

FEDERAL POLYTECHNIC OWAZA-ASA, ABIA STATE
(ESTABLISHMENT) BILL, 2017

ARRANGEMENT OF CLAUSES

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FEDERAL POLYTECHNIC, OWAZA-ASA

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SCHEDULES



A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL POLYTECHNIC, OWAZA-ASA, ABIA STATE TO PROVIDE FOR EQUITY AND ACCESS TO TERTIARY EDUCATION IN THE COUNTRY, MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT AND ADMINISTRATION AND FOR RELATED MATTERS

Sponsored by Hon. Uzoma Nkem-Abonta

[] Commencement

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

PART I- ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF FEDERAL POLYTECHNIC, OWAZA-ASA

1 1.-(1) There is established the Federal Polytechnic, Owaza-Asa (in
2 this Act referred to as "the Polytechnic").

Establishment of
Federal Polytechnic
Owaza-Asa,
Abia State

3 (2) The Polytechnic-

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

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

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

Objects of the
Polytechnic

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

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

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

17 (d) relate its activities to the social, cultural and economic needs of

1 the people of Nigeria; and
 2 (e) undertake other activities appropriate for a Polytechnic of the
 3 highest standard.

Membership of
 the Polytechnic

4 **3.-(1)** The Polytechnic shall consist of-

- 5 (a) Rector;
- 6 (b) two Deputy Deputy-Rectors or such number of Deputy-Rectors as
 7 the council may, from time to time, deem necessary for the proper
 8 administration of the Polytechnic;
- 9 (c) a body to be called Congregation;
- 10 (d) a body to be called Convocation;
- 11 (e) the campuses and colleges of the Polytechnic;
- 12 (f) the Departments, schools, institutes and other teaching and
 13 research units of the Polytechnic;
- 14 (g) the persons holding the offices constituted by the First Schedule
 15 to this Act other than those mentioned in paragraphs (a) to (c) of this
 16 subsection;
- 17 (h) all graduates and undergraduates; and
- 18 (i) all other persons who are members of the Polytechnic in
 19 accordance with provisions made by Statute in that behalf.

20 *First Schedule*

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

23 (3) A provision shall be made by a Statute with respect to the
 24 constitution of the following bodies-

- 25 (a) the Council;
- 26 (b) the Academic Board;
- 27 (c) the Congregation; and
- 28 (d) the Convocation.

Functions of
 the Polytechnic

29 **4.-(1)** For the carrying out of its objects as specified in section 2 of this
 30 Act, the Polytechnic shall have power to-

- 1 (a) establish such campuses, departments, institutes, schools,
2 extra-mural departments and other teaching and research units within the
3 Polytechnic as may, from time to time, seem necessary or desirable, subject
4 to the approval of the National Board for Technical Education (NBTE);
- 5 (b) institute Chief Lectureships, readerships and associate Chief
6 Lectureships, lectureships and other posts and offices and to make
7 appointments thereto;
- 8 (c) institute and award fellowships, scholarships, exhibitions,
9 bursaries, medals, prizes and other titles, distinctions, awards and forms of
10 assistance;
- 11 (d) provide for the residence, discipline and welfare of members of
12 the Polytechnic;
- 13 (e) hold examinations and award degrees, diplomas, certificates
14 and other distinctions to persons who have pursued a course of study
15 approved by the Polytechnic and have satisfied such other requirements as
16 the Polytechnic may lay down;
- 17 (f) award honorary degrees, fellowships or academic titles;
- 18 (g) demand and receive from any student or any other person
19 attending the Polytechnic for the purpose of instruction such fees as the
20 Polytechnic may, from time to time determine, subject to the overall
21 directives of the appropriate authority;
- 22 (h) subject to section 22 of this Act, to acquire, hold, grant, charge
23 or otherwise deal with or dispose of movable and immovable property
24 wherever situate;
- 25 (i) accept gifts, legacies and donations, but without obligation to
26 accept the same for a particular purpose unless it approves the terms and
27 conditions attaching thereto;
- 28 (j) enter into contracts, establish trusts, act as trustee, solely or
29 jointly with any other person, and employ and act through agents;
- 30 (k) erect, provide, equip and maintain libraries, laboratories,

1 lecture halls, halls of residence, refectories, sports grounds, playing fields and
2 other buildings or things necessary, suitable or convenient for any of the
3 objects of the Polytechnic;

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

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

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

18 (o) make gifts for any charitable purpose;

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

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

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

28 5.-(1) The Rector shall in relation to the Polytechnic, take precedence
29 before all other members of the Polytechnic, and when he is present shall

1 preside at all meetings of convocation held for conferring degrees and
2 diplomas.

