appears to the Council that a member (other than the
17 Rector) should be removed from office on grounds of misconduct or
18 inability to perform the functions of his office, the Council shall make a
19 recommendation to that effect through the Minister to the Federal Executive
20 Council and if the Federal Executive Council, after making such enquiries
21 (if any) as may be considered necessary, approves the recommendation it
22 may direct the removal of the member from office.

Remova
members

23 (2) The Minister shall use his best endeavors to cause a copy of the
24 instrument embodying a direction under subsection (1) of this section to be
25 served as soon as reasonably practicable on the person to whom it relates.

26 15.-(1) If it appears to the Council that there are reasons for
27 believing that any person employed as a member of the academic,
28 administrative or professional staff of the Polytechnic, other than the Rector,
29 should be removed from office or on grounds of misconduct or inability to
30 perform the functions of his office Council shall—

Grounds and
procedure for
removal of
members

- 1 (a) give notice of those reasons to the person in question;
- 2 (b) afford such person an opportunity of making representation in
3 person on the matter to the Council; and
- 4 (c) take a decision to terminate or not to terminate the appointment.
- 5 (2) If the affected staff or any three members of the Council so
6 request within a period of one month from the date of receipt of the notice of the
7 Council's decision, the Council shall make arrangements for –
- 8 (a) a joint committee of the Council and the Academic Board to
9 review the matter and to report on it to the Council;
- 10 (b) the person in question to be afforded an opportunity to appear
11 before and be heard by an investigating committee with respect to the matter;
12 and if the Council after considering the report of the investigating committee is
13 satisfied that the person in question should be removed, the Council may so
14 remove him by an instrument in writing signed on the directions of the Council.
- 15 (3) The Rector may, in a case of gross misconduct by a member of
16 staff which in the opinion of the Vice- Rector is prejudicial to the interest of the
17 Polytechnic, suspend such member and any such suspension shall immediately
18 be reported to the Council.
- 19 (4) Any member of staff may be suspended from duty or his
20 appointment may be terminated by Council for a good cause and, for the
21 purposes of this subsection, "good cause" means-
- 22 (a) conviction for any offence which the Council considers to be such
23 as to render the person concerned unfit for the discharge of the functions of his
24 office;
- 25 (b) any physical or mental incapacity which the Council, after
26 obtaining medical advice, considers to be such as to render the person
27 concerned unfit to continue to hold office;
- 28 (c) conduct of a scandalous or disgraceful nature which the Council
29 considers to be such as to render the person concerned unfit to continue to hold
30 office; or

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

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

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

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

12 (c) terminate the appointment of the person concerned in which
13 case such a person will not be entitled to the proportion of his emoluments
14 withheld during the period of suspension; and

15 (d) take such lesser disciplinary action against such person
16 (including the restoration of such proportion of his emoluments that might
17 have been withheld) as the Council may determine.

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

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

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

Rep.
Exc.

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1 **16.-(1)** If, on the recommendation of the Rector, it appears to the
2 Academic Board that a person appointed as an examiner for any examination
3 of the Polytechnic ought to be removed from his office or appointment, then,
4 the Academic Board may, after affording the examiner an opportunity of
5 making representations in person on the matter, direct the Rector to remove the
6 examiner by an instrument in writing signed by the Registrar.

7 (2) Subject to the provisions of any regulation made under section 8
8 ~~(4) of this Act, the Rector may, on the recommendation of Academic Board,~~
9 appoint an appropriate person as examiner in the place of the examiner
10 removed.

11 (3) The Registrar shall on signing an instrument of removal under
12 this section, use his best endeavors to cause a copy of the instrument to be
13 served as soon as reasonably practicable on the person to whom it relates.

14 Disciplinary action on students

15 **17.-(1)** Subject to the provisions of this section, where it appears to
16 the Rector that any student is guilty of misconduct, the Rector may, without
17 prejudice to any other disciplinary powers conferred on him by Statute or
18 regulations, direct that the-

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

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

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

26 (d) student be expelled from the Polytechnic.

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

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

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

8 (5) The Rector may delegate his powers under this section to a
9 disciplinary board consisting of such members of the Polytechnic as he may
10 nominate.

