

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL SCHOLARSHIP BOARD AND FOR
RELATED MATTERS

Sponsored by Hon. Yusuf Ayo Tajudeen

[] Commencement

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

- 1 1.-(1) There is hereby established a body to be known as the Establishment of
2 Federal Scholarship Board of Nigeria (in this act referred to as the Board) the Federal
3 which shall be a body corporate with perpetual succession and a common Scholarship Board
4 seal and may sue and be sued in its corporate name. of Nigeria
- 5 2.-(1) There is established for the Board a governing Council Establishment of
6 which shall be responsible for the running of the affairs of the Board. the Governing
7 (3) The governing Council shall consist of: Council
- 8 (a) a Chairman ;
- 9 (b) a representative of each of the Federal Ministry of:
- 10 (i) Education;
- 11 (ii) Finance;
- 12 (iii) Women and Social Development;
- 13 (iv) Youth Development;
- 14 (vi) Civil society Organizations
- 15 (v) A representative of Labour organizations.
- 16 (c) A youth of not more than 30 years;
- 17 (d) The Executive Secretary;
- 18 (e) six persons to represent the six geo political zones.
- 19 (4) The supplementary provision set out in the schedule to this act Schedule
- 20 shall have effect with respect to the proceedings of the Council and the other
- 21 matters contain therein.

Tenure of Office
etc.

1 3. The Chairman and other members of the Council, other than ex-
2 officio members shall hold office for a period of four (4) years on such terms
3 and conditions as contained in their letters of appointment; and may be re-
4 appointed for one further period of four (4) years and no more.

Removal from
office etc.

5 4.-(1) Notwithstanding the provisions of Section 2 of this act, a
6 member may at any time be removed from office by the President of the
7 Federal Republic of Nigeria for inability to discharge the functions of his office
8 (weather arising from infirmity of mind or body or for misconduct.

9 (2) A member of the Council may resign his appointment by a notice
10 in writing under his hand, addressed to the president, and that member shall, on
11 the date of the receipt by the President of the Federal Republic of Nigeria cease
12 to be a member of the Council.

Cessation from
office

13 5.-(1) Notwithstanding the provisions of Section 3 of this Act, a
14 person shall cease to hold office as a member of the Council if:

15 (a) he becomes bankrupt;

16 (b) he is convicted of a felony or any offence involving dishonesty or
17 fraud;

18 (c) he becomes of unsound mind, or incapable of carrying out his
19 duties;

20 (d) he is guilty of a serious misconduct in relation to his duties;

21 (e) in the case of a person possessed of a professional qualifications,
22 he is disqualified or suspended from practicing his profession in any part of the
23 world by an order of a competent authority made in of that member; or

24 (f) he resigns his appointment by a letter addressed to the President.

25 (2) If a member of the Council ceases to hold office for any reason
26 whatsoever, before the expiration of the term for which he is appointed, another
27 person representing the same interest as that member shall be appointed to the
28 Council for that unexpired term.

29 (3) A member of the Council may be removed by the President, on the
30 recommendation of the Council, if he is satisfied that it is not in the interest of

1 the Board or in the interest of the public that the member continues to hold
2 office.

3 6. A member of the Council shall be paid such emoluments, Emoluments, etc.
4 allowances and benefit as the Revenue Mobilization, Allocation and Fiscal
5 Commission, may from time to time approve.

6 7.-(1) The general aim of Federal Government Scholarship Award Aim
7 Scheme is to assist Nigerian Students in tertiary institutions to pursue their
8 studies to a successful end without much stress or suffering, encourage and
9 reward excellence.

10 (2)The functions of the Board shall be to: Functions

11 (a) Reward, promote and encourage academic achievement and
12 excellence;

13 (b)Develop human resources for higher-level manpower
14 requirement of the Nation;

15 (c) Bring higher education to the reach of many more qualified
16 citizens who could not have been able to afford the acquisition of such
17 education;

18 (d) Enhance access to higher education for people in difficult
19 circumstances such as the physically handicapped;

20 (e) Promote attainment of educational and national goals;

21 (f) Reduce drop out rate due to financial constraints;

22 (g) Provide a peaceful, friendly and conducive atmosphere for
23 learning;

24 (h)Assist the scholars obtain decent accommodation;

25 (i) Perform such other functions as may be necessary to effectively
26 and efficiently carry out the provisions of this Act.

27 8. The Council shall have powers to: Powers of the Council

28 (a) Monitor the implementation of Federal Scholarship scheme;

29 (b) Determine the beneficiaries of the scheme taking into
30 consideration resources that are available to the Board and to administer it

1 and also formulate policies and criteria for determining persons entitled to such
2 benefit under the scheme;

3 (c) Collect all monies accruing to the Board and ensure that such
4 monies are paid into the account of the Board;

5 (d) Receive grants and monies from the Federal and state
6 Governments, corporate bodies, and individuals;

7 (e) Disburse the funds of the Board for the purposes of the fulfillment
8 of its objectives;

9 (f) Do such other things that may be necessary and expedient for the
10 full discharge of any of the functions conferred on the Institute under this Act.