3 (2) Subject to the provisions of this Act, the Rector shall have
4 general function, in addition to any other function conferred on him by this
5 Act or otherwise; of directing the activities of the Polytechnic, and shall, to
6 the exclusion of any other person or authority, be the chief executive and
7 academic officer of the Polytechnic and ex-officio Chairman of the
8 Academic Board.

9 6.-(1) There shall be a Council for the Polytechnic consisting of:

Establishment
and membership
of the Council

10 (a) the Rector;

11 (b) Deputy-Rector (Academics);

12 (c) Deputy -Rectors (Administration);

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

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

16 (f) four persons appointed by the Academic Board from among its
17 members;

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

20 (h) one person appointed by the Convocation from among its
21 members.

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

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

Council and
other Committees
of the Polytechnic

29 (2) There shall be a committee of the Council to be known as the
30 Finance and General Purposes Committee, which shall, subject to the

1 directions of the Council, exercise control over the property and expenditure of
2 the Council as the Council may from time to time delegate to it.

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

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

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

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

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

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

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

30 PROVIDED that if after 28 days of the receipt or delivering to him of

1 such request, the Chairman fails or neglects to call a meeting, the Registrar
2 shall, within 14 days thereof, cause a meeting of the Council to be convened
3 for that purpose and the request shall specify the business to be considered at
4 the meeting and no business not so specified shall be transacted at that
5 meeting.

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

Functions of the
Academic Board

12 (2) Without prejudice to the generality of the provisions of
13 subsection (1) of this section, it shall in particular be the function of the
14 Academic Board to make provision for the-

15 (a) establishment, organization and control of campuses,
16 departments, schools, institutes and other teaching and research units of the
17 Polytechnic, and the allocation of responsibility for different branches of
18 learning;

19 (b) organization and control of technical courses of study in the
20 Polytechnic and of the examinations held in conjunction with those
21 technical courses, including the appointment of examiners, both internal
22 and external;

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

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

28 (e) supervision of the welfare of students in the Polytechnic and the
29 regulation of their conduct;

30 (f) granting of fellowships, scholarships, prizes and similar awards

1 in so far as the awards are within the control of the Polytechnic; and

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

4 (3) The Academic Board shall not establish any new campus,
5 department, school, institute or other teaching and research units of the
6 Polytechnic, or any hall of residence or similar institution at the Polytechnic
7 without the approval of the Council.

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

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

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

24 PART II - STATUTES OF THE POLYTECHNIC

25 9.-(1) Subject to this Act, the Polytechnic may make Statutes for any
26 of the following purposes-

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

29 (b) specifying and regulating the powers and duties of any authority
30 of the Polytechnic, and regulating any other matter connected with the

1 Polytechnic or any of its authorities;

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

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

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

9 *Cap. 1123 LFN, 2004*

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

13 *Third Schedule*

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

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

21 **10.-(1)** The power of the Polytechnic to make Statutes shall be
22 exercised in accordance with the provisions of this section.

Power to make
and approve
Statutes

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

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

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

29 (3) A proposed Statute may originate either in the Academic Board
30 or Council, and may be approved as required by subsection (2) of this

1 section by both bodies in no particular order.

2 (4) A Statute which-

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

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

9 *Cap. 1123 LFN, 2004*

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

Proof of Statute
in Court

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

Visitor's decision
in case of dispute

19 12.-(1) In the event of any doubt or dispute arising at any time as to the
20 meaning of any provision of a Statute, the matter may be referred to the Visitor,
21 who shall take such advice and make such decision thereon as he deems fit.

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

28 Provided that nothing in this subsection shall affect the power of a
29 court of competent jurisdiction to determine whether any provision of a Statute

1 is wholly or partly void as being ultra vires or as being inconsistent with the
2 Constitution.

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

11 PART III - SUPERVISION AND DISCIPLINE

12 13.- (1) The Minister of Education shall be the Visitor of the
13 Polytechnic.

Supervision and
Discipline

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

18 (3) The bodies and persons comprising the Polytechnic Shall -

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

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

25 14.- (1) If it appears to the Council that a member (other than the
26 Rector) should be removed from office on grounds of misconduct or
27 inability to perform the functions of his office, the Council shall make a
28 recommendation to that effect through the Minister to the Federal Executive
29 Council and if the Federal Executive Council, after making such enquiries
30 (if any) as may be considered necessary, approves the recommendation it

Removal of
members

1 may direct the removal of the member from office.

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

Grounds and
procedure for
removal of
members

5 15.-(1) If it appears to the Council that there are reasons for believing
6 that any person employed as a member of the academic, administrative or
7 professional staff of the Polytechnic, other than the Rector, should be removed
8 from office or on grounds of misconduct or inability to perform the functions of
9 his office Council shall -

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

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

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

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

17 (a) a joint committee of the Council and the Academic Board to
18 review the matter and to report on it to the Council;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 concerning such a person.