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

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

17 PART IV - MISCELLANEOUS AND GENERAL PROVISIONS

18 18.-(1) No person shall be required to satisfy requirements as to
19 race (including ethnic grouping) sex, place of birth, family origin, religious
20 or political persuasion, as a condition for becoming or continuing to be a -

A student not
to be discriminate
against

21 (a) student in the Polytechnic;

22 (b) holder of any degree/diploma, appointment or employment in
23 the Polytechnic; or

24 (c) member of anybody established by virtue of this Act.

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

28 (3) Nothing in subsection (1) of this section shall be construed as
29 preventing the Polytechnic from imposing any disability or restriction on
30 any of the persons specified in subsection (1) of this section where such

1 persons willfully refuse or fail on grounds of religious belief to undertake any
2 duty generally and uniformly imposed on all such persons or any group of them
3 which duty, having regard to its nature and the special circumstances, is in the
4 opinion of the Polytechnic reasonably justifiable in the national interest.

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

5 19.-(1) For the purpose of the Land Use Act (which provides for the
6 compulsory acquisition of land for public purposes) any purpose of the
7 Polytechnic shall be the same as that of the Federation.

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

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

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

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

Quorum

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

Committees

22 22.-(1) Any body of person established by this Act shall, without
23 prejudice to the generality of the powers of that body, have power to appoint
24 committees, which need not consist exclusively of members of that body and
25 authorize a committee established by it to-

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

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

30 (2) Any two or more such bodies may arrange for the holding of joint

1 meetings of those bodies or for the appointment of committees consisting of
2 members of those bodies, for the purpose of considering any matter within
3 the competence of those bodies or any of them and either dealing with it or of
4 reporting on it to those bodies or any of them.

5 (3) Except as may be otherwise provided by a Statute or regulation,
6 the quorum and procedure of a committee established or meeting held
7 pursuant to this section shall be such as may be determined by the body or
8 bodies which have decided to establish the committee or hold the meeting.

9 (4) The Rector and the Deputy-Rectors shall be members of every
10 committee of which the members are wholly or partly appointed by the
11 Council, (other than a committee appointed to inquire into the conduct of the
12 officer in question) and the Rector shall be a member of every committee of
13 which the members are wholly or partly appointed by the Academic Board.

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

15 (a) statutes to be made otherwise than in accordance with section
16 11 or this Act; or

17 (b) the Academic Board to empower any other body to make
18 regulations of to award degrees or other qualifications.

19 23.-(1) The seal of the Polytechnic shall be such as may be
20 determined by the Council and approved by the Rector and the affixing of
21 the seal shall

Seal of the
Polytechnic

22 (a) in the case of certificates issued by the Polytechnic, be
23 authenticated by the Rector and the Registrar; and

24 (b) in the case of any other document, be authenticated by any
25 member of Council, the Rector and the Registrar or any other person
26 authorized by Statute.

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

30 (3) Any contract or instrument which, if made or executed by a

1 person not being a body corporate, would not be required to be under seal, may
2 be made or executed on behalf of the Polytechnic by any person generally or
3 specially authorized to do so by the Council without seal.

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

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

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

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

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

Cap. 1123, 2004

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

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

Second Schedule

18 (a) Statute (including the Statute contained in the Second Schedule to
19 this Act); or

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

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

Proposals and
recommendation

24 **24.** Where in any provisions of this Act, it is laid down that proposals
25 are to be submitted or a recommendation is to be made by one authority to
26 another through one or more intermediate authorities, every such intermediate
27 authority shall forward any proposal or recommendation received by it
28 pursuant to that provision to the appropriate authority; but any such
29 intermediate authority may, if it thinks fit, forward therewith its own comments
30 thereon.

1 25. In this Act- Interpretatio

2 "appropriate authority" means any person, body or authority authorized by

3 law to act in a specific or general capacity in relation to a subject matter;

4 "campus" means any campus which may be established by the Polytechnic;

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

6 "Government" means the Federal Government of Nigeria;

7 "graduate" means a person on whom a degree/diploma (other than an

8 honorary degree) has been conferred by the Polytechnic;

9 "gross misconduct" means any act of misconduct and improper behavior

10 that may be designated as gross misconduct by any Statute or regulation

11 made, under this Act;

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

13 "misconduct" means any conduct which is prejudicial to the good name of

14 the Polytechnic and or discipline and the proper administration of the

15 business of the Polytechnic;

16 "notice" means notice in writing;

17 "officer" does not include the Visitor;

