

FEDERAL UNIVERSITY ABA, BILL 2017

ARRANGEMENT OF CLAUSES

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FIRST SCHEDULE

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A BILL

FOR

AN ACT TO ESTABLISH FEDERAL UNIVERSITY ABA, ABIA STATE TO ENSURE EQUITY AND ACCESS TO TERTIARY EDUCATION IN THE COUNTRY. THE UNIVERSITY IS A CONVENTIONAL UNIVERSITY WITH RESTRICTED PROGRAMMES AND LIMITED AND FOCUSED FACULTIES AND FOR RELATED MATTERS

Sponsored by Hon. Solomon Araelu

[] Commencement

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

PART I - ESTABLISHMENT OF FEDERAL UNIVERSITY ABA AND ITS

GOVERNING COUNCIL

1.-(1) There is established, a body to be known as the Federal University Aba, (in this Bill referred to as "the University").

Establishment of Federal University Aba

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

(3) The University may acquire, hold and dispose of movable and immovable property for the purpose of its functions.

2. The objects of the University shall be to:

Objectives of the University

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

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

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

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

3 (e) undertake other activities appropriate for the highest standard of
4 an Institute.

Establishment
and composition
of the Governing
Council

5 3.-(1) There is established a Governing Council for the University (in
6 this Bill referred to as "the Council"), which Council shall consist of:

7 (a) Chancellor;

8 (b) Pro-Chancellor;

9 (c) Vice Chancellor;

10 (d) two Deputy Vice Chancellor;

11 (e) a body to be called Congregation;

12 (f) a body to be called Convocation;

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

14 (h) the faculties, schools, and other teaching and research units of the
15 University;

16 (i) the persons holding the offices constituted by the First Schedule to
17 this Bill other than those mentioned in paragraphs (a) to (c) of this sub-clause;

18 (j) all graduates and undergraduates;

19 (k) a representative of National Universities Commission, not below
20 directorate grade; and

21 (l) all other persons who are members of the University in accordance
22 with provisions made by Statute in that behalf.

First Schedule

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

25 (3) A provision shall be made by a Statute with respect to the
26 constitution of the following bodies:

27 (a) the Council;

28 (b) the Senate;

29 (c) the Congregation; and

30 (d) the Convocation.

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

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

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

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

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

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

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

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

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

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

30 (j) enter into contracts, establish trusts, act as trustee, solely or

1 jointly with any other person, and employ and act through agents;

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

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

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

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

20 (o) make gifts for any charitable purpose;

21 (p) do anything which it is authorized or required by this Act or by any
22 other Statute to do; and (q) do all such acts or things, whether or not incidental
23 to the foregoing powers, as may advance the objects of the University.

24 (2) Subject to the provisions of this Act and of the Statutes made there
25 under and without prejudice to Clause 9 (2) of this Bill, the powers conferred
26 on the University by sub- clause (l) of this Clause shall be exercisable on behalf
27 of the University by the Council or by the Senate or in any other manner which
28 may be authorized by this Bill.

29 5.-(1) The Chancellor shall in relation to the University, take
30 precedence before all other members of the University, and when he is present

1 shall preside at all meetings of convocation held for conferring degrees.

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

7 6.-(1) There shall be a Council for the University consisting of:

8 (a) the Pro-Chancellor;

9 (b) the Vice Chancellor;

10 (c) the Deputies Vice Chancellor;

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

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

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

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

18 (h) one person appointed by the Convocation from among its
19 members.

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

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

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

Establishment
and membership
of the Council

Council and other
Committee of
the University

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

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

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

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

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

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

24 (9) If required in writing by five members of the Council, the
25 Chairman shall within, 28 days after the receipt of such request, call a meeting
26 of the Council, provided that if after 28 days of the receipt or delivering to him
27 of 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 Clause 5 of this Bill and sub-clauses (3) and (4) of
2 this Clause and to the provisions of this Bill relating to the Visitor, it shall be
3 the general function of the Senate to organize and control teaching in the
4 University, admission to Post-graduate courses and other admission of
5 students, the discipline of students and to promote research in the
6 University.