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

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

Removal of
Examiner

9 16.-(1) If, on the recommendation of the Rector, it appears to the
10 Academic Board that a person appointed as an examiner for any examination
11 of the Polytechnic ought to be removed from his office or appointment, then,
12 the Academic Board may, after affording the examiner an opportunity of
13 making representations in person on the matter, direct the Rector to remove the
14 examiner by an instrument in writing signed by the Registrar.

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

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

Disciplinary
action on students

22 17.-(1) Subject to the provisions of this section, where it appears to
23 the Rector that any student is guilty of misconduct, the Rector may, without
24 prejudice to any other disciplinary powers conferred on him by Statute or
25 regulations, direct that the-

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

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

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

3 (d) student be expelled from the Polytechnic.

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

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

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

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

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

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

24 PART IV - MISCELLANEOUS AND GENERAL PROVISIONS

25 18.-(1) No person shall be required to satisfy requirements as to
26 race (including ethnic grouping) sex, place of birth, family origin, religious
27 or political persuasion, as a condition for becoming or continuing to be a -

28 (a) student in the Polytechnic;

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

A student not to
be discriminated
against

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

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

5 (3) Nothing in subsection (1) of this section shall be construed as
6 preventing the Polytechnic from imposing any disability or restriction on any
7 of the persons specified in subsection (1) of this section where such persons
8 willfully refuse or fail on grounds of religious belief to undertake any duty
9 generally and uniformly imposed on all such persons or any group of them
10 which duty, having regard to its nature and the special circumstances, is in the
11 opinion of the Polytechnic reasonably justifiable in the national interest.

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

12 19.-(1) For the purpose of the Land Use Act (which provides for the
13 compulsory acquisition of land for public purposes) any purpose of the
14 Polytechnic shall be the same as that of the Federation.

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

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

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

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

Quorum

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

Committees

29 22.-(1) Any body of person established by this Act shall, without
30 prejudice to the generality of the powers of that body, have power to appoint

1 committees, which need not consist exclusively of members of that body
2 and authorize a committee established by it to-

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

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

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

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

16 (4) The Rector and the Deputy-Rectors shall be members of every
17 committee of which the members are wholly or partly appointed by the
18 Council, (other than a committee appointed to inquire into the conduct of the
19 officer in question) and the Rector shall be a member of every committee of
20 which the members are wholly or partly appointed by the Academic Board.

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

22 (a) statutes to be made otherwise than in accordance with section
23 11 or this Act; or

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

26 23.-(1) The seal of the Polytechnic shall be such as may be
27 determined by the Council and approved by the Rector and the affixing of
28 the seal shall:

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

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

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

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

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

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

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

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

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

20 *Cap. 1123, 2004.*

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

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

26 *Second Schedule*

27 (a) Statute (including the Statute contained in the Second Schedule to
28 this Act); or

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

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

3 24. Where in any provisions of this Act, it is laid down that
4 proposals are to be submitted or a recommendation is to be made by one
5 authority to another through one or more intermediate authorities, every
6 such intermediate authority shall forward any proposal or recommendation
7 received by it pursuant to that provision to the appropriate authority; but any
8 such intermediate authority may, if it thinks fit, forward therewith its own
9 comments thereon.

Proposals and
recommendation

10 25. In this Act-

Interpretation

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

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

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

15 "Government" means the Federal Government of Nigeria;

16 "graduate" means a person on whom a degree/diploma (other than an
17 honorary degree) has been conferred by the Polytechnic;

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

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

22 "misconduct" means any conduct which is prejudicial to the good name of
23 the Polytechnic and or discipline and the proper administration of the
24 business of the Polytechnic;

25 "notice" means notice in writing;

26 "officer" does not include the Visitor;

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

28 "Chief Lecturer" means a person designated as a Chief Lecturer of the
29 Polytechnic in accordance with provisions made in that behalf by Statute or
30 by regulations;

- 1 "property" includes rights, liabilities and obligations;
- 2 "regulations" means regulations made by the Academic Board or Council;
- 3 "Academic Board" means the Academic Board of the Polytechnic established
- 4 by this Act;
- 5 "Statute" means a Statute made by the Polytechnic under section 11 of this Act
- 6 and in accordance with the provisions of section 12 of this Act;
- 7 "the Act" means the Federal Polytechnic, Owaza-Asa Act.
- 8 "the provisional Council" means the provisional Council appointed for the
- 9 Polytechnic by the President with effect from September 2017;
- 10 "teacher" means a person holding a full time appointment as a member of the
- 11 teaching or research staff of the Polytechnic;
- 12 "the Statutes" means all such Statutes as are in force from time to time;
- 13 "the Polytechnic" means the Federal Polytechnic, Owaza-Asa as incorporated
- 14 and constituted by this Act; and
- 15 "undergraduate" means a person in statu pupillari in the Polytechnic, other than-
- 16 (a) a graduate; and
- 17 (b) a person of such description as may be prescribed for the purposes
- 18 of this definition.