Appointment
of Executive
Secretary

11 9.-(1) There shall be appointed for the Board, an Executive Secretary
12 who shall, subject to the general direction and supervision of the Council:

13 (a) be the Chief Executive and accounting officer of the board;

14 (b) be a degree holder with not less than fifteen years cognate
15 experience;

16 (c) be responsible for the execution of the policies of the Board and
17 the day-to-day administration of the affairs of the Board; and

18 (d) perform such other duties as the Council may, from time to time
19 direct.

20 (2) The Executive Secretary shall hold office:

21 (a) for a term of 4 years in the first instance and may be reappointed
22 for a further term of 4 years and no more; and

23 (b) on such terms and conditions as may be specified in his letter of
24 appointment.

Secretary

25 10.-(1) There shall be for the Board, a Secretary who shall be
26 appointed by the President on the recommendation of the Council.

27 (2) The Secretary shall:

28 (a) keep the books and records of the Board;

29 (b) make arrangement for the meetings of the Council; and

30 (c) carry out such other duties as the Board or the Executive Secretary

1 may, from time-to- time, direct.

2 (3) The Board shall have the power to appoint either directly or on
3 secondment from any Public Service of the Federation or otherwise
4 howsoever, such number of staff and other employees as it may, from time-
5 to- time, deem necessary to assist the board in the discharge of any of its
6 functions under this Act.

7 (4) The terms and conditions of service (including remuneration,
8 allowances, benefits and pensions) of staff and employees of the Board shall
9 be as determined by the board after consultation with the Federal Civil
10 Service Commission.

11 11. The Council shall appoint for the Board, such officers and other
12 employees as it may from time to time deem necessary for the purposes of
13 the Board.

Other staff of the
Board

14 12. It is hereby declared that service in the Board shall be approved
15 service for the purpose of the Pensions Reform Act 2004 and accordingly
16 employees of the Board shall be entitled to pension and other retirement
17 benefits

Pension Reform
Act 2004 No. 2

18 13. The Board shall establish and maintain a fund to which all
19 monies accruing to it shall be paid into or from which shall be defrayed all
20 expenditure incurred by the Board.

Funds

21 14.-(1) The funds of the Board shall consist of:

Financial
Provision

22 (a) All monies as may be appropriated by the Federal Government
23 for the Board;

24 (b) All such other monies as shall be received from states, local
25 governments, corporate bodies and individuals;

26 (c) 0.9% of the Education Tax Fund;

27 (d) Sums accruing to the Board by way of donations, testamentary,
28 gifts, grants and endowment or otherwise;

29 (e) Loans and grants-in-aid- from national, bilateral and
30 multilateral agencies;

	1	(f) All other sum accruing the Board from time to time.
Power to borrow	2	15. The Board may from time to time borrow such sums it may
	3	require in the execution of its functions under this act;
Gifts	4	16. -(1) The Board may accept gifts of land, money or other property
	5	on such terms and conditions, if any, as may be prescribed by the person or
	6	organization making the gift.
	7	(2) The Board shall not accept any gifts if the conditions attached are
	8	inconsistent with the objectives of the Board.
Power to acquire land	9	17. The Board may subject to the Land Use Act acquire any land or
	10	property for the purpose of discharging its functions.
Annual estimate	11	18. The Board shall prepare and submit to the National Assembly
	12	through the President not later than so" September of each year, an estimate of
	13	its expenditure and income during the next succeeding year.
Accounts	14	19. The Board shall:
	15	(a) cause to be kept proper accounts and records of the transactions of
	16	the Board;
	17	(b) maintain effective control over its assets and liabilities incurred in
	18	the discharge of its functions;
	19	(c) prepare in respect of each financial year a statement of account in
	20	such form as the Auditor-General may direct.
Audit	21	20. -(1) The Board shall cause the accounts to be audited not later than
	22	six months after the end of each year by the Auditor General of the Federation.
	23	(2) The Auditor-General or any officer authorized by him is entitled at
	24	all reasonable time to full and free access to all accounts, records, documents
	25	and paper of the commission relating directly or indirectly to the receipt or
	26	payment of money by the Board or to the acquisition, receipt, custody or
	27	disposal of assets by the Board.
Annual Report	28	21. The Board shall submit to the President not later than 30th June of
	29	each financial year, a report of its activities during the proceeding year and it
	30	shall include in such report a copy of the audited accounts of the Board for that

1 year and a copy of the auditor's report on it.

2 *Miscellaneous Provisions*

3 **22.**-(1) The provisions of the Public Officers Protection Act shall
4 apply in respect of any suit instituted against any officer or employee of the
5 Board.

Limitation of suit
against the Board
etc.
Cap P41 LFN
2004

6 (2) No suit shall be instituted against any member of the Board, the
7 Executive Secretary, officer or employee of the Board before the expiration
8 of a period of one month after written notice of intention to commence the
9 suit shall have been served upon the Board by the intending plaintiff or his
10 agent.

11 (3) The notice referred to in subsection (2) of this section, shall
12 state the cause of action, the particulars of claim, the name and place of
13 abode of the intending plaintiff and the relief sought by him.