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

19 "Chief Lecturer" means a person designated as a Chief Lecturer of the

20 Polytechnic in accordance with provisions made in that behalf by Statute or

21 by regulations;

22 "property" includes rights, liabilities and obligations;

23 "regulations" means regulations made by the Academic Board or Council;

24 "Academic Board" means the Academic Board of the Polytechnic

25 established by this Act

26 "Statute" means a Statute made by the Polytechnic under section 11 of this

27 Act and in accordance with the provisions of section 12 of this Act;

28 "the Act" means the Federal Polytechnic, Shendam Act;

29 "the provisional Council" means the provisional Council appointed for the

30 Polytechnic by the President with effect from September 2017;

1 "teacher" means a person holding a full time appointment as a member of the
2 teaching or research staff of the Polytechnic;

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

4 "the Polytechnic" means the Federal Polytechnic, Shendam as incorporated
5 and constituted by this Act;

6 "undergraduate" means a person in *statu pupilaris* in the Polytechnic, other
7 than:

8 (a) a graduate; and

9 (b) a person of such description as may be prescribed for the purposes

Citation

10 of this definition.

11 26. This Bill may be cited as the Federal Polytechnic, Shendam
12 (Establishment) Bill, 2017.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Polytechnic, Shendam to ensure equity and access to tertiary education in the Country. The Polytechnic is a conventional Polytechnic with restricted programmes and limited and focused Departments.

FIRST SCHEDULE

Section 3(2)

*Principal Officers of the Polytechnic**The Rector*

1. The Rector shall be appointed by, and hold office at the pleasure of, the President.

The Rector

3. The procedure for the appointment and removal of the Rector shall be in accordance with the provision Section 8 of the Federal Polytechnics Act Cap F17 Laws of the Federation of Nigeria, 2004.

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

(2) The procedure for the appointment and removal of a Deputy Rector shall be in accordance with the provision of Section 9 of the Federal Polytechnics Act Cap F17 Laws of the Federation of Nigeria, 2004.

(3) A Deputy -Rector shall -

(a) assist the Rector in the performance of his functions;

(b) act in place of the Rector when the post of the 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, from time to time, assign to him.

Office of the Registrar, Bursar and Polytechnic Librarian

5.-(1) There shall be for the Polytechnic, a Registrar, who shall be the Chief Administrative Officer of the Polytechnic and shall be responsible to the Rector for the day-to- day administration of the Polytechnic 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

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

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

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

10 (7) Where the Council desires to obtain advice with respect to any
11 particular matter, it may co-opt not more than two persons for that purpose; and
12 the persons co-opted may take part in the deliberations of the Council at any
13 meeting but shall not be entitled to vote.

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

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

23 *The Finance and General Purpose Committee*

24 2.-(1) The Finance and General Purpose Committee of the Council
25 shall consist of-

26 (a) Rector, who shall be the Chairman of the Committee at any
27 meeting at which he is present;

28 (b) the Deputy - Rectors;

29 (c) six other members of the Council appointed by the Council two of
30 whom shall be selected from among the four members of the Council

1 appointed by the Academic Board and one of whom shall be selected from
2 among members of the Council appointed by the congregation; and

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

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

6 *The Academic Board*

7 3.-(1) There shall be a Academic Board for the Polytechnic
8 consisting of-

9 (a) the Rector;

10 (b) the Deputy Rectors;

11 (c) all Chief Lecturers of the Polytechnic;

12 (d) all Deans, Provosts and Directors of Academic Units of the
13 Polytechnic;

14 (e) all Heads of Academic Departments, Units and Research
15 Institutes of the Polytechnic;

16 (f) the Polytechnic Librarian; and

17 (g) academic members of the Congregation who are not Chief
18 Lecturers as specified in the Laws of the Polytechnic.

19 (2) The Rector shall be the Chairman at all meetings of the
20 Academic Board when he is present and, in his absence, one of the Deputy
21 Rectors appointed by him shall be the Chairman at the meeting.

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

25 (4) If so requested in writing by any 10 members of the Academic
26 Board, the Rector, or, in his absence a person duly appointed by him shall
27 convene a meeting of the Academic Board to be held not later than the tenth
28 day following that on which the request was received.