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 Senate to make provision for the:

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

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

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

19 (d) making of recommendations to "the 'Council with respect to
20 the award to any person of an honorary fellowship or honorary degree or the
21 title of professor emeritus;

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

24 (f) supervision of the welfare of students in the University and the
25 regulation of their conduct; (g) granting of fellowships, scholarships, prizes
26 and similar awards in so far as the awards are within the control of the
27 University; and

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

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

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

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

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

Vice Chancellor
to take precedence
in the absence
of Chancellor

21 9.-(1) The Vice Chancellor shall, in relation to the University, take
22 precedence before all other members of the University except the Chancellor
23 and, subject to section 5 of this Act, the Pro-Chancellor and any other person
24 for the time being acting as Chairman of the Council.

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

PART II - STATUTES OF THE UNIVERSITY

10.-(1) Subject to this Bill, the University may make Statutes for
 any of the following purposes:

Statutes of the
 University

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

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

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

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

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

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

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

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

Second Schedule

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

Power to make
 and approve
 Statutes

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

(a) Senate, by the votes of not less than two thirds of the members

1 present and voting; and

2 (b) Council by the votes of not less than two thirds of the members
3 present and voting.

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

7 (4) A Statute which:

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

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

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

Proof of Statute
in Court

19 12. A Statute may be proved in any court by the production of a copy
20 thereof bearing or having affixed to it a certificate signed by the Vice
21 Chancellor or the Registrar to the effect that the copy is a true copy of a Statute
22 of that Institute.

Visitor's decision
in case of dispute

23 13.-(1) In the event of any doubt or dispute arising at any time as to the
24 meaning of any provision of a Statute, the matter may be referred to the Visitor,
25 who shall take such advice and make such decision thereon as he deems fit.

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

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

5 (3) The provisions of this section shall apply in relation to any
6 doubt or dispute as to whether any matter is, for the purposes of this Bill, an
7 academic or non-academic matter
8 as they apply in relation to any such doubt or dispute as is mentioned in
9 subsection (1) of this section, and accordingly the reference in subsection

10 (2) of this section to any question as to the meaning of any
11 provision of the Statute shall include references to any question as to
12 whether any matter is for the said purposes an academic or Proof of Statute
13 in court Visitor's decision in case of dispute in academic or non-academic
14 matter.

15 PART III - SUPERVISION AND DISCIPLINE

16 14.-(1) The President shall be the Visitor of the University.

Supervision and
discipline

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

21 (3) The bodies and persons comprising the University Shall:

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

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

28 15.-(1) If it appears to the Council that a member (other than Pro-
29 Chancellor or the Vice Chancellor) should be removed from office on
30 grounds of misconduct or inability to perform the functions of his office, the

Removal of
members

1 Council shall make a recommendation to that effect through the Minister to the
2 Federal Executive Council and if the Federal Executive Council, after making
3 such enquiries (if any) as may be considered necessary, approves the
4 recommendation, it may direct the removal of the member from office.

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

Grounds and
procedure for
removal of
members

8 16.-(1) If it appears to the Council that there are reasons for believing
9 that any person employed as a member of the academic, administrative or
10 professional staff of the University, other than the Vice Chancellor, should be
11 removed from office or on grounds of misconduct or inability to perform the
12 functions of his office Council shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (6) Where the Council, pursuant to this section, decides to continue

1 a person's suspension or decides to take further disciplinary action against the
2 person, the Council shall, before the expiration of three months from such
3 decision, come to a final determination in respect of the case concerning such a
4 person.

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

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

Removal of
examiner

12 17.-(1) If, on the recommendation of the Vice Chancellor or, it
13 Examiner appears to the Senate that a person appointed as an examiner for any
14 examination of the University ought to be removed from his office or
15 appointment, then, the Senate may, after affording the examiner an opportunity
16 of making representations in person on the matter, direct the Vice Chancellor to
17 remove the examiner by an instrument in writing signed by the Registrar.

18 (2) Subject to the provisions of any regulation made under this Bill,
19 the Vice Chancellor may, on the recommendation of Senate, appoint an
20 appropriate person as examiner in the place of the examiner removed.

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

Disciplinary
action on
students

24 18.-(1) Subject to the provisions of this section, where it appears to
25 the Vice Chancellor that any student is guilty of misconduct, the Vice
26 Chancellor may, without prejudice to any other disciplinary powers conferred
27 on him by Statute or regulations, direct that the:

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

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

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

6 (d) student be expelled from the University.

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

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

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

18 (5) The Vice Chancellor may delegate his powers under this
19 section to a disciplinary board consisting of such members of the University
20 as he may nominate.

