

FEDERAL POLYTECHNIC, KAFANCHAN (ESTABLISHMENT) BILL, 2018

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# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL POLYTECHNIC, KAFANCHAN, KADUNA 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. Shehu N. Garba*

[ ] Commencement

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

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

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

Establishment of  
Federal Polytechnic  
Kafanchan, Kaduna  
State

5 (2) The Polytechnic-

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

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

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

Objects of the  
Polytechnic

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

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

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

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

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-Rectors or such number of Deputy-Rectors as the  
7 council may, from time to time, deem necessary for the proper administration  
8 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 to  
15 this Act other than those mentioned in paragraphs (a) to (c) of this subsection;

16 (h) all graduates and undergraduates; and

17 (i) all other persons who are members of the Polytechnic in  
18 accordance with provisions made by Statute in that behalf.

First Schedule

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

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

23 (a) the Council;

24 (b) the Academic Board;

25 (c) the Congregation; and

26 (d) the Convocation.

Functions of  
the Polytechnic

27 4.-(1) For the carrying out of its objects as specified in section 2 of this  
28 Act, the Polytechnic shall have power to-

29 (a) establish such campuses, departments, institutes, schools, extra-  
30 mural departments and other teaching and research units within the

1 Polytechnic as may, from time to time, seem necessary or desirable, subject  
2 to the approval of the National Board for Technical Education (NBTE);

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

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

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

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

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

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

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

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

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

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

1 objects of the Polytechnic;

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

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

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

16 (o) make gifts for any charitable purpose;

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

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

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

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

30 (2) Subject to the provisions of this Act, the Rector shall have general

Rector to take  
precedence  
before other  
members

1 function, in addition to any other function conferred on him by this Act or  
2 otherwise, of directing the activities of the Polytechnic, and shall, to the  
3 exclusion of any other person or authority, be the chief executive and  
4 academic officer of the Polytechnic and ex-officio Chairman of the  
5 Academic Board.

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

7 (a) the Rector;

8 (b) Deputy-Rector (Academics);

9 (c) Deputy-Rectors (Administration);

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

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

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

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

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

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

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

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

30 (3) Provision shall be made by Statute with respect to the

Establishment  
and membership  
of the Council

Council and other  
Committees of  
the Polytechnic

1 constitution of the Finance and General Purposes Committee.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 20 PART II - STATUTES OF THE POLYTECHNIC

Statutes of the  
Polytechnic

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

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

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

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

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

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

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

5 *Cap. 1123 LFN, 2004*

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

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

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

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

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

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

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

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

27 (4) A Statute which-

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

30 (b) provides for the establishment of a new campus or school or for

1 the amendment or revocation of any Statute whereby a campus or college is  
2 established, shall not come into operation unless it has been approved by the  
3 Visitor.

4 *Cap. 1123 LFN, 2004*

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

Proof of Statute  
in court

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

Visitor's decision  
in case of dispute

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

17 (2) The decision of the Visitor on any matter referred to him under this  
18 section shall be binding upon the authorities, staff and students of the  
19 Polytechnic and where any question as to the meaning of any provision of a  
20 Statute has been decided by the Visitor under this section, no question as to the  
21 meaning of that provision shall be entertained by any other authority in  
22 Nigeria: Provided that nothing in this subsection shall affect the power of a  
23 court of competent jurisdiction to determine whether any provision of a Statute  
24 is wholly or partly void as being ultra vires or as being inconsistent with the  
25 Constitution.

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

1 of the Statute shall include references to any question as to whether any  
2 matter is for the said purposes an academic or non-academic matter.

3 PART III - SUPERVISION AND DISCIPLINE

4 13.-(1) The Minister of Education shall be the Visitor of the  
5 Polytechnic. Supervision and  
Discipline

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

10 (3) The bodies and persons comprising the Polytechnic shall-

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

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

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

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

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

1 perform the functions of his office Council shall-

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

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

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

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

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

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

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

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

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

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

29 (c) conduct of a scandalous or disgraceful nature which the Council  
30 considers to be such as to render the person concerned unfit to continue to hold

1 office; or

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

5 (5) Any person suspended under subsection (3) of this section shall  
6 be on half pay and the Council shall, before the expiration of a period of  
7 three months from the date of such suspension, consider the case against that  
8 person and come to a decision as to whether to- (a) continue such person's  
9 suspension and if so on what terms (including the proportion of his  
10 emoluments to be paid to him);

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

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

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

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

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

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

Removal of  
Examiner

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

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

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

Discipline action  
on students

14           17.-(1) Subject to the provisions of this section, where it appears to  
15 the Rector that any student is guilty of misconduct, the Rector may, without  
16 prejudice to any other disciplinary powers conferred on him by Statute or  
17 regulations, direct that the-

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

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

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

25           (d) student be expelled from the Polytechnic.

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

30           (3) Where an appeal is brought under subsection (2) of this section,



1 the Academic Board shall, after causing such inquiry to be made in the  
2 matter as the Academic Board considers just, either confirm or set aside the  
3 direction or modify it in such manner as the Academic Board thinks fit.