29 *Congregation*

30 4.-(1) The Congregation shall consist of-

- 1 (a) the Rector and the Deputy Rectors;
2 (b) the full time members of the academic staff;
3 (c) the Registrar;
4 (d) the Bursar; and
5 (e) every member of the administrative and technical staff who holds
6 a degree of any Polytechnic recognized for the purpose of this Statute by the
7 Rector, not being an honorary degree.

8 (2) Subject to section 5 of this Act, the Rector shall be the Chairman
9 at all meetings of Congregation when he is present, and in his absence, one of
10 the Deputy Rectors appointed by him shall be the Chairman at the meeting.

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

14 (4) A certificate signed by the Rector specifying-

15 (a) the total number of members of the Congregation for the purpose
16 of any particular meeting or meetings of the Congregation, or

17 (b) the names of the persons who are members of Congregation
18 during a particular period, shall be conclusive evidence of that number or as the
19 case may be of the names of those persons.

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

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

26 *The Convocation*

27 5. -(1) The Convocation shall consist of-

28 (a) the Officers of the Polytechnic mentioned in the First Schedule to
29 this Act;

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

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

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

5 (a) is either a graduate of the Polytechnic or a person satisfying
6 such requirements as may be prescribed for the purposes of this paragraph;
7 and

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

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

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

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

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

29 (7) The quorum of the Convocation shall be fifty or one-third (or
30 the whole number nearest to one-third) of the total number of members of

1 the Convocation whichever is less.

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

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

7 *Organization of Departments and Branches Thereof*

8 6. Each Department shall be divided into such number of branches as
9 may be prescribed.

10 7.-(1) There shall be established in respect of each Department, a
11 Departmental Board, which, subject to the provisions of this Act, and subject to
12 the directions of the Vice-Rector, shall -

13 (a) regulate the teaching and study of, and the conduct of
14 examinations connected with, the subjects assigned to the Department;

15 (b) deal with other matters assigned to it by Statute, the Rector or the
16 Academic Board; and

17 (c) advise the Rector or Academic Board on any matter referred to it
18 by the Rector or Academic Board.

19 (2) Each Department Board shall consists of-

20 (a) the Rector;

21 (b) the persons severally in charge of the branches of the Department;

22 (c) such number of the teachers assigned to the Department and
23 having the prescribed qualifications as the Board may determine; and

24 (d) such persons whether or not members of the Polytechnic as the
25 Board may determine with the general or special approval of Academic Board.

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

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

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The Head of The Department

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8.-(1) The Head of a Department shall be a Chief lecturer elected by the Academic Board and such Head 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 Chief Lecturer in a Department, the Rector shall appoint an acting Head of Department who shall not be below the rank of Senior Lecturer for the Department, who shall act for a period of one year in the first instance, renewable for another year only.

(3) In the absence of the Rector, the Head of Department shall be the Chairman at all meetings of the Department Board when he is present and he shall be a member of all committees and other boards appointed by the Department.

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

(5) There shall be a committee to be known as the Committee of Heads of Department which shall consist of all Heads of the several Departments and that committee shall advise the Rector on all matters referred to the Committee by the Academic Board.

(6) The Head of a Department may be removed from office for a good cause by the Department 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 Head of Department, an Acting Head of Department may be appointed by the Rector provided that at the next Department board meeting an election shall be held for a new Head of Department.

(7) In this article, "good cause" has the same meaning as in section

1 17 (4) of this Act.

2 *Selection of certain Principal and other key Officers*

3 9.-(1) When a vacancy occurs in the Office of the Registrar, Bursar,
4 the Polytechnic Librarian, Director of Works or Director of Health Services, a
5 Selection Board shall be constituted by the Council and shall consist of-

6 (a) the Rector;

7 (b) the Deputy Rectors;

8 (c) two members appointed by the Council, not being members of
9 Academic Board; and

10 (d) two members appointed by the Academic Board not being
11 members of Council.

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

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

19 *Creation of Academic Post*

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

23 *Appointment of Academic Staff*

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

27 *Appointment of Administrative and Technical Staff*

28 12.-(1) The administrative and technical staff of the Polytechnic,
29 other than those mentioned in paragraph 9 of this Schedule, shall be appointed
30 by the Council or on its behalf by the Rector or the Registrar in accordance with

- 1 any delegation of powers made by the Council in that behalf.
- 2 (2) In the case of administrative or technical staff that has close and
- 3 important contacts with the academic staff, there shall be Academic Board
- 4 participation in the process of selection.