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

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

27 PART IV - MISCELLANEOUS AND GENERAL PROVISIONS

28 19.-(1) No person shall be required to satisfy requirements as to
29 race (including ethnic grouping) sex, place of birth, family origin, religious
30 or political persuasion, as a condition for becoming or continuing to be a:

Discrimination

- 1 (a) student in the University;
- 2 (b) holder of any degree, appointment or employment in the
- 3 University; or
- 4 (c) member of anybody established by virtue of this Bill.

5 (2) No person shall be subjected to any disadvantage or accorded any

6 advantage in relation to the University by reference to any of the matters

7 referred to in subsection (1) of this section.

8 (3) Nothing in subsection (1) of this section shall be construed as

9 preventing the University from imposing any disability or restriction on any of

10 the persons specified in subsection (1) of this section, where such persons

11 willfully refuse or fail on grounds of religious belief to undertake any duty

12 generally and uniformly imposed on all such persons or any group of them

13 which duty, having regard to its nature and the special circumstances, is in the

14 opinion of the University reasonably justifiable in the national interest.

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

15 20.-(1) For the purpose of the Land Use Act, which provides for the

16 compulsory acquisition of land for public purposes, any purpose of the

17 University shall be the same as that of the Federation.

18 (2) Where an estate or interest in land is acquired by the Government

19 pursuant to this section, the Government may, by a certificate under the hand

20 and seal of the Chief Federal Lands Officer or any other person authorized in

21 that behalf transfer it to the University.

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

22 21. Without prejudice to the provisions of the Land Use Act, the

23 University shall not dispose of or charge any land or an interest in any land,

24 including any land transferred to the University by this Act, except with the

25 prior written consent, either general or special, of the Visitor;

26 Provided that such consent shall not be required in the case of any lease or

27 tenancy at a rack-rent for a term not exceeding 21 years of any lease or tenancy

28 to a member of the University for residential purpose.

Quorum

29 22. Except as may be otherwise provided by Statute or by regulation,

30 the quorum and procedure of any body of persons established by this Act shall

1 be such as may be determined by that body.

2 23.-(1) Anybody of persons established by this Act shall, without Committees
3 prejudice to the generality of the powers of that body, have power to appoint
4 committees, which need not consist exclusively of members of that body
5 and authorize a committee established by it to:

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

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

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

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

19 (4) The Pro-Chancellor and the Vice Chancellor shall be members
20 of every committee of which the members are wholly or partly appointed by
21 the Council, other than a committee appointed to inquire into the conduct of
22 the officer in question and the Vice Chancellor shall be a member of every
23 committee of which the members are wholly or partly appointed by the
24 Senate.

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

26 (a) statutes to be made otherwise than in accordance with section
27 11 or this Bill; or

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

Seal of the
University

1 24.-(1) The seal of the University shall be such as may be determined
2 by the Council and approved by the Chancellor and the affixing of the seal
3 shall:

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

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

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

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

16 (4) The validity of the proceedings of anybody established pursuant to
17 this Bill shall not be affected by:

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

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

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

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

Cap. 1123, 2004

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

28 (7) The power conferred by this Bill on anybody to make Statutes or
29 Regulations shall include power to revoke or vary any:

30 (a) Statute, including the Statute contained in the Second Schedule to

1 this Bill.; or

2 (b) Regulation by a subsequent Statute or Regulation as the case
3 may be, provided that the Statutes and Regulations may have different
4 provisions in relation to different circumstances.

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

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

11 25. Where in any provisions of this Bill, it is laid down that
12 proposals are to be submitted or a recommendation is to be made by one
13 authority to another through one or more intermediate authorities, every
14 such intermediate authority shall forward any proposal or recommendation
15 received by it pursuant to that provision to the appropriate authority; but any
16 such intermediate authority may, if it thinks fit, forward therewith its own
17 comments thereon.

Proposal and
recommendation

18 26. A person who has a cause of action against the University shall:

Pre-action notice

19 (a) give the University three months' notice, in writing, of intention
20 to commence an action, disclosing the cause of action and served the
21 processes to the principal office of the University; and

22 (b) commence the legal action within two years from the date the
23 cause of action arose.