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

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

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

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

16 PART IV - MISCELLANEOUS AND GENERAL PROVISIONS

17 18.-(1) No person shall be required to satisfy requirements as to  
18 race (including ethnic grouping) sex, place of birth, family origin, religious  
19 or political persuasion, as a condition for becoming or continuing to be a-

A student not to  
be discriminated  
against

20 (a) student in the Polytechnic;

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

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

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

27 (3) Nothing in subsection (1) of this section shall be construed as  
28 preventing the Polytechnic from imposing any disability or restriction on  
29 any of the persons specified in subsection (1) of this section where such  
30 persons willfully refuse or fail on grounds of religious belief to undertake

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

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

4 **19.**-(1) For the purpose of the Land Use Act (which provides for the  
5 compulsory acquisition of land for public purposes) any purpose of the  
6 Polytechnic shall be the same as that of the Federation.

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

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

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

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

Quorum

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

Committees

21 **22.**-(1) Anybody of person established by this Act shall, without  
22 prejudice to the generality of the powers of that body, have power to appoint  
23 committees, which need not consist exclusively of members of that body and  
24 authorize a committee established by it to-

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

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

29 (2) Any two or more such bodies may arrange for the holding of joint  
30 meetings of those bodies or for the appointment of committees consisting of

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

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

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

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

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

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

18 23.-(1) The seal of the Polytechnic shall be such as may be  
19 determined by the Council and approved by the Rector and the affixing of  
20 the seal shall:

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

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

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

29 (3) Any contract or instrument which, if made or executed by a  
30 person not being a body corporate, would not be required to be under seal,

Seal of the  
Polytechnic

1 may be made or executed on behalf of the Polytechnic by any person generally  
2 or specially authorized to do so by the Council without seal.

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

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

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

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

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

12 *Cap. 1123, 2004.*

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

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

Second Schedule

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

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

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

Proposals and  
recommendation

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

1                   **25. In this Act-**

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

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

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

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

6           "Government" means the Federal Government of Nigeria;

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

8           honorary degree) has been conferred by the Polytechnic;

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

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

11          made, under this Act;

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

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

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

15          business of the Polytechnic;

16          "notice" means notice in writing;

17          "officer" does not include the Visitor;

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

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

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

21          by regulations;

22          "property" includes rights, liabilities and obligations;

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

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

25          established by this Act;

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

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

28          "the Act" means the Federal Polytechnic, Kafanchan Act.

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

30          Polytechnic by the President with effect from September 2017;

Interpretation

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

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

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

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

8 (a) a graduate; and

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

Citation

11 26. This Act may be cited as the Federal Polytechnic, Kafanchan  
12 (Establishment) Bill, 2018.

13 EXPLANATORY MEMORANDUM

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

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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.

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 that office, be Secretary to the Council, the Academic Board, Congregation

1 and Convocation.

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

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

7 (a) the Bursar; and

8 (b) the Polytechnic Librarian.

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

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

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

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

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

27 8.-(1) Any officer mentioned in this Schedule may resign his office in-

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

29 (b) in the case of the Rector, by notice to the Council which shall  
30 immediately notify the Minister.



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

4 SECOND SCHEDULE

5 FEDERAL POLYTECHNIC, KAFANCHAN STATUTE NO.1

6 Articles

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

19 *The Council*

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

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

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

30 (4) A person ceasing to hold office as a member of Council

1 otherwise than by removal for misconduct shall be eligible for re-appointment  
2 for only one further period of four years.

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

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

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

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

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

22 *The Finance and General Purpose Committee*

23 2.-(1) The Finance and General Purpose Committee of the Council  
24 shall consist of-

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

27 (b) the Deputy - Rectors;

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

1 among members of the Council appointed by the congregation; and

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

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

5 *The Academic Board*

6 3.-(1) There shall be a Academic Board for the Polytechnic  
7 consisting of-

8 (a) the Rector;

9 (b) the Deputy Rectors;

10 (c) all Chief Lecturers of the Polytechnic;

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

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

15 (f) the Polytechnic Librarian; and

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

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

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

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

28 *Congregation*

29 4.-(1) The Congregation shall consist of-

30 (a) the Rector and the Deputy Rectors;

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

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

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

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

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

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

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

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

25 *The Convocation*

26 5.-(1) The Convocation shall consist of-

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

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

30 (c) all other persons whose names are registered in accordance with

1 sub-paragraph (2) of this paragraph.

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

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

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

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

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

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

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

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

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

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

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

9 7.-(1) There shall be established in respect of each Department, a  
10 Departmental Board, which, subject to the provisions of this Act, and subject to  
11 the directions of the Vice- Rector, shall-

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

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

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

18 (2) Each Department Board shall consists of-

19 (a) the Rector;

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

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

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

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

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

1 *The Head of the Department*

2 8.-(1) The Head of a Department shall be a Chief lecturer elected  
3 by the Academic Board and such Head shall hold office for a term of two  
4 years and may be eligible for re-election for another term of two years after  
5 which he may not be elected again until two years have elapsed.

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

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

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

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

24 (6) The Head of a Department may be removed from office for a  
25 good cause by the Department Board after a vote would have been taken at a  
26 meeting of the Board, and in the event of a vacancy occurring following the  
27 removal of the Head of Department, an Acting Head of Department may  
28 be appointed by the Rector provided that at the next Department board  
29 meeting an election shall be held for a new Head of Department.

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

1 17(4) of this Act.

2 *Selection of certain Principal and other key officers*

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

6 (a) the Rector;

7 (b) the Deputy Rectors;

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

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

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

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

19 *Creation of Academic Post*

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

23 *Appointment of Academic Staff*

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

27 *Appointment of Administrative and Technical Staff*

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



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