14 **23.**-(1) The Board shall be exempted from payment of income tax
15 or any income accruing from investment made by the Council for the Board
16 or otherwise however.

Exemption from
Tax

17 (2) The Board or the Council shall not be subject to any enactment
18 relating to taxation of companies or trust funds.

19 **24.**-(1)A notice, summons or other documents required or
20 authorized to be served upon the Board under the provisions of this act, or
21 any other law enactment may be served by delivering it to the Executive
22 Secretary at the principal office of the Board.

Service of
document

23 (2) In any action or suit, no execution or attachment of process shall
24 be issued against the Board without the consent of the Attorney General of
25 the Federation.

Restriction on
execution against
property of the
Board

26 **25.** Any sum of money which may by judgment of any court be by
27 the court where notice of appeal of the said judgment has been given, be paid
28 from the funds of the Board.

29 **26.** A member of the Board, the Executive Secretary, any officer or
30 employee of the commission shall be indemnified out of the assets of the

Indemnity of
Officers

1 Board against any proceeding whether civil or criminal, in which judgment is
2 given in his favour or in which he is acquitted, if any such proceedings is
3 brought against him in his capacity as a member of the Board, the Executive
4 Secretary, officer or employees of the Board.

Dissolution of the
Federal Scholarship
Unit of Federal
Ministry of
Education

5 **27.** On the commencement of this Act, the Federal Scholarship Unit
6 of the Federal Ministry of Education shall cease to exist.

Presidents
Directives

7 **28.** Subject to the provisions of this Act, the President may give the
8 Board directives of a general nature with regard to the carrying out of the
9 functions of the Board under this Act and it shall be the duty of the Board to
10 comply with such directives.

Regulations

11 **29.** The Board may Subject to the approval of the President make
12 regulations generally for the purpose of giving effect to the provisions of this
13 Act.

Interpretation

14 **30.** In this act unless the context otherwise requires:
15 "Board" means the Federal Scholarship Board of Nigeria established under
16 Section 1 of this act;
17 "Council" means the Council established under Section 1 (2) of the act";
18 "President" means the President of the Federal Republic of Nigeria.

Citation

19 **31.** This bill may be cited as the Federal Scholarship Board of Nigeria
20 (Establishment, etc) Bill, 2016.

21 SCHEDULE

22 *Section 1 (4)*

23 SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING COUNCIL

24 *Proceedings of the Council*

25 **1.-(1)** Subject to this act and Section 27 of the interpretation Act, the
26 Council may make standing orders regulating its proceeding or those of any its
27 Committees.

28 **(2)**The quorum of the Council shall be five members and the quorum
29 of any Committee of the Council shall be determined by the Council.

30 **2.-(1)** The Council shall meet not less than four times in each year and

1 subject thereto, the Council shall meet whenever it is summoned by the
2 Chairman; and if the chairman is required to do so by notice given to him by
3 not less than three other members, he shall summon a meeting of the Council
4 be held within fourteen days from the date on which the notice is given.

5 (2) At any meeting of the Council, the Chairman shall preside but if
6 he is absent, the members present at the meeting shall appoint one of their
7 members to preside at that meeting.

8 (3) Where the Council desires to obtain the advice of any person on
9 a particular matter, the Council may co-opt such a person for such a period as
10 it thinks fit; but a person who is attendance by virtue of this sub-paragraph
11 shall not count towards a quorum.

12 3.-(1) The Council may appoint one or more Committees to carry
13 out, on behalf of the Council, such of its functions as the Council may
14 determine.

15 (2) A Committee appointed under this paragraph shall consist of
16 such member of persons (not necessarily members of the Council) as may be
17 determined by the Council and shall not hold office on the Committee in
18 accordance with the terms of his appointment.

19 (3) A decision of a Committee of the Council shall be of no effect
20 until it is confirmed by the Council.

21 *Miscellaneous*

22 4.-(1) The fixing of the seal of the Council shall be authenticated by
23 the signature of the Chairman, the Executive Secretary, or of any other
24 person authorized generally or specifically to act for that purpose by the
25 Council.

26 (2) Any contract or instruction which, if made or executed by a
27 person not being a body corporate, would not required to be under seal may
28 be made or executed on behalf of the Council by the Chairman, Executive
29 Secretary, or any person generally or specially authorized to act for that
30 purpose by the Council.

1 (3) Any document purporting to be a document duly executed under
2 the seal of the Council, shall be received in evidence and shall, unless and until
3 the contrary is proved, be presumed to be so executed.

4 5. The validity of any proceeding of the Council or of a Committee
5 thereof shall not be adversely affected by any vacancy in the membership of the
6 Council or Committee, or by defect in the appointment of a member of the
7 Council, or of a Committee, or by reason that a person not entitled to do so took
8 part in the proceedings of the Council or Committee.

EXPLANATORY MEMORANDUM

The bill seeks to provide legal backing and framework for the already existing Federal Scholarship Board of Nigeria for the purpose of planning, implementing, and overseeing a Federal Scholarship scheme.

The board had until now existed as a unit under the Federal Ministry of Education.