24 27. In this Bill:

Interpretation

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

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

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

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

30 "Government" means the Federal Government of Nigeria;

- 1 "Graduate" means a person on whom a degree, other than an honorary degree,
2 has been conferred by the University to him;
- 3 "Gross misconduct" means any act of misconduct and improper behavior that
4 may be designated as gross misconduct by any Statute or regulation made,
5 under this Bill;
- 6 "Minister" means the Minister charged with responsibility for education;
- 7 "Misconduct" means any conduct which is prejudicial to the good name of the
8 University and or discipline and the proper administration of the business of
9 the University;
- 10 "Officer" does not include the Visitor;
- 11 "Prescribed" means prescribed by Statute or regulation made under this Bill;
- 12 "Professor" means a person designated as a professor of the University in
13 accordance with provisions made in that behalf by Statute or regulations;
- 14 "Property" includes rights, liabilities and obligations;
- 15 "regulations" means regulations made by the Senate or Council;
- 16 "Senate" means the Senate of the University established by this Bill,
- 17 "Statute" means a Statute made by the University under section 11 of this Bill;
- 18 "The provisional Council" means the provisional Council appointed for the
19 University by the President;
- 20 "Teacher" means a person holding a full time appointment as a member of the
21 teaching or research staff of the University; and
- 22 "The University" means the Federal University Aba, Abia State.

Citation

23 28. This Bill is cited as Federal University Aba, Bill, 2017.

FIRST SCHEDULE

PRINCIPAL OFFICERS OF THE UNIVERSITY

The Chancellor

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

The Pro-Chancellor

2. The Pro-Chancellor shall be appointed or removed from office by the President.

The Vice Chancellor

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

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

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

(3) A Deputy Vice Chancellor shall:

(a) assist the Vice Chancellor in the performance of his functions under Section 3(2) (b), act in place of the Vice Chancellor when the post of the Vice Chancellor is vacant or if the Vice Chancellor is, for any reason, absent or unable to perform his functions as Vice Chancellor; and

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

Office of the Registrar, Bursar and Institute Librarian

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

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

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

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

8 6.-(1) There shall be for the University, the following Principal
9 Officers in addition to the Registrar:

10 (a) the Bursar; and

11 (b) the University Librarian.

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

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

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

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

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

1 9.-(1) Any officer mentioned in this Schedule may resign his office
 2 in:
 3 (a) the case of the Chancellor or Pro-Chancellor, by notice to the
 4 Visitor;
 5 (b) in the case of the Vice Chancellor, by notice to the Council
 6 which shall immediately notify the Minister.

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

SECOND SCHEDULE

FEDERAL UNIVERSITY ABA STATUTE NO.1

Articles:

- 13 1. The Council
- 14 2. Finance and General Purpose Committee
- 15 3. The Senate
- 16 4. The Congregation
- 17 5. The Convocation
- 18 6. Organization of Faculties and the Branches thereof
- 19 7. Faculty Board
- 20 8. The Dean of the Faculty
- 21 9. Selection of certain Principal and other key officers
- 22 10. Creation of Academic Post
- 23 11. Appointment of Academic Staff
- 24 12. Appointment of Administrative and Technical Staff

The Council

26 1.-(1) Any member of Council holding office pursuant to section
 27 6(e) (f) (g) or (h) of this Bill may, by notice to the Council resign his office.
 28 (2) A member of Council holding office pursuant to section 6(e) (f)
 29 (g) or (h) of this Bill shall, unless he previously vacates it, vacate that office
 30 on the expiration of a period of four years starting.

1 (3) Where a member of Council holding office pursuant to section
2 6(e) (f) (g) or (h) of this Bill vacates office before the expiration of his tenure,
3 the body that appointed him may appoint a successor to hold office for the
4 residue of his unexpired term.

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

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

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

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

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

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

26 *The Finance and General Purpose Committee*

27 2.-(1) The Finance and General Purpose Committee of the Council
28 shall consist of:

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

1 (b) the Vice Chancellor and a Deputy Vice Chancellor;
2 (c) six other members of the Council appointed by the Council two
3 of whom shall be selected from among the four members of the Council
4 appointed by the Senate and one of whom shall be selected from among
5 members of the Council appointed by the congregation; and
6 (d) the Permanent Secretary, Federal Ministry of Education or, in
7 his absence, such member of his Ministry as he may designate to represent
8 him.

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

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

12 *The Senate*

13 3.-(1) There shall be a Senate for the University consisting of:

14 (a) the Vice Chancellor;

15 (b) the Deputy Vice Chancellor s;

16 (c) all Professors of the University;

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

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

21 (f) the University Librarian; and

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

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

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

30 (4) If so requested in writing by any 10 members of the Senate, the

1 Vice Chancellor, or, in his absence a person duly appointed by him shall
2 convene a meeting of the Senate to be held not later than the tenth day
3 following that on which the request was received.