Citation

19 26. This Bill may be cited as the Federal Polytechnic, Owaza-Asa

20 (Establishment) Bill, 2017.

21 EXPLANATORY MEMORANDUM

22 This Bill seeks to establish the Federal Polytechnic, Owaza-Asa to ensure

23 equity and access to tertiary education in the Country. The Polytechnic is a

24 conventional Polytechnic with restricted programmes and limited and focused

25 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

2. 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.

3.-(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

4.-(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 that office, be Secretary to the Council, the Academic Board, Congregation and
2 Convocation.

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

6 5.-(1) There shall be for the Polytechnic, the following Principal
7 Officers in addition to the Registrar-

8 (a) the Bursar; and

9 (b) the Polytechnic Librarian.

10 (2) The Bursar shall be the Chief Financial Officer of the Polytechnic
11 and shall be responsible to the Vice- Rector for the day-to-day administration
12 and control of the financial affairs of the Polytechnic.

13 (3) The Polytechnic Librarian shall be responsible to the Rector for
14 the administration of the Polytechnic Library and the co-ordination of all
15 library services in the Polytechnic and its campuses, colleges, Departments,
16 schools, departments and institutes and other teaching or research units.

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

20 6. There shall be for the Polytechnic, a Director of Works, who shall
21 be responsible to the Rector for the administration of the Works Department,
22 and shall be responsible for all works, services and maintenance of Polytechnic
23 facilities.

24 7. There shall be for the Polytechnic, a Director of Health Services,
25 who shall be responsible to the Rector for the administration of the Health
26 Centre and he shall be the Chief Medical Officer of the Polytechnic and shall
27 coordinate all matters relating to the health of all staff and students.

28 8.-(1) Any officer mentioned in this Schedule may resign his office in-

29 (a) the case of the Rector or Pro-Rector, by notice to the Visitor;

30 (b) in the case of the Rector, by notice to the Council which shall

1 immediately notify the Minister.

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

5 SECOND SCHEDULE

6 FEDERAL POLYTECHNIC, OWAZA-ASA STATUTE NO. 1

7 Articles

- 8 1. The Council
9 2. Finance and General Purpose Committee
10 3. The Academic Board
11 4. The Congregation
12 5. The Convocation
13 6. Organisation of Departments and the Branches thereof
14 7. Departmental Board
15 8. The Dean of Studies
16 9. Selection of certain principal and other key officers
17 10. Creation of Academic Post
18 11. Appointment of Academic Staff
19 12. Appointment of Administrative and Technical Staff

20 *The Council*

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

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

27 (3) Where a member of Council holding office pursuant to section
28 6(e) (f) (g) or (h) of this Act vacates office before the expiration of his tenure,
29 the body that appointed him may appoint a successor to hold office for the
30 residue of his unexpired term.

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 shall
5 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.

1 (a) the Officers of the Polytechnic mentioned in the First Schedule
2 to this Act;

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

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

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

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

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

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

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

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

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

1 shall be disregarded.

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

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

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

10 *Organization of Departments and Branches Thereof*

11 6. Each Department shall be divided into such number of branches as
12 may be prescribed.

13 7.-(1) There shall be established in respect of each Department, a
14 Departmental Board, which, subject to the provisions of this Act, and subject to
15 the directions of the Vice-Rector, shall-

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

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

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

22 (2) Each Department Board shall consist of-

23 (a) the Rector;

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

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

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

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

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

4 *The Head of the Department*

5 8.-(1) The Head of a Department shall be a Chief lecturer elected
6 by the Academic Board and such Head shall hold office for a term of two
7 years and may be eligible for re-election for another term of two years after
8 which he may not be elected again until two years have elapsed.

9 (2) If there is no Chief Lecturer in a Department, the Rector shall
10 appoint an acting Head of Department who shall not be below the rank of
11 Senior Lecturer for the Department, who shall act for a period of one year in
12 the first instance, renewable for another year only.

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

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

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

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

1 appointed by the Rector provided that at the next Department board meeting an
2 election shall be held for a new Head of Department.

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

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 Polytechnic 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 Rector;

10 (b) the Deputy Rectors;

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

13 (d) two members appointed by the Academic Board not being
14 members of 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 Academic
25 Board to the Council through the Finance and General Purposes Committee.

26 *Appointment of Academic Staff*

27 11. Subject to this Act 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.

Appointment of Administrative and Technical Staff

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

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