4 *Congregation*

5 4.-(1) The Congregation shall consist of:

6 (a) the Vice Chancellor and the Deputy Vice Chancellors;

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

8 (c) the Registrar;

9 (d) the Bursar; and

10 (e) every member of the administrative and technical staff who holds

11 a degree of any Institute recognized for the purpose of this Statute by the Vice
12 Chancellor, not being an honorary degree.

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

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

20 (4) A certificate signed by the Vice Chancellor specifying:

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

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

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

28 (6) The Congregation shall be entitled to express by resolution or
29 otherwise, its opinion on all matters affecting the interest and welfare of the
30 University and shall have such other functions in addition to the function of

1 electing a member of the Council, as may be provided by Statute or
2 regulations.

3 *The Convocation*

4 5.-(1) The Convocation shall consist of:

5 (a) the Officers of the University mentioned in the First Schedule to
6 this Bill;

7 (b) all teachers within the meaning of this Bill; and

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

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

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

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

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

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

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

29 (6) The register shall, unless the contrary is proved, be sufficient
30 evidence that any person named therein is, and that any person not named

1 therein is not, a member of the convocation; but for the purpose of ascertaining
2 whether a particular person was such a member on a particular date, any entry
3 in, and deletion from, the register made on or after that date shall be
4 disregarded.

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

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

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

13 *Organization of Faculties and Branches Thereof*

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

16 7.-(1) There shall be established in respect of each Faculty, a Faculty
17 Board, which, subject to the provisions of this Bill, and subject to the directions
18 of the Vice Chancellor, shall:

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

21 (b) deal with other matters assigned to it by Statute, the Vice
22 Chancellor or the Senate; and (c) advise the Vice Chancellor or Senate on any
23 matter referred to it by the Vice Chancellor or Senate.

24 (2) Each Faculty Board shall consists of:

25 (a) the Vice Chancellor;

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

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

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

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

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

5 *The Dean of the Faculty*

6 8.-(1) The Dean of a faculty shall be a professor elected by the
7 Faculty Board and such Dean shall hold office for a term of two years and
8 may be eligible for re-election for another term of two years after which he
9 may not be elected again until two years have elapsed.

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

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

18 (4) The Dean of a faculty shall exercise general superintendence
19 over the teaching and administrative affairs of the faculty and shall present
20 to the Convocation for the conferral of Degrees, persons who have
21 qualified for the Degree for the University at examinations held in the
22 branches of learning to which his responsibility is allocated to that faculty.

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

27 (6) The Dean of a faculty may be removed from office for a good
28 cause by the Faculty Board after a vote would have been taken at a meeting
29 of the Board, and in the event of a vacancy occurring following the removal
30 of the Dean, an Acting Dean may be appointed by the Vice Chancellor

1 provided that at the next ~~faculty board meeting an election shall be held~~ for a
2 new Dean.

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

5 *Selection of Certain Principal and Other Key Officers*

6 9.-(1) When a vacancy occurs in the Office of the Registrar, Bursar,
7 the University Librarian, Director of Works or Director of Health Services, a
8 Selection Board shall be constituted by the Council and shall consist of:

9 (a) the Pro-Chancellor;

10 (b) the Vice Chancellor;

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

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

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

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

22 *Creation of Academic Post*

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

26 *Appointment of Academic Staff*

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

1 *Appointment of Technical Staff Administrative and Technical Staff*

2 12.-(1) The administrative and technical staff of the University,
3 other than those mentioned in paragraph 9 of this Schedule, shall be
4 appointed by the Council or on its behalf by the Vice Chancellor or the
5 Registrar in accordance with any delegation of powers made by the Council
6 in that behalf.

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish Federal University *Aba* to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.

the following information regarding the
employment of the individual named in the
above captioned report. The individual
named in the above captioned report
was employed by the individual named
in the above captioned report from
the date of the above captioned report
to the date of the above captioned report.
The individual named in the above
captioned report was employed by the
individual named in the above captioned
report from the date of the above
captioned report to the date of the
above captioned report.

The individual named in the above
captioned report was employed by the
individual named in the above captioned
report from the date of the above
captioned report to the date of the
above captioned report.